

1 ***b1681/3.14* 1473.** Page 1400, line 18: after that line insert:

2 ***b1681/3.14* "SECTION 3020m.** 560.835 (7) (b) of the statutes is amended to
3 read:

4 560.835 (7) (b) The department shall deposit in the ~~recycling fund~~
5 appropriation account under s. 20.143 (1) (L) all moneys received after ~~July 1, 1995~~
6 the effective date of this paragraph ... [revisor inserts date], in repayment of loans
7 made under this section."

8 ***b1129/2.3* 1474.** Page 1401, line 5: after that line insert:

9 ***b1129/2.3* "SECTION 3023j.** 562.065 (4) of the statutes is amended to read:
10 562.065 (4) UNCLAIMED PRIZES. Any A licensee under s. 562.05 (1) (b) may retain
11 any winnings on a race which that are not claimed within 90 days after the end of
12 the period authorized for racing in that year under s. 562.05 (9) ~~shall be paid to the~~
13 ~~department. The department shall credit moneys received under this subsection to~~
14 ~~the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g)."~~

15 ***b1181/3.14* 1475.** Page 1401, line 5: after that line insert:

16 ***b1181/3.14* "SECTION 3023t.** 565.02 (2) (e) of the statutes is created to read:
17 565.02 (2) (e) If requested by a lottery prize winner to provide a certification
18 that lists the amounts of the lottery prize payments, if any, that the administrator
19 is required to withhold under s. 565.30 (4), (5), (5m) and (5r), the administrator shall
20 provide the certification."

21 ***b1839/3.40* 1476.** Page 1401, line 5: after that line insert:

22 ***b1839/3.40* "SECTION 3023f.** 562.05 (1c) of the statutes is amended to read:
23 562.05 (1c) If the applicant for a license under this section is an individual, the
24 department may not issue or renew a license if the individual has not provided his

1 or her social security number, unless the individual does not have a social security
2 number and the applicant submits a statement made or subscribed under oath or
3 affirmation as required under sub. (1e). If the applicant for a license under this
4 section is not an individual, the department may not issue or renew a license if the
5 person has not provided the person's federal employer identification number.

6 ***b1839/3.40* SECTION 3023g.** 562.05 (1e) of the statutes is created to read:

7 562.05 (1e) If an applicant for a license under this section is an individual who
8 does not have a social security number, the applicant shall submit to the department
9 with his or her application a statement made or subscribed under oath or affirmation
10 that the applicant does not have a social security number. The form of the statement
11 shall be prescribed by the department of workforce development. A license issued
12 in reliance upon a false statement submitted under this subsection is invalid.

13 ***b1839/3.40* SECTION 3023k.** 562.05 (7) (am) 1. of the statutes is amended to
14 read:

15 562.05 (7) (am) 1. The department shall require each person who is subject to
16 an investigation under par. (a) and who is an individual to provide his or her social
17 security number, unless the person is an individual who does not have a social
18 security number and the person submits a statement made or subscribed under oath
19 or affirmation as required under sub. (1e)."

20 ***b1181/3.15* 1477.** Page 1402, line 19: after that line insert:

21 ***b1181/3.15* "SECTION 3025m.** 565.30 (5) of the statutes, as affected by 1997
22 Wisconsin Act 27, is amended to read:

23 565.30 (5) WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS
24 OWED THE STATE. The administrator shall report the name, address and social security

1 number of each winner of a lottery prize equal to or greater than \$1,000 and the
2 name, address and social security number of each person to whom a lottery prize
3 equal to or greater than \$1,000 has been assigned to the department of revenue to
4 determine whether the payee or assignee of the prize is delinquent in the payment
5 of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court-ordered payment of child
6 support or has a debt owing to the state. Upon receipt of a report under this
7 subsection, the department of revenue shall first ascertain based on certifications by
8 the department of workforce development or its designee under s. 49.855 (1) whether
9 any person named in the report is currently delinquent in court-ordered payment
10 of child support and shall next certify to the administrator whether any person
11 named in the report is delinquent in court-ordered payment of child support or
12 payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by
13 the department of revenue or upon court order the administrator shall withhold the
14 certified amount and send it to the department of revenue for remittance to the
15 appropriate agency or person. At the time of remittance, the department of revenue
16 shall charge its administrative expenses to the state agency that has received the
17 remittance. The administrative expenses received by the department of revenue
18 shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which
19 the payee or assignee of the prize is delinquent both in payments for state taxes and
20 in court-ordered payments of child support, or is delinquent in one or both of these
21 payments and has a debt owing to the state, the amount remitted to the appropriate
22 agency or person shall be in proportion to the prize amount as is the delinquency or
23 debt owed by the payee or assignee.

24 *b1181/3.15* SECTION 3025p. 565.30 (5m) of the statutes is renumbered
25 565.30 (5m) (a) and amended to read:

1 565.30 (5m) (a) WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE
2 OR FAMILY SUPPORT. The administrator shall report to the department of workforce
3 development the name, address and social security number of each winner of a
4 lottery prize that is payable in instalments and the name, address and social security
5 number or federal income tax number of the person who has been assigned a lottery
6 prize that is payable in instalments. Upon receipt of the report, the department of
7 workforce development shall certify to the administrator whether any payee or
8 assignee named in the report is obligated to provide child support, spousal support,
9 maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25,
10 767.26, 767.261, 767.458 (3), 767.465 (2m), 767.477, 767.51 (3), 767.62 (4) (a) or
11 948.22 (7) or ch. 769 and the amount required to be withheld from the lottery prize
12 under s. 767.265. The Subject to par. (b), the administrator shall withhold the
13 certified amount from each payment made to the winner or assignee and remit the
14 certified amount to the department of workforce development.

15 ***b1181/3.15* SECTION 3025pc.** 565.30 (5m) (b) of the statutes is created to
16 read:

17 565.30 (5m) (b) The administrator may not withhold from any payment to an
18 assignee of a lottery prize any child support, spousal support, maintenance or family
19 support specified in par. (a) that is owed by a winner of a lottery prize, nor may the
20 administrator withhold from any payment to a winner any child support, spousal
21 support maintenance or family support that is owed by an assignee.

22 ***b1181/3.15* SECTION 3025pf.** 565.30 (5r) (a) of the statutes is amended to
23 read:

24 565.30 (5r) (a) Annually, the administrator shall provide each clerk of circuit
25 court in the state with a list of the winners or assignees of a lottery prize that is

1 payable in instalments. The list shall include each winner or assignee since the date
2 of the previous list.

3 ***b1181/3.15* SECTION 3025pg.** 565.30 (5r) (b) of the statutes is amended to
4 read:

5 565.30 (5r) (b) ~~If Subject to par. (c),~~ if the administrator receives a notice under
6 s. 973.05 (5) (a) or 778.30 (2) (a) of the assignment of lottery prizes under s. 973.05
7 (4) (c) or 778.30 (1) (c) and determines that the person subject to the assignment is
8 a winner or assignee of a lottery prize that is payable in instalments, the
9 administrator shall withhold the amount of the judgment that is the basis of the
10 assignment from the next instalment payment. The administrator shall submit the
11 withheld amount to the court that issued the assignment. At the time of the
12 submittal, the administrator shall charge the administrative expenses related to
13 that withholding and submittal to the winner or assignee of the lottery prize and
14 withhold those expenses from the balance of the instalment payment. The
15 administrator shall notify the winner or assignee of the reason that the amount is
16 withheld from the instalment payment. If the initial instalment payment is
17 insufficient to pay the judgment and administrative expenses, the administrator
18 shall withhold and submit to the court an amount from any additional instalment
19 payments until the judgment and administrative expenses are paid in full and the
20 assignment is no longer in effect. The administrative expenses received by the
21 department shall be credited to the appropriation under s. 20.566 (1) (h).

22 ***b1181/3.15* SECTION 3025ph.** 565.30 (5r) (c) of the statutes is created to read:

23 565.30 (5r) (c) The administrator may not withhold from any payment to an
24 assignee of a lottery prize the amount specified in par. (b) that is owed by a winner

1 of a lottery prize, nor may the administrator withhold from any payment to a winner
2 the amount specified in par. (b) that is owed by an assignee.

3 ***b1181/3.15* SECTION 3025pj.** 565.30 (5t) of the statutes is amended to read:

4 565.30 (5t) PRIORITY OF WITHHOLDING. (intro.) The administrator shall withhold
5 payments under this section from a winner or assignee of a lottery prize in the
6 following order:

7 ***b1181/3.15* SECTION 3025pL.** 565.30 (6) of the statutes is repealed.

8 ***b1181/3.15* SECTION 3025pm.** 565.30 (6m) of the statutes is created to read:

9 565.30 (6m) USE OF LOTTERY PRIZE AS SECURITY FOR LOAN. (a) *Definition.* In this
10 subsection, “prize winner” means a person who has won a lottery prize and any other
11 person who is authorized by law to use a lottery prize as security for a loan.

12 (b) *Security for a loan.* A prize winner may use a lottery prize or part of a lottery
13 prize as security for a loan only pursuant to a court order issued under this
14 subsection.

15 (c) *Judicial process for using lottery prizes as security for loans.* Any prize
16 winner who intends to use part or all of a lottery prize as security for a loan shall
17 petition the circuit court of the county in which the prize winner resides or the circuit
18 court of Dane County for a court order confirming the use of a lottery prize as security
19 for a loan. The circuit court of the county in which the prize winner resides or the
20 circuit court of Dane County shall issue an order confirming the use of a lottery prize
21 as security for a loan only if all of the following occur:

22 1. The prize winner is represented by independent legal counsel.

23 2. A copy of the contract that provides for using any part of the lottery prize as
24 security for the loan is attached to the petition.

1 3. The contract is executed by the prize winner, is subject to the laws of this
2 state and provides that the prize winner has the right to cancel the contract until
3 midnight of the 3rd business day after the date on which the prize winner entered
4 into the contract.

5 4. The prize winner attests, by sworn affidavit, that he or she is of sound mind,
6 is not acting under duress and acknowledges that the state will not make any of the
7 lottery prize payments or parts of lottery prize payments to the prize winner that are
8 being used as security for the loan in the event the prize winner defaults on the loan.

9 5. The prize winner, by sworn affidavit, provides the court with an accounting
10 of all claims to, or judgments, liens, security interests, garnishments, assignments
11 or attachments against, all or any part of the lottery prize payments.

12 6. The prize winner provides the court a certification from the administrator
13 that lists the amounts of the lottery prize payments, if any, that the administrator
14 is required to withhold for the prize winner under subs. (4), (5), (5m) and (5r).

15 7. The part of the lottery prize that is being used as security for the loan does
16 not include the amounts of any withholdings specified under subs. (4), (5), (5m) and
17 (5r).

18 8. The court determines that the interest rate on the loan does not exceed the
19 weekly prime rate for the week prior to the date on which the court received a copy
20 of the contract, as reported by the federal reserve board in federal reserve statistical
21 release H. 15, plus 6%. In making the calculation under this subdivision, the court
22 shall subtract from the compensation received by the individual or organization
23 making the loan any required fees or other costs charged the prize winner.

24 (d) *Contents of court order.* A court order issued under par. (c) shall include all
25 of the following:

- 1 1. The name of the prize winner.
- 2 2. The prize winner's social security number if the prize winner is an
3 individual, or federal income tax identification number if the prize winner is an
4 organization.
- 5 3. The name of the individual or organization that is making the loan to the
6 prize winner.
- 7 4. The social security number of the individual or the federal income tax
8 identification number of the organization that is making the loan to the prize winner.
- 9 5. If an individual is making the loan to the prize winner, the citizenship of the
10 individual. If the individual is not a citizen of the United States of America, the order
11 shall include the individual's resident alien number.

12 (e) *Administration.* Upon receipt of a court order issued under par. (c), the
13 individual or organization making the loan shall provide a certified copy of the court
14 order to the administrator. The administrator shall acknowledge receipt of the court
15 order in writing to the individual or organization making the loan and shall make
16 all lottery prize payments according to the terms specified in the court order. The
17 administrator may charge an initial processing fee, in an amount determined by
18 rule, to cover any costs associated with processing the lottery prize payments in
19 accordance with the terms specified in the court order.

20 ***b1181/3.15* SECTION 3025pp.** 565.30 (6r) of the statutes is created to read:
21 565.30 (6r) VOLUNTARY ASSIGNMENT OF LOTTERY PRIZE. (a) *Definition.* In this
22 subsection, "assignor" means a lottery prizewinner or a person who has the right to
23 assign all or part of a lottery prize.

1 (b) *Voluntary assignment.* An assignor may make a voluntary assignment of
2 a lottery prize or part of a lottery prize only pursuant to a court order issued under
3 this subsection.

4 (c) *Judicial process for assignment.* Any assignor who intends to voluntarily
5 assign part or all of a lottery prize to any individual or organization shall petition the
6 circuit court of the county in which the assignor resides or the circuit court of Dane
7 County for a court order confirming the assignment. The circuit court of the county
8 in which the assignor resides or the circuit court of Dane County shall issue an order
9 confirming the assignment only if all of the following occur:

10 1. The assignor is represented by independent legal counsel.

11 2. A copy of the assignment is attached to the petition.

12 3. The assignment is in writing, is executed by the assignor and is subject to
13 the laws of this state.

14 3m. The contract for the assignment provides that the assignor has the right
15 to cancel the contract until midnight of the 3rd business day after the date on which
16 the assignor entered into the contract.

17 3r. The contract for the assignment provides that the assignor, from the
18 proceeds received from the individual or organization to whom part or all of the
19 lottery prize is assigned, agrees to pay in full any delinquent payments that may be
20 owed by the assignor under subs. (4), (5), (5m) and (5r).

21 4. The assignor attests, by sworn affidavit, that he or she is of sound mind, is
22 not acting under duress and acknowledges that the state will not make any of the
23 assigned lottery prize payments or parts of lottery prize payments to the assignor.

1 5. The assignor, by sworn affidavit, provides the court with an accounting of all
2 claims to, or judgments, liens, security interests, garnishments, assignments or
3 attachments against, all or any part of the lottery prize payments.

4 6. The assignment does not include the amounts of any withholdings specified
5 under sub. (4), (5), (5m) or (5r).

6 7. The assignor provides the court a certification from the administrator that
7 lists the amounts of the lottery prize payments, if any, that the administrator is
8 required to withhold for the assignor under subs. (4), (5), (5m) and (5r).

9 8. The payment that the assignor will receive as compensation for the
10 assignment is at least equal to the present value of the assigned lottery prize
11 payments, discounted at a rate no greater than the weekly prime rate for the week
12 prior to the date on which the court received a copy of the assignment, as reported
13 by the federal reserve board in federal reserve statistical release H. 15, plus 6%. In
14 making the calculation under this subdivision, the court shall subtract from the
15 compensation received by the assignor any required fees or other costs charged the
16 assignor.

17 9. The individual or organization to whom part or all of the lottery prize is
18 assigned specifies in an affidavit that the individual or organization agrees to report
19 and pay any state income or franchise tax that is owed on any income or gain realized
20 from the purchase and subsequent sale or redemption of any lottery prize.

21 (d) *Contents of court order.* A court order issued under par. (c) shall include all
22 of the following:

23 1. The name of the prizewinner or the name of the assignor, if different from
24 the prizewinner.

1 2. The assignor's social security number if the assignor is an individual, or
2 federal income tax identification number if the assignor is an organization.

3 3. The name of the individual or organization to whom part or all of the lottery
4 prize is assigned.

5 4. The social security number of the individual or the federal income tax
6 identification number of the organization to whom part or all of the lottery prize is
7 assigned.

8 5. If part or all of the lottery prize is assigned to an individual, the citizenship
9 of the individual. If the individual is not a citizen of the United States of America,
10 the order shall include the individual's resident alien number.

11 6. The number of assigned lottery prize payments and the dates on which the
12 assigned lottery prize payments are to be paid.

13 7. The gross amount of each of the lottery prize payments that are subject to
14 withholding for tax purposes and that are assigned.

15 (e) *Administration of lottery prize assignment.* Upon receipt of a court order
16 issued under par. (c), the individual or organization to whom the lottery prize is
17 assigned shall provide a certified copy of the court order to the administrator. The
18 administrator shall acknowledge receipt of the court order in writing to the
19 individual or organization to whom the lottery prize is assigned and shall make all
20 lottery prize payments according to the terms specified in the court order. The
21 administrator may charge an initial processing fee, in an amount determined by
22 rule, to cover any costs associated with processing the lottery prize payments in
23 accordance with the terms specified in the court order.”

24 ***b1639/2.8* 1478.** Page 1402, line 19: after that line insert:

1 ***b1639/2.8*** “SECTION 3025t. 569.01 (1j) of the statutes is created to read:

2 569.01 (1j) “Indian gaming facility” means a facility at which Indian gaming
3 is conducted under an Indian gaming compact.”.

4 ***b1888/4.20* 1479.** Page 1402, line 19: after that line insert:

5 ***b1888/4.20*** “SECTION 3025w. 565.45 of the statutes is amended to read:

6 **565.45 Report on expense limitation.** Before January 1, ~~1992~~ 2002, and
7 every 2 years thereafter, the department shall submit a report to the chief clerk of
8 each house of the legislature, for distribution to the legislature under s. 13.172 (2),
9 on the effects on the operation of the lottery of the 10% expense limitation under s.
10 25.75 (3) (b).”.

11 ***b1938/1.5* 1480.** Page 1402, line 19: after that line insert:

12 ***b1938/1.5*** “SECTION 3025r. 565.30 (5m) (a) of the statutes, as affected by
13 1999 Wisconsin Act (this act), is amended to read:

14 565.30 (5m) (a) WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE
15 OR FAMILY SUPPORT. The administrator shall report to the department of workforce
16 development the name, address and social security number of each winner of a
17 lottery prize that is payable in instalments and the name, address and social security
18 number or federal income tax number of the person who has been assigned a lottery
19 prize that is payable in instalments. Upon receipt of the report, the department of
20 workforce development shall certify to the administrator whether any payee or
21 assignee named in the report is obligated to provide child support, spousal support,
22 maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25,
23 767.26, 767.261, 767.458 (3), 767.465 (2m), 767.477, 767.51 (3), 767.62 (4) (a) or
24 948.22 (7) or ch. 769 and the amount required to be withheld from the lottery prize

1 under s. 767.265. Subject to par. (b), the administrator shall withhold the certified
2 amount from each payment made to the winner or assignee and remit the certified
3 amount to the department of workforce development.”.

4 ***b1639/2.9* 1481.** Page 1402, line 23: after that line insert:

5 ***b1639/2.9* “SECTION 3026h.** 569.01 (4) of the statutes is created to read:

6 569.01 (4) “Net win” means the amount wagered at an Indian gaming facility,
7 less the amount paid out in winnings at the Indian gaming facility.

8 ***b1639/2.9* SECTION 3026p.** 569.02 (5) of the statutes is created to read:

9 569.02 (5) On March 1 annually, for each payment of Indian gaming receipts,
10 as described under s. 569.01 (1m) (d), received by the state from an Indian tribe in
11 the prior calendar year, determine the amount to be transferred under s. 20.505 (8)
12 (hm) to the appropriation account under s. 20.835 (2) (ka) by doing all of the
13 following:

14 (a) Dividing the net win in the prior calendar year at all of the Indian tribe’s
15 Indian gaming facilities at which pari–mutuel racing is conducted and at which
16 pari–mutuel racing under ch. 562 was conducted on the effective date of this
17 paragraph [revisor inserts date], by the net win in the prior calendar year at all
18 of the Indian tribe’s Indian gaming facilities.

19 (b) Multiplying the number calculated under par. (a) by the amount of Indian
20 gaming receipts, as described under s. 569.01 (1m) (d), received by the state from the
21 Indian tribe in the prior calendar year.”.

22 ***b0828/2.19* 1482.** Page 1404, line 15: after that line insert:

23 ***b0828/2.19* “SECTION 3035m.** 610.70 (1) (e) of the statutes, as created by
24 1997 Wisconsin Act 231, is amended to read:

1 610.70 (1) (e) "Medical care institution" means a facility, as defined in s. 647.01
2 (4), or any hospital, nursing home, community-based residential facility, county
3 home, county infirmary, county hospital, county mental health center, tuberculosis
4 sanatorium, adult family home, assisted living facility, rural medical center, hospice
5 or other place licensed, certified or approved by the department of health and family
6 services under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.032, 50.033, 50.034, 50.35,
7 50.52, 50.90, 51.04, 51.08, or 51.09, 58.06, 252.073 or 252.076 or a facility under s.
8 45.365, 51.05, 51.06 or 252.10 or under ch. 233 or licensed or certified by a county
9 department under s. 50.032 or 50.033."

10 ***b1839/3.41* 1483.** Page 1404, line 15: after that line insert:

11 ***b1839/3.41* SECTION 3037c.** 628.095 (1) of the statutes is amended to read:

12 628.095 (1) REQUIRED ON APPLICATIONS. An application for a license issued
13 under this subchapter shall contain the applicant's social security number, if the
14 applicant is a natural person unless the applicant does not have a social security
15 number, or the applicant's federal employer identification number, if the applicant
16 is not a natural person.

17 ***b1839/3.41* SECTION 3037d.** 628.095 (2) of the statutes is amended to read:

18 628.095 (2) REFUSAL TO ISSUE LICENSE. The commissioner may not issue a
19 license, including a temporary license, under this subchapter unless the applicant
20 provides his or her social security number, if the applicant is a natural person unless
21 the applicant does not have a social security number, or provides the applicant's
22 federal tax identification number, if the applicant is not a natural person.

23 ***b1839/3.41* SECTION 3037e.** 628.095 (3) of the statutes is amended to read:

1 628.095 (3) REQUIRED WHEN ANNUAL FEE PAID. At the time that the annual fee
2 is paid under s. 601.31 (1) (m), an intermediary who is a natural person shall provide
3 his or her social security number unless the intermediary does not have a social
4 security number, and an intermediary that is not a natural person shall provide its
5 federal employer identification number, if the social security number or federal
6 employer identification number was not provided on the application for the license
7 or previously when the annual fee was paid.

8 ***b1839/3.41* SECTION 3037g.** 628.095 (5) of the statutes is created to read:

9 628.095 (5) IF APPLICANT OR INTERMEDIARY HAS NO SOCIAL SECURITY NUMBER. If an
10 applicant who is a natural person does not have a social security number, the
11 applicant shall provide to the commissioner, along with the application for a license
12 and on a form prescribed by the department of workforce development, a statement
13 made or subscribed under oath or affirmation that the applicant does not have a
14 social security number. If an intermediary who is a natural person does not have a
15 social security number, the intermediary shall provide to the commissioner, each
16 time that the annual fee is paid under s. 601.31 (1) (m) and on a form prescribed by
17 the department of workforce development, a statement made or subscribed under
18 oath or affirmation that the applicant does not have a social security number.

19 ***b1839/3.41* SECTION 3037j.** 628.10 (2) (cr) of the statutes is created to read:

20 628.10 (2) (cr) *For providing false information in statement.* The commissioner
21 shall revoke the license of an intermediary, including a temporary license under s.
22 628.09, if the commissioner determines, after a hearing, that the intermediary
23 provided false information in a statement provided under s. 628.095 (5) with the
24 intermediary's application or at the time that the annual fee was paid under s. 601.31
25 (1) (m).

1 ***b1839/3.41* SECTION 3037k.** 628.10 (2) (d) of the statutes is amended to read:
2 628.10 (2) (d) *For failure to provide social security ~~or number~~, federal employer*
3 *identification number or statement.* If an intermediary fails to provide a social
4 security number or federal employer identification number as required under s.
5 628.095 (3) or a statement as required under s. 628.095 (5), the commissioner shall
6 suspend or limit the license of the intermediary, effective the day following the last
7 day on which the annual fee under s. 601.31 (1) (m) may be paid, if the commissioner
8 has given the intermediary reasonable notice of when the fee must be paid to avoid
9 suspension or limitation. If the intermediary provides the social security number ~~or~~,
10 federal employer identification number or statement within 60 days from the
11 effective date of the suspension, the commissioner shall reinstate the intermediary's
12 license effective as of the date of suspension.”.

13 ***b1869/2.3* 1484.** Page 1404, line 15: after that line insert:

14 ***b1869/2.3* “SECTION 3036c.** 609.10 (title) of the statutes is amended to read:
15 **609.10 (title) Standard plan and point-of-service option plan required.**

16 ***b1869/2.3* SECTION 3036d.** 609.10 (1) (a) of the statutes is renumbered
17 609.10 (1) (am) and amended to read:

18 609.10 (1) (am) Except as provided in subs. (2) to (4), an employer that offers
19 any of its employees a health maintenance organization or a preferred provider plan
20 that provides comprehensive health care services shall also offer the employees a
21 standard plan, ~~as provided in pars. (b) and (c)~~, that provides at least substantially
22 equivalent coverage of health care expenses and a point-of-service option plan, as
23 provided in pars. (b) and (c).

24 ***b1869/2.3* SECTION 3036e.** 609.10 (1) (ac) of the statutes is created to read:

1 609.10 (1) (ac) In this section, “point-of-service option plan” means a health
2 maintenance organization or preferred provider plan that permits an enrollee to
3 obtain covered health care services from a provider that is not a participating
4 provider of the health maintenance organization or preferred provider plan under all
5 of the following conditions:

6 1. The nonparticipating provider holds a license or certificate that authorizes
7 or qualifies the provider to provide the health care services.

8 2. The health maintenance organization or preferred provider plan is required
9 to pay the nonparticipating provider only the amount that the health maintenance
10 organization or preferred provider plan would pay a participating provider for those
11 health care services.

12 3. The enrollee is responsible for any additional costs or charges related to the
13 coverage.

14 ***b1869/2.3* SECTION 3036f.** 609.10 (1) (b) of the statutes is amended to read:

15 609.10 (1) (b) At least once annually, the employer shall provide the employees
16 the opportunity to enroll in the health care plans under par. (a) (am).

17 ***b1869/2.3* SECTION 3036g.** 609.10 (1) (c) of the statutes is amended to read:

18 609.10 (1) (c) The employer shall provide the employees adequate notice of the
19 opportunity to enroll in the health care plans under par. (a) (am) and shall provide
20 the employees complete and understandable information concerning the differences
21 between among the health maintenance organization or preferred provider plan and,
22 the standard plan and the point-of-service option plan.

23 ***b1869/2.3* SECTION 3036h.** 609.10 (2) of the statutes is amended to read:

24 609.10 (2) If, after providing an opportunity to enroll under sub. (1) (b) and the
25 notice and information under sub. (1) (c), fewer than 25 employees indicate that they

1 wish to enroll in either the standard plan or the point-of-service option plan under
2 sub. (1) ~~(a)~~ (am), the employer need not offer ~~the standard that~~ plan on that occasion.

3 ***b1869/2.3* SECTION 3036i.** 609.10 (3) of the statutes is renumbered 609.10
4 (3) (intro.) and amended to read:

5 609.10 (3) (intro.) Subsection (1) does not apply to an employer that ~~employs~~
6 does any of the following:

7 (a) Employs fewer than 25 full-time employees.

8 ***b1869/2.3* SECTION 3036j.** 609.10 (3) (b) of the statutes is created to read:

9 609.10 (3) (b) Offers its employees a health maintenance organization or a
10 preferred provider plan only through an insurer that is a cooperative association
11 organized under ss. 185.981 to 185.985 or only through an insurer that is restricted
12 under s. 609.03 (3).

13 ***b1869/2.3* SECTION 3036k.** 609.10 (6) of the statutes is created to read:

14 609.10 (6) The commissioner shall promulgate rules necessary for the
15 administration of the requirement to offer point-of-service option plans under sub.
16 (1) (am).

17 ***b1869/2.3* SECTION 3036n.** 609.20 (3) of the statutes is amended to read:

18 609.20 (3) To define substantially equivalent coverage of health care expenses
19 for purposes of s. 609.10 (1) ~~(a)~~ (am).

20 ***b1869/2.3* SECTION 3036p.** 609.20 (4) of the statutes is amended to read:

21 609.20 (4) To ensure that employees offered a health maintenance organization
22 or a preferred provider plan that provides comprehensive services under s. 609.10
23 (1) ~~(a)~~ (am) are given adequate notice of the opportunity to enroll, as well as complete
24 and understandable information under s. 609.10 (1) (c) concerning the differences
25 between among the health maintenance organization or preferred provider plan and.

1 the standard plan and the point-of-service option plan, as defined in s. 609.10 (1)
2 (ac), including differences between among providers available and differences
3 resulting from special limitations or requirements imposed by an institutional
4 provider because of its affiliation with a religious organization.”.

5 *b1887/1.1* **1485.** Page 1404, line 15: after that line insert:

6 *b1887/1.1* “SECTION 3035c. 609.05 (2) of the statutes is amended to read:

7 609.05 (2) Subject to s. 609.22 (4) and (4m), a limited service health
8 organization, preferred provider plan or managed care plan may require an enrollee
9 to designate a primary provider and to obtain health care services from the primary
10 provider when reasonably possible.

11 *b1887/1.1* SECTION 3035f. 609.05 (3) of the statutes is amended to read:

12 609.05 (3) Except as provided in ss. 609.22 (4m), 609.65 and 609.655, a limited
13 service health organization, preferred provider plan or managed care plan may
14 require an enrollee to obtain a referral from the primary provider designated under
15 sub. (2) to another participating provider prior to obtaining health care services from
16 that participating provider.

17 *b1887/1.1* SECTION 3036r. 609.22 (4m) of the statutes is created to read:

18 609.22 (4m) OBSTETRIC AND GYNECOLOGIC SERVICES. (a) A managed care plan
19 that provides coverage of obstetric or gynecologic services may not require a female
20 enrollee of the managed care plan to obtain a referral for covered obstetric or
21 gynecologic benefits provided by a participating provider who is a physician licensed
22 under ch. 448 and who specializes in obstetrics and gynecology, regardless of whether
23 the participating provider is the enrollee’s primary provider. Notwithstanding sub.
24 (4), the managed care plan may not require the enrollee to obtain a standing referral

1 under the procedure established under sub. (4) (a) for covered obstetric or gynecologic
2 benefits.

3 (b) A managed care plan under par. (a) may not do any of the following:

4 1. Penalize or restrict the coverage of a female enrollee on account of her having
5 obtained obstetric or gynecologic services in the manner provided under par. (a).

6 2. Penalize or restrict the contract of a participating provider on account of his
7 or her having provided obstetric or gynecologic services in the manner provided
8 under par. (a).

9 (c) A managed care plan under par. (a) shall provide written notice of the
10 requirement under par. (a) in every policy or group certificate issued by the managed
11 care plan and during each open enrollment period.”.

12 *b1839/3.42* **1486.** Page 1405, line 22: after that line insert:

13 *b1839/3.42* “SECTION 3043c. 632.68 (2) (b) (intro.) of the statutes is amended
14 to read:

15 632.68 (2) (b) (intro.) A person may apply to the commissioner for a viatical
16 settlement provider license on a form prescribed by the commissioner for that
17 purpose. The application form shall require the applicant to provide the applicant’s
18 social security number, if the applicant is a natural person unless the applicant does
19 not have a social security number, or the applicant’s federal employer identification
20 number, if the applicant is not a natural person. The fee specified in s. 601.31 (1)
21 (mm) shall accompany the application. After any investigation of the applicant that
22 the commissioner determines is sufficient, the commissioner shall issue a viatical
23 settlement provider license to an applicant that satisfies all of the following:

1 ***b1839/3.42* SECTION 3043d.** 632.68 (2) (b) 2. of the statutes is amended to
2 read:

3 632.68 (2) (b) 2. Provides complete information on the application, including
4 the applicant's social security number, unless the applicant does not have a social
5 security number, or federal employer identification number.

6 ***b1839/3.42* SECTION 3043e.** 632.68 (2) (b) 3m. of the statutes is created to
7 read:

8 632.68 (2) (b) 3m. If a natural person who does not have a social security
9 number, provides on a form prescribed by the department of workforce development
10 a statement made or subscribed under oath or affirmation that the applicant does
11 not have a social security number.

12 ***b1839/3.42* SECTION 3043f.** 632.68 (2) (e) of the statutes is amended to read:

13 632.68 (2) (e) Except as provided in sub. (3), a license issued under this
14 subsection shall be renewed annually on the anniversary date upon payment of the
15 fee specified in s. 601.31 (1) (mp) and upon providing the licensee's social security
16 number, unless the licensee does not have a social security number, or federal
17 employer identification number, as applicable, if not previously provided on the
18 application for the license or at a previous renewal of the license. If the licensee is
19 a natural person who does not have a social security number, the license shall be
20 renewed annually on the anniversary date upon payment of the fee specified in s.
21 601.31 (1) (mp) and upon providing to the commissioner a statement made or
22 subscribed under oath or affirmation, on a form prescribed by the department of
23 workforce development, that the licensee does not have a social security number.

24 ***b1839/3.42* SECTION 3043g.** 632.68 (3) (b) 3. of the statutes is created to read:

1 632.68 (3) (b) 3. The commissioner shall revoke a viatical settlement provider
2 license if the commissioner determines, after a hearing, that the licensee provided
3 false information in a statement provided under sub. (2) (b) 3m. or (e).

4 ***b1839/3.42* SECTION 3043h.** 632.68 (4) (b) of the statutes is amended to read:

5 632.68 (4) (b) A person may apply to the commissioner for a viatical settlement
6 broker license on a form prescribed by the commissioner for that purpose. The
7 application form shall require the applicant to provide the applicant's social security
8 number, if the applicant is a natural person unless the applicant does not have a
9 social security number, or the applicant's federal employer identification number, if
10 the applicant is not a natural person. The fee specified in s. 601.31 (1) (mr) shall
11 accompany the application. The commissioner may not issue a license under this
12 subsection unless the applicant provides his or her social security number, unless the
13 applicant does not have a social security number, or its federal employer
14 identification number, whichever is applicable. If the applicant is a natural person
15 who does not have a social security number, the commissioner may not issue a license
16 under this subsection unless the applicant provides, on a form prescribed by the
17 department of workforce development, a statement made or subscribed under oath
18 or affirmation that the applicant does not have a social security number.

19 ***b1839/3.42* SECTION 3043i.** 632.68 (4) (c) of the statutes is amended to read:

20 632.68 (4) (c) Except as provided in sub. (5), a license issued under this
21 subsection shall be renewed annually on the anniversary date upon payment of the
22 fee specified in s. 601.31 (1) (ms) and upon providing the licensee's social security
23 number, unless the licensee does not have a social security number, or federal
24 employer identification number, as applicable, if not previously provided on the
25 application for the license or at a previous renewal of the license. If the licensee is

1 a natural person who does not have a social security number, the license shall be
2 renewed annually, except as provided in sub. (5), on the anniversary date upon
3 payment of the fee specified in s. 601.31 (1) (ms) and upon providing to the
4 commissioner a statement made or subscribed under oath or affirmation, on a form
5 prescribed by the department of workforce development, that the licensee does not
6 have a social security number.

7 *b1839/3.42* SECTION 3043j. 632.68 (5) (b) 3. of the statutes is created to read:

8 632.68 (5) (b) 3. The commissioner shall revoke a viatical settlement broker
9 license if the commissioner determines, after a hearing, that the licensee provided
10 false information in a statement submitted under sub. (4) (b) or (c).".

11 *b0704/1.1* 1487. Page 1405, line 24: after that line insert:

12 *b0704/1.1* "SECTION 3044b. 632.89 (2) (a) 2. of the statutes is amended to
13 read:

14 632.89 (2) (a) 2. Except as provided in pars. (b) to (e), coverage of conditions
15 under subd. 1. by a policy may be subject to exclusions or limitations, including
16 deductibles and copayments, that are generally applicable to other conditions
17 covered under the policy.

18 *b0704/1.1* SECTION 3044c. 632.89 (2) (b) 1. of the statutes is amended to read:

19 632.89 (2) (b) 1. Except as provided in subd. 2., if a group or blanket disability
20 insurance policy issued by an insurer provides coverage of inpatient hospital
21 treatment or outpatient treatment or both, the policy shall provide coverage in every
22 policy year as provided in pars. (c) to (dm), as appropriate, except that the total
23 coverage under the policy for a policy year need not exceed \$7,000 or, if the coverage

1 is ~~provided by a health maintenance organization, as defined in s. 609.01 (2), the~~
2 equivalent benefits measured in services rendered.

3 ***b0704/1.1* SECTION 3044e.** 632.89 (2) (c) 2. b. of the statutes is amended to
4 read:

5 632.89 (2) (c) 2. b. Seven thousand dollars minus ~~a copayment of up to 10% any~~
6 applicable cost sharing at the level charged under the policy for inpatient hospital
7 services ~~or, if the coverage is provided by a health maintenance organization, as~~
8 ~~defined in s. 609.01 (2), \$6,300~~ or the equivalent benefits measured in services
9 rendered or, if the policy does not use cost sharing, \$6,300 in equivalent benefits
10 measured in services rendered.

11 ***b0704/1.1* SECTION 3044ht.** 632.89 (2) (d) 2. of the statutes is amended to
12 read:

13 632.89 (2) (d) 2. Except as provided in par. (b), a policy under subd. 1. shall
14 provide coverage in every policy year for not less than \$2,000 minus ~~a copayment of~~
15 ~~up to 10%~~ any applicable cost sharing at the level charged under the policy for
16 outpatient services ~~or, if the coverage is provided by a health maintenance~~
17 ~~organization, as defined in s. 609.01 (2), \$1,800~~ or the equivalent benefits measured
18 in services rendered or, if the policy does not use cost sharing, \$1,800 in equivalent
19 benefits measured in services rendered.

20 ***b0704/1.1* SECTION 3044i.** 632.89 (2) (dm) 2. of the statutes is amended to
21 read:

22 632.89 (2) (dm) 2. Except as provided in par. (b), a policy under subd. 1. shall
23 provide coverage in every policy year for not less than \$3,000 minus ~~a copayment of~~
24 ~~up to 10%~~ any applicable cost sharing at the level charged under the policy for
25 transitional treatment arrangements ~~or, if the coverage is provided by a health~~

1 ~~maintenance organization, as defined in s. 609.01 (2), \$2,700 or the equivalent~~
2 ~~benefits measured in services rendered or, if the policy does not use cost sharing,~~
3 ~~\$2,700 in equivalent benefits measured in services rendered.”.~~

4 *b1839/3.43* **1488.** Page 1406, line 3: after that line insert:

5 *b1839/3.43* “SECTION 3044j. 633.14 (1) (d) of the statutes is amended to read:

6 633.14 (1) (d) Provides his or her social security number, unless the individual
7 does not have a social security number.

8 *b1839/3.43* SECTION 3044k. 633.14 (1) (e) of the statutes is created to read:

9 633.14 (1) (e) If an individual who does not have a social security number,
10 provides on a form prescribed by the department of workforce development a
11 statement made or subscribed under oath or affirmation that he or she does not have
12 a social security number.

13 *b1839/3.43* SECTION 3044L. 633.15 (1m) of the statutes is amended to read:

14 633.15 (1m) SOCIAL SECURITY OR NUMBER, FEDERAL EMPLOYER IDENTIFICATION
15 NUMBER OR STATEMENT. At an annual renewal, an administrator shall provide his or
16 her social security number, if the administrator is an individual unless he or she does
17 not have a social security number, or its federal employer identification number, if
18 the administrator is a corporation, limited liability company or partnership, if the
19 social security number or federal employer identification number was not previously
20 provided on the application for the license or at a previous renewal of the license. If
21 an administrator who is an individual does not have a social security number, the
22 individual shall provide to the commissioner, at each annual renewal and on a form
23 prescribed by the department of workforce development, a statement made or

1 subscribed under oath or affirmation that the administrator does not have a social
2 security number.

3 ***b1839/3.43* SECTION 3044m.** 633.15 (2) (a) 1. of the statutes is amended to
4 read:

5 633.15 (2) (a) 1. If an administrator fails to pay the annual renewal fee as
6 provided under sub. (1) or fails to provide a social security number ~~or~~, federal
7 employer identification number or statement made or subscribed under oath or
8 affirmation as required under sub. (1m), the commissioner shall suspend the
9 administrator's license effective the day following the last day when the annual
10 renewal fee may be paid, if the commissioner has given the administrator reasonable
11 notice of when the fee must be paid to avoid suspension.

12 ***b1839/3.43* SECTION 3044n.** 633.15 (2) (a) 2. of the statutes is amended to
13 read:

14 633.15 (2) (a) 2. If, within 60 days from the effective date of suspension under
15 subd. 1., an administrator pays the annual renewal fee or provides the social security
16 number ~~or~~, federal employer identification number or statement made or subscribed
17 under oath or affirmation, or both if the suspension was based upon a failure to do
18 both, the commissioner shall reinstate the administrator's license effective as of the
19 date of suspension.

20 ***b1839/3.43* SECTION 3044no.** 633.15 (2) (a) 3. of the statutes is amended to
21 read:

22 633.15 (2) (a) 3. If payment is not made or the social security number ~~or~~, federal
23 employer identification number or statement made or subscribed under oath or
24 affirmation is not provided within 60 days from the effective date of suspension
25 under subd. 1., the commissioner shall revoke the administrator's license.

1 ***b1839/3.43* SECTION 3044p.** 633.15 (2) (b) 1. (intro.) of the statutes is
2 amended to read:

3 633.15 (2) (b) 1. (intro.) Except as provided in pars. (c) ~~and (d)~~ to (e), the
4 commissioner may revoke, suspend or limit the license of an administrator after a
5 hearing if the commissioner makes any of the following findings:

6 ***b1839/3.43* SECTION 3044q.** 633.15 (2) (e) of the statutes is created to read:

7 633.15 (2) (e) *For providing false information in statement.* The commissioner
8 shall revoke a license issued under s. 633.14 (1) if the commissioner determines, after
9 a hearing, that the licensee provided false information in a statement provided under
10 sub. (1m) or s. 633.14 (1) (e).”.

11 ***b1938/1.6* 1489.** Page 1406, line 3: after that line insert:

12 ***b1938/1.6* “SECTION 3044L.** 632.897 (10) (a) 3. of the statutes is amended to
13 read:

14 632.897 (10) (a) 3. The fact that the group member or insured does not claim
15 the child as an exemption for federal income tax purposes under 26 USC 151 (c) (1)
16 (B), or as an exemption for state income tax purposes under s. 71.07 (8) (b) or under
17 the laws of another state, if a court order under s. 767.25 (4m), ~~767.51 (3m)~~ or 767.62
18 (4) ~~(b)~~ or the laws of another state assigns responsibility for the child’s health care
19 expenses to the group member or insured.”.

20 ***b0748/3.2* 1490.** Page 1407, line 18: after that line insert:

21 ***b0748/3.2* “SECTION 3049m.** 753.06 (8) (g) of the statutes is amended to read:

22 753.06 (8) (g) Waupaca County. The circuit has 2 branches. Commencing
23 August 1, 2000, the circuit has 3 branches.”.

24 ***b1157/2.3* 1491.** Page 1407, line 18: after that line insert:

1 ***b1157/2.3*** **SECTION 3049m.** 707.46 (3) of the statutes is created to read:

2 707.46 (3) RECORDING. A contract for the purchase of a time-share and any
3 other instrument that is evidence of a purchase of a time-share is valid only if it is
4 recorded.”.

5 ***b1839/3.44* 1492.** Page 1407, line 18: after that line insert:

6 ***b1839/3.44*** **SECTION 3049p.** 751.15 (2) of the statutes is amended to read:

7 751.15 (2) The supreme court is requested to promulgate rules that require
8 each person who has a social security number, as a condition of membership in the
9 state bar, to provide the board of bar examiners with his or her social security
10 number, that require each person who does not have a social security number, as a
11 condition of membership in the state bar, to provide the board of bar examiners with
12 a statement made or subscribed under oath or affirmation on a form prescribed by
13 the department of workforce development that the person does not have a social
14 security number, and that prohibit the disclosure of that number to any person
15 except the department of workforce development for the purpose of administering s.
16 49.22.

17 ***b1839/3.44*** **SECTION 3049r.** 751.15 (3) of the statutes is amended to read:

18 751.15 (3) The supreme court is requested to promulgate rules that deny,
19 suspend, restrict or refuse to renew a license to practice law if the applicant or
20 licensee fails to provide the information required under rules promulgated under
21 sub. (2) or fails to comply, after appropriate notice, with a subpoena or warrant issued
22 by the department of workforce development or a county child support agency under
23 s. 59.53 (5) and related to paternity or child support proceedings or if the department
24 of workforce development certifies that the applicant or licensee has failed to pay

1 court-ordered payments of child or family support, maintenance, birth expenses,
2 medical expenses or other expenses related to the support of a child or former spouse.
3 The supreme court is also requested to promulgate rules that invalidate a license to
4 practice law if issued in reliance upon a statement made or subscribed under oath
5 or affirmation under rules promulgated under sub. (2) that is false.”.

6 *b1903/3.2* **1493.** Page 1409, line 4: after that line insert:

7 *b1903/3.2* “SECTION 3051m. 758.19 (5) (b) (intro.) of the statutes is amended
8 to read:

9 758.19 (5) (b) (intro.) From the appropriation under s. 20.625 (1) (d), the
10 director of state courts shall make payments to counties totaling ~~\$3,443,950 on July~~
11 ~~29, 1995, totaling \$8,294,050 on January 1, 1996, and totaling \$8,244,800~~ \$9,369,800
12 within 30 days after the effective date of this paragraph [revisor inserts date], and
13 on every July 1 and January 1 thereafter, which the director of state courts shall
14 distribute as follows:

15 *b1903/3.2* SECTION 3051p. 758.19 (5) (b) 1. of the statutes is amended to
16 read:

17 758.19 (5) (b) 1. For each circuit court branch in the county, ~~\$32,900~~ \$42,275.”.

18 *b1938/1.7* **1494.** Page 1409, line 4: after that line insert:

19 *b1938/1.7* “SECTION 3051n. 767.045 (1) (a) 2. of the statutes is amended to
20 read:

21 767.045 (1) (a) 2. The Except as provided in par. (am), the legal custody or
22 physical placement of the child is contested.

23 *b1938/1.7* SECTION 3051no. 767.045 (1) (am) of the statutes is created to
24 read:

1 767.045 (1) (am) The court is not required to appoint a guardian ad litem under
2 par. (a) 2. if all of the following apply:

3 1. Legal custody or physical placement is contested in an action to modify legal
4 custody or physical placement under s. 767.325 or 767.327.

5 2. The modification sought would not substantially alter the amount of time
6 that a parent may spend with his or her child.

7 3. The court determines any of the following:

8 a. That the appointment of a guardian ad litem will not assist the court in the
9 determination regarding legal custody or physical placement because the facts or
10 circumstances of the case make the likely determination clear.

11 b. That a party seeks the appointment of a guardian ad litem solely for a tactical
12 purpose, or for the sole purpose of delay, and not for a purpose that is in the best
13 interest of the child.

14 ***b1938/1.7* SECTION 3051p.** 767.045 (1) (e) of the statutes is created to read:

15 767.045 (1) (e) Nothing in this subsection prohibits the court from making a
16 temporary order under s. 767.23 that concerns the child before a guardian ad litem
17 is appointed or before the guardian ad litem has made a recommendation to the
18 court, if the court determines that the temporary order is in the best interest of the
19 child.

20 ***b1938/1.7* SECTION 3051q.** 767.045 (4m) of the statutes is created to read:

21 767.045 (4m) STATUS HEARING. (a) Subject to par. (b), at any time after 120 days
22 after a guardian ad litem is appointed under this section, a party may request that
23 the court schedule a status hearing related to the actions taken and work performed
24 by the guardian ad litem in the matter.

1 (b) A party may, not sooner than 120 days after a status hearing under this
2 subsection is held, request that the court schedule another status hearing on the
3 actions taken and work performed by the guardian ad litem in the matter.

4 ***b1938/1.7* SECTION 3051r.** 767.078 (1) (a) 1. of the statutes is amended to
5 read:

6 767.078 (1) (a) 1. Is an action for modification of a child support order under
7 s. 767.32 or an action in which an order for child support is required under s. 767.25
8 (1), 767.51 (3) or 767.62 (4) (a).”.

9 ***b1237/1.5* 1495.** Page 1409, line 12: after that line insert:

10 ***b1237/1.5* “SECTION 3054m.** 767.245 (1) of the statutes is amended to read:

11 767.245 (1) Except as provided in sub. subs. (1m) and (2m), upon petition by
12 a grandparent, greatgrandparent, stepparent or person who has maintained a
13 relationship similar to a parent-child relationship with the child, the court may
14 grant reasonable visitation rights to that person if the parents have notice of the
15 hearing and if the court determines that visitation is in the best interest of the child.

16 ***b1237/1.5* SECTION 3054p.** 767.245 (1m) of the statutes is created to read:

17 767.245 (1m) (a) Except as provided in par. (b), the court may not grant
18 visitation rights under sub. (1) to a person who has been convicted under s. 940.01
19 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree
20 intentional homicide, of a parent of the child, and the conviction has not been
21 reversed, set aside or vacated.

22 (b) Paragraph (a) does not apply if the court determines by clear and convincing
23 evidence that the visitation would be in the best interests of the child. The court shall
24 consider the wishes of the child in making the determination.

1 ***b1237/1.5* SECTION 3054r.** 767.245 (6) of the statutes is created to read:

2 767.245 (6) (a) If a person granted visitation rights with a child under this
3 section is convicted under s. 940.01 of the first-degree intentional homicide, or under
4 s. 940.05 of the 2nd-degree intentional homicide, of a parent of the child, and the
5 conviction has not been reversed, set aside or vacated, the court shall modify the
6 visitation order by denying visitation with the child upon petition, motion or order
7 to show cause by a parent or guardian of the child, or upon the court's own motion,
8 and upon notice to the person granted visitation rights.

9 (b) Paragraph (a) does not apply if the court determines by clear and convincing
10 evidence that the visitation would be in the best interests of the child. The court shall
11 consider the wishes of the child in making that determination.

12 ***b1237/1.5* SECTION 3054t.** 767.247 of the statutes is created to read:

13 **767.247 Prohibiting visitation or physical placement if a parent kills**
14 **other parent.** (1) Notwithstanding ss. 767.23 (1) (am), 767.24 (1), (4) and (5),
15 767.51 (3) and 767.62 (4) (a) and except as provided in sub. (2), in an action under this
16 chapter that affects a minor child, a court or family court commissioner may not
17 grant to the child's parent visitation or physical placement rights with the child if the
18 parent has been convicted under s. 940.01 of the first-degree intentional homicide,
19 or under s. 940.05 of the 2nd-degree intentional homicide, of the child's other parent,
20 and the conviction has not been reversed, set aside or vacated.

21 (2) Subsection (1) does not apply if the court or family court commissioner
22 determines by clear and convincing evidence that the visitation or periods of physical
23 placement would be in the best interests of the child. The court or family court
24 commissioner shall consider the wishes of the child in making the determination.”.

1 ***b1938/1.8* 1496.** Page 1409, line 12: after that line insert:

2 ***b1938/1.8* SECTION 3054c.** 767.078 (2) of the statutes is amended to read:

3 767.078 (2) Subsection (1) does not limit the authority of a court to issue an
4 order, other than an order under sub. (1), regarding employment of a parent in an
5 action for modification of a child support order under s. 767.32 or an action in which
6 an order for child support is required under s. 767.25 (1), 767.51 (3) or 767.62 (4) (a).

7 ***b1938/1.8* SECTION 3054cd.** 767.11 (12) (b) of the statutes is amended to
8 read:

9 767.11 (12) (b) If after mediation under this section the parties do not reach
10 agreement on legal custody or periods of physical placement, the parties or the
11 mediator shall so notify the court. ~~The~~ Except as provided in s. 767.045 (1) (am), the
12 court shall promptly appoint a guardian ad litem under s. 767.045. ~~After the~~
13 ~~appointment~~ Regardless of whether the court appoints a guardian ad litem, the court
14 shall, if appropriate, refer the matter for a legal custody or physical placement study
15 under sub. (14). If the parties come to agreement on legal custody or physical
16 placement after the matter has been referred for a study, the study shall be
17 terminated. The parties may return to mediation at any time before any trial of or
18 final hearing on legal custody or periods of physical placement. If the parties return
19 to mediation, the county shall collect any applicable fee under s. 814.615.

20 ***b1938/1.8* SECTION 3054ce.** 767.115 (title) of the statutes is amended to read:

21 **767.115 (title) Educational program in action programs and classes in**
22 **actions affecting the family.**

23 ***b1938/1.8* SECTION 3054cf.** 767.115 (4) of the statutes is created to read:

1 767.115 (4) (a) At any time during the pendency of a divorce or paternity action,
2 the court or family court commissioner may order the parties to attend a class that
3 is approved by the court or family court commissioner and that addresses such issues
4 as child development, family dynamics, how parental separation affects a child's
5 development and what parents can do to make raising a child in a separated
6 situation less stressful for the child.

7 (b) The court or family court commissioner may not require the parties to
8 attend a class under this subsection as a condition to the granting of the final
9 judgment or order in the divorce or paternity action, however, the court or family
10 court commissioner may refuse to hear a custody or physical placement motion of a
11 party who refuses to attend a class ordered under this subsection.

12 (c) 1. Except as provided in subd. 2., the parties shall be responsible for any cost
13 of attending the class.

14 2. If the court or family court commissioner finds that a party is indigent, any
15 costs that would be the responsibility of that party shall be paid by the county.

16 ***b1938/1.8* SECTION 3054cg.** 767.23 (1) (a) of the statutes is amended to read:

17 767.23 (1) (a) ~~Upon~~ Subject to s. 767.477, upon request of one party, granting
18 legal custody of the minor children to the parties jointly, to one party solely or to a
19 relative or agency specified under s. 767.24 (3). ~~The, in a manner consistent with s.~~
20 767.24, except that the court or family court commissioner may order ~~joint~~ sole legal
21 custody without the agreement of the other party and without the findings required
22 under s. 767.24 (2) (b) 2. This order may not have a binding effect on a final custody
23 determination.

24 ***b1938/1.8* SECTION 3054ch.** 767.23 (1) (am) of the statutes is amended to
25 read:

1 767.23 (1) (am) ~~Upon~~ Subject to s. 767.477, upon the request of a party,
2 granting periods of physical placement to a party in a manner consistent with s.
3 767.24. The court or family court commissioner shall make a determination under
4 this paragraph within 30 days after the request for a temporary order regarding
5 periods of physical placement is filed.

6 ***b1938/1.8* SECTION 3054ci.** 767.23 (1) (c) of the statutes is amended to read:

7 767.23 (1) (c) ~~Requiring~~ Subject to s. 767.477, requiring either party or both
8 parties to make payments for the support of minor children, which payment amounts
9 may be expressed as a percentage of parental income or as a fixed sum, or as a
10 combination of both in the alternative by requiring payment of the greater or lesser
11 of either a percentage of parental income or a fixed sum.

12 ***b1938/1.8* SECTION 3054cj.** 767.23 (1) (k) of the statutes is amended to read:

13 767.23 (1) (k) ~~Requiring~~ Subject to s. 767.477, requiring either party or both
14 parties to maintain minor children as beneficiaries on a health insurance policy or
15 plan.

16 ***b1938/1.8* SECTION 3054ck.** 767.23 (1n) of the statutes is amended to read:

17 767.23 (1n) Before making any temporary order under sub. (1), the court or
18 family court commissioner shall consider those factors ~~which~~ that the court is
19 required by this chapter to consider before entering a final judgment on the same
20 subject matter. In making a determination under sub. (1) (a) or (am), the court or
21 family court commissioner shall consider the factors under s. 767.24 (5). If the court
22 or family court commissioner makes a temporary child support order that deviates
23 from the amount of support that would be required by using the percentage standard
24 established by the department under s. 49.22 (9), the court or family court
25 commissioner shall comply with the requirements of s. 767.25 (1n). A temporary

1 order under sub. (1) may be based upon the written stipulation of the parties, subject
2 to the approval of the court or the family court commissioner. Temporary orders
3 made by the family court commissioner may be reviewed by the court as provided in
4 s. 767.13 (6).

5 ***b1938/1.8* SECTION 3054cL.** 767.24 (1) of the statutes is amended to read:

6 767.24 (1) GENERAL PROVISIONS. In rendering a judgment of annulment, divorce
7 ~~or~~, legal separation or paternity, or in rendering a judgment in an action under s.
8 767.02 (1) (e) or 767.62 (3), the court shall make such provisions as it deems just and
9 reasonable concerning the legal custody and physical placement of any minor child
10 of the parties, as provided in this section.

11 ***b1938/1.8* SECTION 3054cm.** 767.24 (1m) of the statutes is created to read:

12 767.24 (1m) PARENTING PLAN. In an action for annulment, divorce or legal
13 separation, an action to determine paternity or an action under s. 767.02 (1) (e) or
14 767.62 (3) in which legal custody or physical placement is contested, a party seeking
15 sole or joint legal custody or periods of physical placement shall file a parenting plan
16 with the court before any pretrial conference. Except for cause shown, a party
17 required to file a parenting plan under this subsection who does not timely file a
18 parenting plan waives the right to object to the other party's parenting plan. A
19 parenting plan shall provide information about the following questions:

20 (a) What legal custody or physical placement the parent is seeking.

21 (b) Where the parent lives currently and where the parent intends to live
22 during the next 2 years. If there is evidence that the other parent engaged in
23 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
24 as defined in s. 813.12 (1) (a), with respect to the parent providing the parenting plan,
25 the parent providing the parenting plan is not required to disclose the specific

1 address but only a general description of where he or she currently lives and intends
2 to live during the next 2 years.

3 (c) Where the parent works and the hours of employment. If there is evidence
4 that the other parent engaged in interspousal battery, as described under s. 940.19
5 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (a), with respect to the
6 parent providing the parenting plan, the parent providing the parenting plan is not
7 required to disclose the specific address but only a general description of where he
8 or she works.

9 (d) Who will provide any necessary child care when the parent cannot and who
10 will pay for the child care.

11 (e) Where the child will go to school.

12 (f) What doctor or health care facility will provide medical care for the child.

13 (g) How the child's medical expenses will be paid.

14 (h) What the child's religious commitment will be, if any.

15 (i) Who will make decisions about the child's education, medical care, choice of
16 child care providers and extracurricular activities.

17 (j) How the holidays will be divided.

18 (k) What the child's summer schedule will be.

19 (L) Whether and how the child will be able to contact the other parent when
20 the child has physical placement with the parent providing the parenting plan.

21 (m) How the parent proposes to resolve disagreements related to matters over
22 which the court orders joint decision making.

23 (n) What child support, family support, maintenance or other income transfer
24 there will be.

1 (o) If there is evidence that either party engaged in interspousal battery, as
2 described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12
3 (1) (a), with respect to the other party, how the child will be transferred between the
4 parties for the exercise of physical placement to ensure the safety of the child and the
5 parties.

6 *b1938/1.8* SECTION 3054cn. 767.24 (2) (a) of the statutes is amended to read:

7 767.24 (2) (a) Subject to ~~par. (b)~~ pars. (am), (b) and (c), based on the best interest
8 of the child and after considering the factors under sub. (5), the court may give joint
9 legal custody or sole legal custody of a minor child.

10 *b1938/1.8* SECTION 3054co. 767.24 (2) (am) of the statutes is created to read:

11 767.24 (2) (am) The court shall presume that joint legal custody is in the best
12 interest of the child.

13 *b1938/1.8* SECTION 3054cp. 767.24 (2) (b) of the statutes is amended to read:

14 767.24 (2) (b) The court may give joint sole legal custody only if it finds that
15 doing so is in the child's best interest and that either of the following applies:

16 1. Both parties agree to joint sole legal custody with the same party.

17 2. The parties do not agree to joint sole legal custody with the same party, but
18 at least one party requests joint sole legal custody and the court specifically finds all
19 any of the following:

20 a. ~~Both parties are~~ One party is not capable of performing parental duties and
21 responsibilities and or does not wish to have an active role in raising the child.

22 b. ~~No~~ One or more conditions exist at that time ~~which~~ that would substantially
23 interfere with the exercise of joint legal custody.

24 c. The parties will not be able to cooperate in the future decision making
25 required under an award of joint legal custody. In making this finding the court shall

1 consider, along with any other pertinent items, any reasons offered by a party
2 objecting to joint legal custody. Evidence that either party engaged in abuse, as
3 defined in s. 813.122 (1) (a), of the child, as defined in s. 48.02 (2), or evidence of
4 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
5 as defined in s. 813.12 (1) (a), creates a rebuttable presumption that the parties will
6 not be able to cooperate in the future decision making required. ~~This presumption~~
7 ~~may be rebutted by clear and convincing evidence that the abuse will not interfere~~
8 ~~with the parties' ability to cooperate in the future decision making required.~~

9 ***b1938/1.8* SECTION 3054cq.** 767.24 (2) (c) of the statutes is created to read:

10 767.24 (2) (c) The court may not give sole legal custody to a parent who refuses
11 to cooperate with the other parent if the court finds that the refusal to cooperate is
12 unreasonable.

13 ***b1938/1.8* SECTION 3054cr.** 767.24 (4) (a) of the statutes is renumbered

14 767.24 (4) (a) 1. and amended to read:

15 767.24 (4) (a) 1. Except as provided under par. (b), if the court orders sole or
16 joint legal custody under sub. (2), the court shall allocate periods of physical
17 placement between the parties in accordance with this subsection.

18 2. In determining the allocation of periods of physical placement, the court
19 shall consider each case on the basis of the factors in sub. (5). ~~The court shall set a~~
20 placement schedule that allows the child to have regularly occurring, meaningful
21 periods of physical placement with each parent and that maximizes the amount of
22 time the child may spend with each parent, taking into account geographic
23 separation and accommodations for different households.

24 ***b1938/1.8* SECTION 3054cs.** 767.24 (4) (a) 3. of the statutes is created to read:

1 767.24 (4) (a) 3. Notwithstanding subd. 2. and sub. (5), the court shall presume
2 that any proposal submitted to the court with respect to periods of physical
3 placement that has been voluntarily agreed to by the parties is in the child's best
4 interest.

5 ***b1938/1.8* SECTION 3054ct.** 767.24 (4) (c) of the statutes is amended to read:

6 767.24 (4) (c) No court may deny periods of physical placement for failure to
7 meet, or grant periods of physical placement for meeting, any financial obligation to
8 the child or, if the parties were married, to the former spouse.

9 ***b1938/1.8* SECTION 3054cu.** 767.24 (5) (intro.) of the statutes is amended to
10 read:

11 767.24 (5) FACTORS IN CUSTODY AND PHYSICAL PLACEMENT DETERMINATIONS.
12 (intro.) In determining legal custody and periods of physical placement, the court
13 shall consider all facts relevant to the best interest of the child. The court may not
14 prefer one parent or potential custodian over the other on the basis of the sex or race
15 of the parent or potential custodian. ~~The court shall consider reports of appropriate~~
16 ~~professionals if admitted into evidence when legal custody or physical placement is~~
17 ~~contested.~~ The court shall consider the following factors in making its
18 determination:

19 ***b1938/1.8* SECTION 3054cv.** 767.24 (5) (a) of the statutes is amended to read:

20 767.24 (5) (a) The wishes of the child's parent or parents, as shown by any
21 stipulation between the parties, any proposed parenting plan or any legal custody
22 or physical placement proposal submitted to the court at trial.

23 ***b1938/1.8* SECTION 3054cw.** 767.24 (5) (bm) of the statutes is created to read:

24 767.24 (5) (bm) The right of the child to spend the same amount of time or
25 substantial periods of time with each parent.

1 ***b1938/1.8* SECTION 3054cx.** 767.24 (5) (cm) of the statutes is created to read:

2 767.24 (5) (cm) The amount and quality of time that each parent has spent with
3 the child in the past, any necessary changes to the parents' custodial roles and any
4 reasonable life–style changes that a parent proposes to make to be able to spend time
5 with the child in the future.

6 ***b1938/1.8* SECTION 3054cy.** 767.24 (5) (dm) of the statutes is created to read:

7 767.24 (5) (dm) The age of the child and the child's developmental and
8 educational needs at different ages.

9 ***b1938/1.8* SECTION 3054cz.** 767.24 (5) (em) of the statutes is created to read:

10 767.24 (5) (em) The need for regularly occurring and meaningful periods of
11 physical placement to provide predictability and stability for the child.

12 ***b1938/1.8* SECTION 3054d.** 767.24 (5) (fm) of the statutes is created to read:

13 767.24 (5) (fm) The cooperation and communication between the parties and
14 whether either party unreasonably refuses to cooperate or communicate with the
15 other party.

16 ***b1938/1.8* SECTION 3054dc.** 767.24 (5) (g) of the statutes is amended to read:

17 767.24 (5) (g) Whether each party can support the other party's relationship
18 with the child, including encouraging and facilitating frequent and continuing
19 contact with the child, or whether one party is likely to unreasonably interfere with
20 the child's continuing relationship with the other party.

21 ***b1938/1.8* SECTION 3054dd.** 767.24 (5) (jm) of the statutes is created to read:

22 767.24 (5) (jm) The reports of appropriate professionals if admitted into
23 evidence.

24 ***b1938/1.8* SECTION 3054de.** 767.242 of the statutes is created to read:

1 **767.242 Enforcement of physical placement orders. (1) DEFINITIONS.** In
2 this section:

3 (a) “Petitioner” means the parent filing a petition under this section, regardless
4 of whether that parent was the petitioner in the action in which periods of physical
5 placement were awarded under s. 767.24.

6 (b) “Respondent” means the parent upon whom a petition under this section is
7 served, regardless of whether that parent was the respondent in the action in which
8 periods of physical placement were awarded under s. 767.24.

9 **(2) WHO MAY FILE.** A parent who has been awarded periods of physical
10 placement under s. 767.24 may file a petition under sub. (3) if any of the following
11 applies:

12 (a) The parent has had one or more periods of physical placement denied by the
13 other parent.

14 (b) The parent has had one or more periods of physical placement substantially
15 interfered with by the other parent.

16 (c) The parent has incurred a financial loss or expenses as a result of the other
17 parent’s intentional failure to exercise one or more periods of physical placement
18 under an order allocating specific times for the exercise of periods of physical
19 placement.

20 **(3) PETITION.** (a) The petition shall allege facts sufficient to show the following:

21 1. The name of the petitioner and that the petitioner has been awarded periods
22 of physical placement.

23 2. The name of the respondent.

24 3. That the criteria in sub. (2) apply.

1 (b) The petition shall request the imposition of a remedy or any combination
2 of remedies under sub. (5) (b) and (c). This paragraph does not prohibit a judge or
3 family court commissioner from imposing a remedy under sub. (5) (b) or (c) if the
4 remedy was not requested in the petition.

5 (c) A judge or family court commissioner shall accept any legible petition for
6 an order under this section.

7 (d) The petition shall be filed under the principal action under which the
8 periods of physical placement were awarded.

9 (e) A petition under this section is a motion for remedial sanction for purposes
10 of s. 785.03 (1) (a).

11 **(4) SERVICE ON RESPONDENT; RESPONSE.** Upon the filing of a petition under sub.
12 (3), the petitioner shall serve a copy of the petition upon the respondent by personal
13 service in the same manner as a summons is served under s. 801.11. The respondent
14 may respond to the petition either in writing before or at the hearing under sub. (5)
15 (a) or orally at that hearing.

16 **(5) HEARING; REMEDIES.** (a) A judge or family court commissioner shall hold a
17 hearing on the petition no later than 30 days after the petition has been served,
18 unless the time is extended by mutual agreement of the parties or upon the motion
19 of a guardian ad litem and the approval of the judge or family court commissioner.
20 The judge or family court commissioner may, on his or her own motion or the motion
21 of any party, order that a guardian ad litem be appointed for the child prior to the
22 hearing.

23 (b) If, at the conclusion of the hearing, the judge or family court commissioner
24 finds that the respondent has intentionally and unreasonably denied the petitioner
25 one or more periods of physical placement or that the respondent has intentionally

1 and unreasonably interfered with one or more of the petitioner's periods of physical
2 placement, the court or family court commissioner:

3 1. Shall do all of the following:

4 a. Issue an order granting additional periods of physical placement to replace
5 those denied or interfered with.

6 b. Award the petitioner a reasonable amount for the cost of maintaining an
7 action under this section and for attorney fees.

8 2. May do one or more of the following:

9 a. If the underlying order or judgment relating to periods of physical placement
10 does not provide for specific times for the exercise of periods of physical placement,
11 issue an order specifying the times for the exercise of periods of physical placement.

12 b. Find the respondent in contempt of court under ch. 785.

13 c. Grant an injunction ordering the respondent to strictly comply with the
14 judgment or order relating to the award of physical placement. In determining
15 whether to issue an injunction, the judge or family court commissioner shall consider
16 whether alternative remedies requested by the petitioner would be as effective in
17 obtaining compliance with the order or judgment relating to physical placement.

18 (c) If, at the conclusion of the hearing, the judge or family court commissioner
19 finds that the petitioner has incurred a financial loss or expenses as a result of the
20 respondent's failure, intentionally and unreasonably and without adequate notice to
21 the petitioner, to exercise one or more periods of physical placement under an order
22 allocating specific times for the exercise of periods of physical placement, the judge
23 or family court commissioner may issue an order requiring the respondent to pay to
24 the petitioner a sum of money sufficient to compensate the petitioner for the financial
25 loss or expenses.

1 (d) Except as provided in par. (b) 1. a. and 2. a., the judge or family court
2 commissioner may not modify an order of legal custody or physical placement in an
3 action under this section.

4 (e) An injunction issued under par. (b) 2. c. is effective according to its terms,
5 for the period of time that the petitioner requests, but not more than 2 years.

6 **(6) ENFORCEMENT ASSISTANCE.** (a) If an injunction is issued under sub. (5) (b)
7 2. c., upon request by the petitioner the judge or family court commissioner shall
8 order the sheriff to assist the petitioner in executing or serving the injunction.

9 (b) Within 24 hours after a request by the petitioner, the clerk of the circuit
10 court shall send a copy of an injunction issued under sub. (5) (b) 2. c. to the sheriff
11 or to any other local law enforcement agency that is the central repository for orders
12 and that has jurisdiction over the respondent's residence. If the respondent does not
13 reside in this state, the clerk shall send a copy of the injunction to the sheriff of the
14 county in which the circuit court is located.

15 (c) The sheriff or other appropriate local law enforcement agency under par. (b)
16 shall make available to other law enforcement agencies, through a verification
17 system, information on the existence and status of any injunction issued under sub.
18 (5) (b) 2. c. The information need not be maintained after the injunction is no longer
19 in effect.

20 **(7) ARREST.** A law enforcement officer may arrest and take a person into custody
21 if all of the following apply:

22 (a) A petitioner under this section presents the law enforcement officer with a
23 copy of an injunction issued under sub. (5) (b) 2. c. or the law enforcement officer
24 determines that such an injunction exists through communication with appropriate
25 authorities.

1 (b) The law enforcement officer has probable cause to believe that the person
2 has violated the injunction issued under sub. (5) (b) 2. c.

3 (8) PENALTY. Whoever intentionally violates an injunction issued under sub.
4 (5) (b) 2. c. may be fined not more than \$10,000 or imprisoned for not more than 2
5 years or both.

6 *b1938/1.8* SECTION 3054df. 767.25 (1) (intro.) of the statutes is amended to
7 read:

8 767.25 (1) (intro.) Whenever the court approves a stipulation for child support
9 under s. 767.10, enters a judgment of annulment, divorce or legal separation, or
10 enters an order or a judgment in a paternity action or in an action under s. 767.02
11 (1) (f) or (j) ~~ex~~, 767.08 or 767.62 (3), the court shall do all of the following:

12 *b1938/1.8* SECTION 3054dg. 767.25 (1m) (b) of the statutes is amended to
13 read:

14 767.25 (1m) (b) The financial resources of both parents ~~as determined under~~
15 ~~s. 767.255.~~

16 *b1938/1.8* SECTION 3054dh. 767.25 (1m) (c) of the statutes is amended to
17 read:

18 767.25 (1m) (c) ~~The~~ If the parties were married, the standard of living the child
19 would have enjoyed had the marriage not ended in annulment, divorce or legal
20 separation.

21 *b1938/1.8* SECTION 3054di. 767.25 (4m) (b) of the statutes is amended to
22 read:

23 767.25 (4m) (b) In addition to ordering child support for a child under sub. (1),
24 the court shall specifically assign responsibility for and direct the manner of
25 payment of the child's health care expenses. In assigning responsibility for a child's

1 health care expenses, the court shall consider whether a child is covered under a
2 parent's health insurance policy or plan at the time the court approves a stipulation
3 for child support under s. 767.10, enters a judgment of annulment, divorce or legal
4 separation, or enters an order or a judgment in a paternity action or in an action
5 under s. 767.02 (1) (f) or (j) or, 767.08 or 767.62 (3), the availability of health
6 insurance to each parent through an employer or other organization, the extent of
7 coverage available to a child and the costs to the parent for the coverage of the child.
8 A parent may be required to initiate or continue health care insurance coverage for
9 a child under this subsection. If a parent is required to do so, he or she shall provide
10 copies of necessary program or policy identification to the custodial parent and is
11 liable for any health care costs for which he or she receives direct payment from an
12 insurer. This subsection shall not be construed to limit the authority of the court to
13 enter or modify support orders containing provisions for payment of medical
14 expenses, medical costs, or insurance premiums which are in addition to and not
15 inconsistent with this subsection.

16 ***b1938/1.8* SECTION 3054dj.** 767.25 (5) of the statutes is amended to read:

17 767.25 (5) Liability Subject to ss. 767.51 (4) and 767.62 (4m), liability for past
18 support shall be limited to the period after the birth of the child.

19 ***b1938/1.8* SECTION 3054dk.** 767.25 (6) (intro.) of the statutes, as affected by
20 1997 Wisconsin Act 191, section 398, is amended to read:

21 767.25 (6) (intro.) A party ordered to pay child support under this section shall
22 pay simple interest at the rate of ~~1.5%~~ 1% per month on any amount in arrears that
23 is equal to or greater than the amount of child support due in one month. If the party
24 no longer has a current obligation to pay child support, interest at the rate of ~~1.5%~~
25 1% per month shall accrue on the total amount of child support in arrears, if any.

1 Interest under this subsection is in lieu of interest computed under s. 807.01 (4),
2 814.04 (4) or 815.05 (8) and is paid to the department or its designee under s. 767.29.
3 Except as provided in s. 767.29 (1m), the department or its designee, whichever is
4 appropriate, shall apply all payments received for child support as follows:

5 ***b1938/1.8* SECTION 3054dL.** 767.253 of the statutes is amended to read:

6 **767.253 Seek-work orders.** In an action for modification of a child support
7 order under s. 767.32 or an action in which an order for child support is required
8 under s. 767.25 (1), 767.51 (3) or 767.62 (4) (a), the court may order either or both
9 parents of the child to seek employment or participate in an employment or training
10 program.

11 ***b1938/1.8* SECTION 3054dm.** 767.254 (2) (intro.) of the statutes is amended
12 to read:

13 **767.254 (2) (intro.)** In an action for revision of a judgment or order providing
14 for child support under s. 767.32 or an action in which an order for child support is
15 required under s. 767.25 (1), 767.51 (3) or 767.62 (4) (a), the court shall order an
16 unemployed teenage parent to do one or more of the following:

17 ***b1938/1.8* SECTION 3054dn.** 767.261 (intro.) of the statutes, as affected by
18 1997 Wisconsin Act 191, section 403, is amended to read:

19 **767.261 Family support.** (intro.) The court may make a financial order
20 designated "family support" as a substitute for child support orders under s. 767.25
21 and maintenance payment orders under s. 767.26. A party ordered to pay family
22 support under this section shall pay simple interest at the rate of ~~1.5%~~ 1% per month
23 on any amount in arrears that is equal to or greater than the amount of child support
24 due in one month. If the party no longer has a current obligation to pay child support,
25 interest at the rate of ~~1.5%~~ 1% per month shall accrue on the total amount of child

1 support in arrears, if any. Interest under this section is in lieu of interest computed
2 under s. 807.01 (4), 814.04 (4) or 815.05 (8) and is paid to the department or its
3 designee under s. 767.29. Except as provided in s. 767.29 (1m), the department or
4 its designee, whichever is appropriate, shall apply all payments received for family
5 support as follows:”.

6 *b1938/1.9* **1497**. Page 1410, line 5: after that line insert:

7 *b1938/1.9* “SECTION 3055c. 767.265 (1) of the statutes, as affected by 1997
8 Wisconsin Act 191, section 411, is amended to read:

9 767.265 (1) Each order for child support under this chapter, for maintenance
10 payments under s. 767.23 or 767.26, for family support under this chapter, for costs
11 ordered under s. 767.51 (3) or 767.62 (4) (a), for support by a spouse under s. 767.02
12 (1) (f), for maintenance payments under s. 767.02 (1) (g) or for the annual receiving
13 and disbursing fee under s. 767.29 (1) (d), each order for a revision in a judgment or
14 order with respect to child support, maintenance or family support payments under
15 s. 767.32, each stipulation approved by the court or the family court commissioner
16 for child support under this chapter and each order for child or spousal support
17 entered under s. 948.22 (7) constitutes an assignment of all commissions, earnings,
18 salaries, wages, pension benefits, benefits under ch. 102 or 108, lottery prizes that
19 are payable in instalments and other money due or to be due in the future to the
20 department or its designee. The assignment shall be for an amount sufficient to
21 ensure payment under the order or stipulation and to pay any arrearages due at a
22 periodic rate not to exceed 50% of the amount of support due under the order or
23 stipulation so long as the addition of the amount toward arrearages does not leave
24 the party at an income below the poverty line established under 42 USC 9902 (2).”.

1 ***b1938/1.10* 1498.** Page 1413, line 24: after that line insert:

2 ***b1938/1.10*** "SECTION 3061c. 767.265 (3h) of the statutes, as affected by 1997
3 Wisconsin Act 191, section 415, is amended to read:

4 767.265 (3h) A person who receives notice of assignment under this section or
5 s. 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ or similar laws
6 of another state shall withhold the amount specified in the notice from any money
7 that person pays to the payer later than one week after receipt of notice of
8 assignment. Within 5 days after the day the person pays money to the payer, the
9 person shall send the amount withheld to the department or its designee, whichever
10 is appropriate, or, in the case of an amount ordered withheld for health care
11 expenses, to the appropriate health care insurer, provider or plan. With each
12 payment sent to the department or its designee, the person from whom the payer
13 receives money shall report to the department or its designee the payer's gross
14 income or other gross amount from which the payment was withheld. Except as
15 provided in sub. (3m), for each payment sent to the department or its designee, the
16 person from whom the payer receives money shall receive an amount equal to the
17 person's necessary disbursements, not to exceed \$3, which shall be deducted from the
18 money to be paid to the payer. Section 241.09 does not apply to assignments under
19 this section.

20 ***b1938/1.10* SECTION 3061cd.** 767.265 (4) of the statutes is amended to read:

21 767.265 (4) A withholding assignment or order under this section or s. 767.23
22 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ has priority over any other
23 assignment, garnishment or similar legal process under state law.

1 ***b1938/1.10* SECTION 3061ce.** 767.265 (6) (a) of the statutes, as affected by
2 1997 Wisconsin Act 191, section 420, is amended to read:

3 767.265 (6) (a) Except as provided in sub. (3m), if after receipt of notice of
4 assignment the person from whom the payer receives money fails to withhold the
5 money or send the money to the department or its designee or the appropriate health
6 care insurer, provider or plan as provided in this section or s. 767.23 (1) (L), or 767.25
7 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~, the person may be proceeded against
8 under the principal action under ch. 785 for contempt of court or may be proceeded
9 against under ch. 778 and be required to forfeit not less than \$50 nor more than an
10 amount, if the amount exceeds \$50, that is equal to 1% of the amount not withheld
11 or sent.

12 ***b1938/1.10* SECTION 3061cf.** 767.265 (6) (b) of the statutes, as affected by
13 1997 Wisconsin Act 191, section 422, is amended to read:

14 767.265 (6) (b) If an employer who receives an assignment under this section
15 or s. 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ fails to notify
16 the department or its designee, whichever is appropriate, within 10 days after an
17 employe is terminated or otherwise temporarily or permanently leaves employment,
18 the employer may be proceeded against under the principal action under ch. 785 for
19 contempt of court.

20 ***b1938/1.10* SECTION 3061cg.** 767.265 (6) (c) of the statutes is amended to
21 read:

22 767.265 (6) (c) No employer may use an assignment under this section or s.
23 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ as a basis for the
24 denial of employment to a person, the discharge of an employe or any disciplinary
25 action against an employe. An employer who denies employment or discharges or

1 disciplines an employe in violation of this paragraph may be fined not more than
2 \$500 and may be required to make full restitution to the aggrieved person, including
3 reinstatement and back pay. Except as provided in this paragraph, restitution shall
4 be in accordance with s. 973.20. An aggrieved person may apply to the district
5 attorney or to the department for enforcement of this paragraph.

6 ***b1938/1.10* SECTION 3061ch. 767.267 (1) of the statutes, as affected by 1997**
7 Wisconsin Act 27, is amended to read:

8 767.267 (1) If the court or the family court commissioner determines that
9 income withholding under s. 767.265 is inapplicable, ineffective or insufficient to
10 ensure payment under an order or stipulation specified in s. 767.265 (1), or that
11 income withholding under s. 767.25 (4m) (c) ~~or 767.51 (3m) (e)~~ is inapplicable,
12 ineffective or insufficient to ensure payment of a child's health care expenses,
13 including payment of health insurance premiums, ordered under s. 767.25 (4m) or
14 767.51 (3m), the court or family court commissioner may require the payer to identify
15 or establish a deposit account, owned in whole or in part by the payer, that allows for
16 periodic transfers of funds and to file with the financial institution at which the
17 account is located an authorization for transfer from the account to the department
18 or its designee, whichever is appropriate. The authorization shall be provided on a
19 standard form approved by the court and shall specify the frequency and the amount
20 of transfer, sufficient to meet the payer's obligation under the order or stipulation,
21 as required by the court or family court commissioner. The authorization shall
22 include the payer's consent for the financial institution or an officer, employe or agent
23 of the financial institution to disclose information to the court, family court
24 commissioner, county child support agency under s. 59.53 (5), department or

1 department's designee regarding the account for which the payer has executed the
2 authorization for transfer.”.

3 ***b1237/1.6* 1499.** Page 1415, line 19: after that line insert:

4 ***b1237/1.6* “SECTION 3064m.** 767.325 (4m) of the statutes is created to read:

5 **767.325 (4m) DENIAL OF PHYSICAL PLACEMENT FOR KILLING OTHER PARENT.** (a)

6 Notwithstanding subs. (1) to (4), upon petition, motion or order to show cause by a
7 party or on its own motion, a court shall modify a physical placement order by
8 denying a parent physical placement with a child if the parent has been convicted
9 under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the
10 2nd-degree intentional homicide, of the child's other parent, and the conviction has
11 not been reversed, set aside or vacated.

12 (b) Paragraph (a) does not apply if the court determines by clear and convincing
13 evidence that physical placement with the parent would be in the best interests of
14 the child. The court shall consider the wishes of the child in making the
15 determination.”.

16 ***b1938/1.11* 1500.** Page 1415, line 19: after that line insert:

17 ***b1938/1.11* “SECTION 3065c.** 767.29 (1m) (intro.) of the statutes, as affected
18 by 1997 Wisconsin Act 191, section 427, is amended to read:

19 **767.29 (1m) (intro.)** Notwithstanding ss. 767.25 (6), and 767.261, 767.51 (5p)
20 and 767.62 (4)(g), if the department or its designee receives support or maintenance
21 money that exceeds the amount due in the month in which it is received and that the
22 department or its designee determines is for support or maintenance due in a
23 succeeding month, the department or its designee may hold the amount of

1 overpayment that does not exceed the amount due in the next month for
2 disbursement in the next month if any of the following applies:

3 ***b1938/1.11* SECTION 3065cd.** 767.295 (2) (a) (intro.) of the statutes is
4 amended to read:

5 767.295 (2) (a) (intro.) In an action for modification of a child support order
6 under s. 767.32, an action in which an order for child support is required under s.
7 767.25 (1), 767.51 (3) or 767.62 (4) ~~(a)~~ or a contempt of court proceeding to enforce a
8 child support or family support order in a county that contracts under s. 49.36 (2),
9 the court may order a parent who is not a custodial parent to register for a work
10 experience and job training program under s. 49.36 if all of the following conditions
11 are met:

12 ***b1938/1.11* SECTION 3065ce.** 767.295 (2) (c) of the statutes is amended to
13 read:

14 767.295 (2) (c) If the court enters an order under par. (a), it shall order the
15 parent to pay child support equal to the amount determined by applying the
16 percentage standard established under s. 49.22 (9) to the income a person would earn
17 by working 40 hours per week for the federal minimum hourly wage under 29 USC
18 206 (a) (1) or equal to the amount of child support that the parent was ordered to pay
19 in the most recent determination of support under this chapter. The child support
20 obligation ordered under this paragraph continues until the parent makes timely
21 payment in full for 3 consecutive months or until the person participates in the
22 program under s. 49.36 for 16 weeks, whichever comes first. The court shall provide
23 in its order that the parent must make child support payments calculated under s.
24 767.25 (1j) or (1m), ~~767.51 (4m) or (5) or 767.62 (4) (d) 1. or (e)~~ after the obligation to
25 make payments ordered under this paragraph ceases.

1 ***b1938/1.11* SECTION 3065cf.** 767.303 (1) of the statutes is amended to read:

2 767.303 (1) If a person fails to pay a payment ordered for support under s.
3 767.077, support under s. 767.08, child support or family support under s. 767.23,
4 child support under s. 767.25, family support under s. 767.261, revised child or
5 family support under s. 767.32, child support under s. 767.458 (3), child support
6 under s. 767.458 (3), child support under s. 767.51, child support under s. 767.62 (4)
7 (a), child support under ch. 769 or child support under s. 948.22 (7), the payment is
8 90 or more days past due and the court finds that the person has the ability to pay
9 the amount ordered, the court may suspend the person's operating privilege, as
10 defined in s. 340.01 (40), until the person pays all arrearages in full or makes
11 payment arrangements that are satisfactory to the court, except that the suspension
12 period may not exceed 5 years. If otherwise eligible, the person is eligible for an
13 occupational license under s. 343.10 at any time.

14 ***b1938/1.11* SECTION 3065cg.** 767.303 (1) of the statutes, as affected by 1997
15 Wisconsin Act 84, is amended to read:

16 767.303 (1) If a person fails to pay a payment ordered for support under s.
17 767.077, support under s. 767.08, child support or family support under s. 767.23,
18 child support under s. 767.25, family support under s. 767.261, revised child or
19 family support under s. 767.32, child support under s. 767.458 (3), child support
20 under s. 767.477, child support under s. 767.51, child support under s. 767.62 (4) (a),
21 child support under ch. 769 or child support under s. 948.22 (7), the payment is 90
22 or more days past due and the court finds that the person has the ability to pay the
23 amount ordered, the court may suspend the person's operating privilege, as defined
24 in s. 340.01 (40), until the person pays all arrearages in full or makes payment
25 arrangements that are satisfactory to the court, except that the suspension period

1 may not exceed 2 years. If otherwise eligible, the person is eligible for an
2 occupational license under s. 343.10 at any time.

3 ***b1938/1.11* SECTION 3065ch.** 767.32 (1) (b) 4. of the statutes is amended to
4 read:

5 767.32 (1) (b) 4. A difference between the amount of child support ordered by
6 the court to be paid by the payer and the amount that the payer would have been
7 required to pay based on the percentage standard established by the department
8 under s. 49.22 (9) if the court did not use the percentage standard in determining the
9 child support payments and did not provide the information required under s. 46.10
10 (14) (d), 301.12 (14) (d), or 767.25 (1n), ~~767.51 (5d) or 767.62 (4) (f)~~, whichever is
11 appropriate.

12 ***b1938/1.11* SECTION 3065ci.** 767.32 (2m) of the statutes is amended to read:

13 767.32 (2m) Upon request by a party, the court may modify the amount of
14 revised child support payments determined under sub. (2) if, after considering the
15 factors listed in s. 767.25 (1m), ~~767.51 (5) or 767.62 (4) (e)~~, as appropriate, the court
16 finds, by the greater weight of the credible evidence, that the use of the percentage
17 standard is unfair to the child or to any of the parties.

18 ***b1938/1.11* SECTION 3065cj.** 767.325 (2m) of the statutes is created to read:

19 767.325 (2m) MODIFICATION OF PERIODS OF PHYSICAL PLACEMENT FOR FAILURE TO
20 EXERCISE PHYSICAL PLACEMENT. Notwithstanding subs. (1) and (2), upon petition,
21 motion or order to show cause by a party, a court may modify an order of physical
22 placement at any time with respect to periods of physical placement if it finds that
23 a parent has repeatedly and unreasonably failed to exercise periods of physical
24 placement awarded under an order of physical placement that allocates specific
25 times for the exercise of periods of physical placement.

1 ***b1938/1.11* SECTION 3065ck.** 767.325 (5m) of the statutes is created to read:
2 767.325 (5m) FACTORS TO CONSIDER. In all actions to modify legal custody or
3 physical placement orders, the court shall consider the factors under s. 767.24 (5) and
4 shall make its determination in a manner consistent with s. 767.24.

5 ***b1938/1.11* SECTION 3065cL.** 767.325 (6m) of the statutes is created to read:
6 767.325 (6m) PARENTING PLAN. In any action to modify a legal custody or
7 physical placement order under sub. (1), the court may require the party seeking the
8 modification to file with the court a parenting plan under s. 767.24 (1m) before any
9 hearing is held.

10 ***b1938/1.11* SECTION 3065cm.** 767.327 (4) of the statutes is amended to read:
11 767.327 (4) GUARDIAN AD LITEM; PROMPT HEARING. After a petition, motion or
12 order to show cause is filed under sub. (3), the court shall appoint a guardian ad litem,
13 unless s. 767.045 (1) (am) applies, and shall hold a hearing as soon as possible.

14 ***b1938/1.11* SECTION 3065cn.** 767.327 (5m) of the statutes is created to read:
15 767.327 (5m) DISCRETIONARY FACTORS TO CONSIDER. In making a determination
16 under sub. (3), the court may consider the child's adjustment to the home, school,
17 religion and community.

18 ***b1938/1.11* SECTION 3065co.** 767.45 (7) of the statutes is amended to read:
19 767.45 (7) The clerk of court shall provide without charge, to each person
20 bringing an action under this section, except to the state under sub. (1) (g) or (6m),
21 a document setting forth the percentage standard established by the department
22 under s. 49.22 (9) and listing the factors which a court may consider under s. ~~767.51~~
23 ~~(5)~~ 767.25 (1m).

24 ***b1938/1.11* SECTION 3065cp.** 767.455 (6) of the statutes is amended to read:

1 767.455 (6) DOCUMENT. The summons served on the respondent shall be
2 accompanied by a document, provided without charge by the clerk of court, setting
3 forth the percentage standard established by the department under s. 49.22 (9) and
4 listing the factors which a court may consider under s. ~~767.51 (5)~~ 767.25 (1m).

5 ***b1938/1.11* SECTION 3065cpm.** 767.475 (2m) of the statutes is created to
6 read:

7 767.475 (2m) If there is no presumption of paternity under s. 891.41 (1), the
8 mother shall have sole legal custody of the child until the court orders otherwise.

9 ***b1938/1.11* SECTION 3065cq.** 767.477 (1) of the statutes is amended to read:

10 767.477 (1) At any time during the pendency of an action to establish the
11 paternity of a child, if genetic tests show that the alleged father is not excluded and
12 that the statistical probability of the alleged father's parentage is 99.0% or higher,
13 on the motion of a party, the court shall make ~~an appropriate temporary order~~ orders
14 for the payment of child support ~~and may make a temporary order~~, assigning
15 responsibility for and directing the manner of payment of the child's health care
16 expenses and for the custody and physical placement of the child.

17 ***b1938/1.11* SECTION 3065cr.** 767.477 (2) of the statutes is amended to read:

18 767.477 (2) Before making any temporary order under sub. (1), the court shall
19 consider those factors that the court is required ~~under s. 767.51~~ to consider when
20 granting a final judgment on the same subject matter. If the court makes a
21 temporary child support order that deviates from the amount of support that would
22 be required by using the percentage standard established by the department under
23 s. 49.22 (9), the court shall comply with the requirements of s. ~~767.51 (5d)~~ 767.25 (1n).

24 ***b1938/1.11* SECTION 3065cs.** 767.51 (3) of the statutes is repealed and
25 recreated to read:

1 767.51 (3) A judgment or order determining paternity shall contain all of the
2 following provisions:

3 (a) An adjudication of the paternity of the child.

4 (b) Orders for the legal custody of and periods of physical placement with the
5 child, determined in accordance with s. 767.24.

6 (c) An order requiring either or both of the parents to contribute to the support
7 of any child of the parties who is less than 18 years old, or any child of the parties who
8 is less than 19 years old if the child is pursuing an accredited course of instruction
9 leading to the acquisition of a high school diploma or its equivalent, determined in
10 accordance with s. 767.25.

11 (d) A determination as to which parent, if eligible, shall have the right to claim
12 the child as an exemption for federal tax purposes under 26 USC 151 (c) (1) (B), or
13 as an exemption for state tax purposes under s. 71.07 (8) (b).

14 (e) An order requiring the father to pay or contribute to the reasonable expenses
15 of the mother's pregnancy and the child's birth, based on the father's ability to pay
16 or contribute to those expenses.

17 (f) An order requiring either or both parties to pay or contribute to the costs of
18 the guardian ad litem fees, genetic tests as provided in s. 767.48 (5) and other costs.

19 (g) An order requiring either party to pay or contribute to the attorney fees of
20 the other party.

21 ***b1938/1.11* SECTION 3065ct.** 767.51 (3m) of the statutes, as affected by 1997
22 Wisconsin Act 27, is repealed.

23 ***b1938/1.11* SECTION 3065cu.** 767.51 (3r) of the statutes is repealed.

24 ***b1938/1.11* SECTION 3065cv.** 767.51 (4) of the statutes is repealed and
25 recreated to read:

1 767.51 (4) (a) Subject to par. (b), liability for past support of the child shall be
2 limited to support for the period after the day on which the petition in the action
3 under s. 767.45 is filed, unless a party shows, to the satisfaction of the court, all of
4 the following:

5 1. That he or she was induced to delay commencing the action by any of the
6 following:

7 a. Duress or threats.

8 b. Actions, promises or representations by the other party upon which the party
9 relied.

10 c. Actions taken by the other party to evade paternity proceedings.

11 2. That, after the inducement ceased to operate, he or she did not unreasonably
12 delay in commencing the action.

13 (b) In no event may liability for past support of the child be imposed for any
14 period before the birth of the child.

15 ***b1938/1.11* SECTION 3065cw.** 767.51 (4g) of the statutes is repealed.

16 ***b1938/1.11* SECTION 3065cx.** 767.51 (4m) of the statutes is repealed.

17 ***b1938/1.11* SECTION 3065cy.** 767.51 (5) of the statutes is repealed.

18 ***b1938/1.11* SECTION 3065d.** 767.51 (5d) of the statutes is repealed.

19 ***b1938/1.11* SECTION 3065dd.** 767.51 (5p) of the statutes, as affected by 1997
20 Wisconsin Act 191, is repealed.

21 ***b1938/1.11* SECTION 3065de.** 767.53 (intro.) of the statutes is amended to
22 read:

23 **767.53 Paternity hearings and records; confidentiality.** (intro.) Any
24 hearing, discovery proceeding or trial relating to paternity determination shall be

1 closed to any person other than those necessary to the action or proceeding. Any
2 record of ~~the~~ pending proceedings shall be placed in a closed file, except that:

3 ***b1938/1.11* SECTION 3065df.** 767.53 (1) (intro.) of the statutes is amended
4 to read:

5 767.53 (1) (intro.) Access to the record of any pending ~~or~~ past proceeding
6 involving the paternity of the same child shall be allowed to all of the following:

7 ***b1938/1.11* SECTION 3065dg.** 767.53 (3) of the statutes is created to read:

8 767.53 (3) Subject to s. 767.19, a record of a past proceeding is open to public
9 inspection if all of the following apply:

10 (a) Paternity was established in the proceeding.

11 (b) The record is filed after the effective date of this paragraph [revisor
12 inserts date].

13 (c) The record relates to a post-adjudication issue.

14 ***b1938/1.11* SECTION 3065dh.** 767.62 (4) of the statutes, as affected by 1997
15 Wisconsin Act 191, is repealed and recreated to read:

16 767.62 (4) ORDERS WHEN PATERNITY ACKNOWLEDGED. In an action under sub. (3)
17 (a), if the persons who signed and filed the statement acknowledging paternity as
18 parents of the child had notice of the hearing, the court or family court commissioner
19 shall make an order that contains all of the following provisions:

20 (a) Orders for the legal custody of and periods of physical placement with the
21 child, determined in accordance with s. 767.24.

22 (b) An order requiring either or both of the parents to contribute to the support
23 of any child of the parties who is less than 18 years old, or any child of the parties who
24 is less than 19 years old if the child is pursuing an accredited course of instruction

1 leading to the acquisition of a high school diploma or its equivalent, determined in
2 accordance with s. 767.25.

3 (c) A determination as to which parent, if eligible, shall have the right to claim
4 the child as an exemption for federal tax purposes under 26 USC 151 (c) (1) (B), or
5 as an exemption for state tax purposes under s. 71.07 (8) (b).

6 (d) An order requiring the father to pay or contribute to the reasonable
7 expenses of the mother's pregnancy and the child's birth, based on the father's ability
8 to pay or contribute to those expenses.

9 (e) An order requiring either or both parties to pay or contribute to the costs
10 of the guardian ad litem fees and other costs.

11 (f) An order requiring either party to pay or contribute to the attorney fees of
12 the other party.

13 *b1938/1.11* SECTION 3065di. 767.62 (4m) of the statutes is created to read:

14 767.62 (4m) LIABILITY FOR PAST SUPPORT. (a) Subject to par. (b), liability for past
15 support of the child shall be limited to support for the period after the day on which
16 the petition, motion or order to show cause requesting support is filed in the action
17 for support under sub. (3) (a), unless a party shows, to the satisfaction of the court,
18 all of the following:

19 1. That he or she was induced to delay commencing the action by any of the
20 following:

21 a. Duress or threats.

22 b. Actions, promises or representations by the other party upon which the party
23 relied.

24 c. Actions taken by the other party to evade proceedings under sub. (3) (a).

1 2. That, after the inducement ceased to operate, he or she did not unreasonably
2 delay in commencing the action.

3 (b) In no event may liability for past support of the child be imposed for any
4 period before the birth of the child.”.

5 ***b1864/2.5* 1501.** Page 1419, line 18: after that line insert:

6 ***b1864/2.5*** “SECTION 3072g. 778.25 (1) (a) 4. of the statutes is repealed.”.

7 ***b0950/1.1* 1502.** Page 1420, line 3: after that line insert:

8 ***b0950/1.1*** “SECTION 3073m. 800.01 (2) (a) of the statutes is amended to read:

9 800.01 (2) (a) Service under sub. (1) (a) shall be as provided in s. 801.11 or
10 968.04 (3) (b) 2. or by personal service by ~~a municipal employe~~ an adult who is a
11 resident of the state where the service is made but who is not a party to the action.”.

12 ***b0950/1.2* 1503.** Page 1421, line 6: after that line insert:

13 ***b0950/1.2*** “SECTION 3076m. 800.02 (4) (a) (intro.) of the statutes is amended
14 to read:

15 800.02 (4) (a) (intro.) The summons shall be signed by a municipal judge or by
16 the attorney who is prosecuting the case in municipal court and shall contain the
17 following information:”.

18 ***b0950/1.3* 1504.** Page 1422, line 17: after that line insert:

19 ***b0950/1.3*** “SECTION 3078g. 800.04 (5) of the statutes is created to read:

20 800.04 (5) Unless good cause to the contrary is shown, appearances referred
21 to in this section may be conducted by telephone or by interactive video and audio
22 transmission, if available. If testimony is to be taken under oath, the proceeding
23 shall be reported by a court reporter who is in simultaneous voice communication
24 with all parties to the proceeding. Regardless of the physical location of any party

1 to the call, any plea, waiver, stipulation, motion, objection, decision, order or other
2 action taken by the court or any party shall have the same effect as if made in open
3 court. With the exceptions of scheduling conferences, pretrial conferences, and,
4 during hours the court is not in session, the proceeding shall be conducted in a
5 courtroom or other place reasonably accessible to the public. Simultaneous access
6 to the proceeding shall be provided to persons entitled to attend by means of a
7 loudspeaker or, upon request to the court, by making a person party to the telephone
8 call without charge. The court may permit a hearing under this section to be
9 conducted by telephone or by interactive video and audio transmission only if the
10 defendant consents. The defendant's consent may be made by telephone.”.

11 *b1423/2.4* **1505.** Page 1423, line 17: after that line insert:

12 *b1423/2.4* “SECTION 3080mg. 800.09 (1) (c) of the statutes is amended to
13 read:

14 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
15 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
16 and costs are paid, if the defendant has not done so within 60 days after the date the
17 restitution or payments or both are to be made under par. (a) and has not notified the
18 court that he or she is unable to comply with the judgment, as provided under s.
19 800.095 (4) (a), except that the suspension period may not exceed 5 years. The court
20 shall take possession of the suspended license and shall forward the license, along
21 with a notice of the suspension clearly stating that the suspension is for failure to
22 comply with a judgment of the court, to the department of transportation. This
23 paragraph does not apply if the forfeiture is assessed for violation of an ordinance
24 that is unrelated to the violator's operation of a motor vehicle.”.

1 ***b1423/2.5* 1506.** Page 1424, line 9: after that line insert:

2 ***b1423/2.5* "SECTION 3083m.** 800.095 (4) (b) 4. of the statutes is amended to
3 read:

4 800.095 (4) (b) 4. That the defendant's operating privilege, as defined in s.
5 340.01 (40), be suspended until the judgment is complied with, except that the
6 suspension period may not exceed 5 years. This subdivision does not apply if the
7 forfeiture is assessed for violation of an ordinance that is unrelated to the violator's
8 operation of a motor vehicle."

9 ***b1938/1.12* 1507.** Page 1425, line 7: after that line insert:

10 ***b1938/1.12* "SECTION 3085c.** 802.12 (3) (d) 1. of the statutes is amended to
11 read:

12 802.12 (3) (d) 1. Custody and physical placement under s. 767.24, 767.458 (3),
13 767.51 (3) or 767.62 (4) (a).

14 ***b1938/1.12* SECTION 3085d.** 802.12 (3) (d) 3. of the statutes is amended to
15 read:

16 802.12 (3) (d) 3. Child support under s. 767.25, 767.458 (3), 767.51 or 767.62
17 (4) (a).".

18 ***b1671/1.12* 1508.** Page 1426, line 12: after that line insert:

19 ***b1671/1.12* "SECTION 3088a.** 813.16 (7) of the statutes is amended to read:

20 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)
21 is a corporation supervised by the division of savings ~~and loan~~ institutions, home
22 loan bank board, U.S. office of thrift supervision, federal deposit insurance
23 corporation or resolution trust corporation, the court, unless the opposing party

1 objects, shall appoint an officer of such corporation as receiver to act without
2 compensation and to give such bond as the court requires.”.

3 *b1938/1.13* **1509.** Page 1426, line 12: after that line insert:

4 *b1938/1.13* “SECTION 3087c. 808.075 (4) (d) 11. of the statutes is amended
5 to read:

6 808.075 (4) (d) 11. Enforcement or modification of assignments under s. 767.25
7 (4m), or 767.265, ~~767.51 (3m) or 767.62 (4) (b) 3.~~”.

8 *b0813/1.1* **1510.** Page 1431, line 11: after that line insert:

9 *b0813/1.1* “SECTION 3312m. 891.455 (4) of the statutes is created to read:
10 891.455 (4) The presumption under sub. (2) for cancers caused by smoking or
11 tobacco product use shall not apply to any municipal fire fighter who smokes
12 cigarettes, as defined in s. 139.30 (1), or who uses a tobacco product, as defined in s.
13 139.75 (12), after January 1, 2001.”.

14 *b1237/1.7* **1511.** Page 1431, line 11: after that line insert:

15 *b1237/1.7* “SECTION 3111g. 880.155 (2) of the statutes is amended to read:
16 880.155 (2) If one or both parents of a minor child are deceased and the child
17 is in the custody of the surviving parent or any other person, a grandparent or
18 stepparent of the child may petition for visitation privileges with respect to the child,
19 whether or not the person with custody is married. The grandparent or stepparent
20 may file the petition in a guardianship or temporary guardianship proceeding under
21 this chapter that affects the minor child or may file the petition to commence an
22 independent action under this chapter. The Except as provided in sub. (3m), the
23 court may grant reasonable visitation privileges to the grandparent or stepparent if

1 the surviving parent or other person who has custody of the child has notice of the
2 hearing and if the court determines that visitation is in the best interest of the child.

3 ***b1237/1.7* SECTION 3111j.** 880.155 (3m) of the statutes is created to read:

4 880.155 (3m) (a) Except as provided in par. (b), the court may not grant
5 visitation privileges to a grandparent or stepparent under this section if the
6 grandparent or stepparent has been convicted under s. 940.01 of the first-degree
7 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of
8 a parent of the child, and the conviction has not been reversed, set aside or vacated.

9 (b) Paragraph (a) does not apply if the court determines by clear and convincing
10 evidence that the visitation would be in the best interests of the child. The court shall
11 consider the wishes of the child in making the determination.

12 ***b1237/1.7* SECTION 3111m.** 880.155 (4m) of the statutes is created to read:

13 880.155 (4m) (a) If a grandparent or stepparent granted visitation privileges
14 with respect to a child under this section is convicted under s. 940.01 of the
15 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
16 homicide, of a parent of the child, and the conviction has not been reversed, set aside
17 or vacated, the court shall modify the visitation order by denying visitation with the
18 child upon petition, motion or order to show cause by a person having custody of the
19 child, or upon the court's own motion, and upon notice to the grandparent or
20 stepparent granted visitation privileges.

21 (b) Paragraph (a) does not apply if the court determines by clear and convincing
22 evidence that the visitation would be in the best interests of the child. The court shall
23 consider the wishes of the child in making the determination.

24 ***b1237/1.7* SECTION 3111p.** 880.157 of the statutes is created to read:

1 **880.157 Prohibiting visitation or physical placement if a parent kills**
2 **other parent.** (1) Except as provided in sub. (2), in an action under this chapter
3 that affects a minor child, a court may not grant to a parent of the child visitation or
4 physical placement rights with the child if the parent has been convicted under s.
5 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree
6 intentional homicide, of the child's other parent, and the conviction has not been
7 reversed, set aside or vacated.

8 (2) Subsection (1) does not apply if the court determines by clear and
9 convincing evidence that visitation or periods of physical placement would be in the
10 best interests of the child. The court shall consider the wishes of the child in making
11 the determination.”.

12 ***b1674/2.1* 1512.** Page 1431, line 11: after that line insert:

13 ***b1674/2.1* “SECTION 3113m.** 895.505 of the statutes is created to read:

14 **895.505 Disposal of records containing personal information.** (1)

15 DEFINITIONS. In this section:

16 (a) “Credit card” has the meaning given in s. 421.301 (15).

17 (am) “Dispose” does not include a sale of a record or the transfer of a record for
18 value.

19 (b) “Financial institution” means any bank, savings bank, savings and loan
20 association or credit union that is authorized to do business under state or federal
21 laws relating to financial institutions, any issuer of a credit card or any investment
22 company.

23 (c) “Investment company” has the meaning given in s. 180.0103 (11e).

1 (d) “Medical business” means any organization or enterprise operated for profit
2 or not for profit, including a sole proprietorship, partnership, firm, business trust,
3 joint venture, syndicate, corporation, limited liability company or association, that
4 possesses information, other than personnel records, relating to a person’s physical
5 or mental health, medical history or medical treatment.

6 (e) “Personal information” means any of the following:

7 1. Personally identifiable data about an individual’s medical condition, if the
8 data are not generally considered to be public knowledge.

9 2. Personally identifiable data that contain an individual’s account or customer
10 number, account balance, balance owing, credit balance or credit limit, if the data
11 relate to an individual’s account or transaction with a financial institution.

12 3. Personally identifiable data provided by an individual to a financial
13 institution upon opening an account or applying for a loan or credit.

14 4. Personally identifiable data about an individual’s federal, state or local tax
15 returns.

16 (f) “Personally identifiable” means capable of being associated with a particular
17 individual through one or more identifiers or other information or circumstances.

18 (g) “Record” means any material on which written, drawn, printed, spoken,
19 visual or electromagnetic information is recorded or preserved, regardless of
20 physical form or characteristics.

21 (h) “Tax preparation business” means any organization or enterprise operated
22 for profit, including a sole proprietorship, partnership, firm, business trust, joint
23 venture, syndicate, corporation, limited liability company or association, that for a
24 fee prepares an individual’s federal, state or local tax returns or counsels an
25 individual regarding the individual’s federal, state or local tax returns.

1 **(2) DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION.** A financial
2 institution, medical business or tax preparation business may not dispose of a record
3 containing personal information unless the financial institution, medical business,
4 tax preparation business or other person under contract with the financial
5 institution, medical business or tax preparation business does any of the following:

6 (a) Shreds the record before the disposal of the record.

7 (b) Erases the personal information contained in the record before the disposal
8 of the record.

9 (c) Modifies the record to make the personal information unreadable before the
10 disposal of the record.

11 (d) Takes actions that it reasonably believes will ensure that no unauthorized
12 person will have access to the personal information contained in the record for the
13 period between the record's disposal and the record's destruction.

14 **(3) CIVIL LIABILITY; DISPOSAL AND USE.** (a) A financial institution, medical
15 business or tax preparation business is liable to a person whose personal information
16 is disposed of in violation of sub. (2) for the amount of damages resulting from the
17 violation.

18 (b) Any person who, for any purpose, uses personal information contained in
19 a record that was disposed of by a financial institution, medical business or tax
20 preparation business is liable to an individual who is the subject of the information
21 and to the financial institution, medical business or tax preparation business that
22 disposed of the record for the amount of damages resulting from the person's use of
23 the information. This paragraph does not apply to a person who uses personal
24 information with the authorization or consent of the individual who is the subject of
25 the information.

1 (4) PENALTIES; DISPOSAL AND USE. (a) A financial institution, medical business
2 or tax preparation business that violates sub. (2) may be required to forfeit not more
3 than \$1,000. Acts arising out of the same incident or occurrence shall be a single
4 violation.

5 (b) Any person who possesses a record that was disposed of by a financial
6 institution, medical business or tax preparation business and who intends to use, for
7 any purpose, personal information contained in the record may be fined not more
8 than \$1,000 or imprisoned for not more than 90 days or both. This paragraph does
9 not apply to a person who possesses a record with the authorization or consent of the
10 individual whose personal information is contained in the record.”.

11 ***b1822/1.8* 1513.** Page 1431, line 11: after that line insert:

12 ***b1822/1.8* “SECTION 3111m.** 895.035 (4) of the statutes is amended to read:

13 895.035 (4) Except for recovery under sub. (4a) or for retail theft under s.
14 943.51, the maximum recovery under this section from any parent or parents may
15 not exceed the amount specified in s. 799.01 (1) (d) for damages resulting from any
16 one act of a juvenile in addition to taxable costs and disbursements and reasonable
17 attorney fees, as determined by the court. If 2 or more juveniles in the custody of the
18 same parent or parents commit the same act the total recovery under this section
19 may not exceed the amount specified in s. 799.01 (1) (d), in addition to taxable costs
20 and disbursements. The maximum recovery from any parent or parents for retail
21 theft by their minor child is established under s. 943.51.

22 ***b1822/1.8* SECTION 3111t.** 895.035 (4a) of the statutes is created to read:

23 895.035 (4a) (a) The maximum recovery under this section by a school board
24 or a governing body of a private school from any parent or parents with custody of

1 a minor child may not exceed \$20,000 for damages resulting from any one act of the
2 minor child in addition to taxable costs and disbursements and reasonable attorney
3 fees, as determined by the court, for damages caused to the school board or the
4 governing body of a private school by any of the following actions of the minor child:

5 1. An act or threat that endangers the property, health or safety of persons at
6 the school or under the supervision of a school authority or that damages the
7 property of a school board or the governing body of a private school and that results
8 in a substantial disruption of a school day or a school activity.

9 2. An act resulting in a violation of s. 943.01, 943.02, 943.03, 943.05, 943.06 or
10 947.015.

11 (b) In addition to other recoverable damages, damages under par. (a) may
12 include the cost to the school board or the governing body of a private school in loss
13 of instructional time directly resulting from the action of the minor child under par.
14 (a).

15 (c) If 2 or more minor children in the custody of the same parent or parents are
16 involved in the same action under par. (a), the total recovery may not exceed \$20,000,
17 in addition to taxable costs, disbursements and reasonable attorney fees, as
18 determined by the court.

19 (d) If an insurance policy does not explicitly provide coverage for actions under
20 par. (a), the issuer of that policy is not liable for the damages resulting from those
21 actions.”

22 *b1832/1.1* **1514.** Page 1431, line 11: after that line insert:

23 *b1832/1.1* “SECTION 3113m. 895.58 of the statutes is created to read:

1 **895.58 Liability exemption; use of special waste under public works**
2 **contracts.** (1) In this section:

3 (a) "Department" means the department of natural resources.

4 (b) "Local governmental unit" means a political subdivision of this state, a
5 special purpose district in this state, an agency or corporation of such a political
6 subdivision or special purpose district, or a combination or subunit of any of the
7 foregoing.

8 (c) "Public works project" means any work done under contract to a state agency
9 or local governmental unit.

10 (d) "Special waste" means any solid waste which is characterized for beneficial
11 use in public works projects by the department of natural resources.

12 (2) The department may characterize a solid waste for beneficial use in public
13 works projects by rule, memorandum of understanding between itself and other
14 state agencies or local governmental units, or on a case-by-case basis. The
15 department shall compile and maintain a list of special wastes in a format readily
16 available to the general public and only those special wastes may be required by
17 contracting agencies to be used in a public works project.

18 (3) Special waste, when used in a public works project, is not subject to
19 regulation as solid waste under ch. 289.

20 (4) A person is immune from liability for the use of special waste on a public
21 works project or for damages resulting from the person's actions or omissions
22 relating to the use of the special waste on a public works project if all of the following
23 apply:

24 (a) The acts or omissions by the person occurred while performing work under
25 a contract for a public works project including acts or omissions by any person who

1 has a direct contractual relationship with the prime contractor, as defined in s.
2 779.01 (2) (d), under a contract for a public works project to perform labor or furnish
3 materials.

4 (b) The acts or omissions involving the special wastes were required or
5 permitted in a contract for a public works project and the acts or omissions conformed
6 to the provisions of the contract.

7 (5) Subsection (4) does not apply to any person to whom either of the following
8 applies:

9 (a) The person's act or omission involved reckless, wanton or intentional
10 misconduct.

11 (b) The person's act or omission resulted in injury or death to an individual.”

12 *b1867/2.7* **1515.** Page 1431, line 11: after that line insert:

13 *b1867/2.7* “SECTION 3113g. 895.48 (1m) (intro.) of the statutes, as affected
14 by 1997 Wisconsin Acts 67 and 156, is amended to read:

15 895.48 (1m) (intro.) Any physician or athletic trainer licensed under ch. 448,
16 chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency
17 medical technician licensed under s. 146.50, physician assistant licensed under ch.
18 448, registered nurse licensed under ch. 441 or a massage therapist or bodyworker
19 issued a license of registration under subch. X of ch. 440 who renders voluntary
20 health care to a participant in an athletic event or contest sponsored by a nonprofit
21 corporation, as defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001
22 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655
23 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that
24 care if all of the following conditions exist:

1 ***b1867/2.7* SECTION 3113m.** 895.48 (1m) (b) of the statutes, as affected by
2 1997 Wisconsin Act 156, is amended to read:

3 895.48 (1m) (b) The physician, athletic trainer, chiropractor, dentist,
4 emergency medical technician, physician assistant, registered nurse, massage
5 therapist or bodyworker does not receive compensation for the health care, other
6 than reimbursement for expenses.”.

7 ***b1225/2.3* 1516.** Page 1431, line 22: after that line insert:

8 ***b1225/2.3* “SECTION 3130m.** 938.20 (8) of the statutes is amended to read:

9 938.20 (8) If a juvenile is held in custody, the intake worker shall notify the
10 juvenile’s parent, guardian and legal custodian of the reasons for holding the juvenile
11 in custody and of the juvenile’s whereabouts unless there is reason to believe that
12 notice would present imminent danger to the juvenile. If a juvenile who has violated
13 the 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, the
20 right to counsel under s. 938.23 regardless of ability to pay and the right to present
21 and cross-examine witnesses at the hearing. If the parent, guardian or legal
22 custodian is not immediately available, the intake worker or another person
23 designated by the court shall provide notice as soon as possible. When the juvenile
24 is alleged to have committed a delinquent act, the juvenile shall receive the same

1 notice about the detention hearing as the parent, guardian or legal custodian. The
2 intake worker shall notify both the juvenile and the juvenile's parent, guardian or
3 legal custodian.

4 ***b1225/2.3* SECTION 3131m.** 938.21 (3) (d) of the statutes is amended to read:

5 938.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian
6 or legal custodian shall be informed by the court of the allegations that have been
7 made or may be made, the nature and possible consequences of this hearing as
8 compared to possible future hearings, the right to counsel under s. 938.23 regardless
9 of ability to pay, the right to confront and cross-examine witnesses and the right to
10 present witnesses.

11 ***b1225/2.3* SECTION 3142g.** 938.23 (2) of the statutes is created to read:

12 938.23 (2) (a) Whenever a juvenile is alleged to be in need of protection or
13 services under s. 938.13, any parent under 18 years of age who appears before the
14 court shall be represented by counsel; but no such parent may waive counsel.

15 (b) If a petition under s. 938.13 is contested, no juvenile may be placed outside
16 his or her home unless the nonpetitioning parent is represented by counsel at the
17 fact-finding hearing and subsequent proceedings. If the petition is not contested,
18 the juvenile may not be placed outside his or her home unless the nonpetitioning
19 parent is represented by counsel at the hearing at which the placement is made. A
20 parent who is required under this paragraph to be represented by counsel may,
21 however, waive counsel if the court is satisfied that such waiver is knowingly and
22 voluntarily made, and the court may place the juvenile outside the home even though
23 the parent was not represented by counsel.

24 ***b1225/2.3* SECTION 3142m.** 938.23 (3) of the statutes is amended to read:

1 938.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings~~
2 ~~under s. 938.13, at~~ At any time, upon request or on its own motion, the court may
3 appoint counsel for the juvenile or any party, unless the juvenile or the party has or
4 wishes to retain counsel of his or her own choosing. ~~The court may not appoint~~
5 ~~counsel for any party other than the juvenile in a proceeding under s. 938.13.~~

6 ***b1225/2.3* SECTION 3142p.** 938.23 (4) of the statutes is amended to read:

7 938.23 (4) PROVIDING COUNSEL. In any situation under this section in which a
8 person juvenile has a right to be represented by counsel or is provided counsel at the
9 discretion of the court and counsel is not knowingly and voluntarily waived, the court
10 shall refer the person juvenile to the state public defender and counsel shall be
11 appointed by the state public defender under s. 977.08 without a determination of
12 indigency. In any situation under sub. (2) in which a parent 18 years of age or over
13 is entitled to representation by counsel; counsel is not knowingly and voluntarily
14 waived; and it appears that the parent is unable to afford counsel in full, or the parent
15 so indicates; the court shall refer the parent to the authority for indigency
16 determinations specified in s. 977.01 (1). In any other situation under this section
17 in which a person has a right to be represented by counsel or is provided counsel at
18 the discretion of the court, competent and independent counsel shall be provided and
19 reimbursed in any manner suitable to the court regardless of the person's ability to
20 pay, except that the court may not order a person who files a petition under s. 813.122
21 or 813.125 to reimburse counsel for the juvenile who is named as the respondent in
22 that petition.”.

23 ***b1237/1.8* 1517.** Page 1431, line 22: after that line insert:

24 ***b1237/1.8* “SECTION 3130p.** 938.207 (1) (a) of the statutes is amended to read:

1 938.207 (1) (a) The home of a parent or guardian, except that a juvenile may
2 not be held in the home of a parent or guardian if the parent or guardian has been
3 convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05
4 of the 2nd-degree intentional homicide, of a parent of the juvenile, and the conviction
5 has not been reversed, set aside or vacated, unless the person making the custody
6 decision determines by clear and convincing evidence that the placement would be
7 in the best interests of the juvenile. The person making the custody decision shall
8 consider the wishes of the juvenile in making that determination.

9 ***b1237/1.8* SECTION 3130r.** 938.207 (1) (b) of the statutes is amended to read:

10 938.207 (1) (b) The home of a relative, except that a juvenile may not be held
11 in the home of a relative if the relative has been convicted under s. 940.01 of the
12 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
13 homicide, of a parent of the juvenile, and the conviction has not been reversed, set
14 aside or vacated, unless the person making the custody decision determines by clear
15 and convincing evidence that the placement would be in the best interests of the
16 juvenile. The person making the custody decision shall consider the wishes of the
17 juvenile in making that determination.”.

18 ***b1423/2.6* 1518.** Page 1431, line 22: after that line insert:

19 ***b1423/2.6* “SECTION 3129b.** 938.17 (2) (d) of the statutes is amended to read:

20 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
21 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
22 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
23 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
24 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture

1 imposed by the municipal court, the court may not impose a jail sentence but may
2 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
3 years, or, unless the forfeiture was imposed for violating an ordinance unrelated to
4 the juvenile's operation of a motor vehicle, may suspend the juvenile's operating
5 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.
6 If a court suspends a license or privilege under this section, the court shall
7 immediately take possession of the applicable license and forward it to the
8 department that issued the license, together with the notice of suspension clearly
9 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
10 the forfeiture is paid during the period of suspension, the court shall immediately
11 notify the department, which shall thereupon return the license to the person.”

12 *b1654/3.27* **1519.** Page 1431, line 22: after that line insert:

13 *b1654/3.27* “SECTION 3117d. 938.02 (15g) of the statutes is amended to read:

14 938.02 (15g) “Secured child caring institution” means a child caring institution
15 operated by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in
16 secure custody persons adjudged delinquent.

17 *b1654/3.27* SECTION 3118d. 938.02 (15m) of the statutes is amended to read:

18 938.02 (15m) “Secured correctional facility” means a correctional institution
19 operated or contracted for by the department of corrections or operated by the
20 department of health and family services for holding in secure custody persons
21 adjudged delinquent. “Secured correctional facility” includes the Mendota juvenile
22 treatment center under s. 46.057, the facility at which the juvenile boot camp
23 program under s. 938.532 is operated, and a facility authorized under s. 938.533 (3)
24 (b), 938.538 (4) (b) or 938.539 (5).

1 ***b1654/3.27* SECTION 3119d.** 938.02 (15p) of the statutes is created to read:
2 938.02 (15p) “Secured group home” means a group home that is licensed under
3 s. 48.66 (1) (b) to hold in secure custody persons who have been convicted under s.
4 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4m).

5 ***b1654/3.27* SECTION 3120d.** 938.02 (17) of the statutes is amended to read:
6 938.02 (17) “Shelter care facility” means a nonsecure place of temporary care
7 and physical custody for juveniles, including a holdover room, licensed by the
8 department of health and family services under s. 48.66 (1) (a).

9 ***b1654/3.27* SECTION 3123d.** 938.069 (1) (dj) of the statutes is amended to
10 read:

11 938.069 (1) (dj) Provide aftercare services for a juvenile who has been released
12 from a secured correctional facility ~~or~~, a secured child caring institution or a secured
13 group home.

14 ***b1654/3.27* SECTION 3124d.** 938.08 (3) (a) (intro.) of the statutes is amended
15 to read:

16 938.08 (3) (a) (intro.) In addition to the law enforcement authority specified in
17 sub. (2), department personnel designated by the department ~~and~~, personnel of an
18 agency contracted with under s. 301.08 (1) (b) 3. designated by agreement between
19 the agency and the department and personnel of a county contracted with under s.
20 301.08 (1) (b) 4. designated by agreement between the county and the department
21 have the power of law enforcement authorities to take a juvenile into physical
22 custody under the following conditions:

23 ***b1654/3.27* SECTION 3125d.** 938.08 (3) (a) 1. of the statutes is amended to
24 read:

1 938.08 (3) (a) 1. If they are in prompt pursuit of a juvenile who has run away
2 from a secured correctional facility ~~or, a child caring institution~~ or a secured group
3 home.

4 ***b1654/3.27* SECTION 3126d.** 938.08 (3) (a) 2. of the statutes is amended to
5 read:

6 938.08 (3) (a) 2. If the juvenile has failed to return to a secured correctional
7 facility ~~or, a child caring institution~~ or a secured group home after any authorized
8 absence.

9 ***b1654/3.27* SECTION 3127d.** 938.08 (3) (b) of the statutes is amended to read:

10 938.08 (3) (b) A juvenile who is taken into custody under par. (a) may be
11 returned directly to the secured correctional facility ~~or, child caring institution~~ or
12 secured group home and shall have a hearing regarding placement in a disciplinary
13 cottage or in disciplinary status in accordance with ch. 227.

14 ***b1654/3.27* SECTION 3128d.** 938.17 (1) (c) of the statutes is amended to read:

15 938.17 (1) (c) If the court of civil or criminal jurisdiction orders the juvenile to
16 serve a period of incarceration of 6 months or more, that court shall petition the court
17 assigned to exercise jurisdiction under this chapter and ch. 48 to order one or more
18 of the dispositions provided in s. 938.34, including placement of the juvenile in a
19 secured correctional facility, a secured child caring institution or a secured group
20 home under s. 938.34 (4m), if appropriate.

21 ***b1654/3.27* SECTION 3130d.** 938.183 (1) (a) of the statutes is amended to
22 read:

23 938.183 (1) (a) A juvenile who has been adjudicated delinquent and who is
24 alleged to have violated s. 940.20 (1) or 946.43 while placed in a secured correctional
25 facility, a secure detention facility ~~or, a secured child caring institution~~ or a secured

1 group home or who has been adjudicated delinquent and who is alleged to have
2 committed a violation of s. 940.20 (2m).

3 *b1654/3.27* SECTION 3131d. 938.208 (2) of the statutes is amended to read:

4 938.208 (2) Probable cause exists to believe that the juvenile is a fugitive from
5 another state or has run away from a secured correctional facility, a secured child
6 caring institution or a secured group home and there has been no reasonable
7 opportunity to return the juvenile.

8 *b1654/3.27* SECTION 3132d. 938.22 (title) of the statutes is amended to read:

9 938.22 (title) **Establishment of secure detention facilities and shelter**
10 **care county or private juvenile facilities.**

11 *b1654/3.27* SECTION 3133d. 938.22 (1) (a) of the statutes is amended to read:

12 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of any
13 county may establish a secured group home or a secure detention facility in
14 accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or
15 more counties may jointly establish a secured group home or a secure detention
16 facility in accordance with ss. 46.20, 301.36 and 301.37. The county board of
17 supervisors of any county may establish a ~~secure detention facility~~ or a shelter care
18 facility ~~or both~~ in accordance with ss. 46.16 and 46.17 or the county boards of
19 supervisors for 2 or more counties may jointly establish a ~~secure detention facility~~
20 ~~or a shelter care facility or both~~ in accordance with ss. 46.16, 46.17 and 46.20 and
21 301.36. A private entity may establish a secure detention facility in accordance with
22 ss. 301.36 and 301.37 and contract with one or more county boards of supervisors
23 under s. 938.222 for holding juveniles in the private secure detention facility.

24 *b1654/3.27* SECTION 3134d. 938.22 (1) (b) of the statutes is amended to read:

1 938.22 (1) (b) Subject to sub. (3) (ar), in counties having a population of less
2 than 500,000, the nonjudicial operational policies of a public secured group home,
3 secure detention facility or shelter care facility shall be determined by the county
4 board of supervisors or, in the case of a public secured group home, secure detention
5 facility or shelter care facility established by 2 or more counties, by the county boards
6 of supervisors for the 2 or more counties jointly. Those policies shall be executed by
7 the superintendent appointed under sub. (3) (a).

8 ***b1654/3.27* SECTION 3135d.** 938.22 (1) (c) of the statutes is amended to read:

9 938.22 (1) (c) In counties having a population of 500,000 or more, the
10 nonjudicial operational policies of a public secured group home, secure detention
11 facility and the detention section of the children's court center shall be established
12 by the county board of supervisors, and the execution thereof shall be the
13 responsibility of the director of the children's court center.

14 ***b1654/3.27* SECTION 3136d.** 938.22 (2) (a) of the statutes is amended to read:

15 938.22 (2) (a) Counties shall submit plans for the secured group home, secure
16 detention facility or juvenile portion of the county jail to the department of
17 corrections and submit plans for the shelter care facility to the department of health
18 and family services. A private entity that proposes to establish a secure detention
19 facility shall submit plans for the secure detention facility to the department of
20 corrections. The applicable department shall review the submitted plans. A county
21 or a private entity may not implement any such plan unless the applicable
22 department has approved the plan. The department of corrections shall promulgate
23 rules establishing minimum requirements for the approval of the operation of
24 secured group homes, secure detention facilities and the juvenile portion of county

1 jails. The plans and rules shall be designed to protect the health, safety and welfare
2 of the juveniles ~~in these~~ placed in those facilities.

3 ***b1654/3.27* SECTION 3137d.** 938.22 (3) (a) of the statutes is amended to read:

4 938.22 (3) (a) In counties having a population of less than 500,000, public
5 secured group homes, secure detention facilities and public shelter care facilities
6 shall be in the charge of a superintendent. The county board of supervisors or, where
7 2 or more counties operate joint public secured group homes, secure detention
8 facilities or public shelter care facilities, the county boards of supervisors for the 2
9 or more counties jointly shall appoint the superintendent and other necessary
10 personnel for the care and education of the juveniles ~~in secure detention or shelter~~
11 ~~care~~ placed in those facilities, subject to par. (am) and to civil service regulations in
12 counties having civil service.

13 ***b1654/3.27* SECTION 3138d.** 938.22 (3) (b) of the statutes is amended to read:

14 938.22 (3) (b) In counties having a population of 500,000 or more, the director
15 of the children's court center shall be in charge of and responsible for public secured
16 group homes, secure detention facilities, the secure detention section of the center
17 and the personnel assigned to this section, including a detention supervisor or
18 superintendent. The director of the children's court center may also serve as
19 superintendent of detention if the county board of supervisors so determines.

20 ***b1654/3.27* SECTION 3139d.** 938.22 (7) (a) of the statutes is amended to read:

21 938.22 (7) (a) No person may establish a shelter care facility without first
22 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to
23 operate a shelter care facility, a person must meet the minimum requirements for a
24 license established by the department of health and family services under s. 48.67,
25 meet the requirements specified in s. 48.685 and pay the license fee under par. (b).

1 A license issued under s. 48.66 (1) (a) to operate a shelter care facility is valid until
2 revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

3 ***b1654/3.27* SECTION 3140d.** 938.22 (7) (b) of the statutes is amended to read:

4 938.22 (7) (b) Before the department of health and family services may issue
5 a license under s. 48.66 (1) (a) to operate a shelter care facility, the shelter care facility
6 must pay to that department a biennial fee of \$60.50, plus a biennial fee of \$18.15
7 per juvenile, based on the number of juveniles that the shelter care facility is licensed
8 to serve. A shelter care facility that wishes to continue a license issued under s. 48.66
9 (1) (a) shall pay the fee under this paragraph by the continuation date of the license.
10 A new shelter care facility shall pay the fee under this paragraph by no later than
11 30 days before the opening of the shelter care facility.

12 ***b1654/3.27* SECTION 3141d.** 938.22 (7) (c) of the statutes is amended to read:

13 938.22 (7) (c) A shelter care facility that wishes to continue a license issued
14 under s. 48.66 (1) (a) and that fails to pay the fee under par. (b) by the continuation
15 date of the license or a new shelter care facility that fails to pay the fee under par.
16 (b) by 30 days before the opening of the shelter care facility shall pay an additional
17 fee of \$5 per day for every day after the deadline that the facility fails to pay the fee.

18 ***b1654/3.27* SECTION 3142d.** 938.23 (1) (a) of the statutes is amended to read:

19 938.23 (1) (a) Any juvenile alleged to be delinquent under s. 938.12 or held in
20 a secure detention facility shall be represented by counsel at all stages of the
21 proceedings, but a juvenile 15 years of age or older may waive counsel if the court is
22 satisfied that the waiver is knowingly and voluntarily made and the court accepts
23 the waiver. If the waiver is accepted, the court may not place the juvenile in a secured
24 correctional facility, a secured child caring institution or a secured group home,

1 transfer supervision of the juvenile to the department for participation in the serious
2 juvenile offender program or transfer jurisdiction over the juvenile to adult court.”.

3 *b1225/2.4* **1520.** Page 1432, line 21: after that line insert:

4 *b1225/2.4* “SECTION 3142r. 938.243 (1) (e) of the statutes is amended to read:
5 938.243 (1) (e) The right of the juvenile to counsel under s. 938.23.”.

6 *b1225/2.5* **1521.** Page 1434, line 2: after that line insert:

7 *b1225/2.5* “SECTION 3148m. 938.27 (4) (b) of the statutes is amended to read:
8 938.27 (4) (b) Advise the juvenile and any other party, if applicable, of his or
9 her right to legal counsel regardless of ability to pay.”.

10 *b1237/1.9* **1522.** Page 1435, line 2: after that line insert:

11 *b1237/1.9* “SECTION 3153p. 938.34 (3) (a) of the statutes is amended to read:
12 938.34 (3) (a) The home of a parent or other relative of the juvenile, except that
13 the court may not designate the home of a parent or other relative of the juvenile as
14 the juvenile’s placement if the parent or other relative has been convicted under s.
15 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree
16 intentional homicide, of a parent of the juvenile, and the conviction has not been
17 reversed, set aside or vacated, unless the court determines by clear and convincing
18 evidence that the placement would be in the best interests of the juvenile. The court
19 shall consider the wishes of the juvenile in making that determination.

20 *b1237/1.9* SECTION 3153r. 938.34 (3) (b) of the statutes is amended to read:

21 938.34 (3) (b) ~~A home which need not be~~ The home of a person who is not
22 required to be licensed if placement is for less than 30 days, except that the court may
23 not designate the name of a person who is not required to be licensed as the juvenile’s
24 placement if the person has been convicted under s. 940.01 of the first-degree

1 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of
2 a parent of the juvenile, and the conviction has not been reversed, set aside or
3 vacated, unless the court determines by clear and convincing evidence that the
4 placement would be in the best interests of the juvenile. The court shall consider the
5 wishes of the juvenile in making that determination.”.

6 *b1654/3.28* **1523.** Page 1435, line 2: after that line insert:

7 *b1654/3.28* “SECTION 3151d. 938.33 (3) (intro.) of the statutes is amended
8 to read:

9 938.33 (3) CORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending
10 placement of a juvenile in a secured correctional facility ~~under the supervision of the~~
11 ~~department or~~, a secured child caring institution or a secured group home shall be
12 in writing, except that the report may be presented orally at the dispositional
13 hearing if the juvenile and the juvenile’s counsel consent. A report that is presented
14 orally shall be transcribed and made a part of the court record. In addition to the
15 information specified under sub. (1) (a) to (d), the report shall include all of the
16 following:

17 *b1654/3.28* SECTION 3152d. 938.33 (3) (a) of the statutes is amended to read:

18 938.33 (3) (a) A description of any less restrictive alternatives that are
19 available and that have been considered, and why they have been determined to be
20 inappropriate. If the judge has found that any of the conditions specified in s. 938.34
21 (4m) (b) 1., 2. or 3. applies, the report shall indicate that a less restrictive alternative
22 than placement in a secured correctional facility ~~or~~, a secured child caring institution
23 or a secured group home is not appropriate.

24 *b1654/3.28* SECTION 3153d. 938.33 (3r) of the statutes is amended to read:

1 938.33 (3r) SERIOUS JUVENILE OFFENDER REPORT. If a juvenile has been
2 adjudicated delinquent for committing a violation for which the juvenile may be
3 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report
4 shall be in writing and, in addition to the information specified in sub. (1) and in sub.
5 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for
6 placement in the serious juvenile offender program under s. 938.34 (4h) or in a
7 secured correctional facility or a secured group home under s. 938.34 (4m), a
8 placement specified in s. 938.34 (3) or placement in the juvenile's home with
9 supervision and community-based programming and a recommendation as to the
10 type of placement for which the juvenile is best suited.".

11 ***b1654/3.29* 1524.** Page 1435, line 3: after that line insert:

12 ***b1654/3.29*** "SECTION 3155d. 938.34 (4m) (intro.) of the statutes is amended
13 to read:

14 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a secured
15 correctional facility or a secured child caring institution under the supervision of the
16 department or in a secured group home under the supervision of a county
17 department if the juvenile is 12 years of age or over or, if the juvenile is under 12 years
18 of age, in a secured child caring institution under the supervision of the department
19 or in a secured group home under the supervision of a county department, unless the
20 department, after an examination under s. 938.50, determines that placement in a
21 secured correctional facility is more appropriate, but only if all of the following apply:

22 ***b1654/3.29*** SECTION 3156d. 938.34 (4n) (intro.) of the statutes is amended
23 to read:

1 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to s. 938.532 (3) and to any
2 arrangement between the department and a county department regarding the
3 provision of aftercare supervision for juveniles who have been released from a
4 secured correctional facility ~~or~~, a secured child caring institution or a secured group
5 home, designate one of the following to provide aftercare supervision for the juvenile
6 following the juvenile's release from the secured correctional facility ~~or~~, secured child
7 caring institution or secured group home:

8 ***b1654/3.29* SECTION 3157d.** 938.34 (4n) (b) of the statutes is amended to
9 read:

10 938.34 (4n) (b) The county department of the county of the court that placed
11 the juvenile in the secured correctional facility ~~or~~, secured child caring institution or
12 secured group home.”.

13 ***b1035/1.7* 1525.** Page 1435, line 4: delete lines 4 to 8.

14 ***b1237/1.10* 1526.** Page 1435, line 8: after that line insert:

15 ***b1237/1.10* “SECTION 3163k.** 938.355 (3) of the statutes is renumbered
16 938.355 (3) (a) and amended to read:

17 938.355 (3) (a) If Except as provided in par. (b), if, after a hearing on the issue
18 with due notice to the parent or guardian, the court finds that it would be in the best
19 interest of the juvenile, the court may set reasonable rules of parental visitation.

20 ***b1237/1.10* SECTION 3163m.** 938.355 (3) (b) of the statutes is created to read:

21 938.355 (3) (b) 1. Except as provided in subd. 2., the court may not grant
22 visitation under par. (a) to a parent of a juvenile if the parent has been convicted
23 under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the

1 2nd-degree intentional homicide, of the juvenile's other parent, and the conviction
2 has not been reversed, set aside or vacated.

3 1m. Except as provided in subd. 2., if a parent who is granted visitation rights
4 with a juvenile under par. (a) is convicted under s. 940.01 of the first-degree
5 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of
6 the juvenile's other parent, and the conviction has not been reversed, set aside or
7 vacated, the court shall issue an order prohibiting the parent from having visitation
8 with the juvenile on petition of the juvenile, the guardian or legal custodian of the
9 juvenile, a person or agency bound by the dispositional order or the district attorney
10 or corporation counsel of the county in which the dispositional order was entered, or
11 on the court's own motion, and on notice to the parent.

12 2. Subdivisions 1. and 1m. do not apply if the court determines by clear and
13 convincing evidence that the visitation would be in the best interests of the juvenile.
14 The court shall consider the wishes of the juvenile in making that determination.

15 ***b1237/1.10* SECTION 3165k.** 938.357 (4d) of the statutes is created to read:

16 938.357 (4d) (a) Except as provided in par. (b), the court may not change a
17 juvenile's placement to a placement in the home of a person who has been convicted
18 under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the
19 2nd-degree intentional homicide, of a parent of the juvenile, if the conviction has not
20 been reversed, set aside or vacated.

21 (am) Except as provided in par (b), if a parent in whose home a juvenile is placed
22 is convicted under s. 940.01 of the first-degree intentional homicide, or under s.
23 940.05 of the 2nd-degree intentional homicide, of the juvenile's other parent, and the
24 conviction has not been reversed, set aside or vacated, the court shall change the
25 juvenile's placement to a placement out of the home of the parent on petition of the

1 juvenile, the guardian or legal custodian of the juvenile, a person or agency bound
2 by the dispositional order or the district attorney or corporation counsel of the county
3 in which the dispositional order was entered, or on the court's own motion, and on
4 notice to the parent.

5 (b) Paragraphs (a) and (am) do not apply if the court determines by clear and
6 convincing evidence that the placement would be in the best interests of the juvenile.
7 The court shall consider the wishes of the juvenile in making that determination.”.

8 *b1423/2.7* **1527.** Page 1435, line 8: after that line insert:

9 *b1423/2.7* “**SECTION 3159b.** 938.34 (8) of the statutes is amended to read:

10 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
11 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
12 maximum forfeiture that the court may impose under this subsection for a violation
13 by a juvenile is the maximum amount of the fine that may be imposed on an adult
14 for committing that violation or, if the violation is applicable only to a person under
15 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
16 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
17 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
18 other alternatives under this section, in accordance with the conditions specified in
19 this chapter; or the court may suspend any license issued under ch. 29 for not less
20 than 30 days nor more than 5 years, or, unless the forfeiture was imposed for
21 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may
22 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not less
23 than 30 days nor more than 5 years. If the court suspends any license under this
24 subsection, the clerk of the court shall immediately take possession of the suspended

1 license and forward it to the department which issued the license, together with a
2 notice of suspension clearly stating that the suspension is for failure to pay a
3 forfeiture imposed by the court. If the forfeiture is paid during the period of
4 suspension, the suspension shall be reduced to the time period which has already
5 elapsed and the court shall immediately notify the department which shall then
6 return the license to the juvenile. Any recovery under this subsection shall be
7 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)
8 (b).

9 ***b1423/2.7* SECTION 3161b.** 938.343 (2) of the statutes is amended to read:

10 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
11 be imposed on an adult for committing that violation or, if the violation is only
12 applicable to a person under 18 years of age, \$50. Any such order shall include a
13 finding that the juvenile alone is financially able to pay and shall allow up to 12
14 months for the payment. If a juvenile fails to pay the forfeiture, the court may
15 suspend any license issued under ch. 29 or, unless the forfeiture was imposed for
16 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may
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. The court shall immediately take possession
19 of the suspended license and forward it to the department which issued the license,
20 together with the notice of suspension clearly stating that the suspension is for
21 failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the
22 period of suspension, the court shall immediately notify the department, which will
23 thereupon return the license to the person. Any recovery under this subsection shall
24 be reduced by the amount recovered as a forfeiture for the same act under s. 938.45
25 (1r) (b).".