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1 petition and notice of the time for hearing under s. 813.12 (3) has constructive  
2 knowledge of the existence of the injunction and shall be arrested for violation of the  
3 injunction regardless of whether he or she has been served with a copy of the  
4 injunction.

5 \*b2892/3.3\* SECTION 519mz. 814.61 (1) (e) of the statutes is amended to read:

6 814.61 (1) (e) No fee charged under this subsection in any action commenced  
7 under s. 813.122, 813.123, or 813.125 may be collected from a petitioner under s.  
8 813.122, 813.123, or 813.125 if the petition alleges conduct that is the same as or  
9 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (a)  
10 (am) 1. to -4. 6. If no fee is collected under this paragraph, the fee charged under this  
11 subsection for petitions filed and granted under s. 813.122, 813.123, or 813.125 shall  
12 be collected from the respondent under s. 813.122, 813.123, or 813.125 if he or she  
13 is convicted of violating a temporary restraining order or injunction issued under s.  
14 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4)."

15 ✓ \*b2892/3.4\* 465. Page 225, line 3: after that line insert:

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16 ✓ \*b2892/3.4\* "SECTION 523c. 814.70 (1) of the statutes is amended to read:

17 814.70 (1) SERVICE OF PROCESS. For each service or attempted service of a  
18 summons or any other process for commencement of an action, a writ, an order of  
19 injunction, a subpoena, or any other order, \$12 for each defendant or person. If there  
20 is more than one defendant or person to be served at a given address, \$6 for each  
21 additional defendant or person. No fee charged under this subsection in any action  
22 commenced under s. 813.12, 813.122, or 813.123 may be collected from a petitioner  
23 under s. 813.12, 813.122, or 813.123. The fee charged under this subsection in any  
24 action commenced under s. 813.12, 813.122, 813.123, or 813.125 shall be collected

1 from the respondent under s. 813.12, 813.122, or 813.123 if he or she is convicted of  
2 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),  
3 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4). No fee charged under this  
4 subsection in any action commenced under s. 813.125 may be collected from a  
5 petitioner under s. 813.125 if the petition alleges conduct that is the same as or  
6 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~  
7 (am) 1. to ~~4.~~ 6. If no fee is collected under this subsection from a petitioner under  
8 s. 813.125, the fee charged under this subsection in any action commenced under s.  
9 813.125 shall be collected from the respondent under s. 813.125 if he or she is  
10 convicted of violating a temporary restraining order or injunction issued under s.  
11 813.125 (3) or (4).

12 ✓ **\*b2892/3.4\* SECTION 523f.** 814.70 (3) (intro.) of the statutes is amended to  
13 read:

14 814.70 (3) (intro.) For travel in serving any summons, writ or other process,  
15 except criminal warrants, and except that a fee under this subsection in any action  
16 commenced under s. 813.12, 813.122, or 813.123 may not be collected from a  
17 petitioner but shall be collected from the respondent if he or she is convicted of  
18 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),  
19 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4), and except that a fee under  
20 this subsection in any action commenced under s. 813.125 may not be collected from  
21 a petitioner if the petition alleges conduct that is the same as or similar to conduct  
22 that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~ (am) 1. to ~~4.~~ 6. but  
23 shall be collected from the respondent if he or she is convicted of violating a  
24 temporary restraining order or injunction issued under s. 813.125 (3) or (4):

25 ✓ **\*b2892/3.4\* SECTION 523h.** 895.73 (1) (a) of the statutes is amended to read:

1           895.73 (1) (a) “Abusive conduct” means domestic abuse, as defined under s.  
2 46.95 (1) (a), 813.12 (1) (~~a~~) (am), or 968.075 (1) (a), harassment, as defined under s.  
3 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault under  
4 s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss.  
5 948.02 to 948.11.

6           √ \*b2892/3.4\* SECTION 523m. 905.045 of the statutes is created to read:

7           **905.045 Domestic violence or sexual assault advocate-victim**  
8 **privilege. (1) DEFINITIONS.** In this section:

9           (a) “Abusive conduct” means abuse, as defined in s. 813.122 (1) (a), of a child,  
10 as defined in s. 48.02 (2), interspousal battery, as described under s. 940.19 or 940.20  
11 (1m), domestic abuse, as defined in s. 813.12 (1) (am), or sexual assault under s.  
12 940.225.

13           (b) “Advocate” means an individual who is an employee of or a volunteer for an  
14 organization the purpose of which is to provide counseling, assistance, or support  
15 services free of charge to a victim.

16           (c) A communication or information is “confidential” if not intended to be  
17 disclosed to 3rd persons other than persons present to further the interest of the  
18 person receiving counseling, assistance, or support services, persons reasonably  
19 necessary for the transmission of the communication or information, and persons  
20 who are participating in providing counseling, assistance, or support services under  
21 the direction of an advocate, including family members of the person receiving  
22 counseling, assistance, or support services and members of any group of individuals  
23 with whom the person receives counseling, assistance, or support services.

1 (d) "Victim" means an individual who has been the subject of abusive conduct  
2 or who alleges that he or she has been the subject of abusive conduct. It is immaterial  
3 that the abusive conduct has not been reported to any government agency.

4 (2) GENERAL RULE OF PRIVILEGE. A victim has a privilege to refuse to disclose and  
5 to prevent any other person from disclosing confidential communications made or  
6 information obtained or disseminated among the victim, an advocate who is acting  
7 in the scope of his or her duties as an advocate, and persons who are participating  
8 in providing counseling, assistance, or support services under the direction of an  
9 advocate, if the communication was made or the information was obtained or  
10 disseminated for the purpose of providing counseling, assistance, or support services  
11 to the victim.

12 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the victim,  
13 by the victim's guardian or conservator, or by the victim's personal representative if  
14 the victim is deceased. The advocate may claim the privilege on behalf of the victim.  
15 The advocate's authority to do so is presumed in the absence of evidence to the  
16 contrary.

17 (4) EXCEPTIONS. Subsection (2) does not apply to any report concerning child  
18 abuse that an advocate is required to make under s. 48.981.

19 (5) RELATIONSHIP TO s. 905.04. If a communication or information that is  
20 privileged under sub. (2) is also a communication or information that is privileged  
21 under s. 905.04 (2), the provisions of s. 905.04 supersede this section with respect to  
22 that communication or information."

23 \*b3077/1.2\* **466.** Page 225, line 3: after that line insert:

24 \*b3077/1.2\* "SECTION 523p. 908.03 (6m) (d) of the statutes is amended to read:

1           908.03 (6m) (d) *Fees*. ~~The~~ Before January 1, 2003, the department of health  
2 and family services shall, by rule, prescribe uniform fees that are based on an  
3 approximation of ~~the~~ actual costs. The fees, plus applicable tax, are the maximum  
4 amount that a health care provider may charge ~~under par. (c) 3~~, for certified duplicate  
5 patient health care records. The rule shall also allow the health care provider to  
6 charge for actual postage or other actual delivery costs. The commencement of an  
7 action is not a prerequisite for the application of this paragraph.

8           \***b3077/1.2**\* SECTION 523q. 908.03 (6m) (d) of the statutes, as affected by 2001  
9 Wisconsin Act .... (this act), is amended to read:

10           908.03 (6m) (d) *Fees*. ~~Before January 1, 2003~~ After December 31, 2002, the  
11 department of health and family services shall, by rule, prescribe uniform fees that  
12 are based on an approximation of actual costs. The fees, plus applicable tax, are the  
13 maximum amount that a health care provider may charge for certified duplicate  
14 patient health care records. The rule shall also allow the health care provider to  
15 charge for actual postage or other actual delivery costs. ~~The commencement of an~~  
16 ~~action is not a prerequisite for the application of this paragraph~~ For duplicate patient  
17 health care records and duplicate X-ray reports or the referral of X-rays to another  
18 health care provider that are requested before commencement of an action, s. 146.83  
19 (1) (b) and (c) and (3m) applies.”.

20           ✓\***b3085/1.4**\* **467**. Page 225, line 13: after “302.113 (9g),” insert “adjustment  
21 of a bifurcated sentence under s. 973.195 (1r).”

22           ✓\***b2483/2.3**\* **468**. Page 225, line 22: after that line insert:

23           ✓\***b2483/2.3**\* “SECTION 529j. 938.295 (2) (a) of the statutes is amended to read:

1           938.295 (2) (a) If there is probable cause to believe that the juvenile has  
2 committed the alleged offense and if there is reason to doubt the juvenile's  
3 competency to proceed, or upon entry of a plea under s. 938.30 (4) (c) the court shall  
4 order the juvenile to be examined by a psychiatrist or licensed psychologist. The  
5 ~~expenses of an~~ cost of the examination, if approved by the court, shall be paid by the  
6 county of the court ordering the examination, and the county may recover that cost  
7 from the juvenile's parent or guardian as provided in par. (c). Evaluation shall be  
8 made on an outpatient basis unless the juvenile presents a substantial risk of  
9 physical harm to the juvenile or others; or the juvenile, parent, or guardian, and legal  
10 counsel or guardian ad litem, consent to an inpatient evaluation. Any inpatient  
11 evaluation shall be for a specified period that is no longer than is necessary to  
12 complete the evaluation.

13           ✓ **\*b2483/2.3\* SECTION 529k.** 938.295 (2) (c) of the statutes is created to read:

14           938.295 (2) (c) A county that pays the cost of an examination under par. (a) may  
15 recover a reasonable contribution toward that cost from the juvenile's parent or  
16 guardian, based on the ability of the parent or guardian to pay. If the examination  
17 is provided or otherwise funded by the county department under s. 46.215, 46.22, or  
18 46.23, the county department shall collect the contribution of the parent or guardian  
19 as provided in s. 301.03 (18). If the examination is provided or otherwise funded by  
20 the county department under s. 51.42 or 51.437, the county department shall collect  
21 the contribution of the parent or guardian as provided in s. 46.03 (18).”.

22           ✓ **\*b3034/1.5\* 469.** Page 225, line 22: after that line insert:

23           ✓ **\*b3034/1.5\* “SECTION 529b.** 938.21 (1) (a) of the statutes, as affected by  
24 Wisconsin Act 61, is amended to read:

1           938.21 (1) (a) If a juvenile who has been taken into custody is not released  
2 under s. 938.20, a hearing to determine whether the juvenile shall continue to be held  
3 in custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the  
4 judge or circuit court commissioner within 24 hours after the end of the day that the  
5 decision to hold the juvenile was made, excluding Saturdays, Sundays, and legal  
6 holidays. By the time of the hearing a petition under s. 938.25 shall be filed, except  
7 that no petition need be filed where a juvenile is taken into custody under s. 938.19  
8 (1) (b) or (d) 2., 6., or 7. or where the juvenile is a runaway from another state, in  
9 which case a written statement of the reasons for holding a juvenile in custody shall  
10 be substituted if the petition is not filed. If no hearing has been held within 24 hours  
11 or if no petition or statement has been filed at the time of the hearing, the juvenile  
12 shall be released except as provided in par. (b). A parent not present at the hearing  
13 shall be granted a rehearing upon request for good cause shown.

14           ✓ \*b3034/1.5\* SECTION 529c. 938.21 (2) (am) of the statutes is amended to read:

15           938.21 (2) (am) A juvenile held in a nonsecure place of custody may waive in  
16 writing his or her right to participate in the hearing under this section. After any  
17 waiver, a hearing rehearing shall be granted upon the request of the juvenile or any  
18 other interested party for good cause shown. Any juvenile transferred to a secure  
19 detention facility shall thereafter have a hearing rehearing under this section.

20           ✓ \*b3034/1.5\* SECTION 529d. 938.21 (3) (am) of the statutes is amended to read:

21           938.21 (3) (am) The parent, guardian, or legal custodian may waive his or her  
22 right to participate in the hearing under this section. ~~Agreement in writing of the~~  
23 ~~juvenile is required if he or she is over 12.~~ After any waiver, a hearing rehearing shall  
24 be granted at the request of any the parent, guardian, legal custodian, or any other  
25 interested party for good cause shown.

1 ✓ \*b3034/1.5\* SECTION 529e. 938.21 (5) (b) 1. of the statutes, as affected by 2001  
2 Wisconsin Act 16, is repealed and recreated to read:

3 938.21 (5) (b) 1. A finding that continued placement of the juvenile in his or her  
4 home would be contrary to the welfare of the juvenile. Unless the judge or circuit  
5 court commissioner finds that any of the circumstances specified in s. 938.355 (2d)  
6 (b) 1. to 4. applies, the order shall in addition include a finding as to whether the  
7 person who took the juvenile into custody and the intake worker have made  
8 reasonable efforts to prevent the removal of the juvenile from the home, while  
9 assuring that the juvenile's health and safety are the paramount concerns, and a  
10 finding as to whether the person who took the juvenile into custody and the intake  
11 worker have made reasonable efforts to make it possible for the juvenile to return  
12 safely home or, if for good cause shown sufficient information is not available for the  
13 judge or circuit court commissioner to make a finding as to whether those reasonable  
14 efforts were made to prevent the removal of the juvenile from the home, a finding as  
15 to whether those reasonable efforts were made to make it possible for the juvenile  
16 to return safely home and an order for the county department or agency primarily  
17 responsible for providing services to the juvenile under the custody order to file with  
18 the court sufficient information for the judge or circuit court commissioner to make  
19 a finding as to whether those reasonable efforts were made to prevent the removal  
20 of the juvenile from the home by no later than 5 days after the date of the order.

21 ✓ \*b3034/1.5\* SECTION 529f. 938.21 (5) (b) 3. of the statutes is created to read:

22 938.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the  
23 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
24 a determination that the county department or agency primarily responsible for  
25 providing services under the custody order is not required to make reasonable efforts

1 with respect to the parent to make it possible for the juvenile to return safely to his  
2 or her home.

3 ✓ **\*b3034/1.5\* SECTION 529g.** 938.21 (5) (c) of the statutes is created to read:

4 938.21 (5) (c) The judge or circuit court commissioner shall make the findings  
5 specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific  
6 to the juvenile and shall document or reference the specific information on which  
7 those findings are based in the custody order. A custody order that merely references  
8 par. (b) 1. or 3. without documenting or referencing that specific information in the  
9 custody order or an amended custody order that retroactively corrects an earlier  
10 custody order that does not comply with this paragraph is not sufficient to comply  
11 with this paragraph.

12 ✓ **\*b3034/1.5\* SECTION 529h.** 938.21 (5) (d) of the statutes is created to read:

13 938.21 (5) (d) 1. If the judge or circuit court commissioner finds that any of the  
14 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
15 the judge or circuit court commissioner shall hold a hearing within 30 days after the  
16 date of that finding to determine the permanency plan for the juvenile. If a hearing  
17 is held under this subdivision, the agency responsible for preparing the permanency  
18 plan shall file the permanency plan with the court not less than 5 days before the date  
19 of the hearing.

20 2. If a hearing is held under subd. 1, at least 10 days before the date of the  
21 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
22 of the juvenile, and any foster parent, treatment foster parent, or other physical  
23 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
24 the hearing.

1           3. The court shall give a foster parent, treatment foster parent, or other  
2 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
3 2. an opportunity to be heard at the hearing by permitting the foster parent,  
4 treatment foster parent, or other physical custodian to make a written or oral  
5 statement during the hearing, or to submit a written statement prior to the hearing,  
6 relevant to the issues to be determined at the hearing. A foster parent, treatment  
7 foster parent, or other physical custodian who receives a notice of a hearing under  
8 subd. 2. and an opportunity to be heard under this subdivision does not become a  
9 party to the proceeding on which the hearing is held solely on the basis of receiving  
10 that notice and opportunity to be heard.

11           ✓ **\*b3034/1.5\* SECTION 529j.** 938.255 (1) (f) of the statutes is created to read:

12           938.255 (1) (f) If the juvenile is being held in custody outside of his or her home,  
13 reliable and credible information showing that continued placement of the juvenile  
14 in his or her home would be contrary to the welfare of the juvenile and, unless any  
15 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, reliable and  
16 credible information showing that the person who took the juvenile into custody and  
17 the intake worker have made reasonable efforts to prevent the removal of the  
18 juvenile from the home, while assuring that the juvenile's health and safety are the  
19 paramount concerns, and to make it possible for the juvenile to return safely home.

20           ✓ **\*b3034/1.5\* SECTION 529k.** 938.255 (2) of the statutes is amended to read:

21           938.255 (2) If any of the facts in sub. (1) (a) to (cm) and (f) are not known or  
22 cannot be ascertained by the petitioner, the petition shall so state.

23           ✓ **\*b3034/1.5\* SECTION 529m.** 938.315 (2m) of the statutes is created to read:

24           938.315 (2m) No continuance or extension of a time limit specified in this  
25 chapter may be granted and no period of delay specified in sub. (1) may be excluded

1 in computing a time requirement under this chapter if the continuance, extension,  
2 or exclusion would result in any of the following:

3 (a) The court making an initial finding under s. 938.21 (5) (b) 1., 938.355 (2) (b)  
4 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made to prevent the  
5 removal of the juvenile from the home, while assuring that the juvenile's health and  
6 safety are the paramount concerns, or an initial finding under s. 938.21 (5) (b) 3.,  
7 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not required to be  
8 made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, more  
9 than 60 days after the date on which the juvenile was removed from the home.

10 (b) The court making an initial finding under s. 938.38 (5m) that the agency  
11 primarily responsible for providing services to the juvenile has made reasonable  
12 efforts to achieve the goals of the juvenile's permanency plan more than 12 months  
13 after the date on which the juvenile was removed from the home or making any  
14 subsequent findings under s. 938.38 (5m) as to those reasonable efforts more than  
15 12 months after the date of a previous finding as to those reasonable efforts.

16 ✓ **\*b3034/1.5\* SECTION 529n.** 938.315 (3) of the statutes is amended to read:

17 938.315 (3) Failure to comply with any time limit specified in this chapter does  
18 not deprive the court of personal or subject matter jurisdiction or of competency to  
19 exercise that jurisdiction. Failure to object to a period of delay or a continuance  
20 waives the time limit that is the subject of the period of delay or continuance. If a  
21 party does not comply with a time limit specified in this chapter, the court, while  
22 assuring the safety of the juvenile, may grant a continuance under sub. (2), dismiss  
23 the petition with or without prejudice, release the juvenile from secure or nonsecure  
24 custody or from the terms of a custody order, or grant any other relief that the court  
25 considers appropriate.

1        ✓ **\*b3034/1.5\* SECTION 529p.** 938.32 (1) (c) of the statutes is created to read:

2            938.32 (1) (c) 1. If at the time the consent decree is entered into the juvenile  
3 is placed outside the home under a voluntary agreement under s. 48.63 or is  
4 otherwise living outside the home without a court order and if the consent decree  
5 maintains the juvenile in that placement or other living arrangement, the consent  
6 decree shall include a finding that placement of the juvenile in his or her home would  
7 be contrary to the welfare of the juvenile, a finding as to whether the county  
8 department or the agency primarily responsible for providing services to the juvenile  
9 has made reasonable efforts to prevent the removal of the juvenile from the home,  
10 while assuring that the juvenile's health and safety are the paramount concerns,  
11 unless the judge or circuit court commissioner finds that any of the circumstances  
12 specified in s. 938.355 (2d) (b) 1. to 4. applies, and a finding as to whether the county  
13 department or agency has made reasonable efforts to achieve the goal of the  
14 juvenile's permanency plan, unless return of the juvenile to the home is the goal of  
15 the permanency plan and the judge or circuit court commissioner finds that any of  
16 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

17            2. If the judge or circuit court commissioner finds that any of the circumstances  
18 specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the consent  
19 decree shall include a determination that the county department or agency primarily  
20 responsible for providing services under the consent decree is not required to make  
21 reasonable efforts with respect to the parent to make it possible for the juvenile to  
22 return safely to his or her home.

23            3. The judge or circuit court commissioner shall make the findings specified in  
24 subs. 1. and 2. on a case-by-case basis based on circumstances specific to the  
25 juvenile and shall document or reference the specific information on which those

1 findings are based in the consent decree. A consent decree that merely references  
2 subd. 1. or 2. without documenting or referencing that specific information in the  
3 consent decree or an amended consent decree that retroactively corrects an earlier  
4 consent decree that does not comply with this subdivision is not sufficient to comply  
5 with this subdivision.

6 ✓ \*b3034/1.5\* SECTION 529q. 938.32 (1) (d) of the statutes is created to read:

7 938.32 (1) (d) 1. If the judge or circuit court commissioner finds that any of the  
8 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
9 the judge or circuit court commissioner shall hold a hearing within 30 days after the  
10 date of that finding to determine the permanency plan for the juvenile. If a hearing  
11 is held under this subdivision, the agency responsible for preparing the permanency  
12 plan shall file the permanency plan with the court not less than 5 days before the date  
13 of the hearing.

14 2. If a hearing is held under subd. 1., at least 10 days before the date of the  
15 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
16 of the juvenile, and any foster parent, treatment foster parent, or other physical  
17 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
18 the hearing.

19 3. The court shall give a foster parent, treatment foster parent, or other  
20 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
21 2. an opportunity to be heard at the hearing by permitting the foster parent,  
22 treatment foster parent, or other physical custodian to make a written or oral  
23 statement during the hearing, or to submit a written statement prior to the hearing,  
24 relevant to the issues to be determined at the hearing. A foster parent, treatment  
25 foster parent, or other physical custodian who receives a notice of a hearing under

1 subd. 2. and an opportunity to be heard under this subdivision does not become a  
2 party to the proceeding on which the hearing is held solely on the basis of receiving  
3 that notice and opportunity to be heard.

4 ✓ **\*b3034/1.5\* SECTION 529r.** 938.33 (4) (intro.) of the statutes, as affected by  
5 2001 Wisconsin Act 59, is amended to read:

6 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
7 placement in a foster home, treatment foster home, group home, or nonsecured  
8 residential care center for children and youth or in the home of a relative other than  
9 a parent shall be in writing, except that the report may be presented orally at the  
10 dispositional hearing if all parties consent. A report that is presented orally shall be  
11 transcribed and made a part of the court record. The report shall include all of the  
12 following:

13 ✓ **\*b3034/1.5\* SECTION 529t.** 938.33 (4) (c) of the statutes is created to read:

14 938.33 (4) (c) Specific information showing that continued placement of the  
15 juvenile in his or her home would be contrary to the welfare of the juvenile, specific  
16 information showing that the county department or the agency primarily  
17 responsible for providing services to the juvenile has made reasonable efforts to  
18 prevent the removal of the juvenile from the home, while assuring that the juvenile's  
19 health and safety are the paramount concerns, unless any of the circumstances  
20 specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that  
21 the county department or agency has made reasonable efforts to achieve the goal of  
22 the juvenile's permanency plan, unless return of the juvenile to the home is the goal  
23 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)  
24 1. to 4. applies.

25 ✓ **\*b3034/1.5\* SECTION 529v.** 938.335 (3g) of the statutes is created to read:

1           938.335 (3g) At hearings under this section, if the agency, as defined in s.  
2 938.38 (1) (a), is recommending placement of the juvenile in a foster home, treatment  
3 foster home, group home, or residential care center for children and youth or in the  
4 home of a relative other than a parent, the agency shall present as evidence specific  
5 information showing that continued placement of the juvenile in his or her home  
6 would be contrary to the welfare of the juvenile, specific information showing that  
7 the county department or the agency primarily responsible for providing services to  
8 the juvenile has made reasonable efforts to prevent the removal of the juvenile from  
9 the home, while assuring that the juvenile's health and safety are the paramount  
10 concerns, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.  
11 applies, and specific information showing that the county department or agency has  
12 made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless  
13 return of the juvenile to the home is the goal of the permanency plan and any of the  
14 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.”.

15           ✓ \*b2613/1.5\* **470.** Page 226, line 10: after that line insert:

16           ✓ \*b2613/1.5\* **SECTION 531k.** 938.34 (15m) (bm) of the statutes is amended to  
17 read:

18           938.34 (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a  
19 violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22  
20 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,  
21 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or  
22 of s. 940.30 or 940.31 if the victim was a minor and the juvenile was not the victim's  
23 parent, the court shall require the juvenile to comply with the reporting  
24 requirements under s. 301.45 unless the court determines, after a hearing on a

1 motion made by the juvenile, that the juvenile is not required to comply under s.  
2 301.45 (1m).”.

3 ✓\*b3034/1.6\* **471.** Page 226, line 11: delete lines 11 to 25.

4 ✓\*b3034/1.7\* **472.** Page 227, line 1: delete lines 1 to 4 and substitute:

5 ✓\*b3034/1.7\* **SECTION 531d.** 938.355 (1) of the statutes, as affected by 2001  
6 Wisconsin Act 69, is amended to read:

7 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall  
8 decide on a placement and treatment finding based on evidence submitted to the  
9 court. The disposition shall employ those means necessary to promote the objectives  
10 specified in s. 938.01. ~~If the disposition places a juvenile who has been adjudicated~~  
11 ~~delinquent outside the home under s. 938.34 (3) (e), (em) or (d), the order shall include~~  
12 ~~a finding that the juvenile's current residence will not safeguard the welfare of the~~  
13 ~~juvenile or the community due to the serious nature of the act for which the juvenile~~  
14 ~~was adjudicated delinquent.~~ If the judge has determined that any of the conditions  
15 specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall be prima  
16 facie evidence that a less restrictive alternative than placement in a secured  
17 correctional facility, a secured child caring institution, or a secured group home is not  
18 appropriate. If information under s. 938.331 has been provided in a court report  
19 under s. 938.33 (1), the court shall consider that information when deciding on a  
20 placement and treatment finding.

21 ✓\*b3034/1.7\* **SECTION 531g.** 938.355 (2) (b) 6. of the statutes is amended to read:

22 938.355 (2) (b) 6. If the juvenile is placed outside the home ~~and if sub. (2d) does~~  
23 ~~not apply, the court's, a finding that continued placement of the juvenile in his or her~~  
24 home would be contrary to the welfare of the juvenile or, if the juvenile has been

1 adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c),  
2 (cm), or (d) or (4d), a finding that the juvenile's current residence will not safeguard  
3 the welfare of the juvenile or the community due to the serious nature of the act for  
4 which the juvenile was adjudicated delinquent. The court order shall also contain  
5 a finding as to whether -a- the county department which provides social services or  
6 the agency primarily responsible for providing services under a court order has made  
7 reasonable efforts to prevent the removal of the juvenile from the home, while  
8 assuring that the juvenile's health and safety are the paramount concerns, or, if  
9 applicable, the court's unless the court finds that any of the circumstances specified  
10 in sub. (2d) (b) 1. to 4. applies, and a finding as to whether the county department  
11 or agency primarily responsible for providing services under a court order has made  
12 reasonable efforts to make it possible for the juvenile to return safely to his or her  
13 home achieve the goal of the juvenile's permanency plan, unless return of the  
14 juvenile to the home is the goal of the permanency plan and the court finds that any  
15 of the circumstances specified in sub. (2d) (b) 1. to 4. applies. The court shall make  
16 the findings specified in this subdivision on a case-by-case basis based on  
17 circumstances specific to the juvenile and shall document or reference the specific  
18 information on which those findings are based in the court order. A court order that  
19 merely references this subdivision without documenting or referencing that specific  
20 information in the court order or an amended court order that retroactively corrects  
21 an earlier court order that does not comply with this subdivision is not sufficient to  
22 comply with this subdivision.

23 ✓ **\*b3034/1.7\* SECTION 531h.** 938.355 (2) (b) 6r. of the statutes is created to read:  
24 938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in  
25 sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county

1 department or agency primarily responsible for providing services under the court  
2 order is not required to make reasonable efforts with respect to the parent to make  
3 it possible for the juvenile to return safely to his or her home.

4 ✓ **\*b3034/1.7\* SECTION 531k.** 938.355 (2b) of the statutes is amended to read:

5 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county  
6 department ~~that provides social services~~ or the agency primarily responsible for  
7 providing services to a juvenile under a court order may, at the same time as the  
8 county department or agency is making the reasonable efforts required under sub.  
9 (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible  
10 for the juvenile to return safely to his or her home, work with the department of  
11 health and family services, a county department under s. 48.57 (1) (e) or (hm), or a  
12 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place  
13 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some  
14 other alternative permanent placement.

15 ✓ **\*b3034/1.7\* SECTION 531m.** 938.355 (2c) (b) of the statutes is amended to read:

16 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
17 the county department or the agency primarily responsible for providing services to  
18 the juvenile under a court order has made reasonable efforts to ~~make it possible for~~  
19 ~~the juvenile to return safely to his or her home~~ achieve the goal of the permanency  
20 plan, the court's consideration of reasonable efforts shall include, ~~but not be limited~~  
21 ~~to~~, the considerations listed under par. (a) 1. to 5. and whether visitation schedules  
22 between the juvenile and his or her parents were implemented, unless visitation was  
23 denied or limited by the court.

24 ✓ **\*b3034/1.7\* SECTION 531p.** 938.355 (2d) (b) (intro.) of the statutes is amended  
25 to read:

1           938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not is~~  
2 ~~not required to~~ include in a dispositional order a finding as to whether ~~a~~ the county  
3 ~~department which provides social services~~ or the agency primarily responsible for  
4 providing services under a court order has made reasonable efforts with respect to  
5 a parent of a juvenile to prevent the removal of the juvenile from the home, while  
6 assuring that the juvenile's health and safety are the paramount concerns, or, if  
7 applicable, a finding as to whether the county department or agency primarily  
8 ~~responsible for providing services under a court order~~ has made reasonable efforts  
9 with respect to a parent of a juvenile to ~~make it possible for the juvenile to return~~  
10 achieve the permanency plan goal of returning the juvenile safely to his or her home,  
11 if the court finds, ~~as evidenced by a final judgment of conviction~~, any of the following:

12       ✓\*b3034/1.7\* SECTION 531q. 938.355 (2d) (b) 1. of the statutes is amended to  
13 read:

14           938.355 (2d) (b) 1. That the parent has subjected the juvenile to aggravated  
15 circumstances, as evidenced by a final judgment of conviction.

16       ✓\*b3034/1.7\* SECTION 531r. 938.355 (2d) (b) 2. of the statutes is amended to  
17 read:

18           938.355 (2d) (b) 2. That the parent has committed, has aided or abetted the  
19 commission of, or has solicited, conspired, or attempted to commit, a violation of s.  
20 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal  
21 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if  
22 committed in this state, as evidenced by a final judgment of conviction, and that the  
23 victim of that violation is a child of the parent.

24       ✓\*b3034/1.7\* SECTION 531t. 938.355 (2d) (b) 3. of the statutes is amended to  
25 read:

1           938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2),  
2           (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a)  
3           or a violation of the law of any other state or federal law, if that violation would be  
4           a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,  
5           or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment  
6           of conviction, and that the violation resulted in great bodily harm, as defined in s.  
7           939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the juvenile  
8           or another child of the parent.

9           ✓ \*b3034/1.7\* SECTION 532b. 938.355 (2d) (b) 3. of the statutes, as affected by  
10          2001 Wisconsin Act .... (this act), is amended to read:

11           938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),  
12           1999 stats., or s. 940.19 (2), ~~(3)~~, (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,  
13           or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law,  
14           if that violation would be a violation of s. 940.19 (2), ~~(3)~~, (4), or (5), 940.225 (1) or (2),  
15           948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state, as  
16           evidenced by a final judgment of conviction, and that the violation resulted in great  
17           bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined  
18           in s. 939.22 (38), to the juvenile or another child of the parent.

19          ✓ \*b3034/1.7\* SECTION 532d. 938.355 (2d) (b) 4. of the statutes is amended to  
20          read:

21           938.355 (2d) (b) 4. That the parental rights of the parent to another child have  
22           been involuntarily terminated, as evidenced by a final order of a court of competent  
23           jurisdiction terminating those parental rights.

24          ✓ \*b3034/1.7\* SECTION 532g. 938.355 (2d) (bm) of the statutes is created to read:

1           938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4.  
2 on a case-by-case basis based on circumstances specific to the juvenile and shall  
3 document or reference the specific information on which that finding is based in the  
4 dispositional order. A dispositional order that merely references par. (b) 1. to 4.  
5 without documenting or referencing that specific information in the dispositional  
6 order or an amended dispositional order that retroactively corrects an earlier  
7 dispositional order that does not comply with this paragraph is not sufficient to  
8 comply with this paragraph.

9           ✓**\*b3034/1.7\* SECTION 532j.** 938.355 (2d) (c) of the statutes is renumbered  
10 938.355 (2d) (c) 1. and amended to read:

11           938.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the  
12 circumstances specified in par. (b) 1., ~~2., 3., or 4. to 4.~~ applies with respect to a parent,  
13 the court shall hold a hearing within 30 days after the date of that finding to  
14 determine the permanency plan for the juvenile. If a hearing is held under this  
15 ~~paragraph~~ subdivision, the agency responsible for preparing the permanency plan  
16 shall file the permanency plan with the court not less than 5 days before the date of  
17 the hearing.

18           ✓**\*b3034/1.7\* SECTION 532k.** 938.355 (2d) (c) 2. and 3. of the statutes are created  
19 to read:

20           938.355 (2d) (c) 2. If a hearing is held under subd. 1, at least 10 days before the  
21 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal  
22 custodian of the juvenile, and any foster parent, treatment foster parent, or other  
23 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and  
24 purpose of the hearing.

1           3. The court shall give a foster parent, treatment foster parent, or other  
2 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
3 2. an opportunity to be heard at the hearing by permitting the foster parent,  
4 treatment foster parent, or other physical custodian to make a written or oral  
5 statement during the hearing, or to submit a written statement prior to the hearing,  
6 relevant to the issues to be determined at the hearing. A foster parent, treatment  
7 foster parent, or other physical custodian who receives a notice of a hearing under  
8 subd. 2. and an opportunity to be heard under this subdivision does not become a  
9 party to the proceeding on which the hearing is held solely on the basis of receiving  
10 that notice and opportunity to be heard.

11           ✓ **\*b3034/1.7\* SECTION 532t.** 938.355 (4) (a) of the statutes is amended to read:  
12           938.355 (4) (a) Except as provided under par. (b) or s. 938.368, all orders an  
13 order under this section shall terminate at the end of one year unless the court  
14 specifies a shorter period of time. Except if s. 938.368 applies, extensions or revisions  
15 or s. 938.357 or 938.365 made before the juvenile reaches 18 years of age that places  
16 or continues the placement of the juvenile in his or her home shall terminate at the  
17 end of one year after its entry unless the court specifies a shorter period of time. No  
18 extension under s. 938.365 of an original dispositional order may be granted for a  
19 juvenile who is subject to an order under s. 938.34 (4d), (4h), (4m) or (4n) if the  
20 juvenile is 17 years of age or older when the original dispositional order terminates.  
21 Any order made before the juvenile reaches the age of majority shall be effective for  
22 a time up to one year after its entry unless the court specifies a shorter period of time  
23 or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368,  
24 an order under this section or s. 938.357 or 938.365 made before the juvenile reaches  
25 18 years of age that places or continues the placement of the juvenile in a foster home,

1 treatment foster home, group home, or residential care center for children and youth  
2 or in the home of a relative other than a parent shall terminate when the juvenile  
3 reaches 18 years of age, at the end of one year after its entry, or, if the juvenile is a  
4 full-time student at a secondary school or its vocational or technical equivalent and  
5 is reasonably expected to complete the program before reaching 19 years of age, when  
6 the juvenile reaches 19 years of age, whichever is later, unless the court specifies a  
7 shorter period of time or the court terminates the order sooner.

8 ✓ **\*b3034/1.7\*** SECTION 532v. 938.355 (4) (b) of the statutes is amended to read:

9 938.355 (4) (b) ~~An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile~~  
10 ~~has been adjudicated delinquent is subject to par. (a), except that the judge may make~~  
11 Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before  
12 the juvenile reaches 18 years of age may apply for up to 2 years after its entry or until  
13 the juvenile's 18th birthdate birthday, whichever is earlier and the judge shall make,  
14 unless the court specifies a shorter period of time or the court terminates the order  
15 sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before  
16 the juvenile reaches 18 years of age shall apply for 5 years after its entry, if the  
17 juvenile is adjudicated delinquent for committing an act that would be punishable  
18 as a Class B felony if committed by an adult, or until the juvenile reaches 25 years  
19 of age, if the juvenile is adjudicated delinquent for committing an act that would be  
20 punishable as a Class A felony if committed by an adult. Except as provided in s.  
21 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before  
22 the juvenile reaches 17 years of age shall terminate at the end of one year after its  
23 entry unless the court specifies a shorter period of time or the court terminates the  
24 order sooner. No extension under s. 938.365 of an original dispositional order under

1 s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age  
2 or older when the original dispositional order terminates.

3 ✓ **\*b3034/1.7\* SECTION 533b.** 938.355 (4) (b) of the statutes, as affected by 2001  
4 Wisconsin Act .... (this act), is amended to read:

5 938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)  
6 or (4m) made before the juvenile reaches 18 years of age may apply for up to 2 years  
7 after its entry or until the juvenile's 18th birthday, whichever is earlier, unless the  
8 court specifies a shorter period of time or the court terminates the order sooner.  
9 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the  
10 juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile  
11 is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing  
12 an act that would be punishable as a Class B or C felony if committed by an adult,  
13 or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent  
14 for committing an act that would be punishable as a Class A felony if committed by  
15 an adult. Except as provided in s. 938.368, an extension of an order under s. 938.34  
16 (4d), (4h), (4m), or (4n) made before the juvenile reaches 17 years of age shall  
17 terminate at the end of one year after its entry unless the court specifies a shorter  
18 period of time or the court terminates the order sooner. No extension under s.  
19 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may  
20 be granted for a juvenile who is 17 years of age or older when the original  
21 dispositional order terminates.

22 ✓ **\*b3034/1.7\* SECTION 533bb.** 938.355 (6) (a) of the statutes is amended to read:

23 938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have  
24 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163  
25 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on

1 the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing  
2 under s. 938.335, the court explained the conditions to the juvenile and informed the  
3 juvenile of those possible sanctions or if before the violation the juvenile has  
4 acknowledged in writing that he or she has read, or has had read to him or her, those  
5 conditions and possible sanctions and that he or she understands those conditions  
6 and possible sanctions. If a juvenile who has been found to be in need of protection  
7 or services under s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in  
8 sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in  
9 par. (d), other than placement in a secure detention facility or juvenile portion of a  
10 county jail, if, at the dispositional hearing under s. 938.335, the court explained the  
11 conditions to the juvenile and informed the juvenile of those possible sanctions or if  
12 before the violation the juvenile has acknowledged in writing that he or she has read,  
13 or has had read to him or her, those conditions and possible sanctions and that he or  
14 she understands those conditions and possible sanctions.

15 (cm) The court may not order the sanction of placement in a place of nonsecure  
16 custody specified in par. (d) 1. unless the court finds that the agency primarily  
17 responsible for providing services for the juvenile has made reasonable efforts to  
18 prevent the removal of the juvenile from his or her home and that continued  
19 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.  
20 The court shall make the findings specified in this paragraph on a case-by-case basis  
21 based on circumstances specific to the juvenile and shall document or reference the  
22 specific information on which that finding is based in the sanction order. A sanction  
23 order that merely references this paragraph without documenting or referencing  
24 that specific information in the sanction order or an amended sanction order that

1 retroactively corrects an earlier sanction order that does not comply with this  
2 paragraph is not sufficient to comply with this paragraph.

3 ✓ **\*b3034/1.7\* SECTION 533bd.** 938.355 (6m) (cm) of the statutes is created to  
4 read:

5 938.355 (6m) (cm) The court may not order the sanction of placement in a place  
6 of nonsecure custody specified in par. (a) 1g. unless the court finds that the agency  
7 primarily responsible for providing services for the juvenile has made reasonable  
8 efforts to prevent the removal of the juvenile from his or her home and that continued  
9 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.  
10 The court shall make the findings specified in this paragraph on a case-by-case basis  
11 based on circumstances specific to the juvenile and shall document or reference the  
12 specific information on which that finding is based in the sanction order. A sanction  
13 order that merely references this paragraph without documenting or referencing  
14 that specific information in the sanction order or an amended sanction order that  
15 retroactively corrects an earlier sanction order that does not comply with this  
16 paragraph is not sufficient to comply with this paragraph.

17 ✓ **\*b3034/1.7\* SECTION 533bf.** 938.357 (1) (a) of the statutes, as affected by 2001  
18 Wisconsin Act 103, and is amended to read:

19 938.357 (1) (a) The person or agency primarily responsible for implementing  
20 the dispositional order or the district attorney may request a change in the  
21 placement of the juvenile, whether or not the change requested is authorized in the  
22 dispositional order, ~~and~~ as provided in par. (am) or (c), whichever is applicable.

23 (am) 1. If the proposed change in placement involves any change in placement  
24 other than a change in placement specified in par. (c), the person or agency primarily  
25 responsible for implementing the dispositional order or the district attorney shall

1 cause written notice of the proposed change in placement to be sent to the juvenile  
2 ~~or the juvenile's counsel or guardian ad litem~~, the parent, guardian, and legal  
3 custodian of the juvenile, and any foster parent, treatment foster parent, or other  
4 physical custodian described in s. 48.62 (2) of the juvenile. The notice shall contain  
5 the name and address of the new placement, the reasons for the change in placement,  
6 a statement describing why the new placement is preferable to the present  
7 placement, and a statement of how the new placement satisfies objectives of the  
8 treatment plan ordered by the court.

9 ✓ **\*b3034/1.7\* SECTION 533bh.** 938.357 (1) (am) 3. of the statutes is created to  
10 read:

11 938.357 (1) (am) 3. If the court changes the juvenile's placement from a  
12 placement outside the home to another placement outside the home, the change in  
13 placement order shall contain one of the statements specified in sub. (2v) (a) 2.

14 ✓ **\*b3034/1.7\* SECTION 533bg.** 938.357 (1) (b) of the statutes, as affected by 2001  
15 Wisconsin Act 103, is renumbered 938.357 (1) (am) 2. and amended to read:

16 938.357 (1) (am) 2. Any person receiving the notice under ~~par. (a)~~ subd. 1. or  
17 notice of a specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may  
18 obtain a hearing on the matter by filing an objection with the court within 10 days  
19 after receipt of the notice. Placements may not be changed until 10 days after that  
20 notice is sent to the court unless the parent, guardian, or legal custodian and the  
21 juvenile, if 12 or more years of age, sign written waivers of objection, except that  
22 placement changes in placement that were authorized in the dispositional order may  
23 be made immediately if notice is given as required under ~~par. (a)~~ subd. 1. In addition,  
24 a hearing is not required for placement changes authorized in the dispositional order

1       except when an objection filed by a person who received notice alleges that new  
2       information is available that affects the advisability of the court's dispositional order.

3       ✓\*b3034/1.7\* SECTION 533bj. 938.357 (1) (c) of the statutes is created to read:

4             938.357 (1) (c) 1. If the proposed change in placement would change the  
5       placement of a juvenile placed in the home to a placement outside the home, the  
6       person or agency primarily responsible for implementing the dispositional order or  
7       the district attorney shall submit a request for the change in placement to the court.  
8       The request shall contain the name and address of the new placement, the reasons  
9       for the change in placement, a statement describing why the new placement is  
10      preferable to the present placement, and a statement of how the new placement  
11      satisfies objectives of the treatment plan ordered by the court. The request shall also  
12      contain specific information showing that continued placement of the juvenile in his  
13      or her home would be contrary to the welfare of the juvenile and, unless any of the  
14      circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information  
15      showing that the agency primarily responsible for implementing the dispositional  
16      order has made reasonable efforts to prevent the removal of the juvenile from the  
17      home, while assuring that the juvenile's health and safety are the paramount  
18      concerns.

19            2. The court shall hold a hearing prior to ordering any change in placement  
20      requested under subd. 1. Not less than 3 days prior to the hearing, the court shall  
21      provide notice of the hearing, together with a copy of the request for the change in  
22      placement, to the juvenile, the parent, guardian, and legal custodian of the juvenile,  
23      and all parties that are bound by the dispositional order. If all parties consent, the  
24      court may proceed immediately with the hearing.

1           3. If the court changes the juvenile's placement from a placement in the  
2 juvenile's home to a placement outside the juvenile's home, the change in placement  
3 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements  
4 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the  
5 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
6 the determination specified in sub. (2v) (a) 3.

7           **\*b3034/1.7\* SECTION 533bL.** 938.357 (2) of the statutes, as affected by 2001  
8 Wisconsin Act 103, is amended to read:

9           938.357 (2) If emergency conditions necessitate an immediate change in the  
10 placement of a juvenile placed outside the home, the person or agency primarily  
11 responsible for implementing the dispositional order may remove the juvenile to a  
12 new placement, whether or not authorized by the existing dispositional order,  
13 without the prior notice provided in sub. (1) (a) (am) 1. The notice shall, however, be  
14 sent within 48 hours after the emergency change in placement. Any party receiving  
15 notice may demand a hearing under sub. (1) (b) (am) 2. In emergency situations, a  
16 juvenile may be placed in a licensed public or private shelter care facility as a  
17 transitional placement for not more than 20 days, as well as in any placement  
18 authorized under s. 938.34 (3).

19           **\*b3034/1.7\* SECTION 533bn.** 938.357 (2m) (a) of the statutes, as affected by  
20 2001 Wisconsin Act 103, and is amended to read:

21           938.357 (2m) (a) The juvenile, the parent, guardian, or legal custodian of the  
22 juvenile, or any person or agency primarily bound by the dispositional order, other  
23 than the person or agency responsible for implementing the order, may request a  
24 change in placement under this paragraph. The request shall contain the name and  
25 address of the place of the new placement requested and shall state what new

1 information is available that affects the advisability of the current placement. If the  
2 proposed change in placement would change the placement of a juvenile placed in the  
3 home to a placement outside the home, the request shall also contain specific  
4 information showing that continued placement of the juvenile in the home would be  
5 contrary to the welfare of the juvenile and, unless any of the circumstances specified  
6 in s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency  
7 primarily responsible for implementing the dispositional order has made reasonable  
8 efforts to prevent the removal of the juvenile from the home, while assuring that the  
9 juvenile's health and safety are the paramount concerns. The request shall be  
10 submitted to the court. In addition, the court may propose a change in placement on  
11 its own motion.

12 \*b3034/1.7\* SECTION 533bo. 938.357 (2m) (b) of the statutes, as affected by  
13 2001 Wisconsin Act 103, is amended to read:

14 938.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering  
15 any change in placement requested or proposed under par. (a) if the request states  
16 that new information is available that affects the advisability of the current  
17 placement, unless the requested or proposed change in placement involves any  
18 change in placement other than a change in placement of a juvenile placed in the  
19 home to a placement outside the home and written waivers of objection to the  
20 proposed change in placement are signed by all parties entitled to receive notice  
21 under sub. (1) ~~(a)~~ (am) 1. and the court approves. If a hearing is scheduled, the court  
22 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,  
23 any foster parent, treatment foster parent, or other physical custodian described in  
24 s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order  
25 at least 3 days prior to the hearing. A copy of the request or proposal for the change

1 in placement shall be attached to the notice. If all of the parties consent, the court  
2 may proceed immediately with the hearing.

3 ✓ **\*b3034/1.7\* SECTION 533bp.** 938.357 (2m) (c) of the statutes is created to read:

4 938.357 (2m) (c) If the court changes the juvenile's placement from a placement  
5 in the juvenile's home to a placement outside the juvenile's home, the change in  
6 placement order shall contain the findings specified in sub. (2v) (a) 1., one of the  
7 statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of  
8 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a  
9 parent, the determination specified in sub. (2v) (a) 3.

10 ✓ **\*b3034/1.7\* SECTION 533br.** 938.357 (2r) of the statutes, as affected by 2001  
11 Wisconsin Act 103, is amended to read:

12 938.357 (2r) If a hearing is held under sub. (1) ~~(b)~~ (am) 2. or (2m) (b) and the  
13 change in placement would remove a juvenile from a foster home, treatment foster  
14 home, or other placement with a physical custodian described in s. 48.62 (2), the court  
15 shall give the foster parent, treatment foster parent, or other physical custodian  
16 described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the  
17 foster parent, treatment foster parent, or other physical custodian to make a written  
18 or oral statement during the hearing or to submit a written statement prior to the  
19 hearing relating to the juvenile and the requested change in placement. ~~Any written~~  
20 ~~or oral statement made under this subsection shall be made under oath or~~  
21 ~~affirmation.~~ A foster parent, treatment foster parent, or other physical custodian  
22 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) ~~(b)~~ (am) 1. or  
23 (2m) (b) and an opportunity to be heard under this subsection does not become a  
24 party to the proceeding on which the hearing is held solely on the basis of receiving  
25 that notice and opportunity to be heard.

1        ✓ **\*b3034/1.7\* SECTION 533bt.** 938.357 (2v) of the statutes, as affected by 2001  
2        Wisconsin Act 103, is renumbered 938.357 (2v) (a) 2. and amended to read:

3            938.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) (b) or (2m) (b) and the~~  
4        ~~change in placement would place the juvenile outside the home in a placement order~~  
5        ~~would change the placement of the juvenile to a placement outside the home~~  
6        recommended by the person or agency primarily responsible for implementing the  
7        ~~dispositional order, the change in placement order shall include whether from a~~  
8        ~~placement in the home or from another placement outside the home,~~ a statement  
9        that the court approves the placement recommended by the person or agency or, if  
10       ~~the juvenile is placed outside the home in a placement other than change in~~  
11       ~~placement order would change the placement of the juvenile to a placement outside~~  
12       ~~the home that is not a placement recommended by that person or agency, whether~~  
13       ~~from a placement in the home or from another placement outside the home,~~ a  
14       statement that the court has given bona fide consideration to the recommendations  
15       made by that person or agency and all parties relating to the juvenile's placement.

16       ✓ **\*b3034/1.7\* SECTION 533bv.** 938.357 (2v) (a) (intro.) of the statutes is created  
17       to read:

18            938.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m)  
19        shall contain all of the following:

20       ✓ **\*b3034/1.7\* SECTION 533bx.** 938.357 (2v) (a) 1. of the statutes is created to  
21       read:

22            938.357 (2v) (a) 1. If the court changes the juvenile's placement from a  
23        placement in the juvenile's home to a placement outside the juvenile's home, a  
24        finding that continued placement of the juvenile in his or her home would be contrary  
25        to the welfare of the juvenile and, unless a circumstance specified in s. 938.355 (2d)

1 (b) 1. to 4. applies, a finding that the agency primarily responsible for implementing  
2 the dispositional order has made reasonable efforts to prevent the removal of the  
3 juvenile from the home, while assuring that the juvenile's health and safety are the  
4 paramount concerns.

5 ✓ **\*b3034/1.7\* SECTION 533bz.** 938.357 (2v) (a) 3. of the statutes is created to  
6 read:

7 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in  
8 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the  
9 agency primarily responsible for providing services under the change in placement  
10 order is not required to make reasonable efforts with respect to the parent to make  
11 it possible for the juvenile to return safely to his or her home.

12 ✓ **\*b3034/1.7\* SECTION 533c.** 938.357 (2v) (b) of the statutes is created to read:

13 938.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and  
14 3. on a case-by-case basis based on circumstances specific to the juvenile and shall  
15 document or reference the specific information on which those findings are based in  
16 the change in placement order. A change in placement order that merely references  
17 par. (a) 1. or 3. without documenting or referencing that specific information in the  
18 change in placement order or an amended change in placement order that  
19 retroactively corrects an earlier change in placement order that does not comply with  
20 this paragraph is not sufficient to comply with this paragraph.

21 ✓ **\*b3034/1.7\* SECTION 533cb.** 938.357 (2v) (c) of the statutes is created to read:

22 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the  
23 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
24 the court shall hold a hearing within 30 days after the date of that finding to  
25 determine the permanency plan for the juvenile. If a hearing is held under this

1 paragraph, the agency responsible for preparing the permanency plan shall file the  
2 permanency plan with the court not less than 5 days before the date of the hearing.

3 2. If a hearing is held under subd. 1, at least 10 days before the date of the  
4 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
5 of the juvenile, and any foster parent, treatment foster parent, or other physical  
6 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
7 the hearing.

8 3. The court shall give a foster parent, treatment foster parent, or other  
9 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
10 2. an opportunity to be heard at the hearing by permitting the foster parent,  
11 treatment foster parent, or other physical custodian to make a written or oral  
12 statement during the hearing, or to submit a written statement prior to the hearing,  
13 relevant to the issues to be determined at the hearing. A foster parent, treatment  
14 foster parent, or other physical custodian who receives a notice of a hearing under  
15 subd. 2. and an opportunity to be heard under this subdivision does not become a  
16 party to the proceeding on which the hearing is held solely on the basis of receiving  
17 that notice and opportunity to be heard.

18 ✓ **\*b3034/1.7\* SECTION 533cd.** 938.357 (3) of the statutes, as affected by 2001  
19 Wisconsin Act 103, is amended to read:

20 938.357 (3) Subject to subs. (4) (b) and (c) and (5) (e), if the proposed change  
21 in placement would involve placing a juvenile in a secured correctional facility, a  
22 secured child caring institution, or a secured group home, notice shall be given as  
23 provided in sub. (1) ~~(a)~~ (am) 1. A hearing shall be held, unless waived by the juvenile,  
24 parent, guardian, and legal custodian, before the judge makes a decision on the  
25 request. The juvenile shall be entitled to counsel at the hearing, and any party

1 opposing or favoring the proposed new placement may present relevant evidence and  
2 cross-examine witnesses. The proposed new placement may be approved only if the  
3 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been  
4 met.

5 ✓ **\*b3034/1.7\* SECTION 533ce.** 938.357 (4) (b) 1. of the statutes, as affected by  
6 2001 Wisconsin Act 103, is amended to read:

7 938.357 (4) (b) 1. If a juvenile whom the department has placed in a Type 2  
8 secured correctional facility operated by a child welfare agency violates a condition  
9 of his or her placement in the Type 2 secured correctional facility, the child welfare  
10 agency operating the Type 2 secured correctional facility shall notify the department  
11 and the department, after consulting with the child welfare agency, may place the  
12 juvenile in a Type 1 secured correctional facility under the supervision of the  
13 department without a hearing under sub. (1) (b) (am) 2.

14 ✓ **\*b3034/1.7\* SECTION 533cf.** 938.357 (4) (b) 2. of the statutes, as affected by  
15 2001 Wisconsin Act 103, is amended to read:

16 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child  
17 caring institution under s. 938.34 (4d) violates a condition of his or her placement in  
18 the Type 2 child caring institution, the child welfare agency operating the Type 2  
19 child caring institution shall notify the county department that has supervision over  
20 the juvenile and, if the county department agrees to a change in placement under this  
21 subdivision, the child welfare agency shall notify the department, and the  
22 department, after consulting with the child welfare agency, may place the juvenile  
23 in a Type 1 secured correctional facility under the supervision of the department,  
24 without a hearing under sub. (1) (b) (am) 2., for not more than 10 days. If a juvenile  
25 is placed in a Type 1 secured correctional facility under this subdivision, the county

1 department that has supervision over the juvenile shall reimburse the child welfare  
2 agency operating the Type 2 child caring institution in which the juvenile was placed  
3 at the rate established under s. 46.037, and that child welfare agency shall reimburse  
4 the department at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is  
5 applicable, for the cost of the juvenile's care while placed in a Type 1 secured  
6 correctional facility.

7 ✓**\*b3034/1.7\* SECTION 533ch.** 938.357 (4) (c) 1. of the statutes, as affected by  
8 2001 Wisconsin Act 103, is amended to read:

9 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 secured correctional facility  
10 operated by a child welfare agency under par. (a) and it appears that a less restrictive  
11 placement would be appropriate for the juvenile, the department, after consulting  
12 with the child welfare agency that is operating the Type 2 secured correctional  
13 facility in which the juvenile is placed, may place the juvenile in a less restrictive  
14 placement, and may return the juvenile to the Type 2 secured correctional facility  
15 without a hearing under sub. (1) ~~(b)~~ (am) 2. The child welfare agency shall establish  
16 a rate for each type of placement in the manner provided in s. 46.037.

17 ✓**\*b3034/1.7\* SECTION 533cj.** 938.357 (4) (c) 2. of the statutes, as affected by  
18 2001 Wisconsin Act 103, is amended to read:

19 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under  
20 s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate  
21 for the juvenile, the child welfare agency operating the Type 2 child caring  
22 institution shall notify the county department that has supervision over the juvenile  
23 and, if the county department agrees to a change in placement under this  
24 subdivision, the child welfare agency may place the juvenile in a less restrictive  
25 placement. A child welfare agency may also, with the agreement of the county

1 department that has supervision over a juvenile who is placed in a less restrictive  
2 placement under this subdivision, return the juvenile to the Type 2 child caring  
3 institution without a hearing under sub. (1) ~~(b)~~ (am) 2. The child welfare agency shall  
4 establish a rate for each type of placement in the manner provided in s. 46.037.

5 ✓ **b3034/1.7\* SECTION 533cL.** 938.357 (4) (d) of the statutes, as affected by 2001  
6 Wisconsin Act 103, is amended to read:

7 938.357 (4) (d) The department may transfer a juvenile who is placed in a Type  
8 1 secured correctional facility to the Racine youthful offender correctional facility  
9 named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile  
10 offender review in the department has determined that the conduct of the juvenile  
11 in the Type 1 secured correctional facility presents a serious problem to the juvenile  
12 or others. The factors that the office of juvenile offender review may consider in  
13 making that determination shall include, but are not limited to, whether and to what  
14 extent the juvenile's conduct in the Type 1 secured correctional facility is violent and  
15 disruptive, the security needs of the Type 1 secured correctional facility, and whether  
16 and to what extent the juvenile is refusing to cooperate or participate in the  
17 treatment programs provided for the juvenile in the Type 1 secured correctional  
18 facility. Notwithstanding sub. (1) ~~(b)~~ (am) 2, a juvenile is not entitled to a hearing  
19 regarding the department's exercise of authority under this paragraph unless the  
20 department provides for a hearing by rule. A juvenile may seek review of a decision  
21 of the department under this paragraph only by the common law writ of certiorari.  
22 If the department transfers a juvenile under this paragraph, the department shall  
23 send written notice of the transfer to the parent, guardian, legal custodian, and  
24 committing court.

1        ✓ **\*b3034/1.7\* SECTION 533cn.** 938.357 (5) (a) of the statutes, as affected by 2001  
2        Wisconsin Act 103, is amended to read:

3            938.357 (5) (a) The department or a county department, whichever has been  
4        designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the  
5        aftercare status of that juvenile. Revocation of aftercare supervision shall not  
6        require prior notice under sub. (1) ~~(a)~~ (am) 1.

7        ✓ **\*b3034/1.7\* SECTION 533cp.** 938.357 (6) of the statutes is amended to read:

8            938.357 (6) No change in placement may extend the expiration date of the  
9        original order, except that if the change in placement is from a placement in the  
10       juvenile's home to a placement in a foster home, treatment foster home, group home,  
11       or residential care center for children and youth or in the home of a relative who is  
12       not a parent, the court may extend the expiration date of the original order to the date  
13       on which the juvenile reaches 18 years of age, to the date that is one year after the  
14       date of the change in placement order, or, if the juvenile is a full-time student at a  
15       secondary school or its vocational or technical equivalent and is reasonably expected  
16       to complete the program before reaching 19 years of age, to the date on which the  
17       juvenile reaches 19 years of age, whichever is later, or for a shorter period of time as  
18       specified by the court. If the change in placement is from a placement in a foster  
19       home, treatment foster home, group home, or residential care center for children and  
20       youth or in the home of a relative to a placement in the juvenile's home and if the  
21       expiration date of the original order is more than one year after the date of the change  
22       in placement order, the court shall shorten the expiration date of the original order  
23       to the date that is one year after the date of the change in placement order or to an  
24       earlier date as specified by the court.

25        ✓ **\*b3034/1.7\* SECTION 533cr.** 938.363 (1m) of the statutes is amended to read:

1           938.363 (1m) If a hearing is held under sub. (1) (a), any party may present  
2 evidence relevant to the issue of revision of the dispositional order. In addition, the  
3 court shall give a foster parent, treatment foster parent, or other physical custodian  
4 described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by  
5 permitting the foster parent, treatment foster parent, or other physical custodian to  
6 make a written or oral statement during the hearing, or to submit a written  
7 statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral~~  
8 ~~statement made under this subsection shall be made under oath or affirmation.~~ A  
9 foster parent, treatment foster parent, or other physical custodian described in s.  
10 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be  
11 heard under this subsection does not become a party to the proceeding on which the  
12 hearing is held solely on the basis of receiving that notice and opportunity to be  
13 heard.

14           ✓\*b3034/1.7\* SECTION 533ct. 938.365 (1) of the statutes is amended to read:

15           938.365 (1) In this section, a juvenile is considered to have been placed outside  
16 of his or her home on the date on which ~~the juvenile was first placed outside of his~~  
17 ~~or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363~~  
18 ~~or on the date that is 60 days after the date on which the juvenile was first removed~~  
19 ~~from his or her home, whichever is earlier, except that in the case of a juvenile who~~  
20 on removal from his or her home was first placed in a secure detention facility, a  
21 secured correctional facility, a secured child caring institution, or a secured group  
22 home for 60 days or more and then moved to a nonsecured out-of-home placement,  
23 the juvenile is considered to have been placed outside of his or her home on the date  
24 on which the juvenile was moved to the nonsecured out-of-home placement.

1 ✓ \*b3034/1.7\* SECTION 533cv. 938.365 (2g) (b) 2. of the statutes is amended to  
2 read:

3 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement  
4 and of any progress the juvenile has made, suggestions for amendment of the  
5 permanency plan, ~~a description of efforts to return the juvenile safely to his or her~~  
6 home and specific information showing the efforts that have been made to achieve  
7 the goal of the permanency plan, including, if applicable, the efforts of the parents  
8 to remedy the factors which that contributed to the juvenile's placement and, if  
9 continued placement outside of the juvenile's home is recommended, an explanation  
10 of why returning the juvenile to his or her home is not safe or feasible, unless return  
11 of the juvenile to the home is the goal of the permanency plan and any of the  
12 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

13 ✓ \*b3034/1.7\* SECTION 533cx. 938.365 (2g) (b) 3. of the statutes is amended to  
14 read:

15 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home  
16 for 15 of the most recent 22 months, not including any period during which the  
17 juvenile was a runaway from the out-of-home placement or the first 6 months of any  
18 period during which the juvenile was returned to his or her home for a trial home  
19 visit, a statement of whether or not a recommendation has been made to terminate  
20 the parental rights of the parents of the juvenile. If a recommendation for a  
21 termination of parental rights has been made, the statement shall indicate the date  
22 on which the recommendation was made, any previous progress made to accomplish  
23 the termination of parental rights, any barriers to the termination of parental rights,  
24 specific steps to overcome the barriers and when the steps will be completed, reasons  
25 why adoption would be in the best interest of the juvenile and whether or not the

1 juvenile should be registered with the adoption information exchange. If a  
2 recommendation for termination of parental rights has not been made, the  
3 statement shall include an explanation of the reasons why a recommendation for  
4 termination of parental rights has not been made. If the lack of appropriate adoptive  
5 resources is the primary reason for not recommending a termination of parental  
6 rights, the agency shall recommend that the juvenile be registered with the adoption  
7 information exchange or report the reason why registering the juvenile is contrary  
8 to the best interest of the juvenile.

9 ~~§~~<sup>✓</sup>**b3034/1.7\*** SECTION 533cz. 938.365 (2m) (a) of the statutes is renumbered  
10 938.365 (2m) (a) 1. and amended to read:

11 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of  
12 extension. If the juvenile is placed outside of his or her home, the person or agency  
13 primarily responsible for providing services to the juvenile shall present as evidence  
14 specific information showing that the agency has made reasonable efforts to achieve  
15 the goal of the juvenile's permanency plan, unless return of the juvenile to the home  
16 is the goal of the permanency plan and any of the circumstances specified in s.  
17 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions  
18 of law based on the evidence. ~~Subject to s. 938.355 (2d), the~~ The findings of fact shall  
19 include a finding as to whether reasonable efforts were made by the agency primarily  
20 responsible for providing services to the juvenile to make it possible for the juvenile  
21 to return safely to his or her home achieve the goal of the juvenile's permanency plan,  
22 unless return of the juvenile to the home is the goal of the permanency plan and the  
23 court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.  
24 applies. An order shall be issued under s. 938.355.

1        ✓\*b3034/1.7\* SECTION 533d. 938.365 (2m) (a) 2. of the statutes is created to  
2 read:

3            938.365 (2m) (a) 2. If the court finds that any of the circumstances specified  
4 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include  
5 a determination that the person or agency primarily responsible for providing  
6 services to the juvenile is not required to make reasonable efforts with respect to the  
7 parent to make it possible for the juvenile to return safely to his or her home.

8        ✓\*b3034/1.7\* SECTION 533db. 938.365 (2m) (a) 3. of the statutes is created to  
9 read:

10            938.365 (2m) (a) 3. The court shall make the findings specified in subd. 1.  
11 relating to reasonable efforts to achieve the goal of the juvenile's permanency plan  
12 and the findings specified in subd. 2. on a case-by-case basis based on circumstances  
13 specific to the juvenile and shall document or reference the specific information on  
14 which those findings are based in the order issued under s. 938.355. An order that  
15 merely references subd. 1. or 2. without documenting or referencing that specific  
16 information in the order or an amended order that retroactively corrects an earlier  
17 order that does not comply with this subdivision is not sufficient to comply with this  
18 subdivision.

19        ✓\*b3034/1.7\* SECTION 533dd. 938.365 (2m) (ad) of the statutes is created to  
20 read:

21            938.365 (2m) (ad) 1. If the court finds that any of the circumstances specified  
22 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a  
23 hearing within 30 days after the date of that finding to determine the permanency  
24 plan for the juvenile. If a hearing is held under this subdivision, the agency

1 responsible for preparing the permanency plan shall file the permanency plan with  
2 the court not less than 5 days before the date of the hearing.

3 2. If a hearing is held under subd. 1., at least 10 days before the date of the  
4 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
5 of the juvenile, and any foster parent, treatment foster parent, or other physical  
6 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
7 the hearing.

8 ✓ **\*b3034/1.7\* SECTION 533df.** 938.365 (2m) (ag) of the statutes is amended to  
9 read:

10 938.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The  
11 court shall give a foster parent, treatment foster parent, or other physical custodian  
12 described in s. 48.62 (2) of the juvenile who is notified of a hearing under par. (ad)  
13 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster  
14 parent, treatment foster parent, or other physical custodian to make a written or oral  
15 statement during the hearing, or to submit a written statement prior to the hearing,  
16 relevant to the issue of extension. ~~Any written or oral statement made under this~~  
17 ~~paragraph shall be made under oath or affirmation.~~ A foster parent, treatment foster  
18 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a  
19 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this  
20 paragraph does not become a party to the proceeding on which the hearing is held  
21 solely on the basis of receiving that notice and opportunity to be heard.

22 ✓ **\*b3034/1.7\* SECTION 533dh.** 938.365 (5) of the statutes is amended to read:

23 938.365 (5) Except as provided in s. 938.368, ~~all orders~~ an order under this  
24 section that continues the placement of a juvenile in his or her home or that extends  
25 an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time

1 not to exceed one year after its date of entry. Except as provided in s. 938.368, an  
2 order under this section that continues the placement of a juvenile in a foster home,  
3 treatment foster home, group home, or residential care center for children and youth  
4 or in the home of a relative other than a parent shall be for a specified length of time  
5 not to exceed the date on which the juvenile reaches 18 years of age, one year after  
6 the date of entry of the order, or, if the juvenile is a full-time student at a secondary  
7 school or its vocational or technical equivalent and is reasonably expected to  
8 complete the program before reaching 19 years of age, the date on which the juvenile  
9 reaches 19 years of age, whichever is later.

10 ✓ **\*b3034/1.7\* SECTION 533dj.** 938.38 (2) (intro.) of the statutes, as affected by  
11 2001 Wisconsin Act 59, is amended to read:

12 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
13 for each juvenile living in a foster home, treatment foster home, group home,  
14 residential care center for children and youth, secure detention facility, or shelter  
15 care facility, the agency that placed the juvenile or arranged the placement or the  
16 agency assigned primary responsibility for providing services to the juvenile under  
17 s. 938.355 shall prepare a written permanency plan, if any of the following conditions  
18 exists, and, for each juvenile living in the home of a relative other than a parent, that  
19 agency shall prepare a written permanency plan, if any of the conditions specified  
20 in pars. (a) to (e) exists:

21 ✓ **\*b3034/1.7\* SECTION 533dL.** 938.38 (2) (c) of the statutes is amended to read:  
22 938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64  
23 (2) or pursuant to, under a consent decree under s. 938.32 (1) (c), or under a court  
24 order under s. 938.355.

25 ✓ **\*b3034/1.7\* SECTION 533dn.** 938.38 (2) (f) of the statutes is amended to read:

1 938.38 (2) (f) The juvenile's care is ~~paid~~ would be paid for under s. 49.19 but  
2 for s. 49.19 (20).

3 ✓\*b3034/1.7\* SECTION 533dp. 938.38 (3) (intro.) of the statutes is amended to  
4 read:

5 938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (c) 1., the agency shall file  
6 the permanency plan with the court within 60 days after the date on which the  
7 juvenile was first ~~held in physical custody or placed outside of~~ removed from his or  
8 her home ~~under a court order~~, except under either of the following conditions:

9 ✓\*b3034/1.7\* SECTION 533dr. 938.38 (4) (intro.) of the statutes is amended to  
10 read:

11 938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~  
12 ~~description of~~ all of the following:

13 ✓\*b3034/1.7\* SECTION 533dt. 938.38 (4) (a) of the statutes is renumbered 938.38  
14 (4) (ar) and amended to read:

15 938.38 (4) (ar) ~~The~~ A description of the services offered and any service services  
16 provided in an effort to prevent holding or placing the juvenile outside of the removal  
17 of the juvenile from his or her home, while assuring that the health and safety of the  
18 juvenile are the paramount concerns, and to ~~make it possible for the juvenile to~~  
19 ~~return safely home~~ achieve the goal of the permanency plan, except that the  
20 permanency plan ~~need not~~ is not required to include a description of these the  
21 services offered or provided with respect to a parent of the juvenile to prevent the  
22 removal of the juvenile from the home or to achieve the permanency plan goal of  
23 returning the juvenile safely to his or her home if any of the circumstances specified  
24 in s. 938.355 (2d) (b) 1., 2., 3. or to 4. apply to that parent.

25 ✓\*b3034/1.7\* SECTION 533dv. 938.38 (4) (ag) of the statutes is created to read:

1           938.38 (4) (ag) The name, address, and telephone number of the juvenile's  
2 parent, guardian, and legal custodian.

3           ✓\*b3034/1.7\* SECTION 533dx. 938.38 (4) (am) of the statutes is created to read:

4           938.38 (4) (am) The date on which the juvenile was removed from his or her  
5 home and the date on which the juvenile was placed in out-of-home care.

6           ✓\*b3034/1.7\* SECTION 533dz. 938.38 (4) (bm) of the statutes is amended to read:

7           938.38 (4) (bm) ~~The A statement as to the~~ availability of a safe and appropriate  
8 placement with a fit and willing relative of the juvenile and, if a decision is made not  
9 to place the juvenile with an available relative, a statement as to why placement with  
10 the relative is not safe or appropriate.

11           ✓\*b3034/1.7\* SECTION 533e. 938.38 (4) (dg) of the statutes is created to read:

12           938.38 (4) (dg) Information about the juvenile's education, including all of the  
13 following:

14           1. The name and address of the school in which the juvenile is or was most  
15 recently enrolled.

16           2. Any special education programs in which the juvenile is or was previously  
17 enrolled.

18           3. The grade level in which the juvenile is or was most recently enrolled and  
19 all information that is available concerning the juvenile's grade level performance.

20           4. A summary of all available education records relating to the juvenile that are  
21 relevant to any education goals included in the education services plan prepared  
22 under s. 938.33 (1) (e).

23           ✓\*b3034/1.7\* SECTION 533eb. 938.38 (4) (dm) of the statutes is created to read:

24           938.38 (4) (dm) If as a result of the placement the juvenile has been or will be  
25 transferred from the school in which the juvenile is or most recently was enrolled,

1 documentation that a placement that would maintain the juvenile in that school is  
2 either unavailable or inappropriate or that a placement that would result in the  
3 juvenile's transfer to another school would be in the juvenile's best interests.

4 *S***\*b3034/1.7\* SECTION 533ed.** 938.38 (4) (dr) of the statutes is created to read:

5 938.38 (4) (dr) Medical information relating to the juvenile, including all of the  
6 following:

7 1. The names and addresses of the juvenile's physician, dentist, and any other  
8 health care provider that is or was previously providing health care services to the  
9 juvenile.

10 2. The juvenile's immunization record, including the name and date of each  
11 immunization administered to the juvenile.

12 3. Any known medical condition for which the juvenile is receiving medical care  
13 or treatment and any known serious medical condition for which the juvenile has  
14 previously received medical care or treatment.

15 4. The name, purpose, and dosage of any medication that is being administered  
16 to the juvenile and the name of any medication that causes the juvenile to suffer an  
17 allergic or other negative reaction.

18 *S***\*b3034/1.7\* SECTION 533ef.** 938.38 (4) (e) of the statutes is amended to read:

19 938.38 (4) (e) The A plan for ensuring the safety and appropriateness of the  
20 placement and a description of the services provided to meet the needs of the juvenile  
21 and family, including a discussion of services that have been investigated and  
22 considered and are not available or likely to become available within a reasonable  
23 time to meet the needs of the juvenile or, if available, why such services are not safe  
24 or appropriate.

1 ✓\*b3034/1.7\* SECTION 533eh. 938.38 (4) (f) (intro.) of the statutes is amended  
2 to read:

3 938.38 (4) (f) (intro.) The A description of the services that will be provided to  
4 the juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's  
5 treatment foster parent ~~or~~, the operator of the facility where the juvenile is living,  
6 or the relative with whom the juvenile is living to carry out the dispositional order,  
7 including services planned to accomplish all of the following:

8 ✓\*b3034/1.7\* SECTION 533ej. 938.38 (4) (fg) of the statutes is created to read:

9 938.38 (4) (fg) The goal of the permanency plan or, if the agency is making  
10 concurrent reasonable efforts under s. 938.355 (2b), the goals of the permanency  
11 plan. If a goal of the permanency plan is any goal other than return of the juvenile  
12 to his or her home, the permanency plan shall include the rationale for deciding on  
13 that goal. If a goal of the permanency plan is an alternative permanent placement  
14 under subd. 5., the permanency plan shall document a compelling reason why it  
15 would not be in the best interest of the juvenile to pursue a goal specified in subds.  
16 1. to 4. The agency shall determine one or more of the following goals to be the goal  
17 or goals of a juvenile's permanency plan:

- 18 1. Return of the juvenile to the juvenile's home.
- 19 2. Placement of the juvenile for adoption.
- 20 3. Placement of the juvenile with a guardian.
- 21 4. Permanent placement of the juvenile with a fit and willing relative.
- 22 5. Some other alternative permanent placement, including sustaining care,  
23 independent living, or long-term foster care.

24 ✓\*b3034/1.7\* SECTION 533eL. 938.38 (4) (fm) of the statutes is amended to read:

1           938.38 (4) (fm) If the goal of the permanency plan calls for placing is to place  
2 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some  
3 other alternative permanent placement, the efforts made to place the juvenile for  
4 adoption, with a guardian or in some other alternative permanent placement achieve  
5 that goal.

6           **\*b3034/1.7\* SECTION 533en.** 938.38 (4) (h) of the statutes is created to read:

7           938.38 (4) (h) If the juvenile is 15 years of age or over, a description of the  
8 programs and services that are or will be provided to assist the juvenile in preparing  
9 for the transition from out-of-home care to independent living. The description  
10 shall include all of the following:

11           1. The anticipated age at which the juvenile will be discharged from  
12 out-of-home care.

13           2. The anticipated amount of time available in which to prepare the juvenile  
14 for the transition from out-of-home care to independent living.

15           3. The anticipated location and living situation of the juvenile on discharge  
16 from out-of-home care.

17           4. A description of the assessment processes, tools, and methods that have been  
18 or will be used to determine the programs and services that are or will be provided  
19 to assist the juvenile in preparing for the transition from out-of-home care to  
20 independent living.

21           5. The rationale for each program or service that is or will be provided to assist  
22 the juvenile in preparing for the transition from out-of-home care to independent  
23 living, the time frames for delivering those programs or services, and the intended  
24 outcome of those programs or services.

1        ✓ **\*b3034/1.7\* SECTION 533ep.** 938.38 (5) (a) of the statutes, as affected by 2001  
2        Wisconsin Act 69, is amended to read:

3                938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel  
4        appointed under ~~this paragraph~~ par. (ag) shall review the permanency plan every in  
5        the manner provided in this subsection not later than 6 months from after the date  
6        on which the juvenile was first ~~held in physical custody or placed outside of~~ removed  
7        from his or her home and every 12 months after a previous review under this  
8        subsection for as long as the juvenile is placed outside the home, except that for the  
9        review that is required to be conducted not later than 12 months after the juvenile  
10        was first removed from his or her home and the reviews that are required to be  
11        conducted every 12 months after that review the court shall hold a hearing under  
12        sub. (5m) to review the permanency plan, which hearing may be instead of or in  
13        addition to the review under this subsection.

14                (ag) If the court elects not to review the permanency plan, the court shall  
15        appoint a panel to review the permanency plan. The panel shall consist of 3 persons  
16        who are either designated by an independent agency that has been approved by the  
17        chief judge of the judicial administrative district or designated by the agency that  
18        prepared the permanency plan. A voting majority of persons on each panel shall be  
19        persons who are not employed by the agency that prepared the permanency plan and  
20        who are not responsible for providing services to the juvenile or the parents of the  
21        juvenile whose permanency plan is the subject of the review.

22        ✓ **\*b3034/1.7\* SECTION 533er.** 938.38 (5) (b) of the statutes is amended to read:

23                938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,  
24        the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,  
25        the juvenile's treatment foster parent ~~or~~, the operator of the facility in which the

1 juvenile is living, or the relative with whom the juvenile is living of the date, time,  
2 and place of the review, of the issues to be determined as part of the review, and of  
3 the fact that they may have an opportunity to be heard at the review by submitting  
4 written comments not less than 10 working days before the review or by  
5 participating at the review. The court or agency shall notify the person representing  
6 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem  
7 of the date of the review, of the issues to be determined as part of the review, and of  
8 the fact that they may submit written comments not less than 10 working days before  
9 the review. The notices under this paragraph shall be provided in writing not less  
10 than 30 days before the review and copies of the notices shall be filed in the juvenile's  
11 case record.

12 ✓ **\*b3034/1.7\* SECTION 533et.** 938.38 (5) (c) 6. (intro.) of the statutes is amended  
13 to read:

14 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her  
15 home, as described in s. 938.365 (1), for 15 of the most recent 22 months, not including  
16 any period during which the juvenile was a runaway from the out-of-home  
17 placement or the first 6 months of any period during which the juvenile was returned  
18 to his or her home for a trial home visit, the appropriateness of the permanency plan  
19 and the circumstances which prevent the juvenile from any of the following:

20 ✓ **\*b3034/1.7\* SECTION 533ev.** 938.38 (5) (c) 6. am. of the statutes is renumbered  
21 938.38 (5) (c) 6. cm. and amended to read:

22 938.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the  
23 juvenile.

24 ✓ **\*b3034/1.7\* SECTION 533ex.** 938.38 (5) (c) 6. cg. of the statutes is created to  
25 read:

1           938.38 (5) (c) 6. cg. Being placed with a guardian.

2           ✓\*b3034/1.7\* SECTION 533ez. 938.38 (5) (c) 6. d. of the statutes is amended to  
3 read:

4           938.38 (5) (c) 6. d. Being placed in some other alternative permanent  
5 placement, including sustaining care, independent living, or long-term foster care.

6           ✓\*b3034/1.7\* SECTION 533f. 938.38 (5) (c) 7. of the statutes is amended to read:

7           938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to ~~make~~  
8 ~~it possible for the juvenile to return safely to his or her home, except that the court~~  
9 ~~or panel need not determine whether those reasonable efforts were made with~~  
10 ~~respect to a parent of the juvenile if any of the circumstances specified in s. 938.355~~  
11 ~~(2d) (b) 1., 2., 3. or 4. apply to that parent~~ achieve the goal of the permanency plan,  
12 unless return of the juvenile to the home is the goal of the permanency plan and any  
13 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

14           ✓\*b3034/1.7\* SECTION 533fb. 938.38 (5m) of the statutes is created to read:

15           938.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to  
16 review the permanency plan and to make the determinations specified in sub. (5) (c)  
17 no later than 12 months after the date on which the juvenile was first removed from  
18 the home and every 12 months after a previous hearing under this subsection for as  
19 long as the juvenile is placed outside the home.

20           (b) Not less than 30 days before the date of the hearing, the court shall notify  
21 the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster  
22 parent or treatment foster parent, the operator of the facility in which the juvenile  
23 is living, the juvenile's counsel, and the juvenile's guardian ad litem; or the relative  
24 with whom the juvenile is living; the agency that prepared the permanency plan; and

1 the person representing the interests of the public of the date, time, and place of the  
2 hearing.

3 (c) Any person who is provided notice of the hearing may have an opportunity  
4 to be heard at the hearing by submitting written comments relevant to the  
5 determinations specified in sub. (5) (c) not less than 10 working days before the date  
6 of the hearing or by participating at the hearing. A foster parent, treatment foster  
7 parent, operator of a facility in which a juvenile is living, or relative with whom a  
8 juvenile is living who receives notice of a hearing under par. (b) and an opportunity  
9 to be heard under this paragraph does not become a party to the proceeding on which  
10 the hearing is held solely on the basis of receiving that notice and opportunity to be  
11 heard.

12 (d) At least 5 days before the date of the hearing the agency that prepared the  
13 permanency plan shall provide a copy of the permanency plan and any written  
14 comments submitted under par. (c) to the court, to the juvenile's parent, guardian,  
15 and legal custodian, to the person representing the interests of the public, and to the  
16 juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a), the person  
17 representing the interests of the public and the juvenile's counsel or guardian ad  
18 litem may have access to any other records concerning the juvenile for the purpose  
19 of participating in the review. A person permitted access to a juvenile's records under  
20 this paragraph may not disclose any information from the records to any other  
21 person.

22 (e) After the hearing, the court shall make written findings of fact and  
23 conclusions of law relating to the determinations under sub. (5) (c) and shall provide  
24 a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's  
25 parent, guardian, and legal custodian; the juvenile's foster parent or treatment foster

1 parent, the operator of the facility in which the juvenile is living, or the relative with  
2 whom the juvenile is living; the agency that prepared the permanency plan; and the  
3 person representing the interests of the public. The court shall make the findings  
4 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to  
5 the juvenile and shall document or reference the specific information on which those  
6 findings are based in the findings of fact and conclusions of law prepared under this  
7 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)  
8 7. without documenting or referencing that specific information in the findings of fact  
9 and conclusions of law or amended findings of fact and conclusions of law that  
10 retroactively correct earlier findings of fact and conclusions of law that do not comply  
11 with this paragraph are not sufficient to comply with this paragraph.

12 (f) If the findings of fact and conclusions of law under par. (e) conflict with the  
13 juvenile's dispositional order or provide for any additional services not specified in  
14 the dispositional order, the court shall revise the dispositional order under s. 938.363  
15 or order a change in placement under s. 938.357, as appropriate.

16 ✓\*b3034/1.7\* SECTION 533fd. 938.78 (2) (a) of the statutes is amended to read:

17 938.78 (2) (a) No agency may make available for inspection or disclose the  
18 contents of any record kept or information received about an individual in its care  
19 or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d)  
20 or (5m) (d), or 938.51 or by order of the court.”.

21 ✓\*b2369/1.1\* 473. Page 228, line 3: after that line insert:

22 ✓\*b2369/1.1\* “SECTION 535m. 939.24 (2) of the statutes is amended to read:

1           939.24 (2) Except as provided in ss. 940.285, 940.29 and, 940.295, and 943.76,  
2 if criminal recklessness is an element of a crime in chs. 939 to 951, the recklessness  
3 is indicated by the term “reckless” or “recklessly”.”

4           ✓**\*b2613/1.6\* 474.** Page 232, line 6: after that line insert:

5           ✓**\*b2613/1.6\*** “SECTION 559v. 939.615 (1) (b) 1. of the statutes is amended to  
6 read:

7           939.615 (1) (b) 1. A violation, or the solicitation, conspiracy, or attempt to  
8 commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025  
9 (1), 948.05 (1) or (1m), 948.055 (1), 948.06, 948.07, 948.075, 948.08, 948.11 (2) (a),  
10 948.12, or 948.13.”

11           ✓**\*b2613/1.7\* 475.** Page 233, line 3: delete lines 3 to 9 and substitute:

12           ✓**\*b2613/1.7\*** “SECTION 566d. 939.62 (2m) (a) 2m. b. of the statutes is amended  
13 to read:

14           939.62 (2m) (a) 2m. b. Any felony under s. 940.01, 940.02, 940.03, 940.05,  
15 940.09 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,  
16 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m),  
17 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08,  
18 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

19           ✓**\*b2613/1.7\*** SECTION 566f. 939.62 (2m) (a) 2m. b. of the statutes, as affected  
20 by 2001 Wisconsin .... (this act), is amended to read:

21           939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)  
22 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.  
23 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,  
24 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),

1       ~~(1m), or (1r),~~ 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),  
2       948.05, 948.06, 948.07, 948.075, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c), or 948.36.~~”.

3       ✓ **\*b2613/1.8\* 476.** Page 235, line 25: after that line insert:

4       ✓ **\*b2613/1.8\* “SECTION 582p.** 939.74 (2) (c) of the statutes, as affected by 2001  
5       Wisconsin Act 16, is amended to read:

6             939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),  
7       948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, or 948.095 shall be  
8       commenced before the victim reaches the age of 31 years or be barred, except as  
9       provided in sub. (2d) (c). ✓

10       ✓ **\*b2892/3.5\* 477.** Page 248, line 19: after that line insert:

11       ✓ **\*b2892/3.5\* “SECTION 657b.** 940.32 (1) (a) of the statutes is renumbered 940.32  
12       (1) (a) (intro.) and amended to read:

13             940.32 (1) (a) (intro.) “Course of conduct” means ~~repeatedly maintaining a~~  
14       ~~visual or physical proximity to a person. a series of 2 or more acts carried out over~~  
15       ~~time, however short or long, that show a continuity of purpose, including any of the~~  
16       following:

17       ✓ **\*b2892/3.5\* SECTION 657c.** 940.32 (1) (a) 1. of the statutes is created to read:

18             940.32 (1) (a) 1. Maintaining a visual or physical proximity to the victim.

19       ✓ **\*b2892/3.5\* SECTION 657d.** 940.32 (1) (a) 2. of the statutes is created to read:

20             940.32 (1) (a) 2. Approaching or confronting the victim.

21       ✓ **\*b2892/3.5\* SECTION 657e.** 940.32 (1) (a) 3. of the statutes is created to read:

22             940.32 (1) (a) 3. Appearing at the victim’s workplace or contacting the victim’s  
23       employer or coworkers.

24       ✓ **\*b2892/3.5\* SECTION 657f.** 940.32 (1) (a) 4. of the statutes is created to read:

1           940.32 (1) (a) 4. Appearing at the victim's home or contacting the victim's  
2 neighbors.

3           ✓\*b2892/3.5\* SECTION 657g. 940.32 (1) (a) 5. of the statutes is created to read:

4           940.32 (1) (a) 5. Entering property owned, leased, or occupied by the victim.

5           ✓\*b2892/3.5\* SECTION 657h. 940.32 (1) (a) 6. of the statutes is created to read:

6           940.32 (1) (a) 6. Contacting the victim by telephone or causing the victim's  
7 telephone or any other person's telephone to ring repeatedly or continuously,  
8 regardless of whether a conversation ensues.

9           ✓\*b2892/3.5\* SECTION 657i. 940.32 (1) (a) 7. of the statutes is created to read:

10           940.32 (1) (a) 7. Sending material by any means to the victim or, for the purpose  
11 of obtaining information about, disseminating information about, or communicating  
12 with the victim, to a member of the victim's family or household or an employer,  
13 coworker, or friend of the victim.

14           ✓\*b2892/3.5\* SECTION 657j. 940.32 (1) (a) 8. of the statutes is created to read:

15           940.32 (1) (a) 8. Placing an object on or delivering an object to property owned,  
16 leased, or occupied by the victim.

17           ✓\*b2892/3.5\* SECTION 657k. 940.32 (1) (a) 9. of the statutes is created to read:

18           940.32 (1) (a) 9. Delivering an object to a member of the victim's family or  
19 household or an employer, coworker, or friend of the victim or placing an object on,  
20 or delivering an object to, property owned, leased, or occupied by such a person with  
21 the intent that the object be delivered to the victim.

22           ✓\*b2892/3.5\* SECTION 657m. 940.32 (1) (a) 10. of the statutes is created to read:

23           940.32 (1) (a) 10. Causing a person to engage in any of the acts described in  
24 subds. 7. to 9.

25           ✓\*b2892/3.5\* SECTION 657n. 940.32 (1) (am) of the statutes is created to read:

1 940.32 (1) (am) “Domestic abuse” has the meaning given in s. 813.12 (1) (am).

2 ✓\*b2892/3.5\* SECTION 657no. 940.32 (1) (ap) of the statutes is created to read:

3 940.32 (1) (ap) “Domestic abuse offense” means an act of domestic abuse that  
4 constitutes a crime.

5 ✓\*b2892/3.5\* SECTION 657p. 940.32 (1) (b) of the statutes is renumbered 940.32  
6 (1) (cb) and amended to read:

7 940.32 (1) (cb) ~~“Immediate family”~~ “Member of a family” means a spouse,  
8 parent, child, sibling, or any other person ~~who regularly resides in the household or~~  
9 ~~who within the prior 6 months regularly resided in the household~~ who is related by  
10 blood or adoption to another.

11 ✓\*b2892/3.5\* SECTION 657q. 940.32 (1) (cd) of the statutes is created to read:

12 940.32 (1) (cd) “Member of a household” means a person who regularly resides  
13 in the household of another or who within the previous 6 months regularly resided  
14 in the household of another.

15 ✓\*b2892/3.5\* SECTION 657r. 940.32 (1) (d) of the statutes is repealed.

16 ✓\*b2892/3.5\* SECTION 657s. 940.32 (2) (intro.) of the statutes is amended to  
17 read:

18 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class  
19 ~~A misdemeanor~~ E felony.”.

20 ✓\*b2892/3.6\* 478. Page 248, line 20: delete lines 20 to 22 and substitute:

21 ✓\*b2892/3.6\* “SECTION 658b. 940.32 (2) (intro.) of the statutes, as affected by  
22 2001 Wisconsin Act .... (this act), is amended to read:

23 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class  
24 ~~E I~~ I felony:

1 ✓ **\*b2892/3.6\* SECTION 658c.** 940.32 (2) (a) of the statutes is amended to read:

2 940.32 (2) (a) The actor intentionally engages in a course of conduct directed  
3 at a specific person that would cause a reasonable person under the same  
4 circumstances to fear bodily injury to ~~himself or herself or a member of his or her~~  
5 ~~immediate family~~ or ~~to fear~~ the death of himself or herself or a member of his or her  
6 immediate family or household.

7 ✓ **\*b2892/3.6\* SECTION 658d.** 940.32 (2) (b) of the statutes is amended to read:

8 940.32 (2) (b) The actor ~~has knowledge or should have knowledge~~ intends that  
9 at least one of the acts that constitute the course of conduct will place the specific  
10 person ~~will be placed~~ in reasonable fear of bodily injury to ~~himself or herself or a~~  
11 ~~member of his or her immediate family~~ or ~~will be placed in reasonable fear of the~~  
12 death of himself or herself or a member of his or her ~~immediate family~~ or household.

13 ✓ **\*b2892/3.6\* SECTION 658e.** 940.32 (2) (c) of the statutes is amended to read:

14 940.32 (2) (c) The actor's acts induce fear in the specific person of bodily injury  
15 to ~~himself or herself or a member of his or her immediate family~~ or ~~induce fear in the~~  
16 ~~specific person~~ of the death of himself or herself or a member of his or her ~~immediate~~  
17 family or household.

18 ✓ **\*b2892/3.6\* SECTION 658g.** 940.32 (2e) (intro.) of the statutes, as created by  
19 2001 Wisconsin Act .... (this act), is amended to read:

20 940.32 (2e) (intro.) Whoever meets all of the following criteria is guilty of a  
21 Class ~~E~~ I felony:

22 ✓ **\*b2892/3.6\* SECTION 658f.** 940.32 (2e) of the statutes is created to read:

23 940.32 (2e) Whoever meets all of the following criteria is guilty of a Class E  
24 felony:

1 (a) After having been convicted of sexual assault under s. 940.225, 948.02, or  
2 948.025 or a domestic abuse offense, the actor engages in any of the acts listed in sub.  
3 (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic  
4 abuse offense.

5 (b) The actor intends that the act will place the specific person in reasonable  
6 fear of bodily injury to or the death of himself or herself or a member of his or her  
7 family or household.

8 (c) The actor's act induces fear in the specific person of bodily injury to or the  
9 death of himself or herself or a member of his or her family or household.

10 ✓\*b2892/3.6\* SECTION 658h. 940.32 (2m) of the statutes is renumbered 940.32  
11 (2m) (intro.) and amended to read:

12 940.32 (2m) (intro.) Whoever violates sub. (2) is guilty of a Class D felony if he  
13 ~~or she~~ any of the following applies:

14 (c) The actor intentionally gains access or causes another person to gain access  
15 to a record in electronic format that contains personally identifiable information  
16 regarding the victim in order to facilitate the violation under sub. (2).".

17 ✓\*b2892/3.7\* 479. Page 248, line 23: delete the material beginning with that  
18 line and ending with page 249, line 2, and substitute:

19 ✓\*b2892/3.7\* "SECTION 659b. 940.32 (2m) (intro.) of the statutes, as affected by  
20 2001 Wisconsin Act .... (this act), is amended to read:

21 940.32 (2m) (intro.) Whoever violates sub. (2) is guilty of a Class ~~D~~ H felony if  
22 any of the following applies:

23 ✓\*b2892/3.7\* SECTION 659c. 940.32 (2m) (a) of the statutes is created to read:

1           940.32 (2m) (a) The actor has a previous conviction for a violent crime, as  
2 defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013  
3 (1r), (1t), (1v), or (1x).

4           ✓\*b2892/3.7\* SECTION 659d. 940.32 (2m) (b) of the statutes is created to read:

5           940.32 (2m) (b) The actor has a previous conviction for a crime, the victim of  
6 that crime is the victim of the present violation of sub. (2), and the present violation  
7 occurs within 7 years after the prior conviction.

8           ✓\*b2892/3.7\* SECTION 659e. 940.32 (2m) (d) of the statutes is created to read:

9           940.32 (2m) (d) The person violates s. 968.31 (1) or 968.34 (1) in order to  
10 facilitate the violation.

11           ✓\*b2892/3.7\* SECTION 659f. 940.32 (2m) (e) of the statutes is created to read:

12           940.32 (2m) (e) The victim is under the age of 18 years at the time of the  
13 violation.

14           ✓\*b2892/3.7\* SECTION 659g. 940.32 (3) (intro.) of the statutes is amended to  
15 read:

16           940.32 (3) (intro.) Whoever violates sub. (2) ~~under any of the following~~  
17 ~~circumstances~~ is guilty of a Class ~~E~~ C felony if any of the following applies:”.

18           ✓\*b2892/3.8\* 480. Page 249, line 3: delete lines 3 to 5 and substitute:

19           ✓\*b2892/3.8\* “SECTION 660b. 940.32 (3) (intro.) of the statutes, as affected by  
20 2001 Wisconsin Act .... (this act), is amended to read:

21           940.32 (3) (intro.) Whoever violates sub. (2) is guilty of a Class ~~C~~ F felony if any  
22 of the following applies:

23           ✓\*b2892/3.8\* SECTION 660c. 940.32 (3) (a) of the statutes is amended to read:

1           940.32 (3) (a) The act results in bodily harm to the victim or a member of the  
2 victim's family or household.

3           ✓\*b2892/3.8\* SECTION 660d. 940.32 (3) (b) of the statutes is amended to read:

4           940.32 (3) (b) The actor has a previous conviction for a violent crime, as defined  
5 in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r),  
6 (1t), (1v) or (1x) for a violation against, the same victim of that crime is the victim of  
7 the present violation of sub. (2), and the present violation occurs within 7 years after  
8 the prior conviction.

9           ✓\*b2892/3.8\* SECTION 660e. 940.32 (3) (c) of the statutes is created to read:

10           940.32 (3) (c) The actor uses a dangerous weapon in carrying out any of the acts  
11 listed in sub. (1) (a) 1. to 9.”.

12           ✓\*b2892/3.9\* 481. Page 249, line 6: delete lines 6 to 8 and substitute:

13           ✓\*b2892/3.9\* “SECTION 661b. 940.32 (3m) of the statutes is repealed.”.

14           ✓\*b2369/1.2\* 482. Page 271, line 8: after that line insert:

15           ✓\*b2369/1.2\* “SECTION 810g. 943.76 (1) of the statutes, as created by 2001  
16 Wisconsin Act 16, is renumbered 943.76 (1) (intro.) and amended to read:

17           943.76 (1) (intro.) In this section, ~~“livestock”~~:

18           (a) “Livestock” means cattle, horses, swine, sheep, goats, farm–raised deer, as  
19 defined in s. 95.001 (1) (a), poultry, and other animals used or to be used in the  
20 production of food, fiber, or other commercial products.

21           ✓\*b2369/1.2\* SECTION 810k. 943.76 (1) (b) of the statutes is created to read:

22           943.76 (1) (b) “Paratuberculosis” has the meaning given in s. 95.001 (1) (c).

23           ✓\*b2369/1.2\* SECTION 810n. 943.76 (1) (c) of the statutes is created to read:

1           943.76 (1) (c) “Reckless conduct” means conduct which creates a substantial  
2 risk of an animal’s death or a substantial risk of bodily harm to an animal if the actor  
3 is aware of that risk.”

4           ✓\*b2369/1.3\* **483.** Page 271, line 18: after that line insert:

5           ✓\*b2369/1.3\* “SECTION 812m. 943.76 (3) of the statutes is created to read:

6           943.76 (3) (a) Whoever, through reckless conduct, introduces a contagious or  
7 infectious disease other than paratuberculosis into livestock without the consent of  
8 the owner of the livestock is guilty of a Class A misdemeanor.

9           (b) Whoever, through reckless conduct, introduces a contagious or infectious  
10 disease other than paratuberculosis into wild deer without the consent of the  
11 department of natural resources is guilty of a Class A misdemeanor.

12           (c) This subsection does not apply if the actor’s conduct is undertaken pursuant  
13 to a directive issued by the department of agriculture, trade and consumer protection  
14 or an agreement between the actor and the department of agriculture, trade and  
15 consumer protection, if the purpose of the directive or the agreement is to prevent  
16 or control the spread of the disease.”

17           ✓\*b3072/1.1\* **484.** Page 271, line 18: after that line insert:

18           ✓\*b3072/1.1\* “SECTION 812t. 943.76 (4) of the statutes is created to read:

19           943.76 (4) (a) Whoever intentionally threatens to introduce a contagious or  
20 infectious disease into livestock located in this state without the consent of the owner  
21 of the livestock is guilty of a Class D felony if one of the following applies:

22           1. The owner of the livestock is aware of the threat and reasonably believes that  
23 the actor will attempt to carry out the threat.

1           2. The owner of the livestock is unaware of the threat, but if the owner were  
2           apprised of the threat, it would be reasonable for the owner to believe that the actor  
3           would attempt to carry out the threat.

4           (b) Whoever intentionally threatens to introduce a contagious or infectious  
5           disease into wild deer located in this state without the consent of the department of  
6           natural resources is guilty of a Class D felony if one of the following applies:

7           1. The department of natural resources is aware of the threat and reasonably  
8           believes that the actor will attempt to carry out the threat.

9           2. The department of natural resources is unaware of the threat, but if the  
10          department were apprised of the threat, it would be reasonable for the department  
11          to believe that the actor would attempt to carry out the threat.

12          ✓ **\*b3072/1.1\* SECTION 812u.** 943.76 (4) (a) (intro.) of the statutes, as created by  
13          2001 Wisconsin Act .... (this act), is amended to read:

14           943.76 (4) (a) (intro.) Whoever intentionally threatens to introduce a  
15           contagious or infectious disease into livestock located in this state without the  
16           consent of the owner of the livestock is guilty of a Class D H felony if one of the  
17           following applies:

18          ✓ **\*b3072/1.1\* SECTION 812v.** 943.76 (4) (b) (intro.) of the statutes, as created by  
19          2001 Wisconsin Act .... (this act), is amended to read:

20           943.76 (4) (b) (intro.) Whoever intentionally threatens to introduce a  
21           contagious or infectious disease into wild deer located in this state without the  
22           consent of the department of natural resources is guilty of a Class D H felony if one  
23           of the following applies:” ✓

24          ✓ **\*b2892/3.10\* 485.** Page 282, line 8: after that line insert:

1 ✓\*b2892/3.10\* "SECTION 874x. 947.013 (1t) of the statutes is amended to read:

2 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E felony if the person  
3 has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s. 940.32 (2),  
4 (2e), (2m), or (3) or ~~(3m)~~ involving the same victim and the present violation occurs  
5 within 7 years of the prior conviction."

6 ✓\*b2892/3.11\* 486. Page 282, line 9: delete lines 9 to 13 and substitute:

7 ✓\*b2892/3.11\* "SECTION 875b. 947.013 (1t) of the statutes, as affected by 2001  
8 Wisconsin Act .... (this act), is amended to read:

9 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class ~~E~~ I felony if the  
10 person has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s.  
11 940.32 (2), (2e), (2m), or (3) involving the same victim and the present violation  
12 occurs within 7 years of the prior conviction."

13 ✓\*b2892/3.12\* 487. Page 282, line 21: after that line insert:

14 ✓\*b2892/3.12\* "SECTION 877g. 947.013 (1x) (a) of the statutes is amended to  
15 read:

16 947.013 (1x) (a) The person has a prior conviction under sub. (1r), (1t) or (1v)  
17 or this subsection or s. 940.32 (2), (2e), (2m), or (3) or ~~(3m)~~."

18 ✓\*b2613/1.9\* 488. Page 284, line 14: after that line insert:

19 ✓\*b2613/1.9\* "SECTION 886f. 948.025 (3) of the statutes is amended to read:

20 948.025 (3) The state may not charge in the same action a defendant with a  
21 violation of this section and with a felony violation involving the same child under  
22 ch. 944 or a violation involving the same child under s. 948.02, 948.05, 948.06,  
23 948.07, 948.075, 948.08, 948.10, 948.11, or 948.12, unless the other violation  
24 occurred outside of the time period applicable under sub. (1). This subsection does

1 not prohibit a conviction for an included crime under s. 939.66 when the defendant  
2 is charged with a violation of this section.”.

3 ✓\*b2613/1.10\* **489**. Page 287, line 17: after that line insert:

4 ✓\*b2613/1.10\* “SECTION 904m. 948.075 of the statutes is created to read:

5 **948.075 Use of a computer to facilitate a child sex crime.** (1) Whoever  
6 uses a computerized communication system to communicate with an individual who  
7 the actor believes or has reason to believe has not attained the age of 16 years with  
8 intent have sexual contact or sexual intercourse with the individual in violation of  
9 s. 948.02 (1) or (2) is guilty of a Class BC felony.

10 (2) This section does not apply if, at the time of the communication, the actor  
11 reasonably believed that the age of the person to whom the communication was sent  
12 was no more than 24 months less than the age of the actor.

13 (3) Proof that the actor did an act, other than use a computerized  
14 communication system to communicate with the individual, to effect the actor’s  
15 intent under sub. (1) shall be necessary to prove that intent.

16 ✓\*b2613/1.10\* SECTION 904n. 948.075 (1) of the statutes, as created by 2001  
17 Wisconsin Act .... (this act), is amended to read:

18 948.075 (1) Whoever uses a computerized communication system to  
19 communicate with an individual who the actor believes or has reason to believe has  
20 not attained the age of 16 years with intent have sexual contact or sexual intercourse  
21 with the individual in violation of s. 948.02 (1) or (2) is guilty of a ~~Class BC~~ Class D  
22 felony.”.

23 ✓\*b2613/1.11\* **490**. Page 288, line 23: after that line insert:

24 \*b2613/1.11\* “SECTION 910v. 948.13 (1) (a) of the statutes is amended to read:



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1            948.13 (1) (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim  
2            is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1),  
3            948.025 (1), 948.05 (1) or (1m), 948.06 or 948.07 (1), (2), (3), or (4), or 948.075.”.

4            ~~\*b3085/1.5\* 491. Page 293, line 14: after that line insert:~~

5            ~~\*b3085/1.5\* “SECTION 939m. 950.04 (1v) (gm) of the statutes is created to read:~~  
6            ~~950.04 (1v) (gm) To have reasonable attempts made to notify the victim of~~  
7            ~~petitions for sentence adjustment as provided under s. 973.195 (1r) (d).”.~~

8            ~~\*b2613/1.12\* 492. Page 327, line 10: after that line insert:~~

9            ~~\*b2613/1.12\* “SECTION 1108d. 971.17 (1m) (b) 2m. of the statutes is amended~~  
10           ~~to read:~~

11           ~~971.17 (1m) (b) 2m. If the defendant under sub. (1) is found not guilty by reason~~  
12           ~~of mental disease or defect for a violation, or for the solicitation, conspiracy, or~~  
13           ~~attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02~~  
14           ~~(1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11~~  
15           ~~(2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was~~  
16           ~~a minor and the defendant was not the victim’s parent, the court shall require the~~  
17           ~~defendant to comply with the reporting requirements under s. 301.45 unless the~~  
18           ~~court determines after a hearing on a motion made by the defendant, that the~~  
19           ~~defendant is not required to comply under s. 301.45 (1m).”.~~

20           ~~\*b2613/1.13\* 493. Page 332, line 7: after that line insert:~~

21           ~~\*b2613/1.13\* “SECTION 1131m. 973.01 (3m) of the statutes is amended to read:~~  
22           ~~973.01 (3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing~~  
23           ~~a bifurcated sentence under this section on a person convicted of a crime other than~~  
24           ~~a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,~~

