

1 approvals issued to the person. In addition, no hunting approval may be issued to
2 the person for the time period specified by the court. The time period specified shall
3 be not less than 3 years nor more than 5 years following the date of conviction under
4 this subsection.

5 ***b2460/2.3* SECTION 86r.** 29.971 (11g) of the statutes is created to read:

6 29.971 (11g) (a) For hunting elk without a valid elk hunting license, for
7 possessing an elk that does not have an elk carcass tag attached, for possessing an
8 elk during the closed season, by a fine of not less than \$1,000 nor more than \$15,000
9 or by imprisonment for not more than 6 months or both for the first violation, or by
10 a fine of not more than \$20,000 or imprisonment for not more than one year or both
11 for any subsequent violation. In addition, the court shall revoke all hunting and
12 trapping approvals issued to the person under this chapter and shall prohibit the
13 issuance of any new hunting and trapping approvals under this chapter to the person
14 for 5 years.

15 (b) Except as provided under par. (a), for the violation of any provision of this
16 chapter or rules promulgated under this chapter relating to elk hunting or to the
17 violation of an elk carcass tag or registration of an elk, by a forfeiture of not more than
18 \$5,000.

19 ***-4548/2.23* *-3266/P1.12* SECTION 87.** 29.971 (11m) (a) of the statutes is
20 amended to read:

21 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching or
22 possessing a bear without a valid Class A bear license, or for possessing a bear which
23 does not have a carcass tag attached or possessing a bear during the closed season,
24 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
25 more than 6 months or both for the first violation, or by a fine of not more than \$5,000

1 \$10,000 or imprisonment for not more than 2 years 9 months or both for any
2 subsequent violation, and, in addition, the court shall revoke all hunting approvals
3 issued to the person under this chapter and shall prohibit the issuance of any new
4 hunting approval under this chapter to the person for 3 years.

5 *~~4548/2.24~~* *~~3266/P1.13~~* SECTION 88. 29.971 (11p) (a) of the statutes is
6 amended to read:

7 29.971 (11p) (a) For entering the den of a hibernating black bear and harming
8 the bear, by a fine of not more than \$10,000 or imprisonment for not more than 2
9 years 9 months or both.

10 *b2460/2.4* SECTION 88b. 29.977 (1) (am) of the statutes is created to read:

11 29.977 (1) (am) Any elk, \$2,000.

12 *b2460/2.4* SECTION 88e. 29.977 (1) (b) of the statutes is amended to read:

13 29.977 (1) (b) Any moose, ~~elk~~, fisher, prairie chicken, or sand hill crane,
14 \$262.50.

15 *b3047/1.3* SECTION 88f. 29.977 (1) (i) of the statutes is amended to read:

16 29.977 (1) (i) Any muskellunge or ~~rock~~ ~~or~~ lake sturgeon, \$43.75.

17 *b2460/2.4* SECTION 88g. 29.977 (1) (m) of the statutes is amended to read:

18 29.977 (1) (m) Any game or fur-bearing animal or bird not mentioned in pars.
19 (~~b~~) (am) to (h), \$17.50.

20 *b2460/2.4* SECTION 88m. 29.983 (1) (b) 1m. of the statutes is created to read:

21 29.983 (1) (b) 1m. Any elk, \$2,000.

22 *b2460/2.4* SECTION 88n. 29.983 (1) (b) 2. of the statutes is amended to read:

23 29.983 (1) (b) 2. For any moose, ~~elk~~, fisher, prairie chicken, or sand hill crane,
24 \$262.50.

25 *b3047/1.3* SECTION 88o. 29.983 (1) (b) 9. of the statutes is amended to read:

1 29.983 (1) (b) 9. For any muskellunge, ~~rock sturgeon~~ or lake sturgeon, \$43.75.

2 *b2460/2.4* SECTION 88p. 29.983 (1) (b) 13. of the statutes is amended to read:

3 29.983 (1) (b) 13. For any game or fur-bearing animal or bird not mentioned
4 in subds. 2- 1m. to 8., \$17.50.

5 *b3063/1.4* SECTION 88pg. 30.1255 (title) of the statutes is amended to read:

6 30.1255 (title) **Control Report on control of aquatic nuisance species.**

7 *b3063/1.4* SECTION 88q. 30.1255 (3) (a) (intro.) of the statutes is amended to
8 read:

9 30.1255 (3) (a) (intro.) The department shall submit ~~periodically~~ to the
10 legislature biennial reports describing all of the following:

11 *b3063/1.4* SECTION 88qm. 30.1255 (3) (b) of the statutes is amended to read:

12 30.1255 (3) (b) The department shall submit the first report required under
13 par. (a) before July 1, 1994, and shall submit subsequent reports before July 1 of each
14 even-numbered year thereafter. Beginning with the report due before July 1, 2004,
15 the department shall submit each report required under par. (a) as part of the
16 corresponding biennial report under s. 23.22 (6).

17 *b3063/1.4* SECTION 88r. 30.1255 (3) (c) of the statutes is repealed.

18 *-4548/2.25* *-3266/P1.14* SECTION 89. 30.80 (2g) (b) of the statutes is
19 amended to read:

20 30.80 (2g) (b) Shall be fined not less than ~~\$300~~ nor more than ~~\$5,000~~ \$10,000
21 or imprisoned for not more than ~~2 years~~ 9 months or both if the accident involved
22 injury to a person but the person did not suffer great bodily harm.

23 *-4548/2.26* *-3266/P1.15* SECTION 90. 30.80 (2g) (c) of the statutes is
24 amended to read:

1 30.80 (2g) (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
2 ~~than 3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a
3 person and the person suffered great bodily harm.

4 *~~4548/2.27~~* *~~3266/P1.16~~* **SECTION 91.** 30.80 (2g) (d) of the statutes is
5 amended to read:

6 30.80 (2g) (d) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
7 ~~than 7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
8 death to a person.

9 *~~4548/2.28~~* *~~3266/P1.17~~* **SECTION 92.** 30.80 (3m) of the statutes is
10 amended to read:

11 30.80 (3m) Any person violating s. 30.547 (1), (3) or (4) ~~shall be fined not more~~
12 ~~than \$5,000 or imprisoned not more than 7 years and 6 months or both~~ is guilty of
13 a Class H felony.

14 *~~4548/2.29~~* *~~3266/P1.18~~* **SECTION 93.** 36.25 (6) (d) of the statutes is
15 amended to read:

16 36.25 (6) (d) Any officer, agent, clerk or employee of the survey or department
17 of revenue who makes known to any person except the officers of the survey or
18 department of revenue, in any manner, any information given to such person in the
19 discharge of such person's duties under par. (c), which information was given to such
20 person with the request that it not be made known, ~~upon conviction thereof, shall be~~
21 ~~fined not less than \$50 nor more than \$500 or imprisoned for not less than one month~~
22 ~~nor more than 3 years~~ is guilty of a Class I felony. This paragraph shall not prevent
23 the use for assessment purposes of any information obtained under this subsection.

24 ***b2391/1.5*** **SECTION 93d.** 36.25 (11) (em) of the statutes is created to read:

1 36.25 (11) (em) The laboratory of hygiene board shall create and maintain a
2 roster of scientists and other persons with technical expertise who are willing to work
3 for the laboratory of hygiene if the governor declares that an emergency related to
4 public health exists. If the governor declares such an emergency, the laboratory of
5 hygiene board shall hire as limited-term employees the requisite number of persons
6 from the roster to assist the department of health and family services under s.
7 250.042. Salaries, benefits, and training of these employees shall be paid from the
8 appropriation under s. 20.285 (1) (fg).

9 ***b3033/2.8* SECTION 93g.** 36.25 (38) (a) of the statutes is amended to read:

10 36.25 (38) (a) In this subsection, “educational technology” has the meaning
11 given in s. ~~44.70 (3)~~ 115.997 (3).

12 ***b2900/2.18* SECTION 93m.** 36.25 (38) (b) 6. of the statutes, as affected by 2001
13 Wisconsin Act 16, is amended to read:

14 36.25 (38) (b) 6. To pay the department of ~~electronic-government~~
15 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1).

16 ***b3044/2.1* SECTION 93r.** 36.27 (1) (a) of the statutes is amended to read:

17 36.27 (1) (a) Subject to pars. (am), (b) ~~and~~, (c), and (cm), the board may establish
18 for different classes of students differing tuition and fees incidental to enrollment in
19 educational programs or use of facilities in the system. Except as otherwise provided
20 in this section, the board may charge any student who is not exempted by this section
21 a nonresident tuition. The board may establish special rates of tuition and fees for
22 the extension and summer sessions and such other studies or courses of instruction
23 as the board deems advisable.

24 ***b3044/2.1* SECTION 93s.** 36.27 (1) (cm) of the statutes is created to read:

1 36.27 (1) (cm) The board shall charge a student who has completed more than
2 165 credits toward a first baccalaureate degree academic fees or tuition sufficient to
3 recover the full cost of any additional course work.

4 ***b3110/1.3* SECTION 93v.** 36.34 (1) (c) of the statutes is created to read:

5 36.34 (1) (c) 1. In this paragraph:

6 a. For purposes of determining the appropriation under s. 20.285 (4) (dd) for
7 fiscal year 2003–04, “base amount” means the amount shown in the schedule under
8 s. 20.005 for that appropriation for fiscal year 2002–03.

9 b. For purposes of determining the appropriation under s. 20.285 (4) (dd) for
10 each fiscal year after fiscal year 2003–04, “base amount” means the appropriation
11 determined under subd. 2. for the previous fiscal year.

12 2. Annually, by February 1, the board shall determine the appropriation under
13 s. 20.285 (4) (dd) for the next fiscal year as follows:

14 a. The board shall determine the percentage by which the undergraduate
15 academic fees charged for the current academic year at each institution within the
16 University of Wisconsin System has increased or decreased from the undergraduate
17 academic fees charged for the previous academic year.

18 b. The appropriation for the next fiscal year shall be the result obtained by
19 increasing, to the nearest \$100, the base amount by the highest percentage increase
20 determined under subd. 2. a., except that, if the undergraduate academic fees for the
21 current academic year decreased or did not change from the undergraduate
22 academic fees charged for the previous academic year at each institution specified
23 in subd. 2. a., the appropriation shall be the base amount.

24 ***-4572/4.6* SECTION 94.** 38.04 (9) of the statutes is amended to read:

1 38.04 (9) TRAINING PROGRAMS FOR FIRE FIGHTERS. In order to promote safety to
2 life and property, the board may establish and supervise training programs in fire
3 prevention and protection. The training programs shall include training in
4 responding to acts of terrorism, as defined in s. 146.50 (1) (ag), and shall be available
5 to members of volunteer and paid fire departments maintained by public and private
6 agencies, including industrial plants. No training program required for
7 participation in structural fire fighting that is offered to members of volunteer and
8 paid fire departments maintained by public agencies may require more than 60
9 hours of training.

10 ***b3046/3.1* SECTION 94m.** 38.04 (28m) of the statutes is created to read:

11 38.04 (28m) ADVERTISING; FUNDING. The board may not use any general purpose
12 revenue for advertising.

13 ***-4543/5.4* SECTION 98.** 38.28 (1m) (a) 1. of the statutes, as affected by 2001
14 Wisconsin Act 16, is amended to read:

15 38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a
16 technical college district, including debt service charges for district bonds and
17 promissory notes for building programs or capital equipment, but excluding all
18 expenditures relating to auxiliary enterprises and community service programs, all
19 expenditures funded by or reimbursed with federal revenues, all receipts under sub.
20 (6) and ss. 38.12 (9), 38.14 (3) and (9), 118.15 (2) (a), 118.55 (7r), and 146.55 (5), all
21 receipts from grants awarded under ss. 38.04 (8), (19), (20), and (31), 38.14 (11),
22 38.26, 38.27, ~~38.305~~, 38.31, 38.33, and 38.38, all fees collected under s. 38.24, and
23 driver education and chauffeur training aids.

24 ***-4543/5.5* SECTION 99.** 38.305 of the statutes, as affected by 2001 Wisconsin
25 Act 16, is repealed.

1 ***b3110/1.4* SECTION 99r.** 39.435 (7) of the statutes is created to read:

2 39.435 (7) (a) In this subsection:

3 1. For purposes of determining the appropriation under s. 20.235 (1) (fe) for
4 fiscal year 2003–04, “base amount” means the amount shown in the schedule under
5 s. 20.005 for that appropriation for fiscal year 2002–03.

6 2. For purposes of determining the appropriation under s. 20.235 (1) (fe) for
7 each fiscal year after fiscal year 2003–04, “base amount” means the maximum
8 appropriation amount determined under par. (b) for the previous fiscal year.

9 (b) Annually, by February 1, the board shall determine the appropriation under
10 s. 20.235 (1) (fe) for the next fiscal year as follows:

11 1. The board shall determine the percentage by which the undergraduate
12 academic fees charged for the current academic year at each institution within the
13 University of Wisconsin System has increased or decreased from the undergraduate
14 academic fees charged for the previous academic year.

15 2. The appropriation for the next fiscal year shall be the result obtained by
16 increasing, to the nearest \$100, the base amount by the highest percentage increase
17 determined under subd. 1., except that, if the undergraduate academic fees for the
18 current academic year decreased or did not change from the undergraduate
19 academic fees charged for the previous academic year at each institution specified
20 in subd. 1., the appropriation shall be the base amount.

21 ***b2297/1.3* SECTION 100g.** 40.02 (30) of the statutes is amended to read:

22 40.02 (30) “Executive participating employee” means a participating employee
23 in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4g), (7), (8), or (9) or
24 authorized under s. 230.08 (2) (e) during the time of employment. All service credited
25 prior to May 17, 1988, as executive service as defined under s. 40.02 (31), 1985 stats.,

1 shall continue to be treated as executive service as defined under s. 40.02 (31), 1985
2 stats., but no other service rendered prior to May 17, 1988, may be changed to
3 executive service as defined under s. 40.02 (31), 1985 stats.

4 ***b3053/3.3* SECTION 100ic.** 40.98 (2) (h) of the statutes is created to read:

5 40.98 (2) (h) The department may seek funding from any person for the
6 payment of costs of designing, marketing, and contracting for or providing
7 administrative services under the health care coverage program and for lapsing to
8 the general fund any amount required under sub. (6m). Any moneys received by the
9 department under this paragraph shall be credited to the appropriation account
10 under s. 20.515 (2) (g).

11 ***b3053/3.3* SECTION 100ix.** 40.98 (6m) of the statutes is created to read:

12 40.98 (6m) The secretary of administration shall lapse from the appropriation
13 under s. 20.515 (2) (g) to the general fund the amounts necessary to repay the loan
14 under s. 601.34 when the secretary of administration, after consulting with the
15 board, determines that funds in the appropriation under s. 20.515 (2) (g) are
16 sufficient to make the lapse. The amounts that are required to be lapsed under s.
17 20.515 (2) (g) shall equal the amount necessary to pay all principal and interest costs
18 on the loan, less any amount that is lapsed to the general fund under s. 20.515 (2)
19 (a) at the end of the 2001–03 fiscal biennium. The secretary of administration may
20 lapse the amounts under s. 20.515 (2) (g) in installments.

21 ***b2950/1.2* SECTION 100iz.** 41.11 (6) of the statutes is created to read:

22 41.11 (6) BADGER STATE GAMES GRANTS. From the appropriation under s. 20.380
23 (1) (b), the department shall provide grants for the operation of the badger state
24 games.

1 ***b3033/2.10* SECTION 100nn.** 44.70 (3) of the statutes is renumbered 115.997
2 (3).

3 ***b3033/2.10* SECTION 100no.** 44.70 (3d) of the statutes, as created by 2001
4 Wisconsin Act 16, is renumbered 115.997 (3d).

5 ***b3033/2.10* SECTION 100nom.** 44.70 (3g) of the statutes is renumbered
6 115.997 (3g).

7 ***b3033/2.10* SECTION 100np.** 44.70 (3j) of the statutes is renumbered 115.997
8 (3j).

9 ***b3033/2.10* SECTION 100npn.** 44.70 (3m) of the statutes is renumbered
10 115.997 (3m).

11 ***b3033/2.10* SECTION 100nq.** 44.70 (3r) of the statutes, as created by 2001
12 Wisconsin Act 16, is renumbered 115.997 (3r).

13 ***b3033/2.10* SECTION 100nqm.** 44.70 (4) of the statutes, as affected by 2001
14 Wisconsin Act 16, is renumbered 115.997 (4).

15 ***b3033/2.10* SECTION 100nr.** 44.70 (5) and (6) of the statutes are renumbered
16 115.997 (5) and (6).

17 ***b3033/2.10* SECTION 100nrm.** 44.71 (title) of the statutes is repealed.

18 ***b3033/2.10* SECTION 100ns.** 44.71 (1) of the statutes is repealed.

19 ***b3033/2.10* SECTION 100nsg.** 44.71 (2) (title) of the statutes is repealed.

20 ***b3033/2.10* SECTION 100nsm.** 44.71 (2) (intro.) and (1m) of the statutes, as
21 affected by 2001 Wisconsin Act 16, are renumbered 115.998 (intro.) and (1m) and
22 amended to read:

23 **115.998 Technology for educational achievement in Wisconsin;**
24 **departmental duties.** (intro.) The ~~board~~ department shall do all of the following:

1 **(1m)** In cooperation with school districts, cooperative educational service
2 agencies, the technical college system board, and the board of regents of the
3 University of Wisconsin System ~~and the department~~, promote the efficient,
4 cost-effective procurement, installation, and maintenance of educational technology
5 by school districts, cooperative educational service agencies, technical college
6 districts, and the University of Wisconsin System.

7 ***b3033/2.10* SECTION 100nt.** 44.71 (2) (b) of the statutes, as affected by 2001
8 Wisconsin Act 16, is renumbered 115.998 (2m).

9 ***b3033/2.10* SECTION 100ntm.** 44.71 (2) (c) of the statutes, as affected by 2001
10 Wisconsin Act 16, is renumbered 115.998 (3m) and amended to read:

11 115.998 **(3m)** ~~With the consent of the department, enter~~ Enter into cooperative
12 purchasing agreements under s. 16.73 (1) under which participating school districts
13 and cooperative educational service agencies may contract for their professional
14 employees to receive training concerning the effective use of educational technology.

15 ***b3033/2.10* SECTION 100nu.** 44.71 (2) (d) of the statutes, as affected by 2001
16 Wisconsin Act 16, is renumbered 115.998 (4) and amended to read:

17 115.998 **(4)** In cooperation with the board of regents of the University of
18 Wisconsin System, the technical college system board, ~~the department of public~~
19 ~~instruction~~ and other entities, support the development of courses for the instruction
20 of professional employees who are licensed by the state superintendent of ~~public~~
21 ~~instruction~~ concerning the effective use of educational technology.

22 ***b3033/2.10* SECTION 100num.** 44.71 (2) (e) of the statutes, as affected by
23 2001 Wisconsin Act 16, is renumbered 115.998 (5) and amended to read:

1 115.998 (5) ~~Subject to s. 44.73 (5), in cooperation with the department, provide~~
2 Provide telecommunications access to educational agencies under the program
3 established under s. 44.73 115.9995.

4 ***b3033/2.10* SECTION 100nv.** 44.71 (2) (f) of the statutes, as affected by 2001
5 Wisconsin Act 16, is renumbered 115.998 (6) and amended to read:

6 115.998 (6) No later than October 1 of each even-numbered year, submit a
7 biennial report concerning the board's department's activities under this subchapter
8 to the governor, and to the appropriate standing committees of the legislature under
9 s. 13.172 (3).

10 ***b3033/2.10* SECTION 100nvm.** 44.71 (2) (g) of the statutes, as affected by
11 2001 Wisconsin Act 16, is renumbered 115.998 (7) and amended to read:

12 115.998 (7) Coordinate the purchasing of educational technology materials,
13 supplies, equipment, and contractual services for school districts, cooperative
14 educational service agencies, technical college districts, and the board of regents of
15 the University of Wisconsin System by the department of administration under s.
16 16.72 (8), and, ~~in cooperation with the department and subject to the approval of the~~
17 ~~department of electronic government,~~ establish standards and specifications for
18 purchases of educational technology hardware and software by school districts,
19 cooperative educational service agencies, technical college districts, and the board
20 of regents of the University of Wisconsin System.

21 ***b3033/2.10* SECTION 100nw.** 44.71 (2) (h) of the statutes, as affected by 2001
22 Wisconsin Act 16, is renumbered 115.998 (8) and amended to read:

23 115.998 (8) ~~With the approval of the department of electronic government,~~
24 purchase Purchase educational technology equipment for use by school districts,
25 cooperative educational service agencies, and public educational institutions in this

1 state and permit the districts, agencies, and institutions to purchase or lease the
2 equipment, with an option to purchase the equipment at a later date. This ~~paragraph~~
3 subsection does not require the purchase or lease of any educational technology
4 equipment from the ~~board~~ department.

5 *b3033/2.10* **SECTION 100nwm.** 44.71 (2) (i) of the statutes, as created by 2001
6 Wisconsin Act 16, is renumbered 115.998 (9).

7 *b3033/2.10* **SECTION 100nwt.** 44.71 (3) of the statutes, as affected by 2001
8 Wisconsin Act 104, is repealed.

9 *b3033/2.10* **SECTION 100nx.** 44.72 (title) of the statutes is renumbered
10 115.999 (title).

11 *b3033/2.10* **SECTION 100ny.** 44.72 (1) (intro.) of the statutes, as affected by
12 2001 Wisconsin Act 16, is renumbered 115.999 (1) (intro.) and amended to read:

13 115.999 (1) EDUCATIONAL TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE
14 GRANTS. (intro.) From the appropriation under s. ~~20.275 (1)~~ 20.255 (4) (et), the ~~board~~
15 department shall award grants to cooperative educational service agencies and to
16 consortia consisting of 2 or more school districts, charter school sponsors, secured
17 correctional facilities, or cooperative educational service agencies, or one or more
18 school districts, charter school sponsors, secured correctional facilities, or
19 cooperative educational service agencies and one or more public library boards, to
20 provide technical assistance and training in the use of educational technology. An
21 applicant for a grant shall submit to the ~~board~~ department a plan that specifies the
22 school districts, charter school sponsors, secured correctional facilities, and public
23 library boards that will participate in the program and describes how the funds will
24 be allocated. The ~~board~~ department shall do all of the following:

1 ***b3033/2.10* SECTION 100nym.** 44.72 (1) (a) of the statutes is renumbered
2 115.999 (1) (a) and amended to read:

3 115.999 (1) (a) Award grants to applicants on a competitive basis through one
4 funding cycle annually, except that the ~~board~~ department shall ensure that at least
5 one grant is awarded annually to an applicant located in the territory of each
6 cooperative educational service agency.

7 ***b3033/2.10* SECTION 100nz.** 44.72 (1) (b) and (c) of the statutes are
8 renumbered 115.999 (1) (b) and (c).

9 ***b3033/2.10* SECTION 100nzm.** 44.72 (2) (title) of the statutes is renumbered
10 115.999 (2) (title).

11 ***b3033/2.10* SECTION 100oa.** 44.72 (2) (b) 1. of the statutes is renumbered
12 115.999 (2) (b) 1.

13 ***b3033/2.10* SECTION 100ob.** 44.72 (2) (b) 2. of the statutes, as affected by
14 2001 Wisconsin Act 104, is renumbered 115.999 (2) (b) 2. and amended to read:

15 115.999 (2) (b) 2. From the appropriations under s. ~~20.275 (1)~~ 20.255 (4) (f), (im),
16 (jm), (js), and (mp), annually the ~~board~~ department shall pay \$5,000 to each eligible
17 school district and \$5,000 to the department of corrections for each eligible
18 correctional facility. The department of corrections shall allocate funds received
19 under this subsection among the eligible secured correctional facilities as it deems
20 appropriate. The ~~board~~ department shall distribute the balance in the appropriation
21 to eligible school districts and to charter school sponsors in proportion to the
22 weighted membership of each school district and in proportion to the number of
23 pupils attending each charter school on the 3rd Friday of September. The weighted
24 membership for a school district shall be determined by dividing the statewide
25 average equalized valuation per member by the school district's equalized valuation

1 per member and multiplying the result by the school district's membership, as
2 defined in s. 121.004 (5).

3 ***b3033/2.10* SECTION 100oc.** 44.72 (2) (c) of the statutes, as affected by 2001
4 Wisconsin Act 16, is renumbered 115.999 (2) (c) and amended to read:

5 115.999 (2) (c) A school district is eligible for a grant under par. (b) 2. only if the
6 annual meeting in a common school district, or the school board in a unified school
7 district or in a school district operating under ch. 119, adopts a resolution requesting
8 the grant. A secured correctional facility is eligible for a grant under par. (b) 2. only
9 if the secretary of corrections submits a written request to the ~~board~~ department.
10 A charter school sponsor is eligible for a grant under par. (b) 2. only if it submits a
11 written request to the ~~board~~ department. A grant under this subsection may not be
12 used to replace funding available from other sources.

13 ***b3033/2.10* SECTION 100od.** 44.72 (2) (d) of the statutes, as affected by 2001
14 Wisconsin Act 16, is renumbered 115.999 (2) (d).

15 ***b3033/2.10* SECTION 100oe.** 44.72 (2) (e) of the statutes is renumbered
16 115.999 (2) (e) and amended to read:

17 115.999 (2) (e) The ~~board~~ department shall distribute the grants under par. (b)
18 2. annually on the first Monday in February.

19 ***b3033/2.10* SECTION 100of.** 44.72 (3) of the statutes, as created by 2001
20 Wisconsin Act 16, is renumbered 115.999 (3) and amended to read:

21 115.999 (3) COMPUTER TRAINING. Annually, the ~~board~~ department shall pay to
22 the Racine Unified School District the amount appropriated under s. ~~20.275 (1)~~
23 20.255 (4) (q) for training teachers and pupils in computers, including training in use
24 of the Internet, Web design, computer animation, graphic design, and video skills.

1 ***b3033/2.10* SECTION 100og.** 44.72 (4) (title) of the statutes is renumbered
2 115.999 (4) (title).

3 ***b3033/2.10* SECTION 100oh.** 44.72 (4) (a), (b) and (c) of the statutes, as
4 affected by 2001 Wisconsin Act 16, are renumbered 115.999 (4) (a), (b) and (c) and
5 amended to read:

6 115.999 (4) (a) *Financial assistance authorized.* The ~~board~~ department may
7 provide financial assistance under this subsection to school districts and charter
8 school sponsors from the proceeds of public debt contracted under s. 20.866 (2) (zc)
9 and to public library boards from the proceeds of public debt contracted under s.
10 20.866 (2) (zcm). Financial assistance under this subsection may be used only for the
11 purpose of upgrading the electrical wiring of school and library buildings in existence
12 on October 14, 1997, and installing and upgrading computer network wiring.

13 (b) *Financial assistance applications, terms and conditions.* The ~~board~~
14 department shall establish application procedures for, and the terms and conditions
15 of, financial assistance under this subsection, including a condition requiring a
16 charter school sponsor to use financial assistance under this subsection for wiring
17 upgrading and installation that benefits pupils attending the charter school. The
18 ~~board~~ department shall make a loan to a school district, charter school sponsor, or
19 public library board in an amount equal to 50% of the total amount of financial
20 assistance for which the ~~board~~ department determines the school district, charter
21 school sponsor, or public library board is eligible and provide a grant to the school
22 district, charter school sponsor, or public library board for the remainder of the total.
23 The terms and conditions of any financial assistance under this subsection may
24 include provision of professional building construction services under s. 16.85 (15).
25 The ~~board~~ department shall determine the interest rate on loans under this

1 subsection. The interest rate shall be as low as possible but shall be sufficient to fully
2 pay all interest expenses incurred by the state in making the loans and to provide
3 reserves that are reasonably expected to be required in the judgment of the ~~board~~
4 department to ensure against losses arising from delinquency and default in the
5 repayment of the loans. The term of a loan under this subsection may not exceed 10
6 years.

7 (c) *Repayment of loans.* The ~~board~~ department shall credit all moneys received
8 from school districts and charter school sponsors for repayment of loans under this
9 subsection to the appropriation account under s. ~~20.275 (1)~~ 20.255 (4) (h). The ~~board~~
10 department shall credit all moneys received from public library boards for
11 repayment of loans under this subsection to the appropriation account under s.
12 ~~20.275 (1)~~ 20.255 (4) (hb).

13 *b3033/2.10* **SECTION 100oi.** 44.72 (4) (d) of the statutes is renumbered
14 115.999 (4) (d) and amended to read:

15 115.999 (4) (d) *Funding for financial assistance.* The ~~board~~ department, with
16 the approval of the governor and subject to the limits of s. 20.866 (2) (zc) and (zcm),
17 may request that the building commission contract public debt in accordance with
18 ch. 18 to fund financial assistance under this subsection.

19 *b3033/2.10* **SECTION 100oj.** 44.73 (title) of the statutes is renumbered
20 115.9995 (title).

21 *b3033/2.10* **SECTION 100ok.** 44.73 (1) of the statutes, as affected by 2001
22 Wisconsin Act 16, is renumbered 115.9995 (l) and amended to read:

23 115.9995 (1) Except as provided in s. 196.218 (4t), the ~~board, in consultation~~
24 ~~with the department and subject to the approval of the department of electronic~~
25 ~~government~~ department, shall promulgate rules establishing an educational

1 telecommunications access program to provide educational agencies with access to
2 data lines and video links.

3 ***b3033/2.10* SECTION 100oL.** 44.73 (2) (intro.) of the statutes is renumbered
4 115.9995 (2) (intro.).

5 ***b3033/2.10* SECTION 100om.** 44.73 (2) (a) of the statutes, as affected by 2001
6 Wisconsin Act 16, is renumbered 115.9995 (2) (a) and amended to read:

7 115.9995 (2) (a) Allow an educational agency to make a request to the board
8 department for access to either one data line or one video link, except that any
9 educational agency may request access to additional data lines if the agency shows
10 to the satisfaction of the board department that the additional data lines are more
11 cost-effective than a single data line and except that a school district that operates
12 more than one high school or a public library board that operates more than one
13 library facility may request access to both a data line and a video link and access to
14 more than one data line or video link.

15 ***b3033/2.10* SECTION 100on.** 44.73 (2) (b) of the statutes, as affected by 2001
16 Wisconsin Act 16, is renumbered 115.9995 (2) (b).

17 ***b3033/2.10* SECTION 100op.** 44.73 (2) (c) of the statutes is renumbered
18 115.9995 (2) (c).

19 ***b3033/2.10* SECTION 100oq.** 44.73 (2) (d) of the statutes is renumbered
20 115.9995 (2) (d) and amended to read:

21 115.9995 (2) (d) Require an educational agency to pay the department of
22 administration not more than \$250 per month for each data line or video link that
23 is provided to the educational agency under the program established under sub. (1),
24 except that the charge may not exceed \$100 per month for each data line or video link

1 that relies on a transport medium that operates at a speed of 1.544 megabits per
2 second.

3 *b3033/2.10* SECTION 100or. 44.73 (2) (e) of the statutes is renumbered
4 115.9995 (2) (e).

5 *b3033/2.10* SECTION 100os. 44.73 (2) (f) of the statutes, as created by 2001
6 Wisconsin Act 16, is renumbered 115.9995 (2) (f).

7 *b3033/2.10* SECTION 100ot. 44.73 (2g) of the statutes, as created by 2001
8 Wisconsin Act 16, is renumbered 115.9995 (2g).

9 *b3033/2.10* SECTION 100ou. 44.73 (2r) of the statutes, as created by 2001
10 Wisconsin Act 16, is renumbered 115.9995 (2r), and 115.9995 (2r) (c), as renumbered,
11 is amended to read:

12 115.9995 (2r) (c) A public library board shall provide the technology for
13 ~~educational achievement in Wisconsin board department~~ with written notice within
14 30 days after entering into or modifying a shared service agreement under par. (a).

15 *b3033/2.10* SECTION 100ov. 44.73 (3) of the statutes, as affected by 2001
16 Wisconsin Act 16, is repealed.

17 *b3033/2.10* SECTION 100ovm. 44.73 (4) of the statutes is renumbered
18 115.9995 (4).

19 *b3033/2.10* SECTION 100ow. 44.73 (5) of the statutes is repealed.

20 *b3033/2.10* SECTION 100ox. 44.73 (6) (a) of the statutes, as affected by 2001
21 Wisconsin Act 16, is renumbered 115.9995 (6) (a) and amended to read:

22 115.9995 (6) (a) From the appropriation under s. ~~20.275 (1)~~ 20.255 (4) (s) or
23 (tm), the ~~board department~~ may award an annual grant to a school district or private
24 school that had in effect on October 14, 1997, a contract for access to a data line or
25 video link, as documented by the ~~board department~~. The ~~board department~~ shall

1 determine the amount of the grant, which shall be equal to the cost incurred by the
2 state to provide telecommunications access to a school district or private school
3 under a contract entered into under s. ~~16.974 (1) or (3)~~ 16.971 (13) or (15) less the
4 amount that the school district or private school would be paying under sub. (2) (d)
5 if the school district or private school were participating in the program established
6 under sub. (1), except that the amount may not be greater than the cost that a school
7 district or private school incurs under the contract in effect on October 14, 1997. A
8 school district or private school receiving a grant under this subsection is not eligible
9 to participate in the program under sub. (1). No grant may be awarded under this
10 subsection after December 31, 2005.

11 ***b3033/2.10* SECTION 100oy.** 44.73 (6) (b) of the statutes, as created by 2001
12 Wisconsin Act 16, is renumbered 115.9995 (6) (b) and amended to read:

13 115.9995 (6) (b) Notwithstanding par. (a), the ~~board~~ department may award a
14 school district that operates more than one high school and that had in effect on
15 October 14, 1997, a contract for access to more than one data line or video link an
16 annual grant for each data line or video link serving each high school covered by that
17 contract.

18 ***b2816/1.1* SECTION 100p.** 45.358 (3) (g) of the statutes is amended to read:

19 45.358 (3) (g) A veteran who was discharged or released from active duty in the
20 U.S. armed forces under honorable conditions and who was a resident of the state for
21 at least ~~5~~ 12 consecutive ~~years~~ months after ~~completing~~ entering or reentering
22 service on active duty.

23 ***b2816/1.1* SECTION 100pm.** 45.43 (1) (title) of the statutes is amended to
24 read:

25 45.43 (1) (title) ELECTION OR APPOINTMENT.

1 ***b2816/1.1* SECTION 100q.** 45.43 (1) (a) of the statutes is amended to read:

2 45.43 (1) (a) Except as provided under par. (b), the county board shall elect a
3 county veterans' service officer who shall be a Wisconsin resident who served on
4 active duty, other than active duty for training, under honorable conditions in the
5 U.S. armed forces or in forces incorporated as part of the U.S. armed forces for 2
6 consecutive years, ~~except service on active duty for training purposes. An individual~~
7 ~~who is discharged for reasons of hardship or a service-connected disability or~~
8 ~~released due to a reduction in the U.S. armed forces or for the good of the service prior~~
9 ~~to the completion of the required period of service is eligible for election to the office,~~
10 ~~regardless of the actual time served and who meets at least one of the conditions~~
11 listed in s. 45.35 (5) (a) 1. a. to d. and at least one of the conditions listed in s. 45.35
12 (5) (a) 2. a. to c.

13 ***b2816/1.1* SECTION 100s.** 45.43 (1) (am) of the statutes is created to read:

14 45.43 (1) (am) Except as provided under par. (b), the county board may appoint
15 assistant county veterans' service officers who shall be Wisconsin residents who
16 served on active duty, other than active duty for training, under honorable conditions
17 in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and
18 who meet at least one of the conditions listed in s. 45.35 (5) (a) 1. a. to d. and at least
19 one of the conditions listed in s. 45.35 (5) (a) 2. a. to c.

20 ***b2816/1.1* SECTION 100v.** 45.43 (7m) (a) of the statutes, as created by 2001
21 Wisconsin Act 16, is amended to read:

22 45.43 (7m) (a) Annually, from the appropriation under s. 20.485 (2) (s), the
23 department shall award grants to counties that are not served by transportation
24 services provided by the Wisconsin department of Disabled American Veterans to
25 develop, maintain, and expand transportation services for disabled veterans. The

1 grants may be used to support ~~multi-county~~ multicounty cooperative transportation
2 services.

3 ***b2483/2.1* SECTION 100vn.** 46.03 (18) (am) of the statutes is amended to read:

4 46.03 (18) (am) Paragraph (a) does not prevent the department from charging
5 and collecting the cost of adoptive placement investigations and child care as
6 authorized under s. 48.837 (7). Paragraph (a) also does not prevent a county
7 department under s. 51.42 or 51.437 from charging and collecting the cost of an
8 examination ordered under s. 938.295 (2) (a) as authorized under s. 938.295 (2) (c).

9 ***b2312/2.1* SECTION 100vp.** 46.286 (3m) of the statutes is created to read:

10 46.286 (3m) INFORMATION ABOUT FAMILY CARE ENROLLEES. (a) In this subsection:

- 11 1. "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).
12 2. "Insurer" has the meaning given in s. 600.03 (27).

13 (b) An insurer that issues or delivers a disability insurance policy that provides
14 coverage to a resident of this state shall provide to the department, upon the
15 department's request, information contained in the insurer's records regarding all
16 of the following:

17 1. Information that the department needs to identify enrollees of family care
18 who satisfy any of the following:

19 a. Are eligible for benefits under a disability insurance policy.

20 b. Would be eligible for benefits under a disability insurance policy if the
21 enrollee were enrolled as a dependent of a person insured under the disability
22 insurance policy.

23 2. Information required for submittal of claims under the insurer's disability
24 insurance policy.

25 3. The types of benefits provided by the disability insurance policy.

1 (c) Upon requesting an insurer to provide the information under par. (b), the
2 department shall enter into a written agreement with the insurer that satisfies all
3 of the following:

4 1. Identifies in detail the information to be disclosed.

5 2. Includes provisions that adequately safeguard the confidentiality of the
6 information to be disclosed.

7 (d) 1. An insurer shall provide the information requested under par. (b) within
8 180 days after receiving the department's request if it is the first time that the
9 department has requested the insurer to disclose information under this subsection.

10 2. An insurer shall provide the information requested under par. (b) within 30
11 days after receiving the department's request if the department has previously
12 requested the insurer to disclose information under this subsection.

13 3. If an insurer fails to comply with subd. 1. or 2., the department may notify
14 the commissioner of insurance, and the commissioner of insurance may initiate
15 enforcement proceedings against the insurer under s. 601.41 (4) (a).

16 *~~4548/2.30~~* *~~3266/P1.19~~* **SECTION 101.** 47.03 (3) (d) of the statutes is
17 amended to read:

18 47.03 (3) (d) Any person who violates this subsection shall be fined not more
19 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

20 ***b3034/1.1*** **SECTION 101b.** 48.21 (1) (a) of the statutes, as affected by 2001
21 Wisconsin Act 61, is amended to read:

22 48.21 (1) (a) If a child who has been taken into custody is not released under
23 s. 48.20, a hearing to determine whether the child shall continue to be held in custody
24 under the criteria of ss. 48.205 to 48.209 shall be conducted by the judge or a circuit
25 court commissioner within 48 hours of the time the decision to hold the child was

1 made, excluding Saturdays, Sundays, and legal holidays. By the time of the hearing
2 a petition under s. 48.25 shall be filed, except that no petition need be filed where a
3 child is taken into custody under s. 48.19 (1) (b) or (d) 2. or 7. or where the child is
4 a runaway from another state, in which case a written statement of the reasons for
5 holding a child in custody shall be substituted if the petition is not filed. If no hearing
6 has been held within 48 hours, excluding Saturdays, Sundays, and legal holidays,
7 or if no petition or statement has been filed at the time of the hearing, the child shall
8 be released except as provided in par. (b). A parent not present at the hearing shall
9 be granted a rehearing upon request for good cause shown.

10 *b3034/1.1* **SECTION 101c.** 48.21 (3) (am) of the statutes is amended to read:

11 48.21 (3) (am) The parent, guardian, or legal custodian may waive his or her
12 right to participate in the hearing under this section. Agreement in writing of the
13 child is required if he or she is over 12. After any waiver, a hearing rehearing shall
14 be granted at the request of any the parent, guardian, legal custodian, or any other
15 interested party for good cause shown.

16 *b3034/1.1* **SECTION 101d.** 48.21 (5) (b) 1. of the statutes, as affected by 2001
17 Wisconsin Act 16, is repealed and recreated to read:

18 48.21 (5) (b) 1. A finding that continued placement of the child in his or her
19 home would be contrary to the welfare of the child. Unless the judge or circuit court
20 commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to
21 5. applies, the order shall in addition include a finding as to whether the person who
22 took the child into custody and the intake worker have made reasonable efforts to
23 prevent the removal of the child from the home, while assuring that the child's health
24 and safety are the paramount concerns, and a finding as to whether the person who
25 took the child into custody and the intake worker have made reasonable efforts to

1 make it possible for the child to return safely home or, if for good cause shown
2 sufficient information is not available for the judge or circuit court commissioner to
3 make a finding as to whether those reasonable efforts were made to prevent the
4 removal of the child from the home, a finding as to whether those reasonable efforts
5 were made to make it possible for the child to return safely home and an order for
6 the county department, department, in a county having a population of 500,000 or
7 more, or agency primarily responsible for providing services to the child under the
8 custody order to file with the court sufficient information for the judge or circuit court
9 commissioner to make a finding as to whether those reasonable efforts were made
10 to prevent the removal of the child from the home by no later than 5 days after the
11 date of the order.

12 ***b3034/1.1* SECTION 101e.** 48.21 (5) (b) 3. of the statutes is created to read:

13 48.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the
14 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
15 a determination that the county department, department, in a county having a
16 population of 500,000 or more, or agency primarily responsible for providing services
17 under the custody order is not required to make reasonable efforts with respect to the
18 parent to make it possible for the child to return safely to his or her home.

19 ***b3034/1.1* SECTION 101f.** 48.21 (5) (c) of the statutes is created to read:

20 48.21 (5) (c) The judge or circuit court commissioner shall make the findings
21 specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific
22 to the child and shall document or reference the specific information on which those
23 findings are based in the custody order. A custody order that merely references par.
24 (b) 1. or 3. without documenting or referencing that specific information in the
25 custody order or an amended custody order that retroactively corrects an earlier

1 custody order that does not comply with this paragraph is not sufficient to comply
2 with this paragraph.

3 *b3034/1.1* **SECTION 101g.** 48.21 (5) (d) of the statutes is created to read:

4 48.21 (5) (d) 1. If the judge or circuit court commissioner finds that any of the
5 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
6 the judge or circuit court commissioner shall hold a hearing within 30 days after the
7 date of that finding to determine the permanency plan for the child. If a hearing is
8 held under this subdivision, the agency responsible for preparing the permanency
9 plan shall file the permanency plan with the court not less than 5 days before the date
10 of the hearing.

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

16 3. The court shall give a foster parent, treatment foster parent, or other
17 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
18 2. an opportunity to be heard at the hearing by permitting the foster parent,
19 treatment foster parent, or other physical custodian to make a written or oral
20 statement during the hearing, or to submit a written statement prior to the hearing,
21 relevant to the issues to be determined at the hearing. A foster parent, treatment
22 foster parent, or other physical custodian who receives a notice of a hearing under
23 subd. 2. and an opportunity to be heard under this subdivision 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 ***b3034/1.1* SECTION 101h.** 48.255 (1) (f) of the statutes is created to read:

2 48.255 (1) (f) If the child is being held in custody outside of his or her home,
3 reliable and credible information showing that continued placement of the child in
4 his or her home would be contrary to the welfare of the child and, unless any of the
5 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, reliable and credible
6 information showing that the person who took the child into custody and the intake
7 worker have made reasonable efforts to prevent the removal of the child from the
8 home, while assuring that the child's health and safety are the paramount concerns,
9 and to make it possible for the child to return safely home.

10 ***b3034/1.1* SECTION 101i.** 48.255 (1m) (f) of the statutes is created to read:

11 48.255 (1m) (f) If the expectant mother is a child and the child expectant
12 mother is being held in custody outside of her home, reliable and credible information
13 showing that continued placement of the child expectant mother in her home would
14 be contrary to the welfare of the child expectant mother and, unless any of the
15 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, reliable and credible
16 information showing that the person who took the child expectant mother into
17 custody and the intake worker have made reasonable efforts to prevent the removal
18 of the child expectant mother from the home, while assuring that the child expectant
19 mother's health and safety are the paramount concerns, and to make it possible for
20 the child expectant mother to return safely home.

21 ***b3034/1.1* SECTION 101j.** 48.255 (2) of the statutes is amended to read:

22 48.255 (2) If any of the facts required under sub. (1) (a) to (cm) and (f) or (1m)
23 (a) to (d) and (f) are not known or cannot be ascertained by the petitioner, the petition
24 shall so state.

25 ***b3034/1.1* SECTION 101k.** 48.315 (2m) of the statutes is created to read:

1 48.315 **(2m)** (a) No continuance or extension of a time limit specified in this
2 chapter may be granted and no period of delay specified in sub. (1) may be excluded
3 in computing a time requirement under this chapter if the continuance, extension,
4 or exclusion would result in any of the following:

5 1. The court making an initial finding under s. 48.21 (5) (b) 1., 48.355 (2) (b) 6.,
6 or 48.357 (2v) (a) 1. that reasonable efforts have been made to prevent the removal
7 of the child from the home, while assuring that the child's health and safety are the
8 paramount concerns, or an initial finding under s. 48.21 (5) (b) 3., 48.355 (2) (b) 6r.,
9 or 48.357 (2v) (a) 3. that those efforts were not required to be made because a
10 circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, more than 60 days after
11 the date on which the child was removed from the home.

12 2. The court making an initial finding under s. 48.38 (5m) that the agency
13 primarily responsible for providing services to the child has made reasonable efforts
14 to achieve the goals of the child's permanency plan more than 12 months after the
15 date on which the child was removed from the home or making any subsequent
16 findings under s. 48.38 (5m) as to those reasonable efforts more than 12 months after
17 the date of a previous finding as to those reasonable efforts.

18 (b) Failure to comply with any time limit specified in par. (a) does not deprive
19 the court of personal or subject matter jurisdiction or of competency to exercise that
20 jurisdiction. If a party does not comply with a time limit specified in par. (a), the
21 court, while assuring the safety of the child, may dismiss the proceeding with or
22 without prejudice, release the child from custody, or grant any other relief that the
23 court considers appropriate.

24 ***b3034/1.1* SECTION 101L.** 48.32 (1) of the statutes, as affected by 2001
25 Wisconsin Act 61, is renumbered 48.32 (1) (a).

1 ***b3034/1.1* SECTION 101m.** 48.32 (1) (b) of the statutes is created to read:

2 48.32 (1) (b) 1. If at the time the consent decree is entered into the child is placed
3 outside the home under a voluntary agreement under s. 48.63 or is otherwise living
4 outside the home without a court order and if the consent decree maintains the child
5 in that placement or other living arrangement, the consent decree shall include a
6 finding that placement of the child in his or her home would be contrary to the welfare
7 of the child, a finding as to whether the county department, the department, in a
8 county having a population of 500,000 or more, or the agency primarily responsible
9 for providing services to the child has made reasonable efforts to prevent the removal
10 of the child from the home, while assuring that the child's health and safety are the
11 paramount concerns, unless the judge or circuit court commissioner finds that any
12 of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, and a finding as
13 to whether the county department, department, or agency has made reasonable
14 efforts to achieve the goal of the child's permanency plan, unless return of the child
15 to the home is the goal of the permanency plan and the judge or circuit court
16 commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to
17 5. applies.

18 2. If the judge or circuit court commissioner finds that any of the circumstances
19 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the consent
20 decree shall include a determination that the county department, department, in a
21 county having a population of 500,000 or more, or agency primarily responsible for
22 providing services under the consent decree is not required to make reasonable
23 efforts with respect to the parent to make it possible for the child to return safely to
24 his or her home.

1 3. The judge or circuit court commissioner shall make the findings specified in
2 subds. 1. and 2. on a case-by-case basis based on circumstances specific to the child
3 and shall document or reference the specific information on which those findings are
4 based in the consent decree. A consent decree that merely references subd. 1. or 2.
5 without documenting or referencing that specific information in the consent decree
6 or an amended consent decree that retroactively corrects an earlier consent decree
7 that does not comply with this subdivision is not sufficient to comply with this
8 subdivision.

9 ***b3034/1.1* SECTION 101n.** 48.32 (1) (c) of the statutes is created to read:

10 48.32 (1) (c) 1. If the judge or circuit court commissioner finds that any of the
11 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
12 the judge or circuit court commissioner shall hold a hearing within 30 days after the
13 date of that finding to determine the permanency plan for the child. If a hearing is
14 held under this subdivision, the agency responsible for preparing the permanency
15 plan shall file the permanency plan with the court not less than 5 days before the date
16 of the hearing.

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

22 3. The court shall give a foster parent, treatment foster parent, or other
23 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
24 2. an opportunity to be heard at the hearing by permitting the foster parent,
25 treatment foster parent, or other physical custodian to make a written or oral

1 statement during the hearing, or to submit a written statement prior to the hearing,
2 relevant to the issues to be determined at the hearing. A foster parent, treatment
3 foster parent, or other physical custodian who receives a notice of a hearing under
4 subd. 2. and an opportunity to be heard under this subdivision does not become a
5 party to the proceeding on which the hearing is held solely on the basis of receiving
6 that notice and opportunity to be heard.

7 ***b3034/1.1* SECTION 101p.** 48.33 (4) (intro.) of the statutes, as affected by 2001
8 Wisconsin Act 59, is amended to read:

9 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
10 placement of an adult expectant mother outside of her home shall be in writing. A
11 report recommending placement of a child in a foster home, treatment foster home,
12 group home, or residential care center for children and youth or in the home of a
13 relative other than a parent shall be in writing and shall include all of the following:

14 ***b3034/1.1* SECTION 101q.** 48.33 (4) (c) of the statutes is created to read:

15 48.33 (4) (c) Specific information showing that continued placement of the child
16 in his or her home would be contrary to the welfare of the child, specific information
17 showing that the county department, the department, in a county having a
18 population of 500,000 or more, or the agency primarily responsible for providing
19 services to the child has made reasonable efforts to prevent the removal of the child
20 from the home, while assuring that the child's health and safety are the paramount
21 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
22 applies, and specific information showing that the county department, department,
23 or agency has made reasonable efforts to achieve the goal of the child's permanency
24 plan, unless return of the child to the home is the goal of the permanency plan and
25 any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

1 ***b3034/1.1* SECTION 101r.** 48.335 (3g) of the statutes is created to read:

2 48.335 (3g) At hearings under this section, if the agency, as defined in s. 48.38
3 (1) (a), is recommending placement of the child in a foster home, treatment foster
4 home, group home, or residential care center for children and youth or in the home
5 of a relative other than a parent, the agency shall present as evidence specific
6 information showing that continued placement of the child in his or her home would
7 be contrary to the welfare of the child, specific information showing that the county
8 department, the department, in a county having a population of 500,000 or more, or
9 the agency primarily responsible for providing services to the child has made
10 reasonable efforts to prevent the removal of the child from the home, while assuring
11 that the child's health and safety are the paramount concerns, unless any of the
12 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, and specific information
13 showing that the county department, department, or agency has made reasonable
14 efforts to achieve the goal of the child's permanency plan, unless return of the child
15 to the home is the goal of the permanency plan and any of the circumstances specified
16 in s. 48.355 (2d) (b) 1. to 5. applies.

17 ***b3034/1.1* SECTION 101s.** 48.355 (2) (b) 6. of the statutes is amended to read:

18 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued
19 placement of the child in his or her home would be contrary to the ~~health, safety and~~
20 welfare of the child ~~and, if sub. (2d) does not apply,~~ a finding as to whether the county
21 department, the department, in a county having a population of 500,000 or more, or
22 the agency primarily responsible for providing services under a court order has made
23 reasonable efforts to prevent the removal of the child from the home, while assuring
24 that the child's health and safety are the paramount concerns, ~~or, if applicable,~~
25 unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5.

1 applies, and a finding as to whether the county department, department, or agency
2 primarily responsible for providing services under a court order has made reasonable
3 efforts to make it possible for the child to return safely to his or her home achieve the
4 goal of the child's permanency plan, unless return of the child to the home is the goal
5 of the permanency plan and the court finds that any of the circumstances specified
6 in sub. (2d) (b) 1. to 5. applies. The court shall make the findings specified in this
7 subdivision on a case-by-case basis based on circumstances specific to the child and
8 shall document or reference the specific information on which those findings are
9 based in the court order. A court order that merely references this subdivision
10 without documenting or referencing that specific information in the court order or
11 an amended court order that retroactively corrects an earlier court order that does
12 not comply with this subdivision is not sufficient to comply with this subdivision.

13 ***b3034/1.1* SECTION 101t.** 48.355 (2) (b) 6r. of the statutes is created to read:

14 48.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
15 sub. (2d) (b) 1. to 5. applies with respect to a parent, a determination that the county
16 department, department, in a county having a population of 500,000 or more, or
17 agency primarily responsible for providing services under the court order is not
18 required to make reasonable efforts with respect to the parent to make it possible for
19 the child to return safely to his or her home.

20 ***b3034/1.1* SECTION 101u.** 48.355 (2b) of the statutes is amended to read:

21 48.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
22 department, the department, in a county having a population of 500,000 or more, or
23 the agency primarily responsible for providing services to a child under a court order
24 may, at the same time as the county department, department, or agency is making
25 the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child

1 from the home or to make it possible for the child to return safely to his or her home,
2 work with the department, a county department under s. 48.57 (1) (e) or (hm), or a
3 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
4 the child for adoption, with a guardian, with a fit and willing relative, or in some
5 other alternative permanent placement.

6 ***b3034/1.1* SECTION 101v.** 48.355 (2c) (b) of the statutes is amended to read:

7 48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
8 the county department, department, in a county having a population of 500,000 or
9 more, or agency primarily responsible for providing services to the child under a
10 court order has made reasonable efforts to ~~make it possible for the child to return~~
11 ~~safely to his or her home~~ achieve the goal of the permanency plan, the court's
12 consideration of reasonable efforts shall include, ~~but not be limited to,~~ the
13 considerations listed under par. (a) 1. to 5. and whether visitation schedules between
14 the child and his or her parents were implemented, unless visitation was denied or
15 limited by the court.

16 ***b3034/1.1* SECTION 101w.** 48.355 (2d) (b) (intro.) of the statutes is amended
17 to read:

18 48.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not~~ is not
19 required to include in a dispositional order a finding as to whether the county
20 department, the department, in a county having a population of 500,000 or more, or
21 the agency primarily responsible for providing services under a court order has made
22 reasonable efforts with respect to a parent of a child to prevent the removal of the
23 child from the home, while assuring that the child's health and safety are the
24 paramount concerns, or, ~~if applicable,~~ a finding as to whether the county department,
25 department, or agency ~~primarily responsible for providing services under a court~~

1 order has made reasonable efforts with respect to a parent of a child to ~~make it~~
2 ~~possible for the child to return~~ achieve the permanency plan goal of returning the
3 child safely to his or her home, if the court finds, ~~as evidenced by a final judgment~~
4 ~~of conviction~~, any of the following:

5 ***b3034/1.1* SECTION 101x.** 48.355 (2d) (b) 1. of the statutes is amended to read:

6 48.355 (2d) (b) 1. That the parent has subjected the child to aggravated
7 circumstances, as evidenced by a final judgment of conviction.

8 ***b3034/1.1* SECTION 101y.** 48.355 (2d) (b) 2. of the statutes is amended to read:

9 48.355 (2d) (b) 2. That the parent has committed, has aided or abetted the
10 commission of, or has solicited, conspired, or attempted to commit, a violation of s.
11 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal
12 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if
13 committed in this state, as evidenced by a final judgment of conviction, and that the
14 victim of that violation is a child of the parent.

15 ***b3034/1.1* SECTION 101z.** 48.355 (2d) (b) 3. of the statutes is amended to read:

16 48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2), (3),
17 (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or
18 a violation of the law of any other state or federal law, if that violation would be a
19 violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
20 or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment
21 of conviction, and that the violation resulted in great bodily harm, as defined in s.
22 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the child
23 or another child of the parent.

24 ***b3034/1.1* SECTION 102b.** 48.355 (2d) (b) 3. of the statutes, as affected by

25 2001 Wisconsin Act (this act), is amended to read:

1 48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
2 1999 stats., a violation of s. 940.19 (2), (~~3~~), (4), or (5), 940.225 (1) or (2), 948.02 (1) or
3 (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
4 federal law, if that violation would be a violation of s. 940.19 (2), (~~3~~), (4), or (5), 940.225
5 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state,
6 as evidenced by a final judgment of conviction, and that the violation resulted in
7 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
8 defined in s. 939.22 (38), to the child or another child of the parent.

9 ***b3034/1.1* SECTION 102bd.** 48.355 (2d) (b) 4. of the statutes is amended to
10 read:

11 48.355 (2d) (b) 4. That the parental rights of the parent to another child have
12 been involuntarily terminated, as evidenced by a final order of a court of competent
13 jurisdiction terminating those parental rights.

14 ***b3034/1.1* SECTION 102bg.** 48.355 (2d) (b) 5. of the statutes, as created by
15 2001 Wisconsin Act 2, is amended to read:

16 48.355 (2d) (b) 5. That the parent has been found under s. 48.13 (2m) to have
17 relinquished custody of the child under s. 48.195 (1) when the child was 72 hours old
18 or younger, as evidenced by a final order of a court of competent jurisdiction making
19 that finding.

20 ***b3034/1.1* SECTION 102bm.** 48.355 (2d) (bm) of the statutes is created to
21 read:

22 48.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 5. on
23 a case-by-case basis based on circumstances specific to the child and shall document
24 or reference the specific information on which that finding is based in the
25 dispositional order. A dispositional order that merely references par. (b) 1. to 5.

1 without documenting or referencing that specific information in the dispositional
2 order or an amended dispositional order that retroactively corrects an earlier
3 dispositional order that does not comply with this paragraph is not sufficient to
4 comply with this paragraph.

5 *b3034/1.1* **SECTION 102br.** 48.355 (2d) (c) of the statutes, as affected by 2001
6 Wisconsin Act 2, is renumbered 48.355 (2d) (c) 1. and amended to read:

7 48.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the
8 circumstances specified in par. (b) 1., ~~2., 3., 4., or 5.~~ to 5. applies with respect to a
9 parent, the court shall hold a hearing within 30 days after the date of that finding
10 to determine the permanency plan for the child. If a hearing is held under this
11 paragraph subdivision, the agency responsible for preparing the permanency plan
12 shall file the permanency plan with the court not less than 5 days before the date of
13 the hearing.

14 *b3034/1.1* **SECTION 102c.** 48.355 (2d) (c) 2. and 3. of the statutes are created
15 to read:

16 48.355 (2d) (c) 2. If a hearing is held under subd. 1., at least 10 days before the
17 date of the hearing the court shall notify the child, any parent, guardian, and legal
18 custodian of the child, and any foster parent, treatment foster parent, or other
19 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
20 of the hearing.

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

1 relevant to the issues to be determined at the hearing. A foster parent, treatment
2 foster parent, or other physical custodian who receives a notice of a hearing under
3 subd. 2. and an opportunity to be heard under this subdivision does not become a
4 party to the proceeding on which the hearing is held solely on the basis of receiving
5 that notice and opportunity to be heard.

6 ***b3034/1.1* SECTION 102cg.** 48.355 (4) of the statutes is amended to read:

7 48.355 (4) TERMINATION OF ORDERS. Except as provided under s. 48.368, all
8 ~~orders an order~~ under this section shall ~~terminate at the end of one year unless the~~
9 ~~judge specifies a shorter period of time. Except if s. 48.368 applies, extensions or~~
10 ~~revisions or s. 48.357 or 48.365 made before the child reaches 18 years of age that~~
11 ~~places or continues the placement of the child in his or her home~~ shall terminate at
12 the end of one year after its entry unless the judge specifies a shorter period of time.
13 ~~Any order made before the child reaches the age of majority or or the judge~~
14 ~~terminates the order sooner. Except as provided under s. 48.368, an order under this~~
15 ~~section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places~~
16 ~~or continues the placement of the child in a foster home, treatment foster home,~~
17 ~~group home, or residential care center for children and youth or in the home of a~~
18 ~~relative other than a parent shall terminate when the child reaches 18 years of age,~~
19 ~~at the end of one year after its entry, or, if the child is a full-time student at a~~
20 ~~secondary school or its vocational or technical equivalent and is reasonably expected~~
21 ~~to complete the program before reaching 19 years of age, when the child reaches 19~~
22 ~~years of age, whichever is later, unless the judge specifies a shorter period of time or~~
23 ~~the judge terminates the order sooner. An order under this section or s. 48.357 or~~
24 ~~48.365 relating to an unborn child in need of protection or services that is made~~
25 before the unborn child is born shall ~~be effective for a time up to~~ terminate at the end

1 of one year after its entry unless the judge specifies a shorter period of time or the
2 judge terminates the order sooner.

3 ***b3034/1.1* SECTION 102cr.** 48.357 (1) (a) of the statutes, as affected by 2001
4 Wisconsin Act 103, is amended to read:

5 48.357 (1) (a) The person or agency primarily responsible for implementing the
6 dispositional order, the district attorney, or the corporation counsel may request a
7 change in the placement of the child or expectant mother, whether or not the change
8 requested is authorized in the dispositional order, ~~and~~, as provided in par. (am) or (c),
9 whichever is applicable.

10 (am) 1. If the proposed change in placement involves any change in placement
11 other than a change in placement specified in par. (c), the person or agency primarily
12 responsible for implementing the dispositional order, the district attorney, or the
13 corporation counsel shall cause written notice of the proposed change in placement
14 to be sent to the child, the parent, guardian, and legal custodian of the child, any
15 foster parent, treatment foster parent, or other physical custodian described in s.
16 48.62 (2) of the child, the child's court-appointed special advocate, and, if the child
17 is the expectant mother of an unborn child under s. 48.133, the unborn child by the
18 unborn child's guardian ad litem. If the expectant mother is an adult, written notice
19 shall be sent to the adult expectant mother and the unborn child by the unborn child's
20 guardian ad litem. The notice shall contain the name and address of the new
21 placement, the reasons for the change in placement, a statement describing why the
22 new placement is preferable to the present placement, and a statement of how the
23 new placement satisfies objectives of the treatment plan ordered by the court.

24 ***b3034/1.1* SECTION 102d.** 48.357 (1) (am) 3. of the statutes is created to read:

1 48.357 (1) (am) 3. If the court changes the child's placement from a placement
2 outside the home to another placement outside the home, the change in placement
3 order shall contain one of the statements specified in sub. (2v) (a) 2.

4 ***b3034/1.1* SECTION 102dct.** 48.357 (1) (b) of the statutes, as affected by 2001
5 Wisconsin Act 103, is renumbered 48.357 (1) (am) 2. and amended to read:

6 48.357 (1) (am) 2. Any person receiving the notice under ~~par. (a) subd. 1.~~ or
7 notice of a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed
8 special advocate, may obtain a hearing on the matter by filing an objection with the
9 court within 10 days after receipt of the notice. Placements may not be changed until
10 10 days after that notice is sent to the court unless the parent, guardian, or legal
11 custodian and the child, if 12 years of age or over, or the child expectant mother, if
12 12 years of age or over, her parent, guardian, or legal custodian and the unborn child
13 by the unborn child's guardian ad litem, or the adult expectant mother and the
14 unborn child by the unborn child's guardian ad litem, sign written waivers of
15 objection, except that ~~placement~~ changes in placement that were authorized in the
16 dispositional order may be made immediately if notice is given as required under ~~par.~~
17 ~~(a) subd. 1.~~ In addition, a hearing is not required for placement changes authorized
18 in the dispositional order except when an objection filed by a person who received
19 notice alleges that new information is available that affects the advisability of the
20 court's dispositional order.

21 ***b3034/1.1* SECTION 102dg.** 48.357 (1) (c) of the statutes is created to read:

22 48.357 (1) (c) 1. If the proposed change in placement would change the
23 placement of a child placed in the home to a placement outside the home, the person
24 or agency primarily responsible for implementing the dispositional order, the district
25 attorney, or the corporation counsel shall submit a request for the change in

1 placement to the court. The request shall contain the name and address of the new
2 placement, the reasons for the change in placement, a statement describing why the
3 new placement is preferable to the present placement, and a statement of how the
4 new placement satisfies objectives of the treatment plan ordered by the court. The
5 request shall also contain specific information showing that continued placement of
6 the child in his or her home would be contrary to the welfare of the child and, unless
7 any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, specific
8 information showing that the agency primarily responsible for implementing the
9 dispositional order has made reasonable efforts to prevent the removal of the child
10 from the home, while assuring that the child's health and safety are the paramount
11 concerns.

12 2. The court shall hold a hearing prior to ordering any change in placement
13 requested under subd. 1. Not less than 3 days prior to the hearing, the court shall
14 provide notice of the hearing, together with a copy of the request for the change in
15 placement, to the child, the parent, guardian, and legal custodian of the child, the
16 child's court-appointed special advocate, and all parties that are bound by the
17 dispositional order. If all parties consent, the court may proceed immediately with
18 the hearing.

19 3. If the court changes the child's placement from a placement in the child's
20 home to a placement outside the child's home, the change in placement order shall
21 contain the findings specified in sub. (2v) (a) 1., one of the statements specified in sub.
22 (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified
23 in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination
24 specified in sub. (2v) (a) 3.

1 ***b3034/1.1* SECTION 102dr.** 48.357 (2) of the statutes, as affected by 2001
2 Wisconsin Act 103, is amended to read:

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

13 ***b3034/1.1* SECTION 102e.** 48.357 (2m) (a) of the statutes, as affected by 2001
14 Wisconsin Act 103, is amended to read:

15 48.357 (2m) (a) The child, the parent, guardian, or legal custodian of the child,
16 the expectant mother, the unborn child by the unborn child's guardian ad litem, or
17 any person or agency primarily bound by the dispositional order, other than the
18 person or agency responsible for implementing the order, may request a change in
19 placement under this paragraph. The request shall contain the name and address
20 of ~~the place of~~ the new placement requested and shall state what new information
21 is available that affects the advisability of the current placement. If the proposed
22 change in placement would change the placement of a child placed in the home to a
23 placement outside the home, the request shall also contain specific information
24 showing that continued placement of the child in the home would be contrary to the
25 welfare of the child and, unless any of the circumstances specified in s. 48.355 (2d)

1 (b) 1. to 5. applies, specific information showing that the agency primarily
2 responsible for implementing the dispositional order has made reasonable efforts to
3 prevent the removal of the child from the home, while assuring that the child's health
4 and safety are the paramount concerns. The request shall be submitted to the court.

5 In addition, the court may propose a change in placement on its own motion.

6 ***b3034/1.1* SECTION 102ec.** 48.357 (2m) (b) of the statutes, as affected by 2001
7 Wisconsin Act 103, is amended to read:

8 48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
9 any change in placement requested or proposed under par. (a) if the request states
10 that new information is available that affects the advisability of the current
11 placement, unless the requested or proposed change in placement involves any
12 change in placement other than a change in placement of a child placed in the home
13 to a placement outside the home and written waivers of objection to the proposed
14 change in placement are signed by all persons entitled to receive notice under sub.
15 (1) ~~(a)~~ (am) 1., other than a court-appointed special advocate, and the court approves.
16 If a hearing is scheduled, the court shall notify the child, the parent, guardian, and
17 legal custodian of the child, any foster parent, treatment foster parent, or other
18 physical custodian described in s. 48.62 (2) of the child, the child's court-appointed
19 special advocate, all parties who are bound by the dispositional order, and, if the child
20 is the expectant mother of an unborn child under s. 48.133, the unborn child by the
21 unborn child's guardian ad litem, or shall notify the adult expectant mother, the
22 unborn child by the unborn child's guardian ad litem, and all parties who are bound
23 by the dispositional order, at least 3 days prior to the hearing. A copy of the request
24 or proposal for the change in placement shall be attached to the notice. If all of the
25 parties consent, the court may proceed immediately with the hearing.

1 ***b3034/1.1* SECTION 102eg.** 48.357 (2m) (c) of the statutes is created to read:

2 48.357 (2m) (c) If the court changes the child's placement from a placement in
3 the child's home to a placement outside the child's home, the change in placement
4 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements
5 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the
6 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
7 the determination specified in sub. (2v) (a) 3.

8 ***b3034/1.1* SECTION 102em.** 48.357 (2r) of the statutes, as affected by 2001
9 Wisconsin Act 103, is amended to read:

10 48.357 (2r) If a hearing is held under sub. (1) ~~(b)~~ (am) 2. or (2m) (b) and the
11 change in placement would remove a child from a foster home, treatment foster
12 home, or other placement with a physical custodian described in s. 48.62 (2), the court
13 shall give the foster parent, treatment foster parent, or other physical custodian
14 described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the
15 foster parent, treatment foster parent, or other physical custodian to make a written
16 or oral statement during the hearing or to submit a written statement prior to the
17 hearing relating to the child and the requested change in placement. ~~Any written~~
18 ~~or oral statement made under this subsection shall be made under oath or~~
19 ~~affirmation.~~ A foster parent, treatment foster parent, or other physical custodian
20 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) ~~(b)~~ (am) 1. or
21 (2m) (b) and an opportunity to be heard under this subsection does not become a
22 party to the proceeding on which the hearing is held solely on the basis of receiving
23 that notice and opportunity to be heard.

24 ***b3034/1.1* SECTION 102er.** 48.357 (2v) of the statutes, as affected by 2001
25 Wisconsin Act 103, is renumbered 48.357 (2v) (a) 2. and amended to read:

1 48.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) (b) or (2m) (b) and the~~
2 change in placement ~~would place the child outside the home in a placement order~~
3 would change the placement of the child to a placement outside the home
4 recommended by the person or agency primarily responsible for implementing the
5 dispositional order, ~~the change in placement order shall include~~ whether from a
6 placement in the home or from another placement outside the home, a statement
7 that the court approves the placement recommended by that person or agency or, if
8 ~~the child is placed outside the home in a placement other than~~ change in placement
9 order would change the placement of the child to a placement outside the home that
10 is not a placement recommended by that person or agency, whether from a placement
11 in the home or from another placement outside the home, a statement that the court
12 has given bona fide consideration to the recommendations made by that person or
13 agency and all parties relating to the child's placement.

14 ***b3034/1.1* SECTION 102f.** 48.357 (2v) (a) (intro.) of the statutes is created to
15 read:

16 48.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m) shall
17 contain all of the following:

18 ***b3034/1.1* SECTION 102fg.** 48.357 (2v) (a) 1. of the statutes is created to read:

19 48.357 (2v) (a) 1. If the change in placement order changes the child's
20 placement from a placement in the child's home to a placement outside the child's
21 home, a finding that continued placement of the child in his or her home would be
22 contrary to the welfare of the child and, unless a circumstance specified in s. 48.355
23 (2d) (b) 1. to 5. applies, a finding that the agency primarily responsible for
24 implementing the dispositional order has made reasonable efforts to prevent the

1 removal of the child from the home, while assuring that the child's health and safety
2 are the paramount concerns.

3 *b3034/1.1* **SECTION 102fm.** 48.357 (2v) (a) 3. of the statutes is created to read:
4 48.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
5 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the
6 agency primarily responsible for providing services under the change in placement
7 order is not required to make reasonable efforts with respect to the parent to make
8 it possible for the child to return safely to his or her home.

9 *b3034/1.1* **SECTION 102fr.** 48.357 (2v) (b) of the statutes is created to read:
10 48.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and 3.
11 on a case-by-case basis based on circumstances specific to the child and shall
12 document or reference the specific information on which those findings are based in
13 the change in placement order. A change in placement order that merely references
14 par. (a) 1. or 3. without documenting or referencing that specific information in the
15 change in placement order or an amended change in placement order that
16 retroactively corrects an earlier change in placement order that does not comply with
17 this paragraph is not sufficient to comply with this paragraph.

18 *b3034/1.1* **SECTION 102g.** 48.357 (2v) (c) of the statutes is created to read:
19 48.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
20 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
21 the court shall hold a hearing within 30 days after the date of that finding to
22 determine the permanency plan for the child. If a hearing is held under this
23 subdivision, the agency responsible for preparing the permanency plan shall file the
24 permanency plan with the court not less than 5 days before the date of the hearing.

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

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

16 ***b3034/1.1* SECTION 102gb.** 48.357 (6) of the statutes is amended to read:

17 48.357 (6) No change in placement may extend the expiration date of the
18 original order, except that if the change in placement is from a placement in the
19 child's home to a placement outside the home the court may extend the expiration
20 date of the original order to the date on which the child reaches 18 years of age, to
21 the date that is one year after the date of the change in placement order, or, if the child
22 is a full-time student at a secondary school or its vocational or technical equivalent
23 and is reasonably expected to complete the program before reaching 19 years of age,
24 to the date on which the child reaches 19 years of age, whichever is later, or for a
25 shorter period of time as specified by the court. If the change in placement is from

1 a placement outside the home to a placement in the child's home and if the expiration
2 date of the original order is more than one year after the date of the change in
3 placement order, the court shall shorten the expiration date of the original order to
4 the date that is one year after the date of the change in placement order or to an
5 earlier date as specified by the court.

6 ***b3034/1.1* SECTION 102gd.** 48.363 (1m) of the statutes is amended to read:

7 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present
8 evidence relevant to the issue of revision of the dispositional order. In addition, the
9 court shall give a foster parent, treatment foster parent, or other physical custodian
10 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by
11 permitting the foster parent, treatment foster parent, or other physical custodian to
12 make a written or oral statement during the hearing, or to submit a written
13 statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral~~
14 ~~statement made under this subsection shall be made under oath or affirmation.~~ A
15 foster parent, treatment foster parent, or other physical custodian described in s.
16 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be
17 heard under this subsection does not become a party to the proceeding on which the
18 hearing is held solely on the basis of receiving that notice and opportunity to be
19 heard.

20 ***b3034/1.1* SECTION 102gf.** 48.365 (1) of the statutes is amended to read:

21 48.365 (1) In this section, a child is considered to have been placed outside of
22 his or her home on the date on which ~~the court first found that the child has been~~
23 ~~subjected to abuse or neglect or on the date that is 60 days after the date on which~~
24 the child was first removed from his or her home, ~~whichever is earlier.~~

1 ***b3034/1.1* SECTION 102gh.** 48.365 (2g) (b) 2. of the statutes is amended to
2 read:

3 48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and
4 of any progress the child has made, suggestions for amendment of the permanency
5 plan, ~~a description of efforts to return the child safely to his or her home and specific~~
6 information showing the efforts that have been made to achieve the goal of the
7 permanency plan, including, if applicable, the efforts of the parents to remedy the
8 ~~factors which that~~ contributed to the child's placement and, if continued placement
9 ~~outside of the child's home is recommended, an explanation of why returning the~~
10 ~~child to his or her home is not safe or feasible, unless return of the child to the home~~
11 is the goal of the permanency plan and any of the circumstances specified in s. 48.355
12 (2d) (b) 1. to 5. applies.

13 ***b3034/1.1* SECTION 102gk.** 48.365 (2g) (b) 3. of the statutes is amended to
14 read:

15 48.365 (2g) (b) 3. If the child has been placed outside of his or her home for 15
16 of the most recent 22 months, not including any period during which the child was
17 a runaway from the out-of-home placement or the first 6 months of any period
18 during which the child was returned to his or her home for a trial home visit, a
19 statement of whether or not a recommendation has been made to terminate the
20 parental rights of the parents of the child. If a recommendation for a termination of
21 parental rights has been made, the statement shall indicate the date on which the
22 recommendation was made, any previous progress made to accomplish the
23 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 child, and whether or not the child

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

8 *b3034/1.1* **SECTION 102gm.** 48.365 (2m) (a) of the statutes is renumbered
9 48.365 (2m) (a) 1. and amended to read:

10 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
11 extension. If the child is placed outside of his or her home, the person or agency
12 primarily responsible for providing services to the child shall present as evidence
13 specific information showing that the agency has made reasonable efforts to achieve
14 the goal of the child's permanency plan, unless return of the child to the home is the
15 goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d)
16 (b) 1. to 5. applies. The judge shall make findings of fact and conclusions of law based
17 on the evidence. ~~Subject to s. 48.355 (2d), the~~ The findings of fact shall include a
18 finding as to whether reasonable efforts were made by the agency primarily
19 responsible for providing services to the child ~~or expectant mother to make it possible~~
20 ~~for the child to return safely to his or her home or for the expectant mother to return~~
21 ~~to her home to achieve the goal of the child's permanency plan, unless return of the~~
22 child to the home is the goal of the permanency plan and the judge finds that any of
23 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies. An order shall be
24 issued under s. 48.355.

1 ***b3034/1.1* SECTION 102go.** 48.365 (2m) (a) 2. of the statutes is created to
2 read:

3 48.365 (2m) (a) 2. If the judge finds that any of the circumstances specified in
4 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the order shall include a
5 determination that the person or agency primarily responsible for providing services
6 to the child is not required to make reasonable efforts with respect to the parent to
7 make it possible for the child to return safely to his or her home.

8 ***b3034/1.1* SECTION 102gr.** 48.365 (2m) (a) 3. of the statutes is created to read:

9 48.365 (2m) (a) 3. The judge shall make the findings specified in subd. 1.
10 relating to reasonable efforts to achieve the goal of the child's permanency plan and
11 the findings specified in subd. 2. on a case-by-case basis based on circumstances
12 specific to the child and shall document or reference the specific information on
13 which those findings are based in the order issued under s. 48.355. An order that
14 merely references subd. 1. or 2. without documenting or referencing that specific
15 information in the order or an amended order that retroactively corrects an earlier
16 order that does not comply with this subdivision is not sufficient to comply with this
17 subdivision.

18 ***b3034/1.1* SECTION 102h.** 48.365 (2m) (ad) of the statutes is created to read:

19 48.365 (2m) (ad) 1. If the judge finds that any of the circumstances specified
20 in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a
21 hearing within 30 days after the date of that finding to determine the permanency
22 plan for the child. If a hearing is held under this subdivision, the agency responsible
23 for preparing the permanency plan shall file the permanency plan with the court not
24 less than 5 days before the date of the hearing.

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

6 ***b3034/1.1* SECTION 102hg.** 48.365 (2m) (ag) of the statutes is amended to
7 read:

8 48.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The
9 court shall give a foster parent, treatment foster parent, or other physical custodian
10 described in s. 48.62 (2) ~~of the child~~ who is notified of a hearing under par. (ad) 2. or
11 sub. (2) an opportunity to be heard at the hearing by permitting the foster parent,
12 treatment foster parent, or other physical custodian to make a written or oral
13 statement during the hearing, or to submit a written statement prior to the hearing,
14 relevant to the issue of extension. ~~Any written or oral statement made under this~~
15 ~~paragraph shall be made under oath or affirmation.~~ A foster parent, treatment foster
16 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
17 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this
18 paragraph does not become a party to the proceeding on which the hearing is held
19 solely on the basis of receiving that notice and opportunity to be heard.

20 ***b3034/1.1* SECTION 102hr.** 48.365 (5) of the statutes is amended to read:

21 48.365 (5) Except as provided in s. 48.368, ~~all orders~~ an order under this section
22 that continues the placement of a child in his or her home or that relates to an unborn
23 child of an adult expectant mother shall be for a specified length of time not to exceed
24 one year after its date of entry. ~~Except as provided in s. 48.368, an order under this~~
25 ~~section that continues the placement of a child in an out-of-home placement shall~~

1 be for a specified length of time not to exceed the date on which the child reaches 18
2 years of age, one year after the date of entry of the order, or, if the child is a full-time
3 student at a secondary school or its vocational or technical equivalent and is
4 reasonably expected to complete the program before reaching 19 years of age, the
5 date on which the child reaches 19 years of age, whichever is later.

6 *b3034/1.1* SECTION 102j. 48.38 (2) (intro.) of the statutes, as affected by 2001
7 Wisconsin Act 59, is amended to read:

8 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
9 for each child living in a foster home, treatment foster home, group home, residential
10 care center for children and youth, secure detention facility, or shelter care facility,
11 the agency that placed the child or arranged the placement or the agency assigned
12 primary responsibility for providing services to the child under s. 48.355 shall
13 prepare a written permanency plan, if ~~one~~ any of the following conditions exists, and,
14 for each child living in the home of a relative other than a parent, that agency shall
15 prepare a written permanency plan, if any of the conditions specified in pars. (a) to
16 (e) exists:

17 *b3034/1.1* SECTION 102jg. 48.38 (2) (c) of the statutes is amended to read:

18 48.38 (2) (c) The child is under the supervision of an agency under s. 48.64 (2)
19 ~~or pursuant to, under a consent decree under s. 48.32 (1) (b), or under a court order~~
20 under s. 48.355.

21 *b3034/1.1* SECTION 102jm. 48.38 (2) (f) of the statutes is amended to read:

22 48.38 (2) (f) The child's care ~~is paid~~ would be paid for under s. 49.19 but for s.
23 49.19 (20).

24 *b3034/1.1* SECTION 102jr. 48.38 (2) (g) of the statutes, as created by 2001
25 Wisconsin Act 69, is amended to read:

1 48.38 (2) (g) The child's parent is placed in a foster home, treatment foster
2 home, group home, ~~child-caring institution~~ residential care center for children and
3 youth, secure detention facility, or shelter care facility and the child is residing with
4 that parent.

5 ***b3034/1.1* SECTION 102k.** 48.38 (3) of the statutes is amended to read:

6 48.38 (3) TIME. Subject to s. 48.355 (2d) (c) 1., the agency shall file the
7 permanency plan with the court within 60 days after the date on which the child was
8 first ~~held in physical custody or placed outside of his or her home under a court order~~
9 removed from his or her home, except that if the child is held for less than 60 days
10 in a secure detention facility, juvenile portion of a county jail, or a shelter care facility,
11 no permanency plan is required if the child is returned to his or her home within that
12 period.

13 ***b3034/1.1* SECTION 102kg.** 48.38 (4) (intro.) of the statutes is amended to
14 read:

15 48.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~
16 description of all of the following:

17 ***b3034/1.1* SECTION 102km.** 48.38 (4) (a) of the statutes, as affected by 2001
18 Wisconsin Act 2, is renumbered 48.38 (4) (ar) and amended to read:

19 48.38 (4) (ar) ~~The~~ A description of the services offered and any service services
20 provided in an effort to prevent holding or placing the child outside of the removal
21 of the child from his or her home, while assuring that the health and safety of the
22 child are the paramount concerns, and to ~~make it possible for the child to return~~
23 safely home achieve the goal of the permanency plan, except that the permanency
24 plan ~~need not~~ is not required to include a description of these the services offered or
25 provided with respect to a parent of the child to prevent the removal of the child from

1 the home or to achieve the permanency plan goal of returning the child safely to his
2 or her home if any of the circumstances specified in s. 48.355 (2d) (b) 1., ~~2., 3., 4., or~~
3 ~~to 5.~~ apply applies to that parent.

4 *b3034/1.1* **SECTION 102kr.** 48.38 (4) (ag) of the statutes is created to read:

5 48.38 (4) (ag) The name, address, and telephone number of the child's parent,
6 guardian, and legal custodian.

7 *b3034/1.1* **SECTION 102m.** 48.38 (4) (am) of the statutes is created to read:

8 48.38 (4) (am) The date on which the child was removed from his or her home
9 and the date on which the child was placed in out-of-home care.

10 *b3034/1.1* **SECTION 102mg.** 48.38 (4) (bm) of the statutes is amended to read:

11 48.38 (4) (bm) ~~The A statement as to the availability of a safe and appropriate~~
12 placement with a fit and willing relative of the child and, if a decision is made not
13 to place the child with an available relative, a statement as to why placement with
14 the relative is not safe or appropriate.

15 *b3034/1.1* **SECTION 102mm.** 48.38 (4) (dg) of the statutes is created to read:

16 48.38 (4) (dg) Information about the child's education, including all of the
17 following:

18 1. The name and address of the school in which the child is or was most recently
19 enrolled.

20 2. Any special education programs in which the child is or was previously
21 enrolled.

22 3. The grade level in which the child is or was most recently enrolled and all
23 information that is available concerning the child's grade level performance.

1 4. A summary of all available education records relating to the child that are
2 relevant to any education goals included in the education services plan prepared
3 under s. 48.33 (1) (e).

4 ***b3034/1.1* SECTION 102mr.** 48.38 (4) (dm) of the statutes is created to read:

5 48.38 (4) (dm) If as a result of the placement the child has been or will be
6 transferred from the school in which the child is or most recently was enrolled,
7 documentation that a placement that would maintain the child in that school is
8 either unavailable or inappropriate or that a placement that would result in the
9 child's transfer to another school would be in the child's best interests.

10 ***b3034/1.1* SECTION 102n.** 48.38 (4) (dr) of the statutes is created to read:

11 48.38 (4) (dr) Medical information relating to the child, including all of the
12 following:

13 1. The names and addresses of the child's physician, dentist, and any other
14 health care provider that is or was previously providing health care services to the
15 child.

16 2. The child's immunization record, including the name and date of each
17 immunization administered to the child.

18 3. Any known medical condition for which the child is receiving medical care
19 or treatment and any known serious medical condition for which the child has
20 previously received medical care or treatment.

21 4. The name, purpose, and dosage of any medication that is being administered
22 to the child and the name of any medication that causes the child to suffer an allergic
23 or other negative reaction.

24 ***b3034/1.1* SECTION 102ng.** 48.38 (4) (e) of the statutes is amended to read:

1 48.38 (4) (e) The A plan for ensuring the safety and appropriateness of the
2 placement and a description of the services provided to meet the needs of the child
3 and family, including a discussion of services that have been investigated and
4 considered and are not available or likely to become available within a reasonable
5 time to meet the needs of the child or, if available, why such services are not safe or
6 appropriate.

7 ***b3034/1.1* SECTION 102nm.** 48.38 (4) (f) (intro.) of the statutes is amended
8 to read:

9 48.38 (4) (f) (intro.) The A description of the services that will be provided to
10 the child, the child's family, and the child's foster parent, the child's treatment foster
11 parent ~~or~~, the operator of the facility where the child is living, or the relative with
12 whom the child is living to carry out the dispositional order, including services
13 planned to accomplish all of the following:

14 ***b3034/1.1* SECTION 102nr.** 48.38 (4) (fg) of the statutes is created to read:

15 48.38 (4) (fg) The goal of the permanency plan or, if the agency is making
16 concurrent reasonable efforts under s. 48.355 (2b), the goals of the permanency plan.
17 If a goal of the permanency plan is any goal other than return of the child to his or
18 her home, the permanency plan shall include the rationale for deciding on that goal.
19 If a goal of the permanency plan is an alternative permanent placement under subd.
20 5., the permanency plan shall document a compelling reason why it would not be in
21 the best interest of the child to pursue a goal specified in subds. 1. to 4. The agency
22 shall determine one or more of the following goals to be the goal or goals of a child's
23 permanency plan:

- 24 1. Return of the child to the child's home.
- 25 2. Placement of the child for adoption.

- 1 3. Placement of the child with a guardian.
- 2 4. Permanent placement of the child with a fit and willing relative.
- 3 5. Some other alternative permanent placement, including sustaining care,
- 4 independent living, or long-term foster care.

5 ***b3034/1.1* SECTION 102p.** 48.38 (4) (fm) of the statutes is amended to read:

6 48.38 (4) (fm) If the goal of the permanency plan calls for placing is to place the
7 child for adoption, with a guardian, with a fit and willing relative, or in some other
8 alternative permanent placement, the efforts made to ~~place the child for adoption,~~
9 ~~with a guardian or in some other alternative permanent placement~~ achieve that goal.

10 ***b3034/1.1* SECTION 102pg.** 48.38 (4) (h) of the statutes is created to read:

11 48.38 (4) (h) If the child is 15 years of age or over, a description of the programs
12 and services that are or will be provided to assist the child in preparing for the
13 transition from out-of-home care to independent living. The description shall
14 include all of the following:

15 1. The anticipated age at which the child will be discharged from out-of-home
16 care.

17 2. The anticipated amount of time available in which to prepare the child for
18 the transition from out-of-home care to independent living.

19 3. The anticipated location and living situation of the child on discharge from
20 out-of-home care.

21 4. A description of the assessment processes, tools, and methods that have been
22 or will be used to determine the programs and services that are or will be provided
23 to assist the child in preparing for the transition from out-of-home care to
24 independent living.

1 5. The rationale for each program or service that is or will be provided to assist
2 the child in preparing for the transition from out-of-home care to independent
3 living, the time frames for delivering those programs or services, and the intended
4 outcome of those programs or services.

5 ***b3034/1.1* SECTION 102pm.** 48.38 (5) (a) of the statutes, as affected by 2001
6 Wisconsin Act 69, is amended to read:

7 48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed
8 under ~~this paragraph~~ par. (ag) shall review the permanency plan ~~every in the~~
9 manner provided in this subsection not later than 6 months from after the date on
10 which the child was first ~~held in physical custody or placed outside of~~ removed from
11 his or her home and every 6 months after a previous review under this subsection for
12 as long as the child is placed outside the home, except that for the review that is
13 required to be conducted not later than 12 months after the child was first removed
14 from his or her home and the reviews that are required to be conducted every 12
15 months after that review the court shall hold a hearing under sub. (5m) to review the
16 permanency plan, which hearing may be instead of or in addition to the review under
17 this subsection.

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

1 ***b3034/1.1* SECTION 102pr.** 48.38 (5) (b) of the statutes is amended to read:

2 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
3 child, if he or she is 12 years of age or older, and the child's foster parent, the child's
4 treatment foster parent ~~or~~, the operator of the facility in which the child is living, or
5 the relative with whom the child is living of the date, time, and place of the review,
6 of the issues to be determined as part of the review, and of the fact that they may have
7 an opportunity to be heard at the review by submitting written comments not less
8 than 10 working days before the review or by participating at the review. The court
9 or agency shall notify the person representing the interests of the public, the child's
10 counsel, the child's guardian ad litem, and the child's court-appointed special
11 advocate of the date of the review, of the issues to be determined as part of the review,
12 and of the fact that they may submit written comments not less than 10 working days
13 before the review. The notices under this paragraph shall be provided in writing not
14 less than 30 days before the review and copies of the notices shall be filed in the child's
15 case record.

16 ***b3034/1.1* SECTION 102q.** 48.38 (5) (c) 6. (intro.) of the statutes is amended
17 to read:

18 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,
19 as described in s. 48.365 (1), for 15 of the most recent 22 months, not including any
20 period during which the child was a runaway from the out-of-home placement or the
21 first 6 months of any period during which the child was returned to his or her home
22 for a trial home visit, the appropriateness of the permanency plan and the
23 circumstances which prevent the child from any of the following:

24 ***b3034/1.1* SECTION 102qg.** 48.38 (5) (c) 6. am. of the statutes is renumbered
25 48.38 (5) (c) 6. cm. and amended to read:

1 48.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the
2 child.

3 *b3034/1.1* SECTION 102qm. 48.38 (5) (c) 6. cg. of the statutes is created to
4 read:

5 48.38 (5) (c) 6. cg. Being placed with a guardian.

6 *b3034/1.1* SECTION 102qr. 48.38 (5) (c) 6. d. of the statutes is amended to
7 read:

8 48.38 (5) (c) 6. d. Being placed in some other alternative permanent placement,
9 including sustaining care, independent living, or long-term foster care.

10 *b3034/1.1* SECTION 102r. 48.38 (5) (c) 7. of the statutes, as affected by 2001
11 Wisconsin Act 2, is amended to read:

12 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to ~~make~~
13 ~~it possible for the child to return safely to his or her home, except that the court or~~
14 ~~panel need not determine whether those reasonable efforts were made with respect~~
15 ~~to a parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1.,~~
16 ~~2., 3., 4., or 5. apply to that parent~~ achieve the goal of the permanency plan, unless
17 return of the child to the home is the goal of the permanency plan and any of the
18 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

19 *b3034/1.1* SECTION 102rm. 48.38 (5m) of the statutes is created to read:

20 48.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to
21 review the permanency plan and to make the determinations specified in sub. (5) (c)
22 no later than 12 months after the date on which the child was first removed from the
23 home and every 12 months after a previous hearing under this subsection for as long
24 as the child is placed outside the home.

1 (b) Not less than 30 days before the date of the hearing, the court shall notify
2 the child; the child's parent, guardian, and legal custodian; the child's foster parent
3 or treatment foster parent, the operator of the facility in which the child is living, or
4 the relative with whom the child is living; the child's counsel, the child's guardian ad
5 litem, and the child's court-appointed special advocate; the agency that prepared the
6 permanency plan; and the person representing the interests of the public of the date,
7 time, and place of the hearing.

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

16 (d) At least 5 days before the date of the hearing the agency that prepared the
17 permanency plan shall provide a copy of the permanency plan and any written
18 comments submitted under par. (c) to the court, to the child's parent, guardian, and
19 legal custodian, to the person representing the interests of the public, to the child's
20 counsel or guardian ad litem, and to the child's court-appointed special advocate.
21 Notwithstanding s. 48.78 (2) (a), the person representing the interests of the public,
22 the child's counsel or guardian ad litem, and the child's court-appointed special
23 advocate may have access to any other records concerning the child for the purpose
24 of participating in the review. A person permitted access to a child's records under

1 this paragraph may not disclose any information from the records to any other
2 person.

3 (e) After the hearing, the court shall make written findings of fact and
4 conclusions of law relating to the determinations under sub. (5) (c) and shall provide
5 a copy of those findings of fact and conclusions of law to the child; the child's parent,
6 guardian, and legal custodian; the child's foster parent or treatment foster parent,
7 the operator of the facility in which the child is living, or the relative with whom the
8 child is living; the child's court-appointed special advocate; the agency that prepared
9 the permanency plan; and the person representing the interests of the public. The
10 court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based
11 on circumstances specific to the child and shall document or reference the specific
12 information on which those findings are based in the findings of fact and conclusions
13 of law prepared under this paragraph. Findings of fact and conclusions of law that
14 merely reference sub. (5) (c) 7. without documenting or referencing that specific
15 information in the findings of fact and conclusions of law or amended findings of fact
16 and conclusions of law that retroactively correct earlier findings of fact and
17 conclusions of law that do not comply with this paragraph are not sufficient to comply
18 with this paragraph.

19 (f) If the findings of fact and conclusions of law under par. (e) conflict with the
20 child's dispositional order or provide for any additional services not specified in the
21 dispositional order, the court shall revise the dispositional order under s. 48.363 or
22 order a change in placement under s. 48.357, as appropriate.

23 ~~*-4548/2.32*~~ ~~*-0590/P5.2*~~ SECTION 103. 48.415 (9m) (b) 2. of the statutes is
24 amended to read:

1 48.415 (9m) (b) 2. The commission of a violation of s. 940.19 (3), 1999 stats.,
2 a violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
3 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other
4 state or federal law, if that violation would be a violation of s. 940.19 (2), ~~(3)~~, (4) or
5 (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06
6 or 948.08 if committed in this state.

7 ***b3034/1.2* SECTION 103m.** 48.417 (1) (a) of the statutes is amended to read:
8 48.417 (1) (a) The child has been placed outside of his or her home, as described
9 in s. 48.365 (1) or 938.365 (1), for 15 of the most recent 22 months, not including any
10 period during which the child was a runaway from the out-of-home placement or the
11 first 6 months of any period during which the child was returned to his or her home
12 for a trial home visit. If the circumstances specified in this paragraph apply, the
13 petition shall be filed or joined in by the last day of the 15th month, as described in
14 this paragraph, for which the child was placed outside of his or her home.

15 ***b3034/1.2* SECTION 103p.** 48.417 (1) (b) of the statutes is amended to read:
16 48.417 (1) (b) A court of competent jurisdiction has found under s. 48.13 (2) or
17 under a law of any other state or a federal law that is comparable to s. 48.13 (2) that
18 the child was abandoned when he or she was under one year of age or has found that
19 the parent abandoned the child when the child was under one year of age in violation
20 of s. 948.20 or in violation of the law of any other state or federal law, if that violation
21 would be a violation of s. 948.20 if committed in this state. If the circumstances
22 specified in this paragraph apply, the petition shall be filed or joined in within 60
23 days after the date on which the court of competent jurisdiction found that the child
24 was abandoned as described in this paragraph.

25 ***b3034/1.2* SECTION 103r.** 48.417 (1) (c) of the statutes is amended to read:

1 48.417 (1) (c) A court of competent jurisdiction has found that the parent has
2 committed, has aided or abetted the commission of, or has solicited, conspired, or
3 attempted to commit, a violation of s. 940.01, 940.02, 940.03, or 940.05 or a violation
4 of the law of any other state or federal law, if that violation would be a violation of
5 s. 940.01, 940.02, 940.03, or 940.05 if committed in this state, and that the victim of
6 that violation is a child of the parent. If the circumstances specified in this paragraph
7 apply, the petition shall be filed or joined in within 60 days after the date on which
8 the court assigned to exercise jurisdiction under this chapter determines, based on
9 a finding that a circumstance specified in this paragraph applies, that reasonable
10 efforts to make it possible for the child to return safely to his or her home are not
11 required.

12 ***b3034/1.2* SECTION 103t.** 48.417 (1) (d) of the statutes is amended to read:

13 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
14 committed a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or
15 (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
16 federal law, if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225
17 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state,
18 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or
19 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child
20 of the parent. If the circumstances specified in this paragraph apply, the petition
21 shall be filed or joined in within 60 days after the date on which the court assigned
22 to exercise jurisdiction under this chapter determines, based on a finding that a
23 circumstance specified in this paragraph applies, that reasonable efforts to make it
24 possible for the child to return safely to his or her home are not required.

1 ***b3034/1.2* SECTION 104b.** 48.417 (1) (d) of the statutes, as affected by 2001
2 Wisconsin Act (this act), is amended to read:

3 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
4 committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), ~~(3)~~, (4),
5 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or a
6 violation of the law of any other state or federal law, if that violation would be a
7 violation of s. 940.19 (2), ~~(3)~~, (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
8 or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted
9 in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
10 defined in s. 939.22 (38), to the child or another child of the parent. If the
11 circumstances specified in this paragraph apply, the petition shall be filed or joined
12 in within 60 days after the date on which the court assigned to exercise jurisdiction
13 under this chapter determines, based on a finding that a circumstance specified in
14 this paragraph applies, that reasonable efforts to make it possible for the child to
15 return safely to his or her home are not required.

16 ***b3034/1.2* SECTION 104d.** 48.417 (2) (a) of the statutes is amended to read:
17 48.417 (2) (a) The child is being cared for by a fit and willing relative of the
18 child.

19 ***b3034/1.2* SECTION 104e.** 48.417 (2) (b) of the statutes is amended to read:
20 48.417 (2) (b) The child's permanency plan indicates and provides
21 documentation that termination of parental rights to the child is not in the best
22 interests of the child.

23 ***b3034/1.2* SECTION 104f.** 48.417 (2) (d) of the statutes is created to read:
24 48.417 (2) (d) Grounds for an involuntary termination of parental rights under
25 s. 48.415 do not exist.

1 *~~4548/2.34~~* *~~0590/P5.4~~* **SECTION 110.** 48.57 (3p) (g) 2. of the statutes is
2 amended to read:

3 48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified
4 in s. 939.64, 1999 stats., or s. 939.641, 1999 stats., or s. 939.62, 939.621, 939.63,
5 ~~939.64, 939.641~~ or 939.645 or has been convicted of a violation of the law of any other
6 state or federal law under circumstances under which the person would be subject
7 to a penalty specified in any of those sections if convicted in this state.

8 ***b3034/1.3*** **SECTION 110m.** 48.63 (1) of the statutes, as affected by 2001
9 Wisconsin Act 69, is amended to read:

10 48.63 (1) Acting ~~pursuant to~~ under court order or voluntary agreement, the
11 child's parent or guardian or the department of health and family services, the
12 department of corrections, a county department, or a child welfare agency licensed
13 to place children in foster homes, treatment foster homes, or group homes may place
14 a child or negotiate or act as intermediary for the placement of a child in a foster
15 home, treatment foster home, or group home. Voluntary agreements under this
16 subsection may not be used for placements in facilities other than foster, treatment
17 foster, or group homes and may not be extended. A foster home or treatment foster
18 home placement under a voluntary agreement may not exceed ~~6 months~~ 180 days
19 from the date on which the child was removed from the home under the voluntary
20 agreement. A group home placement under a voluntary agreement may not exceed
21 15 days from the date on which the child was removed from the home under the
22 voluntary agreement, except as provided in sub. (5). These time limitations do not
23 apply to placements made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary
24 agreements may be made only under this subsection and sub. (5) (b) and shall be in
25 writing and shall specifically state that the agreement may be terminated at any

1 time by the parent or guardian or by the child if the child's consent to the agreement
2 is required. The child's consent to the agreement is required whenever the child is
3 12 years of age or older.

4 ***b3034/1.3* SECTION 110p.** 48.63 (4) of the statutes is amended to read:

5 48.63 (4) A permanency plan under s. 48.38 is required for each child placed
6 in a foster home or treatment foster home under sub. (1). If the child is living in a
7 foster home or treatment foster home under a voluntary agreement, the agency that
8 negotiated or acted as intermediary for the placement shall prepare the permanency
9 plan within 60 days after the placement date on which the child was removed from
10 his or her home under the voluntary agreement. A copy of each plan shall be provided
11 to the child if he or she is 12 years of age or over and to the child's parent or guardian.
12 If the agency ~~which~~ that arranged the voluntary placement intends to seek a court
13 order to place the child outside of his or her home at the expiration of the voluntary
14 placement, the agency shall prepare a revised permanency plan and file that revised
15 plan with the court prior to the date of the hearing on the proposed placement.

16 ***b3034/1.3* SECTION 110r.** 48.63 (5) (b) of the statutes, as created by 2001
17 Wisconsin Act 69, is amended to read:

18 48.63 (5) (b) If a child who is at least 14 years of age, who is a custodial parent,
19 as defined in s. 49.141 (1) (b), or an expectant mother, and who is in need of a safe
20 and structured living arrangement and the parent or guardian of the child consent,
21 a child welfare agency licensed to place children in group homes may place the child
22 or arrange the placement of the child in a group home described in s. 48.625 (1m).
23 Before placing a child or arranging the placement of a child under this paragraph,
24 the child welfare agency shall report any suspected abuse or neglect of the child as
25 required under s. 48.981 (2). A voluntary agreement to place a child in a group home

1 described in s. 48.625 (1m) may be made only under this paragraph, shall be in
2 writing, and shall specifically state that the agreement may be terminated at any
3 time by the parent, guardian, or child. An initial placement under this paragraph
4 may not exceed ~~6 months~~ 180 days from the date on which the child was removed
5 from the home under the voluntary agreement, but may be extended as provided in
6 par. (d) 3. to 6. An initial placement under this paragraph of a child who is under 16
7 years of age on the date of the initial placement may be extended as provided in par.
8 (d) 3. to 6. no more than once.

9 ***b3034/1.3* SECTION 110s.** 48.63 (5) (c) of the statutes, as created by 2001
10 Wisconsin Act 69, is amended to read:

11 48.63 (5) (c) A permanency plan under s. 48.38 is required for each child placed
12 in a group home under par. (b) and for any child of that child who is residing with that
13 child. The agency that placed the child or that arranged the placement of the child
14 shall prepare the plan within 60 days after the placement date on which the child was
15 removed from his or her home under the voluntary agreement and shall provide a
16 copy of the plan to the child and the child's parent or guardian.

17 ***-4548/2.35* SECTION 111.** 48.685 (1) (c) of the statutes is amended to read:

18 48.685 (1) (c) "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a
19 violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),
20 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
21 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
22 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or
23 United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or
24 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),
25 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),