

1 501 (c) (3) of the Internal Revenue Code that is exempt from federal income tax under
2 section 501 (a) of the Internal Revenue Code.

3 *~~4498/1.6~~* SECTION 478. 560.18 (2) of the statutes is amended to read:

4 560.18 (2) The recipient of a grant under sub. (1) (1m) shall submit the
5 programs and materials developed with the funds to the department and the director
6 of the timber management program at the University of Wisconsin–Stevens Point
7 College of Natural Resources for approval. Upon request, the grant recipient shall
8 provide approved programs and materials to school districts free of charge.

9 *~~4498/1.7~~* SECTION 479. 560.20 (title) of the statutes is repealed.

10 *~~4498/1.8~~* SECTION 480. 560.20 (1) (intro.) of the statutes is repealed.

11 *~~4498/1.9~~* SECTION 481. 560.20 (1) (a) of the statutes is renumbered 560.21
12 (1) (a).

13 *~~4498/1.10~~* SECTION 482. 560.20 (1) (b) of the statutes is renumbered 560.21
14 (1) (b).

15 *~~4498/1.11~~* SECTION 483. 560.20 (1) (c) of the statutes is repealed.

16 *~~4498/1.12~~* SECTION 484. 560.20 (1) (cf) of the statutes is renumbered 560.17
17 (1) (br).

18 *~~4498/1.13~~* SECTION 485. 560.20 (1) (cm) of the statutes is repealed.

19 *~~4498/1.14~~* SECTION 486. 560.20 (1) (d) of the statutes is repealed.

20 *~~4498/1.15~~* SECTION 487. 560.20 (1) (e) of the statutes is repealed.

21 *~~4498/1.16~~* SECTION 488. 560.20 (1) (f) of the statutes is repealed.

22 *~~4498/1.17~~* SECTION 489. 560.20 (1) (g) of the statutes is repealed.

23 *~~4498/1.18~~* SECTION 490. 560.20 (1m) of the statutes is repealed.

24 *~~4498/1.19~~* SECTION 491. 560.20 (2) of the statutes is repealed.

25 *~~4498/1.20~~* SECTION 492. 560.20 (3) (a) of the statutes is repealed.

1 *~~4498/1.21~~* **SECTION 493.** 560.20 (3) (b) of the statutes is repealed.

2 *~~4498/1.22~~* **SECTION 494.** 560.20 (3) (c) of the statutes is repealed.

3 *~~4498/1.23~~* **SECTION 495.** 560.20 (3) (cm) of the statutes is repealed.

4 *~~4498/1.24~~* **SECTION 496.** 560.20 (3) (d) of the statutes is repealed.

5 *~~4498/1.25~~* **SECTION 497.** 560.20 (3) (e) of the statutes is repealed.

6 *~~4498/1.26~~* **SECTION 498.** 560.20 (3) (f) (intro.) and 4. of the statutes are
7 consolidated, renumbered 560.21 (2) and amended to read:

8 560.21 (2) The department shall ~~do all of the following:~~ 4. Deposit deposit in
9 the ~~appropriation account under s. 20.143 (1) (in) general fund~~ all interest and
10 principal received in repayment of loans under ~~this subsection s. 560.20 (3), 1999~~
11 stats., any proceeds from equity investments made by the community development
12 finance company under s. 234.965, 1991 stats., that are received by the department
13 or the community development finance company, and any unencumbered grant
14 funds returned to the department under 1993 Wisconsin Act 437, section 9115 (1t).

15 *~~4498/1.27~~* **SECTION 499.** 560.20 (3) (f) 1. of the statutes is repealed.

16 *~~4498/1.28~~* **SECTION 500.** 560.20 (3) (f) 2. of the statutes is repealed.

17 *~~4498/1.29~~* **SECTION 501.** 560.20 (3) (f) 3. of the statutes is repealed.

18 *~~4498/1.30~~* **SECTION 502.** 560.20 (3) (g) of the statutes is repealed.

19 *~~4498/1.31~~* **SECTION 503.** 560.20 (3) (h) of the statutes is renumbered 560.21
20 (3).

21 *~~4498/1.32~~* **SECTION 504.** 560.21 of the statutes is created to read:

22 **560.21 General fund deposit.** (1) In this section:

23 *~~b2345/1.1~~* **SECTION 504c.** 560.62 (1) (intro.) of the statutes is amended to
24 read:

1 560.62 (1) (intro.) The Subject to subs. (1m) and (2), the board may award any
2 of the following under s. 560.61 to any of the following for any of the following
3 purposes:

4 ***b2345/1.1* SECTION 504m.** 560.62 (1m) of the statutes is created to read:

5 560.62 (1m) The board shall award in each biennium at least \$364,400 in
6 grants or loans under sub. (1) for projects related to pollution reduction or energy
7 conservation.

8 ~~*-4548/2.236*~~ ~~*-3266/P1.136*~~ **SECTION 505.** 562.13 (3) of the statutes is
9 amended to read:

10 562.13 (3) ~~Whoever violates s. 562.11 (2) or (3) may be fined not more than~~
11 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

12 ~~*-4548/2.237*~~ ~~*-3266/P1.137*~~ **SECTION 506.** 562.13 (4) of the statutes is
13 amended to read:

14 562.13 (4) ~~Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 may be~~
15 ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
16 ~~or both~~ is guilty of a Class H felony.

17 ***b2942/1.1* SECTION 506r.** 563.93 (4) of the statutes is amended to read:

18 563.93 (4) Tickets for a proposed raffle may not be offered for sale more than
19 ~~180~~ 270 days before the raffle drawing.

20 ~~*-4548/2.238*~~ ~~*-3266/P1.138*~~ **SECTION 507.** 565.50 (2) of the statutes is
21 amended to read:

22 565.50 (2) Any person who alters or forges a lottery ticket or share or
23 intentionally utters or transfers an altered or forged lottery ticket or share ~~shall be~~
24 ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
25 ~~or both~~ is guilty of a Class I felony.

1 *~~4548/2.239~~* *~~3266/P1.139~~* SECTION 508. 565.50 (3) of the statutes is
2 amended to read:

3 565.50 (3) Any person who possesses an altered or forged lottery ticket or share
4 with intent to defraud shall be fined not more than \$10,000 or imprisoned for not
5 more than ~~3 years~~ 9 months or both.

6 ***b3053/3.4*** SECTION 508r. 601.34 of the statutes is created to read:

7 **601.34 Loan to general fund.** (1) No later than the first day of the 2nd month
8 beginning after the effective date of this subsection ... [revisor inserts date], an
9 amount equal to \$850,000 shall be lapsed from the appropriation account under s.
10 20.145 (1) (g) to the general fund. The amount lapsed from the appropriation account
11 shall be considered a loan to the general fund and interest shall accrue on the amount
12 lapsed at the average rate earned by the state on its deposits in the state investment
13 fund during the period of the loan.

14 (2) The secretary of administration shall pay the principle and interest costs
15 on the loan from the appropriation account under s. 20.855 (1) (ch) as follows:

16 (a) After the close of the 2002-03 fiscal year, the secretary shall make principle
17 and interest payments equal to the moneys lapsed to the general fund from the
18 appropriation account under s. 20.515 (2) (a) in that year, if any, and from moneys
19 lapsed to the general fund from the appropriation account under s. 20.515 (2) (g) in
20 the amounts specified in s. 40.98 (6m), if any.

21 (b) After the close of each fiscal year thereafter, the secretary shall make
22 principle and interest payments equal to the moneys lapsed to the general fund from
23 the appropriation account under s. 20.515 (2) (g) in the amounts specified in s. 40.98
24 (6m), if any.

1 (c) If the secretary determines during any fiscal year that the moneys paid
2 under pars. (a) and (b) will not be sufficient to repay the loan within a reasonable
3 period of time, as determined by the secretary and the commissioner, the secretary
4 shall pay all remaining principle and interest costs on the loan after the close of that
5 fiscal year.

6 ***b3041/1.2* SECTION 508s.** 601.41 (8) of the statutes is created to read:

7 601.41 (8) UNIFORM EMPLOYEE APPLICATION FORM. (a) In this subsection:

8 1. "Group health benefit plan" has the meaning given in s. 632.745 (9).

9 2. "Small employer" has the meaning given in s. 635.02 (7).

10 3. "Small employer insurer" has the meaning given in s. 635.02 (8).

11 (b) In consultation with the life and disability advisory council established by
12 the commissioner, the commissioner shall by rule develop a uniform employee
13 application form that a small employer insurer must use when a small employer
14 applies for coverage under a group health benefit plan offered by the small employer
15 insurer. The commissioner shall revise the form at least every 2 years.

16 ***b3041/1.2* SECTION 508t.** 601.41 (9) of the statutes is created to read:

17 601.41 (9) UNIFORM CLAIM PROCESSING FORM. (a) In this subsection, "health care
18 provider" has the meaning given in s. 146.81 (1).

19 (b) If the federal government has not developed by July 1, 2003, a uniform claim
20 processing form that must be used by all health care providers for submitting claims
21 to insurers and by all insurers for processing claims submitted by health care
22 providers, the commissioner shall develop, by December 31, 2003, a uniform claim
23 processing form for that purpose.

24 ***-4548/2.240* *-3266/P1.140* SECTION 509.** 601.64 (4) of the statutes is
25 amended to read:

1 601.64 (4) CRIMINAL PENALTY. Whoever intentionally violates or intentionally
2 permits any person over whom he or she has authority to violate or intentionally aids
3 any person in violating any insurance statute or rule of this state, s. 149.13 or
4 149.144 or any effective order issued under s. 601.41 (4) ~~may is guilty of a Class I~~
5 ~~felony~~, unless a specific penalty is provided elsewhere in the statutes, ~~be fined not~~
6 ~~more than \$10,000 if a corporation or if a natural person be fined not more than~~
7 ~~\$5,000 or imprisoned for not more than 4 years and 6 months or both~~. Intent has the
8 meaning expressed under s. 939.23.

9 ***b2827/1.1* SECTION 509c.** 609.10 (1) (am) of the statutes, as affected by 1999
10 Wisconsin Act 9, is amended to read:

11 609.10 (1) (am) Except as provided in ~~subs. (2) to sub.~~ (4), an employer that
12 offers any of its employees a health maintenance organization or a preferred provider
13 plan that provides comprehensive health care services shall also offer the employees
14 a standard plan that provides at least substantially equivalent coverage of health
15 care expenses and a point-of-service option plan, as provided in pars. (b) and (c).

16 ***b2827/1.1* SECTION 509cm.** 609.10 (2) of the statutes is repealed.

17 ***b2827/1.1* SECTION 509d.** 609.10 (3) of the statutes, as affected by 1999
18 Wisconsin Act 9, is repealed.

19 ***b3041/1.3* SECTION 509e.** 610.65 of the statutes is created to read:

20 **610.65 Uniform claim processing form.** Beginning no later than July 1,
21 2004, every insurer shall use the uniform claim processing form developed by the
22 commissioner under s. 601.41 (9) (b) when processing a claim submitted by a health
23 care provider, as defined in s. 146.81 (1).

24 ***b3041/1.4* SECTION 509jm.** 635.10 of the statutes is created to read:

1 **635.10 Uniform employee application.** Beginning no later than the first
2 day of the 13th month beginning after the effective date of this section [revisor
3 inserts date], every small employer insurer shall use the uniform employee
4 application form developed by the commissioner by rule under s. 601.41 (8) (b) when
5 a small employer applies for coverage under a group health benefit plan offered by
6 the small employer insurer.

7 *~~4548/2.241~~* *~~3266/P1.141~~* **SECTION 510.** 641.19 (4) (a) of the statutes is
8 amended to read:

9 641.19 (4) (a) Any person who wilfully violates or fails to comply with any
10 provision of this chapter or the rules promulgated thereunder or who, knowingly,
11 makes a false statement, a false representation of a material fact, or who fails to
12 disclose a material fact in any registration, examination, statement or report
13 required under this chapter or the rules promulgated thereunder, ~~may be fined not~~
14 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~
15 guilty of a Class H felony.

16 *~~4548/2.242~~* *~~3266/P1.142~~* **SECTION 511.** 641.19 (4) (b) of the statutes is
17 amended to read:

18 641.19 (4) (b) Any person who embezzles, steals, or unlawfully and wilfully
19 abstracts or converts to his or her own use or to the use of another, any of the moneys,
20 funds, securities, premiums, credits, property, or other assets of any employee
21 welfare fund, or of any fund connected therewith, ~~shall be fined not more than~~
22 ~~\$10,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a~~
23 Class H felony.

24 ***b3052/1.16*** **SECTION 511bg.** 704.90 (9) of the statutes is amended to read:

1 704.90 (9) RULES. The department of ~~agriculture, trade and consumer~~
2 ~~protection justice~~ may promulgate rules necessary to carry out the purposes of this
3 section.

4 ***b3052/1.16* SECTION 511br.** 704.90 (11) (title) of the statutes is amended to
5 read:

6 704.90 (11) (title) DUTIES OF THE DEPARTMENT OF ~~AGRICULTURE, TRADE AND~~
7 ~~CONSUMER PROTECTION JUSTICE.~~

8 ***b3052/1.16* SECTION 511bz.** 704.90 (11) (a) of the statutes is amended to
9 read:

10 704.90 (11) (a) Except as provided in par. (c), the department of ~~agriculture,~~
11 ~~trade and consumer protection justice~~ shall investigate alleged violations of this
12 section and rules promulgated under sub. (9). To facilitate its investigations, the
13 department may subpoena persons and records and may enforce compliance with the
14 subpoenas as provided in s. 885.12.

15 ***b3052/1.16* SECTION 511h.** 707.49 (4) of the statutes is amended to read:

16 707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an
17 escrow account, a developer may obtain a surety bond issued by a company
18 authorized to do business in this state, an irrevocable letter of credit or a similar
19 arrangement, in an amount which at all times is not less than the amount of the
20 deposits otherwise subject to the escrow requirements of this section. The bond,
21 letter of credit or similar arrangement shall be filed with the department of
22 ~~agriculture, trade and consumer protection justice~~ and made payable to the
23 department of ~~agriculture, trade and consumer protection justice~~ for the benefit of
24 aggrieved parties.

25 ***b3052/1.16* SECTION 511k.** 707.57 (2) of the statutes is amended to read:

1 707.57 (2) DEPARTMENT OF AGRICULTURE, ~~TRADE AND CONSUMER PROTECTION~~
2 JUSTICE AUTHORITY. (a) The department of ~~agriculture, trade and consumer~~
3 ~~protection~~ justice, or any district attorney upon informing the department of
4 ~~agriculture, trade and consumer protection~~ justice, may commence an action in
5 circuit court in the name of the state to restrain by temporary or permanent
6 injunction any violation of this chapter. Before entry of final judgment, the court may
7 make such orders or judgments as may be necessary to restore to any person any
8 pecuniary loss suffered because of the acts or practices involved in the action if proof
9 of these acts or practices is submitted to the satisfaction of the court.

10 (b) The department of ~~agriculture, trade and consumer protection~~ justice may
11 conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its
12 investigation of violations of this chapter.

13 ***b3052/1.16* SECTION 511p.** 707.57 (3) of the statutes is amended to read:

14 707.57 (3) PENALTY. Any person who violates this chapter shall be required to
15 forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall
16 be enforced by action on behalf of the state by the department of ~~agriculture, trade~~
17 ~~and consumer protection~~ justice or by the district attorney of the county where the
18 violation occurs.

19 ***-4548/2.243* *-0590/P5.28* SECTION 512.** 753.061 (2m) of the statutes is
20 amended to read:

21 753.061 (2m) The chief judge of the 1st judicial administrative district is
22 authorized to designate 4 circuit court branches to primarily handle violent crime
23 cases that involve a violation of s. 939.63, if a felony is committed while armed, and
24 of ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), ~~(1m) and (1r)~~ and 943.32
25 (2). If the circuit court branches are designated under this subsection, 2 shall begin

1 to primarily handle violent crime cases on September 1, 1991, and 2 shall begin to
2 primarily handle violent crime cases on August 1, 1992.

3 ***b3112/1.5* SECTION 512f.** 755.01 (4) of the statutes is amended to read:

4 755.01 (4) Two or more cities, towns or villages of this state may enter into an
5 agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1),
6 except that for purposes of this subsection, any agreement under s. 66.0301 shall be
7 effected by the enactment of identical ordinances by each affected city, town or
8 village. Electors of each municipality entering into the agreement shall be eligible
9 to vote for the judge of the municipal court so established. If a municipality enters
10 into an agreement with a municipality that already has a municipal court, the
11 municipalities may provide by ordinance or resolution that the judge for the existing
12 municipal court shall serve as the judge for the joint court until the end of the term
13 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt
14 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The
15 contracting municipalities need not be contiguous and need not all be in the same
16 county. ~~The~~ Upon entering into or discontinuing such an agreement, the contracting
17 municipalities shall ~~notify each~~ transmit a certified copy of the ordinance or bylaw
18 effecting or discontinuing the agreement to the appropriate filing officer under s.
19 11.02 (3e) ~~when the joint court is created.~~ When a municipal judge is elected under
20 this subsection, candidates shall be nominated by filing nomination papers under s.
21 8.10 (6) (bm), and shall register with the filing officer specified in s. 11.02 (3e).

22 ***b2900/2.25* SECTION 512m.** 758.19 (7) of the statutes, as affected by 2001
23 Wisconsin Act 16, is amended to read:

24 758.19 (7) The director of state courts shall adopt, revise biennially and submit
25 to the cochairpersons of the joint committee on information policy and technology, the

1 governor and the department of electronic government secretary of administration,
2 no later than September 15 of each even-numbered year, a strategic plan for the
3 utilization of information technology to carry out the functions of the courts and
4 judicial branch agencies, as defined in s. 16.70 (5). The plan shall address the
5 business needs of the courts and judicial branch agencies and shall identify all
6 resources relating to information technology which the courts and judicial branch
7 agencies desire to acquire, contingent upon funding availability, the priority for such
8 acquisitions and the justification for such acquisitions. The plan shall also identify
9 any changes in the functioning of the courts and judicial branch agencies under the
10 plan.

11 *~~4548/2.244~~* *~~3266/P1.143~~* **SECTION 513.** 765.30 (1) (intro.) of the statutes
12 is amended to read:

13 765.30 (1) (intro.) The following ~~shall~~ may be fined not ~~less than \$200 nor more~~
14 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2-years~~ 9 months or both:

15 *~~4548/2.245~~* *~~3266/P1.144~~* **SECTION 514.** 765.30 (2) (intro.) of the statutes
16 is amended to read:

17 765.30 (2) (intro.) The following ~~shall~~ may be fined not ~~less than \$100 nor more~~
18 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2-years~~ 9 months or both:

19 ***b2892/3.2*** **SECTION 514c.** 767.11 (8) (b) 2. of the statutes is amended to read:

20 767.11 (8) (b) 2. Interspousal battery as described under s. 940.19 or 940.20
21 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

22 ***b2892/3.2*** **SECTION 514f.** 767.11 (10) (e) 2. of the statutes is amended to read:

23 767.11 (10) (e) 2. There is evidence of interspousal battery as described under
24 s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

25 ***b2892/3.2*** **SECTION 514h.** 767.24 (1m) (b) of the statutes is amended to read:

1 767.24 (1m) (b) Where the parent lives currently and where the parent intends
2 to live during the next 2 years. If there is evidence that the other parent engaged in
3 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
4 as defined in s. 813.12 (1) (a) (am), with respect to the parent providing the parenting
5 plan, the parent providing the parenting plan is not required to disclose the specific
6 address but only a general description of where he or she currently lives and intends
7 to live during the next 2 years.

8 ***b2892/3.2* SECTION 514k.** 767.24 (1m) (c) of the statutes is amended to read:

9 767.24 (1m) (c) Where the parent works and the hours of employment. If there
10 is evidence that the other parent engaged in interspousal battery, as described under
11 s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (a) (am), with
12 respect to the parent providing the parenting plan, the parent providing the
13 parenting plan is not required to disclose the specific address but only a general
14 description of where he or she works.

15 ***b2892/3.2* SECTION 514m.** 767.24 (1m) (o) of the statutes is amended to read:

16 767.24 (1m) (o) If there is evidence that either party engaged in interspousal
17 battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined
18 in s. 813.12 (1) (a) (am), with respect to the other party, how the child will be
19 transferred between the parties for the exercise of physical placement to ensure the
20 safety of the child and the parties.

21 ***b2892/3.2* SECTION 514p.** 767.24 (2) (b) 2. c. of the statutes is amended to
22 read:

23 767.24 (2) (b) 2. c. The parties will not be able to cooperate in the future decision
24 making required under an award of joint legal custody. In making this finding the
25 court shall consider, along with any other pertinent items, any reasons offered by a

1 party objecting to joint legal custody. Evidence that either party engaged in abuse,
2 as defined in s. 813.122 (1) (a), of the child, as defined in s. 48.02 (2), or evidence of
3 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
4 as defined in s. 813.12 (1) (a) (am), creates a rebuttable presumption that the parties
5 will not be able to cooperate in the future decision making required.

6 ***b2892/3.2* SECTION 514s.** 767.24 (5) (i) of the statutes is amended to read:

7 767.24 (5) (i) Whether there is evidence of interspousal battery as described
8 under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) (a) (am).

9 ***-4548/2.246* SECTION 515.** 767.242 (8) of the statutes is amended to read:

10 767.242 (8) PENALTY. Whoever intentionally violates an injunction issued
11 under sub. (5) (b) 2. c. ~~may be fined not more than \$10,000 or imprisoned for not more~~
12 ~~than 2 years or both~~ is guilty of a Class I felony.

13 ***-4548/2.247* *-3266/P1.145* SECTION 516.** 768.07 of the statutes is
14 amended to read:

15 **768.07 Penalty.** Any person who violates any provision of this chapter may
16 be fined ~~not less than \$100 nor more than \$1,000~~ \$10,000 or imprisoned for not more
17 than ~~2 years~~ 9 months or both.

18 ***b3052/1.17* SECTION 516g.** 779.41 (1m) of the statutes is amended to read:

19 779.41 (1m) Annually, on January 1, the department of ~~agriculture, trade and~~
20 ~~consumer protection~~ justice shall adjust the dollar amounts identified under sub. (1)
21 (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as
22 determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

23 ***b3052/1.17* SECTION 516n.** 779.93 (title) of the statutes is amended to read:

24 **779.93 (title) Duties of the department of ~~agriculture, trade and~~**
25 **~~consumer protection~~ justice.**

1 ***b3052/1.17* SECTION 516p.** 779.93 (1) of the statutes is amended to read:

2 779.93 (1) The department of ~~agriculture, trade and consumer protection~~
3 justice shall investigate violations of this subchapter and attempts to circumvent
4 this subchapter. The department of ~~agriculture, trade and consumer protection~~
5 justice may subpoena persons and records to facilitate its investigations, and may
6 enforce compliance with such subpoenas as provided in s. 885.12.

7 ***b3052/1.17* SECTION 516r.** 779.93 (2) (intro.) of the statutes is amended to
8 read:

9 779.93 (2) (intro.) The department of ~~agriculture, trade and consumer~~
10 ~~protection justice~~ may ~~in~~ on behalf of the state or ~~in~~ on behalf of any person who holds
11 a prepaid maintenance lien:

12 ***-4548/2.248* *-3266/P1.146* SECTION 517.** 783.07 of the statutes is
13 amended to read:

14 **783.07 Fine or imprisonment.** Whenever a peremptory mandamus ~~shall be~~
15 is directed to any public officer, body, board or person, commanding the performance
16 of any duty specially enjoined by law, ~~if it shall appear to the court that such~~ and the
17 officer or person or any member of ~~such~~ the body or board has, without just excuse,
18 refused or neglected to perform the duty so enjoined ~~the court may impose a fine, not~~
19 ~~exceeding \$5,000, upon every such,~~ the officer, person or member of ~~such~~ the body or
20 board, ~~or sentence the officer, person or member to imprisonment for not more than~~
21 ~~7 years and 6 months~~ is guilty of a Class H felony.

22 ***-4548/2.249* *-2889/P3.11* SECTION 518.** 801.50 (5) of the statutes is
23 amended to read:

24 801.50 (5) Venue of an action for certiorari to review a probation, extended
25 supervision or parole revocation, a denial by a program review committee under s.

1 302.113 (9g) of a petition for modification of a bifurcated sentence, or a refusal of
2 parole by certiorari shall be the county in which the relator was last convicted of an
3 offense for which the relator was on probation, extended supervision or parole or for
4 which the relator is currently incarcerated.

5 ***-4548/2.250*** ***-2889/P3.12*** **SECTION 519.** 801.50 (5c) of the statutes is
6 created to read:

7 801.50 (5c) Venue of an action for certiorari brought by the department of
8 corrections under s. 302.113 (9) (d) or 302.114 (9) (d) to review a decision to not revoke
9 extended supervision shall be in the county in which the person on extended
10 supervision was convicted of the offense for which he or she is on extended
11 supervision.

12 ***b3118/2.10*** **SECTION 519m.** 806.04 (11m) of the statutes is created to read:

13 806.04 (11m) CAMPAIGN FINANCE REGISTRATION. Any person who proposes to
14 publish, disseminate, or broadcast, or causes to be published, disseminated, or
15 broadcast, any communication may commence a proceeding under this section to
16 determine the application to that person of a registration requirement under s. 11.05
17 (1), (2), or (2g).

18 ***b2892/3.3*** **SECTION 519mb.** 813.12 (1) (a) (intro.), 1., 2. and 3. of the statutes
19 are renumbered 813.12 (1) (am) (intro.), 1., 2. and 3., and 813.12 (1) (am) (intro.), as
20 renumbered, is amended to read:

21 813.12 (1) (am) (intro.) “Domestic abuse” means any of the following engaged
22 in by an adult family member or adult household member against another adult
23 family member or adult household member, by an adult caregiver against an adult
24 who is under the caregiver’s care, by an adult against his or her adult former spouse,
25 by an adult against an adult with whom the individual has or had a dating

1 relationship, or by an adult against an adult with whom the person has a child in
2 common:

3 *b2892/3.3* **SECTION 519mc.** 813.12 (1) (a) 4. of the statutes is renumbered
4 813.12 (1) (am) 6. and amended to read:

5 813.12 (1) (am) 6. A threat to engage in the conduct under subd. 1., 2. ~~or~~ 3., or
6 5.

7 *b2892/3.3* **SECTION 519md.** 813.12 (1) (ad) of the statutes is created to read:
8 813.12 (1) (ad) “Caregiver” means an individual who is a provider of in-home
9 or community care to an individual through regular and direct contact.

10 *b2892/3.3* **SECTION 519mf.** 813.12 (1) (ag) of the statutes is created to read:
11 813.12 (1) (ag) “Dating relationship” means a romantic or intimate social
12 relationship between 2 adult individuals but “dating relationship” does not include
13 a casual relationship or an ordinary fraternization between 2 individuals in a
14 business or social context. A court shall determine if a dating relationship existed
15 by considering the length of the relationship, the type of the relationship, and the
16 frequency of the interaction between the adult individuals involved in the
17 relationship.

18 *b2892/3.3* **SECTION 519mg.** 813.12 (1) (am) 5. of the statutes is created to
19 read:

20 813.12 (1) (am) 5. A violation of s. 943.01, involving property that belongs to
21 the individual.

22 *b2892/3.3* **SECTION 519mj.** 813.12 (1) (cg) of the statutes is created to read:
23 813.12 (1) (cg) “Reasonable grounds” means more likely than not that a specific
24 event has occurred or will occur.

25 *b2892/3.3* **SECTION 519mL.** 813.12 (1) (cj) of the statutes is created to read:

1 813.12 (1) (cj) “Regular and direct contact” means face-to-face physical
2 proximity to an individual that is planned, scheduled, expected, or periodic.

3 ***b2892/3.3* SECTION 519mm.** 813.12 (2) (a) of the statutes is amended to read:

4 813.12 (2) (a) No action under this section may be commenced by complaint and
5 summons. An action under this section may be commenced only by a petition
6 described under sub. (5) (a). The action commences with service of the petition upon
7 the respondent if a copy of the petition is filed before service or promptly after service.
8 If the judge or family court commissioner extends the time for a hearing under sub.
9 (3) (c) and the petitioner files an affidavit with the court stating that personal service
10 by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful
11 because the respondent is avoiding service by concealment or otherwise, the judge
12 or family court commissioner shall inform the petitioner that he or she may serve the
13 respondent by publication of a summary of the petition as a class 1 notice, under ch.
14 985, and by mailing or sending a facsimile if the respondent’s post-office address or
15 facsimile number is known or can with due diligence be ascertained. The mailing or
16 sending of a facsimile may be omitted if the post-office address or facsimile number
17 cannot be ascertained with due diligence. A summary of the petition published as
18 a class 1 notice shall include the name of the respondent and of the petitioner, notice
19 of the temporary restraining order, and notice of the date, time, and place of the
20 hearing regarding the injunction.

21 ***b2892/3.3* SECTION 519mm.** 813.12 (3) (a) (intro.) of the statutes is amended
22 to read:

23 813.12 (3) (a) (intro.) A judge or family court commissioner shall issue a
24 temporary restraining order ordering the respondent to refrain from committing acts
25 of domestic abuse against the petitioner, to avoid the petitioner’s residence, except

1 as provided in par. (am), or any ~~premises~~ other location temporarily occupied by the
2 petitioner or both, or to avoid contacting or causing any person other than a party's
3 attorney or a law enforcement officer to contact the petitioner unless the petitioner
4 consents in writing, or any combination of these remedies requested in the petition,
5 or any other appropriate remedy not inconsistent with the remedies requested in the
6 petition, if all of the following occur:

7 ***b2892/3.3* SECTION 519mo.** 813.12 (3) (a) 2. of the statutes is amended to
8 read:

9 813.12 (3) (a) 2. The judge or family court commissioner finds reasonable
10 grounds to believe that the respondent has engaged in, or based on prior conduct of
11 the petitioner and the respondent may engage in, domestic abuse of the petitioner.

12 (aj) In determining whether to issue a temporary restraining order, the judge
13 or family court commissioner shall consider the potential danger posed to the
14 petitioner and the pattern of abusive conduct of the respondent but may not base his
15 or her decision solely on the length of time since the last domestic abuse or the length
16 of time since the relationship ended. The judge or family court commissioner may
17 grant only the remedies requested or approved by the petitioner. The judge or family
18 court commissioner may not dismiss or deny granting a temporary restraining order
19 because of the existence of a pending action or of any other court order that bars
20 contact between the parties, nor due to the necessity of verifying the terms of an
21 existing court order.

22 ***b2892/3.3* SECTION 519mp.** 813.12 (3) (c) of the statutes is amended to read:

23 813.12 (3) (c) The temporary restraining order is in effect until a hearing is held
24 on issuance of an injunction under sub. (4). The temporary restraining order is not
25 voided if the respondent is admitted into a dwelling that the order directs him or her

1 to avoid. A judge or family court commissioner shall hold a hearing on issuance of
2 an injunction within ~~7~~ 14 days after the temporary restraining order is issued, unless
3 the time is extended upon the written consent of the parties or extended once for 14
4 days upon a finding that the respondent has not been served with a copy of the
5 temporary restraining order although the petitioner has exercised due diligence.

6 ***b2892/3.3* SECTION 519mq.** 813.12 (4) (a) (intro.) of the statutes is amended
7 to read:

8 813.12 (4) (a) (intro.) A judge or family court commissioner may grant an
9 injunction ordering the respondent to refrain from committing acts of domestic abuse
10 against the petitioner, to avoid the petitioner's residence, except as provided in par.
11 (am), or any ~~premises~~ other location temporarily occupied by the petitioner or both,
12 or to avoid contacting or causing any person other than a party's attorney or a law
13 enforcement officer to contact the petitioner unless the petitioner consents to that
14 contact in writing, or any combination of these remedies requested in the petition,
15 or any other appropriate remedy not inconsistent with the remedies requested in the
16 petition, if all of the following occur:

17 ***b2892/3.3* SECTION 519mr.** 813.12 (4) (a) 2. of the statutes is amended to
18 read:

19 813.12 (4) (a) 2. The petitioner serves upon the respondent a copy or summary
20 of the petition and notice of the time for hearing on the issuance of the injunction,
21 or the respondent serves upon the petitioner notice of the time for hearing on the
22 issuance of the injunction.

23 ***b2892/3.3* SECTION 519ms.** 813.12 (4) (a) 3. of the statutes is amended to
24 read:

1 813.12 (4) (a) 3. After hearing, the judge or family court commissioner finds
2 reasonable grounds to believe that the respondent has engaged in, or based upon
3 prior conduct of the petitioner and the respondent may engage in, domestic abuse of
4 the petitioner.

5 (aj) In determining whether to issue an injunction, the judge or family court
6 commissioner shall consider the potential danger posed to the petitioner and the
7 pattern of abusive conduct of the respondent but may not base his or her decision
8 solely on the length of time since the last domestic abuse or the length of time since
9 the relationship ended. The judge or family court commissioner may grant only the
10 remedies requested by the petitioner. The judge or family court commissioner may
11 not dismiss or deny granting an injunction because of the existence of a pending
12 action or of any other court order that bars contact between the parties, nor due to
13 the necessity of verifying the terms of an existing court order.

14 ***b2892/3.3* SECTION 519mt.** 813.12 (4) (c) 1. of the statutes is amended to
15 read:

16 813.12 (4) (c) 1. An injunction under this subsection is effective according to its
17 terms, for the period of time that the petitioner requests, but not more than 24 years.
18 An injunction granted under this subsection is not voided if the petitioner allows or
19 initiates contact with the respondent or by the admittance of the respondent into a
20 dwelling that the injunction directs him or her to avoid.

21 ***b2892/3.3* SECTION 519mu.** 813.12 (4) (c) 2. of the statutes is amended to
22 read:

23 813.12 (4) (c) 2. When an injunction granted for less than 24 years expires, the
24 court shall extend the injunction if the petitioner states that an extension is

1 necessary to protect him or her. This extension shall remain in effect until 2 4 years
2 after the date the court first entered the injunction.

3 ***b2892/3.3* SECTION 519mv.** 813.12 (5) (d) of the statutes is created to read:

4 813.12 (5) (d) A petition may be prepared and filed by the person who alleges
5 that he or she has been the subject of domestic abuse or by the guardian, as defined
6 in s. 880.01 (3), of an incompetent individual, as defined in s. 880.01 (4), who has been
7 the subject of domestic abuse.

8 ***b2892/3.3* SECTION 519mw.** 813.12 (5m) of the statutes is created to read:

9 813.12 (5m) CONFIDENTIALITY OF VICTIM'S ADDRESS. The petition under sub. (5)
10 and the court order under sub. (3) or (4) shall not disclose the address of the alleged
11 victim.

12 ***b2892/3.3* SECTION 519mx.** 813.12 (6) (d) of the statutes is created to read:

13 813.12 (6) (d) The issuance of an order under s. 813.12 (3) or (4) is enforceable
14 despite the existence of any other criminal or civil order restricting or prohibiting
15 contact.

16 ***b2892/3.3* SECTION 519my.** 813.12 (7) (c) of the statutes is created to read:

17 813.12 (7) (c) A respondent who does not appear at a hearing at which the court
18 orders an injunction under s. 813.12 (4) but who has been served with a copy of the
19 petition and notice of the time for hearing under s. 813.12 (3) has constructive
20 knowledge of the existence of the injunction and shall be arrested for violation of the
21 injunction regardless of whether he or she has been served with a copy of the
22 injunction.

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

24 814.61 (1) (e) No fee charged under this subsection in any action commenced
25 under s. 813.122, 813.123, or 813.125 may be collected from a petitioner under s.

1 813.122, 813.123, or 813.125 if the petition alleges conduct that is the same as or
2 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~
3 (am) 1. to ~~4.~~ 6. If no fee is collected under this paragraph, the fee charged under this
4 subsection for petitions filed and granted under s. 813.122, 813.123, or 813.125 shall
5 be collected from the respondent under s. 813.122, 813.123, or 813.125 if he or she
6 is convicted of violating a temporary restraining order or injunction issued under s.
7 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4).

8 ***-4532/2.1* SECTION 520.** 814.634 (1) (a) of the statutes is amended to read:

9 814.634 (1) (a) Except for an action for a safety belt use violation under s.
10 347.48 (2m), the clerk of circuit court shall charge and collect a ~~\$40~~ \$52 court support
11 services fee from any person, including any governmental unit as defined in s. 108.02
12 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

13 ***-4532/2.2* SECTION 521.** 814.634 (1) (b) of the statutes is amended to read:

14 814.634 (1) (b) Notwithstanding par. (a), the clerk of circuit court shall charge
15 and collect a ~~\$100~~ \$130 court support services fee from any person, including any
16 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a) or
17 (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and
18 the amount claimed exceeds the amount under s. 799.01 (1) (d).

19 ***-4532/2.3* SECTION 522.** 814.634 (1) (c) of the statutes is amended to read:

20 814.634 (1) (c) Notwithstanding par. (a), the clerk of circuit court shall charge
21 and collect a ~~\$30~~ \$39 court support services fee from any person, including any
22 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a) or
23 (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party paying
24 the fee seeks the recovery of money and the amount claimed is equal to or less than
25 the amount under s. 799.01 (1) (d).

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

2 814.70 (1) SERVICE OF PROCESS. For each service or attempted service of a
3 summons or any other process for commencement of an action, a writ, an order of
4 injunction, a subpoena, or any other order, \$12 for each defendant or person. If there
5 is more than one defendant or person to be served at a given address, \$6 for each
6 additional defendant or person. No fee charged under this subsection in any action
7 commenced under s. 813.12, 813.122, or 813.123 may be collected from a petitioner
8 under s. 813.12, 813.122, or 813.123. The fee charged under this subsection in any
9 action commenced under s. 813.12, 813.122, 813.123, or 813.125 shall be collected
10 from the respondent under s. 813.12, 813.122, or 813.123 if he or she is convicted of
11 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),
12 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4). No fee charged under this
13 subsection in any action commenced under s. 813.125 may be collected from a
14 petitioner under s. 813.125 if the petition alleges conduct that is the same as or
15 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~
16 (am) 1. to ~~4.~~ 6. If no fee is collected under this subsection from a petitioner under
17 s. 813.125, the fee charged under this subsection in any action commenced under s.
18 813.125 shall be collected from the respondent under s. 813.125 if he or she is
19 convicted of violating a temporary restraining order or injunction issued under s.
20 813.125 (3) or (4).

21 ***b2892/3.4* SECTION 523f.** 814.70 (3) (intro.) of the statutes is amended to
22 read:

23 814.70 (3) (intro.) For travel in serving any summons, writ or other process,
24 except criminal warrants, and except that a fee under this subsection in any action
25 commenced under s. 813.12, 813.122, or 813.123 may not be collected from a

1 petitioner but shall be collected from the respondent if he or she is convicted of
2 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),
3 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4), and except that a fee under
4 this subsection in any action commenced under s. 813.125 may not be collected from
5 a petitioner if the petition alleges conduct that is the same as or similar to conduct
6 that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~ (am) 1. to ~~4.~~ 6. but
7 shall be collected from the respondent if he or she is convicted of violating a
8 temporary restraining order or injunction issued under s. 813.125 (3) or (4):

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

10 895.73 (1) (a) “Abusive conduct” means domestic abuse, as defined under s.
11 46.95 (1) (a), 813.12 (1) ~~(a)~~ (am), or 968.075 (1) (a), harassment, as defined under s.
12 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault under
13 s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss.
14 948.02 to 948.11.

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

16 **905.045 Domestic violence or sexual assault advocate-victim**
17 **privilege. (1) DEFINITIONS.** In this section:

18 (a) “Abusive conduct” means abuse, as defined in s. 813.122 (1) (a), of a child,
19 as defined in s. 48.02 (2), interspousal battery, as described under s. 940.19 or 940.20
20 (1m), domestic abuse, as defined in s. 813.12 (1) (am), or sexual assault under s.
21 940.225.

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

1 (c) A communication or information is “confidential” if not intended to be
2 disclosed to 3rd persons other than persons present to further the interest of the
3 person receiving counseling, assistance, or support services, persons reasonably
4 necessary for the transmission of the communication or information, and persons
5 who are participating in providing counseling, assistance, or support services under
6 the direction of an advocate, including family members of the person receiving
7 counseling, assistance, or support services and members of any group of individuals
8 with whom the person receives counseling, assistance, or support services.

9 (d) “Victim” means an individual who has been the subject of abusive conduct
10 or who alleges that he or she has been the subject of abusive conduct. It is immaterial
11 that the abusive conduct has not been reported to any government agency.

12 (2) GENERAL RULE OF PRIVILEGE. A victim has a privilege to refuse to disclose and
13 to prevent any other person from disclosing confidential communications made or
14 information obtained or disseminated among the victim, an advocate who is acting
15 in the scope of his or her duties as an advocate, and persons who are participating
16 in providing counseling, assistance, or support services under the direction of an
17 advocate, if the communication was made or the information was obtained or
18 disseminated for the purpose of providing counseling, assistance, or support services
19 to the victim.

20 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the victim,
21 by the victim’s guardian or conservator, or by the victim’s personal representative if
22 the victim is deceased. The advocate may claim the privilege on behalf of the victim.
23 The advocate’s authority to do so is presumed in the absence of evidence to the
24 contrary.

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

3 (5) RELATIONSHIP TO S. 905.04. If a communication or information that is
4 privileged under sub. (2) is also a communication or information that is privileged
5 under s. 905.04 (2), the provisions of s. 905.04 supersede this section with respect to
6 that communication or information.

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

8 908.03 (6m) (d) *Fees.* The Before January 1, 2003, the department of health
9 and family services shall, by rule, prescribe uniform fees that are based on an
10 approximation of ~~the~~ actual costs. The fees, plus applicable tax, are the maximum
11 amount that a health care provider may charge ~~under par. (e) 3.~~ for certified duplicate
12 patient health care records. The rule shall also allow the health care provider to
13 charge for actual postage or other actual delivery costs. The commencement of an
14 action is not a prerequisite for the application of this paragraph.

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

17 908.03 (6m) (d) *Fees.* ~~Before January 1, 2003~~ After December 31, 2002, the
18 department of health and family services shall, by rule, prescribe uniform fees that
19 are based on an approximation of actual costs. The fees, plus applicable tax, are the
20 maximum amount that a health care provider may charge for certified duplicate
21 patient health care records. The rule shall also allow the health care provider to
22 charge for actual postage or other actual delivery costs. ~~The commencement of an~~
23 ~~action is not a prerequisite for the application of this paragraph~~ For duplicate patient
24 health care records and duplicate X-ray reports or the referral of X-rays to another

1 health care provider that are requested before commencement of an action, s. 146.83
2 (1) (b) and (c) and (3m) applies.

3 *~~4548/2.251~~* **SECTION 524.** 908.08 (1) of the statutes is amended to read:

4 908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under
5 s. 48.31 or 938.31 or revocation hearing under s. 302.113 (9) (am), 302.114 (9) (am),
6 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the
7 videotaped oral statement of a child who is available to testify, as provided in this
8 section.

9 *~~4548/2.252~~* *~~3370/P2.5~~* **SECTION 528.** 911.01 (4) (c) of the statutes is
10 amended to read:

11 911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or
12 rendition; sentencing, ~~or~~ granting or revoking probation, modification of a bifurcated
13 sentence under s. 302.113 (9g), adjustment of a bifurcated sentence under s. 973.195
14 (1r), issuance of arrest warrants, criminal summonses and search warrants;
15 proceedings under s. 971.14 (1) (c); proceedings with respect to pretrial release under
16 ch. 969 except where habeas corpus is utilized with respect to release on bail or as
17 otherwise provided in ch. 969.

18 *~~4548/2.253~~* *~~0590/P5.29~~* **SECTION 529.** 938.208 (1) (a) of the statutes is
19 amended to read:

20 938.208 (1) (a) Probable cause exists to believe that the juvenile has committed
21 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,
22 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m)~~
23 ~~or (1r),~~ 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if
24 committed by an adult.

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

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

16 ***b3034/1.5* SECTION 529c.** 938.21 (2) (am) of the statutes is amended to read:
17 938.21 (2) (am) A juvenile held in a nonsecure place of custody may waive in
18 writing his or her right to participate in the hearing under this section. After any
19 waiver, a hearing rehearing shall be granted upon the request of the juvenile or any
20 other interested party for good cause shown. Any juvenile transferred to a secure
21 detention facility shall thereafter have a hearing rehearing under this section.

22 ***b3034/1.5* SECTION 529d.** 938.21 (3) (am) of the statutes is amended to read:
23 938.21 (3) (am) The parent, guardian, or legal custodian may waive his or her
24 right to participate in the hearing under this section. Agreement in writing of the
25 juvenile is required if he or she is over 12. After any waiver, a hearing rehearing shall

1 be granted at the request of any the parent, guardian, legal custodian, or any other
2 interested party for good cause shown.

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

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

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

24 938.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the
25 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,

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

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

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

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

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

22 2. If a hearing is held under subd. 1, at least 10 days before the date of the
23 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian
24 of the juvenile, and any foster parent, treatment foster parent, or other physical

1 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
2 the hearing.

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

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

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

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

23 938.255 (2) If any of the facts in sub. (1) (a) to (cm) and (f) are not known or
24 cannot be ascertained by the petitioner, the petition shall so state.

25 ***b2483/2.3* SECTION 529km.** 938.295 (2) (a) of the statutes is amended to read:

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

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

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

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

23 938.315 (2m) No continuance or extension of a time limit specified in this
24 chapter may be granted and no period of delay specified in sub. (1) may be excluded

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 *~~4548/2.254~~* *~~0590/P5.30~~* **SECTION 530.** 938.34 (4h) (a) of the statutes is
16 amended to read:

17 938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated
18 delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21,
19 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m)~~
20 ~~or (1r)~~, 943.32 (2), 948.02 (1), 948.025, (1), or 948.30 (2), ~~948.35 (1) (b) or 948.36~~ or
21 the juvenile is 10 years of age or over and has been adjudicated delinquent for
22 attempting or committing a violation of s. 940.01 or for committing a violation of
23 940.02 or 940.05.

24 *~~4548/2.255~~* *~~0590/P5.31~~* **SECTION 531.** 938.34 (4m) (b) 1. of the statutes
25 is amended to read:

1 938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be
2 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
3 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 947.013 (1t), (1v)
4 or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

5 ***b2613/1.5* SECTION 531b.** 938.34 (15m) (bm) of the statutes is amended to
6 read:

7 938.34 (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a
8 violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22
9 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
10 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or
11 of s. 940.30 or 940.31 if the victim was a minor and the juvenile was not the victim's
12 parent, the court shall require the juvenile to comply with the reporting
13 requirements under s. 301.45 unless the court determines, after a hearing on a
14 motion made by the juvenile, that the juvenile is not required to comply under s.
15 301.45 (1m).

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

18 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
19 decide on a placement and treatment finding based on evidence submitted to the
20 court. The disposition shall employ those means necessary to promote the objectives
21 specified in s. 938.01. ~~If the disposition places a juvenile who has been adjudicated~~
22 ~~delinquent outside the home under s. 938.34 (3) (c), (em) or (d), the order shall include~~
23 ~~a finding that the juvenile's current residence will not safeguard the welfare of the~~
24 ~~juvenile or the community due to the serious nature of the act for which the juvenile~~
25 ~~was adjudicated delinquent.~~ If the judge has determined that any of the conditions

1 specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall be prima
2 facie evidence that a less restrictive alternative than placement in a secured
3 correctional facility, a secured child caring institution, or a secured group home is not
4 appropriate. If information under s. 938.331 has been provided in a court report
5 under s. 938.33 (1), the court shall consider that information when deciding on a
6 placement and treatment finding.

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

8 938.355 (2) (b) 6. If the juvenile is placed outside the home and if sub. (2d) does
9 not apply, the court's, a finding that continued placement of the juvenile in his or her
10 home would be contrary to the welfare of the juvenile or, if the juvenile has been
11 adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c),
12 (cm), or (d) or (4d), a finding that the juvenile's current residence will not safeguard
13 the welfare of the juvenile or the community due to the serious nature of the act for
14 which the juvenile was adjudicated delinquent. The court order shall also contain
15 a finding as to whether -a- the county department which provides social services or
16 the agency primarily responsible for providing services under a court order has made
17 reasonable efforts to prevent the removal of the juvenile from the home, while
18 assuring that the juvenile's health and safety are the paramount concerns, or, if
19 applicable, the court's unless the court finds that any of the circumstances specified
20 in sub. (2d) (b) 1. to 4. applies, and a finding as to whether the county department
21 or agency primarily responsible for providing services under a court order has made
22 reasonable efforts to make it possible for the juvenile to return safely to his or her
23 home achieve the goal of the juvenile's permanency plan, unless return of the
24 juvenile to the home is the goal of the permanency plan and the court finds that any
25 of the circumstances specified in sub. (2d) (b) 1. to 4. applies. The court shall make

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

8 ***b3034/1.7* SECTION 531h.** 938.355 (2) (b) 6r. of the statutes is created to read:
9 938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
10 sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county
11 department or agency primarily responsible for providing services under the court
12 order is not required to make reasonable efforts with respect to the parent to make
13 it possible for the juvenile to return safely to his or her home.

14 ***b3034/1.7* SECTION 531k.** 938.355 (2b) of the statutes is amended to read:
15 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
16 department ~~that provides social services~~ or the agency primarily responsible for
17 providing services to a juvenile under a court order may, at the same time as the
18 county department or agency is making the reasonable efforts required under sub.
19 (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible
20 for the juvenile to return safely to his or her home, work with the department of
21 health and family services, a county department under s. 48.57 (1) (e) or (hm), or a
22 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
23 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
24 other alternative permanent placement.

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

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

9 ***b3034/1.7* SECTION 531p.** 938.355 (2d) (b) (intro.) of the statutes is amended
10 to read:

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

22 ***b3034/1.7* SECTION 531q.** 938.355 (2d) (b) 1. of the statutes is amended to
23 read:

24 938.355 (2d) (b) 1. That the parent has subjected the juvenile to aggravated
25 circumstances, as evidenced by a final judgment of conviction.

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

3 938.355 (2d) (b) 2. That the parent has committed, has aided or abetted the
4 commission of, or has solicited, conspired, or attempted to commit, a violation of s.
5 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal
6 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if
7 committed in this state, as evidenced by a final judgment of conviction, and that the
8 victim of that violation is a child of the parent.

9 ***b3034/1.7* SECTION 531t.** 938.355 (2d) (b) 3. of the statutes is amended to
10 read:

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

19 ***b3034/1.7* SECTION 532b.** 938.355 (2d) (b) 3. of the statutes, as affected by
20 2001 Wisconsin Act (this act), is amended to read:

21 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
22 1999 stats., or s. 940.19 (2), (~~3~~), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
23 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law,
24 if that violation would be a violation of s. 940.19 (2), (~~3~~), (4), or (5), 940.225 (1) or (2),
25 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state, as

1 evidenced by a final judgment of conviction, and that the violation resulted in great
2 bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined
3 in s. 939.22 (38), to the juvenile or another child of the parent.

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

6 938.355 (2d) (b) 4. That the parental rights of the parent to another child have
7 been involuntarily terminated, as evidenced by a final order of a court of competent
8 jurisdiction terminating those parental rights.

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

10 938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4.
11 on a case-by-case basis based on circumstances specific to the juvenile and shall
12 document or reference the specific information on which that finding is based in the
13 dispositional order. A dispositional order that merely references par. (b) 1. to 4.
14 without documenting or referencing that specific information in the dispositional
15 order or an amended dispositional order that retroactively corrects an earlier
16 dispositional order that does not comply with this paragraph is not sufficient to
17 comply with this paragraph.

18 *b3034/1.7* SECTION 532j. 938.355 (2d) (c) of the statutes is renumbered
19 938.355 (2d) (c) 1. and amended to read:

20 938.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the
21 circumstances specified in par. (b) 1., ~~2., 3., or 4.~~ to 4. applies with respect to a parent,
22 the court shall hold a hearing within 30 days after the date of that finding to
23 determine the permanency plan for the juvenile. If a hearing is held under this
24 paragraph subdivision, the agency responsible for preparing the permanency plan

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

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

5 938.355 (2d) (c) 2. If a hearing is held under subd. 1, at least 10 days before the
6 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal
7 custodian of the juvenile, and any foster parent, treatment foster parent, or other
8 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and
9 purpose of the hearing.

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

20 ***b3034/1.7* SECTION 532t.** 938.355 (4) (a) of the statutes is amended to read:

21 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, all orders an
22 order under this section shall terminate at the end of one year unless the court
23 specifies a shorter period of time. Except if s. 938.368 applies, extensions or revisions
24 or s. 938.357 or 938.365 made before the juvenile reaches 18 years of age that places
25 or continues the placement of the juvenile in his or her home shall terminate at the

1 end of one year after its entry unless the court specifies a shorter period of time. No
2 extension under s. 938.365 of an original dispositional order may be granted for a
3 juvenile who is subject to an order under s. 938.34 (4d), (4h), (4m) or (4n) if the
4 juvenile is 17 years of age or older when the original dispositional order terminates.
5 Any order made before the juvenile reaches the age of majority shall be effective for
6 a time up to one year after its entry unless the court specifies a shorter period of time
7 or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368,
8 an order under this section or s. 938.357 or 938.365 made before the juvenile reaches
9 18 years of age that places or continues the placement of the juvenile in a foster home,
10 treatment foster home, group home, or residential care center for children and youth
11 or in the home of a relative other than a parent shall terminate when the juvenile
12 reaches 18 years of age, at the end of one year after its entry, or, if the juvenile is a
13 full-time student at a secondary school or its vocational or technical equivalent and
14 is reasonably expected to complete the program before reaching 19 years of age, when
15 the juvenile reaches 19 years of age, whichever is later, unless the court specifies a
16 shorter period of time or the court terminates the order sooner.

17 *b3034/1.7* SECTION 532v. 938.355 (4) (b) of the statutes is amended to read:
18 938.355 (4) (b) ~~An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile~~
19 ~~has been adjudicated delinquent is subject to par. (a), except that the judge may make~~
20 Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before
21 the juvenile reaches 18 years of age may apply for up to 2 years after its entry or until
22 the juvenile's 18th birthdate birthday, whichever is earlier and the judge shall make,
23 unless the court specifies a shorter period of time or the court terminates the order
24 sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before
25 the juvenile reaches 18 years of age shall apply for 5 years after its entry, if the

1 juvenile is adjudicated delinquent for committing an act that would be punishable
2 as a Class B felony if committed by an adult, or until the juvenile reaches 25 years
3 of age, if the juvenile is adjudicated delinquent for committing an act that would be
4 punishable as a Class A felony if committed by an adult. Except as provided in s.
5 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before
6 the juvenile reaches 17 years of age shall terminate at the end of one year after its
7 entry unless the court specifies a shorter period of time or the court terminates the
8 order sooner. No extension under s. 938.365 of an original dispositional order under
9 s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age
10 or older when the original dispositional order terminates.

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

13 938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)
14 or (4m) made before the juvenile reaches 18 years of age may apply for up to 2 years
15 after its entry or until the juvenile's 18th birthday, whichever is earlier, unless the
16 court specifies a shorter period of time or the court terminates the order sooner.
17 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the
18 juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile
19 is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing
20 an act that would be punishable as a Class B or C felony if committed by an adult,
21 or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent
22 for committing an act that would be punishable as a Class A felony if committed by
23 an adult. Except as provided in s. 938.368, an extension of an order under s. 938.34
24 (4d), (4h), (4m), or (4n) made before the juvenile reaches 17 years of age shall
25 terminate at the end of one year after its entry unless the court specifies a shorter

1 period of time or the court terminates the order sooner. No extension under s.
2 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may
3 be granted for a juvenile who is 17 years of age or older when the original
4 dispositional order terminates.

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

6 938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have
7 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
8 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on
9 the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing
10 under s. 938.335, the court explained the conditions to the juvenile and informed the
11 juvenile of those possible sanctions or if before the violation the juvenile has
12 acknowledged in writing that he or she has read, or has had read to him or her, those
13 conditions and possible sanctions and that he or she understands those conditions
14 and possible sanctions. If a juvenile who has been found to be in need of protection
15 or services under s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in
16 sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in
17 par. (d), other than placement in a secure detention facility or juvenile portion of a
18 county jail, if, at the dispositional hearing under s. 938.335, the court explained the
19 conditions to the juvenile and informed the juvenile of those possible sanctions or if
20 before the violation the juvenile has acknowledged in writing that he or she has read,
21 or has had read to him or her, those conditions and possible sanctions and that he or
22 she understands those conditions and possible sanctions.

23 (cm) The court may not order the sanction of placement in a place of nonsecure
24 custody specified in par. (d) 1. unless the court finds that the agency primarily
25 responsible for providing services for the juvenile has made reasonable efforts to

1 prevent the removal of the juvenile from his or her home and that continued
2 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.
3 The court shall make the findings specified in this paragraph on a case-by-case basis
4 based on circumstances specific to the juvenile and shall document or reference the
5 specific information on which that finding is based in the sanction order. A sanction
6 order that merely references this paragraph without documenting or referencing
7 that specific information in the sanction order or an amended sanction order that
8 retroactively corrects an earlier sanction order that does not comply with this
9 paragraph is not sufficient to comply with this paragraph.

10 *b3034/1.7* **SECTION 533bd.** 938.355 (6m) (cm) of the statutes is created to
11 read:

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

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

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

5 (am) 1. If the proposed change in placement involves any change in placement
6 other than a change in placement specified in par. (c), the person or agency primarily
7 responsible for implementing the dispositional order or the district attorney shall
8 cause written notice of the proposed change in placement to be sent to the juvenile
9 or the juvenile's counsel or guardian ad litem, the parent, guardian, and legal
10 custodian of the juvenile, and any foster parent, treatment foster parent, or other
11 physical custodian described in s. 48.62 (2) of the juvenile. The notice shall contain
12 the name and address of the new placement, the reasons for the change in placement,
13 a statement describing why the new placement is preferable to the present
14 placement, and a statement of how the new placement satisfies objectives of the
15 treatment plan ordered by the court.

16 ***b3034/1.7* SECTION 533bh.** 938.357 (1) (am) 3. of the statutes is created to
17 read:

18 938.357 (1) (am) 3. If the court changes the juvenile's placement from a
19 placement outside the home to another placement outside the home, the change in
20 placement order shall contain one of the statements specified in sub. (2v) (a) 2.

21 ***b3034/1.7* SECTION 533bi.** 938.357 (1) (b) of the statutes, as affected by 2001
22 Wisconsin Act 103, is rnumbered 938.357 (1) (am) 2. and amended to read:

23 938.357 (1) (am) 2. Any person receiving the notice under ~~par. (a)~~ subd. 1. or
24 notice of a specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may
25 obtain a hearing on the matter by filing an objection with the court within 10 days

1 after receipt of the notice. Placements may not be changed until 10 days after that
2 notice is sent to the court unless the parent, guardian, or legal custodian and the
3 juvenile, if 12 or more years of age, sign written waivers of objection, except that
4 placement changes in placement that were authorized in the dispositional order may
5 be made immediately if notice is given as required under ~~par. (a)~~ subd. 1. In addition,
6 a hearing is not required for placement changes authorized in the dispositional order
7 except when an objection filed by a person who received notice alleges that new
8 information is available that affects the advisability of the court's dispositional order.

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

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

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

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

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

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

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

3 938.357 (2m) (a) The juvenile, the parent, guardian, or legal custodian of the
4 juvenile, or any person or agency primarily bound by the dispositional order, other
5 than the person or agency responsible for implementing the order, may request a
6 change in placement under this paragraph. The request shall contain the name and
7 address of the place of the new placement requested and shall state what new
8 information is available that affects the advisability of the current placement. If the
9 proposed change in placement would change the placement of a juvenile placed in the
10 home to a placement outside the home, the request shall also contain specific
11 information showing that continued placement of the juvenile in the home would be
12 contrary to the welfare of the juvenile and, unless any of the circumstances specified
13 in s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency
14 primarily responsible for implementing the dispositional order has made reasonable
15 efforts to prevent the removal of the juvenile from the home, while assuring that the
16 juvenile's health and safety are the paramount concerns. The request shall be
17 submitted to the court. In addition, the court may propose a change in placement on
18 its own motion.

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

21 938.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
22 any change in placement requested or proposed under par. (a) if the request states
23 that new information is available that affects the advisability of the current
24 placement, unless the requested or proposed change in placement involves any
25 change in placement other than a change in placement of a juvenile placed in the

1 home to a placement outside the home and written waivers of objection to the
2 proposed change in placement are signed by all parties entitled to receive notice
3 under sub. (1) ~~(a)~~ (am) 1. and the court approves. If a hearing is scheduled, the court
4 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,
5 any foster parent, treatment foster parent, or other physical custodian described in
6 s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order
7 at least 3 days prior to the hearing. A copy of the request or proposal for the change
8 in placement shall be attached to the notice. If all of the parties consent, the court
9 may proceed immediately with the hearing.

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

11 938.357 (2m) (c) If the court changes the juvenile's placement from a placement
12 in the juvenile's home to a placement outside the juvenile's home, the change in
13 placement order shall contain the findings specified in sub. (2v) (a) 1., one of the
14 statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of
15 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
16 parent, the determination specified in sub. (2v) (a) 3.

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

19 938.357 (2r) If a hearing is held under sub. (1) ~~(b)~~ (am) 2. or (2m) (b) and the
20 change in placement would remove a juvenile from a foster home, treatment foster
21 home, or other placement with a physical custodian described in s. 48.62 (2), the court
22 shall give the foster parent, treatment foster parent, or other physical custodian
23 described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the
24 foster parent, treatment foster parent, or other physical custodian to make a written
25 or oral statement during the hearing or to submit a written statement prior to the

1 hearing relating to the juvenile and the requested change in placement. ~~Any written~~
2 ~~or oral statement made under this subsection shall be made under oath or~~
3 ~~affirmation.~~ A foster parent, treatment foster parent, or other physical custodian
4 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) ~~(b)~~ (am) 1. or
5 (2m) (b) and an opportunity to be heard under this subsection does not become a
6 party to the proceeding on which the hearing is held solely on the basis of receiving
7 that notice and opportunity to be heard.

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

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

23 *b3034/1.7* SECTION 533bv. 938.357 (2v) (a) (intro.) of the statutes is created
24 to read:

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

3 ***b3034/1.7* SECTION 533bx.** 938.357 (2v) (a) 1. of the statutes is created to
4 read:

5 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a
6 placement in the juvenile's home to a placement outside the juvenile's home, a
7 finding that continued placement of the juvenile in his or her home would be contrary
8 to the welfare of the juvenile and, unless a circumstance specified in s. 938.355 (2d)
9 (b) 1. to 4. applies, a finding that the agency primarily responsible for implementing
10 the dispositional order has made reasonable efforts to prevent the removal of the
11 juvenile from the home, while assuring that the juvenile's health and safety are the
12 paramount concerns.

13 ***b3034/1.7* SECTION 533bz.** 938.357 (2v) (a) 3. of the statutes is created to
14 read:

15 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
16 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
17 agency primarily responsible for providing services under the change in placement
18 order is not required to make reasonable efforts with respect to the parent to make
19 it possible for the juvenile to return safely to his or her home.

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

21 938.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and
22 3. on a case-by-case basis based on circumstances specific to the juvenile and shall
23 document or reference the specific information on which those findings are based in
24 the change in placement order. A change in placement order that merely references
25 par. (a) 1. or 3. without documenting or referencing that specific information in the

1 change in placement order or an amended change in placement order that
2 retroactively corrects an earlier change in placement order that does not comply with
3 this paragraph is not sufficient to comply with this paragraph.

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

5 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
6 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
7 the court shall hold a hearing within 30 days after the date of that finding to
8 determine the permanency plan for the juvenile. If a hearing is held under this
9 paragraph, the agency responsible for preparing the permanency plan shall file the
10 permanency plan with the court not less than 5 days before the date 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 juvenile, any parent, guardian, and legal custodian
13 of the juvenile, and any foster parent, treatment foster parent, or other physical
14 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
15 the 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 ***b3034/1.7* SECTION 533cd.** 938.357 (3) of the statutes, as affected by 2001
2 Wisconsin Act 103, is amended to read:

3 938.357 (3) Subject to subs. (4) (b) and (c) and (5) (e), if the proposed change
4 in placement would involve placing a juvenile in a secured correctional facility, a
5 secured child caring institution, or a secured group home, notice shall be given as
6 provided in sub. (1) ~~(a)~~ (am) 1. A hearing shall be held, unless waived by the juvenile,
7 parent, guardian, and legal custodian, before the judge makes a decision on the
8 request. The juvenile shall be entitled to counsel at the hearing, and any party
9 opposing or favoring the proposed new placement may present relevant evidence and
10 cross-examine witnesses. The proposed new placement may be approved only if the
11 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been
12 met.

13 ***b3034/1.7* SECTION 533ce.** 938.357 (4) (b) 1. of the statutes, as affected by
14 2001 Wisconsin Act 103, is amended to read:

15 938.357 (4) (b) 1. If a juvenile whom the department has placed in a Type 2
16 secured correctional facility operated by a child welfare agency violates a condition
17 of his or her placement in the Type 2 secured correctional facility, the child welfare
18 agency operating the Type 2 secured correctional facility shall notify the department
19 and the department, after consulting with the child welfare agency, may place the
20 juvenile in a Type 1 secured correctional facility under the supervision of the
21 department without a hearing under sub. (1) ~~(b)~~ (am) 2.

22 ***b3034/1.7* SECTION 533cf.** 938.357 (4) (b) 2. of the statutes, as affected by
23 2001 Wisconsin Act 103, is amended to read:

24 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child
25 caring institution under s. 938.34 (4d) violates a condition of his or her placement in

1 the Type 2 child caring institution, the child welfare agency operating the Type 2
2 child caring institution shall notify the county department that has supervision over
3 the juvenile and, if the county department agrees to a change in placement under this
4 subdivision, the child welfare agency shall notify the department, and the
5 department, after consulting with the child welfare agency, may place the juvenile
6 in a Type 1 secured correctional facility under the supervision of the department,
7 without a hearing under sub. (1) ~~(b)~~ (am) 2., for not more than 10 days. If a juvenile
8 is placed in a Type 1 secured correctional facility under this subdivision, the county
9 department that has supervision over the juvenile shall reimburse the child welfare
10 agency operating the Type 2 child caring institution in which the juvenile was placed
11 at the rate established under s. 46.037, and that child welfare agency shall reimburse
12 the department at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is
13 applicable, for the cost of the juvenile's care while placed in a Type 1 secured
14 correctional facility.

15 ***b3034/1.7* SECTION 533ch.** 938.357 (4) (c) 1. of the statutes, as affected by
16 2001 Wisconsin Act 103, is amended to read:

17 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 secured correctional facility
18 operated by a child welfare agency under par. (a) and it appears that a less restrictive
19 placement would be appropriate for the juvenile, the department, after consulting
20 with the child welfare agency that is operating the Type 2 secured correctional
21 facility in which the juvenile is placed, may place the juvenile in a less restrictive
22 placement, and may return the juvenile to the Type 2 secured correctional facility
23 without a hearing under sub. (1) ~~(b)~~ (am) 2. The child welfare agency shall establish
24 a rate for each type of placement in the manner provided in s. 46.037.

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

3 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under
4 s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate
5 for the juvenile, the child welfare agency operating the Type 2 child caring
6 institution shall notify the county department that has supervision over the juvenile
7 and, if the county department agrees to a change in placement under this
8 subdivision, the child welfare agency may place the juvenile in a less restrictive
9 placement. A child welfare agency may also, with the agreement of the county
10 department that has supervision over a juvenile who is placed in a less restrictive
11 placement under this subdivision, return the juvenile to the Type 2 child caring
12 institution without a hearing under sub. (1) ~~(b)~~ (am) 2. The child welfare agency shall
13 establish a rate for each type of placement in the manner provided in s. 46.037.

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

16 938.357 (4) (d) The department may transfer a juvenile who is placed in a Type
17 1 secured correctional facility to the Racine youthful offender correctional facility
18 named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile
19 offender review in the department has determined that the conduct of the juvenile
20 in the Type 1 secured correctional facility presents a serious problem to the juvenile
21 or others. The factors that the office of juvenile offender review may consider in
22 making that determination shall include, but are not limited to, whether and to what
23 extent the juvenile's conduct in the Type 1 secured correctional facility is violent and
24 disruptive, the security needs of the Type 1 secured correctional facility, and whether
25 and to what extent the juvenile is refusing to cooperate or participate in the

1 treatment programs provided for the juvenile in the Type 1 secured correctional
2 facility. Notwithstanding sub. (1) ~~(b)~~ (am) 2., a juvenile is not entitled to a hearing
3 regarding the department's exercise of authority under this paragraph unless the
4 department provides for a hearing by rule. A juvenile may seek review of a decision
5 of the department under this paragraph only by the common law writ of certiorari.
6 If the department transfers a juvenile under this paragraph, the department shall
7 send written notice of the transfer to the parent, guardian, legal custodian, and
8 committing court.

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

11 938.357 (5) (a) The department or a county department, whichever has been
12 designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the
13 aftercare status of that juvenile. Revocation of aftercare supervision shall not
14 require prior notice under sub. (1) ~~(a)~~ (am) 1.

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

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

1 specified by the court. If the change in placement is from a placement in a foster
2 home, treatment foster home, group home, or residential care center for children and
3 youth or in the home of a relative to a placement in the juvenile's home and if the
4 expiration date of the original order is more than one year after the date of the change
5 in placement order, the court shall shorten the expiration date of the original order
6 to the date that is one year after the date of the change in placement order or to an
7 earlier date as specified by the court.

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

9 938.363 (1m) If a hearing is held under sub. (1) (a), any party may present
10 evidence relevant to the issue of revision of the dispositional order. In addition, the
11 court shall give a foster parent, treatment foster parent, or other physical custodian
12 described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by
13 permitting the foster parent, treatment foster parent, or other physical custodian to
14 make a written or oral statement during the hearing, or to submit a written
15 statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral~~
16 ~~statement made under this subsection shall be made under oath or affirmation.~~ A
17 foster parent, treatment foster parent, or other physical custodian described in s.
18 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be
19 heard under this subsection does not become a party to the proceeding on which the
20 hearing is held solely on the basis of receiving that notice and opportunity to be
21 heard.

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

23 938.365 (1) In this section, a juvenile is considered to have been placed outside
24 of his or her home on the date on which ~~the juvenile was first placed outside of his~~
25 ~~or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363~~

1 or on the date that is 60 days after the date on which the juvenile was first removed
2 from his or her home, ~~whichever is earlier, except that in the case of a juvenile who~~
3 on removal from his or her home was first placed in a secure detention facility, a
4 secured correctional facility, a secured child caring institution, or a secured group
5 home for 60 days or more and then moved to a nonsecured out-of-home placement,
6 the juvenile is considered to have been placed outside of his or her home on the date
7 on which the juvenile was moved to the nonsecured out-of-home placement.

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

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

20 ***b3034/1.7* SECTION 533cx.** 938.365 (2g) (b) 3. of the statutes is amended to
21 read:

22 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
23 for 15 of the most recent 22 months, not including any period during which the
24 juvenile was a runaway from the out-of-home placement or the first 6 months of any
25 period during which the juvenile was returned to his or her home for a trial home

1 visit, a statement of whether or not a recommendation has been made to terminate
2 the parental rights of the parents of the juvenile. If a recommendation for a
3 termination of parental rights has been made, the statement shall indicate the date
4 on which the recommendation was made, any previous progress made to accomplish
5 the termination of parental rights, any barriers to the termination of parental rights,
6 specific steps to overcome the barriers and when the steps will be completed, reasons
7 why adoption would be in the best interest of the juvenile and whether or not the
8 juvenile should be registered with the adoption information exchange. If a
9 recommendation for termination of parental rights has not been made, the
10 statement shall include an explanation of the reasons why a recommendation for
11 termination of parental rights has not been made. If the lack of appropriate adoptive
12 resources is the primary reason for not recommending a termination of parental
13 rights, the agency shall recommend that the juvenile be registered with the adoption
14 information exchange or report the reason why registering the juvenile is contrary
15 to the best interest of the juvenile.

16 *b3034/1.7* **SECTION 533cz.** 938.365 (2m) (a) of the statutes is renumbered
17 938.365 (2m) (a) 1. and amended to read:

18 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
19 extension. If the juvenile is placed outside of his or her home, the person or agency
20 primarily responsible for providing services to the juvenile shall present as evidence
21 specific information showing that the agency has made reasonable efforts to achieve
22 the goal of the juvenile's permanency plan, unless return of the juvenile to the home
23 is the goal of the permanency plan and any of the circumstances specified in s.
24 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions
25 of law based on the evidence. ~~Subject to s. 938.355 (2d), the~~ The findings of fact shall

1 include a finding as to whether reasonable efforts were made by the agency primarily
2 responsible for providing services to the juvenile to ~~make it possible for the juvenile~~
3 ~~to return safely to his or her home~~ achieve the goal of the juvenile's permanency plan,
4 unless return of the juvenile to the home is the goal of the permanency plan and the
5 court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.
6 applies. An order shall be issued under s. 938.355.

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

9 938.365 (2m) (a) 2. If the court finds that any of the circumstances specified
10 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include
11 a determination that the person or agency primarily responsible for providing
12 services to the juvenile is not required to make reasonable efforts with respect to the
13 parent to make it possible for the juvenile to return safely to his or her home.

14 ***b3034/1.7* SECTION 533db.** 938.365 (2m) (a) 3. of the statutes is created to
15 read:

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

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

3 938.365 (2m) (ad) 1. If the court finds that any of the circumstances specified
4 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a
5 hearing within 30 days after the date of that finding to determine the permanency
6 plan for the juvenile. If a hearing is held under this subdivision, the agency
7 responsible for preparing the permanency plan shall file the permanency plan with
8 the court not less than 5 days before the date of the hearing.

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

14 ***b3034/1.7* SECTION 533df.** 938.365 (2m) (ag) of the statutes is amended to
15 read:

16 938.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The
17 court shall give a foster parent, treatment foster parent, or other physical custodian
18 described in s. 48.62 (2) ~~of the juvenile~~ who is notified of a hearing under par. (ad)
19 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster
20 parent, treatment foster parent, or other physical custodian to make a written or oral
21 statement during the hearing, or to submit a written statement prior to the hearing,
22 relevant to the issue of extension. ~~Any written or oral statement made under this~~
23 ~~paragraph shall be made under oath or affirmation.~~ A foster parent, treatment foster
24 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
25 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this

1 paragraph does not become a party to the proceeding on which the hearing is held
2 solely on the basis of receiving that notice and opportunity to be heard.

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

4 938.365 (5) Except as provided in s. 938.368, all orders an order under this
5 section that continues the placement of a juvenile in his or her home or that extends
6 an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time
7 not to exceed one year after its date of entry. Except as provided in s. 938.368, an
8 order under this section that continues the placement of a juvenile in a foster home,
9 treatment foster home, group home, or residential care center for children and youth
10 or in the home of a relative other than a parent shall be for a specified length of time
11 not to exceed the date on which the juvenile reaches 18 years of age, one year after
12 the date of entry of the order, or, if the juvenile is a full-time student at a secondary
13 school or its vocational or technical equivalent and is reasonably expected to
14 complete the program before reaching 19 years of age, the date on which the juvenile
15 reaches 19 years of age, whichever is later.

16 *b3034/1.7* SECTION 533dj. 938.38 (2) (intro.) of the statutes, as affected by
17 2001 Wisconsin Act 59, is amended to read:

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

1 agency shall prepare a written permanency plan, if any of the conditions specified
2 in pars. (a) to (e) exists:

3 ***b3034/1.7* SECTION 533dL.** 938.38 (2) (c) of the statutes is amended to read:

4 938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64
5 (2) ~~or pursuant to, under a consent decree under s. 938.32 (1) (c), or under a court~~
6 order under s. 938.355.

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

8 938.38 (2) (f) The juvenile's care is paid would be paid for under s. 49.19 but
9 for s. 49.19 (20).

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

12 938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (c) 1, the agency shall file
13 the permanency plan with the court within 60 days after the date on which the
14 juvenile was first held in physical custody or placed outside of removed from his or
15 her home ~~under a court order~~, except under either of the following conditions:

16 ***b3034/1.7* SECTION 533dr.** 938.38 (4) (intro.) of the statutes is amended to
17 read:

18 938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~
19 ~~description of~~ all of the following:

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

22 938.38 (4) (ar) ~~The~~ A description of the services offered and any service services
23 provided in an effort to prevent holding or placing the juvenile outside of the removal
24 of the juvenile from his or her home, while assuring that the health and safety of the
25 juvenile are the paramount concerns, and to ~~make it possible for the juvenile to~~

1 ~~return safely home~~ achieve the goal of the permanency plan, except that the
2 permanency plan ~~need not~~ is not required to include a description of ~~these the~~
3 services offered or provided with respect to a parent of the juvenile to prevent the
4 removal of the juvenile from the home or to achieve the permanency plan goal of
5 returning the juvenile safely to his or her home if any of the circumstances specified
6 in s. 938.355 (2d) (b) 1., ~~2., 3. or~~ 4. apply to that parent.

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

8 938.38 (4) (ag) The name, address, and telephone number of the juvenile's
9 parent, guardian, and legal custodian.

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

11 938.38 (4) (am) The date on which the juvenile was removed from his or her
12 home and the date on which the juvenile was placed in out-of-home care.

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

14 938.38 (4) (bm) ~~The A statement as to the~~ availability of a safe and appropriate
15 placement with a fit and willing relative of the juvenile and, if a decision is made not
16 to place the juvenile with an available relative, a statement as to why placement with
17 the relative is not safe or appropriate.

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

19 938.38 (4) (dg) Information about the juvenile's education, including all of the
20 following:

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

23 2. Any special education programs in which the juvenile is or was previously
24 enrolled.

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

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

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

7 938.38 (4) (dm) If as a result of the placement the juvenile has been or will be
8 transferred from the school in which the juvenile is or most recently was enrolled,
9 documentation that a placement that would maintain the juvenile in that school is
10 either unavailable or inappropriate or that a placement that would result in the
11 juvenile's transfer to another school would be in the juvenile's best interests.

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

13 938.38 (4) (dr) Medical information relating to the juvenile, including all of the
14 following:

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

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

20 3. Any known medical condition for which the juvenile is receiving medical care
21 or treatment and any known serious medical condition for which the juvenile has
22 previously received medical care or treatment.

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

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

2 938.38 (4) (e) The A plan for ensuring the safety and appropriateness of the
3 placement and a description of the services provided to meet the needs of the juvenile
4 and family, including a discussion of services that have been investigated and
5 considered and are not available or likely to become available within a reasonable
6 time to meet the needs of the juvenile or, if available, why such services are not safe
7 or appropriate.

8 ***b3034/1.7* SECTION 533eh.** 938.38 (4) (f) (intro.) of the statutes is amended
9 to read:

10 938.38 (4) (f) (intro.) The A description of the services that will be provided to
11 the juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's
12 treatment foster parent ~~or~~, the operator of the facility where the juvenile is living,
13 or the relative with whom the juvenile is living to carry out the dispositional order,
14 including services planned to accomplish all of the following:

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

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

25 1. Return of the juvenile to the juvenile's home.