

1 **SECTION 302.** 938.299 (1) (ar) of the statutes is renumbered 938.299 (1) (ar) 1. and
2 amended to read:

3 938.299 (1) (ar) 1. Notwithstanding par. (a) and except under subd. 2., the general public
4 may attend any hearing under this chapter relating to a juvenile who has been alleged to be
5 delinquent for committing a violation that would be a felony if committed by an adult if the
6 juvenile has been adjudicated delinquent previously and that previous adjudication remains
7 of record and unreversed or relating to a juvenile who has been alleged to be delinquent for
8 committing a violation specified in s. 938.34 (4h) (a), ~~except that the~~.

9 2. The court shall exclude the general public from a hearing if the victim of a sexual
10 assault objects and may, in its discretion, exclude the general public from any portion of a
11 hearing ~~which~~ that deals with sensitive personal matters of the juvenile or the juvenile's family
12 and ~~which~~ that does not relate to the act or alleged act committed by the juvenile or from any
13 other hearing described in this paragraph. If the court excludes the general public from a
14 hearing described in this paragraph, only those persons who are permitted under par. (a) or
15 (am) to attend a hearing from which the general public is excluded may attend.

16 **SECTION 303.** 938.299 (1) (b) of the statutes is amended to read:

17 938.299 (1) (b) Except as provided in par. (av) and s. 938.396, any person who divulges
18 any information ~~which~~ that would identify the juvenile or the family involved in any
19 proceeding under this chapter is subject to ch. 785. This paragraph does not preclude a victim
20 of the juvenile's act from commencing a civil action based upon the juvenile's act.

21 **SECTION 304.** 938.299 (4) (title) of the statutes is created to read:

22 938.299 (4) (title) EVIDENTIARY RULES AT HEARINGS.

23 **SECTION 305.** 938.299 (4) (b) and (5) of the statutes are amended to read:

1 938.299 (4) (b) Except as provided in s. 901.05, ~~neither~~ common law ~~nor~~ and statutory
2 rules of evidence are not binding at a waiver hearing under s. 938.18, a hearing for a juvenile
3 held in custody under s. 938.21, a hearing under s. 938.296 (4) for a juvenile who is alleged
4 to have violated s. 940.225, 948.02, 948.025, 948.05, or 948.06, a hearing under s. 938.296
5 (5) for a juvenile who is alleged to have violated s. 946.43 (2m), a dispositional hearing, or
6 any postdispositional hearing under this chapter. At those hearings, the court shall admit all
7 testimony having reasonable probative value, but shall exclude immaterial, irrelevant, or
8 unduly repetitious testimony, or evidence that is inadmissible under s. 901.05. Hearsay
9 evidence may be admitted if it has demonstrable circumstantial guarantees of trustworthiness.
10 The court shall give effect to the rules of privilege recognized by law. The court shall apply
11 the basic principles of relevancy, materiality, and probative value to proof of all questions of
12 fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be
13 made and shall be noted in the record.

14 **(5) TELEPHONE OR LIVE AUDIOVISUAL HEARINGS.** On request of any party, unless good
15 cause to the contrary is shown, any hearing under s. 938.209 (1) (a) 5. or 938.21 (1) may be
16 held on the record by telephone or live audiovisual means or testimony may be received by
17 telephone or live audiovisual means ~~as prescribed in~~ under s. 807.13 (2). The request and the
18 showing of good cause for not conducting the hearing or admitting testimony by telephone
19 or live audiovisual means may be made by telephone.

20 **SECTION 306.** 938.299 (6) (title), (7) (title), (8) (title) and (9) (title) of the statutes are
21 created to read:

22 938.299 (6) (title) ESTABLISHMENT OF PATERNITY WHEN MAN ALLEGES PATERNITY.

23 (7) (title) ESTABLISHMENT OF PATERNITY WHEN NO MAN ALLEGES PATERNITY.

24 (8) (title) TESTIMONY OF JUVENILE'S MOTHER RELATING TO PATERNITY.

1 (9) (title) AMERICAN INDIAN JUVENILE; TRIBAL COURT INVOLVEMENT.

2 SECTION 307. 938.299 (9) (a) and (b) of the statutes are amended to read:

3 938.299 (9) (a) If a petition under s. 938.12 or 938.13 (12) includes the statement in s.
4 938.255 (1) (cr) 2. or if the court is informed during a proceeding under s. 938.12 or 938.13
5 (12) that a petition relating to the delinquent act has been filed in a tribe's court with respect
6 to a juvenile to whom the circumstances specified in s. 938.255 (1) (cr) 1. apply, the court shall
7 stay the proceeding and communicate with the tribal court in which the other proceeding is
8 or may be pending to discuss which court ~~may be~~ is the more appropriate forum.

9 (b) If the court and tribal court either mutually agree or agree under the terms of an
10 established judicial protocol applicable to the court that the tribal court ~~would be~~ is the more
11 appropriate forum, the court shall dismiss the petition without prejudice or stay the
12 proceeding. The court's decision shall be based on the best interests of the juvenile and of the
13 public.

14 SECTION 308. 938.30 (1) (title) of the statutes is created to read:

15 938.30 (1) (title) TIME OF HEARING.

16 SECTION 309. 938.30 (2) of the statutes is amended to read:

17 938.30 (2) INFORMATION TO JUVENILE AND PARENTS; BASIC RIGHTS; SUBSTITUTION. At or
18 before the commencement of the hearing under this section the juvenile and the parent,
19 guardian, or legal custodian shall be advised of their rights as specified in s. 938.243 and shall
20 be informed that the hearing shall be to the court and that a request for a substitution of judge
21 under s. 938.29 must be made before the end of the plea hearing or ~~be~~ is waived.
22 Nonpetitioning parties, including the juvenile, shall be granted a continuance of the plea
23 hearing if they wish to consult with an attorney on the request for a substitution of a judge.

24 SECTION 310. 938.30 (3) (title) and (4) (title) of the statutes are created to read:

1 938.30 (3) (title) JUVENILE IN NEED OF PROTECTION OR SERVICES PROCEEDING; POSSIBLE
2 PLEAS.

3 (4) (title) DELINQUENCY AND CIVIL LAW OR ORDINANCE PROCEEDINGS; POSSIBLE PLEAS.

4 **SECTION 311.** 938.30 (4) (a), (bm) and (c) of the statutes are amended to read:

5 938.30 (4) (a) Admit some or all of the facts alleged in the petition or citation, ~~however,~~
6 ~~such a.~~ This plea is an admission only of the commission of the acts and does not constitute
7 an admission of delinquency.

8 (bm) Plead no contest to the allegations, ~~but only~~ if the court permits the juvenile to enter
9 that plea.

10 (c) Except pursuant to in the case of a petition or citation under s. 938.125, state that
11 he or she is not responsible for the acts alleged in the petition by reason of mental disease or
12 defect. This plea shall be joined with an admission under par. (a), a denial under par. (b) or
13 a plea of no contest under par. (bm).

14 **SECTION 312.** 938.30 (4m) of the statutes is renumbered 938.30 (4m) (intro.) and
15 amended to read:

16 938.30 (4m) COURT TO INQUIRE ABOUT NOTICE TO VICTIMS. (intro.) Before accepting a
17 plea under sub. (4) in a proceeding in which a juvenile is alleged to be delinquent under s.
18 938.12 or to be in need of protection or services under s. 938.13 (12), the court shall inquire
19 of the district attorney or corporation counsel ~~whether he~~ as to the following:

20 (a) Whether he or she has complied with s. ss. 938.265 and ~~whether he or she has~~
21 ~~complied with s. 938.27 (4m), whether any.~~

22 (b) Whether any of the known victims requested notice of the date, time, and place of
23 the plea hearing and, if so, whether the district attorney or corporation counsel provided to the
24 victim that notice of the date, time and place of the hearing.

1 **SECTION 313.** 938.30 (5) (title) of the statutes is created to read:

2 938.30 (5) (title) NOT COMPETENT OR NOT RESPONSIBLE.

3 **SECTION 314.** 938.30 (5) (a) 2., (c) (intro.) and (d) (intro.) of the statutes are amended
4 to read:

5 938.30 (5) (a) 2. If the juvenile denies the allegations in the petition or citation, the court
6 shall hold a fact-finding hearing on the allegations in the petition or citation as provided under
7 s. 938.31. If, ~~at the end of the fact-finding~~ after the hearing, the court finds that the allegations
8 in the petition have been proven, the court shall immediately hold a hearing to determine
9 whether the juvenile was not responsible by reason of mental disease or defect.

10 (c) (intro.) If the court finds that the juvenile was not responsible by reason of mental
11 disease or defect, as described under s. 971.15 (1) and (2), the court shall dismiss the petition
12 with prejudice and shall also do one of the following:

13 (d) (intro.) If the court finds that the juvenile is not competent to proceed, as described
14 in s. 971.13 (1) and (2), the court shall suspend proceedings on the petition and shall also do
15 one of the following:

16 **SECTION 315.** 938.30 (5) (e) 1. of the statutes is renumbered 938.30 (5) (e) 1. (intro.)
17 and amended to read:

18 938.30 (5) (e) 1. (intro.) A juvenile who is not competent to proceed, as described in
19 s. 971.13 (1) and (2), but who is likely to become competent to proceed within 12 months or
20 within the time period of the maximum sentence that may be imposed on an adult for the most
21 serious delinquent act with which the juvenile is charged, whichever is less, and who is
22 committed under s. 51.20 following an order under par. (d) 1. or who is placed under a
23 dispositional order following an order under par. (d) 2., shall be periodically reexamined with
24 written reports of those reexaminations to be submitted to the court every 3 months and within

1 30 days before the expiration of the juvenile's commitment or dispositional order. Each report
2 shall indicate either that the one of the following:

3 a. That the juvenile has become competent, that the,

4 b. That the juvenile remains incompetent but that attainment of competence is likely
5 within the remaining period of the commitment or dispositional order or that the,

6 c. That the juvenile has not made such progress that attainment of competency is likely
7 within the remaining period of the commitment or dispositional order.

8 **SECTION 316.** 938.30 (6) (title) of the statutes is created to read:

9 938.30 (6) (title) UNCONTESTED PETITIONS; DISPOSITION.

10 **SECTION 317.** 938.30 (6) (b) and (c) and (7) of the statutes are amended to read:

11 938.30 (6) (b) If it appears to the court that disposition of the case may include
12 placement of the juvenile outside the juvenile's home, the court shall order the juvenile's
13 parent to provide a statement of the juvenile's and the juvenile's parent's income, assets, debts,
14 and living expenses to the court or the designated agency under s. 938.33 (1) at least 5 days
15 before the scheduled date of the dispositional hearing or as otherwise ordered by the court.
16 The clerk of court shall provide, without charge, to any parent ordered to provide a that
17 statement of income, assets, debts and living expenses a document setting forth the percentage
18 standard established by the department of workforce development under s. 49.22 (9) and
19 listing the factors that a court may consider under s. 301.12 (14) (c).

20 (c) If the court orders the juvenile's parent to provide a statement of income, assets,
21 debts, and living expenses of the juvenile and juvenile's parent to the court or if the court orders
22 the juvenile's parent to provide that statement to the designated agency under s. 938.33 (1) and
23 that the designated agency is not the county department, the court shall also order the
24 juvenile's parent to provide that the statement to the county department at least 5 days before

1 the scheduled date of the dispositional hearing or as otherwise ordered by the court. The
2 county department shall provide, without charge, to the parent a form on which to provide ~~that~~
3 the statement, and the parent shall provide ~~that~~ the statement on ~~that~~ the form. The county
4 department shall use the information provided in the statement to determine whether the
5 department may claim federal foster care and adoption assistance reimbursement under 42
6 USC 670 to 679a for the cost of providing care for the juvenile.

NOTE: Provides, in s. 938.30 (6) (c), that the statement of income, assets, debts, and living expenses should indicate those of the parent and the juvenile.

7 (7) CONTESTED PETITIONS OR CITATIONS; DATE FOR FACT-FINDING HEARING. If the petition
8 or citation is contested, the court shall set a date for the fact-finding hearing ~~which~~ that allows
9 a reasonable time for the parties to prepare but is no more than 20 days from the plea hearing
10 for a juvenile who is held in secure custody and no more than 30 days from the plea hearing
11 for a juvenile who is not held in secure custody.

12 **SECTION 318.** 938.30 (8) (title) of the statutes is created to read:

13 938.30 (8) (title) ADMISSION OR NO CONTEST PLEA; INQUIRIES REQUIRED.

14 **SECTION 319.** 938.30 (8) (b) and (9) of the statutes are amended to read:

15 938.30 (8) (b) Establish whether any promises or threats were made to elicit a plea and
16 ~~alert~~ explain to unrepresented parties ~~to~~ the possibility that a lawyer may discover defenses
17 or mitigating circumstances ~~which~~ that would not be apparent to them.

18 (9) HEARINGS CONDUCTED BY COURT COMMISSIONER; COURT TO REVIEW. If a circuit court
19 commissioner conducts the plea hearing and accepts an admission of the alleged facts in a
20 petition brought under s. 938.12 or 938.13, the ~~judge~~ court shall review the admission at the
21 beginning of the dispositional hearing by addressing the parties and making the inquires set
22 forth in under sub. (8).

1 **SECTION 320.** 938.30 (10) (title) of the statutes is created to read:

2 938.30 **(10)** (title) TELEPHONE OR LIVE AUDIOVISUAL PARTICIPATION.

3 **SECTION 321.** 938.31 (1) (title), (2) (title) and (4) (title) of the statutes are created to
4 read:

5 938.31 **(1)** (title) DEFINITION.

6 **(2)** (title) HEARING TO THE COURT; PROCEDURES.

7 **(4)** (title) FINDINGS BY COURT.

8 **SECTION 322.** 938.31 (7) of the statutes is amended to read:

9 938.31 **(7)** DATE FOR DISPOSITIONAL HEARING. (a) At the close of the fact-finding
10 hearing, the court shall set a date for the dispositional hearing ~~which~~ that allows a reasonable
11 time for the parties to prepare but is no more than 10 days after the fact-finding hearing for
12 a juvenile in secure custody and no more than 30 days after the fact-finding hearing for a
13 juvenile not held in secure custody. If all parties consent, the court may immediately proceed
14 with a dispositional hearing.

15 (b) If it appears to the court that disposition of the case may include placement of the
16 juvenile outside the juvenile's home, the court shall order the juvenile's parent to provide a
17 statement of the juvenile's and the juvenile's parent's income, assets, debts, and living
18 expenses to the court or the designated agency under s. 938.33 (1) at least 5 days before the
19 scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of
20 court shall provide, without charge, to any parent ordered to provide a the statement of ~~income,~~
21 ~~assets, debts and living expenses~~ a document setting forth the percentage standard established
22 by the department of workforce development under s. 49.22 (9) and listing the factors that a
23 court may consider under s. 301.12 (14) (c).

1 (c) If the court orders the juvenile's parent to provide a statement of income, assets,
2 debts, and living expenses of the juvenile and juvenile's parent to the court or if the court orders
3 the juvenile's parent to provide ~~that~~ the statement to the designated agency under s. 938.33 (1)
4 and ~~that~~ the designated agency is not the county department, the court shall also order the
5 juvenile's parent to provide ~~that~~ the statement to the county department at least 5 days before
6 the scheduled date of the dispositional hearing or as otherwise ordered by the court. The
7 county department shall provide, without charge, to the parent a form on which to provide ~~that~~
8 the statement, and the parent shall provide ~~that~~ the statement on ~~that~~ the form. The county
9 department shall use the information provided in the statement to determine whether the
10 department may claim federal foster care and adoption assistance reimbursement under 42
11 USC 670 to 679a for the cost of providing care for the juvenile.

NOTE: See the note to s. 938.30 (6) (b) and (c) in this draft.

12 **SECTION 323.** 938.315 (1) (intro.) of the statutes is amended to read:

13 938.315 (1) TIME PERIODS TO BE EXCLUDED. The following time periods shall be
14 excluded in computing time requirements ~~within~~ under this chapter:

15 **SECTION 324.** 938.315 (1) (a) of the statutes is renumbered 938.315 (1) (a) (intro.) and
16 amended to read:

17 938.315 (1) (a) (intro.) Any period of delay resulting from ~~other~~ any of the following:

18 1. Other legal actions concerning the juvenile, including an examination under s.
19 938.295 or a hearing related to the juvenile's mental condition, prehearing motions, waiver
20 motions, and hearings on other matters.

21 **SECTION 325.** 938.315 (1) (b) of the statutes is renumbered 938.315 (1) (a) 2. and
22 amended to read:

1 938.315 (1) (a) 2. ~~Any period of delay resulting from a~~ A continuance granted at the
2 request of or with the consent of the juvenile and counsel.

3 **SECTION 326.** 938.315 (1) (c) of the statutes is renumbered 938.315 (1) (a) 3. and
4 amended to read:

5 938.315 (1) (a) 3. ~~Any period of delay caused by the~~ The disqualification or substitution
6 of a judge or by any other transfer of the case or intake inquiry to a different judge, intake
7 worker or county.

8 **SECTION 327.** 938.315 (1) (d) of the statutes is renumbered 938.315 (1) (a) 4. and
9 amended to read:

10 938.315 (1) (a) 4. ~~Any period of delay resulting from a~~ A continuance granted at the
11 request of the representative of the public under s. 938.09 if the continuance is granted because
12 of the unavailability of evidence material to the case when he or she has exercised due
13 diligence to obtain the evidence and there are reasonable grounds to believe that the evidence
14 will be available at the later date, or to allow him or her additional time to prepare the case and
15 additional time is justified because of the exceptional circumstances of the case.

16 **SECTION 328.** 938.315 (1) (dm) of the statutes is renumbered 938.315 (1) (a) 5. and
17 amended to read:

18 938.315 (1) (a) 5. ~~Any period of delay resulting from court~~ Court congestion or
19 scheduling.

20 **SECTION 329.** 938.315 (1) (e) of the statutes is renumbered 938.315 (1) (a) 6. and
21 amended to read:

22 938.315 (1) (a) 6. ~~Any period of delay resulting from the~~ The imposition of a consent
23 decree.

1 **SECTION 330.** 938.315 (1) (f) of the statutes is renumbered 938.315 (1) (a) 7. and
2 amended to read:

3 938.315 (1) (a) 7. ~~Any period of delay resulting from the~~ The absence or unavailability
4 of the juvenile.

5 **SECTION 331.** 938.315 (1) (fm) of the statutes is renumbered 938.315 (1) (a) 8. and
6 amended to read:

7 938.315 (1) (a) 8. ~~Any period of delay resulting from the~~ The inability of the court to
8 provide the juvenile with notice of an extension hearing under s. 938.365 due to the juvenile
9 having run away or otherwise having made himself or herself unavailable to receive that
10 notice.

11 **SECTION 332.** 938.315 (1) (h) of the statutes is renumbered 938.315 (1) (a) 9. and
12 amended to read:

13 938.315 (1) (a) 9. ~~Any period of delay resulting from the~~ The need to appoint a qualified
14 interpreter.

15 **SECTION 333.** 938.315 (1) (i) of the statutes is renumbered 938.315 (1) (a) 10. and
16 amended to read:

17 938.315 (1) (a) 10. ~~Any period of delay resulting from consultation~~ Consultation under
18 s. 938.24 (2r) or 938.25 (2g).

19 **SECTION 334.** 938.315 (2) (title), (2m) (title) and (3) (title) of the statutes are created
20 to read:

21 938.315 (2) (title) CONTINUANCE FOR GOOD CAUSE.

22 (2m) (title) WHEN NO CONTINUANCE, EXTENSION, OR EXCLUSION PERMITTED.

23 (3) (title) CONSEQUENCES OF FAILURE TO COMPLY WITH TIME LIMIT.

24 **SECTION 335.** 938.32 (1) (title) of the statutes is created to read:

1 938.32 (1) (title) ~~WHEN ORDERED; TERMS; VICTIMS' RIGHTS; PROCEDURES.~~

2 **SECTION 336.** 938.32 (1) (a) and (am) of the statutes are amended to read:

3 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating to s.
4 938.12 or 938.13 and before the entry of judgment, the ~~judge or circuit court commissioner~~
5 may suspend the proceedings and place the juvenile under supervision in the juvenile's own
6 home or present placement. The court may establish terms and conditions applicable to the
7 parent, guardian, or legal custodian, and to the juvenile, including any of the conditions
8 specified in subs. (1d), (1g), (1m), (1p), (1t), (1v), and (1x). The order under this section shall
9 be known as a consent decree and must be agreed to by the juvenile; the parent, guardian, or
10 legal custodian; and the person filing the petition under s. 938.25. If the consent decree
11 includes any conditions specified in sub. (1g), the consent decree shall include provisions for
12 payment of the services as specified in s. 938.361. The consent decree shall be ~~reduced to~~ in
13 writing and be given to the parties.

14 (am) Before entering into a consent decree in a case in which the juvenile is alleged to
15 be delinquent under s. 938.12 or to be in need of protection or services under s. 938.13 (12),
16 the district attorney or corporation counsel shall, as soon as practicable but ~~in any event~~ before
17 agreeing to the consent decree, offer all of the victims of the juvenile's alleged act who have
18 so requested ~~the opportunity~~ an opportunity to confer with the district attorney or corporation
19 counsel concerning the proposed consent decree. The duty to offer an opportunity to confer
20 under this paragraph does not limit the obligation of the district attorney or corporation
21 counsel to exercise his or her discretion concerning the handling of the proceeding against the
22 juvenile.

23 **SECTION 337.** 938.32 (1) (b) 1. of the statutes is renumbered 938.32 (1) (b) (intro.) and
24 amended to read:

1 938.32 (1) (b) (intro.) Before entering into a consent decree in a proceeding in which
2 a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services
3 under s. 938.13 (12), ~~the~~ all of the following shall occur:

4 1g. The court shall determine whether a victim of the juvenile's act wants to make a
5 statement to the court. If a victim wants to make a statement, the court shall allow the victim
6 to make a statement in court or to submit a written statement to be read to the court. The court
7 may allow any other person to make or submit a statement under this subdivision. Any
8 statement made under this subdivision must be relevant to the consent decree.

9 **SECTION 338.** 938.32 (1) (b) 1m. of the statutes is amended to read:

10 938.32 (1) (b) 1m. ~~Before entering into a consent decree in a proceeding in which a~~
11 ~~juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services~~
12 ~~under s. 938.13 (12), the~~ The court shall inquire of the district attorney or corporation counsel
13 whether he or she has complied with par. (am), whether he or she has complied with subd. 2.
14 and ~~whether he or she has complied with s. 938.27 (4m), whether any of the known victims~~
15 ~~requested notice of the date, time, and place of any hearing to be held on the consent decree~~
16 ~~and, if so, whether the district attorney provided to the victim notice of the date, time, and place~~
17 ~~of the hearing.~~

18 **SECTION 339.** 938.32 (1) (b) 2. of the statutes is amended to read:

19 938.32 (1) (b) 2. ~~Before entering into a consent decree in a proceeding in which a~~
20 ~~juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services~~
21 ~~under s. 938.13 (12), the~~ The district attorney or corporation counsel shall make a reasonable
22 attempt to contact any known victim to inform that person of the right to make a statement
23 under subd. 4. 1g. Any failure to comply with this subdivision is not a ground for discharge

1 of the juvenile, parent, guardian, or legal custodian from fulfilling the terms and conditions
2 of the consent decree.

3 **SECTION 340.** 938.32 (1) (c) 1. of the statutes is renumbered 938.32 (1) (c) 1. (intro.)
4 and amended to read:

5 938.32 (1) (c) 1. (intro.) If at the time the consent decree is entered into the juvenile is
6 placed outside the home under a voluntary agreement under s. 48.63 or is otherwise living
7 outside the home without a court order and if the consent decree maintains the juvenile in that
8 placement or other living arrangement, the consent decree shall include a all of the following:

9 a. A finding that placement of the juvenile in his or her home would be contrary to the
10 welfare of the juvenile, ~~a.~~

11 b. A finding as to whether the county department or the agency primarily responsible
12 for providing services to the juvenile has made reasonable efforts to prevent the removal of
13 the juvenile from the home, while assuring that the juvenile's health and safety are the
14 paramount concerns, unless the ~~judge~~ court or circuit court commissioner finds that any of the
15 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, ~~and a.~~

16 c. A finding as to whether the county department or agency has made reasonable efforts
17 to achieve the goal of the juvenile's permanency plan, unless return of the juvenile to the home
18 is the goal of the permanency plan and the ~~judge or circuit court commissioner~~ finds that any
19 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

20 **SECTION 341.** 938.32 (1) (c) 2. of the statutes is amended to read:

21 938.32 (1) (c) 2. If the ~~judge or circuit court commissioner~~ finds that any of the
22 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the
23 consent decree shall include a determination that the county department or agency primarily
24 responsible for providing services under the consent decree is not required to make reasonable

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

3 **SECTION 342.** 938.32 (1) (c) 3. and (d) of the statutes are amended to read:

4 938.32 (1) (c) 3. The ~~judge or circuit court commissioner~~ shall make the findings
5 specified in subds. 1. and 2. on a case-by-case basis based on circumstances specific to the
6 juvenile and shall document or reference the specific information on which those findings are
7 based in the consent decree. A consent decree that ~~merely~~ references subd. 1. or 2. without
8 documenting or referencing that specific information in the consent decree or an amended
9 consent decree that retroactively corrects an earlier consent decree that does not comply with
10 this subdivision is not sufficient to comply with this subdivision.

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

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

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

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

6 **SECTION 343.** 938.32 (1d) of the statutes is amended to read:

7 938.32 (1d) VOLUNTEERS IN PROBATION PROGRAM. If the petition alleges that the juvenile
8 has committed an act that would constitute a misdemeanor if committed by an adult, if the
9 chief judge of the judicial administrative district has approved under s. 973.11 (2) a volunteers
10 in probation program established in the juvenile's county of residence, and if the judge or
11 circuit court commissioner determines that volunteer supervision under that volunteers in
12 probation program will likely benefit the juvenile and the community, the judge or circuit
13 court commissioner may establish as a condition under sub. (1) that the juvenile be placed with
14 that volunteers in probation program under such conditions as that the judge or circuit court
15 commissioner determines are reasonable and appropriate. ~~These~~ The conditions may include,
16 ~~but need not be limited to,~~ any of the following:

17 (a) A directive to a volunteer to ~~provide~~ be a role model for the juvenile ~~a role model,~~
18 informal counseling, general monitoring, and monitoring of the conditions established by the
19 judge or circuit court commissioner, or any combination of these functions.

20 (b) Any other conditions that the judge or circuit court commissioner may establish
21 under this section.

22 **SECTION 344.** 938.32 (1g) (intro.) and (b) of the statutes are amended to read:

23 938.32 (1g) ALCOHOL OR OTHER DRUG ABUSE TREATMENT AND EDUCATION. (intro.) If the
24 petition alleges that the juvenile committed a violation specified under ch. 961 and if the

1 multidisciplinary screen conducted under s. 938.24 (2) shows that the juvenile is at risk of
2 having needs and problems related to the use of alcohol beverages, controlled substances or
3 controlled substance analogs and its medical, personal, family and social effects, the ~~judge or~~
4 ~~circuit court commissioner~~ may establish as a condition under sub. (1) any of the following:

5 (b) That the juvenile participate in a court-approved pupil assistance program provided
6 by the juvenile's school board or a court-approved alcohol or other drug abuse education
7 program. The juvenile's participation in a court-approved pupil assistance program ~~under this~~
8 ~~paragraph~~ is subject to the approval of the juvenile's school board.

9 **SECTION 345.** 938.32 (1m) (intro.), (a) and (c) of the statutes are amended to read:

10 938.32 (1m) TEEN COURT PROGRAM. (intro.) The ~~judge or circuit court commissioner~~
11 may establish as a condition under sub. (1) that the juvenile be placed in a teen court program
12 if all of the following conditions apply:

13 (a) The chief judge of the judicial administrative district has approved a teen court
14 program established in the juvenile's county of residence and the ~~judge or circuit court~~
15 ~~commissioner~~ determines that participation in the ~~teen court~~ program will likely benefit the
16 juvenile and the community.

17 (c) The juvenile admits or pleads no contest in open court, with in the presence of the
18 juvenile's parent, guardian or legal custodian ~~present~~, to the allegations that the juvenile
19 committed the delinquent act.

20 **SECTION 346.** 938.32 (1r) of the statutes is amended to read:

21 938.32 (1r) ALCOHOL AND OTHER DRUG ABUSE TREATMENT; INFORMED CONSENT. If the
22 conditions of the consent decree provide for an alcohol and other drug abuse outpatient
23 treatment program under sub. (1g) (a), the juvenile or, if the juvenile has not attained ~~the age~~
24 ~~of 12 years of age~~, the juvenile's parent, guardian or legal custodian shall execute an informed

1 consent form that indicates that they are voluntarily and knowingly entering into a consent
2 decree for the provision of alcohol and other drug abuse outpatient treatment.

3 **SECTION 347.** 938.32 (1p) of the statutes is amended to read:

4 938.32 (1p) PARTICIPATION IN YOUTH REPORT CENTER. The ~~judge or juvenile court~~
5 ~~commissioner~~ may establish as a condition under sub. (1) that the juvenile report to a youth
6 report center after school, in the evening, on weekends, on other nonschool days, or at any
7 other time that the juvenile is not under immediate adult supervision, for participation in the
8 social, behavioral, academic, community service, and other programming of the center.
9 Section 938.34 (5g) applies to any community service work performed by a juvenile under this
10 subsection.

11 **SECTION 348.** 938.32 (1t) (a) 1., 1m. and 3. and (b) of the statutes are amended to read:

12 938.32 (1t) RESTITUTION. (a) 1. Subject to subd. 3., if the petition alleges that the
13 juvenile committed a delinquent act that has resulted in damage to the property of another, or
14 in actual physical injury to another excluding pain and suffering, the ~~judge or circuit court~~
15 ~~commissioner~~ may require the juvenile as a condition of the consent decree, to repair the
16 damage to property or to make reasonable restitution for the damage or injury, either in the
17 form of cash payments or, if the victim agrees, the performance of services for the victim, or
18 both, if the ~~judge or circuit court commissioner~~, after taking into consideration the well-being
19 and needs of the victim, considers it beneficial to the well-being and behavior of the juvenile.
20 Any consent decree that includes a condition of restitution by a juvenile shall include a finding
21 that the juvenile alone is financially able to pay or physically able to perform the services, may
22 allow up to the date of the expiration of the consent decree for the payment or for the
23 completion of the services, and may include a schedule for the performance and completion
24 of the services. ~~Objection by~~ If the juvenile objects to the amount of damages claimed ~~shall~~

1 ~~entitle the juvenile to, a hearing on the question of damages shall be held to determine the~~
2 amount of damages before the an amount of restitution is made part of the consent decree.
3 Any recovery under this subdivision shall be reduced by the amount recovered as restitution
4 for the same act under subd. 1m.

5 1m. If the petition alleges that the juvenile has committed a delinquent act that has
6 resulted in damage to the property of another, or in actual physical injury to another excluding
7 pain and suffering, the ~~judge or circuit court commissioner~~ may require a parent who has
8 custody, as defined in s. 895.035 (1), of the juvenile, as a condition of the consent decree, to
9 make reasonable restitution for the damage or injury. Except for recovery for retail theft under
10 s. 943.51, the maximum amount of any restitution ordered under this subdivision for damage
11 or injury resulting from any one act of a juvenile or from the same act committed by 2 or more
12 juveniles in the custody of the same parent may not exceed \$5,000. Any consent decree that
13 includes a condition of restitution by a parent ~~who has custody of the juvenile~~ under this
14 subdivision shall include a finding that the parent ~~who has custody of the juvenile~~ is financially
15 able to pay the amount ordered and may allow up to the date of the expiration of the consent
16 decree for the payment. ~~Objection by~~ If the parent objects to the amount of damages claimed
17 ~~shall entitle the parent to, a hearing on the question of damages shall be held to determine the~~
18 amount of damages before the an amount of restitution is made part of the consent decree.
19 Any recovery under this subdivision shall be reduced by the amount recovered as restitution
20 for the same act under subd. 1.

21 3. Under this paragraph, a ~~judge or circuit court commissioner~~ may not order a juvenile
22 who is under 14 years of age to make not more than \$250 in restitution or to perform not more
23 than 40 total hours of services for the victim as total restitution under the consent decree.

NOTE: Clarifies, in s. 938.32 (1t) (a) 3., that a juvenile under 14 years of age may not make more than \$250 in restitution or perform more than 40 hours of service as total restitution for each consent decree.

1 (b) The ~~judge~~ court may require the juvenile to participate in a supervised work program
2 or other community service work under s. 938.34 (5g) as a condition of the consent decree.

3 **SECTION 349.** 938.32 (1v) and (1x) of the statutes are amended to read:

4 938.32 (1v) PARENTAL SCHOOL ATTENDANCE. If the petition alleges that the juvenile is
5 in need of protection or services under s. 938.13 (6), the ~~judge or circuit court commissioner~~
6 may ~~establish~~ require as a condition under sub. (1), that the juvenile's parent, guardian, or legal
7 custodian attend school with the juvenile.

8 (1x) SUPERVISED WORK PROGRAM. If the petition alleges that the juvenile violated s.
9 943.017 and the juvenile has attained ~~the minimum age at which a juvenile may be adjudicated~~
10 ~~delinquent~~ 10 years of age, the ~~judge or circuit court commissioner~~ may require, as a condition
11 of the consent decree, that the juvenile participate for not less than 10 hours nor more than 100
12 hours in a supervised work program under s. 938.34 (5g) or perform not less than 10 hours nor
13 more than 100 hours of other community service work, except that if the juvenile has not
14 attained 14 years of age the maximum number of hours is a total of 40 under the consent
15 decree.

NOTE: Clarifies, in s. 938.32 (1x), that a juvenile under 14 years of age may not participate in more than 40 hours in a supervised work program or perform more than 40 hours of community service work in total for each consent decree.

16 **SECTION 350.** 938.32 (2) (title) of the statutes is created to read:

17 938.32 (2) (title) TIME PERIOD FOR CONSENT DECREE; EXTENSION.

18 **SECTION 351.** 938.32 (2) (a), (3) and (4) of the statutes are amended to read:

1 938.32 (2) (a) A consent decree shall remain in effect for up to one year unless the
2 juvenile, parent, guardian or legal custodian is discharged sooner by the ~~judge or circuit court~~
3 ~~commissioner~~.

4 (3) FAILURE TO FOLLOW; OBJECTION TO CONTINUANCE CONSENT DECREE. If, prior to
5 discharge by the court, or to the expiration of the consent decree, the court finds that the
6 juvenile or parent, legal guardian, or legal custodian has failed to fulfill the express terms and
7 conditions of the consent decree or that the juvenile objects to the continuation of the consent
8 decree, the hearing under which the juvenile was placed on supervision may be continued to
9 conclusion as if the consent decree had never been entered.

10 (4) DISCHARGE BY COURT OR COMPLETION OF SUPERVISION. ~~No~~ A juvenile who is
11 discharged by the court or who completes the period of supervision without reinstatement of
12 the original petition may ~~again~~ not be proceeded against in any court for the same offense
13 alleged in the petition or an offense based on the same conduct, and the original petition shall
14 be dismissed with prejudice. ~~Nothing in this~~ This subsection precludes does not preclude a
15 civil suit against the juvenile or parent for damages arising from the juvenile's conduct.

16 **SECTION 352.** 938.32 (5) (title) of the statutes is created to read:

17 938.32 (5) (title) **RECUSAL FROM SUBSEQUENT PROCEEDINGS.**

18 **SECTION 353.** 938.32 (5) (a) and (6) of the statutes are amended to read:

19 938.32 (5) (a) The court refuses to enter into a consent decree ~~and~~, the allegations in
20 the petition remain to be decided ~~in a hearing where~~, and the juvenile denies the allegations
21 of delinquency.

22 (6) NOTICE TO JUVENILE OF RIGHT TO OBJECT TO CONTINUATION. The ~~judge or circuit court~~
23 ~~commissioner~~ shall inform the juvenile and the juvenile's parent, guardian or legal custodian,
24 in writing, of the juvenile's right to object to the continuation of the consent decree under sub.

1 (3) and of the fact that the hearing under which the juvenile was placed on supervision may
2 be continued to conclusion as if the consent decree had never been entered.

3 **SECTION 354.** 938.33 (1) (intro.), (b), (c) and (f) of the statutes are amended to read:

4 938.33 (1) **REPORT REQUIRED.** (intro.) Before the disposition of a juvenile adjudged to
5 be delinquent or in need of protection or services, the court shall designate an agency, as
6 defined in s. 938.38 (1) (a), to submit a report ~~which shall contain~~ that contains all of the
7 following:

8 (b) A recommended plan of rehabilitation or treatment and care for the juvenile ~~which~~
9 ~~is~~ based on the investigation conducted by the agency and any report resulting from an
10 examination or assessment under s. 938.295, ~~which~~ that employs the most effective means
11 available to accomplish the objectives of the plan.

12 (c) A description of the specific services or continuum of services ~~which~~ that the agency
13 is recommending ~~that~~ the court to order for the juvenile or family, the persons or agencies that
14 would be primarily responsible for providing those services, and the identity of the person ~~or~~
15 agency that would provide case management or coordination of services, ~~if any or~~ and
16 whether or not the juvenile should receive an integrated service plan.

17 (f) If the agency is recommending that the court order the juvenile's parent, guardian,
18 or legal custodian to participate in mental health treatment, anger management, individual or
19 family counseling, or parent training and education, a statement as to the availability of those
20 services and ~~as to~~ the availability of funding for those services.

21 **SECTION 355.** 938.33 (3) (intro.) and (a) of the statutes are amended to read:

22 938.33 (3) **CORRECTIONAL PLACEMENT REPORTS.** (intro.) A report recommending
23 placement of a juvenile in a ~~secured~~ juvenile correctional facility, ~~a secured child-caring~~
24 ~~institution~~ or a secured ~~group home~~ residential care center for children and youth shall be in

1 writing, except that the report may be presented orally at the dispositional hearing if the
2 juvenile and the juvenile's counsel consent. A report that is presented orally shall be
3 transcribed and made a part of the court record. In addition to the information specified under
4 sub. (1) (a) to (d), the report shall include all of the following:

5 (a) A description of any less restrictive alternatives that are available and that have been
6 considered, and why they have been determined to be inappropriate. If the ~~judge~~ court has
7 found that any of the conditions specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, the report
8 shall indicate that a less restrictive alternative than placement in a ~~secured juvenile~~
9 ~~correctional facility, a secured child caring institution or a secured group home~~ residential care
10 center for children and youth is not appropriate.

11 **SECTION 356.** 938.33 (3r) of the statutes is amended to read:

12 938.33 (3r) SERIOUS JUVENILE OFFENDER REPORT. If a juvenile has been adjudicated
13 delinquent for committing a violation for which the juvenile may be placed in the serious
14 juvenile offender program under s. 938.34 (4h) (a), the report shall be in writing and, in
15 addition to the information specified in sub. (1) and in sub. (3) or (4), if applicable, shall
16 include an analysis of the juvenile's suitability for placement in the serious juvenile offender
17 program under s. 938.34 (4h) or in a ~~secured juvenile~~ correctional facility or a ~~secured group~~
18 ~~home~~ under s. 938.34 (4m), a placement specified in s. 938.34 (3), or placement in the
19 juvenile's home with supervision and community-based programming and a
20 recommendation as to the type of placement for which the juvenile is best suited.

21 **SECTION 357.** 938.33 (4m) (intro.) of the statutes is amended to read:

22 938.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In making
23 a recommendation for an amount of child support under sub. (3) or (4), the agency shall
24 consider the factors ~~that the court considers~~ under s. 301.12 (14) (c) ~~for deviation from the~~

1 ~~percentage standard.~~ At or before the dispositional hearing under s. 938.335, the agency shall
2 provide the juvenile's parent with all of the following:

3 **SECTION 358.** 938.335 (1) of the statutes is amended to read:

4 938.335 (1) WHEN REQUIRED. The court shall conduct a hearing to determine the
5 disposition of a case in which a juvenile is adjudged to be delinquent under s. 938.12, to have
6 violated a civil law or ordinance under s. 938.125, or to be in need of protection or services
7 under s. 938.13, except that the court shall proceed ~~as provided in~~ under s. 938.237 (2) if a
8 citation is issued and the juvenile fails to contest the citation.

9 **SECTION 359.** 938.335 (3) (title) of the statutes is created to read:

10 938.335 (3) (title) EVIDENCE AND RECOMMENDATIONS.

11 **SECTION 360.** 938.335 (3g) of the statutes is renumbered 938.335 (3g) (intro.) and
12 amended to read:

13 938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this section, if
14 the agency, as defined in s. 938.38 (1) (a), is recommending placement of the juvenile in a
15 foster home, treatment foster home, group home, or residential care center for children and
16 youth or in the home of a relative other than a parent, the agency shall present as evidence
17 specific information showing ~~that continued~~ all of the following:

18 (a) That continued placement of the juvenile in his or her home would be contrary to
19 the welfare of the juvenile, ~~specific information showing that the~~.

20 (b) That the county department or the agency primarily responsible for providing
21 services to the juvenile has made reasonable efforts to prevent the removal of the juvenile from
22 the home, while assuring that the juvenile's health and safety are the paramount concerns,
23 unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, ~~and specific~~
24 ~~information showing that the~~.

1 (c) That the county department or agency has made reasonable efforts to achieve the
2 goal of the juvenile's permanency plan, unless return of the juvenile to the home is the goal
3 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.
4 applies.

5 **SECTION 361.** 938.335 (3m) (title) of the statutes is created to read:

6 938.335 (3m) (title) VICTIMS' STATEMENTS.

7 **SECTION 362.** 938.335 (3m) (a) of the statutes is renumbered 938.335 (3m) (intro.) and
8 amended to read:

9 938.335 (3m) (intro.) Before imposing a disposition in a proceeding in which a juvenile
10 is adjudged to be delinquent under s. 938.12 or is found to be in need of protection or services
11 under s. 938.13 (12), the all of the following shall occur:

12 (ag) The court shall determine whether a victim of the juvenile's act wants to make a
13 statement to the court. If a victim wants to make a statement, the court shall allow the victim
14 to make a statement in court or to submit a written statement to be read to the court. The court
15 may allow any other person to make or submit a statement under this paragraph. Any
16 statement made under this paragraph must be relevant to the disposition.

17 **SECTION 363.** 938.335 (3m) (am) of the statutes is amended to read:

18 938.335 (3m) (am) ~~Before imposing a disposition in a proceeding in which a juvenile~~
19 ~~is adjudged to be delinquent under s. 938.12 or is found to be in need of protection or services~~
20 ~~under s. 938.13 (12), the~~ The court shall inquire of the district attorney or corporation counsel
21 whether he or she has complied with par. (b) and ~~whether he or she has complied with s. 938.27~~
22 (4m), whether any of the known victims requested notice of the date, time, and place of the
23 dispositional hearing and, if so, whether the district attorney or corporation counsel provided
24 to the victim notice of the date, time, and place of the hearing.

1 **SECTION 364.** 938.335 (3m) (b) of the statutes is amended to read:

2 938.335 (3m) (b) ~~After a finding that a juvenile is delinquent under s. 938.12 or is found~~
3 ~~to be in need of protection or services under s. 938.13 (12), the~~ The district attorney or
4 corporation counsel shall make a reasonable attempt to contact any known victim to inform
5 that person of the right to make a statement under par. (a) ~~(ag)~~. Any failure to comply with
6 this paragraph is not a ground for an appeal of a dispositional order or for any court to reverse
7 or modify a dispositional order.

8 **SECTION 365.** 938.335 (3r) (title), (4) (title) and (5) (title) of the statutes are created to
9 read:

10 938.335 (3r) (title) CHILD SUPPORT.

11 (4) (title) TESTIMONY BY TELEPHONE OR LIVE AUDIOVISUAL MEANS.

12 (5) (title) DISPOSITIONAL ORDER.

13 **SECTION 366.** 938.34 (2) (a) and (b) of the statutes are amended to read:

14 938.34 (2) SUPERVISION. (a) Place the juvenile under the supervision of an agency, the
15 department, if the department approves, or a suitable adult, including a friend of the juvenile,
16 under conditions prescribed by the court, including reasonable rules for the juvenile's conduct,
17 designed for the physical, mental, and moral well-being and behavior of the juvenile.

18 (b) If the juvenile is placed in the juvenile's home under the supervision of an agency
19 or the department, order the agency or department to provide specified services to the juvenile
20 and the juvenile's family, ~~which may include but are not limited to~~ including individual,
21 family, or group counseling, homemaker or parent aide services, respite care, housing
22 assistance, day care, or parent skills training.

23 **SECTION 367.** 938.34 (2g) (intro.) and (a) of the statutes are amended to read:

1 938.34 (2g) VOLUNTEERS IN PROBATION PROGRAM. (intro.) If the juvenile is adjudicated
2 delinquent for the commission of an act that would constitute a misdemeanor if committed by
3 an adult, if the chief judge of the judicial administrative district has approved under s. 973.11
4 (2) a volunteers in probation program established in the juvenile's county of residence, and
5 if the court determines that volunteer supervision under that ~~volunteers in probation~~ program
6 will likely benefit the juvenile and the community, ~~placement of place~~ the juvenile with that
7 the volunteers in probation program under ~~such~~ conditions as the court determines are
8 reasonable and appropriate. These conditions may include, ~~but need not be limited to~~, any of
9 the following:

10 (a) A directive to a volunteer to ~~provide~~ be a role model for the juvenile ~~a role model~~,
11 informal counseling, general monitoring and, or monitoring of the conditions established by
12 the court, or any combination of these functions.

13 **SECTION 368.** 938.34 (2m) (a) and (c) of the statutes are amended to read:

14 938.34 (2m) (a) The chief judge of the judicial administrative district has approved a
15 teen court program established in the juvenile's county of residence and the judge court
16 determines that participation in the teen court program will likely benefit the juvenile and the
17 community.

18 (c) The juvenile admits or pleads no contest in open court, with in the presence of the
19 juvenile's parent, guardian, or legal custodian ~~present~~, to the allegations that the juvenile
20 committed the delinquent act.

21 **SECTION 369.** 938.34 (3) (a), (b) and (e) of the statutes are amended to read:

22 938.34 (3) (a) The home of a parent or other relative of the juvenile, except that the court
23 may not designate the home of a parent or other relative of the juvenile as the juvenile's
24 placement if the parent or other relative has been convicted ~~under s. 940.01 of the first-degree~~

1 ~~intentional homicide, or under s. 940.05 of the 2nd-degree intentional~~ of the homicide, of a
2 parent of the juvenile under s. 940.01 or 940.05, and the conviction has not been reversed, set
3 aside, or vacated, unless the court determines by clear and convincing evidence that the
4 placement would be in the best interests of the juvenile. The court shall consider the wishes
5 of the juvenile in making that determination.

6 (b) The home of a person who is not required to be licensed if placement is for less than
7 30 days, except that the court may not designate the home of a person who is not required to
8 be licensed as the juvenile's placement if the person has been convicted ~~under s. 940.01 of the~~
9 ~~first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional~~ of the
10 ~~homicide~~, of a parent of the juvenile under s. 940.01 or 940.05, and the conviction has not been
11 reversed, set aside, or vacated, unless the court determines by clear and convincing evidence
12 that the placement would be in the best interests of the juvenile. The court shall consider the
13 wishes of the juvenile in making that determination.

14 (e) An independent living situation effective on or after the juvenile's 17th birthday,
15 either alone or with friends, under ~~such~~ supervision as the court considers appropriate, but only
16 if the juvenile is of sufficient maturity and judgment to live independently and only upon proof
17 of a reasonable plan for supervision by an appropriate person or agency.

18 **SECTION 370.** 938.34 (4d) of the statutes is amended to read:

19 938.34 (4d) ~~TYPE 2 CHILD-CARING INSTITUTION RESIDENTIAL CARE CENTER FOR CHILDREN~~
20 AND YOUTH PLACEMENT. (intro.) Place the juvenile in a Type 2 ~~child-caring institution~~
21 residential care center for children and youth under the supervision of the county department
22 and subject to Type 2 status, as described in s. 938.539, but only if all of the following apply:

1 (a) The juvenile has been found to be delinquent for the commission of an act which
2 ~~if committed by an adult~~ would be punishable by a sentence of 6 months or more if committed
3 by an adult.

4 (b) The juvenile has been found to be a danger to the public and to be in need of
5 restrictive custodial treatment. If the judge court determines that any of the conditions
6 specified in sub. (4m) (b) 1., 2., or 3. applies, but that placement in the serious juvenile offender
7 program under sub. (4h) or in a ~~secured~~ juvenile correctional facility under sub. (4m) would
8 not be appropriate, that determination shall be prima facie evidence that the juvenile is a
9 danger to the public and in need of restrictive custodial treatment under this subsection.

10 **SECTION 371.** 938.34 (4h) (a) and (b) of the statutes are amended to read:

11 938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated
12 delinquent for committing or conspiring to commit a violation of s. ~~939.31~~, 939.32 (1) (a),
13 940.03, 940.06, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2),
14 943.23 (1g), 943.32 (2), 948.02 (1), 948.025 (1), or 948.30 (2) or attempting a violation of s.
15 943.32 (2) or the juvenile is 10 years of age or over and has been adjudicated delinquent for
16 attempting or committing a violation of s. 940.01 or for committing a violation of 940.02 or
17 940.05.

NOTE: 1. Clarifies that, in s. 938.34 (4h) (a), conspiracy to commit an offense [s. 939.31, stats.] means conspiracy to commit an offense listed as a serious juvenile offender offense.

2. Adds to s. 938.34 (4h) (a) attempted armed robbery and 2nd degree reckless homicide as serious juvenile offender offenses.

18 (b) The judge court finds that the only other disposition that ~~would be~~ is appropriate for
19 the juvenile ~~would be~~ is placement of the juvenile in a ~~secured~~ juvenile correctional facility
20 under sub. (4m).

1 **SECTION 372.** 938.34 (4m) (intro.), (a) and (b) (intro.) of the statutes are amended to
2 read:

3 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a secured
4 juvenile correctional facility or a secured ~~child caring institution~~ residential care center for
5 children and youth under the supervision of the department or ~~in a secured group home under~~
6 ~~the supervision of a county department if the juvenile is 12 years of age or over or, if the~~
7 ~~juvenile is under 12 years of age, in a secured child caring institution under the supervision~~
8 ~~of the department or in a secured group home under the supervision of a county department,~~
9 ~~unless the department, after an examination under s. 938.50, determines that placement in a~~
10 ~~secured correctional facility is more appropriate, but only if all of the following apply:~~

NOTE: Permits the court, under s. 938.34 (4m) (intro.), to place a
 juvenile in either a juvenile correctional facility or a secure residential
 care center for children and youth. Does not specify age requirements
 for either placement.

11 (a) The juvenile has been found to be delinquent for the commission of an act ~~which~~
12 ~~if committed by an adult~~ that would be punishable by a sentence of 6 months or more if
13 committed by an adult.

14 (b) (intro.) The juvenile has been found to be a danger to the public and to be in need
15 of restrictive custodial treatment. If the ~~judge~~ court determines that any of the following
16 conditions applies, but that placement in the serious juvenile offender program under sub. (4h)
17 ~~would~~ is not be appropriate, that determination shall be prima facie evidence that the juvenile
18 is a danger to the public and in need of restrictive custodial treatment under this subsection:

19 **SECTION 373.** 938.34 (4n) (intro.) and (b) of the statutes are amended to read:

20 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to any arrangement between the
21 department and a county department regarding the provision of aftercare supervision for

1 juveniles who have been released from a ~~secured~~ juvenile correctional facility, a ~~secured child~~
2 ~~earing institution,~~ or a secured ~~group home~~ residential care center for children and youth,
3 designate one of the following to provide aftercare supervision for the juvenile following the
4 juvenile's release from the ~~secured~~ juvenile correctional facility, ~~secured child caring~~
5 ~~institution,~~ or secured ~~group home~~ residential care center for children and youth:

6 (b) The county department of the county of the court that placed the juvenile in the
7 ~~secured~~ juvenile correctional facility, ~~secured child caring institution~~ or secured ~~group home~~
8 residential care center for children and youth.

9 **SECTION 374.** 938.34 (5) (a), (am) and (c) of the statutes are amended to read:

10 938.34 (5) RESTITUTION. (a) Subject to par. (c), if the juvenile is found to have
11 committed a delinquent act ~~which has~~ that resulted in damage to the property of another, or
12 actual physical injury to another excluding pain and suffering, order the juvenile to repair the
13 damage to property or to make reasonable restitution for the damage or injury, either in the
14 form of cash payments or, if the victim agrees, the performance of services for the victim, or
15 both, if the court, after taking into consideration the well-being and needs of the victim,
16 considers it beneficial to the well-being and behavior of the juvenile. ~~Any such~~ The order
17 shall include a finding that the juvenile alone is financially able to pay or physically able to
18 perform the services, may allow up to the date of the expiration of the order for the payment
19 or for the completion of the services, and may include a schedule for the performance and
20 completion of the services. ~~Objection by~~ If the juvenile objects to the amount of damages
21 claimed ~~shall entitle,~~ the juvenile is entitled to a hearing on the question of damages before
22 the amount of restitution is ordered. Any recovery under this paragraph shall be reduced by
23 the amount recovered as restitution under s. 938.45 (1r) (a).

1 (am) Subject to par. (c), order a juvenile who owes restitution under par. (a) and who
2 is receiving income while placed in a secured juvenile correctional facility, residential
3 ~~treatment care center for children and youth~~, or other out-of-home placement to contribute
4 a stated specified percentage of that income towards that restitution.

5 (c) Under this subsection, a court may not order a juvenile who is under 14 years of age
6 to make not more than \$250 in restitution or to perform not more than 40 total hours of services
7 for the victim as total restitution under the order.

NOTE: Clarifies, in s. 938.34 (5) (c), that a juvenile under 14 years of age may not make more than \$250 in restitution or perform more than 40 hours of services for each dispositional order.

8 **SECTION 375.** 938.34 (5g) (b) of the statutes is amended to read:

9 938.34 (5g) (b) The supervised work program or other community service work shall
10 be of a constructive nature and designed to promote the rehabilitation of the juvenile, ~~shall be~~
11 appropriate to the age level and physical ability of the juvenile, and ~~shall be~~ combined with
12 counseling from a member of the staff of the county department, community agency, public
13 agency, or nonprofit charitable organization or other qualified person. The supervised work
14 program or other community service work may not conflict with the juvenile's regular
15 attendance at school. Subject to par. (d), the amount of work required shall be reasonably
16 related to the seriousness of the juvenile's offense.

17 **SECTION 376.** 938.34 (6) (am) 1. and 2. of the statutes are amended to read:

18 938.34 (6) (am) 1. ~~That the~~ The juvenile has an alcohol or other drug abuse impairment.

19 2. ~~That the~~ The juvenile is a proper subject for treatment and is in need of inpatient
20 treatment because appropriate treatment is not available on an outpatient basis.

21 **SECTION 377.** 938.34 (6r) (a) and (b) and (6s) of the statutes are amended to read:

1 938.34 (6r) ALCOHOL OR DRUG TREATMENT OR EDUCATION. (a) If the report prepared
2 under s. 938.33 (1) recommends that the juvenile is in need of treatment for the use or abuse
3 of alcohol beverages, controlled substances, or controlled substance analogs and its medical,
4 personal, family, or social effects, ~~the court may~~ order the juvenile to enter an outpatient
5 alcohol and other drug abuse treatment program at an approved treatment facility. The
6 approved treatment facility shall, under the terms of a service agreement between the county
7 and the approved treatment facility, or with the written informed consent of the juvenile or the
8 juvenile's parent if the juvenile has not attained the age of 12, report to the agency primarily
9 responsible for providing services to the juvenile as to whether the juvenile is cooperating with
10 the treatment and whether the treatment appears to be effective.

11 (b) If the report prepared under s. 938.33 (1) recommends that the juvenile is in need
12 of education relating to the use of alcohol beverages, controlled substances, or controlled
13 substance analogs, ~~the court may~~ order the juvenile to participate in an alcohol or other drug
14 abuse education program approved by the court. The person or agency that provides the
15 education program shall, under the terms of a service agreement between the county and the
16 education program, or with the written informed consent of the juvenile or the juvenile's
17 parent if the juvenile has not attained the age of 12, report to the agency primarily responsible
18 for providing services to the juvenile about the juvenile's attendance at the program.

19 (6s) DRUG TESTING. If the report under s. 938.33 (1) ~~indicate~~ indicates that the juvenile
20 is in need of treatment for the use or abuse of controlled substances or controlled substance
21 analog, order the juvenile to submit to drug testing under a drug testing program that the
22 department shall promulgate by rule.

23 **SECTION 378.** 938.34 (7d) (a) 2., 3. and 4. of the statutes are amended to read:

1 938.34 (7d) (a) 2. Pursuant to Under a contractual agreement with the school district
2 in which the juvenile resides, a nonresidential educational program provided by a licensed
3 child welfare agency.

4 3. Pursuant to Under a contractual agreement with the school district in which the
5 juvenile resides, an educational program provided by a private, nonprofit, nonsectarian
6 agency that is located in the school district in which the juvenile resides and that complies with
7 42 USC 2000d.

8 4. Pursuant to Under a contractual agreement with the school district in which the
9 juvenile resides, an educational program provided by a technical college district located in the
10 school district in which the juvenile resides.

11 **SECTION 379.** 938.34 (8) of the statutes is amended to read:

12 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that this
13 disposition is in the best interest of the juvenile and ~~in aid of~~ the juvenile's rehabilitation. The
14 maximum forfeiture that the court may impose ~~under this subsection for a violation by a~~
15 juvenile is the maximum amount of the fine that may be imposed on an adult for committing
16 that violation or, if the violation is applicable only to a person under 18 years of age, \$100.
17 ~~Any such~~ The order shall include a finding that the juvenile alone is financially able to pay
18 the forfeiture and shall allow up to 12 months for payment. If the juvenile fails to pay the
19 forfeiture, the court may vacate the forfeiture and order other alternatives under this section,
20 ~~in accordance with the conditions specified in this chapter;~~ or the court may suspend any
21 license issued under ch. 29 for not less than 30 days nor more than 5 years, or suspend the
22 juvenile's operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the
23 court suspends any license under this subsection, the clerk of the court shall immediately take
24 possession of the suspended license and forward it to the department which issued the license,

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

7 **SECTION 380.** 938.34 (8d) (c) and (d) of the statutes are amended to read:

8 938.34 **(8d)** (c) If a juvenile placed in a secured juvenile correctional facility or a
9 secured ~~child caring institution~~ residential care center for children and youth fails to pay the
10 surcharge under par. (a), the department shall assess and collect the amount owed from the
11 juvenile's wages or other moneys. ~~If a juvenile placed in a secured group home fails to pay~~
12 ~~the surcharge under par. (a), the county department shall assess and collect the amount owed~~
13 ~~from the juvenile's wages or other moneys.~~ Any amount collected shall be transmitted to the
14 secretary of administration.

NOTE: Delete the second sentence in s. 938.34 (8d) (c) to reflect the
deletion of references to secured group homes under the draft. See the
note to s. 938.02 (15p) in this draft.

15 (d) If the juvenile fails to pay the surcharge ~~under par. (a)~~, the court may vacate the
16 surcharge and order other alternatives under this section, in accordance with the conditions
17 specified in this chapter; or the court may suspend any license issued under ch. 29 for not less
18 than 30 days nor more than 5 years, or suspend the juvenile's operating privilege, as defined
19 in s. 340.01 (40), for not less than 30 days nor more than 5 years. If the court suspends any
20 license under this subsection, the clerk of the court shall immediately take possession of the
21 suspended license and forward it to the department which issued the license, together with a
22 notice of suspension clearly stating that the suspension is for failure to pay a surcharge

1 imposed by the court. If the surcharge is paid during the period of suspension, the suspension
2 shall be reduced to the time period which has already elapsed and the court shall immediately
3 notify the department which shall then return the license to the juvenile.

4 **SECTION 381.** 938.34 (13r), (13t), (14d) and (14q) of the statutes are amended to read:

5 938.34 **(13r)** VIOLENT VIOLATION IN A SCHOOL ZONE. (a) If the juvenile is adjudicated
6 delinquent ~~under~~ for a violation of a violent crime law specified in under s. 939.632 (1) (e) in
7 a school zone, as defined in s. 939.632 (1) (d), the court may require that the juvenile
8 participate for 100 hours in a supervised work program under sub. (5g) or perform 100 hours
9 of other community service work.

10 (b) The court ~~shall~~ may not impose the requirement under par. (a) if the court determines
11 that the ~~person~~ juvenile would pose a threat to public safety while completing the requirement.

12 **(13t)** GRAFFITI VIOLATION. If the juvenile is adjudicated delinquent ~~under~~ for a violation
13 of s. 943.017, the court may require that the juvenile participate for not less than 10 hours nor
14 more than 100 hours in a supervised work program under sub. (5g) or perform not less than
15 10 hours nor more than 100 hours of other community service work, except that if the juvenile
16 has not attained 14 years of age the maximum number of hours is 40.

17 **(14d)** HATE VIOLATIONS. In addition to any other disposition imposed under this section,
18 if the juvenile is found to have committed a violation under circumstances in which, if
19 committed by an adult, the adult would be subject to a penalty enhancement under s. 939.645,
20 ~~the court may order~~ any one or more of the following dispositions:

21 (a) ~~That the juvenile make restitution~~ Restitution under sub. (5).

22 (b) ~~That the juvenile participate~~ Participation in a supervised work program or other
23 community service work under sub. (5g) or (5m).

1 (c) ~~That the juvenile participate~~ Participation in a victim-offender mediation program
2 under sub. (5r) or otherwise apologize to the victim.

3 (d) ~~That the juvenile participate~~ Participation in an educational program under sub. (7n)
4 that includes sensitivity training or training in diversity.

5 **(14q)** CERTAIN BOMB SCARES AND FIREARM VIOLATIONS. In addition to any other
6 disposition imposed under this section, if the juvenile is found to have violated s. 947.015 and
7 the property involved is owned or leased by the state or any political subdivision of the state,
8 or if the property involved is a school premises, as defined in s. 948.61 (1) (c), or if the juvenile
9 is found to have violated s. 941.235 or 948.605, ~~the court may~~ immediately suspend the
10 juvenile's operating privilege, as defined in s. 340.01 (40), for 2 years. The court shall
11 immediately forward to the department of transportation the notice of suspension, clearly
12 stating that the suspension is for a violation of s. 947.015 involving school premises, or for
13 a violation of s. 941.235 or 948.605. If otherwise eligible, the juvenile is eligible for an
14 occupational license under s. 343.10.

15 **SECTION 382.** 938.34 (14r) (a) of the statutes is amended to read:

16 938.34 **(14r)** VIOLATIONS RELATING TO CONTROLLED SUBSTANCES OR CONTROLLED
17 SUBSTANCE ANALOGS. (a) In addition to any other dispositions imposed under this section, if
18 the juvenile is found to have violated ch. 961, the court shall suspend the juvenile's operating
19 privilege, as defined in s. 340.01 (40), for not less than 6 months nor more than 5 years. The
20 court shall immediately take possession of any suspended license and forward it to the
21 department of transportation together with the notice of suspension clearly stating that the
22 suspension or revocation is for a violation of ch. 961.

23 **SECTION 383.** 938.34 (15) (b) of the statutes is amended to read:

1 938.34 (15) (b) The department of justice shall promulgate rules providing procedures
2 for juveniles to provide specimens under par. (a) and for the transportation of ~~those~~ the
3 specimens to the state crime laboratories under s. 165.77.

4 **SECTION 384.** 938.34 (16) of the statutes is amended to read:

5 938.34 (16) STAY OF ORDER. After ordering a disposition under this section, enter an
6 additional order staying the execution of the dispositional order contingent on the juvenile's
7 satisfactory compliance with any conditions that are specified in the dispositional order and
8 explained to the juvenile by the court. If the juvenile violates a condition of his or her
9 dispositional order, the agency supervising the juvenile or the district attorney or corporation
10 counsel in the county in which the dispositional order was entered shall notify the court and
11 the court shall hold a hearing within 30 days after the filing of the notice to determine whether
12 the original dispositional order should be imposed, unless the juvenile signs a written waiver
13 of any objections to imposing the original dispositional order, and the court approves the
14 waiver. If a hearing is held, the court shall notify the parent, juvenile, guardian and legal
15 custodian, all parties bound by the original dispositional order and the district attorney or
16 corporation counsel in the county in which the dispositional order was entered of the time and
17 place of the hearing at least 3 days before the hearing. If all parties consent, the court may
18 proceed immediately with the hearing. The court may not impose the original dispositional
19 order unless the court finds by a preponderance of the evidence that the juvenile has violated
20 a condition of his or her dispositional order.

NOTE: In s. 938.34 (16), adds the district attorney and corporation
counsel as persons who may notify the court of a violation of the
dispositional order when the original dispositional order is stayed.

21 **SECTION 385.** 938.342 (1d) (intro.) of the statutes is amended to read:

1 938.342 (1d) TRUANCY ORDINANCE VIOLATIONS. (intro.) If the court finds that the person
2 violated a municipal ordinance enacted under s. 118.163 (1m), the court shall enter an order
3 making one or more of the following dispositions if such a the disposition is authorized by the
4 municipal ordinance:

5 **SECTION 386.** 938.342 (1g) (intro.) and (b) of the statutes are amended to read:

6 938.342 (1g) HABITUAL TRUANCY ORDINANCE VIOLATIONS. (intro.) If the court finds that
7 a person under 18 years of age violated a municipal ordinance enacted under s. 118.163 (2),
8 the court shall enter an order making one or more of the following dispositions if such a the
9 disposition is authorized by the municipal ordinance:

10 (b) Order the person to participate in counseling or a supervised work program or other
11 community service work as described in s. 938.34 (5g). The costs of any such counseling,
12 supervised work program, or other community service work may be assessed against the
13 person, the parents or guardian of the person, or both. Any county department, community
14 agency, public agency, or nonprofit charitable organization administering a supervised work
15 program or other community service work to which a person is assigned pursuant to under an
16 order under this paragraph acting in good faith has immunity from any civil liability in excess
17 of \$25,000 for any act or omission by or impacting on that person.

18 **SECTION 387.** 938.342 (1g) (f) 1. and 2. of the statutes are amended to read:

19 938.342 (1g) (f) 1. The chief judge of the judicial administrative district has approved
20 a teen court program established in the person's county of residence and the judge court
21 determines that participation in the teen court program will likely benefit the person and the
22 community.

1 2. The person admits or pleads no contest in open court, ~~with~~ in the presence of the
2 person's parent, guardian, or legal custodian ~~present~~, to the allegations that the person violated
3 the municipal ordinance enacted under s. 118.163 (2).

4 **SECTION 388.** 938.342 (1m), (1r) and (2) of the statutes are amended to read:

5 938.342 **(1m)** ORDERS APPLICABLE TO PARENTS, GUARDIANS, AND LEGAL CUSTODIANS. (a)

6 If the court finds that the person violated a municipal ordinance enacted under s. 118.163 (2),
7 the court may, in addition to or instead of the dispositions under sub. (1g), order the person's
8 parent, guardian, or legal custodian to participate in counseling at the parent's, guardian's, or
9 legal custodian's own expense or to attend school with the person, or both, if such a ~~the~~ the
10 disposition is authorized by the municipal ordinance.

11 (am) If the court finds that the person violated a municipal ordinance enacted under s.
12 118.163 (1m), the court may, as part of the disposition under sub. (1d), order the person's
13 parent or guardian to pay all or part of a forfeiture plus costs assessed under sub. (1d) (b). If
14 the court finds that the person violated a municipal ordinance enacted under s. 118.163 (2),
15 the court may, as part of the ~~dispositions~~ disposition under sub. (1g), order the person's parent
16 or guardian to pay all or part of the costs of any program ordered under sub. (1g) (b) or to pay
17 all or part of a forfeiture plus costs assessed under sub. (1g) (h).

18 (b) No order to any parent, guardian, or legal custodian under par. (a) or (am) may be
19 entered until the parent, guardian, or legal custodian is given an opportunity to be heard on
20 the contemplated order of the court. The court shall cause notice of the time, place, and
21 purpose of the hearing to be served on the parent, guardian, or legal custodian personally at
22 least 10 days before the date of the hearing. The procedure in these cases shall, as far as
23 practicable, be the same as in other cases to the court. At the hearing, the parent, guardian,
24 or legal custodian may be represented by counsel and may produce and cross-examine

1 witnesses. Any A parent, guardian, or legal custodian who fails to comply with any order
2 issued by a court under par. (a) or (am) may be proceeded against for contempt of court.

3 (1r) SCHOOL ATTENDANCE CONDITION. If school attendance ~~under sub. (1d) (a) or (1g)~~
4 (g) is a condition of an order under sub. (1d) or (1g), the order shall specify what constitutes
5 a violation of the condition and shall direct the school board of the school district, or the
6 governing body of the private school, in which the person is enrolled to notify the court or,
7 if the person is under the supervision of an agency under sub. (1g) (j), the agency that is
8 responsible for supervising the person, within 5 days after any violation of the condition by
9 the person.

10 (2) SCHOOL DROPOUT ORDINANCE VIOLATION. (a) ~~Except as provided in~~ under par. (b),
11 if the court finds that a person is subject to a municipal ordinance enacted under s. 118.163
12 (2m) (a), the court shall enter an order suspending the person's operating privilege, as defined
13 in s. 340.01 (40), until the person reaches the age of attains 18 years of age.

14 (b) The court may ~~enter an order making~~ any of the dispositions specified under sub.
15 (1g) if the court finds that suspension of the person's operating privilege, as defined in s.
16 340.01 (40), until the person reaches the age of attains 18 years of age would cause an undue
17 hardship to the person or the person's family.

18 **SECTION 389.** 938.343 (1) (title) of the statutes is created to read:

19 938.343 (1) (title) COUNSELING.

20 **SECTION 390.** 938.343 (2) of the statutes is amended to read:

21 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum forfeiture that
22 may be imposed on an adult for committing that violation or, if the violation is only applicable
23 to a person under 18 years of age, \$50. ~~Any such~~ The order shall include a finding that the
24 juvenile alone is financially able to pay and shall allow up to 12 months for the payment. If

1 a juvenile fails to pay the forfeiture, the court may suspend any license issued under ch. 29 or
2 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more than 2
3 years. The court shall immediately take possession of the suspended license and forward it
4 to the department which issued the license, together with the notice of suspension clearly
5 stating that the suspension is for failure to pay a forfeiture imposed by the court. If the
6 forfeiture is paid during the period of suspension, the court shall immediately notify the
7 department, which ~~will thereupon~~ shall return the license to the person. Any recovery under
8 this subsection shall be reduced by the amount recovered as a forfeiture for the same act under
9 s. 938.45 (1r) (b).

10 **SECTION 391.** 938.343 (2m) (title) of the statutes is created to read:

11 938.343 (2m) (title) TEEN COURT PROGRAM.

12 **SECTION 392.** 938.343 (2m) (a) of the statutes is amended to read:

13 938.343 (2m) (a) The chief judge of the judicial administrative district has approved
14 a teen court program established in the juvenile's county of residence and the judge court
15 determines that participation in the teen court program will likely benefit the juvenile and the
16 community.

17 **SECTION 393.** 938.343 (2m) (b) of the statutes is amended to read:

18 938.343 (2m) (b) The juvenile admits or pleads no contest in open court, with in the
19 presence of the juvenile's parent, guardian or legal custodian ~~present~~, to the allegations that
20 the juvenile violated the civil law or ordinance.

21 **SECTION 394.** 938.343 (3) (title) and (3m) (title) of the statutes are created to read:

22 938.343 (3) (title) COMMUNITY SERVICE WORK PROGRAM.

23 (3m) (title) YOUTH REPORT CENTER.

24 **SECTION 395.** 938.343 (4), (5), (6) and (7) of the statutes are amended to read:

1 938.343 (4) RESTITUTION. If the violation has resulted in damage to the property of
2 another, or in actual physical injury to another excluding pain and suffering, ~~the court may~~
3 order the juvenile to make repairs of the damage to property or reasonable restitution for the
4 damage or injury, either in the form of cash payments or, if the victim agrees, the performance
5 of services for the victim, or both, if the court, after taking into consideration the well-being
6 and needs of the victim, considers it beneficial to the well-being and behavior of the juvenile.
7 ~~Any such~~ An order requiring payment for repairs or restitution shall include a finding that the
8 juvenile alone is financially able to pay or physically able to perform the services, may allow
9 up to the date of the expiration of the order for the payment or for the completion of the
10 services, and may include a schedule for the performance and completion of the services.
11 ~~Objection by~~ If the juvenile objects to the amount of damages claimed ~~shall entitle~~, the
12 juvenile is entitled to a hearing on the question of damages before the amount of restitution
13 is ordered. Any recovery under this subsection shall be reduced by the amount recovered as
14 restitution for the same act under s. 938.45 (1r) (a).

15 (5) BOATING SAFETY COURSE. If the violation is related to unsafe use of a boat, order the
16 juvenile to attend a boating safety course under s. 30.74 (1). If the juvenile has a valid boating
17 safety certificate at the time that the court imposes ~~sentence~~ the disposition, the court shall
18 ~~permanently~~ revoke the certificate and order the person to obtain a another boating safety
19 ~~certificate of satisfactory completion of a safety course~~ under s. 30.74 (1).

20 (6) HUNTING, TRAPPING, OR FISHING LICENSE SUSPENSION. If the violation is of ch. 29,
21 ~~suspension of~~ suspend the license or licenses of the juvenile issued under that chapter for not
22 more than one year or until the juvenile is 18 years of age, whichever occurs first.

1 (7) HUNTER EDUCATION PROGRAM. If the violation is related to the unsafe use of firearms,
2 order the juvenile to attend ~~the course under~~ the hunter education program course under s.
3 29.591.

4 **SECTION 396.** 938.343 (8) of the statutes is amended to read:

5 938.343 (8) SNOWMOBILE SAFETY COURSE. If the violation is one under ch. 350
6 concerning the use of snowmobiles, order the juvenile to attend a snowmobile safety course
7 under s. 350.055.

8 **SECTION 397.** 938.343 (9) of the statutes is amended to read:

9 938.343 (9) ALL-TERRAIN VEHICLE SAFETY COURSE. If the violation is one under s. 23.33
10 or under an ordinance enacted in conformity with s. 23.33 concerning the use of all-terrain
11 vehicles, order the juvenile to ~~enroll and participate in~~ attend an all-terrain vehicle safety
12 course.

13 **SECTION 398.** 938.343 (10) (title) of the statutes is created to read:

14 938.343 (10) (title) ALCOHOL OR DRUG ASSESSMENT TREATMENT, OR EDUCATION.

15 **SECTION 399.** 938.344 (2) (title) of the statutes is created to read:

16 938.344 (2) (title) UNDERAGE ALCOHOL POSSESSION OR POSSESSION ON SCHOOL GROUNDS.

17 **SECTION 400.** 938.344 (2) (a), (b) and (c) of the statutes are amended to read:

18 938.344 (2) (a) For a first violation, a forfeiture of not more than \$50, suspension of the
19 juvenile's operating privilege as provided under s. 343.30 (6) (b) 1., or ~~the juvenile's~~
20 participation in a supervised work program or other community service work under s. 938.34
21 (5g).

22 (b) For a violation committed within 12 months of one previous violation, a forfeiture
23 of not more than \$100 or ~~the juvenile's~~ participation in a supervised work program or other
24 community service work under s. 938.34 (5g). In addition, the juvenile's operating privilege

1 may be suspended as ~~provided~~ under s. 343.30 (6) (b) 2., except that if the violation of s. 125.07
2 (4) (b) involved a motor vehicle the juvenile's operating privilege shall be suspended as
3 ~~provided~~ under s. 343.30 (6) (b) 2.

4 (c) For a violation committed within 12 months of 2 or more previous violations, a
5 forfeiture of not more than \$500 or ~~the juvenile's~~ participation in a supervised work program
6 or other community service work under s. 938.34 (5g). In addition, the juvenile's operating
7 privilege may be suspended as ~~provided~~ under s. 343.30 (6) (b) 3., except that if the violation
8 of s. 125.07 (4) (b) involved a motor vehicle the juvenile's operating privilege shall be
9 suspended as ~~provided~~ under s. 343.30 (6) (b) 3.

10 **SECTION 401.** 938.344 (2b) (title) of the statutes is created to read:

11 938.344 (2b) (title) UNDERAGE PURCHASE OF ALCOHOL OR ENTERING LICENSED PREMISES.

12 **SECTION 402.** 938.344 (2b) (a), (b) and (c) of the statutes are amended to read:

13 938.344 (2b) (a) For a first violation, a forfeiture of not less than \$250 nor more than
14 \$500, suspension of the juvenile's operating privilege as ~~provided~~ under s. 343.30 (6) (b) 1.,
15 or ~~the juvenile's~~ participation in a supervised work program or other community service work
16 under s. 938.34 (5g).

17 (b) For a violation committed within 12 months of one previous violation, a forfeiture
18 of not less than \$300 nor more than \$500 or ~~the juvenile's~~ participation in a supervised work
19 program or other community service work under s. 938.34 (5g). In addition, the juvenile's
20 operating privilege may be suspended as ~~provided~~ under s. 343.30 (6) (b) 2., except that if the
21 violation involved a motor vehicle the juvenile's operating privilege shall be suspended as
22 ~~provided~~ under s. 343.30 (6) (b) 2.

23 (c) For a violation committed within 12 months of 2 or more previous violations, a
24 forfeiture of \$500 or ~~the juvenile's~~ participation in a supervised work program or other

1 community service work under s. 938.34 (5g). In addition, the juvenile's operating privilege
2 may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation involved
3 a motor vehicle the juvenile's operating privilege shall be suspended as provided under s.
4 343.30 (6) (b) 3.

5 **SECTION 403.** 938.344 (2d) (title) of the statutes is created to read:

6 938.344 (2d) (title) FALSE PROOF OF AGE.

7 **SECTION 404.** 938.344 (2d) (a), (b) and (c) of the statutes are amended to read:

8 938.344 (2d) (a) For a first violation, a forfeiture of not less than \$100 nor more than
9 \$500, suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 1.,
10 or the juvenile's participation in a supervised work program or other community service work
11 under s. 938.34 (5g).

12 (b) For a violation committed within 12 months of a previous violation, a forfeiture of
13 not less than \$300 nor more than \$500, suspension of the juvenile's operating privilege as
14 provided under s. 343.30 (6) (b) 2., or the juvenile's participation in a supervised work
15 program or other community service work under s. 938.34 (5g).

16 (c) For a violation committed within 12 months of 2 or more previous violations, a
17 forfeiture of \$500, suspension of the juvenile's operating privilege as provided under s. 343.30
18 (6) (b) 3., or the juvenile's participation in a supervised work program or other community
19 service work under s. 938.34 (5g).

20 **SECTION 405.** 938.344 (2e) (title) of the statutes is created to read:

21 938.344 (2e) (title) DRUG PARAPHERNALIA VIOLATION.

22 **SECTION 406.** 938.344 (2e) (a) 1., 2. and 3. and (b) and (c) of the statutes are amended

23 to read:

1 938.344 (2e) (a) 1. For a first violation, a forfeiture of not more than \$50 or the juvenile's
2 participation in a supervised work program or other community service work under s. 938.34
3 (5g) or both.

4 2. For a violation committed within 12 months of a previous violation, a forfeiture of
5 not more than \$100 or the juvenile's participation in a supervised work program or other
6 community service work under s. 938.34 (5g) or both.

7 3. For a violation committed within 12 months of 2 or more previous violations, a
8 forfeiture of not more than \$500 or the juvenile's participation in a supervised work program
9 or other community service work under s. 938.34 (5g) or both.

10 (b) Whenever a court suspends a juvenile's operating privilege under this subsection,
11 the court shall immediately take possession of any suspended license and forward it to the
12 department of transportation, together with the notice of suspension clearly stating that the
13 suspension is for a violation under s. 961.573 (2), 961.574 (2), or 961.575 (2), or a local
14 ordinance that strictly conforms to one of those statutes.

15 (c) If the juvenile's license or operating privilege is currently suspended or revoked or
16 the juvenile does not currently possess a valid operator's license issued under ch. 343, the
17 suspension under this subsection is effective on the date on which the juvenile is first eligible
18 and applies for issuance or reinstatement of an operator's license under ch. 343.

19 **SECTION 407.** 938.344 (2g) (title) of the statutes is created to read:

20 938.344 (2g) (title) STAY OF ORDER.

21 **SECTION 408.** 938.344 (2g) (a) 1. and 4. a. and b. and (d) of the statutes are amended
22 to read:

23 938.344 (2g) (a) 1. Submit to an alcohol and other drug abuse assessment that conforms
24 to the criteria specified under s. 938.547 (4) and that is conducted by an approved treatment

1 facility. The order shall designate an approved treatment facility to conduct the alcohol and
2 other drug abuse assessment and shall specify the date by which the assessment must be
3 completed.

4 4. a. The chief judge of the judicial administrative district has approved a teen court
5 program established in the juvenile's county of residence and the judge court determines that
6 participation in the teen court program will likely benefit the juvenile and the community.

7 b. The juvenile admits or pleads no contest in open court, with in the presence of the
8 juvenile's parent, guardian or legal custodian ~~present~~, to the allegations that the juvenile
9 committed the violation specified in sub. (2), (2b), (2d) or (2e).

10 (d) If an approved treatment facility, court-approved pupil assistance program, or
11 court-approved alcohol or other drug abuse education program, with the written informed
12 consent of the juvenile or, if the juvenile has not attained the age of 12, the written informed
13 consent of the juvenile's parent, notifies the agency primarily responsible for providing
14 services to the juvenile that a juvenile is not participating, or has not satisfactorily completed,
15 a recommended alcohol or other drug abuse treatment program, a court-approved pupil
16 assistance program, or a court-approved alcohol or other drug abuse education program, the
17 court shall hold a hearing to determine whether to impose the penalties under sub. (2), (2b),
18 (2d), or (2e) ~~should be imposed~~.

19 **SECTION 409.** 938.344 (2m) (title) and (3) (title) of the statutes are created to read:

20 938.344 (2m) (title) COUNTING VIOLATIONS.

21 (3) (title) PROSECUTION IN ADULT COURT.

22 **SECTION 410.** 938.345 (1) (intro.), (a), (d), (e) and (g) of the statutes are amended to
23 read:

1 938.345 (1) DISPOSITIONAL ORDER. (intro.) If the court finds that the juvenile is in need
2 of protection or services, the court shall enter an order ~~deciding~~ including one or more of the
3 dispositions ~~of the case as provided in~~ under s. 938.34 under a care and treatment plan except
4 that the order may not do any of the following:

5 (a) Place the juvenile in the serious juvenile offender program, or a secured juvenile
6 correctional facility, a secured child caring institution or a secured group home residential care
7 center for children and youth.

8 (d) Restrict, or suspend ~~or revoke~~ the driving privileges of the juvenile, except as
9 provided under sub. (2).

NOTE: In s. 938.345 (1) (d), removes revocation of a juvenile's driving
privileges as a JIPS disposition to be consistent with the parallel
delinquency disposition under s. 938.34 (14m).

10 (e) Place any juvenile not specifically found under chs. ch. 46, 49, 51, 115 and, or 880
11 to be developmentally disabled or mentally ill have a developmental disability or a mental
12 illness or to be a child with a disability, as defined in s. 115.76 (5), in ~~facilities~~ a facility which
13 exclusively ~~treat~~ treats one or more of those categories of juveniles.

14 (g) ~~Order~~ Place the juvenile into in a juvenile detention facility or juvenile portion of
15 a county jail or in nonsecure custody under s. 938.34 (3) (f).

16 **SECTION 411.** 938.345 (2) of the statutes is amended to read:

17 938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a juvenile
18 is in need of protection or services based on the fact that the juvenile is a school dropout, as
19 defined in s. 118.153 (1) (b), or based on habitual truancy, and the court also finds that ~~the~~
20 ~~reason~~ the juvenile has dropped out of school or is a habitual truant ~~is~~ as a result of the
21 juvenile's intentional refusal to attend school rather than the failure of any other person to

1 comply with s. 118.15 (1) (a), the court, instead of or in addition to any other disposition
2 imposed under sub. (1), may enter an order permitted under s. 938.342.

3 **SECTION 412.** 938.345 (3) (title) of the statutes is created to read:

4 938.345 (3) (title) SEX OFFENDER REGISTRATION.

5 **SECTION 413.** 938.345 (3) (a) (intro.) and (c) of the statutes are amended to read:

6 938.345 (3) (a) (intro.) If the court finds that a juvenile is in need of protection or
7 services on the basis of a violation, or the solicitation, conspiracy, or attempt to commit a
8 violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the court may require
9 the juvenile to comply with the reporting requirements under s. 301.45 if the court determines
10 that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that it
11 ~~would be~~ is in the interest of public protection to have the juvenile report under s. 301.45. In
12 determining whether it ~~would be~~ is in the interest of public protection to have the juvenile
13 report under s. 301.45, the court may consider any of the following:

14 (c) If the court orders a juvenile to comply with the reporting requirements under s.
15 301.45, the clerk of the court in which the order is entered shall promptly forward a copy of
16 the order to the department of ~~corrections~~. If the finding of need of protection or services on
17 which the order is based is reversed, set aside or vacated, the clerk of the court shall promptly
18 forward to the department of ~~corrections~~ a certificate stating that the finding has been reversed,
19 set aside or vacated.

20 **SECTION 414.** 938.346 (1) (title) of the statutes is created to read:

21 938.346 (1) (title) INFORMATION TO VICTIMS.

22 **SECTION 415.** 938.346 (1) (a) of the statutes is amended to read:

23 938.346 (1) (a) The procedures under s. 938.396 ~~(1r) and (6)~~ (1) (c) 5. and 6. for
24 obtaining the identity of the juvenile and the juvenile's parents.

1 **SECTION 416.** 938.346 (1) (b) of the statutes is amended to read:

2 938.346 (1) (b) The procedure under s. 938.396 ~~(1r)~~ (1) (c) 5. for obtaining the
3 juvenile's police records.

4 **SECTION 417.** 938.346 (1) (d) 2. of the statutes is amended to read:

5 938.346 (1) (d) 2. The procedure ~~the victim may follow~~ for obtaining the information
6 in subd. 1.

7 **SECTION 418.** 938.346 (1m) and (2) of the statutes are amended to read:

8 938.346 **(1m)** DUTIES OF INTAKE WORKERS AND DISTRICT ATTORNEYS. The intake worker
9 shall make a reasonable attempt to provide notice of the information ~~specified in~~ under sub.
10 (1) (a), (b), (c), and (h), the information ~~specified in~~ under sub. (1) (d) relating to a deferred
11 prosecution agreement under s. 938.245, the information ~~specified in~~ under sub. (1) (em)
12 relating to the right to confer, if requested, on deferred prosecution agreements and the
13 information ~~specified in~~ under sub. (3) if the juvenile's case is closed. The district attorney
14 or corporation counsel shall make a reasonable attempt to provide notice of the information
15 ~~specified in~~ under sub. (1) (e), ~~(ec)~~, (f), (fm), and (g), the information ~~specified in~~ under sub.
16 (1) (d) relating to a consent decree under s. 938.32 or a dispositional order under ss. 938.34
17 to 938.345, the information ~~specified in~~ under sub. (1) (em) relating to the right to request an
18 opportunity to confer, if requested, on amendment of petitions, consent decrees and
19 disposition recommendations and the information under sub. (3) if he or she decides not to file
20 a petition or the proceeding is terminated without a consent decree or dispositional order after
21 the filing of a petition.

NOTE: Requires, in s. 938.346 (1m), the district attorney or corporation counsel to provide notice to a victim of how to request testing for communicable diseases of a juvenile who is alleged to have thrown or expelled a bodily substance at another in violation of s. 946.43 (2m).

1 (2) RESTRICTIONS ON DISCLOSURE OF INFORMATION. The notice under sub. (1) shall
2 include an explanation of the restrictions on ~~divulging~~ disclosing information obtained under
3 this chapter and the penalties for ~~violations~~ violating the restrictions.

4 **SECTION 419.** 938.346 (3) (title), (4) (title) and (5) (title) of the statutes are created to
5 read:

6 938.346 (3) (title) CLOSED CASES.

7 (4) (title) CHILD VICTIMS.

8 (5) (title) COURT POLICIES AND RULES.

9 **SECTION 420.** 938.35 (1) (title) of the statutes is created to read:

10 938.35 (1) (title) EFFECT AND ADMISSIBILITY OF JUDGMENT.

11 **SECTION 421.** 938.35 (1m) and (2) of the statutes are amended to read:

12 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court assigned
13 to exercise jurisdiction under this chapter and ch. 48 of any allegation under s. 938.12 or
14 938.13 (12) shall bar any future proceeding on the same matter in criminal court when the
15 juvenile ~~reaches the age of~~ attains 17 years of age. This paragraph does not affect proceedings
16 in criminal court which have been transferred under s. 938.18.

17 (2) COURT DISCLOSURE OF INFORMATION. Except ~~as specifically provided in~~ under sub.
18 (1), this section does not preclude the court from disclosing information to qualified persons
19 if the court considers the disclosure to be in the best interests of the juvenile or of the
20 administration of justice.

21 **SECTION 422.** 938.355 (1) of the statutes is amended to read:

22 938.355 (1) **INTENT.** In any order under s. 938.34 or 938.345, the court shall decide on
23 a placement and treatment finding based on evidence submitted to the court. The disposition
24 shall employ those means necessary to promote the objectives ~~specified in~~ under s. 938.01.

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

8 **SECTION 423.** 938.355 (2) (b) 1., 1m., 4m., 5., 6. and 6r. of the statutes are amended
9 to read:

10 938.355 (2) (b) 1. The specific services or continuum of services to be provided to the
11 juvenile and the juvenile's family, the identity of the agencies ~~which~~ that are to be primarily
12 responsible for the provision of the services ~~mandated by the court~~, the identity of the person
13 or agency ~~who~~ that will provide case management or coordination of services, if any, and, if
14 custody is to be transferred to effect the treatment plan, the identity of the legal custodian.

15 1m. A notice that the juvenile's parent, guardian, or legal custodian or the juvenile, if
16 14 years of age or ~~over~~ older, may request an agency that is providing care or services for the
17 juvenile or that has legal custody of the juvenile to disclose to, or make available for inspection
18 by, the parent, guardian, legal custodian, or juvenile the contents of any record kept or
19 information received by the agency about the juvenile ~~as provided in~~ under s. 938.78 (2) (ag).

20 4m. If the juvenile is placed outside the home and if the juvenile's parent has not ~~already~~
21 provided a statement of the parent's and the juvenile's income, assets, debts, and living
22 expenses to the county department under s. 938.30 (6) (b) or (c) or 938.31 (7) (b) or (c), an
23 order for the parent to provide that statement to the county department by a date specified by
24 the court. The county department shall provide, without charge, to the parent a form on which

1 to provide that statement, and the parent shall provide that statement on ~~that~~ the form. The
2 county department shall use the information ~~provided~~ in the statement to determine whether
3 the department may claim federal foster care and adoption assistance reimbursement under
4 42 USC 670 to 679a for the cost of providing care for the juvenile.

NOTE: See the note to s. 938.30 (6) (b) and (c) in this draft.

5 5. For a juvenile placed outside his or her home pursuant to under an order under s.
6 938.34 (3) or 938.345, a permanency plan under s. 938.38 if one has been prepared.

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

1 information in the court order or an amended court order that retroactively corrects an earlier
2 court order that does not comply with this subdivision is not sufficient to comply with this
3 subdivision.

4 6r. If the court finds that any of the circumstances specified in under sub. (2d) (b) 1. to
5 4. applies with respect to a parent, a determination that the county department or agency
6 primarily responsible for providing services under the court order is not required to make
7 reasonable efforts with respect to the parent to make it possible for the juvenile to return safely
8 to his or her home.

9 **SECTION 424.** 938.355 (2c) (a) (intro.) and (b) of the statutes are amended to read:

10 938.355 (2c) REASONABLE EFFORTS STANDARDS. (a) (intro.) When a court makes a
11 finding under sub. (2) (b) 6. as to whether a county department which provides social services
12 or the agency primarily responsible for providing services to the juvenile under a court order
13 has made reasonable efforts to prevent the removal of the juvenile from his or her home, while
14 assuring that the juvenile's health and safety are the paramount concerns, the court's
15 consideration of reasonable efforts shall include, ~~but not be limited to,~~ whether:

16 (b) When a court makes a finding under sub. (2) (b) 6. as to whether the county
17 department or the agency primarily responsible for providing services to the juvenile under
18 a court order has made reasonable efforts to achieve the goal of the permanency plan, the
19 court's consideration of reasonable efforts shall include the considerations listed under par.
20 (a) ~~1. to 5.~~ and whether visitation schedules between the juvenile and his or her parents were
21 implemented, unless visitation was denied or limited by the court.

22 **SECTION 425.** 938.355 (2d) (a) 1. and (b) 1., 2., 3. and 4. of the statutes are amended
23 to read:

1 938.355 (2d) (a) 1. "Aggravated circumstances" include abandonment in violation of
2 s. 948.20 or in violation of the law of any other state or federal law if that violation would be
3 a violation of s. 948.20 if committed in this state, torture, chronic abuse, and sexual abuse.

4 (b) 1. ~~That the~~ The parent has subjected the juvenile to aggravated circumstances, as
5 evidenced by a final judgment of conviction.

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

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

18 4. ~~That the~~ The parental rights of the parent to another child have been involuntarily
19 terminated, as evidenced by a final order of a court of competent jurisdiction terminating those
20 parental rights.

21 **SECTION 426.** 938.355 (2d) (c) 1. of the statutes is amended to read:

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

1 is held ~~under this subdivision~~, the agency responsible for preparing the permanency plan shall
2 file the permanency plan with the court not less than 5 days before the date of the hearing.

3 **SECTION 427.** 938.355 (2e) (b) of the statutes is amended to read:

4 938.355 (2e) (b) Each time a juvenile's placement is changed under s. 938.357 or a
5 dispositional order is revised under s. 938.363 or extended under s. 938.365, the agency that
6 prepared the permanency plan shall revise the plan to conform to the order and shall file a copy
7 of the revised plan with the court. Each plan filed ~~under this paragraph~~ shall be made a part
8 of the court order.

9 **SECTION 428.** 938.355 (2m) of the statutes is amended to read:

10 938.355 (2m) TRANSITIONAL PLACEMENTS. The court order may include the name of
11 transitional placements, but may not designate a specific time when transitions are to take
12 place. The procedures of ss. 938.357 and 938.363 shall govern when ~~such~~ those transitions
13 take place. The court, ~~however~~, may place specific time limitations on interim arrangements
14 made for the care of the juvenile pending the availability of the dispositional placement.

15 **SECTION 429.** 938.355 (3) (a) and (b) 1. and 1m. of the statutes are amended to read:

16 938.355 (3) PARENTAL VISITATION. (a) ~~Except as provided in~~ under par. (b), if, after a
17 hearing on the issue with due notice to the parent or guardian, the court finds that it would be
18 in the best interest of the juvenile, the court may set reasonable rules of parental visitation.

19 (b) 1. ~~Except as provided in~~ under subd. 2., the court may not grant visitation under par.
20 (a) to a parent of a juvenile if the parent has been convicted ~~under s. 940.01 of the first-degree~~
21 ~~intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide,~~ under s.
22 940.01 or 940.05 of the juvenile's other parent, and the conviction has not been reversed, set
23 aside, or vacated.

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

10 **SECTION 430.** 938.355 (3m) and (4) of the statutes are amended to read:

11 938.355 (3m) ORDERS BASED ON EVIDENCE. Dispositional orders under s. 938.343 or
12 938.344 shall be based upon the evidence ~~except that this.~~ This subsection does not require
13 a dispositional hearing for the disposition of an uncontested citation.

14 (4) TERMINATION OF ORDERS. (a) Except ~~as provided~~ under par. (b) or s. 938.368, an
15 order under this section or s. 938.357 or 938.365 made before the juvenile ~~reaches~~ attains 18
16 years of age that places or continues the placement of the juvenile in his or her home shall
17 terminate at the end of one year after ~~its entry~~ the date on which the order is granted unless
18 the court specifies a shorter period of time or the court terminates the order sooner. Except
19 ~~as provided in~~ under par. (b) or s. 938.368, an order under this section or s. 938.357 or 938.365
20 made before the juvenile ~~reaches~~ attains 18 years of age that places or continues the placement
21 of the juvenile in a foster home, treatment foster home, group home, or residential care center
22 for children and youth or in the home of a relative other than a parent shall terminate when
23 the juvenile ~~reaches~~ attains 18 years of age, at the end of one year after ~~its entry~~ the date on
24 which the order is granted, or, if the juvenile is a full-time student at a secondary school or

1 its vocational or technical equivalent and is reasonably expected to complete the program
2 before ~~reaching~~ attaining 19 years of age, when the juvenile ~~reaches~~ attains 19 years of age,
3 whichever is later, unless the court specifies a shorter period of time or the court terminates
4 the order sooner.

5 (b) Except as ~~provided in~~ under s. 938.368, an order under s. 938.34 (4d) or (4m) made
6 before the juvenile ~~reaches~~ attains 18 years of age may apply for up to 2 years after its ~~entry~~
7 the date on which the order is granted or until the juvenile's 18th birthday, whichever is earlier,
8 unless the court specifies a shorter period of time or the court terminates the order sooner. If
9 the order does not specify a termination date, it shall apply for one year after the date on which
10 the order is granted or until the juvenile's 18th birthday, whichever is earlier, unless the court
11 terminates the order sooner. Except as ~~provided in~~ under s. 938.368, an order under s. 938.34
12 (4h) made before the juvenile ~~reaches~~ attains 18 years of age shall apply for 5 years after its
13 ~~entry~~ the date on which the order is granted, if the juvenile is adjudicated delinquent for
14 committing a violation of s. 943.10 (2) or for committing an act that would be punishable as
15 a Class B or C felony if committed by an adult, or until the juvenile reaches 25 years of age,
16 if the juvenile is adjudicated delinquent for committing an act that would be punishable as a
17 Class A felony if committed by an adult. Except as ~~provided in~~ under s. 938.368, an extension
18 of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile ~~reaches~~ attains
19 17 years of age shall terminate at the end of one year after its entry unless the court specifies
20 a shorter period of time or the court terminates the order sooner. No extension under s. 938.365
21 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted for
22 a juvenile who is 17 years of age or older when the original dispositional order terminates.

NOTE: Under current law, a dispositional order placing a juvenile in a type 2 residential care center for children and youth or in a juvenile correctional facility may apply for up to 2 years or until the juvenile's

18th birthday, whichever is earlier, unless the court specifies a shorter period of time. The draft revises s. 938.355 (4) (b) to provide that an order that does not specify a termination date applies for one year or until the juvenile's 18th birthday, whichever is earlier, unless the court terminates the order sooner.

COMMENT: Should there be an upper limit on the duration of an order?

1 **SECTION 431.** 938.355 (4m) of the statutes is amended to read:

2 938.355 (4m) EXPUNGEMENT OF RECORD. (a) A juvenile who has been adjudged
3 delinquent under s. 48.12, 1993 stats., or s. 938.12 may, on attaining 17 years of age, petition
4 the court to expunge the court's record of the juvenile's adjudication. Subject to par. (b), the
5 court may expunge the court's record of the juvenile's adjudication if the court determines that
6 the juvenile has satisfactorily complied with the conditions of his or her dispositional order
7 and that the juvenile will benefit from, and society will not be harmed by, the expungement.

NOTE: Permits, in s. 938.355 (4m) (a), the court to expunge a juvenile's delinquency adjudication under certain circumstances. This provision only applies to persons who were adjudicated delinquent for violations committed on or after the effective date of ch. 938 (July 1, 1996). [*State v. Jason J.C.*, 216 Wis. 2d 12, 573 N.W.2d 564 (1997).] The draft provides that a person who was adjudicated delinquent for an offense committed before July 1, 1996 may also request to have his or her record expunged.

8 (b) The court shall expunge the court's record of a juvenile's adjudication if it was the
9 juvenile's first adjudication based on a violation of s. 942.08 (2) (b), (c), or (d), and if the court
10 determines that the juvenile has satisfactorily complied with the conditions of his or her
11 dispositional order. Notwithstanding s. 938.396 (2) (a), the court shall notify the department
12 promptly of any expungement under this paragraph.

13 **SECTION 432.** 938.355 (6) (a) of the statutes is renumbered 938.355 (6) (a) 1. and
14 amended to read:

1 938.355 (6) SANCTIONS FOR VIOLATION OF ORDER. (a) Juvenile court orders. 1. If a
2 juvenile who has been adjudged delinquent or to have violated a civil law or ordinance, other
3 than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition specified in sub.
4 (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in par. (d). A
5 sanction may be imposed under this subdivision only if, at the dispositional hearing under s.
6 938.335, the court explained the conditions to the juvenile and informed the juvenile of those
7 possible sanctions or if before the violation the juvenile has acknowledged in writing that he
8 or she has read, or has had read to him or her, those conditions and possible sanctions and that
9 he or she understands those conditions and possible sanctions.

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

19 **SECTION 433.** 938.355 (6) (an) of the statutes is amended to read:

20 938.355 (6) (an) Municipal court orders. 1. If a juvenile who has violated a municipal
21 ordinance, other than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition
22 of a dispositional order imposed by the municipal court, the municipal court may petition the
23 court assigned to exercise jurisdiction under this chapter and ch. 48 to impose on the juvenile
24 the sanction ~~specified in~~ under par. (d) 1. or the sanction ~~specified in~~ under par. (d) 3., with

1 monitoring by an electronic monitoring system. A sanction may be imposed under this
2 subdivision only if, at the time of the judgment, the municipal court explained the conditions
3 to the juvenile and informed the juvenile of those possible sanctions for a violation or if before
4 the violation the juvenile has acknowledged in writing that he or she has read, or has had read
5 to him or her, those conditions and possible sanctions and that he or she understands those
6 conditions and possible sanctions. The petition shall contain a statement of whether the
7 juvenile may be subject to the federal Indian ~~child welfare act~~ Child Welfare Act, 25 USC 1911
8 to 1963.

9 2. If the court assigned to exercise jurisdiction under this chapter and ch. 48 imposes
10 the sanction ~~specified in~~ under par. (d) 1. or home detention with monitoring by an electronic
11 monitoring system as ~~specified in~~ under par. (d) 3., on a petition described in subd. 1., ~~that the~~
12 court shall order the municipality of the municipal court that filed the petition to pay to the
13 county the cost of providing the sanction imposed under par. (d) 1. or 3.

14 **SECTION 434.** 938.355 (6) (b) of the statutes is amended to read:

15 938.355 (6) (b) Motion to impose sanction. A motion for imposition of a sanction may
16 be brought by the person or agency primarily responsible for the provision of dispositional
17 services, the district attorney or corporation counsel or the court that entered the dispositional
18 order. If the court initiates the motion, that court is disqualified from holding a hearing on the
19 motion. Notice of the motion shall be given to the juvenile, guardian ad litem, counsel, parent,
20 guardian, legal custodian and all parties present at the original dispositional hearing. The
21 motion shall contain a statement of whether the juvenile may be subject to the federal Indian
22 ~~child welfare act~~ Child Welfare Act, 25 USC 1911 to 1963.

23 **SECTION 435.** 938.355 (6) (cm) of the statutes is amended to read:

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

NOTE: Clarifies, in s. 938.355 (6) (cm), that reasonable efforts findings are not required to be made if they have already been made in the dispositional order. According to DOC and the DHFS, a subsequent finding is not required.

14 **SECTION 436.** 938.355 (6) (d) (title) and (e) (title) of the statutes are created to read:

15 938.355 (6) (d) (title) *Sanctions permitted*.

16 (e) (title) *Contempt of court*.

17 **SECTION 437.** 938.355 (6d) (a) 1. and 2. and (b) 1. and 2. of the statutes are amended
18 to read:

19 938.355 (6d) (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any general
20 written policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
21 the county board relating to the taking into custody and placement of a juvenile under this

1 subdivision, if a juvenile who has been adjudged delinquent violates a condition specified in
2 sub. (2) (b) 7., the juvenile's caseworker or any other person authorized to provide or providing
3 intake or dispositional services for the court under s. 938.067 or 938.069 may, without a
4 hearing, take the juvenile into custody and place the juvenile in a secure detention facility or
5 juvenile portion of a county jail that meets the standards promulgated by the department by
6 rule or in a place of nonsecure custody designated by that person for not more than 72 hours
7 while the alleged violation and the appropriateness of a sanction under sub. (6) are being
8 investigated. Short-term detention may be imposed under this subdivision only if at the
9 dispositional hearing the court explained those conditions to the juvenile and informed the
10 juvenile of ~~the possibility of that possible~~ placement or if before the violation the juvenile has
11 acknowledged in writing that he or she has read, or has had read to him or her, those conditions
12 and that possible placement and that he or she understands those conditions and that possible
13 placement.

14 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written policies
15 adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by the county board
16 relating to the taking into custody and placement of a juvenile under this subdivision, if a
17 juvenile who has been adjudged delinquent violates a condition specified in sub. (2) (b) 7., the
18 juvenile's caseworker or any other person authorized to provide or providing intake or
19 dispositional services for the court under s. 938.067 or 938.069 may, without a hearing, take
20 the juvenile into custody and place the juvenile in a secure detention facility or juvenile portion
21 of a county jail that meets the standards promulgated by the department by rule or in a place
22 of nonsecure custody designated by that person for not more than 72 hours as a consequence
23 of that violation. Short-term detention may be imposed under this subdivision only if at the
24 dispositional hearing the court explained those conditions to the juvenile and informed the

1 juvenile of ~~the possibility of~~ that possible placement or if before the violation the juvenile has
2 acknowledged in writing that he or she has read, or has had read to him or her, those conditions
3 and that possible placement and that he or she understands those conditions and that possible
4 placement. A person who takes a juvenile into custody under this subdivision shall permit the
5 juvenile to make a written or oral statement concerning the possible placement of the juvenile
6 and the course of conduct for which the juvenile was taken into custody. A person designated
7 by the court or county department who is employed in a supervisory position by a person
8 authorized to provide or providing intake or dispositional services under s. 938.067 or 938.069
9 shall review that statement and ~~shall~~ either approve the placement, modify the terms of the
10 placement, or order the juvenile to be released from custody.

NOTE: Permits, in s. 938.355 (6d) (a) 2., the supervisor of a caseworker who has placed a juvenile in custody for not more than 72 hours as a consequence for a violation of a dispositional order to modify the terms of the placement. Under current law, the supervisor must either approve the placement or release the juvenile from custody.

11 (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any general written policies
12 adopted by the court under s. 938.06 (1) or (2), to any policies adopted by the county
13 department relating to aftercare supervision administered by the county department, and to
14 any policies adopted by the county board relating to the taking into custody and placement of
15 a juvenile under this subdivision, if a juvenile who is on aftercare supervision administered
16 by the county department violates a condition of that supervision, the juvenile's caseworker
17 or any other person authorized to provide or providing intake or dispositional services for the
18 court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and
19 place the juvenile in a secure detention facility or juvenile portion of a county jail that meets
20 the standards promulgated by the department by rule or in a place of nonsecure custody
21 designated by that person for not more than 72 hours while the alleged violation and the

1 appropriateness of revoking the juvenile's aftercare status are being investigated. Short-term
2 detention may be imposed under this subdivision only at the dispositional hearing the court
3 explained those conditions to the juvenile and informed the juvenile of that possible placement
4 or if before the violation the juvenile has acknowledged in writing that he or she has read, or
5 has had read to him or her, those conditions and that possible placement and that he or she
6 understands those conditions and that possible placement.

NOTE: Provides, in s. 938.355 (6d) (b) 1., that juvenile may be informed of the possibility of a sanction under this subdivision orally at the dispositional hearing.

7 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written policies
8 adopted by the court under s. 938.06 (1) or (2), to any policies adopted by the county
9 department relating to aftercare supervision administered by the county department, and to
10 any policies adopted by the county board relating to the taking into custody and placement of
11 a juvenile under this subdivision, if a juvenile who is on aftercare supervision administered
12 by the county department violates a condition of that supervision, the juvenile's caseworker
13 or any other person authorized to provide or providing intake or dispositional services for the
14 court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and
15 place the juvenile in a secure detention facility or juvenile portion of a county jail that meets
16 the standards promulgated by the department by rule or in a place of nonsecure custody
17 designated by that person for not more than 72 hours as a consequence of that violation.
18 Short-term detention under this subdivision may be imposed only if at the dispositional
19 hearing the court explained those conditions to the juvenile and informed the juvenile of the
20 possibility of that possible placement or if before the violation the juvenile has acknowledged
21 in writing that he or she has read, or has had read to him or her, those conditions and that
22 possible placement and that he or she understands those conditions and that possible

1 placement. A person who takes a juvenile into custody under this subdivision shall permit the
2 juvenile to make a written or oral statement concerning the possible placement of the juvenile
3 and the course of conduct for which the juvenile was taken into custody. A person designated
4 by the court or the county department who is employed in a supervisory position by a person
5 authorized to provide or providing intake or dispositional services under s. 938.067 or 938.069
6 shall review that statement and shall either approve the placement of the juvenile, modify the
7 terms of the placement, or order the juvenile to be released from custody.

NOTE: See note to s. 938.355 (6d) (a) 2. in this draft.

8 SECTION 438. 938.355 (6d) (c) 1. and 2. and (d) of the statutes are amended to read:
9 938.355 (6d) (c) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any general
10 written policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
11 the county board relating to the taking into custody and placement of a juvenile under this
12 subdivision, if a juvenile who has been found to be in need of protection or services under s.
13 938.13 violates a condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other
14 person authorized to provide or providing intake or dispositional services for the court under
15 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place the
16 juvenile in a place of nonsecure custody designated by that person for not more than 72 hours
17 while the alleged violation and the appropriateness of a sanction under sub. (6) or (6m) are
18 being investigated, Short-term detention may be imposed under this subdivision only if at
19 the dispositional hearing the court explained those conditions to the juvenile and informed the
20 juvenile of ~~the possibility of that~~ possible placement or if before the violation the juvenile has
21 acknowledged in writing that he or she has read, or has had read to him or her, those conditions
22 and that possible placement and that he or she understands those conditions and that possible
23 placement.

1 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written policies
2 adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by the county board
3 relating to the taking into custody and placement of a juvenile under this subdivision, if a
4 juvenile who has been found to be in need of protection or services under s. 938.13 violates
5 a condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person
6 authorized to provide or providing intake or dispositional services for the court under s.
7 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place the
8 juvenile in a place of nonsecure custody designated by that person for not more than 72 hours
9 as a consequence of that violation. Short-term detention may be imposed under this
10 subdivision only if at the dispositional hearing the court explained those conditions to the
11 juvenile and informed the juvenile of ~~the possibility of that possible~~ placement or if before the
12 violation the juvenile has acknowledged in writing that he or she has read, or has had read to
13 him or her, those conditions and that possible placement and that he or she understands those
14 conditions and that possible placement. A person who takes a juvenile into custody under this
15 subdivision shall permit the juvenile to make a written or oral statement concerning the
16 possible placement of the juvenile and the course of conduct for which the juvenile was taken
17 into custody. A person designated by the court or the county department who is employed in
18 a supervisory position by a person authorized to provide or providing intake or dispositional
19 services under s. 938.067 or 938.069 shall review that statement and ~~shall~~ either approve the
20 placement, modify the terms of the placement, or order the juvenile to be released from
21 custody.

NOTE: See note to s. 938.355 (6d) (a) 2. in this draft.

22 (d) *Hearing; when required.* If a juvenile is held under par. (a), (b), or (c) in a secure
23 detention facility, juvenile portion of a county jail, or place of nonsecure custody for longer

1 than 72 hours, the juvenile is entitled to a hearing under sub. (6) (c) or s. 938.21. The hearing
2 shall be conducted in the manner provided in sub. (6) or s. 938.21, except that ~~for a hearing~~
3 ~~under, notwithstanding~~ s. 938.21 (1) (a), the hearing shall be conducted within 72 hours, rather
4 than 24 hours, after the time that the decision to hold the juvenile was made and a written
5 statement of the reasons for continuing to hold the juvenile in custody may be filed ~~rather than~~
6 instead of a petition under s. 938.25.

7 **SECTION 439.** 938.355 (6g) (a) and (b) (intro.) of the statutes are amended to read:

8 938.355 (6g) (a) If a juvenile upon whom the court has imposed a sanction under sub.
9 (6) (a) or (6m) commits a 2nd or subsequent violation of a condition specified in sub. (2) (b)
10 7., the district attorney may file a petition under s. 938.12 charging the juvenile with contempt
11 of court, as defined in s. 785.01 (1), and reciting the recommended disposition under s. 938.34
12 ~~sought to be imposed~~. The district attorney may ~~bring the motion~~ file the petition on his or
13 her own initiative or on the request of the court that imposed the condition specified in sub.
14 (2) (b) 7. or that imposed the sanction under sub. (6) (a) or (6m). If the district attorney brings
15 ~~the motion~~ files the petition on the request of the court that imposed the condition specified
16 in sub. (2) (b) 7. or that imposed the sanction under sub. (6) (a) or (6m), that court is
17 disqualified from holding ~~any a~~ hearing on the contempt petition.

NOTE: In s. 938.355 (6g) (a), makes consistent the references to petitions and motions by referring only to petitions.

18 (b) (intro.) The court may find a juvenile in contempt of court, as defined in s. 785.01
19 (1), and order a disposition under s. 938.34 ~~only~~ if the court makes all of the following
20 findings:

21 **SECTION 440.** 938.355 (6m) (a) (intro.), (ag) and (am) of the statutes are amended to
22 read:

1 938.355 (6m) (a) Violation of habitual truancy order. (intro.) If the court finds by a
2 preponderance of the evidence that a juvenile who has been found to have violated a municipal
3 ordinance enacted under s. 118.163 (2) or who has been found to be in need of protection or
4 services under s. 938.13 (6) has violated a condition specified under sub. (2) (b) 7., the court
5 may order as a sanction any combination of the sanctions specified in under subds. 1g. to 4.
6 and the dispositions ~~specified in~~ under s. 938.342 (1g) (d) to (j) and (1m), regardless of
7 whether the disposition was imposed in the order violated by the juvenile. A sanction may
8 be imposed under this paragraph only if at the dispositional hearing under s. 938.335 the court
9 explained those conditions to the juvenile and informed the juvenile of the possible sanctions
10 under this paragraph for a violation or if before the violation the juvenile has acknowledged
11 in writing that he or she has read, or has had read to him or her, those conditions and possible
12 sanctions and that he or she understands those conditions and possible sanctions. The court
13 may order as a sanction under this paragraph any of the following:

14 (ag) Violation of truancy order. If the court finds by a preponderance of the evidence
15 that a juvenile who has been found to have violated a municipal ordinance enacted under s.
16 118.163 (1m) has violated a condition specified under sub. (2) (b) 7., the court may order as
17 a sanction any combination of the operating privilege suspension specified in par. (a) and the
18 dispositions specified in s. 938.342 (1g) (b) to (k) and (1m), regardless of whether the
19 disposition was imposed in the order violated by the juvenile. A sanction may be imposed
20 under this paragraph only if at the dispositional hearing under s. 938.335 the court explained
21 those conditions to the juvenile and informed the juvenile of the possible sanctions under this
22 paragraph for a violation or if before the violation the juvenile has acknowledged in writing
23 that he or she has read, or has had read to him or her, those conditions and possible sanctions
24 and that he or she understands those conditions and possible sanctions.

1 (am) Violation of municipal court order. 1. If a juvenile who has violated a municipal
2 ordinance enacted under s. 118.163 (2) violates a condition of a dispositional order imposed
3 by the municipal court, the municipal court may petition the court assigned to exercise
4 jurisdiction under this chapter and ch. 48 to impose on the juvenile the sanction specified in
5 par. (a) 1g. A sanction may be imposed under this subdivision only if, at the time of the
6 judgment the municipal court explained the conditions to the juvenile and informed the
7 juvenile of that possible sanction ~~for a violation~~ or if before the violation the juvenile has
8 acknowledged in writing that he or she has read, or has had read to him or her, those conditions
9 and that possible sanction and that he or she understands those conditions and that possible
10 sanction. The petition shall contain a statement of whether the juvenile may be subject to the
11 federal Indian child welfare act Child Welfare Act, 25 USC 1911 to 1963.

12 2. If the court assigned to exercise jurisdiction under this chapter and ch. 48 imposes
13 the sanction specified in under par. (a) 1g. on a petition described in under subd. 1., that the
14 court shall order the municipality of the municipal court that filed the petition to pay to the
15 county the cost of providing the sanction imposed under par. (a) 1g.

16 **SECTION 441.** 938.355 (6m) (b) (title) of the statutes is created to read:

17 938.355 (6m) (b) (title) *Motion for sanction.*

18 **SECTION 442.** 938.355 (6m) (c) (title) of the statutes is created to read:

19 938.355 (6m) (c) (title) *Sanction hearing.*

20 **SECTION 443.** 938.355 (6m) (cm) of the statutes is amended to read:

21 938.355 (6m) (cm) Reasonable efforts finding. The court may not order the sanction
22 of placement in a place of nonsecure custody ~~specified in~~ under par. (a) 1g. unless the court
23 finds that the agency primarily responsible for providing services for the juvenile has made
24 reasonable efforts to prevent the removal of the juvenile from his or her home and that

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

8 **SECTION 444.** 938.355 (7) of the statutes is amended to read:

9 938.355 (7) ORDERS APPLICABLE TO PARENTS, GUARDIANS, LEGAL CUSTODIANS, AND OTHER
10 ADULTS. In addition to any dispositional order entered under s. 938.34 or 938.345, the court
11 may enter an order applicable to a juvenile's parent, guardian, or legal custodian or to another
12 adult, ~~as provided~~ under s. 938.45.

13 **SECTION 445.** 938.356 (1) (title) and (2) (title) of the statutes are created to read:

14 938.356 (1) (title) ORAL WARNING.

15 (2) (title) WRITTEN WARNING.

16 **SECTION 446.** 938.357 (1) (title) and (a) (title) of the statutes are created to read:

17 938.357 (1) (title) REQUEST BY PERSON OR AGENCY RESPONSIBLE FOR DISPOSITIONAL
18 ORDER OR DISTRICT ATTORNEY. (a) *Applicable procedures.*

19 **SECTION 447.** 938.357 (1) (am) (title) of the statutes is created to read:

20 938.357 (1) (am) (title) *From out-of-home placement.*

21 **SECTION 448.** 938.357 (1) (am) 1. and 3. of the statutes are amended to read:

22 938.357 (1) (am) 1. If the proposed change in placement involves any change in
23 placement other than a change in placement ~~specified in~~ under par. (c), the person or agency
24 primarily responsible for implementing the dispositional order or the district attorney shall

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

8 3. If the court changes the juvenile's placement from a placement outside the home to
9 another placement outside the home, the change in placement order shall contain one of the
10 statements specified in under sub. (2v) (a) 2.

11 **SECTION 449.** 938.357 (1) (c) and (2) of the statutes are amended to read:

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

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

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

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

21 **SECTION 450.** 938.357 (2m) and (2r) of the statutes are amended to read:

22 938.357 (2m) REQUESTS BY OTHERS. (a) Request; information required. The juvenile,
23 the parent, guardian, or legal custodian of the juvenile, or any person or agency primarily
24 bound by the dispositional order, other than the person or agency responsible for

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

13 (b) Hearing: when required. The court shall hold a hearing ~~on the matter~~ prior to
14 ordering any change in placement requested or proposed under par. (a) if the request states that
15 new information is available that affects the advisability of the current placement, ~~unless, A~~
16 hearing is not required if the requested or proposed change in placement ~~involves any change~~
17 in placement other than does not involve a change in placement of a juvenile placed in the
18 home to a placement outside the home ~~and,~~ written waivers of objection to the proposed
19 change in placement are signed by all parties entitled to receive notice under sub. (1) (am) 1.,
20 and the court approves. If a hearing is scheduled, the court shall notify the juvenile, the parent,
21 guardian, and legal custodian of the juvenile, any foster parent, treatment foster parent, or
22 other physical custodian described in s. 48.62 (2) of the juvenile, and all parties who are bound
23 by the dispositional order at least 3 days prior to the hearing. A copy of the request or proposal

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

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

9 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing is held under
10 sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a juvenile from a foster
11 home, treatment foster home, or other placement with a physical custodian described in s.
12 48.62 (2), the court shall give the foster parent, treatment foster parent, or other physical
13 custodian ~~described in s. 48.62 (2)~~ an opportunity to be heard at the hearing by permitting the
14 foster parent, treatment foster parent, or other physical custodian to make a written or oral
15 statement during the hearing or to submit a written statement prior to the hearing relating to
16 the juvenile and the requested change in placement. A foster parent, treatment foster parent,
17 or other physical custodian ~~described in s. 48.62 (2)~~ who receives notice of a hearing under
18 sub. (1) (am) 1. or (2m) (b) and an opportunity to be heard under this subsection does not
19 become a party to the proceeding on which the hearing is held solely on the basis of receiving
20 that notice and opportunity to be heard.

21 **SECTION 451.** 938.357 (2v) (title) and (a) (title) of the statutes are created to read:

22 938.357 (2v) (title) CHANGE-IN-PLACEMENT ORDER. (a) (title) *Contents of order.*

23 **SECTION 452.** 938.357 (2v) (a) 1., 2. and 3. and (b) of the statutes are amended to read:

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

8 2. If the change in placement order would change the placement of the juvenile to a
9 placement outside the home recommended by the person or agency primarily responsible for
10 implementing the dispositional order, whether from a placement in the home or from another
11 placement outside the home, a statement that the court approves the placement recommended
12 by the person or agency ~~or, if.~~ If the change in placement order would change the placement
13 of the juvenile to a placement outside the home that is not a placement recommended by that
14 person or agency, whether from a placement in the home or from another placement outside
15 the home, a statement that the court has given bona fide consideration to the recommendations
16 made by that person or agency and all parties relating to the juvenile's placement.

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

22 (b) Documentation of basis of findings. The court shall make the findings specified in
23 under par. (a) 1. and 3. on a case-by-case basis based on circumstances specific to the juvenile
24 and shall document or reference the specific information on which those findings are based

1 in the change in placement order. A change in placement order that merely references par. (a)
2 1. or 3. without documenting or referencing that specific information in the change in
3 placement order or an amended change in placement order that retroactively corrects an earlier
4 change in placement order that does not comply with this paragraph is not sufficient to comply
5 with this paragraph.

6 **SECTION 453.** 938.357 (2v) (c) (title) of the statutes is created to read:

7 938.357 (2v) (c) (title) *Permanency plan hearing.*

8 **SECTION 454.** 938.357 (2v) (c) 1. of the statutes is amended to read:

9 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the circumstances
10 ~~specified in~~ under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall
11 hold a hearing within 30 days after the date of that finding to determine the permanency plan
12 for the juvenile. If a hearing is held under this paragraph, the agency responsible for preparing
13 the permanency plan shall file the permanency plan with the court ~~not less than~~ at least 5 days
14 before the date of the hearing.

15 **SECTION 455.** 938.357 (3) of the statutes is amended to read:

16 938.357 (3) PLACEMENT IN JUVENILE CORRECTIONAL FACILITY. Subject to subs. (4) (b)
17 and (c) and (5) (e), if the proposed change in placement would involve placing a juvenile in
18 a ~~secured juvenile~~ secured juvenile correctional facility, ~~a secured child caring institution,~~ or a secured group
19 ~~home~~ residential care center for children and youth, notice shall be given as provided in sub.
20 (1) (am) 1. A hearing shall be held, unless waived by the juvenile, parent, guardian, and legal
21 custodian, before the ~~judge~~ court makes a decision on the request. The juvenile ~~shall be~~ is
22 entitled to counsel at the hearing, and any party opposing or favoring the proposed new
23 placement may present relevant evidence and cross-examine witnesses. The proposed new

1 placement may be approved only if the ~~judge~~ court finds, on the record, that the conditions
2 set forth in s. 938.34 (4m) have been met.

3 **SECTION 456.** 938.357 (4) (a) and (b) 1., 2. and 3. of the statutes are amended to read:

4 938.357 (4) PLACEMENT WITH DEPARTMENT. (a) When the juvenile is placed with the
5 department, the department may, after an examination under s. 938.50, place the juvenile in
6 a ~~secured juvenile~~ correctional facility or a ~~secured child-caring institution~~ residential care
7 center for children and youth or on aftercare supervision, either immediately or after a period
8 of placement in a ~~secured juvenile~~ correctional facility or a ~~secured child-caring institution~~
9 residential care center for children and youth. The department shall send written notice of the
10 change in placement to the parent, guardian, legal custodian, county department designated
11 under s. 938.34 (4n), if any, and committing court. If the department places a juvenile in a
12 Type 2 ~~secured juvenile~~ correctional facility operated by a child welfare agency, the
13 department shall reimburse the child welfare agency at the rate established under s. 46.037 that
14 is applicable to the type of placement that the child welfare agency is providing for the
15 juvenile. A juvenile who is placed in a Type 2 ~~secured juvenile~~ correctional facility or a
16 ~~secured child-caring institution~~ residential care center for children and youth remains under
17 the supervision of the department, remains subject to the rules and discipline of that
18 department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

19 (b) 1. If a juvenile whom the department has placed in a Type 2 ~~secured juvenile~~
20 correctional facility operated by a child welfare agency violates a condition of his or her
21 placement in the Type 2 ~~secured juvenile~~ correctional facility, the child welfare agency
22 operating the Type 2 ~~secured juvenile~~ correctional facility shall notify the department and the
23 department, after consulting with the child welfare agency, may place the juvenile in a Type 1

1 ~~secured juvenile~~ correctional facility under the supervision of the department, without a
2 hearing under sub. (1) (am) 2.

3 2. If a juvenile whom the court has placed in a Type 2 ~~child-caring institution~~ residential
4 care center for children and youth under s. 938.34 (4d) violates a condition of his or her
5 placement in the Type 2 ~~child-caring institution~~ residential care center for children and youth,
6 the child welfare agency operating the Type 2 ~~child-caring institution~~ residential care center
7 for children and youth shall notify the county department that has supervision over the juvenile
8 and, if the county department agrees to a change in placement under this subdivision, the child
9 welfare agency shall notify the department, and the department, after consulting with the child
10 welfare agency, may place the juvenile in a Type 1 ~~secured juvenile~~ correctional facility under
11 the supervision of the department, without a hearing under sub. (1) (am) 2., for not more than
12 10 days. If a juvenile is placed in a Type 1 ~~secured juvenile~~ correctional facility under this
13 subdivision, the county department that has supervision over the juvenile shall reimburse the
14 child welfare agency operating the Type 2 ~~child-caring institution~~ residential care center for
15 children and youth in which the juvenile was placed at the rate established under s. 46.037,
16 and that child welfare agency shall reimburse the department at the rate specified in s. 301.26
17 (4) (d) 2. or 3., whichever is applicable, for the cost of the juvenile's care while placed in a
18 Type 1 ~~secured juvenile~~ correctional facility.

19 3. The child welfare agency operating the Type 2 ~~secured juvenile~~ correctional facility
20 or Type 2 ~~child-caring institution~~ residential care center for children and youth shall send
21 written notice of a change in placement under subd. 1. or 2. to the parent, guardian, legal
22 custodian, county department, and committing court.

23 **SECTION 457.** 938.357 (4) (c) 1., 2. and 3. of the statutes are amended to read:

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

9 2. If a juvenile is placed in a Type 2 ~~child-caring institution~~ residential care center for
10 children and youth under s. 938.34 (4d) and it appears that a less restrictive placement would
11 be appropriate for the juvenile, the child welfare agency operating the Type 2 ~~child-caring~~
12 ~~institution~~ residential care center for children and youth shall notify the county department
13 that has supervision over the juvenile and, if the county department agrees to a change in
14 placement under this subdivision, the child welfare agency may place the juvenile in a less
15 restrictive placement. A child welfare agency may also, with the agreement of the county
16 department that has supervision over a juvenile who is placed in a less restrictive placement
17 under this subdivision, return the juvenile to the Type 2 ~~child-caring institution~~ residential care
18 center for children and youth without a hearing under sub. (1) (am) 2. The child welfare
19 agency shall establish a rate for each type of placement in the manner provided in s. 46.037.

20 3. The child welfare agency operating the Type 2 secured juvenile correctional facility
21 or Type 2 ~~child-caring institution~~ residential care center for children and youth shall send
22 written notice of a change in placement under subd. 1. or 2. to the parent, guardian, legal
23 custodian, county department, and committing court.

24 **SECTION 458.** 938.357 (4) (d) of the statutes is repealed.

NOTE: Repeals s. 938.357 (4) (d), which permits a juvenile who was adjudicated delinquent to be transferred to an adult correctional facility.

In *State of Wisconsin v. Hezzie R.*, 219 Wis. 2d 849 (1998), the Wisconsin Supreme Court held that subjecting a juvenile who has no right to a trial by jury under the Juvenile Justice Code to placement in an adult prison violates the juvenile's constitutional right to a trial by jury because placement in an adult prison constitutes criminal punishment rather than juvenile rehabilitation. Accordingly, this draft eliminates the authority of the DOC to transfer a juvenile who has been adjudicated delinquent to an adult prison, including the Intensive Sanctions Program, which is defined in the statutes as a state prison. This change is reflected: (1) in various provisions in the Juvenile Justice Code [ss. 938.183 (3), 938.538 (3) (a) 1., 1m., and 2., (4) (a), (5) (c), and (6), and 938.992 (3)]; and (2) in other provisions affected by this change that are outside of the Juvenile Justice Code.

1 **SECTION 459.** 938.357 (4d) (a) and (am) of the statutes are amended to read:

2 938.357 (4d) PROHIBITED PLACEMENTS BASED ON HOMICIDE OF PARENT. (a) Except as
3 ~~provided in~~ under par. (b), the court may not change a juvenile's placement to a placement in
4 the home of a person who has been convicted ~~under s. 940.01 of the first-degree intentional~~
5 ~~homicide, or under s. 940.05 of the 2nd-degree intentional homicide,~~ under s. 940.01 or
6 940.05 of a parent of the juvenile, if the conviction has not been reversed, set aside, or vacated.

7 ~~(am) Except as provided in~~ under par. (b), if a parent in whose home a juvenile is placed
8 is convicted ~~under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the~~
9 ~~2nd-degree intentional homicide,~~ of the juvenile's other parent under s. 940.01 or 940.05, and
10 the conviction has not been reversed, set aside, or vacated, the court shall change the juvenile's
11 placement to a placement out of the home of the parent on petition of the juvenile, the guardian
12 or legal custodian of the juvenile, a person or agency bound by the dispositional order, or the
13 district attorney or corporation counsel of the county in which the dispositional order was
14 entered, or on the court's own motion, ~~and on~~ with notice to the parent.