

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

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

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

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

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

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

14           (b) Whenever a court suspends a juvenile's operating privilege under this  
15 subsection, the court shall immediately take possession of any suspended license and  
16 forward it to the department of transportation, together with the notice of  
17 suspension clearly stating that the suspension is for a violation under s. 961.573 (2),  
18 961.574 (2), or 961.575 (2), or a local ordinance that strictly conforms to one of those  
19 statutes.

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

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

1           938.344 (2g) (title) STAY OF ORDER.

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

4           938.344 (2g) (a) 1. Submit to an alcohol and other drug abuse assessment that  
5 conforms to the criteria specified under s. 938.547 (4) and that is conducted by an  
6 approved treatment facility. The order shall designate an approved treatment  
7 facility to conduct the alcohol and other drug abuse assessment and shall specify the  
8 date by which the assessment must be completed.

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

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

16           (d) If an approved treatment facility, court-approved pupil assistance program,  
17 or court-approved alcohol or other drug abuse education program, with the written  
18 informed consent of the juvenile or, if the juvenile has not attained the age of 12, the  
19 written informed consent of the juvenile's parent, notifies the agency primarily  
20 responsible for providing services to the juvenile that a juvenile is not participating,  
21 or has not satisfactorily completed, a recommended alcohol or other drug abuse  
22 treatment program, a court-approved pupil assistance program, or a  
23 court-approved alcohol or other drug abuse education program, the court shall hold  
24 a hearing to determine whether to impose the penalties under sub. (2), (2b), (2d), or  
25 (2e) ~~should be imposed~~.

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

3           938.344 **(2m)** (title) COUNTING VIOLATIONS.

4           **(3)** (title) PROSECUTION IN ADULT COURT.

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

7           938.345 (1) DISPOSITIONAL ORDER. (intro.) If the court finds that the juvenile  
8 is in need of protection or services, the court shall enter an order ~~deciding~~ including  
9 one or more of the dispositions ~~of the case as provided in under~~ s. 938.34 under a care  
10 and treatment plan except that the order may not do any of the following:

Remove "or"

11           <sup>or in a</sup> (a) Place the juvenile in the serious juvenile offender program, ~~or a secured~~  
12 juvenile ~~correctional facility, a secured child caring institution or a secured group~~  
13 home residential care center for children and youth.

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

<sup>s/m/s,</sup>  
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).  
a facility that

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

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

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

1           938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a  
2 juvenile is in need of protection or services based on the fact that the juvenile is a  
3 school dropout, as defined in s. 118.153 (1) (b), or based on habitual truancy, and the  
4 court also finds that ~~the reason~~ the juvenile has dropped out of school or is a habitual  
5 truant is as a result of the juvenile's intentional refusal to attend school rather than  
6 the failure of any other person to comply with s. 118.15 (1) (a), the court, instead of  
7 or in addition to any other disposition imposed under sub. (1), may enter an order  
8 permitted under s. 938.342.

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

10           938.345 (3) (title) SEX OFFENDER REGISTRATION.

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

12           938.345 (3) (a) (intro.) If the court finds that a juvenile is in need of protection  
13 or services on the basis of a violation, or the solicitation, conspiracy, or attempt to  
14 commit a violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the  
15 court may require the juvenile to comply with the reporting requirements under s.  
16 301.45 if the court determines that the underlying conduct was sexually motivated,  
17 as defined in s. 980.01 (5), and that it ~~would be~~ is in the interest of public protection  
18 to have the juvenile report under s. 301.45. In determining whether it ~~would be~~ is  
19 in the interest of public protection to have the juvenile report under s. 301.45, the  
20 court may consider any of the following:

21           (c) If the court orders a juvenile to comply with the reporting requirements  
22 under s. 301.45, the clerk of the court in which the order is entered shall promptly  
23 forward a copy of the order to the department of ~~corrections~~. If the finding of need  
24 of protection or services on which the order is based is reversed, set aside or vacated,

1 the clerk of the court shall promptly forward to the department of corrections a  
2 certificate stating that the finding has been reversed, set aside or vacated.

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

4 938.346 (1) (title) INFORMATION TO VICTIMS.

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

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

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

9 938.346 (1) (b) The procedure under s. 938.396 ~~(1r)~~ (1) (c) 5. for obtaining the  
10 juvenile's police records.

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

12 938.346 (1) (d) 2. The procedure ~~the victim may follow~~ for obtaining the  
13 information in subd. 1.

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

15 938.346 (1m) DUTIES OF INTAKE WORKERS AND DISTRICT ATTORNEYS. The intake  
16 worker shall make a reasonable attempt to provide notice of the information  
17 ~~specified in under~~ sub. (1) (a), (b), (c), and (h), the information ~~specified in under~~ sub.  
18 (1) (d) relating to a deferred prosecution agreement under s. 938.245, the information  
19 ~~specified in under~~ sub. (1) (em) relating to the right to confer, if requested, on deferred  
20 prosecution agreements and the information ~~specified in under~~ sub. (3) if the  
21 juvenile's case is closed. The district attorney or corporation counsel shall make a  
22 reasonable attempt to provide notice of the information ~~specified in under~~ sub. (1) (e),  
23 ~~(ec)~~, (f), (fm), and (g), the information ~~specified in under~~ sub. (1) (d) relating to a  
24 consent decree under s. 938.32 or a dispositional order under ss. 938.34 to 938.345,  
25 the information ~~specified in under~~ sub. (1) (em) relating to the right to request an

1 opportunity to confer, if requested, on amendment of petitions, consent decrees and  
2 disposition recommendations and the information under sub. (3) if he or she decides  
3 not to file a petition or the proceeding is terminated without a consent decree or  
4 dispositional order after 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).

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

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

11 938.346 (3) (title) CLOSED CASES.

12 (4) (title) CHILD VICTIMS.

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

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

15 938.35 (1) (title) EFFECT AND ADMISSIBILITY OF JUDGMENT.

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

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

↑  
that

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

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

6           938.355 (1) **INTENT.** In any order under s. 938.34 or 938.345, the court shall  
7 decide on a placement and treatment finding based on evidence submitted to the  
8 court. The disposition shall employ those means necessary to promote the objectives  
9 specified in under s. 938.01. If the judge court has determined that any of the  
10 conditions specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall  
11 be prima facie evidence that a less restrictive alternative than placement in a  
12 secured juvenile correctional facility, a secured juvenile child caring institution, or  
13 a secured group home residential care center for children and youth is not  
14 appropriate. If information under s. 938.331 has been provided in a court report  
15 under s. 938.33 (1), the court shall consider that information when deciding on a  
16 placement and treatment finding.

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

19           938.355 (2) (b) 1. The specific services or continuum of services to be provided  
20 to the juvenile and the juvenile's family, the identity of the agencies which that are  
21 to be primarily responsible for the provision of the services mandated by the court,  
22 the identity of the person or agency who that will provide case management or  
23 coordination of services, if any, and, if custody is to be transferred to effect the  
24 treatment plan, the identity of the legal custodian.

*STET leave as typed*

PLAIN

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

7 4m. If the juvenile is placed outside the home and if the juvenile's parent has  
 8 not already provided a statement of the ~~parent's and the juvenile's~~ income, assets,  
 9 debts, and living expenses to the county department under s. 938.30 (6) (b) or (c) or  
 10 938.31 (7) (b) or (c), an order for the parent to provide that statement to the county  
 11 department by a date specified by the court. The county department shall provide,  
 12 without charge, to the parent a form on which to provide that statement, and the  
 13 parent shall provide that statement on ~~that~~ the form. The county department shall  
 14 use the information provided in the statement to determine whether the department  
 15 may claim federal foster care and adoption assistance reimbursement under 42 USC  
 16 670 to 679a for the cost of providing care for the juvenile. *as affected by the bill*

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

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

20 6. If the juvenile is placed outside the home, a finding that continued placement  
 21 of the juvenile in his or her home would be contrary to the welfare of the juvenile or,  
 22 if the juvenile has been adjudicated delinquent and is placed outside the home under  
 23 s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that the juvenile's current residence  
 24 will not safeguard the welfare of the juvenile or the community due to the serious

For an explanation of  
 the change to s  
 938.355 (2) (b) 4m, 5m  
 See

move  
 to  
 200-22 ↓

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

18 6r. If the court finds that any of the circumstances specified in under sub. (2d)  
 19 (b) 1. to 4. applies with respect to a parent, a determination that the county  
 20 department or agency primarily responsible for providing services under the court  
 21 order is not required to make reasonable efforts with respect to the parent to make  
 22 it possible for the juvenile to return safely to his or her home.

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

~~SEC AM 938.355 (2) (b) 6r.  
 938.355 (2) (b) 6r.~~

1           938.355 (2c) REASONABLE EFFORTS STANDARDS. (a) (intro.) When a court makes  
 2 a finding under sub. (2) (b) 6. as to whether a county department which provides  
 3 social services or the agency primarily responsible for providing services to the  
 4 juvenile under a court order has made reasonable efforts to prevent the removal of  
 5 the juvenile from his or her home, while assuring that the juvenile’s health and safety  
 6 are the paramount concerns, the court’s consideration of reasonable efforts shall  
 7 include, ~~but not be limited to,~~ whether:

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

15           **SECTION 425.** 938.355 (2d) (a) 1. and (b) 1., 2., 3. and 4. of the statutes <sup>g</sup> are <sup>is</sup>  
 16 amended to read:

17           938.355 (2d) (a) 1. “Aggravated circumstances” include abandonment in  
 18 violation of s. 948.20 or in violation of the law of any other state or federal law if that  
 19 violation would be a violation of s. 948.20 if committed in this state, torture, chronic  
 20 abuse, and sexual abuse.

21           (b) 1. ~~That the~~ The parent has subjected the juvenile to aggravated  
 22 circumstances, as evidenced by a final judgment of conviction.  
 23           2. ~~That the~~ The parent has committed, has aided or abetted the commission of,  
 24 or has solicited, conspired, or attempted to commit, a violation of s. 940.01, 940.02,  
 25 940.03, or 940.05 or a violation of the law of any other state or federal law, if that

1 violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if committed in  
2 this state, as evidenced by a final judgment of conviction, and that the victim of that  
3 violation is a child of the parent.

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

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

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

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

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

23 938.355 (2e) (b) Each time a juvenile's placement is changed under s. 938.357  
24 or a dispositional order is revised under s. 938.363 or extended under s. 938.365, the  
25 agency that prepared the permanency plan shall revise the plan to conform to the



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

6 SECTION 430. 938.355 (3m) and (4) of the statutes <sup>is</sup> are amended to read:

7 938.355 (3m) ORDERS BASED ON EVIDENCE. Dispositional orders under s.  
8 938.343 or 938.344 shall be based upon the evidence ~~except that this~~. This subsection  
9 does not require a dispositional hearing for the disposition of an uncontested citation.

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

PLAIN

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

PLAIN

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.

bill

15th 3.

the date on which the  
order is granted

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,  
4 petition the court to expunge the court's record of the juvenile's adjudication. Subject  
5 to par. (b), the court may expunge the court's record of the juvenile's adjudication if  
6 the court determines that the juvenile has satisfactorily complied with the conditions  
7 of his or her dispositional order and that the juvenile will benefit from, and society  
8 will not be harmed by, the expungement. *starts,*

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. *(bill)*

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

15 SECTION 432. 938.355 (6) (a) of the statutes is renumbered 938.355 (6) (a) 1. and  
16 amended to read:

17 938.355 (6) ~~SANCTIONS FOR VIOLATION OF ORDER~~ (a) Juvenile court orders. 1.  
18 If a juvenile who has been adjudged delinquent or to have violated a civil law or  
19 ordinance, other than an ordinance enacted under s. 118.163 (1m) or (2), violates a  
20 condition specified in sub. (2) (b) 7., the court may impose on the juvenile any of the  
21 sanctions specified in par. (d). A sanction may be imposed under this subdivision only  
22 if, at the dispositional hearing under s. 938.335, the court explained the conditions

9 SEC. #. CR; 938.355(6)(a)(title  
9 938.355(6)(a)(title)

PLAIN

1 to the juvenile and informed the juvenile of those possible sanctions or if before the  
2 violation the juvenile has acknowledged in writing that he or she has read, or has had  
3 read to him or her, those conditions and possible sanctions and that he or she  
4 understands those conditions and possible sanctions.

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

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

16 938.355 (6) (an) Municipal court orders. 1. If a juvenile who has violated a  
17 municipal ordinance, other than an ordinance enacted under s. 118.163 (1m) or (2),  
18 violates a condition of a dispositional order imposed by the municipal court, the  
19 municipal court may petition the court assigned to exercise jurisdiction under this  
20 chapter and ch. 48 to impose on the juvenile the sanction specified in under par. (d)  
21 1. or the sanction specified in under par. (d) 3., with monitoring by an electronic  
22 monitoring system. A sanction may be imposed under this subdivision only if, at the  
23 time of the judgment, the municipal court explained the conditions to the juvenile  
24 and informed the juvenile of those possible sanctions for a violation or if before the  
25 violation the juvenile has acknowledged in writing that he or she has read, or has had

1 read to him or her, those conditions and possible sanctions and that he or she  
 2 understands those conditions and possible sanctions. The petition shall contain a  
 3 statement of whether the juvenile may be subject to the federal Indian child welfare  
 4 act Child Welfare Act, 25 USC 1911 to 1963.

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

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

12 938.355 (6) (b) Motion to impose sanction. A motion for imposition of a sanction  
 13 may be brought by the person or agency primarily responsible for the provision of  
 14 dispositional services, the district attorney or corporation counsel or the court that  
 15 entered the dispositional order. If the court initiates the motion, that court is  
 16 disqualified from holding a hearing on the motion. Notice of the motion shall be given  
 17 to the juvenile, guardian ad litem, counsel, parent, guardian, legal custodian and all  
 18 parties present at the original dispositional hearing. The motion shall contain a  
 19 statement of whether the juvenile may be subject to the federal Indian child welfare  
 20 act Child Welfare Act, 25 USC 1911 to 1963.

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

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

ASCC CR 938.355 (6)(c)  
 938.355 (6)(c) Sanction hearing.

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

NOTE: Clarifies, in s. 938.355 (6) (cm), <sup>s/stats</sup> 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.

Department of Health and Family Services (DHFS)

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

13 938.355 (6) (d) (title) *Sanctions permitted.*

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

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

17 938.355 (6d) (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any  
 18 general written policies adopted by the court under s. 938.06 (1) or (2) and to any  
 19 policies adopted by the county board relating to the taking into custody and  
 20 placement of a juvenile under this subdivision, if a juvenile who has been adjudged  
 21 delinquent violates a condition specified in sub. (2) (b) 7., the juvenile's caseworker  
 22 or any other person authorized to provide or providing intake or dispositional  
 23 services for the court under s. 938.067 or 938.069 may, without a hearing, take the

1 juvenile into custody and place the juvenile in a secure detention facility or juvenile  
2 portion of a county jail that meets the standards promulgated by the department by  
3 rule or in a place of nonsecure custody designated by that person for not more than  
4 72 hours while the alleged violation and the appropriateness of a sanction under sub.  
5 (6) are being investigated, Short-term detention may be imposed under this  
6 subdivision only if at the dispositional hearing the court explained those conditions  
7 to the juvenile and informed the juvenile of ~~the possibility of that possible~~ placement  
8 or if before the violation the juvenile has acknowledged in writing that he or she has  
9 read, or has had read to him or her, those conditions and that possible placement and  
10 that he or she understands those conditions and that possible placement.

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

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

*and (b) 2 starts* *2 spot*

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.

10 (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any general written  
 11 policies adopted by the court under s. 938.06 (1) or (2), to any policies adopted by the  
 12 county department relating to aftercare supervision administered by the county  
 13 department, and to any policies adopted by the county board relating to the taking  
 14 into custody and placement of a juvenile under this subdivision, if a juvenile who is  
 15 on aftercare supervision administered by the county department violates a condition  
 16 of that supervision, the juvenile's caseworker or any other person authorized to  
 17 provide or providing intake or dispositional services for the court under s. 938.067  
 18 or 938.069 may, without a hearing, take the juvenile into custody and place the  
 19 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  
 21 custody designated by that person for not more than 72 hours while the alleged  
 22 violation and the appropriateness of revoking the juvenile's aftercare status are  
 23 being investigated. Short-term detention may be imposed under this subdivision

*move to 213-8*

if

1 only at the dispositional hearing the court explained those conditions to the juvenile  
2 and informed the juvenile of that possible placement or if before the violation the  
3 juvenile has acknowledged in writing that he or she has read, or has had read to him  
4 or her, those conditions and that possible placement and that he or she understands  
5 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.

S/M/Ps

fold notes into one

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

move to 213-8

move note from 211-9

move note from 212-5

1 juvenile into custody under this subdivision shall permit the juvenile to make a  
2 written or oral statement concerning the possible placement of the juvenile and the  
3 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  
5 a person authorized to provide or providing intake or dispositional services under s.  
6 938.067 or 938.069 shall review that statement and shall either approve the  
7 placement of the juvenile, modify the terms of the placement, or order the juvenile  
8 to be released from custody.

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

is affected by this bill

LPS: make sure to delete extra space between the notes

9 SECTION 438. 938.355 (6d) (c) 1. and 2. and (d) of the statutes are amended to  
10 read:

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

1 read, or has had read to him or her, those conditions and that possible placement and  
2 that he or she understands those conditions and that possible placement.

3 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written  
4 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by  
5 the county board relating to the taking into custody and placement of a juvenile  
6 under this subdivision, if a juvenile who has been found to be in need of protection  
7 or services under s. 938.13 violates a condition specified in sub. (2) (b) 7., the  
8 juvenile's caseworker or any other person authorized to provide or providing intake  
9 or dispositional services for the court under s. 938.067 or 938.069 may, without a  
10 hearing, take the juvenile into custody and place the juvenile in a place of nonsecure  
11 custody designated by that person for not more than 72 hours as a consequence of  
12 that violation. Short-term detention may be imposed under this subdivision only  
13 if at the dispositional hearing the court explained those conditions to the juvenile and  
14 informed the juvenile of ~~the possibility of that possible~~ placement or if before the  
15 violation the juvenile has acknowledged in writing that he or she has read, or has had  
16 read to him or her, those conditions and that possible placement and that he or she  
17 understands those conditions and that possible placement. A person who takes a  
18 juvenile into custody under this subdivision shall permit the juvenile to make a  
19 written or oral statement concerning the possible placement of the juvenile and the  
20 course of conduct for which the juvenile was taken into custody. A person designated  
21 by the court or the county department who is employed in a supervisory position by  
22 a person authorized to provide or providing intake or dispositional services under s.  
23 938.067 or 938.069 shall review that statement and shall either approve the  
24 placement, modify the terms of the placement, or order the juvenile to be released  
25 from custody.

For an explanation of the change to s. 938.355 (6d)(c) 2, stats, see

stats, as affected by this bill

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

1 (d) *Hearing; when required.* If a juvenile is held under par. (a), (b), or (c) in a  
 2 secure detention facility, juvenile portion of a county jail, or place of nonsecure  
 3 custody for longer than 72 hours, the juvenile is entitled to a hearing under sub. (6)  
 4 (c) or s. 938.21. The hearing shall be conducted in the manner provided in sub. (6)  
 5 or s. 938.21, except that for a hearing under, notwithstanding s. 938.21 (1) (a), the  
 6 hearing shall be conducted within 72 hours, rather than 24 hours, after the time that  
 7 the decision to hold the juvenile was made and a written statement of the reasons  
 8 for continuing to hold the juvenile in custody may be filed rather than instead of a  
 9 petition under s. 938.25.

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

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

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

move to 216-3

more  
note  
from  
215-22

1 (b) (intro.) The court may find a juvenile in contempt of court, as defined in s.  
2 785.01 (1), and order a disposition under s. 938.34 ~~only~~ if the court makes all of the  
3 following findings:

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

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

21 (ag) Violation of truancy order. If the court finds by a preponderance of the  
22 evidence that a juvenile who has been found to have violated a municipal ordinance  
23 enacted under s. 118.163 (1m) has violated a condition specified under sub. (2) (b) 7.,  
24 the court may order as a sanction any combination of the operating privilege  
25 suspension specified in par. (a) and the dispositions specified in s. 938.342 (1g) (b) to

1 (k) and (1m), regardless of whether the disposition was imposed in the order violated  
2 by the juvenile, A sanction may be imposed under this paragraph only if at the  
3 dispositional hearing under s. 938.335 the court explained those conditions to the  
4 juvenile and informed the juvenile of the possible sanctions under this paragraph for  
5 a violation or if before the violation the juvenile has acknowledged in writing that  
6 he or she has read, or has had read to him or her, those conditions and possible  
7 sanctions and that he or she understands those conditions and possible sanctions.

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

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

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

1 938.355 (6m) (b) (title) *Motion for sanction.* ✓

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

3 938.355 (6m) (c) (title) *Sanction hearing.* ✓

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

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

SCORE  
COMMA

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

19 938.355 (7) ORDERS APPLICABLE TO PARENTS, GUARDIANS, LEGAL CUSTODIANS, AND  
20 OTHER ADULTS. In addition to any dispositional order entered under s. 938.34 or  
21 938.345, the court may enter an order applicable to a juvenile's parent, guardian, or  
22 legal custodian or to another adult, as provided under s. 938.45. PLAIN

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

24 938.356 (1) (title) ORAL WARNING. ✓

25 (2) (title) WRITTEN WARNING. ✓

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

2           938.357 (1) (title) REQUEST BY PERSON OR AGENCY RESPONSIBLE FOR DISPOSITIONAL

3 ORDER OR DISTRICT ATTORNEY. (a) *Applicable procedures.*

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

5           938.357 (1) (am) (title) *From out-of-home placement.*

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

7           938.357 (1) (am) 1. If the proposed change in placement involves any change  
8 in placement other than a change in placement ~~specified in~~ under par. (c), the person  
9 or agency primarily responsible for implementing the dispositional order or the  
10 district attorney shall cause written notice of the proposed change in placement to  
11 be sent to the juvenile, the parent, guardian, and legal custodian of the juvenile, and  
12 any foster parent, treatment foster parent, or other physical custodian described in  
13 s. 48.62 (2) of the juvenile. The notice shall contain the name and address of the new  
14 placement, the reasons for the change in placement, a statement describing why the  
15 new placement is preferable to the present placement, and a statement of how the  
16 new placement satisfies objectives of the treatment plan ordered by the court.

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

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

21           938.357 (1) (c) *From placement in the home.* 1. If the proposed change in  
22 placement would change the placement of a juvenile placed in the home to a  
23 placement outside the home, the person or agency primarily responsible for  
24 implementing the dispositional order or the district attorney shall submit a request  
25 for the change in placement to the court. The request shall contain the name and

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

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

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

23 **(2) EMERGENCY CHANGE IN PLACEMENT.** If emergency conditions necessitate an  
24 immediate change in the placement of a juvenile placed outside the home, the person  
25 or agency primarily responsible for implementing the dispositional order may

1 remove the juvenile to a new placement, whether or not authorized by the existing  
2 dispositional order, without the prior notice ~~provided in~~ under sub. (1) (am) 1. The  
3 notice shall, ~~however,~~ be sent within 48 hours after the emergency change in  
4 placement. Any party receiving notice may demand a hearing under sub. (1) (am)  
5 2. In emergency situations, a juvenile may be placed in a licensed public or private  
6 shelter care facility as a transitional placement for not more than 20 days, ~~as well~~  
7 as or in any placement authorized under s. 938.34 (3).

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

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

1           (b) Hearing; when required. The court shall hold a hearing ~~on the matter~~ prior  
2 to ordering any change in placement requested or proposed under par. (a) if the  
3 request states that new information is available that affects the advisability of the  
4 current placement, ~~unless.~~ A hearing is not required if the requested or proposed  
5 change in placement ~~involves any change in placement other than~~ does not involve  
6 a change in placement of a juvenile placed in the home to a placement outside the  
7 home and, written waivers of objection to the proposed change in placement are  
8 signed by all parties entitled to receive notice under sub. (1) (am) 1., and the court  
9 approves. If a hearing is scheduled, the court shall notify the juvenile, the parent,  
10 guardian, and legal custodian of the juvenile, any foster parent, treatment foster  
11 parent, or other physical custodian described in s. 48.62 (2) of the juvenile, and all  
12 parties who are bound by the dispositional order at least 3 days prior to the hearing.  
13 A copy of the request or proposal for the change in placement shall be attached to the  
14 notice. If all of the parties consent, the court may proceed immediately with the  
15 hearing.

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

23           (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing is held  
24 under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a  
25 juvenile from a foster home, treatment foster home, or other placement with a

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

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

13 938.357 (2v) (title) CHANGE-IN-PLACEMENT ORDER. (a) (title) *Contents of order.*

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

16 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a  
17 placement in the juvenile's home to a placement outside the juvenile's home, a  
18 finding that continued placement of the juvenile in his or her home would be contrary  
19 to the welfare of the juvenile and, unless a circumstance ~~specified in~~ under s. 938.355  
20 (2d) (b) 1. to 4. applies, a finding that the agency primarily responsible for  
21 implementing the dispositional order has made reasonable efforts to prevent the  
22 removal of the juvenile from the home, while assuring that the juvenile's health and  
23 safety are the paramount concerns.

24 2. If the change in placement order would change the placement of the juvenile  
25 to a placement outside the home recommended by the person or agency primarily

1 responsible for implementing the dispositional order, whether from a placement in  
2 the home or from another placement outside the home, a statement that the court  
3 approves the placement recommended by the person or agency ~~or, if,~~ If the change  
4 in placement order would change the placement of the juvenile to a placement  
5 outside the home that is not a placement recommended by that person or agency,  
6 whether from a placement in the home or from another placement outside the home,  
7 a statement that the court has given bona fide consideration to the recommendations  
8 made by that person or agency and all parties relating to the juvenile's placement.

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

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

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

24 938.357 (2v) (c) (title) *Permanency plan hearing.*

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

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

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

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

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

22 938.357 (4) PLACEMENT WITH DEPARTMENT. (a) When the juvenile is placed with  
23 the department, the department may, after an examination under s. 938.50, place  
24 the juvenile in a ~~secured juvenile~~ correctional facility or a ~~secured child caring~~  
25 ~~institution~~ residential care center for children and youth or on aftercare supervision,

NO SCORING

¶ SEC.#. CR; 938.357(4) (title)  
¶ 938.357(4) (title)

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

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

21 2. If a juvenile whom the court has placed in a Type 2 ~~child-caring institution~~  
22 residential care center for children and youth under s. 938.34 (4d) violates a  
23 condition of his or her placement in the Type 2 ~~child-caring institution~~ residential  
24 care center for children and youth, the child welfare agency operating the Type 2  
25 ~~child-caring institution~~ residential care center for children and youth shall notify the

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

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

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

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

1 welfare agency shall establish a rate for each type of placement in the manner  
2 provided in s. 46.037.

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

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

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

NOTE: Repeals s. 938.357 (4) (d), <sup>(s/m/c.)</sup> 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~~ <sup>(s/m/c.)</sup> 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

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9 SEC. #. ER; 938.357(4d)(title)

9 938.357(4d)(title)

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

3 as provided in under par. (b), the court may not change a juvenile's placement to a

4 placement in the home of a person who has been convicted under s. 940.01 of the

5 first degree intentional homicide or under s. 940.05 of the 2nd degree intentional

6 homicide, under s. 940.01 or 940.05 of a parent of the juvenile, if the conviction has

7 not been reversed, set aside, or vacated.

8 (am) Except as provided in under par. (b), if a parent in whose home a juvenile

9 is placed is convicted under s. 940.01 of the first degree intentional homicide, or

10 under s. 940.05 of the 2nd degree intentional homicide, of the juvenile's other parent

11 under s. 940.01 or 940.05, and the conviction has not been reversed, set aside, or

12 vacated, the court shall change the juvenile's placement to a placement out of the

13 home of the parent on petition of the juvenile, the guardian or legal custodian of the

14 juvenile, a person or agency bound by the dispositional order, or the district attorney

15 or corporation counsel of the county in which the dispositional order was entered, or

16 on the court's own motion, and on with notice to the parent.

17 SECTION 460. 938.357 (4g) (a), (b), (c) (intro.) and (d) of the statutes are

18 amended to read:

19 938.357 (4g) AFTERCARE PLAN. (a) Not later than 120 days after the date on

20 which the juvenile is placed in a secured juvenile correctional facility, a secured child

21 caring institution or a secured group home residential care center for children and

22 youth, or within 30 days after the date on which the department requests the

23 aftercare plan, whichever is earlier, the aftercare provider designated under s.

9 SEC. #. CR; 938.357(4g)(title)

9 938.357(4g)(title)

1 938.34 (4n) shall prepare an aftercare plan for the juvenile. If the designated  
2 aftercare provider ~~designated under s. 938.34 (4n)~~ is a county department, that  
3 county department shall submit the aftercare plan to the department within the time  
4 limits specified in this paragraph, unless the department waives those time limits  
5 under par. (b).

6 (b) The department may waive the time period within which an aftercare plan  
7 must be prepared and submitted under par. (a) if the department anticipates that the  
8 juvenile will remain in the ~~secured~~ juvenile correctional facility, ~~secured child caring~~  
9 ~~institution~~ or ~~secured group home~~ residential care center for children and youth for  
10 a period exceeding 8 months or if the juvenile is subject to s. 48.366 or 938.183. If  
11 the department waives that time period, the ~~designated~~ aftercare provider  
12 ~~designated under s. 938.34 (4n)~~ shall prepare the aftercare plan within 30 days after  
13 the date on which the department requests the aftercare plan.

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14 (c) (intro.) An aftercare plan ~~prepared under par. (a) or (b)~~ shall include all of  
15 the following:

16 (d) A juvenile may be released from a ~~secured~~ juvenile correctional facility, ~~a~~  
17 ~~secured child caring institution~~ or a ~~secured group home~~ residential care center for  
18 children and youth whether or not an aftercare plan has been prepared under this  
19 subsection.

20 **SECTION 461.** 938.357 (4m) (title) and (5) (title) of the statutes are created to  
21 read:

22 938.357 (4m) (title) RELEASE TO AFTERCARE SUPERVISION.

23 (5) (title) REVOCATION OF AFTERCARE SUPERVISION.

24 **SECTION 462.** 938.357 (5) (a), (c), (d), (e) and (f) of the statutes are amended to  
25 read:

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

6           (c) The juvenile ~~shall be~~ is entitled to representation by counsel at all stages  
7 of the revocation proceeding.

8           (d) A hearing on the revocation shall be conducted by the division of hearings  
9 and appeals in the department of administration within 30 days after the juvenile  
10 is taken into custody for an alleged violation of ~~the conditions~~ a condition of the  
11 juvenile's aftercare supervision. This time limit may be waived only upon the  
12 agreement of the aftercare provider, the juvenile, and the juvenile's counsel.

13           (e) If the hearing examiner finds that the juvenile has violated a condition of  
14 aftercare supervision, the hearing examiner shall determine whether confinement  
15 in a secured juvenile correctional facility, ~~a secured child caring institution~~ or a  
16 secured ~~group home~~ residential care center for children and youth is necessary to  
17 protect the public, to provide for the juvenile's rehabilitation, or to not depreciate the  
18 seriousness of the violation.

19           (f) Review of a revocation decision shall be by certiorari to the court ~~by whose~~  
20 ~~order the juvenile was~~ that placed the juvenile in a secured the juvenile correctional  
21 ~~facility, a secured child caring institution or a~~ secured group home residential care  
22 center for children and youth.

23           **SECTION 463.** 938.357 (5m) (title) of the statutes is created to read:

24           938.357 (5m) (title) CHILD SUPPORT.

25           **SECTION 464.** 938.357 (5m) (a) and (b) of the statutes are amended to read:

the

of the juvenile and the juvenile's parents

1 938.357 (5m) (a) If a proposed change in placement changes would change a  
 2 juvenile's placement from a placement in the juvenile's home to a placement outside  
 3 the juvenile's home, the court shall order the juvenile's parent to provide a statement  
 4 of ~~the parent's and the juvenile's~~ income, assets, debts, and living expenses to the  
 5 court or the person or agency primarily responsible for implementing the  
 6 dispositional order by a date specified by the court. The clerk of court shall provide,  
 7 without charge, to any parent ordered to provide a <sup>the + score</sup> statement of ~~income, assets, debts,~~  
 8 ~~and living expenses~~ a document setting forth the percentage standard established  
 9 by the department of workforce development under s. 49.22 (9) and listing the factors  
 10 that a court may consider under s. 301.12 (14) (c). If the juvenile is placed outside  
 11 the juvenile's home, the court shall determine the liability of the parent in the  
 12 manner provided in s. 301.12 (14).

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13 (b) If the court orders the juvenile's parent to provide a statement of income,  
 14 assets, debts, and living expenses of the juvenile and parent to the court or if the court  
 15 orders the juvenile's parent to provide that statement to the person or agency  
 16 primarily responsible for implementing the dispositional order and that person or  
 17 agency is not the county department, the court shall also order the juvenile's parent  
 18 to provide that statement to the county department by a date specified by the court.  
 19 The county department shall provide, without charge, to the parent a form on which  
 20 to provide that statement, and the parent shall provide that statement on that form.  
 21 The county department shall use the information provided in the statement to  
 22 determine whether the department may claim federal foster care and adoption  
 23 assistance reimbursement under 42 USC 670 to 679a for the cost of providing care  
 24 for the juvenile.

is this as affected by this bill

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

(CS)