

1 **SECTION 465.** 938.357 (6) of the statutes is amended to read:

2 938.357 (6) DURATION OF ORDER. No change in placement may extend the
3 expiration date of the original order, except that if the change in placement is from
4 a placement in the juvenile's home to a placement in a foster home, treatment foster
5 home, group home, or residential care center for children and youth or in the home
6 of a relative who is not a parent, the court may extend the expiration date of the
7 original order to the date on which the juvenile ~~reaches~~ attains 18 years of age, to the
8 date that is one year after the date of the change in placement order, or, if the juvenile
9 is a full-time student at a secondary school or its vocational or technical equivalent
10 and is reasonably expected to complete the program before ~~reaching~~ attaining 19
11 years of age, to the date on which the juvenile ~~reaches~~ attains 19 years of age,
12 whichever is later, or for a shorter period of time as specified by the court. If the
13 change in placement is from a placement in a foster home, treatment foster home,
14 group home, or residential care center for children and youth or in the home of a
15 relative to a placement in the juvenile's home and if the expiration date of the original
16 order is more than one year after the date of the change in placement order, the court
17 shall shorten the expiration date of the original order to the date that is one year after
18 the date of the change in placement order or to an earlier date as specified by the
19 court.

20 **SECTION 466.** 938.36 (1) (title) of the statutes is created to read:

21 938.36 (1) (title) RESIDENTIAL SERVICES; PARENTAL DUTY TO SUPPORT.

22 **SECTION 467.** 938.36 (1) (b) of the statutes is amended to read:

23 938.36 (1) (b) In determining the amount of support under par. (a), the court
24 may consider all relevant financial information or other information relevant to the
25 parent's earning capacity, including information reported under s. 49.22 (2m) to the

of the juvenile and the juvenile's parents

1 department of workforce development, or the county child support agency, under s.
2 59.53 (5). If the court has insufficient information with which to determine the
3 amount of support, the court shall order the juvenile's parent to furnish a statement
4 of ~~the juvenile's and the juvenile's parent's~~ income, assets, debts, and living expenses,
5 if the parent has not already done so, to the court within 10 days after the court's
6 order transferring custody or designating an alternative placement is entered or at
7 such other time as ordered by the court.

starts, as affected by this bill

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

8 **SECTION 468.** 938.36 (2) of the statutes is amended to read:

9 **938.36 (2) SERVICES OR TREATMENT; COUNTY PAYMENT; PARENTAL CONTRIBUTION.** If

10 a juvenile whose legal custody has not been taken from a parent or guardian is given
11 educational and social services, or medical, psychological, or psychiatric treatment

12 ~~by order of the court, the cost thereof, if ordered by the court,~~ ^{strike} shall be a charge upon
13 may order the county to pay for those services or treatment. This section does not

14 prevent recovery of reasonable contribution toward the costs from the parent or
15 guardian of the juvenile as the court may order based on the ability of the parent or
16 guardian to pay. This subsection is subject to s. 301.03 (18).

17 **SECTION 469.** 938.36 (3) (title) of the statutes is created to read:

18 **938.36 (3) (title) SERVICES PROVIDED BY SCHOOL DISTRICT.**

19 **SECTION 470.** 938.361 (1) (title) and (2) (title) of the statutes are created to read:

20 **938.361 (1) (title) DEFINITIONS.**

21 **(2) (title) PAYMENT BY PARENT OR INSURER.**

22 **SECTION 471.** 938.361 (2) (a) 2. of the statutes is amended to read:

1 938.361 (2) (a) 2. This paragraph applies to payment for alcohol and other drug
2 abuse services in any county, ~~regardless of whether the county is a~~ including pilot
3 ~~county~~ counties under s. 938.547.

4 **SECTION 472.** 938.361 (2) (am), (b) and (c) of the statutes are amended to read:

5 938.361 (2) (am) 1. If a court assigned to exercise jurisdiction under this
6 chapter and ch. 48 in a pilot county ~~that has a pilot program~~ under s. 938.547 finds
7 that payment ~~is not attainable~~ cannot be attained under par. (a), the court may order
8 payment ~~in accordance with~~ under par. (b).

9 2. If a court assigned to exercise jurisdiction under this chapter and ch. 48 in
10 a county that ~~does not have~~ is not a pilot program county under s. 938.547 finds that
11 payment ~~is not attainable~~ cannot be attained under par. (a), the court may order
12 payment ~~in accordance with~~ under s. 938.34 (6) (ar) or 938.36.

13 3. If a municipal court finds that payment ~~is not attainable~~ cannot be attained
14 under par. (a), the municipal court may order the municipality over which the
15 municipal court has jurisdiction to pay for any alcohol and other drug abuse services
16 ordered by the municipal court.

17 (b) 1. In ~~counties that have a pilot program~~ counties under s. 938.547, in
18 addition to ~~using the alternative provided for~~ ordering payment under par. (a), the
19 court assigned to exercise jurisdiction under this chapter and ch. 48 may order a
20 county department of human services established under s. 46.23 or a county
21 department established under s. 51.42 or 51.437 in the juvenile's county of legal
22 residence to pay for the alcohol and other drug abuse services whether or not custody
23 has been taken from the parent.

24 2. If a judge court orders a county department established under s. 51.42 or
25 51.437 to provide alcohol and other drug abuse services under this paragraph, the

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1 provision of ~~the alcohol and other drug abuse~~ services shall be is subject to conditions
2 specified in ch. 51.

3 (c) Payment for alcohol and other drug abuse services by a county department
4 or municipality under this section does not prohibit the county department or
5 municipality from contracting with another county department, municipality, school
6 district, or approved treatment facility for the provision of alcohol and other drug
7 abuse services. Payment by the county or municipality under this section does not
8 prevent recovery of reasonable contribution toward the costs of the court-ordered
9 alcohol and other drug abuse services from the parent ~~which~~ is based upon the ability
10 of the parent to pay. This subsection is subject to s. 46.03 (18).

11 **SECTION 473.** 938.362 (1) (title) and (2) (title) of the statutes are created to read:

12 938.362 (1) (title) DEFINITION.

13 (2) (title) APPLICABILITY.

14 **SECTION 474.** 938.362 (3) and (4) (a) of the statutes are amended to read:

15 938.362 (3) PAYMENT BY PARENT OR INSURER. If a juvenile's parent neglects,
16 refuses, or is unable to provide court-ordered special treatment or care for the
17 juvenile through his or her health insurance or other 3rd-party payments,
18 notwithstanding s. 938.36 (3), the court may order the parent to pay for the
19 court-ordered special treatment or care. If the parent consents to provide
20 court-ordered special treatment or care for a juvenile through his or her health
21 insurance or other 3rd-party payments but the health insurance provider or other
22 3rd-party payer refuses to provide the ~~court-ordered~~ special treatment or care, the
23 court may order the health insurance provider or 3rd-party payer to pay for the
24 ~~court-ordered~~ special treatment or care in accordance with the terms of the parent's
25 health insurance policy or other 3rd-party payment plan.

SEC. #. CR; 938.362(4) (title)

938.362(4) (title)

SEC. #. AM; 938.362(4)(a) no scoring

1 (4) PAYMENT BY COUNTY DEPARTMENT (a) If the court finds that payment is not
2 attainable cannot be attained under sub. (3), the court may order the county
3 department under s. 51.42 or 51.437 of the juvenile's county of legal residence to pay
4 the cost of any court-ordered special treatment or care that is provided by or directly
5 by or under contract with that, the county department.

6 SECTION 475. 938.363 of the statutes is amended to read:

7 (B) 938.363 (1) REQUESTS FOR REVISION. (a) A juvenile, the juvenile's parent,
8 guardian, or legal custodian, any person or agency bound by a dispositional order, or
9 the district attorney or corporation counsel in the county in which the dispositional
10 order was entered may request a revision in the order that does not involve a change
11 in placement, including a revision with respect to the amount of child support to be
12 paid by a parent, or the. The court may on its own motion also propose such a
13 revision. The request or court proposal shall set forth in detail the nature of the
14 proposed revision and what new information is available that affects the advisability
15 of the court's disposition. The request or court proposal shall be submitted to the
16 court. The court shall hold a hearing on the matter prior to any revision of the
17 dispositional order if the request or court proposal indicates that new information
18 is available that affects the advisability of the court's dispositional order, unless
19 written waivers of objections to the revision are signed by all parties entitled to
20 receive notice and the court approves.

21 (2) (b) If a hearing is held, the court shall notify the juvenile, the juvenile's parent,
22 guardian, and legal custodian, all parties bound by the dispositional order, the
23 juvenile's foster parent, treatment foster parent, or other physical custodian
24 described in s. 48.62 (2), and the district attorney or corporation counsel in the county
25 in which the dispositional order was entered at least 3 days prior to the hearing. A

Revision of
dispositional
orders.

938.362

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1 copy of the request or proposal shall be attached to the notice. If all parties consent,
 2 the court may proceed immediately with the hearing. No revision may extend the
 3 effective period of the original order, or revise an original order under s. 938.34 (3)
 4 (f) or (6) (am) to impose more than a total of 30 days of detention, nonsecure custody,
 5 or inpatient treatment on a juvenile.

of the juvenile and the juvenile's parent

6 (c) If the proposed revision is for a change in the amount of child support to be
 7 paid by a parent, the court shall order the juvenile's parent to provide a statement
 8 of ~~the juvenile's and the juvenile's parent's~~ income, assets, debts, and living expenses,
 9 to the court and the person or agency primarily responsible for implementing the
 10 dispositional order by a date specified by the court. The clerk of court shall provide,
 11 without charge, to any parent ordered to provide a statement of ~~income, assets, debts,~~
 12 ~~and living expenses~~ a document setting forth the percentage standard established
 13 by the department of workforce development under s. 49.22 (9) and listing the factors
 14 that a court may consider under s. 301.12 (14) (c).

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

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For an explanation of the change to s. 938.363 (1)(d), stats, see

1 and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of
2 providing care for the juvenile. (S) (Stats, as affected by this bill)

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

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

15 **(2) REVISION OF SUPPORT.** If the court revises a dispositional order with respect
16 to the amount of child support to be paid by a parent under the dispositional order
17 for the care and maintenance of the parent's minor juvenile who has been placed by
18 a court order under this chapter in a residential, nonmedical facility, the court shall
19 determine the liability of the parent ~~in the manner provided in~~ under s. 301.12 (14).

20 **SECTION 476.** 938.364 of the statutes is amended to read:

21 **938.364 Dismissal of certain dispositional orders.** A juvenile, the
22 juvenile's parent, guardian, or legal custodian, or the district attorney or corporation
23 counsel in the county in which the dispositional order was entered may request a
24 judge the court to dismiss an order made under s. 938.342 (2) if the juvenile shows

1 documentary proof that he or she is enrolled in a school program or a high school
2 equivalency program, ~~or the.~~ The court may ~~on its own motion~~ also propose such a
3 dismissal.

4 **SECTION 477.** 938.365 (1) and (1m) of the statutes are amended to read:

5 938.365 (1) DATE ON WHICH JUVENILE PLACED OUTSIDE HOME. In this section, a
6 juvenile is considered to have been placed outside of his or her home on the date on
7 which the juvenile was first removed from his or her home, except that ~~in the case~~
8 of a juvenile who ~~on removal~~ was removed from his or her home ~~was~~ and first placed
9 in a ~~secure~~ juvenile detention facility, a ~~secured~~ juvenile correctional facility, ~~a~~
10 ~~secured child caring institution, or a secured group home~~ residential care center for
11 children and youth for 60 days or more and then moved to a ~~nonsecured~~ nonsecure
12 out-of-home placement, ~~the juvenile is considered to have been placed outside of his~~
13 or her home on the date on which the juvenile was moved to the ~~nonsecured~~
14 nonsecure out-of-home placement.

15 **(1m) REQUEST FOR EXTENSION.** The parent, juvenile, guardian, legal custodian,
16 any person or agency bound by the dispositional order, the district attorney or
17 corporation counsel in the county in which the dispositional order was entered, or the
18 court on its own motion, may request an extension of an order under s. 938.355. The
19 request shall be submitted to the court which entered the order. ~~No~~ An order under
20 s. 938.355 ~~that placed for placement of~~ a juvenile in detention, nonsecure custody, or
21 inpatient treatment under s. 938.34 (3) (f) or (6) (am) may not be extended. ~~No other~~
22 ~~order~~ Other orders or portions of orders under s. 938.355 may be extended ~~except~~
23 only as provided in this section.

24 **SECTION 478.** 938.365 (2) (title) and (2g) (title) of the statutes are created to
25 read:

1 938.365 (2) (title) NOTICE.

2 (2g) (title) COURT REPORT.

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3 SECTION 479. 938.365 (2) (intro.) of the statutes is amended to read:

4 938.365 (2) PLACEMENT WITH GUARDIAN. (intro.) If a juvenile's placement with
5 a guardian appointed under s. 48.977 (2) is designated by the court under s. 48.977
6 (3) as a permanent foster placement for the juvenile while a dispositional order under
7 s. 938.345, a revision order under s. 938.363 or an extension order under s. 938.365
8 is in effect with respect to the juvenile, such the dispositional order, revision order,
9 or extension order shall remain in effect until the earliest of the following:

10 SECTION 480. 938.365 (2g) (b) 2. and (c) of the statutes are amended to read:

11 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement
12 and of any progress the juvenile has made, suggestions for amendment of the
13 permanency plan, and specific information showing the efforts that have been made
14 to achieve the goal of the permanency plan, including, if applicable, the efforts of the
15 parents to remedy the factors that contributed to the juvenile's placement, unless
16 return of the juvenile to the home is the goal of the permanency plan and any of the
17 circumstances specified in under s. 938.355 (2d) (b) 1. to 4. applies.

18 (c) ~~In cases where~~ If the juvenile has not been placed outside the home, the
19 report shall contain a description of efforts that have been made by all parties
20 concerned toward meeting the objectives of treatment, care, or rehabilitation; an
21 explanation of why these efforts have not yet succeeded in meeting the objective; and
22 anticipated future planning for the juvenile. ✓

23 SECTION 481. 938.365 (2m) (title) of the statutes is created to read:

24 938.365 (2m) (title) HEARING AND ORDER.

1 **SECTION 482.** 938.365 (2m) (a), (ad) 1. and (ag) of the statutes are amended to
2 read:

3 **938.365 (2m) (a) 1.** Any party may present evidence relevant to the issue of
4 extension. If the juvenile is placed outside of his or her home, the person or agency
5 primarily responsible for providing services to the juvenile shall present as evidence
6 specific information showing that the agency has made reasonable efforts to achieve
7 the goal of the juvenile's permanency plan, unless return of the juvenile to the home
8 is the goal of the permanency plan and any of the circumstances ~~specified in~~ under
9 s. 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and
10 conclusions of law based on the evidence. The findings of fact shall include a finding
11 as to whether reasonable efforts were made by the agency primarily responsible for
12 providing services to the juvenile to achieve the goal of the juvenile's permanency
13 plan, unless return of the juvenile to the home is the goal of the permanency plan and
14 the court finds that any of the circumstances ~~specified in~~ under s. 938.355 (2d) (b) 1.
15 to 4. applies. An order shall be issued under s. 938.355.

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

21 3. The court shall make the findings ~~specified in~~ under subd. 1. relating to
22 reasonable efforts to achieve the goal of the juvenile's permanency plan and the
23 findings ~~specified in~~ under subd. 2. on a case-by-case basis based on circumstances
24 specific to the juvenile and shall document or reference the specific information on
25 which those findings are based in the order issued under s. 938.355. An order that

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

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

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

21 **SECTION 483.** 938.365 (3) (title) and (4) (title) of the statutes are created to read:

22 938.365 (3) (title) WAIVER OF APPEARANCE.

23 (4) (title) DISPOSITIONS TO BE CONSIDERED.

24 **SECTION 484.** 938.365 (5) and (6) of the statutes are amended to read:

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1 938.365 (5) DURATION OF EXTENSION. Except as provided in under s. 938.368, an
2 order under this section that continues the placement of a juvenile in his or her home
3 or that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified
4 length of time not to exceed one year after its date of entry. Except as provided in
5 under s. 938.368, an order under this section that continues the placement of a
6 juvenile in a foster home, treatment foster home, group home, or residential care
7 center for children and youth or in the home of a relative other than a parent shall
8 be for a specified length of time not to exceed the date on which the juvenile reaches
9 attains 18 years of age, one year after the date of entry of on which the order is
10 granted, or, if the juvenile is a full-time student at a secondary school or its
11 vocational or technical equivalent and is reasonably expected to complete the
12 program before ~~reaching~~ attaining 19 years of age, the date on which the juvenile
13 ~~reaches~~ attains 19 years of age, whichever is later.

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NOTE: Modifies s. 938.365 (5) ^{15/2/05} so that an extension of a dispositional order expires one year after the court orally makes, or grants, its order instead of one year after the order is filed with the clerk of court.

14 (6) HEARINGS CONDUCTED AFTER ORDER TERMINATES. If a request to extend a
15 dispositional order is made prior to the termination of the order, but the court is
16 unable to conduct a hearing on the request prior to the termination date, the court
17 may extend the order for a period of not more than 30 days, not including any period
18 of delay resulting from any of the circumstances specified in under s. 938.315 (1). The
19 court shall grant appropriate relief as provided in under s. 938.315 (3) with respect
20 to any request to extend a dispositional order on which a hearing is not held within
21 the time limit specified in this subsection. Failure to object if a hearing is not held
22 within the time limit specified in under this subsection waives that time limit.

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23 **SECTION 485.** 938.365 (7) (title) of the statutes is created to read:

1 938.365 (7) (title) CHANGES IN PLACEMENT NOT PERMITTED.

2 SECTION 486. 938.368 (1) (title) of the statutes is created to read:

3 938.368 (1) (title) TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.

4 SECTION 487. 938.368 (2) (intro.) of the statutes is amended to read:

5 938.368 (2) PLACEMENT WITH GUARDIAN. (intro.) If a juvenile's placement with
6 a guardian appointed under s. 48.977 (2) is designated by the court under s. 48.977
7 (3) as a permanent foster placement for the juvenile while a dispositional order under

8 s. 938.345, a revision order under s. 938.363² or an extension order under s. 938.365²
9 is in effect with respect to the juvenile, such the dispositional order, revision order
10 or extension order shall remain in effect until the earliest of the following:

11 SECTION 488. 938.37 (1) (title) and (3) (title) of the statutes are created to read:

12 938.37 (1) (title) JUVENILE COURT.

13 (3) (title) CIVIL AND CRIMINAL COURTS.

Access to certain information by substitute care providers (B)

14 SECTION 489. 938.371 of the statutes is amended to read:

15 (B) 938.371 (1) MEDICAL INFORMATION. If a juvenile is placed in a foster home,
16 treatment foster home, group home, residential care center for children and youth,
17 or secured juvenile correctional facility, including a placement under s. 938.205 or
18 938.21, the agency, as defined in s. 938.38 (1) (a), that placed the juvenile or arranged
19 for the placement of the juvenile shall provide the following information to the foster
20 parent, treatment foster parent, or operator of the group home, residential care
21 center for children and youth, or secured juvenile correctional facility at the time of
22 placement or, if the information has not been provided to the agency by ~~that time~~, as
23 soon as possible after the date on which the agency receives that information, but not
24 more than 2 working days after that date:

1 (a) Results of a test or a series of tests of the juvenile to determine the presence
2 of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an
3 antibody to HIV, as provided under s. 252.15 (5) (a) 19., including results included
4 in a court report or permanency plan. At the time that the test results are provided,
5 the agency shall notify the foster parent, treatment foster parent, or operator of the
6 group home, residential care center for children and youth, or secured juvenile
7 correctional facility of the confidentiality requirements under s. 252.15 (6).

8 (b) Results of any tests of the juvenile to determine the presence of viral
9 hepatitis, type B, including results included in a court report or permanency plan.
10 The foster parent, treatment foster parent, or operator of a group home, residential
11 care center for children and youth, or secured juvenile correctional facility
12 receiving information under this paragraph shall keep the information confidential.

13 (c) Any other medical information concerning the juvenile that is necessary for
14 the care of the juvenile. The foster parent, treatment foster parent, or operator of a
15 group home, residential care center for children and youth, or secured juvenile
16 correctional facility receiving information under this paragraph shall keep the
17 information confidential.

18 (3) OTHER INFORMATION. At the time of placement of a juvenile in a foster home,
19 treatment foster home, group home, residential care center for children and youth,
20 or secured juvenile correctional facility or, if the information is not available at that
21 time, as soon as possible after the date on which the court report or permanency plan
22 has been submitted, but no later than 7 days after that date, the agency, as defined
23 in s. 938.38 (1) (a), responsible for preparing the juvenile's permanency plan shall
24 provide to the foster parent, treatment foster parent, or operator of the group home,
25 residential care center for children and youth, or secured juvenile correctional

1 facility information contained in the court report submitted under s. 938.33 (1) or
2 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38 relating
3 to findings or opinions of the court or agency that prepared the court report or
4 permanency plan relating to any of the following:

5 (a) Any mental, emotional, cognitive, developmental, or behavioral disability
6 of the juvenile. The foster parent, treatment foster parent, or operator of a group
7 home, residential care center for children and youth, or secured juvenile correctional
8 facility receiving information under this subsection shall keep the information
9 confidential.

10 (b) Any involvement of the juvenile in any criminal gang, as defined in s. 939.22
11 (9), or in any other group in which any child was traumatized as a result of his or her
12 association with that group. The foster parent, treatment foster parent, or operator
13 of a group home, residential care center for children and youth, or secured juvenile
14 correctional facility receiving information under this paragraph shall keep the
15 information confidential.

16 (c) Any involvement of the juvenile in any activities that are harmful to the
17 juvenile's physical, mental, or moral well-being. The foster parent, treatment foster
18 parent, or operator of a group home, residential care center for children and youth,
19 or secured juvenile correctional facility receiving information under this paragraph
20 shall keep the information confidential.

21 (d) Any involvement of the juvenile, whether as victim or perpetrator, in sexual
22 intercourse or sexual contact in violation of s. 940.225, 948.02, or 948.025,
23 prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s.
24 948.05, or causing a child to view or listen to sexual activity in violation of s. 948.055,
25 if the information is necessary for the care of the juvenile or for the protection of any

1 person living in the foster home, treatment foster home, group home, residential care
2 center for children and youth, or secured juvenile correctional facility. The foster
3 parent, treatment foster parent, or operator of a group home, residential care center
4 for children and youth, or secured juvenile correctional facility receiving information
5 under this paragraph shall keep the information confidential.

6 (e) The religious affiliation or ~~belief~~ beliefs of the juvenile.

7 *fix component* → SECTION 490. 938.373 (1) ^(title) of the statutes is amended to read: *created*

8 938.373 (1) ^{title} AUTHORIZATION BY COURT ^{no scoring} The court assigned to exercise
9 jurisdiction under this chapter and ch. 48 may authorize medical services including
10 surgical procedures when needed if ~~the court assigned to exercise jurisdiction under~~
11 ~~this chapter and ch. 48~~ determines that reasonable cause exists for the services and
12 that the juvenile is within the jurisdiction of the court assigned to exercise
13 jurisdiction under this chapter and ch. 48 and, except as provided in under s. 938.296
14 (4) and (5), consents. *PLAIN*

15 SECTION 491. 938.373 (2) (title) of the statutes is created to read:

16 938.373 (2) (title) ABORTION; JUDICIAL WAIVER OF PARENTAL CONSENT REQUIREMENT.

17 SECTION 492. 938.38 (2) (intro.), (3) (a) and (b), *and* (4) (ar) and (h) (intro.) of the
18 statutes are amended to read:

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

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

3 (3) (a) If the juvenile is alleged to be delinquent and is being held in a secure
4 juvenile detention facility, juvenile portion of a county jail, or shelter care facility, and
5 the agency intends to ^{PLAIN SPACE} recommend that the juvenile be placed in a secured juvenile
6 correctional facility, ~~or a secured child-caring institution or a secured group home~~
7 residential care center for children and youth, the agency is not required to submit
8 the permanency plan unless the court does not accept the recommendation of the
9 agency. If the court places the juvenile in any facility outside of the juvenile's home
10 other than a secured juvenile correctional facility, or a secured child-caring
11 institution or a secured group home residential care center for children and youth,
12 the agency shall file the permanency plan with the court within 60 days after the date
13 of disposition.

14 (b) If the juvenile is held for less than 60 days in a secure juvenile detention
15 facility, juvenile portion of a county jail, or a shelter care facility, no permanency plan
16 is required if the juvenile is returned to his or her home within that period.

17 (4) (ar) A description of the services offered and any services provided in an
18 effort to prevent the removal of the juvenile from his or her home, while assuring that
19 the health and safety of the juvenile are the paramount concerns, and to achieve the
20 goal of the permanency plan, ~~except that the~~. ^{PLAIN} ~~The~~ permanency plan is not required
21 to include a description of the services offered or provided with respect to a parent
22 of the juvenile to prevent the removal of the juvenile from the home or to achieve the
23 permanency plan goal of returning the juvenile safely to his or her home if any of the
24 circumstances specified under in s. 938.355 (2d) (b) 1. to 4. apply to that parent.

1 (h) (intro.) If the juvenile is 15 years of age or ~~ever~~ older, a description of the
2 programs and services that are or will be provided to assist the juvenile in preparing
3 for the transition from out-of-home care to independent living. The description
4 shall include all of the following:

5 **SECTION 493.** 938.38 (5) (a) of the statutes is amended to read:

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

NOTE: In s. 938.38 (5) (a), ^{stats.} substitutes “every 6 months after a previous review” for
“every 12 months after a previous review”. The current reference to “12 months” was an
inadvertent mistake when the original law was enacted. The provision should parallel
s. 48.38 (5) (a), stats., which specifies “6 months”.

16 **SECTION 494.** 938.39 of the statutes is amended to read:

17 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
18 court of any violation of state law ~~coming~~ within its jurisdiction under s. 938.12 bars
19 any future criminal proceeding on the same matter in circuit court when the juvenile
20 reaches the age of 17. This section does not affect criminal proceedings in circuit
21 court ~~which~~ that were transferred under s. 938.18.

22 **SECTION 495.** 938.396 (1) (title) of the statutes is created to read:

23 938.396 (1) (title) LAW ENFORCEMENT RECORDS.

stats.

NOTE: Relating to s. 938.396 and other provisions, reorganizes provisions in the Juvenile Justice Code relating to the confidentiality of juvenile law enforcement, juvenile court, and municipal court records.

1 SECTION 496. 938.396 (1) of the statutes is renumbered 938.396 (1) (a) and
2 amended to read:

3 938.396 (1) (a) Confidentiality. Law enforcement officers' agency records of
4 juveniles shall be kept separate from records of adults. Law enforcement officers'
5 agency records of juveniles shall may not be open to inspection or their contents
6 disclosed except under sub. (1b), (1d), (1g), (1m), (1r), (1t), (1x) or (5) par. (b) or (c),
7 sub. (1j), or s. 938.293 or by order of the court. ~~This subsection~~

8 (b) Applicability. Paragraph (a) does not apply to any of the following:

9 1. The disclosure of information to representatives of the news media who wish
10 to obtain information for the purpose of reporting news without revealing. A
11 representative of the news media who obtains information under this subdivision
12 may not reveal the identity of the juvenile involved, to the

13 2. The confidential exchange of information between the police a law
14 enforcement agency and officials of the school attended by the juvenile or other law
15 enforcement or social welfare agencies or to juveniles 10 years of age or older who are
16 subject to the jurisdiction of the court of criminal jurisdiction. A public school official
17 who obtains information under this subsection subdivision shall keep the
18 information confidential as required under s. 118.125, and a private school official
19 who obtains information under this subsection subdivision shall keep the
20 information confidential in the same manner as is required of a public school official
21 under s. 118.125.

NOTE: The language repealed in s. 938.396 (1) (b) 2, is contained in newly created
s. 938.396 (1) (b) 5.

as created by the bill

stats. as affected by this bill created

MOVE to 252-B

move from
note
251-21

1 3. The confidential exchange of information between a law enforcement agency
2 and another law enforcement agency. A law enforcement agency that obtains
3 information under this subsection subdivision shall keep the information
4 confidential as required under ~~this subsection~~ par. (a) and s. 48.396 (1).

5 4. The confidential exchange of information between a law enforcement agency
6 and a social welfare agency. A social welfare agency that obtains information under
7 this subsection subdivision shall keep the information confidential as required
8 under ss. 48.78 and 938.78.

9 → **SECTION 497.** 938.396 (1) (b) 5. of the statutes is created to read:

10 938.396 (1) (b) 5. The disclosure of information relating to a juvenile 10 years
11 of age or over who is subject to the jurisdiction of a court of criminal jurisdiction.

12 **SECTION 498.** 938.396 (1) (c) (intro.) of the statutes is created to read:

13 938.396 (1) (c) *Exceptions.* (intro.) Notwithstanding par. (a), law enforcement
14 agency records of juveniles may be disclosed as follows:

15 **SECTION 499.** 938.396 (1b) of the statutes is renumbered 938.396 (1) (c) 1.

16 **SECTION 500.** 938.396 (1d) of the statutes is renumbered 938.396 (1) (c) 2.

17 **SECTION 501.** 938.396 (1g) of the statutes is renumbered 938.396 (1) (c) 6. and
18 amended to read:

19 938.396 (1) (c) 6. If requested by the victim-witness coordinator, a law
20 enforcement agency shall disclose to the victim-witness coordinator any information
21 in its records relating to the enforcement of rights under the constitution, this
22 chapter, and s. 950.04 or the provision of services under s. 950.06 (1m), including the
23 name and address of the juvenile and the juvenile's parents. The victim-witness
24 coordinator may use the information only for the purpose of enforcing those rights
25 and providing those services and may make that information available only as

1 necessary to ensure that victims and witnesses of crimes, as defined in s. 950.02 (1m),
2 receive the rights and services to which they are entitled under the constitution, this
3 chapter, and ch. 950. The victim-witness coordinator may also use the information
4 to disclose the name and address of the juvenile and the juvenile's parents to the
5 victim of the juvenile's act.

NOTE: Clarifies, in s. 938.396 (1) (c) 6., that a law enforcement agency must disclose
to a victim-witness coordinator the name and address of a juvenile and the juvenile's
parent, upon request. The victim-witness coordinator may disclose this information to
the victim of the juvenile's act.

state as created by the bill

6 **SECTION 502.** 938.396 (1j) (title) of the statutes is created to read:

7 938.396 (1j) (title) LAW ENFORCEMENT RECORDS, COURT-ORDERED DISCLOSURE. ✓

8 **SECTION 503.** 938.396 (1m) (a) of the statutes is renumbered 938.396 (1) (c) 3.

9 (intro.) and amended to read:

10 938.396 (1) (c) 3. (intro.) A law enforcement agency, on its own initiative or on
11 the request of the school district administrator of a public school district, the
12 administrator of a private school, or the designee of the school district administrator
13 or the private school administrator, may, subject to official agency policy, provide to
14 the school district administrator, private school administrator, or designee, for use
15 as provided in s. 118.127 (2), any information in its records relating to the any of the
16 following:

17 a. The use, possession, or distribution of alcohol or a controlled substance or
18 controlled substance analog by a juvenile enrolled in the public school district or
19 private school. ~~The information shall be used by the school district or private school~~
20 as provided under s. 118.127 (2).

21 **SECTION 504.** 938.396 (1m) (am) of the statutes is renumbered 938.396 (1) (c)

22 3. b. and amended to read:

1 938.396 (1) (c) 3. b. ~~A law enforcement agency, on its own initiative or on the~~
2 ~~request of the school district administrator of a public school district, the~~
3 ~~administrator of a private school or the designee of the school district administrator~~
4 ~~or the private school administrator, may, subject to official agency policy, provide to~~
5 ~~the school district administrator, private school administrator or designee any~~
6 ~~information in its records relating to the The illegal possession by a juvenile of a~~
7 ~~dangerous weapon, as defined in s. 939.22 (10). The information shall be used by the~~
8 ~~school district or private school as provided in s. 118.127 (2).~~ *was created by the bill*

NOTE: The repealed language is included in s. 938.396 (1) (c) 3. (intro.).

9 **SECTION 505.** 938.396 (1m) (ar) of the statutes is renumbered 938.396 (1) (c)
10 3. c. and amended to read:

11 938.396 (1) (c) 3. c. ~~A law enforcement agency, on its own initiative or on the~~
12 ~~request of the school district administrator of a public school district, the~~
13 ~~administrator of a private school, or the designee of the school district administrator~~
14 ~~or the private school administrator, may, subject to official agency policy, provide to~~
15 ~~the school district administrator, private school administrator, or designee any~~
16 ~~information in its records relating to an An act for which a juvenile enrolled in the~~
17 ~~school district or private school was taken into custody under s. 938.19 based on a~~
18 ~~law enforcement officer's belief that the juvenile was committing or had committed~~
19 ~~a violation of any state or federal criminal law. The information shall be used by the~~
20 ~~school district or private school as provided in s. 118.127 (2).~~ *was created by the bill*

NOTE: The repealed language is included in s. 938.396 (1) (c) 3. (intro.).

21 **SECTION 506.** 938.396 (1m) (b) of the statutes is renumbered 938.396 (1) (c) 3.
22 d. and amended to read:

1 938.396 (1) (c) 3. d. ~~A law enforcement agency, on its own initiative or on the~~
2 ~~request of the school district administrator of a public school district, the~~
3 ~~administrator of a private school or the designee of the school district administrator~~
4 ~~or the private school administrator, may, subject to official agency policy, provide to~~
5 ~~the school district administrator, private school administrator or designee any~~
6 ~~information in its records relating to the An act for which a juvenile enrolled in the~~
7 ~~public school district or private school was adjudged delinquent. The information~~
8 ~~shall be used by the school district or private school as provided in s. 118.127 (2).~~

NOTE: The repealed language in s. 938.396 (1) (c) 3. d. is included in s. 938.396 (1)
(c) 3. (intro.)

as created by the bill

9 **SECTION 507.** 938.396 (1m) (c) of the statutes is renumbered 938.396 (1) (d) and
10 amended to read:

11 938.396 (1) (d) Law enforcement access to school records. On petition of a law
12 enforcement agency to review pupil records, as defined in s. 118.125 (1) (d), other
13 than pupil records that may be disclosed without a court order under s. 118.125 (2)
14 or (2m), for the purpose of investigating pursuing an investigation of any alleged
15 delinquent or criminal activity or on petition of a fire investigator under s. 165.55 (15)
16 to review those pupil records for the purpose of pursuing an investigation under s.
17 165.55 (15), the court may order the school board of the school district, or the
18 governing body of the private school, in which a juvenile is enrolled to disclose to the
19 law enforcement agency or fire investigator the pupil records of that juvenile as
20 necessary for the law enforcement agency or fire investigator to pursue its the
21 investigation. The law enforcement agency or fire investigator may use the pupil
22 records only for the purpose of its the investigation and may make the pupil records

1 available only to employees of the law enforcement agency or fire investigator who
2 are working on the investigation.

3 **SECTION 508.** 938.396 (1m) (d) of the statutes is repealed.

NOTE: Repeals s. 938.396 (1m) (d), which permitted disclosure of pupil records to
a fire investigator. This language is included in s. 938.396 (1) (d). *was created by the bill*

4 **SECTION 509.** 938.396 (1p) of the statutes is renumbered 938.396 (1) (c) 4. and
5 amended to read:

6 938.396 (1) (c) 4. A law enforcement agency may enter into an interagency
7 agreement with a school board, a private school, a social welfare agency, or another
8 law enforcement agency providing for the routine disclosure of information under
9 subs. (1) and ~~(1m)~~ (b) 2. and (c) 3. to the school board, private school, social welfare
10 agency, or other law enforcement agency.

11 **SECTION 510.** 938.396 (1r) of the statutes is renumbered 938.396 (1) (c) 5. ✓

12 **SECTION 511.** 938.396 (1t) of the statutes is renumbered 938.396 (1) (c) 7. ✓

13 **SECTION 512.** 938.396 (1x) of the statutes is renumbered 938.396 (1) (c) 8. ✓

14 **SECTION 513.** 938.396 (2) (a) of the statutes is renumbered 938.396 (2) and
15 amended to read:

16 938.396 (2) COURT RECORDS; CONFIDENTIALITY. Records of the court assigned to
17 exercise jurisdiction under this chapter and ch. 48 and of municipal courts exercising
18 jurisdiction under s. 938.17 (2) shall be entered in books or deposited in files kept for
19 that purpose only. Those records shall not be open to inspection or their contents
20 disclosed except by order of the court assigned to exercise jurisdiction under this
21 chapter and ch. 48 or as permitted under ~~this section~~ sub. (2g).

22 **SECTION 514.** 938.396 (2) (ag) of the statutes is renumbered 938.396 (2g) (ag).

23 **SECTION 515.** 938.396 (2) (am) of the statutes is renumbered 938.396 (2g) (am).

1 **SECTION 516.** 938.396 (2) (b) of the statutes is renumbered 938.396 (2g) (b) and
2 amended to read:

3 938.396 (2g) (b) *Federal program monitoring.* Upon request of the department
4 of health and family services, the department of corrections, or a federal agency to
5 review court records for the purpose of monitoring and conducting periodic
6 evaluations of activities as required by and implemented under 45 CFR 1355, 1356,
7 and 1357, the court shall open those records for inspection by authorized
8 representatives of the that department or federal agency.

9 **SECTION 517.** 938.396 (2) (c) of the statutes is renumbered 938.396 (2g) (c).

10 **SECTION 518.** 938.396 (2) (d) of the statutes is renumbered 938.396 (2g) (d).

11 **SECTION 519.** 938.396 (2) (dm) of the statutes is renumbered 938.396 (2g) (dm).

12 **SECTION 520.** 938.396 (2) (dr) of the statutes is renumbered 938.396 (2g) (dr).

13 **SECTION 521.** 938.396 (2) (e) of the statutes is renumbered 938.396 (2g) (e).

14 **SECTION 522.** 938.396 (2) (em) of the statutes is renumbered 938.396 (2g) (em)
15 and amended to read:

16 938.396 (2g) (em) *Sex offender registration.* Upon request of the department
17 to review court records for the purpose of obtaining information concerning a child
18 juvenile who is required to register under s. 301.45, the court shall open for
19 inspection by authorized representatives of the department the records of the court
20 relating to any child juvenile who has been adjudicated delinquent or found in need
21 of protection or services or not responsible by reason of mental disease or defect for
22 an offense specified in s. 301.45 (1g) (a). The department may disclose information
23 that it obtains under this paragraph as provided under s. 301.46.

24 **SECTION 523.** 938.396 (2) (f) of the statutes is renumbered 938.396 (2g) (f) and
25 amended to read:

1 938.396 (2g) (f) Victim-witness coordinator. Upon request of the
2 victim-witness coordinator to review court records for the purpose of enforcing rights
3 under the constitution, this chapter, and s. 950.04 and providing services under s.
4 950.06 (1m), the court shall open for inspection by the victim-witness coordinator the
5 records of the court relating to the enforcement of those rights or the provision of
6 those services, including the name and address of the juvenile and the juvenile's
7 parents. The victim-witness coordinator may use any information obtained under
8 this paragraph only for the purpose of enforcing those rights and providing those
9 services and may make that information available only as necessary to ensure that
10 victims and witnesses of crimes, as defined in s. 950.02 (1m), receive the rights and
11 services to which they are entitled under the constitution, this chapter and ch. 950.
12 The victim-witness coordinator may also use that information to disclose the name
13 and address of the juvenile and the juvenile's parents to the victim of the juvenile's
14 act.

NOTE: See the ^(c)note to s. 938.396 (1) (c) 6. ~~in this draft.~~ *was created by this bill*

15 **SECTION 524.** 938.396 (2) (fm) of the statutes is renumbered 938.396 (2g) (fm).

16 **SECTION 525.** 938.396 (2) (g) of the statutes is renumbered 938.396 (2g) (g).

17 **SECTION 526.** 938.396 (2) (gm) of the statutes is renumbered 938.396 (2g) (gm).

18 **SECTION 527.** 938.396 (2) (h) of the statutes is renumbered 938.396 (2g) (h).

19 **SECTION 528.** 938.396 (2) (i) of the statutes is renumbered 938.396 (2g) (i).

20 **SECTION 529.** 938.396 (2) (j) of the statutes is renumbered 938.396 (2g) (j) and
21 amended to read:

22 938.396 (2g) (j) Fire investigator. Upon request of a fire investigator under s.
23 165.55 (15) to review court records for the purpose of pursuing an investigation under
24 s. 165.55, the court shall open for inspection by authorized representatives of the

1 requester the records of the court relating to any juvenile who has been adjudicated
2 delinquent or found to be in need of protection or services under s. 938.13 (12) or (14)
3 for a violation of s. 940.08, 940.24, 941.10, 941.11, 943.01, 943.012, 943.013, 943.02,
4 943.03, 943.04, 943.05, or 943.06 or for an attempt to commit any of those violations.

5 **SECTION 530.** 938.396 (2g) (intro.) of the statutes is created to read:

6 938.396 (2g) CONFIDENTIALITY OF COURT RECORDS; EXCEPTIONS. (intro.)

7 Notwithstanding sub. (2), records of the court assigned to exercise jurisdiction under
8 this chapter and ch. 48 and of courts exercising jurisdiction under s. 938.17 (2) may
9 be disclosed as follows: ✓

10 **SECTION 531.** 938.396 (2g) (ag) (title) of the statutes is created to read:

11 938.396 (2g) (ag) (title) *Request of parent or juvenile.*

12 **SECTION 532.** 938.396 (2g) (am) (title) of the statutes is created to read:

13 938.396 (2g) (am) (title) *Permission of parent or juvenile.*

14 **SECTION 533.** 938.396 (2g) (c) (title) of the statutes is created to read:

15 938.396 (2g) (c) (title) *Law enforcement agencies.*

16 **SECTION 534.** 938.396 (2g) (d) (title) of the statutes is created to read:

17 938.396 (2g) (d) (title) *Bail; impeachment; firearm possession.*

18 **SECTION 535.** 938.396 (2g) (dm) (title) of the statutes is created to read:

19 938.396 (2g) (dm) (title) *Delinquency or criminal defense.*

20 **SECTION 536.** 938.396 (2g) (dr) (title) of the statutes is created to read:

21 938.396 (2g) (dr) (title) *Presentence investigation.*

22 **SECTION 537.** 938.396 (2g) (e) (title) of the statutes is created to read:

23 938.396 (2g) (e) (title) *Sexually violent person commitment.*

24 **SECTION 538.** 938.396 (2g) (fm) (title) of the statutes is created to read:

25 938.396 (2g) (fm) (title) *Victim's insurer.*

1 **SECTION 539.** 938.396 (2g) (g) (title) of the statutes is created to read:

2 938.396 (2g) (g) (title) *Paternity of juvenile.*

3 **SECTION 540.** 938.396 (2g) (gm) (title) of the statutes is created to read:

4 938.396 (2g) (gm) (title) *Other courts.*

5 **SECTION 541.** 938.396 (2g) (h) (title) of the statutes is created to read:

6 938.396 (2g) (h) (title) *Custody of juvenile.*

7 **SECTION 542.** 938.396 (2g) (i) (title) of the statutes is created to read:

8 938.396 (2g) (i) (title) *Probate court.*

9 **SECTION 543.** 938.396 (2g) (m) (title) of the statutes is created to read:

10 938.396 (2g) (m) (title) *Notification of juvenile's school.*

11 **SECTION 544.** 938.396 (2m) (a) of the statutes is renumbered 938.396 (2g) (k)

12 and amended to read:

13 938.396 (2g) (k) Serious juvenile offenders. Notwithstanding sub. (2), upon
14 request, a- Upon request of any person, the court shall open for inspection by the
15 requester the records of the court, other than reports under s. 938.295 or 938.33 or
16 other records that deal with sensitive personal information of the juvenile and the
17 juvenile's family, relating to a juvenile who has been alleged to be delinquent for
18 committing a violation specified in s. 938.34 (4h) (a). The requester may further
19 disclose the information to anyone.

20 **SECTION 545.** 938.396 (2m) (b) of the statutes is renumbered 938.396 (2g) (L)
21 and amended to read:

22 938.396 (2g) (L) Repeat offenders. Notwithstanding sub. (2), upon request, a
23 Upon request of any person, the court shall open for inspection by the requester the
24 records of the court, other than reports under s. 938.295 or 938.33 or other records
25 that deal with sensitive personal information of the juvenile and the juvenile's

1 family, relating to a juvenile who has been alleged to be delinquent for committing
2 a violation that would be a felony if committed by an adult if the juvenile has been
3 adjudicated delinquent at any time preceding the present proceeding and that
4 previous adjudication remains of record and unreversed. The requester may further
5 disclose the information to anyone.

6 **SECTION 546.** 938.396 (3) (title) of the statutes is created to read:

7 938.396 (3) (title) MOTOR VEHICLE VIOLATION RECORDS. 

8 **SECTION 547.** 938.396 (4) (title) of the statutes is created to read:

9 938.396 (4) (title) OPERATING PRIVILEGE RECORDS. 

10 **SECTION 548.** 938.396 (5) (a) (intro.) of the statutes is renumbered 938.396 (1j)
11 (a) (intro.) and amended to read:

12 938.396 (1j) (a) (intro.) Any person who is denied access to a record under sub.
13 (1), ~~(1b)~~, ~~(1d)~~, ~~(1g)~~, ~~(1m)~~, ~~(1r)~~ or ~~(1t)~~ may petition the court to order the disclosure of
14 the records governed by the applicable subsection record. The petition shall be in
15 writing and shall describe as specifically as possible all of the following:

16 **SECTION 549.** 938.396 (5) (a) 1. to 5. of the statutes are renumbered 938.396 (1j)
17 (a) 1. to 5.

18 **SECTION 550.** 938.396 (5) (b) of the statutes is renumbered 938.396 (1j) (b) and
19 amended to read:

20 938.396 (1j) (b) ~~If the petitioner is seeking access to a record under sub. (1), (1b),~~
21 ~~(1d), (1g), (1m) (c) or (d), (1r), or (1t)~~ Subject to par. (bm), the court, on receipt of a
22 petition, shall notify the juvenile, the juvenile's counsel, the juvenile's parents, and
23 appropriate law enforcement agencies in writing of the petition. If any person
24 notified objects to the disclosure, the court may hold a hearing to take evidence
25 relating to the petitioner's need for the disclosure.

1 **SECTION 551.** 938.396 (5) (bm) of the statutes is renumbered 938.396 (1j) (bm)
2 and amended to read:

3 938.396 (1j) (bm) If the petitioner is seeking access to a record under sub. ~~(1m)~~
4 ~~(a), (am), (ar), or (b)~~ (1) (c) 3., the court shall, without notice or hearing, make the
5 inspection and determinations specified in par. (c) and, if the court determines that
6 disclosure is warranted, shall order disclosure under par. (d). The petitioner shall
7 provide a copy of the disclosure order to the law enforcement agency that denied
8 access to the record, the juvenile, the juvenile's counsel, and the juvenile's parents.
9 Any of those persons may obtain a hearing on the court's determinations by filing a
10 motion to set aside the disclosure order within 10 days after receipt of the order. If
11 no motion is filed within those 10 days or if, after hearing, the court determines that
12 no good cause has been shown for setting aside the order, the law enforcement agency
13 shall disclose the juvenile's record as ordered.

14 **SECTION 552.** 938.396 (5) (c) (intro.), 1 and 2. of the statutes are renumbered
15 938.396 (1j) (c) (intro.), 1. and 2.

16 **SECTION 553.** 938.396 (5) (c) 3. of the statutes is renumbered 938.396 (1j) (c)
17 3. and amended to read:

18 938.396 (1j) (c) 3. If the petitioner is a person who was denied access to a record
19 under sub. ~~(1m)~~ ~~(a), (am), (ar), or (b)~~ (1) (c) 3., the petitioner's legitimate educational
20 interests, including safety interests, in the information against society's interest in
21 protecting its confidentiality.

22 **SECTION 554.** 938.396 (5) (d) and (e) of the statutes are renumbered 938.396
23 (1j) (d) and (e).

24 **SECTION 555.** 938.396 (6) of the statutes is repealed.

2g

as created by the bill,

NOTE: Repeals s. 938.396 (6) and places the substance of that provision into s. 938.396 (1g) and (2) (f), which governs the disclosure of juvenile records to the victim-witness coordinator and that coordinator's subsequent use of those records.

1 **SECTION 556.** 938.396 (7) (a) of the statutes is renumbered 938.396 (2g) (m) 1.
2 and amended to read:

3 938.396 (2g) (m) 1. ~~Notwithstanding sub. (2) (a), if~~ If a petition under s. 938.12
4 or 938.13 (12) is filed alleging that a juvenile has committed a delinquent act that
5 would be a felony if committed by an adult, the court clerk shall notify the school
6 board of the school district, or the governing body of the private school, in which the
7 juvenile is enrolled or the designee of the school board or governing body of the fact
8 that the petition has been filed and the nature of the delinquent act alleged in the
9 petition. ~~Notwithstanding sub. (2) (a), if~~ If later the proceeding on the petition is
10 closed, dismissed, or otherwise terminated without a finding that the juvenile has
11 committed a delinquent act, the court clerk shall notify the school board of the school
12 district, or the governing body of the private school, in which the juvenile is enrolled
13 or the school board's designee of the school board or governing body that the
14 proceeding has been terminated without a finding that the juvenile has committed
15 a delinquent act.

16 **SECTION 557.** 938.396 (7) (am) of the statutes is renumbered 938.396 (2g) (m)
17 2. and amended to read:

18 938.396 (2g) (m) 2. ~~Notwithstanding sub. (2) (a) and subject to par. (b)~~ Subject
19 to subd. 4., if a juvenile is adjudged delinquent, within 5 days after the date on which
20 the dispositional order is entered, the court clerk shall notify the school board of the
21 school district, or the governing body of the private school, in which the juvenile is
22 enrolled or the designee of the school board or governing body of the fact that the
23 juvenile has been adjudicated delinquent, the nature of the violation committed by

1 the juvenile, and the disposition imposed on the juvenile under s. 938.34 as a result
2 of the violation.

3 **SECTION 558.** 938.396 (7) (ar) of the statutes is renumbered 938.396 (2g) (m)
4 3. and amended to read:

5 938.396 (2g) (m) 3. ~~Notwithstanding sub. (2) (a), if~~ If school attendance is a
6 condition of a dispositional order under s. 938.342 (1d) or (1g) or 938.355 (2) (b) 7.,
7 within 5 days after the date on which the dispositional order is entered, the clerk of
8 the court assigned to exercise jurisdiction under this chapter and ch. 48 or the clerk
9 of the municipal court exercising jurisdiction under s. 938.17 (2) shall notify the
10 school board of the school district, or the governing body of the private school, in
11 which the juvenile is enrolled or the designee of the school board or governing body
12 of the fact that the juvenile's school attendance is a condition of a dispositional order.

13 **SECTION 559.** 938.396 (7) (b) of the statutes is renumbered 938.396 (2g) (m) 4.
14 and amended to read:

15 938.396 (2g) (m) 4. If a juvenile is found to have committed a delinquent act
16 at the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that
17 would have been a felony under chs. 939 to 948 or 961 if committed by an adult and
18 is adjudged delinquent on that basis, within 5 days after the date on which the
19 dispositional order is entered the court clerk shall notify the school board of the
20 school district, or the governing body of the private school, in which the juvenile is
21 enrolled or the designee of the school board or governing body of the fact that the
22 juvenile has been adjudicated delinquent on that basis, the nature of the violation
23 committed by the juvenile, and the disposition imposed on the juvenile under s.
24 938.34 as a result of that violation.