767.205 **(2)** (a) 3. Whenever aid under s. ~~48.57 (3m) or (3n),~~ 48.645, 49.19, or 49.45 is provided on behalf of a dependent child or benefits are provided to the child's custodial parent under ss. 49.141 to 49.161.

SECTION 241. 767.205 (2) (a) 4. of the statutes is amended to read:

767.205 **(2)** (a) 4. Whenever aid under s. ~~48.57 (3m) or (3n),~~ 48.645, 49.19, or 49.45 has, in the past, been provided on behalf of a dependent child, or benefits have, in the past, been provided to the child's custodial parent under ss. 49.141 to 49.161, and the child's family is eligible for continuing child support services under 45 CFR 302.33.

SECTION 242. 767.407 (1) (c) 1. of the statutes is amended to read:

767.407 **(1)** (c) 1. Aid is provided under s. ~~48.57 (3m) or (3n),~~ 48.645, 49.19, or 49.45 on behalf of the child, or benefits are provided to the child's custodial parent under ss. 49.141 to 49.161, but the state and its delegate under s. 49.22 (7) are barred by a statute of limitations from commencing an action under s. 767.80 on behalf of the child.

SECTION 243. 767.41 (3) (c) of the statutes is amended to read:

767.41 **(3)** (c) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (b). At least 10 days before the date of the hearing, the court shall provide notice of the time, date, and purpose of the hearing to the agency that prepared the report, the child's parents, the child, if he or she is 12 years of age or over, and the child's foster parent~~, treatment foster parent~~ or the operator of the facility in which the child is living.

SECTION 244. 767.521 (intro.) of the statutes is amended to read:

767.521 Action by state for child support. (intro.) The state or its delegate under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001

(1) (f) or for paternity determination and child support under s. 767.80 if the child's right to support is assigned to the state under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm) and all of the following apply:

SECTION 245. 767.55 (3) (a) 2. of the statutes is amended to read:

767.55 **(3)** (a) 2. The child's right to support is assigned to the state under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3)~~,~~ or 49.19 (4) (h) 1. b.

SECTION 246. 767.57 (1m) (cm) of the statutes is repealed.

SECTION 247. 767.57 (2) of the statutes is amended to read:

767.57 **(2)** PROCEDURE IF RECIPIENT ON PUBLIC ASSISTANCE. If a party entitled to maintenance or support, or both, is receiving public assistance under ch. 49, the party may assign the party's right to support or maintenance to the county department under s. 46.215, 46.22, or 46.23 granting the assistance. The assignment shall be approved by order of the court granting the maintenance or support. The assignment may not be terminated if there is a delinquency in the amount to be paid to the assignee of maintenance and support previously ordered without the written consent of the assignee or upon notice to the assignee and a hearing. When an assignment of maintenance or support, or both, has been approved by the order, the assignee shall be ~~deemed~~ <u>considered</u> a real party in interest ~~within~~ <u>under</u> s. 803.01 solely for the purpose of securing payment of unpaid maintenance or support ordered to be paid, by participating in proceedings to secure the payment of unpaid amounts. Notwithstanding assignment under this subsection, and without further order of the court, the department or its designee, upon receiving notice that a party or a minor child of the parties is receiving aid under s. 48.645 or public assistance under ch. 49 ~~or that a kinship care relative or long-term kinship care relative of the minor child is receiving kinship care payments or long-term kinship care payments for the minor~~

~~child~~, shall forward all support assigned under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19).

SECTION 248. 767.57 (4) of the statutes is amended to read:

767.57 **(4)** PROCEDURE FOR CERTAIN CHILD RECIPIENTS. If an order or judgment providing for the support of one or more children not receiving aid under s. ~~48.57 (3m) or (3n),~~ 48.645~~,~~ or 49.19 includes support for a minor who is the beneficiary of aid under s. ~~48.57 (3m) or (3n),~~ 48.645~~,~~ or 49.19, any support payment made under the order or judgment is assigned to the state under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3)~~,~~ or 49.19 (4) (h) 1. b. in the amount that is the proportionate share of the minor receiving aid under s. ~~48.57 (3m) or (3n),~~ 48.645~~,~~ or 49.19, except as otherwise ordered by the court on the motion of a party.

SECTION 249. 767.59 (1c) (a) (intro.) of the statutes is amended to read:

767.59 **(1c)** (a) (intro.) On the petition, motion, or order to show cause of either of the parties, the department, a county department under s. 46.215, 46.22, or 46.23, or a county child support agency under s. 59.53 (5) if an assignment has been made under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), 49.19 (4) (h), or 49.45 (19) or if either party or their minor children receive aid under s. ~~48.57 (3m) or (3n) or~~ 48.645 or ch. 49, a court may, except as provided in par. (b), do any of the following:

SECTION 250. 767.87 (6) (a) of the statutes is amended to read:

767.87 **(6)** (a) Whenever the state brings the action to determine paternity pursuant to an assignment under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157, or 49.159, the natural mother of the child may not be compelled to testify about the paternity of the child if it has been determined that the mother has good cause for refusing to

cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B) and the federal regulations promulgated ~~pursuant to this~~ under that statute, as of July 1, 1981, and ~~pursuant to~~ under any rules promulgated by the department ~~which~~ that define good cause in accordance with the federal regulations, as authorized by 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

SECTION 251. 767.87 (6) (b) of the statutes is amended to read:

767.87 **(6)** (b) Nothing in par. (a) prevents the state from bringing an action to determine paternity pursuant to an assignment under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 49.19 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157 or 49.159, ~~where~~ when evidence other than the testimony of the mother may establish the paternity of the child.

SECTION 252. 786.37 (3) of the statutes is amended to read:

786.37 **(3)** This section does not apply to the name change of a minor if the parental rights to the minor of both parents have been terminated, guardianship and legal custody of the minor have been transferred under subch. VIII of ch. 48, the minor has been placed in a permanent foster home ~~or a permanent treatment foster home~~, and the guardian and legal custodian of the minor have petitioned to change the minor's name to the name or names of the minor's foster parents ~~or treatment foster parents~~.

SECTION 253. 809.105 (13) of the statutes is amended to read:

809.105 **(13)** CERTAIN PERSONS BARRED FROM PROCEEDINGS. No parent, or guardian or legal custodian, if one has been appointed, or foster parent ~~or treatment foster parent~~, if the minor has been placed in a foster home ~~or treatment foster home~~, and the minor's parent has signed a waiver granting the department of children and families, a county department under s. 46.215, 46.22, or 46.23, ~~the foster parent~~ or

the ~~treatment~~ foster parent the authority to consent to medical services or treatment on behalf of the minor, or adult family member, as defined in s. 48.375 (2) (b), of any minor who has initiated an appeal under this section may attend or intervene in any proceeding under this section.

SECTION 254. 895.485 (title) of the statutes is amended to read:

895.485 (title) **Civil liability exemption; agencies, foster parents~~,~~ ~~treatment foster parents~~ and family-operated group home parents.**

SECTION 255. 895.485 (1) (c) of the statutes is repealed.

SECTION 256. 895.485 (2) (intro.) of the statutes is amended to read:

895.485 **(2)** (intro.) Except as provided in ss. 167.10 (7) and 343.15 (2), any foster~~, treatment foster~~ or family-operated group home parent licensed under s. 48.62 or 48.625 is immune from civil liability for any of the following:

SECTION 257. 895.485 (2) (a) of the statutes is amended to read:

895.485 **(2)** (a) An act or omission of the foster~~, treatment foster~~ or family-operated group home parent while that parent is acting in his or her capacity as a foster~~, treatment foster~~ or family-operated group home parent.

SECTION 258. 895.485 (2) (b) of the statutes is amended to read:

895.485 **(2)** (b) An act or omission of a child who is placed in a foster home~~, treatment foster home~~ or family-operated group home while the child is in the foster~~, treatment foster~~ or family-operated group home parent's care.

SECTION 259. 895.485 (3) of the statutes is amended to read:

895.485 **(3)** The immunity specified in sub. (2) does not apply if the act or omission of a foster~~, treatment foster~~ or family-operated group home parent was not done in good faith or was not in compliance with any written instructions~~,~~ received from the agency that placed the child~~,~~ regarding specific care and supervision of the

child. The good faith of a foster~~, treatment foster~~ or family-operated group home parent and the compliance of the foster~~, treatment foster~~ or family-operated group home parent with any written instructions received from the agency that placed the child are presumed in a civil action. Any person who asserts that a foster~~, treatment foster~~ or family-operated group home parent did not act in good faith, or did not comply with written instructions received from the agency that placed the child, has the burden of proving that assertion.

SECTION 260. 895.485 (4) (intro.) of the statutes is amended to read:

895.485 **(4)** (intro.) Any agency that acts in good faith in placing a child with a foster~~, treatment foster~~ or family-operated group home parent is immune from civil liability for any act or omission of the agency, the foster~~, treatment foster~~ or family-operated group home parent, or the child unless all of the following occur:

SECTION 261. 895.485 (4) (a) of the statutes is amended to read:

895.485 **(4)** (a) The agency has failed to provide the foster~~, treatment foster.~~ or family-operated group home parent with any information relating to a medical, physical, mental, or emotional condition of the child that it is required to disclose under this paragraph. The department of children and families shall promulgate rules specifying the kind of information that an agency shall disclose to a foster~~, treatment foster,~~ or family-operated group home parent ~~which~~ <u>that</u> relates to a medical, physical, mental, or emotional condition of the child.

SECTION 262. 938.02 (6) of the statutes is amended to read:

938.02 **(6)** "Foster home" means any facility that is operated by a person required to be licensed by s. 48.62 (1) ~~(a)~~ and that provides care and maintenance for no more than 4 juveniles or, if necessary to enable a sibling group to remain together, for no more than 6 juveniles or, if the department of children and families

promulgates rules permitting a different number of juveniles, for the number of juveniles permitted under those rules.

SECTION 263. 938.02 (17q) of the statutes is repealed.

SECTION 264. 938.207 (1) (c) of the statutes is amended to read:

938.207 **(1)** (c) A licensed foster home ~~or a licensed treatment foster home~~ if the placement does not violate the conditions of the license.

SECTION 265. 938.207 (1) (f) of the statutes is amended to read:

938.207 **(1)** (f) The home of a person not a relative if the person has not had a ~~foster home or treatment foster home~~ license under s. 48.62 refused, revoked, or suspended within the previous 2 years. ~~Such a~~ A placement under this paragraph may not exceed 30 days, unless the placement is extended by the court for cause for an additional 30 days.

SECTION 266. 938.21 (5) (d) 2. of the statutes is amended to read:

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

SECTION 267. 938.21 (5) (d) 3. of the statutes is amended to read:

938.21 **(5)** (d) 3. The court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent~~, treatment~~

~~foster parent,~~ or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 268. 938.27 (3) (a) 1. of the statutes is amended to read:

938.27 **(3)** (a) 1. The court shall notify, under s. 938.273, the juvenile, any parent, guardian, and legal custodian of the juvenile, any foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) of the juvenile, and any person specified in par. (b), if applicable, of all hearings involving the juvenile under this subchapter, except hearings on motions for which notice must be provided only to the juvenile and his or her counsel. If parents entitled to notice have the same place of residence, notice to one constitutes notice to the other. The first notice to any interested party, foster parent, ~~treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) shall be in writing and may have a copy of the petition attached to it. Notices of subsequent hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the date and time notice was given and the person to whom he or she spoke.

SECTION 269. 938.27 (3) (a) 1m. of the statutes is amended to read:

938.27 **(3)** (a) 1m. The court shall give a foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent~~, treatment~~

~~foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a notice of a hearing under subd. 1. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 270. 938.27 (3) (a) 2. of the statutes is amended to read:

938.27 **(3)** (a) 2. Failure to give notice under subd. 1. to a foster parent~~,~~ ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) does not deprive the court of jurisdiction in the action or proceeding. If a foster parent~~,~~ ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) is not given notice of a hearing under subd. 1., that person may request a rehearing on the matter during the pendency of an order resulting from the hearing. If the request is made, the court shall order a rehearing.

SECTION 271. 938.27 (6) of the statutes is amended to read:

938.27 **(6)** INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a proceeding is initiated under s. 938.14, all interested parties shall receive notice and appropriate summons shall be issued in a manner specified by the court. If the juvenile who is the subject of the proceeding is in the care of a foster parent~~,~~ ~~treatment foster parent,~~ or other physical custodian described in s. 48.62 (2), the court shall give the foster parent~~, treatment foster parent,~~ or other physical custodian notice and an opportunity to be heard as provided in sub. (3) (a).

SECTION 272. 938.299 (1) (ag) of the statutes is amended to read:

938.299 **(1)** (ag) If a public hearing is not held, in addition to persons permitted to attend under par. (a), the juvenile's foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) may be present, except that the court may exclude a foster parent~~, treatment foster parent~~ or other physical custodian

described in s. 48.62 (2) from any portion of the hearing if that portion of the hearing deals with sensitive personal information of the juvenile or the juvenile's family or if the court determines that excluding the foster parent~~, treatment foster parent~~ or other physical custodian would be in the best interests of the juvenile.

SECTION 273. 938.32 (1) (d) 2. of the statutes is amended to read:

938.32 **(1)** (d) 2. At least 10 days before the date of the hearing under subd. 1., the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 274. 938.32 (1) (d) 3. of the statutes is amended to read:

938.32 **(1)** (d) 3. The court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent~~, treatment foster parent,~~ or other physical custodian does not become a party to the proceeding on which the hearing is held solely on the basis of receiving the notice and having the opportunity to be heard.

SECTION 275. 938.33 (4) (intro.) of the statutes is amended to read:

938.33 **(4)** OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending placement in a foster home, ~~treatment foster home,~~ group home, or nonsecured residential care center for children and youth, in the home of a relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing, except that the report may be presented orally at the dispositional hearing if all parties

consent. A report that is presented orally shall be transcribed and made a part of the court record. The report shall include all of the following:

SECTION 276. 938.33 (5) of the statutes is amended to read:

938.33 **(5)** IDENTITY OF FOSTER PARENT ~~OR TREATMENT FOSTER PARENT~~; CONFIDENTIALITY. If the report recommends placement in a foster home ~~or a treatment foster home~~, and the name of the foster parent ~~or treatment foster parent~~ is not available at the time the report is filed, the agency shall provide the court and the juvenile's parent or guardian with the name and address of the foster parent ~~or treatment foster parent~~ within 21 days after the dispositional order is entered, except that the court may order the information withheld from the juvenile's parent or guardian if the court finds that disclosure would result in imminent danger to the juvenile or to the foster parent ~~or treatment foster parent~~. After notifying the juvenile's parent or guardian, the court shall hold a hearing prior to ordering the information withheld.

SECTION 277. 938.335 (3g) (intro.) of the statutes is amended to read:

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

SECTION 278. 938.34 (3) (c) of the statutes is amended to read:

938.34 **(3)** (c) A foster home ~~or treatment foster home~~ licensed under s. 48.62 or a group home licensed under s. 48.625.

SECTION 279. 938.355 (2) (b) 2. of the statutes is amended to read:

938.355 **(2)** (b) 2. If the juvenile is placed outside the home, the name of the place or facility, including transitional placements, where the juvenile shall be cared for or treated, except that if the placement is a foster home ~~or treatment foster home~~ and the name and address of the foster parent ~~or treatment foster parent~~ is not available at the time of the order, the name and address of the foster parent ~~or treatment foster parent~~ shall be furnished to the court and the parent within 21 days ~~of~~ after the order. If, after a hearing on the issue with due notice to the parent or guardian, the court finds that disclosure of the identity of the foster parent ~~or treatment foster parent~~ would result in imminent danger to the juvenile~~, the foster parent~~ or the ~~treatment~~ foster parent, the court may order the name and address of the prospective foster parents ~~or treatment foster parents~~ withheld from the parent or guardian.

SECTION 280. 938.355 (2d) (c) 2. of the statutes is amended to read:

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

SECTION 281. 938.355 (2d) (c) 3. of the statutes is amended to read:

938.355 **(2d)** (c) 3. The court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent~~, treatment~~

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

5 **SECTION 282.** 938.355 (4) (a) of the statutes is amended to read:

6 938.355 **(4)** (a) Except as provided under par. (b) or s. 938.368, an order under
7 this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age
8 that places or continues the placement of the juvenile in his or her home shall
9 terminate at the end of one year after the date on which the order is granted unless
10 the court specifies a shorter period of time or the court terminates the order sooner.
11 Except as provided in par. (b) or s. 938.368, an order under this section or s. 938.357
12 or 938.365 made before the juvenile attains 18 years of age that places or continues
13 the placement of the juvenile in a foster home, ~~treatment foster home,~~ group home,
14 or residential care center for children and youth or in the home of a relative other
15 than a parent shall terminate when the juvenile attains 18 years of age, at the end
16 of one year after the date on which the order is granted, or, if the juvenile is a
17 full-time student at a secondary school or its vocational or technical equivalent and
18 is reasonably expected to complete the program before attaining 19 years of age,
19 when the juvenile attains 19 years of age, whichever is later, unless the court
20 specifies a shorter period of time or the court terminates the order sooner.

21 **SECTION 283.** 938.357 (1) (am) 1. of the statutes is amended to read:

22 938.357 **(1)** (am) 1. If the proposed change in placement involves any change
23 in placement other than a change in placement under par. (c), the person or agency
24 primarily responsible for implementing the dispositional order or the district
25 attorney shall cause written notice of the proposed change in placement to be sent

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

SECTION 284. 938.357 (1) (am) 2. of the statutes is amended to read:

938.357 **(1)** (am) 2. Any person receiving the notice under subd. 1. or notice of a specific foster ~~or treatment foster~~ placement under s. 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice. Placements may not be changed until 10 days after that notice is sent to the court unless the parent, guardian, or legal custodian and the juvenile, if 12 or more years of age, sign written waivers of objection, except that changes in placement that were authorized in the dispositional order may be made immediately if notice is given as required under subd. 1. In addition, a hearing is not required for placement changes authorized in the dispositional order except when an objection filed by a person who received notice alleges that new information is available that affects the advisability of the court's dispositional order.

SECTION 285. 938.357 (2m) (b) of the statutes is amended to read:

938.357 **(2m)** (b) *Hearing; when required.* The court shall hold a hearing prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current placement. A hearing is not required if the requested or proposed change in placement does not involve a change in placement of a juvenile placed in the home to a placement outside the home, written waivers of objection to the proposed change

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

SECTION 286. 938.357 (2r) of the statutes is amended to read:

938.357 **(2r)** REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a juvenile from a foster home~~, treatment foster home,~~ or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent~~,~~ ~~treatment foster parent,~~ or other physical custodian an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the juvenile and the requested change in placement. A foster parent~~, treatment foster parent,~~ or other physical custodian who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 287. 938.357 (2v) (c) 2. of the statutes is amended to read:

938.357 **(2v)** (c) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and

legal custodian of the juvenile, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 288. 938.357 (2v) (c) 3. of the statutes is amended to read:

938.357 **(2v)** (c) 3. The court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent~~, treatment foster parent,~~ or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 289. 938.357 (6) of the statutes is amended to read:

938.357 **(6)** DURATION OF ORDER. No change in placement may extend the expiration date of the original order, except that if the change in placement is from a placement in the juvenile's home to a placement in a foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or in the home of a relative who is not a parent, the court may extend the expiration date of the original order to the date on which the juvenile attains 18 years of age, to the date that is one year after the date of the change in placement order, or, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age, to the date on which the juvenile attains 19 years of age, whichever is later, or for a

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

SECTION 290. 938.363 (1) (b) of the statutes is amended to read:

938.363 **(1)** (b) If a hearing is held, the court shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all parties bound by the dispositional order, the juvenile's foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than a total of 30 days of detention, nonsecure custody, or inpatient treatment on a juvenile.

SECTION 291. 938.363 (1m) of the statutes is amended to read:

938.363 **(1m)** EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or

to submit a written statement prior to the hearing, relevant to the issue of revision. A foster parent~~, treatment foster parent,~~ or other physical custodian who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 292. 938.365 (2) of the statutes is amended to read:

938.365 **(2)** NOTICE. No order may be extended without a hearing. The court shall notify the juvenile or the juvenile's guardian ad litem or counsel, the juvenile's parent, guardian, legal custodian, all of the parties present at the original hearing, the juvenile's foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered of the time and place of the hearing.

SECTION 293. 938.365 (2m) (ad) 2. of the statutes is amended to read:

938.365 **(2m)** (ad) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 294. 938.365 (2m) (ag) of the statutes is amended to read:

938.365 **(2m)** (ag) The court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (ad) 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. A foster parent~~, treatment foster parent,~~

or other physical custodian who receives notice of a hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 295. 938.365 (5) of the statutes is amended to read:

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

SECTION 296. 938.371 (1) (intro.) of the statutes is amended to read:

938.371 **(1)** MEDICAL INFORMATION. (intro.) If a juvenile is placed in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent, including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall provide the following information to the foster parent, ~~treatment foster parent,~~ relative, or operator of the group home, residential care center for children and

youth, or juvenile correctional facility at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

SECTION 297. 938.371 (1) (a) of the statutes is amended to read:

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

SECTION 298. 938.371 (3) (intro.) of the statutes is amended to read:

938.371 **(3)** OTHER INFORMATION. (intro.) At the time of placement of a juvenile in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a), responsible for preparing the juvenile's permanency plan shall provide to the foster parent, ~~treatment foster parent,~~ relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility information contained in the court report submitted under s. 938.33 (1) or 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38 relating to findings or

opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

SECTION 299. 938.371 (3) (d) of the statutes is amended to read:

938.371 **(3)** (d) Any involvement of the juvenile, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or 948.085, prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s. 948.05, or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the juvenile or for the protection of any person living in the foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or juvenile correctional facility.

SECTION 300. 938.38 (2) (intro.) of the statutes is amended to read:

938.38 **(2)** PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each juvenile living in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, juvenile detention facility, or shelter care facility, the agency that placed the juvenile or arranged the placement or the agency assigned primary responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each juvenile living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions under pars. (a) to (e) exists:

SECTION 301. 938.38 (4) (f) (intro.)of the statutes is amended to read:

938.38 **(4)** (f) (intro.) A description of the services that will be provided to the juvenile, the juvenile's family, and the juvenile's foster parent, ~~the juvenile's treatment foster parent,~~ the operator of the facility where the juvenile is living, or

the relative with whom the juvenile is living to carry out the dispositional order, including services planned to accomplish all of the following:

SECTION 302. 938.38 (5) (b) of the statutes is amended to read:

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

SECTION 303. 938.38 (5) (e) of the statutes is amended to read:

938.38 **(5)** (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order, the juvenile or the juvenile's counsel or guardian ad litem, the person representing the interests of the public, the juvenile's parent or guardian and the juvenile's foster parent~~, the juvenile's treatment foster parent~~ or the operator of the facility where the juvenile is living.

SECTION 304. 938.38 (5m) (b) of the statutes is amended to read:

938.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent ~~or treatment foster parent~~, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living; the juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the permanency plan; and the person representing the interests of the public of the date, time, and place of the hearing.

SECTION 305. 938.38 (5m) (c) of the statutes is amended to read:

938.38 **(5m)** (c) Any person who is provided notice of the hearing may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, ~~treatment foster parent,~~ operator of a facility in which a juvenile is living, or relative with whom a juvenile is living who receives notice of a hearing under par. (b) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 306. 938.38 (5m) (e) of the statutes is amended to read:

938.38 **(5m)** (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent ~~or treatment foster parent~~, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living; the agency that prepared the permanency plan; and the person representing the interests of the public. The court

shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

SECTION 307. 938.48 (4) of the statutes is amended to read:

938.48 **(4)** CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4), including serving those juveniles in their own homes, placing them in licensed foster homes ~~or licensed treatment foster homes~~ or licensed group homes under s. 48.63, contracting for their care by licensed child welfare agencies, or replacing them in juvenile correctional facilities or secured residential care centers for children and youth in accordance with rules promulgated under ch. 227, except that the department may not purchase the educational component of private day treatment programs for a juvenile in its custody unless the department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available for the juvenile. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 308. 938.52 (1) (b) of the statutes is amended to read:

938.52 **(1)** (b) Foster homes ~~or treatment foster homes~~.

SECTION 309. 938.538 (3) (a) 1p. of the statutes is amended to read:

938.538 **(3)** (a) 1p. Alternate care, including placement in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or secured residential care center for children and youth.

SECTION 310. 938.57 (1) (c) of the statutes is amended to read:

938.57 **(1)** (c) Provide appropriate protection and services for juveniles in its care, including providing services for juveniles and their families in their own homes, placing the juveniles in licensed foster homes~~, licensed treatment foster homes,~~ or licensed group homes in this state or another state within a reasonable proximity to the agency with legal custody, placing the juveniles in the homes of guardians under s. 48.977 (2), contracting for services for them by licensed child welfare agencies, or replacing them in juvenile correctional facilities or secured residential care centers for children and youth in accordance with rules promulgated under ch. 227, except that the county department may not purchase the educational component of private day treatment programs unless the county department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 311. 938.57 (3) (a) 4. of the statutes is amended to read:

938.57 **(3)** (a) 4. Is living in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or subsidized guardianship home under s. 48.62 (5).

SECTION 312. 940.201 (1) (a) of the statutes~~, as affected by 2009 Wisconsin Act ... (this act),~~ is amended to read:

940.201 **(1)** (a) "Family member" means a spouse, ~~state-registered domestic partner,~~ child, stepchild, foster child, ~~treatment foster child,~~ parent, sibling, or grandchild.

~~****NOTE: This is reconciled s. 940.201 (1) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB–0884/2 and LRB–1308/P3.~~

SECTION 313. 940.203 (1) (a) of the statutes, ~~as affected by 2009 Wisconsin Act .... (this act),~~ is amended to read:

940.203 **(1)** (a) "Family member" means a parent, spouse, ~~state-registered domestic partner,~~ sibling, child, stepchild, ~~foster child~~ or ~~treatment~~ foster child.

~~****NOTE: This is reconciled s. 940.203 (1) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB–0884/2 and LRB–1308/P3.~~

SECTION 314. 940.205 (1) of the statutes, ~~as affected by 2009 Wisconsin Act .... (this act),~~ is amended to read:

940.205 **(1)** In this section, "family member" means a parent, spouse, ~~state-registered domestic partner,~~ sibling, child, stepchild, ~~foster child~~ or ~~treatment~~ foster child.

~~****NOTE: This is reconciled s. 940.205 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB–0884/2 and LRB–1308/P3.~~

SECTION 315. 940.207 (1) of the statutes, ~~as affected by 2009 Wisconsin Act .... (this act),~~ is amended to read:

940.207 **(1)** In this section, "family member" means a parent, spouse, ~~state-registered domestic partner,~~ sibling, child, stepchild, ~~foster child~~ or ~~treatment~~ foster child.

~~****NOTE: This is reconciled s. 940.207 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB–0884/2 and LRB–1308/P3.~~

SECTION 316. 940.43 (1) of the statutes, ~~as affected by 2009 Wisconsin Act .... (this act),~~ is amended to read:

940.43 **(1)** Where the act is accompanied by force or violence or attempted force or violence~~,~~ upon the witness, or the spouse, ~~state-registered domestic partner,~~ child, stepchild, foster child, ~~treatment foster child,~~ parent, sibling, or grandchild of the witness, or any person sharing a common domicile with the witness.

~~****NOTE: This is reconciled s. 940.43 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2 and LRB-1308/P3.~~

SECTION 317. 940.45 (1) of the statutes~~, as affected by 2009 Wisconsin Act ....~~ ~~(this act),~~ is amended to read:

940.45 **(1)** Where the act is accompanied by force or violence or attempted force or violence~~,~~ upon the victim, or the spouse, ~~state-registered domestic partner,~~ child, stepchild, foster child, ~~treatment foster child,~~ parent, sibling, or grandchild of the victim, or any person sharing a common domicile with the victim.

~~****NOTE: This is reconciled s. 940.45 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2 and LRB-1308/P3.~~

SECTION 318. 943.011 (1) (a) of the statutes~~, as affected by 2009 Wisconsin Act~~ .... ~~(this act),~~ is amended to read:

943.011 **(1)** (a) "Family member" means a spouse, ~~state-registered domestic partner,~~ child, stepchild, foster child, ~~treatment foster child,~~ parent, sibling, or grandchild.

~~****NOTE: This is reconciled s. 943.011 (1) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2 and LRB-1308/P3.~~

SECTION 319. 943.013 (1) (a) of the statutes~~, as affected by 2009 Wisconsin Act~~ .... ~~(this act),~~ is amended to read:

943.013 **(1)** (a) "Family member" means a parent, spouse, ~~state-registered domestic partner,~~ sibling, child, stepchild, ~~foster child~~ or ~~treatment~~ foster child.

~~****NOTE: This is reconciled s. 943.013 (1) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2 and LRB-1308/P3.~~

SECTION 320. 943.015 (1) of the statutes, ~~as affected by~~ 2009 Wisconsin Act ... ~~(this act)~~, is amended to read:

943.015 **(1)** In this section, "family member" means a parent, spouse, ~~state–registered domestic~~ partner, sibling, child, stepchild, ~~foster child~~ or ~~treatment~~ foster child.

~~****NOTE: This is reconciled s. 943.015 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB–0884/2 and LRB–1308/P3.~~

SECTION 321. 943.017 (2m) (a) 1. of the statutes, ~~as affected by 2009 Wisconsin Act ...~~ (this act), is amended to read:

943.017 **(2m)** (a) 1. "Family member" means a spouse, ~~state–registered domestic~~ partner, child, stepchild, foster child, ~~treatment foster child,~~ parent, sibling, or grandchild.

~~****NOTE: This is reconciled s. 943.017 (2m) (a) 1. This SECTION has been affected by drafts with the following LRB numbers: LRB–0884/2 and LRB–1308/P3.~~

SECTION 322. 948.01 (3) of the statutes is amended to read:

948.01 **(3)** "Person responsible for the child's welfare" includes the child's parent; stepparent; guardian; foster parent; ~~treatment foster parent;~~ an employee of a public or private residential home, institution, or agency; other person legally responsible for the child's welfare in a residential setting; or a person employed by one legally responsible for the child's welfare to exercise temporary control or care for the child.

SECTION 323. 948.085 (1) of the statutes is amended to read:

948.085 **(1)** Has sexual contact or sexual intercourse with a child for whom the actor is a foster parent ~~or treatment foster parent~~.

SECTION 324. 949.06 (1m) (a) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

949.06 **(1m)** (a) In this subsection, "family member" means any spouse, state-registered domestic partner under s. 770.05, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, foster child, ~~treatment foster child,~~ brother, sister, half brother, half sister, aunt, uncle, nephew, niece, or parent or sibling of spouse or of a state-registered domestic partner under s. 770.05.

****NOTE: This is reconciled s. 949.06 (1m). This SECTION has been affected by drafts with the following LRB numbers: LRB-0884/2 and LRB-1308/P3.

SECTION 325. 973.017 (6) (a) of the statutes is amended to read:

973.017 **(6)** (a) In this subsection, "person responsible for the welfare of the child" includes the child's parent, stepparent, guardian, ~~foster parent,~~ or ~~treatment~~ foster parent; an employee of a public or private residential home, institution, or agency; any other person legally responsible for the child's welfare in a residential setting; or a person employed by one who is legally responsible for the child's welfare to exercise temporary control or care for the child.

SECTION 9108. Nonstatutory provisions; Children and Families.

(1) FOSTER CARE LEVELS OF CARE.

(a) *Transition.* Notwithstanding section 48.62 (1) of the statutes, as affected by this act, beginning on January 1, 2010, a person who on December 31, 2009, is licensed to operate a treatment foster home under section 48.62 (1) (b), 2007 stats., is considered to be licensed to operate a foster home under section 48.62 (1) of the statutes, as affected by this act, for the remainder of the term of the treatment foster home license under section 48.66 (1) (c), 2007 stats., or 48.75 (1r), 2007 stats., and a person who on December 31, 2009, is receiving kinship care payments under section 48.57 (3m), 2007 stats., or long-term kinship care payments under section 48.57 (3n), 2007 stats., for the care and maintenance of a child and who is not

ineligible for a license to operate a foster home for a reason specified in section 48.685 (4m) (a) 1. to 5. of the statutes is considered to be licensed to operate a foster home under section 48.62 (1) of the statutes, as affected by this act, until the time when the next review of the child's placement would have taken place under section 48.57 (3m) (d), 2007 stats., or 48.57 (3n) (d), 2007 stats. Beginning on January 1, 2010, the department of children and families, the department of corrections, or a county department of human or social services shall reimburse a person who under this paragraph is considered to be licensed to operate a foster home at the appropriate rate determined by that department or county department under the rules promulgated by the department of children and families under section 48.62 (8) (c) of the statutes, as affected by this act.

(b) *Rules.*

1. 'Permanent rules.' The department of children and families shall submit in proposed form the rules required under section 48.62 (8) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 3rd month beginning after the effective date of this subdivision.

2. 'Emergency rules.' The department of children and families may promulgate the rules required under section 48.62 (8) of the statutes, as created by this act, as emergency rules under section 227.24 of the statutes. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subdivision remain in effect until the date on which the rules submitted under subdivision 1. take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subdivision as an emergency rule is necessary for the preservation

of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subdivision.

SECTION 9408. Effective dates; Children and Families.

(1) FOSTER CARE LEVELS OF CARE. The repeal of sections 48.02 (17q), 48.40 (1m), 48.48 (17) (a) 10., 48.57 (3m), 48.57 (3n), 48.57 (3p), 48.57 (3t), 48.62 (1) (b), 49.001 (7), 49.155 (1m) (c) 1h., 49.46 (1) (a) 16., 50.065 (1) (c) 2., 619.01 (1) (c) 4m., 619.01 (9m), 767.57 (1m) (cm), 895.485 (1) (c), and 938.02 (17q) of the statutes, the renumbering of section 48.62 (1) (a) of the statutes, the amendment of sections 20.410 (3) (ho) (by SECTION 1), 20.437 (1) (b), 20.437 (1) (cf), 20.437 (1) (dd) (by SECTION 4), 20.437 (1) (pd) (by SECTION 5), 20.437 (2) (jm), 20.437 (2) (r), 46.10 (14) (a), 46.10 (14) (b), 46.21 (2) (j), 46.56 (8) (L), 46.56 (15) (b) 4., 46.985 (1) (f), 48.01 (1) (gg), 48.02 (6), 48.195 (2) (d) 5., 48.207 (1) (c), 48.207 (1) (f), 48.207 (3), 48.21 (5) (d) 2., 48.21 (5) (d) 3., 48.27 (3) (a) 1., 48.27 (3) (a) 1m., 48.27 (3) (a) 2., 48.27 (6), 48.299 (1) (ag), 48.299 (1) (ar), 48.32 (1) (c) 2., 48.32 (1) (c) 3., 48.33 (4) (intro.), 48.33 (5), 48.335 (3g) (intro.), 48.345 (3) (c), 48.355 (2) (b) 2., 48.355 (2d) (c) 2., 48.355 (2d) (c) 3., 48.355 (4), 48.357 (1) (am) 1., 48.357 (2m) (b), 48.357 (2r), 48.357 (2v) (c) 2., 48.357 (2v) (c) 3., 48.363 (1) (b), 48.363 (1m), 48.365 (2), 48.365 (2m) (ad) 2., 48.365 (2m) (ag), 48.371 (1) (intro.), 48.371 (1) (a), 48.371 (3) (intro.), 48.371 (3) (d), 48.371 (5), 48.375 (4) (a) 1., 48.375 (4) (b) 1m., 48.375 (4) (b) 3., 48.375 (7) (f), 48.38 (2) (intro.), 48.38 (2) (g), 48.38 (4) (d) (intro.), 48.38 (4) (f) (intro.), 48.38 (5) (b), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (c), 48.38 (5m) (e), 48.42 (2) (d), 48.42 (2g) (a), 48.42 (2g) (am), 48.42 (2g) (b), 48.427 (1m), 48.427 (3m) (a) 5., 48.427 (3m) (am), 48.428 (2) (a), 48.428 (2) (b), 48.428 (4), 48.43 (5) (b), 48.43 (5m), 48.48 (9), 48.48 (17) (a) 3., 48.48 (17) (a) 8., 48.48 (17) (c) 4. (by SECTION 84), 48.481 (1) (a), 48.52 (1) (a), 48.52 (1) (b), 48.52 (1) (c), 48.569 (1) (d), 48.57 (1) (c), 48.57 (1) (hm), 48.57 (1) (i), 48.57 (3) (a) 4., 48.60 (2) (e), 48.61 (3), 48.61 (7),

48.615 (1) (b), subchapter XIV (title) of chapter 48 [precedes 48.619], 48.619, 48.62 (title), 48.62 (2), 48.62 (3), 48.62 (5) (a) (intro.), 48.62 (5) (c) 2., 48.62 (5) (d) (by SECTION 111), 48.62 (5) (e), 48.62 (6), 48.62 (7), 48.625 (3), 48.627 (title), 48.627 (2) (a), 48.627 (2c), 48.627 (2m), 48.627 (2s) (a), 48.627 (2s) (b), 48.627 (3) (b), 48.627 (3) (d), 48.627 (3) (e), 48.627 (3) (f), 48.627 (3) (h), 48.627 (4), 48.627 (5), 48.63 (1), 48.63 (3) (b) 2., 48.63 (4), 48.64 (title), 48.64 (1), 48.64 (1m), 48.64 (1r), 48.64 (2), 48.64 (4) (a), 48.64 (4) (c), 48.645 (1) (a), 48.645 (2) (a) 1., 48.645 (2) (a) 3., 48.645 (2) (a) 4., 48.645 (2) (b), subchapter XVI (title) of chapter 48 [precedes 48.66], 48.66 (1) (a), 48.66 (1) (c), 48.67 (intro.), 48.675 (1), 48.675 (2), 48.675 (3) (intro.), 48.675 (3) (a), 48.68 (1), 48.685 (1) (b), 48.685 (2) (c) 1., 48.685 (2) (c) 2., 48.685 (4m) (a) (intro.) (by SECTION 157), 48.685 (4m) (ad) (by SECTION 158), 48.685 (5) (bm) (intro.), 48.685 (5m) (by SECTION 160), 48.685 (6) (a) (by SECTION 161), 48.70 (2), 48.73, 48.75 (title), 48.75 (1d), 48.75 (1r), 48.75 (2), 48.833 (1), 48.833 (2), 48.837 (1), 48.837 (1r) (b), 48.88 (2) (am) 1., 48.88 (2) (am) 2., 48.975 (3) (a) 1., 48.975 (3) (a) 2., 48.98 (1), 48.98 (2) (a), 48.981 (3) (d) 1., 48.981 (7) (a) 4., 48.986 (4), 49.136 (1) (m), 49.155 (1) (c), 49.155 (1m) (a) (intro.), 49.155 (1m) (a) 1m. b., 49.155 (1m) (bm), 49.155 (1m) (c) 1. (intro.) (by SECTION 187), 49.175 (1) (s), 49.19 (1) (a) 2. b., 49.19 (4e) (a), 49.19 (10) (a), 49.19 (10) (c), 49.19 (10) (d), 49.19 (10) (e), 49.22 (6), 49.22 (7m), 49.32 (9) (a), 49.34 (1), 49.345 (14) (a), 49.345 (14) (b), 49.45 (3) (e) 7., 49.46 (1) (a) 5., 49.46 (1) (d) 1., 49.471 (4) (a) 5., 49.96, 50.01 (1) (a) 1., 50.01 (1) (a) 2., 59.69 (15) (intro.) (by SECTION 211), 59.69 (15) (bm), 60.63 (intro.) (by SECTION 213), 60.63 (3), 62.23 (7) (i) (intro.) (by SECTION 215), 62.23 (7) (i) 2m., 103.10 (1) (a) (intro.), 103.10 (1) (f) (by SECTION 218), 118.175 (1), 121.79 (1) (d) (intro.), 121.79 (1) (d) 2., 121.79 (1) (d) 3., 146.82 (2) (a) 18m., 167.10 (7), 252.15 (5) (a) 19., 253.10 (3) (c) 2. c., 301.12 (14) (a), 301.12 (14) (b), 301.26 (4) (d) 2. (by SECTION 229), 301.26 (4) (d) 3. (by SECTION 230), 301.26 (4) (e), 301.26 (4) (ed), 301.46 (4) (a)

6., 343.15 (4) (a) 3., 619.01 (1) (a), 619.01 (1) (c) 1., 619.01 (9), 767.205 (2) (a) 3., 767.205 (2) (a) 4., 767.407 (1) (c) 1., 767.41 (3) (c), 767.521 (intro.), 767.55 (3) (a) 2., 767.57 (2), 767.57 (4), 767.59 (1c) (a) (intro.), 767.87 (6) (a), 767.87 (6) (b), 786.37 (3), 809.105 (13), 895.485 (title), 895.485 (2) (intro.), 895.485 (2) (a), 895.485 (2) (b), 895.485 (3), 895.485 (4) (intro.), 895.485 (4) (a), 938.02 (6), 938.207 (1) (c), 938.207 (1) (f), 938.21 (5) (d) 2., 938.21 (5) (d) 3., 938.27 (3) (a) 1., 938.27 (3) (a) 1m., 938.27 (3) (a) 2., 938.27 (6), 938.299 (1) (ag), 938.32 (1) (d) 2., 938.32 (1) (d) 3., 938.33 (4) (intro.), 938.33 (5), 938.335 (3g) (intro.), 938.34 (3) (c), 938.355 (2) (b) 2., 938.355 (2d) (c) 2., 938.355 (2d) (c) 3., 938.355 (4) (a), 938.357 (1) (am) 1., 938.357 (1) (am) 2., 938.357 (2m) (b), 938.357 (2r), 938.357 (2v) (c) 2., 938.357 (2v) (c) 3., 938.357 (6), 938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2m) (ad) 2., 938.365 (2m) (ag), 938.365 (5), 938.371 (1) (intro.), 938.371 (1) (a), 938.371 (3) (intro.), 938.371 (3) (d), 938.38 (2) (intro.), 938.38 (4) (f) (intro.), 938.38 (5) (b), 938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (c), 938.38 (5m) (e), 938.48 (4), 938.52 (1) (b), 938.538 (3) (a) 1p., 938.57 (1) (c), 938.57 (3) (a) 4., 940.201 (1) (a) (by SECTION 312), 940.203 (1) (a) (by SECTION 313), 940.205 (1) (by SECTION 314), 940.207 (1) (by SECTION 315), 940.43 (1) (by SECTION 316), 940.45 (1) (by SECTION 317), 943.011 (1) (a) (by SECTION 318), 943.013 (1) (a) (by SECTION 319), 943.015 (1) (by SECTION 320), 943.017 (2m) (a) 1. (by SECTION 321), 948.01 (3), 948.085 (1), 949.06 (1m) (a) (by SECTION 324), and 973.017 (6) (a) of the statutes, and the creation of section 48.62 (8) of the statutes and SECTION 9108 (1) (a) of this act take effect on January 1, 2010.

(END)

D-note

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DNOTE

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¶ This redraft unreconciles the treatment of

s. 940.201(1)(a), 940.203(1)(a), 940.205(1)(a),

940.207(1)(a), 940.43(1), 940.45(1), 943.011(1)(a),

943.013(1)(a), 943.015(1), and 943.017(2m)(a),

to reflect the removal of those provisions from LRB 07-1308/2

relating to domestic partnerships.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0884/4dn
GMM:bjk:jf

February 10, 2009

Cory:

This redraft unreconciles the treatment of ss. 940.201 (1) (a), 940.203 (1) (a), 940.205 (1), 940.207 (1), 940.43 (1), 940.45 (1), 943.011 (1) (a), 943.013 (1) (a), 943.015 (1), and 943.017 (2m) (a) 1. to reflect the removal of those provisions from LRB-1308/2 relating to domestic partnerships.

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