ASSEMBLY BILL 485 (LRB -3511)

An Act to repeal 48.982 (1) (c) and 48.983 (1) (g); to renumber 48.981 (1) (d) and 49.137 (1) (a); to renumber and amend 49.136 (1) (d), 49.136 (1) (e), 49.137 (1) (b), 49.137 (1) (d), 101.123 (1) (ad) and 253.15 (4); to amend 13.48 (2) (j), 13.83 (4) (a) 4., 16.85 (1), 20.437 (2) (jn), 36.25 (26), 48.195 (2) (a), 48.195 (2) (b), 48.195 (2) (c), 48.32 (1) (b) 1. c., 48.33 (4) (c), 48.335 (3g) (c), 48.345 (2m), 48.355 (2) (b) 6., 48.355 (2c) (a) 3. c., 48.356 (1), 48.365 (2g) (b) 2., 48.365 (2m) (a) 1., 48.38 (5) (c) 7., 48.47 (7) (cm), 48.48 (10), subchapter XV (title) of chapter 48 [precedes 48.65], 48.65 (title), 48.65 (1), 48.65 (3) (a), 48.65 (3) (b), 48.651 (title), 48.651 (1) (intro.), 48.651 (1) (a), 48.651 (1) (b), 48.651 (2), 48.653, 48.655, 48.656, 48.657 (title), 48.657 (1) (intro.), 48.657 (1) (a), 48.657 (1) (b), 48.657 (1) (c), 48.657 (2), 48.657 (2g), 48.657 (2m), 48.657 (2r), 48.657 (3), 48.658 (1) (a), subchapter XVI (title) of chapter 48 [precedes 48.66], 48.66 (1) (a), 48.66 (2), 48.66 (2m) (a) 1., 48.66 (2m) (b), 48.66 (5), 48.67 (intro.), 48.67 (1), 48.67 (2), 48.67 (3) (a), 48.685 (1) (b), 48.685 (2) (am) (intro.), 48.685 (2) (b) 4., 48.685 (3) (a), 48.685 (3) (b), 48.685 (4m) (a) (intro.), 48.685 (4m) (a) 1., 48.685 (4m) (ad), 48.685 (4m) (b) 1., 48.685 (5m), 48.685 (6) (a), 48.685 (6) (b) 1., 48.69, 48.715 (1), 48.715 (2) (a), 48.715 (4) (c), 48.715 (6), 48.715 (7), 48.73, 48.735, 48.737, 48.78 (1), 48.78 (2) (a), 48.981 (2) (a) 18., 48.981 (2) (a) 19., 49.136 (1) (j), 49.136 (1) (k), 49.136 (2) (b), 49.137 (1) (e), 49.155 (1) (am), 49.155 (1) (b), 49.155 (1d) (a), 49.155 (1d) (b), 49.155 (1g) (bc), 49.155 (4), 49.155 (6) (b), 49.155 (6) (c), 49.155 (6) (cm), 49.826 (2) (a) 1., 66.1017 (title), 66.1017 (1) (a), 66.1017 (2), 71.07 (2dd) (a) 1., 71.28 (1dd) (a) 1., 71.47 (1dd) (a) 1., 73.0301 (1) (d) 2., 77.54 (20n) (b), 101.123 (2) (a) 1r., 101.123 (2) (d) 2., 111.02 (6) (am), 115.812 (1), 115.817 (8), 118.51 (2), 120.125 (title), 120.125 (1), 120.125 (2) (a) (intro.), 120.125 (2) (a) 3., 120.125 (2) (a) 4., 120.125 (2) (b), 120.125 (2) (c), 120.125 (3) (a) (intro.), 120.125 (3) (a) 1., 120.125 (3) (a) 2., 120.125 (3) (a) 3., 120.125 (3) (b), 120.125 (4) (intro.), 120.125 (4) (a), 120.125 (4) (b), 120.125 (4) (c), 120.125 (4) (d), 120.125 (4) (e), 120.125 (4) (f), 120.125 (4) (g), 120.125 (4) (h), 120.13 (14), 120.13 (36), 121.54 (2) (am), 121.545 (2), 234.83 (3) (a) 2., 252.04 (2), 252.04 (3), 252.04 (4), 252.04 (5) (a), 252.04 (5) (b) 1., 252.04 (5) (b) 2., 252.04 (5) (b) 3., 252.04 (6), 252.21 (1), 253.15 (2), 253.15 (4) (title), 253.15 (7) (c), 254.162 (1) (c), 254.168 (4), 254.168 (5), 285.63 (10) (d) 5., 301.46 (4) (a) 2., 562.06 (3), 767.511 (1m) (e), 938.32 (1) (c) 1. c., 938.33 (4) (c), 938.335 (3g) (c), 938.34 (2) (b), 938.355 (2) (b) 6., 938.355 (2c) (a) 3. c., 938.356 (1), 938.365 (2g) (b) 2., 938.365 (2m) (a) 1., 938.38 (5) (c) 7. and 948.53 (1) (a); and to repeal and recreate 48.66 (1) (a), 48.67 (intro.), 48.685 (1) (b), 48.685 (4m) (a) (intro.), 48.685 (4m) (ad), 48.685 (5m), 48.685 (6) (a) and 48.73 of the statutes; relating to: required judicial findings and orders when a child is placed outside the home, termination of parental rights warnings, mandatory child abuse or neglect reporters, the confidentiality of social services records, changing from day care to child care the term used to describe care and supervision for children for less than 24 hours a day, and renumbering the definition of neglect.

2009

10-09.	A.	Introduced by Representative **Dexter**; cosponsored by Senator **Jauch**.	
10-09.	A.	Read first time and referred to committee on Children and Families	425
10-21.	A.	Public hearing held.	
10-28.	A.	Executive action taken.	
10-29.	A.	Report passage recommended by committee on Children and Families, Ayes 8, Noes 0	469
10-29.	A.	Referred to committee on Rules	469
10-29.	A.	Placed on calendar 11-3-2009 by committee on Rules.	
11-03.	A.	Read a second time	490
11-03.	A.	Ordered to a third reading	490
11-03.	A.	Rules suspended	490
11-03.	A.	Read a third time and **passed**	490
11-03.	A.	Ordered immediately messaged	490
11-04.	S.	Received from Assembly	403
11-09.	S.	Read first time and referred to committee on Children and Families and Workforce Development	418

2010

02-24.	S.	Executive action taken.	
02-24.	S.	Report concurrence recommended by committee on Children and Families and Workforce Development, Ayes 5, Noes 0	586
02-24.	S.	Available for scheduling.	
02-25.	S.	Placed on calendar 3-2-2010 pursuant to Senate Rule 18(1)	591
03-02.	S.	Read a second time.	
03-02.	S.	Ordered to a third reading.	
03-02.	S.	Rules suspended.	
03-02.	S.	Read a third time and **concurred in**.	
03-02.	S.	Ordered immediately messaged.	
03-02.	A.	Received from Senate concurred in	715

CD

2009
ENROLLED BILL

09en A B- 485

ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ___ SubAmdt ___ 09 - 3511/1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic required judicial findings and orders when a child is placed outside the home, termination of parental rights warnings, mandatory child abuse or neglect reporters, the confidentiality of social services records

3-3-10
Date

Enrolling Drafter

State of Wisconsin
2009 – 2010 LEGISLATURE

LRB-3511/1
GMM:cjs:ph

2009 ASSEMBLY BILL 485

October 9, 2009 – Introduced by Representative DEXTER, cosponsored by Senator JAUCH. Referred to Committee on Children and Families.

AN ACT ***to repeal*** 48.982 (1) (c) and 48.983 (1) (g); ***to renumber*** 48.981 (1) (d) and 49.137 (1) (a); ***to renumber and amend*** 49.136 (1) (d), 49.136 (1) (e), 49.137 (1) (b), 49.137 (1) (d), 101.123 (1) (ad) and 253.15 (4); ***to amend*** 13.48 (2) (j), 13.83 (4) (a) 4., 16.85 (1), 20.437 (2) (jn), 36.25 (26), 48.195 (2) (a), 48.195 (2) (b), 48.195 (2) (c), 48.32 (1) (b) 1. c., 48.33 (4) (c), 48.335 (3g) (c), 48.345 (2m), 48.355 (2) (b) 6., 48.355 (2c) (a) 3. c., 48.356 (1), 48.365 (2g) (b) 2., 48.365 (2m) (a) 1., 48.38 (5) (c) 7., 48.47 (7) (cm), 48.48 (10), subchapter XV (title) of chapter 48 [precedes 48.65], 48.65 (title), 48.65 (1), 48.65 (3) (a), 48.65 (3) (b), 48.651 (title), 48.651 (1) (intro.), 48.651 (1) (a), 48.651 (1) (b), 48.651 (2), 48.653, 48.655, 48.656, 48.657 (title), 48.657 (1) (intro.), 48.657 (1) (a), 48.657 (1) (b), 48.657 (1) (c), 48.657 (2), 48.657 (2g), 48.657 (2m), 48.657 (2r), 48.657 (3), 48.658 (1) (a), subchapter XVI (title) of chapter 48 [precedes 48.66], 48.66 (1) (a), 48.66 (2), 48.66 (2m) (a) 1., 48.66 (2m) (b), 48.66 (5), 48.67 (intro.), 48.67 (1), 48.67 (2), 48.67 (3) (a), 48.685 (1) (b), 48.685 (2) (am) (intro.), 48.685 (2) (b) 4., 48.685 (3)

(a), 48.685 (3) (b), 48.685 (4m) (a) (intro.), 48.685 (4m) (a) 1., 48.685 (4m) (ad), 48.685 (4m) (b) 1., 48.685 (5m), 48.685 (6) (a), 48.685 (6) (b) 1., 48.69, 48.715 (1), 48.715 (2) (a), 48.715 (4) (c), 48.715 (6), 48.715 (7), 48.73, 48.735, 48.737, 48.78 (1), 48.78 (2) (a), 48.981 (2) (a) 18., 48.981 (2) (a) 19., 49.136 (1) (j), 49.136 (1) (k), 49.136 (2) (b), 49.137 (1) (e), 49.155 (1) (am), 49.155 (1) (b), 49.155 (1d) (a), 49.155 (1d) (b), 49.155 (1g) (bc), 49.155 (4), 49.155 (6) (b), 49.155 (6) (c), 49.155 (6) (cm), 49.826 (2) (a) 1., 66.1017 (title), 66.1017 (1) (a), 66.1017 (2), 71.07 (2dd) (a) 1., 71.28 (1dd) (a) 1., 71.47 (1dd) (a) 1., 73.0301 (1) (d) 2., 77.54 (20n) (b), 101.123 (2) (a) 1r., 101.123 (2) (d) 2., 111.02 (6) (am), 115.812 (1), 115.817 (8), 118.51 (2), 120.125 (title), 120.125 (1), 120.125 (2) (a) (intro.), 120.125 (2) (a) 3., 120.125 (2) (a) 4., 120.125 (2) (b), 120.125 (2) (c), 120.125 (3) (a) (intro.), 120.125 (3) (a) 1., 120.125 (3) (a) 2., 120.125 (3) (a) 3., 120.125 (3) (b), 120.125 (4) (intro.), 120.125 (4) (a), 120.125 (4) (b), 120.125 (4) (c), 120.125 (4) (d), 120.125 (4) (e), 120.125 (4) (f), 120.125 (4) (g), 120.125 (4) (h), 120.13 (14), 120.13 (36), 121.54 (2) (am), 121.545 (2), 234.83 (3) (a) 2., 252.04 (2), 252.04 (3), 252.04 (4), 252.04 (5) (a), 252.04 (5) (b) 1., 252.04 (5) (b) 2., 252.04 (5) (b) 3., 252.04 (6), 252.21 (1), 253.15 (2), 253.15 (4) (title), 253.15 (7) (c), 254.162 (1) (c), 254.168 (4), 254.168 (5), 285.63 (10) (d) 5., 301.46 (4) (a) 2., 562.06 (3), 767.511 (1m) (e), 938.32 (1) (c) 1. c., 938.33 (4) (c), 938.335 (3g) (c), 938.34 (2) (b), 938.355 (2) (b) 6., 938.355 (2c) (a) 3. c., 938.356 (1), 938.365 (2g) (b) 2., 938.365 (2m) (a) 1., 938.38 (5) (c) 7. and 948.53 (1) (a); and ***to repeal and recreate*** 48.66 (1) (a), 48.67 (intro.), 48.685 (1) (b), 48.685 (4m) (a) (intro.), 48.685 (4m) (ad), 48.685 (5m), 48.685 (6) (a) and 48.73 of the statutes; **relating to:** required judicial findings and orders when a child is placed outside the home, termination of parental rights warnings, mandatory child abuse or neglect reporters, the confidentiality of

1 social services records, changing from day care to child care the term used to
2 describe care and supervision for children for less than 24 hours a day, and
3 renumbering the definition of neglect.

Analysis by the Legislative Reference Bureau

Introduction

This bill makes various changes to the Children's Code and the Juvenile Justice Code, including changes relating to required judicial findings and orders when a child is placed outside the home, termination of parental rights (TPR) warnings, mandatory child abuse or neglect reporters, the confidentiality of social services records, changing from "day care" to "child care" the term used to describe care and supervision for children for less than 24 hours a day, and renumbering from the section of the Children's Code relating to child abuse and neglect reporting to the definitions section of that code the definition of "neglect."

Required judicial findings and orders when child placed outside the home

Under current law, a court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) is required to include in a dispositional order placing a child outside the home, in an extension of a dispositional order continuing the placement of a child outside the home, and in a consent decree maintaining a child in a placement outside the home findings that continued placement of the child in the home would be contrary to the welfare of the child, that reasonable efforts have been made to prevent the removal of the child from the home, and that reasonable efforts have been made to achieve the goal of the child's permanency plan, which is a plan designed to ensure that the child is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long–term stability.

The juvenile court, however, is not required to make a finding that reasonable efforts have been made to achieve the goal of the child's permanency plan if return of the child to the home is the goal of the permanency plan and the juvenile court has found that a parent has committed certain crimes of homicide against a child of the parent; has committed battery, sexual assault, or physical or sexual abuse resulting in great bodily harm or substantial bodily harm to a child of the parent; has had his or her parental rights terminated with respect to another child; or has subjected the child to aggravated circumstances, which are defined as including criminal abandonment, torture, chronic abuse, and sexual abuse. This bill eliminates that exception to the requirement that the juvenile court make a finding that reasonable efforts have been made to achieve the goal of the child's permanency plan.

TPR warnings

Under current law, when the juvenile court orders a child to be placed outside the home because the child has been adjudged to be in need of protection or services under a dispositional order, a change–in–placement order, a revision of a dispositional order, or an extension of a dispositional order, the juvenile court is

required to inform orally the parent or parents who appear in juvenile court of any grounds for TPR that may be applicable and of the conditions necessary for the child to be returned to the home. This bill requires a TPR warning to be given also when the juvenile court orders a child to be placed outside the home because the child has been adjudged delinquent and when the juvenile court holds a hearing to review a child's permanency plan.

Mandatory child abuse or neglect reporters

Current law requires certain persons who have reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected to report that suspected abuse or neglect to the sheriff or police department or to the county department or, in Milwaukee County, the Department of Children and Families (DCF) or a child welfare agency under contract with DCF (mandatory reporter). Currently, a child care worker in a group home that is authorized solely to provide a safe and structured living arrangement for children 12 years of age or over who are custodial parents or expectant mothers is a mandatory reporter. This bill makes a child care worker in any group home a mandatory reporter.

Confidentiality of social services records

Under the current Juvenile Justice Code, the Department of Corrections (DOC), a county department, or a child welfare agency, subject to certain exceptions, is required to maintain the confidentiality of records kept or information received about an individual *who is or was* in its care or legal custody. Under the current Children's Code, DCF, a county department, a child welfare agency, or a day care center (collectively "agency"), subject to certain exceptions, is required to maintain the confidentiality of records kept or information received about an individual who is currently in its care or legal custody. This bill conforms the Children's Code to the Juvenile Justice Code by requiring an agency to maintain the confidentiality of records kept or information received about an individual *who is or was* in its care or legal custody.

Child care

Current law requires a person who for compensation provides care and supervision for four or more children under the age of seven for less than 24 hours a day to obtain a license from DCF to operate a day care center. Current law also permits a school board to provide or contract for the provision of day care programs for children. In addition, current law requires a person who is not licensed to operate a day care center or who is not under contract with a school board to provide a day care program to be certified as a day care provider by a county department of human services or social services to receive reimbursement under the Wisconsin Works program for child care services provided by the person. Current law also includes numerous other references to facilities and services involved in the care of children for less than 24 hours a day that include the term "day care." This bill changes the term used to describe care and supervision for children for less than 24 hours a day from "day care" to "child care."

Neglect

Under current law, "neglect" is defined in the section of the Children's Code relating to child abuse and neglect reporting as failure, refusal, or inability on the part of a parent, guardian, legal custodian, or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child. This bill moves that definition to the definitions section of the Children's Code, thereby making it applicable throughout that code.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.48 (2) (j) of the statutes is amended to read:

2 13.48 **(2)** (j) No later than the first day of the 7th month after the effective date
3 of each biennial budget act, the director of the office of state employment relations
4 shall report to the building commission, in writing, regarding the desirability of
5 including plans for ~~day~~ child care facility space in the plans for any construction or
6 major remodeling project, enumerated in the state building program in the biennial
7 budget act, for any state office building. Based upon the report of the director of the
8 office of state employment relations, the building commission may direct that plans
9 for ~~day~~ child care facility space be included in the plans for that construction or major
10 remodeling project.

11 **SECTION 2.** 13.83 (4) (a) 4. of the statutes is amended to read:

12 13.83 **(4)** (a) 4. Ways in which the results from the scientific study of attachment
13 and brain development can be incorporated into public schools, ~~day~~ child care
14 centers, and homes.

15 **SECTION 3.** 16.85 (1) of the statutes is amended to read:

16 16.85 **(1)** To take charge of and supervise all engineering or architectural
17 services or construction work, as defined in s. 16.87, performed by, or for, the state,
18 or any department, board, institution, commission, or officer ~~thereof~~ of the state,

including nonprofit–sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, except the engineering, architectural, and construction work of the department of transportation~~,~~ and the engineering service performed by the department of commerce, department of revenue, public service commission, department of health services, and other departments, boards, and commissions when the service is not related to the maintenance, and construction and planning, of the physical properties of the state. The department ~~shall~~ may not authorize construction work for any state office facility in the city of Madison after May 11, 1990, unless the department first provides suitable space for a ~~day~~ child care center primarily for use by children of state employees.

SECTION 4. 20.437 (2) (jn) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

20.437 **(2)** (jn) *Child care licensing and certification activities.* All moneys received from licensing activities under s. 48.65, from certifying activities under s. 48.651, and from fees under ss. 48.65 (3) and 48.651 (2) for the costs of licensing ~~day~~ child care centers under s. 48.65 and of certifying ~~day~~ child care providers under s. 48.651.

SECTION 5. 36.25 (26) of the statutes is amended to read:

36.25 **(26)** ~~DAY~~ CHILD CARE CENTERS. A college campus may establish a ~~day~~ child care center and may use funds received from the appropriation under s. 20.285 (1) (a) to operate it.

SECTION 6. 48.195 (2) (a) of the statutes is amended to read:

48.195 **(2)** (a) Except as provided in this paragraph, a parent who relinquishes custody of a child under sub. (1) and any person who assists the parent in that relinquishment have the right to remain anonymous. The exercise of that right shall not affect the manner in which a law enforcement officer, emergency medical technician, or hospital staff member performs his or her duties under this section. No person may induce or coerce or attempt to induce or coerce a parent or person assisting a parent who wishes to remain anonymous into revealing his or her identity, unless the person has reasonable cause to suspect that the child has been the victim of abuse or neglect~~, as defined in s. 48.981 (1) (d),~~ or that the person assisting the parent is coercing the parent into relinquishing custody of the child.

SECTION 7. 48.195 (2) (b) of the statutes is amended to read:

48.195 **(2)** (b) A parent who relinquishes custody of a child under sub. (1) and any person who assists the parent in that relinquishment may leave the presence of the law enforcement officer, emergency medical technician, or hospital staff member who took custody of the child at any time, and no person may follow or pursue the parent or person assisting the parent, unless the person has reasonable cause to suspect that the child has been the victim of abuse or neglect~~, as defined in s. 48.981 (1) (d),~~ or that the person assisting the parent has coerced the parent into relinquishing custody of the child.

SECTION 8. 48.195 (2) (c) of the statutes is amended to read:

48.195 **(2)** (c) No officer, employee, or agent of this state or of a political subdivision of this state may attempt to locate or ascertain the identity of a parent who relinquishes custody of a child under sub. (1) or any person who assists the parent in that relinquishment, unless the officer, employee, or agent has reasonable cause to suspect that the child has been the victim of abuse or neglect~~, as defined in~~

1 ~~s. 48.981 (1) (d),~~ or that the person assisting the parent has coerced the parent into
2 relinquishing custody of the child.

3 **SECTION 9.** 48.32 (1) (b) 1. c. of the statutes is amended to read:

4 48.32 **(1)** (b) 1. c. A finding as to whether the county department, department,
5 or agency has made reasonable efforts to achieve the goal of the child's permanency
6 plan~~, unless return of the child to the home is the goal of the permanency plan and~~
7 ~~the judge or circuit court commissioner finds that any of the circumstances specified~~
8 ~~in s. 48.355 (2d) (b) 1. to 5. applies~~.

9 **SECTION 10.** 48.33 (4) (c) of the statutes is amended to read:

10 48.33 **(4)** (c) Specific information showing that continued placement of the child
11 in his or her home would be contrary to the welfare of the child, specific information
12 showing that the county department, the department, in a county having a
13 population of 500,000 or more, or the agency primarily responsible for providing
14 services to the child has made reasonable efforts to prevent the removal of the child
15 from the home, while assuring that the child's health and safety are the paramount
16 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
17 applies, and specific information showing that the county department, department,
18 or agency has made reasonable efforts to achieve the goal of the child's permanency
19 plan~~, unless return of the child to the home is the goal of the permanency plan and~~
20 ~~any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies~~.

21 **SECTION 11.** 48.335 (3g) (c) of the statutes is amended to read:

22 48.335 **(3g)** (c) That the county department, department, or agency has made
23 reasonable efforts to achieve the goal of the child's permanency plan~~, unless return~~
24 ~~of the child to the home is the goal of the permanency plan and any of the~~
25 ~~circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies~~.

1 **SECTION 12.** 48.345 (2m) of the statutes is amended to read:

2 48.345 **(2m)** Place the child in the child's home under the supervision of an
3 agency or the department, if the department approves, and order the agency or
4 department to provide specified services to the child and the child's family, which
5 may include ~~but are not limited to~~ individual, family, or~~,~~ group counseling,
6 homemaker or parent aide services, respite care, housing assistance, ~~day~~ child care,
7 parent skills training, or prenatal development training or education.

8 **SECTION 13.** 48.355 (2) (b) 6. of the statutes is amended to read:

9 48.355 **(2)** (b) 6. If the child is placed outside the home, a finding that continued
10 placement of the child in his or her home would be contrary to the welfare of the child,
11 a finding as to whether the county department, the department, in a county having
12 a population of 500,000 or more, or the agency primarily responsible for providing
13 services under a court order has made reasonable efforts to prevent the removal of
14 the child from the home, while assuring that the child's health and safety are the
15 paramount concerns, unless the court finds that any of the circumstances specified
16 in sub. (2d) (b) 1. to 5. applies, and a finding as to whether the county department,
17 department, or agency has made reasonable efforts to achieve the goal of the child's
18 permanency plan~~, unless return of the child to the home is the goal of the permanency~~
19 ~~plan and the court finds that any of the circumstances specified in sub. (2d) (b) 1. to~~
20 ~~5. applies~~. The court shall make the findings specified in this subdivision on a
21 case–by–case basis based on circumstances specific to the child and shall document
22 or reference the specific information on which those findings are based in the court
23 order. A court order that merely references this subdivision without documenting
24 or referencing that specific information in the court order or an amended court order

that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.

SECTION 14. 48.355 (2c) (a) 3. c. of the statutes is amended to read:

48.355 **(2c)** (a) 3. c. Community support services, such as ~~day~~ child care, parent skills training, housing assistance, employment training, and emergency mental health services.

SECTION 15. 48.356 (1) of the statutes is amended to read:

48.356 **(1)** Whenever the court orders a child to be placed outside his or her home, orders an expectant mother of an unborn child to be placed outside of her home, or denies a parent visitation because the child or unborn child has been adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357, 48.363, or 48.365 and whenever the court reviews a permanency plan under s. 48.38 (5m), the court shall orally inform the parent or parents who appear in court or the expectant mother who appears in court of any grounds for termination of parental rights under s. 48.415 which may be applicable and of the conditions necessary for the child or expectant mother to be returned to the home or for the parent to be granted visitation.

SECTION 16. 48.365 (2g) (b) 2. of the statutes is amended to read:

48.365 **(2g)** (b) 2. An evaluation of the child's adjustment to the placement and of any progress the child has made, suggestions for amendment of the permanency plan, and specific information showing the efforts that have been made to achieve the goal of the permanency plan, including, if applicable, the efforts of the parents to remedy the factors that contributed to the child's placement~~, unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies~~.

1 **SECTION 17.** 48.365 (2m) (a) 1. of the statutes is amended to read:

2 48.365 **(2m)** (a) 1. Any party may present evidence relevant to the issue of
3 extension. If the child is placed outside of his or her home, the person or agency
4 primarily responsible for providing services to the child shall present as evidence
5 specific information showing that the person or agency has made reasonable efforts
6 to achieve the goal of the child's permanency plan~~, unless return of the child to the~~
7 ~~home is the goal of the permanency plan and any of the circumstances specified in~~
8 ~~s. 48.355 (2d) (b) 1. to 5. applies~~. The judge shall make findings of fact and
9 conclusions of law based on the evidence. The findings of fact shall include a finding
10 as to whether reasonable efforts were made by the person or agency primarily
11 responsible for providing services to the child to achieve the goal of the child's
12 permanency plan~~, unless return of the child to the home is the goal of the permanency~~
13 ~~plan and the judge finds that any of the circumstances specified in s. 48.355 (2d) (b)~~
14 ~~1. to 5. applies~~. An order shall be issued under s. 48.355.

15 **SECTION 18.** 48.38 (5) (c) 7. of the statutes is amended to read:

16 48.38 **(5)** (c) 7. Whether reasonable efforts were made by the agency to achieve
17 the goal of the permanency plan~~, unless return of the child to the home is the goal~~
18 ~~of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b)~~
19 ~~1. to 5. applies~~.

20 **SECTION 19.** 48.47 (7) (cm) of the statutes is amended to read:

21 48.47 **(7)** (cm) Promote the establishment of adequate child care facilities and
22 services in this state by providing start–up grants to newly operating ~~day~~ child care
23 facilities and services under rules promulgated by the department.

24 **SECTION 20.** 48.48 (10) of the statutes is amended to read:

48.48 **(10)** To license child welfare agencies and ~~day~~ child care centers as provided in s. 48.66 (1) (a).

SECTION 21. Subchapter XV (title) of chapter 48 [precedes 48.65] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER XV

~~DAY~~ CHILD CARE PROVIDERS

SECTION 22. 48.65 (title) of the statutes is amended to read:

48.65 (title) **~~Day~~ Child care centers licensed; fees.**

SECTION 23. 48.65 (1) of the statutes is amended to read:

48.65 **(1)** No person may for compensation provide care and supervision for 4 or more children under the age of 7 for less than 24 hours a day unless that person obtains a license to operate a ~~day~~ child care center from the department. To obtain a license under this subsection to operate a ~~day~~ child care center, a person must meet the minimum requirements for a license established by the department under s. 48.67, meet the requirements specified in s. 48.685, and pay the license fee under sub. (3). A license issued under this subsection is valid until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

SECTION 24. 48.65 (3) (a) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.65 **(3)** (a) Before the department may issue a license under sub. (1) to a ~~day~~ child care center that provides care and supervision for 4 to 8 children, the ~~day~~ child care center must pay to the department a biennial fee of $60.50. Before the department may issue a license under sub. (1) to a ~~day~~ child care center that provides care and supervision for 9 or more children, the ~~day~~ child care center must pay to the

department a biennial fee of $30.25, plus a biennial fee of $16.94 per child, based on the number of children that the ~~day~~ child care center is licensed to serve. A ~~day~~ child care center that wishes to continue a license issued under sub. (1) shall pay the applicable fee under this paragraph by the continuation date of the license. A new ~~day~~ child care center shall pay the applicable fee under this paragraph no later than 30 days before the opening of the ~~day~~ child care center.

SECTION 25. 48.65 (3) (b) of the statutes is amended to read:

48.65 **(3)** (b) A ~~day~~ child care center that wishes to continue a license issued under par. (a) and that fails to pay the applicable fee under par. (a) by the continuation date of the license or a new ~~day~~ child care center that fails to pay the applicable fee under par. (a) by 30 days before the opening of the ~~day~~ child care center shall pay an additional fee of $5 per day for every day after the deadline that the ~~group home~~ child care center fails to pay the fee.

SECTION 26. 48.651 (title) of the statutes is amended to read:

48.651 (title) **Certification of ~~day~~ child care providers.**

SECTION 27. 48.651 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.651 **(1)** (intro.) No person, other than a ~~day~~ child care center licensed under s. 48.65 or established or contracted for under s. 120.13 (14), may receive reimbursement for providing child care services for an individual who is determined eligible for a child care subsidy under s. 49.155 unless the person is certified, according to the standards adopted by the department under s. 49.155 (1d), by the department in a county having a population of 500,000 or more, a county department, or an agency with which the department contracts under sub. (2). To be certified under this section, a person must meet the minimum requirements for

1 certification established by the department under s. 49.155 (1d), meet the
2 requirements specified in s. 48.685, and pay the fee specified in sub. (2). The
3 department in a county having a population of 500,000 or more, a county
4 department, or an agency contracted with under sub. (2) shall certify the following
5 categories of ~~day~~ child care providers:

6 **SECTION 28.** 48.651 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
7 is amended to read:

8 48.651 **(1)** (a) Level I certified family ~~day~~ child care providers, as established
9 by the department under s. 49.155 (1d). No provider may be certified under this
10 paragraph if the provider is a relative of all of the children for whom ~~he or she~~ the
11 provider provides care.

12 **SECTION 29.** 48.651 (1) (b) of the statutes is amended to read:

13 48.651 **(1)** (b) Level II certified family ~~day~~ child care providers, as established
14 by the department under s. 49.155 (1d).

15 **SECTION 30.** 48.651 (2) of the statutes, as created by 2009 Wisconsin Act 28, is
16 amended to read:

17 48.651 **(2)** The department in a county having a population of 500,000 or more
18 or a county department shall certify ~~day~~ child care providers under sub. (1) or the
19 department may contract with a Wisconsin Works agency, as defined in s. 49.001 (9),
20 child care resource and referral agency, or other agency to certify ~~day~~ child care
21 providers under sub. (1) in a particular geographic area or for a particular Indian
22 tribal unit. The department in a county having a population of 500,000 or more or
23 a county department that certifies ~~day~~ child care providers under sub. (1) may charge
24 a fee to cover the costs of certifying those providers. An agency contracted with under
25 this subsection may charge a fee specified by the department to supplement the

amount provided by the department under the contract for certifying ~~day~~ child care providers.

SECTION 31. 48.653 of the statutes is amended to read:

48.653 Information for ~~day~~ child care providers. The department shall provide each ~~day~~ child care center licensed under s. 48.65 and each county agency providing child welfare services with a brochure containing information on basic child care and the licensing and certification requirements for ~~day~~ child care providers. Each county agency shall provide each ~~day~~ child care provider that it certifies with a copy of the brochure.

SECTION 32. 48.655 of the statutes is amended to read:

48.655 Parental access. A ~~day~~ child care provider that holds a license under s. 48.65, that is certified under s. 48.651, that holds a probationary license under s. 48.69, or that is established or contracted for under s. 120.13 (14) shall permit any parent or guardian of a child enrolled in the program to visit and observe the program of child care at any time during the provider's hours of operation, unless the visit or observation is contrary to an existing court order.

SECTION 33. 48.656 of the statutes is amended to read:

48.656 Parent's right to know. Every parent, guardian, or legal custodian of a child who is receiving care and supervision, or of a child who is a prospective recipient of care and supervision, from a ~~day~~ child care center that holds a license under s. 48.65 (1) or a probationary license under s. 48.69 has the right to know certain information about the ~~day~~ child care center that would aid the parent, guardian, or legal custodian in assessing the quality of care and supervision provided by the ~~day~~ child care center.

SECTION 34. 48.657 (title) of the statutes is amended to read:

1 **48.657** (title) **~~Day~~ Child care center reports.**

2 **SECTION 35.** 48.657 (1) (intro.) of the statutes is amended to read:

3 48.657 **(1)** (intro.) The department shall provide each ~~day~~ child care center that
4 holds a license under s. 48.65 (1) or a probationary license under s. 48.69 with an
5 annual report that includes the following information:

6 **SECTION 36.** 48.657 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 19,
7 is amended to read:

8 48.657 **(1)** (a) Violations of statutes, rules promulgated by the department
9 under s. 48.658 (4) (a) or 48.67, or provisions of licensure under s. 48.70 (1) by the ~~day~~
10 child care center. In providing information under this paragraph, the department
11 may not disclose the identity of any employee of the ~~day~~ child care center.

12 **SECTION 37.** 48.657 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 19,
13 is amended to read:

14 48.657 **(1)** (b) A telephone number at the department that a person may call
15 to complain of any alleged violation of a statute, rule promulgated by the department
16 under s. 48.658 (4) (a) or 48.67, or provision of licensure under s. 48.70 (1) by the ~~day~~
17 child care center.

18 **SECTION 38.** 48.657 (1) (c) of the statutes is amended to read:

19 48.657 **(1)** (c) The results of the most recent inspection of the ~~day~~ child care
20 center under s. 48.73.

21 **SECTION 39.** 48.657 (2) of the statutes is amended to read:

22 48.657 **(2)** A ~~day~~ child care center shall post the report under sub. (1) next to
23 the ~~day~~ child care center's license or probationary license in a place where the report
24 and the inspection results can be seen by parents, guardians, or legal custodians
25 during the ~~day~~ child care center's hours of operation.

1 **SECTION 40.** 48.657 (2g) of the statutes, as affected by 2009 Wisconsin Act 19,
2 is amended to read:

3 48.657 **(2g)** If the report under sub. (1) indicates that the ~~day~~ child care center
4 is in violation of a statute, a rule promulgated by the department under s. 48.658 (4)
5 (a) or 48.67, or a provision of licensure under s. 48.70 (1), the ~~day~~ child care center
6 shall post with the report any notices received from the department relating to that
7 violation.

8 **SECTION 41.** 48.657 (2m) of the statutes, as created by 2009 Wisconsin Act 28,
9 is amended to read:

10 48.657 **(2m)** The department shall make available on the department's
11 Internet site, as part of the department's licensed ~~day~~ child care center search
12 database, a specific description of any violation described in sub. (1) and a description
13 of any steps taken by the ~~day~~ child care center to correct the violation.

14 **SECTION 42.** 48.657 (2r) of the statutes is amended to read:

15 48.657 **(2r)** Each ~~day~~ child care center that receives a report under sub. (1) shall
16 make available to a parent, guardian, or legal custodian of a child who is receiving,
17 or who is a prospective recipient of, care and supervision from the ~~day~~ child care
18 center the reports under sub. (1) from the previous 2 years and any notices received
19 from the department relating to any violations identified in those reports. In
20 providing information under this subsection, a ~~day~~ child care center may withhold
21 any information that would disclose the identity of an employee of the ~~day~~ child care
22 center.

23 **SECTION 43.** 48.657 (3) of the statutes is amended to read:

48.657 **(3)** The department may require a ~~day~~ child care center to provide to the department any information that is necessary for the department to prepare the report under sub. (1).

SECTION 44. 48.658 (1) (a) of the statutes, as created by 2009 Wisconsin Act 19, is amended to read:

48.658 **(1)** (a) "Child care provider" means a ~~day~~ child care center that is licensed under s. 48.65 (1), a ~~day~~ child care provider that is certified under s. 48.651, or a ~~day~~ child care program that is established or contracted for under s. 120.13 (14).

SECTION 45. Subchapter XVI (title) of chapter 48 [precedes 48.66] of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

CHAPTER 48

SUBCHAPTER XVI

LICENSING PROCEDURES AND
REQUIREMENTS FOR CHILD WELFARE
AGENCIES, FOSTER HOMES,
GROUP HOMES, ~~DAY~~ CHILD CARE
CENTERS, AND COUNTY DEPARTMENTS

SECTION 46. 48.66 (1) (a) of the statutes is amended to read:

48.66 **(1)** (a) Except as provided in s. 48.715 (6) and (7), the department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and ~~day~~ child care centers, as required by s. 48.65. The department may license foster homes or treatment foster homes, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the

records and visit the premises of all child welfare agencies, group homes, shelter care facilities, and ~~day~~ child care centers and visit the premises of all foster homes and treatment foster homes in which children are placed.

SECTION 47. 48.66 (1) (a) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

48.66 **(1)** (a) Except as provided in s. 48.715 (6) and (7), the department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and child care centers, as required by s. 48.65. The department may license foster homes, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the records and visit the premises of all child welfare agencies, group homes, shelter care facilities, and child care centers and visit the premises of all foster homes in which children are placed.

SECTION 48. 48.66 (2) of the statutes is amended to read:

48.66 **(2)** The department shall prescribe application forms to be used by all applicants for licenses from it. The application forms prescribed by the department shall require that the social security numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility, or ~~day~~ child care center who are individuals, other than an individual who does not have a social security number and who submits a statement made or subscribed under oath or affirmation as required under sub. (2m) (a) 2., be provided and that the federal employer identification numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility, or ~~day~~ child care center who are not individuals be provided.

1 **SECTION 49.** 48.66 (2m) (a) 1. of the statutes is amended to read:

2 48.66 **(2m)** (a) 1. Except as provided in subd. 2., the department shall require
3 each applicant for a license under sub. (1) (a) to operate a child welfare agency, group
4 home, shelter care facility, or ~~day~~ child care center who is an individual to provide
5 that department with the applicant's social security number, and shall require each
6 applicant for a license under sub. (1) (a) to operate a child welfare agency, group
7 home, shelter care facility, or ~~day~~ child care center who is not an individual to provide
8 that department with the applicant's federal employer identification number, when
9 initially applying for or applying to continue the license.

10 **SECTION 50.** 48.66 (2m) (b) of the statutes is amended to read:

11 48.66 **(2m)** (b) If an applicant who is an individual fails to provide the
12 applicant's social security number to the department or if an applicant who is not an
13 individual fails to provide the applicant's federal employer identification number to
14 the department, that department may not issue or continue a license under sub. (1)
15 (a) to operate a child welfare agency, group home, shelter care facility, or ~~day~~ child
16 care center to or for the applicant unless the applicant is an individual who does not
17 have a social security number and the applicant submits a statement made or
18 subscribed under oath or affirmation as required under par. (a) 2.

19 **SECTION 51.** 48.66 (5) of the statutes is amended to read:

20 48.66 **(5)** A child welfare agency, group home, ~~day~~ child care center, or shelter
21 care facility license, other than a probationary license, is valid until revoked or
22 suspended, but shall be reviewed every 2 years after the date of issuance as provided
23 in this subsection. At least 30 days prior to the continuation date of the license, the
24 licensee shall submit to the department an application for continuance of the license
25 in the form and containing the information that the department requires. If the

minimum requirements for a license established under s. 48.67 are met, the application is approved, the applicable fees referred to in ss. 48.68 (1) and 48.685 (8) are paid, and any forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is due is paid, the department shall continue the license for an additional 2–year period, unless sooner suspended or revoked. If the application is not timely filed, the department shall issue a warning to the licensee. If the licensee fails to apply for continuance of the license within 30 days after receipt of the warning, the department may revoke the license as provided in s. 48.715 (4) and (4m) (b).

SECTION 52. 48.67 (intro.) of the statutes is amended to read:

48.67 Rules governing child welfare agencies, ~~day~~ child care centers, foster homes, treatment foster homes, group homes, shelter care facilities, and county departments. (intro.) The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, ~~day~~ child care centers, foster homes, treatment foster homes, group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. The department shall consult with the department of commerce, the department of public instruction, and the child abuse and neglect prevention board before promulgating those rules. Those rules shall include rules that require all of the following:

SECTION 53. 48.67 (intro.) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

48.67 Rules governing child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. (intro.) The department shall promulgate rules establishing minimum

1 requirements for the issuance of licenses to, and establishing standards for the
2 operation of, child welfare agencies, child care centers, foster homes, group homes,
3 shelter care facilities, and county departments. Those rules shall be designed to
4 protect and promote the health, safety, and welfare of the children in the care of all
5 licensees. The department shall consult with the department of commerce, the
6 department of public instruction, and the child abuse and neglect prevention board
7 before promulgating those rules. For foster homes, those rules shall include the rules
8 promulgated under s. 48.62 (8). Those rules shall include rules that require all of the
9 following:

10 **SECTION 54.** 48.67 (1) of the statutes is amended to read:

11 48.67 **(1)** That all ~~day~~ child care center licensees, and all employees and
12 volunteers of a ~~day~~ child care center, who provide care and supervision for children
13 under one year of age receive, before the date on which the license is issued or the
14 employment or volunteer work commences, whichever is applicable, training in the
15 most current medically accepted methods of preventing sudden infant death
16 syndrome.

17 **SECTION 55.** 48.67 (2) of the statutes is amended to read:

18 48.67 **(2)** That all ~~day~~ child care center licensees, and all employees and
19 volunteers of a ~~day~~ child care center, who provide care and supervision for children
20 under 5 years of age receive, before the date on which the license is issued or the
21 employment or volunteer work commences, whichever is applicable, the training
22 relating to shaken baby syndrome and impacted babies required under s. 253.15 (4)
23 (a) or (c).

24 **SECTION 56.** 48.67 (3) (a) of the statutes is amended to read:

48.67 **(3)** (a) That all ~~day~~ child care center licensees, and all employees of a ~~day~~ child care center, who provide care and supervision for children have current proficiency in the use of an automated external defibrillator, as defined in s. ~~146.50~~ 256.15 (1) (cr), achieved through instruction provided by an individual, organization, or institution of higher education that is approved under s. 46.03 (38) to provide such instruction.

SECTION 57. 48.685 (1) (b) of the statutes is amended to read:

48.685 **(1)** (b) "Entity" means a child welfare agency that is licensed under s. 48.60 to provide care and maintenance for children, to place children for adoption, or to license foster homes or treatment foster homes; a foster home or treatment foster home that is licensed under s. 48.62; a group home that is licensed under s. 48.625; a shelter care facility that is licensed under s. 938.22; a ~~day~~ child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14); a ~~day~~ child care provider that is certified under s. 48.651; or a temporary employment agency that provides caregivers to another entity.

SECTION 58. 48.685 (1) (b) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

48.685 **(1)** (b) "Entity" means a child welfare agency that is licensed under s. 48.60 to provide care and maintenance for children, to place children for adoption, or to license foster homes; a foster home that is licensed under s. 48.62; a group home that is licensed under s. 48.625; a shelter care facility that is licensed under s. 938.22; a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14); a child care provider that is certified under s. 48.651; or a temporary employment agency that provides caregivers to another entity.

SECTION 59. 48.685 (2) (am) (intro.) of the statutes is amended to read:

1 48.685 **(2)** (am) (intro.) The department, a county department, a child welfare
2 agency, or a school board shall obtain all of the following with respect to a caregiver
3 specified in sub. (1) (ag) 1. b., a nonclient resident of an entity, and a person under
4 18 years of age, but not under 12 years of age, who is a caregiver of a ~~day~~ child care
5 center that is licensed under s. 48.65 or established or contracted for under s. 120.13
6 (14) or of a ~~day~~ child care provider that is certified under s. 48.651:

7 **SECTION 60.** 48.685 (2) (b) 4. of the statutes is amended to read:

8 48.685 **(2)** (b) 4. Subdivision 1. does not apply with respect to a person under
9 18 years of age, but not under 12 years of age, who is a caregiver or nonclient resident
10 of a ~~day~~ child care center that is licensed under s. 48.65 or established or contracted
11 for under s. 120.13 (14) or of a ~~day~~ child care provider that is certified under s. 48.651
12 and with respect to whom the department, a county department, or a school board
13 is required under par. (am) (intro.) to obtain the information specified in par. (am)
14 1. to 5.

15 **SECTION 61.** 48.685 (3) (a) of the statutes is amended to read:

16 48.685 **(3)** (a) Every 4 years or at any time within that period that the
17 department, a county department, a child welfare agency, or a school board considers
18 appropriate, the department, county department, child welfare agency, or school
19 board shall request the information specified in sub. (2) (am) 1. to 5. for all caregivers
20 specified in sub. (1) (ag) 1. b. who are licensed, certified, or contracted to operate an
21 entity, for all persons who are nonclient residents of such a caregiver, and for all
22 persons under 18 years of age, but not under 12 years of age, who are caregivers of
23 a ~~day~~ child care center that is licensed under s. 48.65 or established or contracted for
24 under s. 120.13 (4) or of a ~~day~~ child care provider that is certified under s. 48.651.

25 **SECTION 62.** 48.685 (3) (b) of the statutes is amended to read:

1 48.685 **(3)** (b) Every 4 years or at any time within that period that an entity
2 considers appropriate, the entity shall request the information specified in sub. (2)
3 (b) 1. a. to e. for all persons who are caregivers specified in sub. (1) (ag) 1. a. of the
4 entity other than persons under 18 years of age, but not under 12 years of age, who
5 are caregivers of a ~~day~~ child care center that is licensed under s. 48.65 or established
6 or contracted for under s. 120.13 (14) or of a ~~day~~ child care provider that is certified
7 under s. 48.651.

8 **SECTION 63.** 48.685 (4m) (a) (intro.) of the statutes, as affected by 2009
9 Wisconsin Act 28, section 1071d, is amended to read:

10 48.685 **(4m)** (a) (intro.) Notwithstanding s. 111.335, and except as provided in
11 par. (ad) and sub. (5), the department may not license, or continue or renew the
12 license of, a person to operate an entity, the department in a county having a
13 population of 500,000 or more, a county department, or an agency contracted with
14 under s. 48.651 (2) may not certify a ~~day~~ child care provider under s. 48.651, a county
15 department or a child welfare agency may not license, or renew the license of, a foster
16 home or treatment foster home under s. 48.62, and a school board may not contract
17 with a person under s. 120.13 (14), if the department, county department, contracted
18 agency, child welfare agency, or school board knows or should have known any of the
19 following:

20 **SECTION 64.** 48.685 (4m) (a) (intro.) of the statutes, as affected by 2009
21 Wisconsin Act 28, section 1072d, and 2009 Wisconsin Act .... (this act), is repealed and
22 recreated to read:

23 48.685 **(4m)** (a) (intro.) Notwithstanding s. 111.335, and except as provided in
24 par. (ad) and sub. (5), the department may not license, or continue or renew the
25 license of, a person to operate an entity, the department in a county having a

population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may not certify a child care provider under s. 48.651, a county department or a child welfare agency may not license, or renew the license of, a foster home under s. 48.62, and a school board may not contract with a person under s. 120.13 (14), if the department, county department, contracted agency, child welfare agency, or school board knows or should have known any of the following:

SECTION 65. 48.685 (4m) (a) 1. of the statutes is amended to read:

48.685 **(4m)** (a) 1. That the person has been convicted of a serious crime or, if the person is an applicant for issuance or continuation of a license to operate a ~~day~~ child care center or for initial certification under s. 48.651 or for renewal of that certification or if the person is proposing to contract with a school board under s. 120.13 (14) or to renew a contract under that subsection, that the person has been convicted of a serious crime or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime.

SECTION 66. 48.685 (4m) (ad) of the statutes, as affected by 2009 Wisconsin Act 28, section 1073d, is amended to read:

48.685 **(4m)** (ad) The department, a county department, or a child welfare agency may license a foster home or treatment foster home under s. 48.62, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify a ~~day~~ child care provider under s. 48.651, and a school board may contract with a person under s. 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am) indicating that the person is not ineligible to be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

1 **SECTION 67.** 48.685 (4m) (ad) of the statutes, as affected by 2009 Wisconsin Acts
2 28, section 1074d, and 2009 Wisconsin Act .... (this act), is repealed and recreated to
3 read:

4 48.685 **(4m)** (ad) The department, a county department, or a child welfare
5 agency may license a foster home under s. 48.62, the department in a county having
6 a population of 500,000 or more, a county department, or an agency contracted with
7 under s. 48.651 (2) may certify a child care provider under s. 48.651, and a school
8 board may contract with a person under s. 120.13 (14), conditioned on the receipt of
9 the information specified in sub. (2) (am) indicating that the person is not ineligible
10 to be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

11 **SECTION 68.** 48.685 (4m) (b) 1. of the statutes is amended to read:

12 48.685 **(4m)** (b) 1. That the person has been convicted of a serious crime or, if
13 the person is a caregiver or nonclient resident of a ~~day~~ child care center that is
14 licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or of a
15 ~~day~~ child care provider that is certified under s. 48.651, that the person has been
16 convicted of a serious crime or adjudicated delinquent on or after his or her 12th
17 birthday for committing a serious crime.

18 **SECTION 69.** 48.685 (5m) of the statutes, as affected by 2009 Wisconsin Act 28,
19 section 1077d, is amended to read:

20 48.685 **(5m)** Notwithstanding s. 111.335, the department may refuse to license
21 a person to operate an entity, a county department or a child welfare agency may
22 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
23 may refuse to employ or contract with a caregiver or permit a nonclient resident to
24 reside at the entity if the person has been convicted of an offense that is not a serious
25 crime, but that is, in the estimation of the department, county department, child

welfare agency, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a ~~day~~ child care center, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may refuse to certify a ~~day~~ child care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13 (14), and a ~~day~~ child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or a ~~day~~ child care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the ~~day~~ child care center or ~~day~~ child care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, county department, contracted agency, school board, ~~day~~ child care center, or ~~day~~ child care provider, substantially related to the care of a client.

SECTION 70. 48.685 (5m) of the statutes, as affected by 2009 Wisconsin Act 28, section 1078d, and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

48.685 **(5m)** Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home under s. 48.62, and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a child care center, the department in a county having a population of 500,000 or more, a county

1 department, or an agency contracted with under s. 48.651 (2) may refuse to certify
2 a child care provider under s. 48.651, a school board may refuse to contract with a
3 person under s. 120.13 (14), and a child care center that is licensed under s. 48.65 or
4 established or contracted for under s. 120.13 (14) or a child care provider that is
5 certified under s. 48.651 may refuse to employ or contract with a caregiver or permit
6 a nonclient resident to reside at the child care center or child care provider if the
7 person has been convicted of or adjudicated delinquent on or after his or her 12th
8 birthday for an offense that is not a serious crime, but that is, in the estimation of
9 the department, county department, contracted agency, school board, child care
10 center, or child care provider, substantially related to the care of a client.

11 **SECTION 71.** 48.685 (6) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
12 section 1079d, is amended to read:

13 48.685 **(6)** (a) The department shall require any person who applies for
14 issuance, continuation, or renewal of a license to operate an entity, the department
15 in a county having a population of 500,000 or more, a county department, or an
16 agency contracted with under s. 48.651 (2) shall require any ~~day~~ child care provider
17 who applies for initial certification under s. 48.651 or for renewal of that certification,
18 a county department or a child welfare agency shall require any person who applies
19 for issuance or renewal of a license to operate a foster home or treatment foster home
20 under s. 48.62, and a school board shall require any person who proposes to contract
21 with the school board under s. 120.13 (14) or to renew a contract under that
22 subsection, to complete a background information form that is provided by the
23 department.

24 **SECTION 72.** 48.685 (6) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
25 section 1080d, and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

48.685 **(6)** (a) The department shall require any person who applies for issuance, continuation, or renewal of a license to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) shall require any child care provider who applies for initial certification under s. 48.651 or for renewal of that certification, a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home under s. 48.62, and a school board shall require any person who proposes to contract with the school board under s. 120.13 (14) or to renew a contract under that subsection, to complete a background information form that is provided by the department.

SECTION 73. 48.685 (6) (b) 1. of the statutes is amended to read:

48.685 **(6)** (b) 1. For caregivers who are licensed by the department, for persons under 18 years of age, but not under 12 years of age, who are caregivers of a ~~day~~ child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or of a ~~day~~ child care provider that is certified under s. 48.651, for persons who are nonclient residents of an entity that is licensed by the department, and for other persons specified by the department by rule, the entity shall send the background information form to the department.

SECTION 74. 48.69 of the statutes is amended to read:

48.69 Probationary licenses. Except as provided under s. 48.715 (6) and (7), if any child welfare agency, shelter care facility, group home, or ~~day~~ child care center that has not been previously issued a license under s. 48.66 (1) (a) applies for a license, meets the minimum requirements for a license established under s. 48.67, and pays the applicable fee referred to in s. 48.68 (1), the department shall issue a probationary license to that child welfare agency, shelter care facility, group home,

or ~~day~~ child care center. A probationary license is valid for up to 6 months after the date of issuance unless renewed under this section or suspended or revoked under s. 48.715. Before a probationary license expires, the department shall inspect the child welfare agency, shelter care facility, group home, or ~~day~~ child care center holding the probationary license and, except as provided under s. 48.715 (6) and (7), if the child welfare agency, shelter care facility, group home, or ~~day~~ child care center meets the minimum requirements for a license established under s. 48.67, the department shall issue a license under s. 48.66 (1) (a). A probationary license issued under this section may be renewed for one 6–month period.

SECTION 75. 48.715 (1) of the statutes is amended to read:

48.715 **(1)** In this section, "licensee" means a person who holds a license under s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare agency, shelter care facility, group home, or ~~day~~ child care center.

SECTION 76. 48.715 (2) (a) of the statutes is amended to read:

48.715 **(2)** (a) That a person stop operating a child welfare agency, shelter care facility, group home, or ~~day~~ child care center if the child welfare agency, shelter care facility, group home, or ~~day~~ child care center is without a license in violation of s. 48.66 (1) (a) or a probationary license in violation of s. 48.69.

SECTION 77. 48.715 (4) (c) of the statutes is amended to read:

48.715 **(4)** (c) The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the child welfare agency, shelter care facility, group home, or ~~day~~ child care center that directly threatens the health, safety, or welfare of any child under the care of the licensee.

SECTION 78. 48.715 (6) of the statutes is amended to read:

1 48.715 **(6)** The department shall deny, suspend, restrict, refuse to renew, or
2 otherwise withhold a license under s. 48.66 (1) (a) or a probationary license under s.
3 48.69 to operate a child welfare agency, group home, shelter care facility, or ~~day~~ child
4 care center, and the department of corrections shall deny, suspend, restrict, refuse
5 to renew, or otherwise withhold a license under s. 48.66 (1) (b) to operate a secured
6 residential care center for children and youth, for failure of the applicant or licensee
7 to pay court–ordered payments of child or family support, maintenance, birth
8 expenses, medical expenses, or other expenses related to the support of a child or
9 former spouse or for failure of the applicant or licensee to comply, after appropriate
10 notice, with a subpoena or warrant issued by the department or a county child
11 support agency under s. 59.53 (5) and related to paternity or child support
12 proceedings, as provided in a memorandum of understanding entered into under s.
13 49.857. Notwithstanding s. 48.72, an action taken under this subsection is subject
14 to review only as provided in the memorandum of understanding entered into under
15 s. 49.857 and not as provided in s. 48.72.

16 **SECTION 79.** 48.715 (7) of the statutes is amended to read:

17 48.715 **(7)** The department shall deny an application for the issuance or
18 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
19 to operate a child welfare agency, group home, shelter care facility, or ~~day~~ child care
20 center, or revoke such a license already issued, if the department of revenue certifies
21 under s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An
22 action taken under this subsection is subject to review only as provided under s.
23 73.0301 (5) and not as provided in s. 48.72.

24 **SECTION 80.** 48.73 of the statutes is amended to read:

1 **48.73 Inspection of licensees.** The department may visit and inspect each
2 child welfare agency, foster home, treatment foster home, group home, and ~~day~~ child
3 care center licensed by it, and for such purpose shall be given unrestricted access to
4 the premises described in the license.

5 **SECTION 81.** 48.73 of the statutes, as affected by 2009 Wisconsin Acts 28 and
6 .... (this act), is repealed and recreated to read:

7 **48.73 Inspection of licensees.** The department may visit and inspect each
8 child welfare agency, foster home, group home, and child care center licensed by the
9 department, and for that purpose shall be given unrestricted access to the premises
10 described in the license.

11 **SECTION 82.** 48.735 of the statutes is amended to read:

12 **48.735 Immunization requirements; ~~day~~ child care centers.** The
13 department, after notice to a ~~day~~ child care center licensee, may suspend, revoke, or
14 refuse to continue a ~~day~~ child care center license in any case in which the department
15 finds that there has been a substantial failure to comply with the requirements of
16 s. 252.04.

17 **SECTION 83.** 48.737 of the statutes is amended to read:

18 **48.737 Lead screening, inspection and reduction requirements; ~~day~~**
19 **child care centers.** The department, after notice to a ~~day~~ child care provider
20 certified under s. 48.651, or a ~~day~~ child care center that holds a license under s. 48.65
21 or a probationary license under s. 48.69, may suspend, revoke, or refuse to renew or
22 continue a license or certification in any case in which the department finds that
23 there has been a substantial failure to comply with any rule promulgated under s.
24 254.162, 254.168, or 254.172.

25 **SECTION 84.** 48.78 (1) of the statutes is amended to read:

1 48.78 **(1)** In this section, unless otherwise qualified, "agency" means the
2 department, a county department, a licensed child welfare agency, or a licensed ~~day~~
3 child care center.

4 **SECTION 85.** 48.78 (2) (a) of the statutes is amended to read:

5 48.78 **(2)** (a) No agency may make available for inspection or disclose the
6 contents of any record kept or information received about an individual who is or was
7 in its care or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or
8 (5m) (d), 48.432, 48.433, 48.48 (17) (bm), 48.57 (2m), 48.93, 48.981 (7), 938.51, or
9 938.78 or by order of the court.

10 **SECTION 86.** 48.981 (1) (d) of the statutes is renumbered 48.02 (12g).

11 **SECTION 87.** 48.981 (2) (a) 18. of the statutes is amended to read:

12 48.981 **(2)** (a) 18. ~~A child–care~~ child care worker in a ~~day~~ child care center, group
13 home, ~~as described in s. 48.625 (1m),~~ or residential care center for children and youth.

14 **SECTION 88.** 48.981 (2) (a) 19. of the statutes is amended to read:

15 48.981 **(2)** (a) 19. A ~~day~~ child care provider.

16 **SECTION 89.** 48.982 (1) (c) of the statutes is repealed.

17 **SECTION 90.** 48.983 (1) (g) of the statutes is repealed.

18 **SECTION 91.** 49.136 (1) (d) of the statutes is renumbered 49.136 (1) (ad) and
19 amended to read:

20 49.136 **(1)** (ad) "~~Day~~ Child care center" means a facility operated by a child care
21 provider that provides care and supervision for 4 or more children under 7 years of
22 age for less than 24 hours a day.

23 **SECTION 92.** 49.136 (1) (e) of the statutes is renumbered 49.136 (1) (am) and
24 amended to read:

1 49.136 **(1)** (am) "~~Day~~ Child care program" means a program established and
2 provided by a school board under s. 120.13 (14) or purchased by a school board from
3 a provider licensed under s. 48.65, which combines care for a child who resides with
4 a student parent who is a parent of that child with parenting education and
5 experience for that student parent.

6 **SECTION 93.** 49.136 (1) (j) of the statutes is amended to read:

7 49.136 **(1)** (j) "Family ~~day~~ child care center" means a ~~day~~ child care center that
8 provides care and supervision for not less than 4 nor more than 8 children.

9 **SECTION 94.** 49.136 (1) (k) of the statutes is amended to read:

10 49.136 **(1)** (k) "Group ~~day~~ child care center" means a ~~day~~ child care center that
11 provides care and supervision for 9 or more children.

12 **SECTION 95.** 49.136 (2) (b) of the statutes is amended to read:

13 49.136 **(2)** (b) If the department awards grants under this section, the
14 department shall attempt to award the grants to head start agencies designated
15 under 42 USC 9836, employers that provide or wish to provide child care services for
16 their employees, family ~~day~~ child care centers, group ~~day~~ child care centers and ~~day~~
17 child care programs for the children of student parents, organizations that provide
18 child care for sick children, and child care providers that employ participants or
19 former participants in a Wisconsin Works employment position under s. 49.147 (3)
20 to (5).

21 **SECTION 96.** 49.137 (1) (a) of the statutes is renumbered 49.137 (1) (am).

22 **SECTION 97.** 49.137 (1) (b) of the statutes is renumbered 49.137 (1) (ab) and
23 amended to read:

24 49.137 **(1)** (ab) "~~Day~~ Child care center" has the meaning given in s. 49.136 (1)
25 ~~(d)~~ (ad).

1 **SECTION 98.** 49.137 (1) (d) of the statutes is renumbered 49.137 (1) (bd) and
2 amended to read:

3 49.137 **(1)** (bd) "Family ~~day~~ child care center" has the meaning given in s.
4 49.136 (1) (j).

5 **SECTION 99.** 49.137 (1) (e) of the statutes is amended to read:

6 49.137 **(1)** (e) "Group ~~day~~ child care center" has the meaning given in s. 49.136
7 (1) (k).

8 **SECTION 100.** 49.155 (1) (am) of the statutes is amended to read:

9 49.155 **(1)** (am) "Level I certified family ~~day~~ child care provider" means a ~~day~~
10 child care provider certified under s. 48.651 (1) (a).

11 **SECTION 101.** 49.155 (1) (b) of the statutes is amended to read:

12 49.155 **(1)** (b) "Level II certified family ~~day~~ child care provider" means a ~~day~~
13 child care provider certified under s. 48.651 (1) (b).

14 **SECTION 102.** 49.155 (1d) (a) of the statutes is amended to read:

15 49.155 **(1d)** (a) The department shall promulgate rules establishing standards
16 for the certification of child care providers under s. 48.651. The department shall
17 consult with the child abuse and neglect prevention board before promulgating those
18 rules. In establishing the requirements for certification under this paragraph of a
19 child care provider, the department shall include a requirement that all providers
20 and all employees and volunteers of a provider who provide care and supervision for
21 children receive, before the date on which the provider is certified or the employment
22 or volunteer work commences, whichever is applicable, training in the most current
23 medically accepted methods of preventing sudden infant death syndrome, if the
24 provider, employee, or volunteer provides care and supervision for children under
25 one year of age, and the training relating to shaken baby syndrome and impacted

1 babies required under s. 253.15 (4) (b) or (c), if the provider, employee, or volunteer
2 provides care and supervision for children under 5 years of age. In establishing the
3 requirements for certification as a Level II certified family ~~day~~ child care provider,
4 the department may not include any other requirement for training for providers.

5 **SECTION 103.** 49.155 (1d) (b) of the statutes is amended to read:

6 49.155 **(1d)** (b) The department shall promulgate rules to establish quality of
7 care standards for child care providers that are higher than the quality of care
8 standards required for licensure under s. 48.65 or for certification under s. 48.651.
9 The standards established by rules promulgated under this paragraph shall consist
10 of the standards provided for the accreditation of ~~day~~ child care centers by the
11 ~~national association for the education of young children~~ National Association for the
12 Education of Young Children or any other comparable standards that the
13 department may establish, including standards regarding the turnover of child care
14 provider staff and the training and benefits provided for child care provider staff.

15 **SECTION 104.** 49.155 (1g) (bc) of the statutes, as affected by 2009 Wisconsin Act
16 28, is amended to read:

17 49.155 **(1g)** (bc) Grants under s. 49.134 (2) for child ~~day~~ care resource and
18 referral services, in the amount of at least $1,298,600 per fiscal year.

19 **SECTION 105.** 49.155 (4) of the statutes is amended to read:

20 49.155 **(4)** CHOICE OF PROVIDER. An eligible individual shall choose whether the
21 child care will be provided by a ~~day~~ child care center licensed under s. 48.65, a Level
22 I certified family ~~day~~ child care provider, a Level II certified family ~~day~~ child care
23 provider, or a ~~day~~ child care program provided or contracted for by a school board
24 under s. 120.13 (14).

25 **SECTION 106.** 49.155 (6) (b) of the statutes is amended to read:

1 49.155 **(6)** (b) Subject to review and approval by the department, each county
2 shall set a maximum reimbursement rate for Level I certified family ~~day~~ child care
3 providers for services provided to eligible individuals under this section. The
4 maximum rate set under this paragraph may not exceed 75% of the rate established
5 under par. (a).

6 **SECTION 107.** 49.155 (6) (c) of the statutes is amended to read:

7 49.155 **(6)** (c) Subject to review and approval by the department, each county
8 shall set a maximum reimbursement rate for Level II certified family ~~day~~ child care
9 providers for services provided to eligible individuals under this section. The
10 maximum rate set under this paragraph may not exceed 50% of the rate established
11 under par. (a).

12 **SECTION 108.** 49.155 (6) (cm) of the statutes is amended to read:

13 49.155 **(6)** (cm) The department shall modify child care provider
14 reimbursement rates established under pars. (a) to (c) so that reimbursement rates
15 are lower for providers of after–school ~~day~~ child care.

16 **SECTION 109.** 49.826 (2) (a) 1. of the statutes, as created by 2009 Wisconsin Act
17 28, is amended to read:

18 49.826 **(2)** (a) 1. Certify ~~day~~ child care providers under s. 48.651.

19 **SECTION 110.** 66.1017 (title) of the statutes is amended to read:

20 **66.1017** (title) **Family ~~day~~ child care homes.**

21 **SECTION 111.** 66.1017 (1) (a) of the statutes is amended to read:

22 66.1017 **(1)** (a) "Family ~~day~~ child care home" means a dwelling licensed as a ~~day~~
23 child care center by the department of children and families under s. 48.65 where
24 care is provided for not more than 8 children.

25 **SECTION 112.** 66.1017 (2) of the statutes is amended to read:

1 66.1017 **(2)** No municipality may prevent a family ~~day~~ child care home from
2 being located in a zoned district in which a single–family residence is a permitted
3 use. No municipality may establish standards or requirements for family ~~day~~ child
4 care homes that are different from the licensing standards established under s.
5 48.65. This subsection does not prevent a municipality from applying to a family ~~day~~
6 child care home the zoning regulations applicable to other dwellings in the zoning
7 district in which it is located.

8 **SECTION 113.** 71.07 (2dd) (a) 1. of the statutes is amended to read:

9 71.07 **(2dd)** (a) 1. "Day care center benefits" means benefits provided at a ~~day~~
10 child care facility that is licensed under s. 48.65 or 48.69 and that for compensation
11 provides care for at least 6 children or benefits provided at a facility for persons who
12 are physically or mentally incapable of caring for themselves.

13 **SECTION 114.** 71.28 (1dd) (a) 1. of the statutes is amended to read:

14 71.28 **(1dd)** (a) 1. "Day care center benefits" means benefits provided at a ~~day~~
15 child care facility that is licensed under s. 48.65 or 48.69 and that for compensation
16 provides care for at least 6 children or benefits provided at a facility for persons who
17 are physically or mentally incapable of caring for themselves.

18 **SECTION 115.** 71.47 (1dd) (a) 1. of the statutes is amended to read:

19 71.47 **(1dd)** (a) 1. "Day care center benefits" means benefits provided at a ~~day~~
20 child care facility that is licensed under s. 48.65 or 48.69 and that for compensation
21 provides care for at least 6 children or benefits provided at a facility for persons who
22 are physically incapable of caring for themselves.

23 **SECTION 116.** 73.0301 (1) (d) 2. of the statutes is amended to read:

1 73.0301 **(1)** (d) 2. A license issued by the department of children and families
2 under s. 48.66 (1) (a) to a child welfare agency, group home, shelter care facility, or
3 ~~day~~ child care center, as required by s. 48.60, 48.625, 48.65, or 938.22 (7).

4 **SECTION 117.** 77.54 (20n) (b) of the statutes, as created by 2009 Wisconsin Act
5 2, is amended to read:

6 77.54 **(20n)** (b) The sales price from the sale of and the storage, use, or other
7 consumption of food and food ingredients, except soft drinks, sold by hospitals,
8 sanatoriums, nursing homes, retirement homes, community–based residential
9 facilities, as defined in s. 50.01 (1g), or ~~day~~ child care centers ~~registered~~ licensed
10 under ch. 48, including prepared food that is sold to the elderly or handicapped by
11 persons providing mobile meals on wheels. In this paragraph, "retirement home"
12 means a nonprofit residential facility where 3 or more unrelated adults or their
13 spouses have their principal residence and where support services, including meals
14 from a common kitchen, are available to residents.

15 **SECTION 118.** 101.123 (1) (ad) of the statutes is renumbered 101.123 (1) (abm)
16 and amended to read:

17 101.123 **(1)** (abm) "~~Day~~ Child care center" has the meaning given in s. 49.136
18 (1) ~~(d)~~ (ad).

19 **SECTION 119.** 101.123 (2) (a) 1r. of the statutes, as created by 2009 Wisconsin
20 Act 12, is amended to read:

21 101.123 **(2)** (a) 1r. ~~Day~~ Child care centers.

22 **SECTION 120.** 101.123 (2) (d) 2. of the statutes, as affected by 2009 Wisconsin
23 Act 12, is amended to read:

24 101.123 **(2)** (d) 2. Anywhere on the premises of a ~~day~~ child care center when
25 children who are receiving ~~day~~ child care services are present.

1 **SECTION 121.** 111.02 (6) (am) of the statutes, as created by 2009 Wisconsin Act
2 28, is amended to read:

3 111.02 **(6)** (am) "Employee" includes a ~~day~~ child care provider certified under
4 s. 48.651 and a ~~day~~ child care provider licensed under s. 48.65 who provides care and
5 supervision for not more than 8 children who are not related to the ~~day~~ child care
6 provider.

7 **SECTION 122.** 115.812 (1) of the statutes is amended to read:

8 115.812 **(1)** PLACEMENT DISPUTES. If a dispute arises between a local educational
9 agency and the department of children and families, the department of corrections,
10 or a county department under s. 46.215, 46.22, or 46.23, or between local educational
11 agencies under s. 115.81 (4) (c), over the placement of a child, the state
12 superintendent shall resolve the dispute. This subsection applies only to placements
13 in nonresidential educational programs made under s. 48.57 (1) (c) and to placements
14 in residential care centers for children and youth made under s. 115.81.

15 **SECTION 123.** 115.817 (8) of the statutes is amended to read:

16 115.817 **(8)** TRANSPORTATION. The board may promulgate a plan for the
17 transportation at county expense of children who are receiving special education and
18 related services under this section, special education and related services provided
19 at ~~day~~ child care centers, or special education and related services provided by a
20 private organization within whose attendance area the child resides and which is
21 situated not more than 5 miles beyond the boundaries of the area the board serves,
22 as measured along the usually traveled route. The plan, upon approval of the state
23 superintendent, shall govern the transportation of such children. Any such plan for
24 transportation during the school term supersedes ss. 115.88 and 121.54 (3).

25 **SECTION 124.** 118.51 (2) of the statutes is amended to read:

118.51 **(2)** APPLICABILITY. A pupil may attend a public school, including a charter school, prekindergarten, or 4–year–old kindergarten, or early childhood or school–operated ~~day~~ child care program, in a nonresident school district under this section, except that a pupil may attend a prekindergarten, 4–year–old kindergarten, or early childhood or school–operated ~~day~~ child care program in a nonresident school district only if the pupil's resident school district offers the same type of program that the pupil wishes to attend and the pupil is eligible to attend that program in his or her resident school district.

SECTION 125. 120.125 (title) of the statutes is amended to read:

120.125 (title) **Before– and after–school ~~day~~ child care.**

SECTION 126. 120.125 (1) of the statutes is amended to read:

120.125 **(1)** In this section, "before– and after–school ~~day~~ child care program" means a program ~~which~~ that provides ~~day~~ child care services before school, after school, or both before and after school.

SECTION 127. 120.125 (2) (a) (intro.) of the statutes is amended to read:

120.125 **(2)** (a) (intro.) A school board shall permit a ~~day~~ child care provider who has submitted a request which meets all of the requirements under sub. (3) to administer a before– and after–school ~~day~~ child care program in any elementary school within the school district unless:

SECTION 128. 120.125 (2) (a) 3. of the statutes is amended to read:

120.125 **(2)** (a) 3. Before– and after–school ~~day~~ child care programs exist in the elementary school;

SECTION 129. 120.125 (2) (a) 4. of the statutes is amended to read:

120.125 **(2)** (a) 4. The school board intends to provide before– and after–school ~~day~~ child care services in the elementary school;

1 **SECTION 130.** 120.125 (2) (b) of the statutes is amended to read:

2 120.125 **(2)** (b) The school board may deny a request under par. (a) 6. if the
3 school board intends to solicit ~~day~~ child care providers to submit requests to provide
4 before– and after–school ~~day~~ child care programs in the elementary school for which
5 a request under par. (a) was submitted. If a school board denies a request under this
6 paragraph, the request submitted under par. (a) shall be considered along with
7 requests that are submitted as a result of the school board solicitation.

8 **SECTION 131.** 120.125 (2) (c) of the statutes is amended to read:

9 120.125 **(2)** (c) If a school board denies a request under par. (a) or (b), the school
10 board shall specify the reasons for denial, in writing, to the ~~day~~ child care provider
11 within 60 days after the date on which the request is received.

12 **SECTION 132.** 120.125 (3) (a) (intro.) of the statutes is amended to read:

13 120.125 **(3)** (a) (intro.) A request submitted to a school board under sub. (2)
14 shall be in writing, shall name the elementary school in which the before– and
15 after–school ~~day~~ child care program is to be provided, and shall specify the amount
16 of space needed, the number and ages of the pupils to be served, and the time the
17 provider intends to operate the program. The request shall also contain all of the
18 following assurances:

19 **SECTION 133.** 120.125 (3) (a) 1. of the statutes is amended to read:

20 120.125 **(3)** (a) 1. That the ~~day~~ child care provider will be responsible for all
21 actual incremental costs incurred by the school as a result of permitting the ~~day~~ child
22 care provider to provide a before– and after–school ~~day~~ child care program in the
23 school building.

24 **SECTION 134.** 120.125 (3) (a) 2. of the statutes is amended to read:

120.125 **(3)** (a) 2. That the ~~day~~ child care provider will be liable to the school district for any damage to property in the operation of the before– and after–school ~~day~~ child care program, that the ~~day~~ child care provider shall hold the school district harmless from any liability, claim, or damages caused by the acts or omissions of the ~~day~~ child care provider, and that the ~~day~~ child care provider will acquire adequate insurance coverage, as determined by the school district.

SECTION 135. 120.125 (3) (a) 3. of the statutes is amended to read:

120.125 **(3)** (a) 3. That the ~~day~~ child care provider will not provide religious instruction or permit religious practices to be conducted during the before– and after–school ~~day~~ child care program.

SECTION 136. 120.125 (3) (b) of the statutes is amended to read:

120.125 **(3)** (b) A school board shall conditionally grant a request submitted by a ~~day~~ child care provider if all the requirements under par. (a) are met and sub. (2) (a) 1. to 6. and (b) does not apply.

SECTION 137. 120.125 (4) (intro.) of the statutes is amended to read:

120.125 **(4)** (intro.) If a request under sub. (3) is conditionally accepted by the school board, the school board shall enter into a written agreement with the ~~day~~ child care provider that specifies the hours during the day in which the ~~day~~ child care provider is to occupy the school premises and the rooms, facilities, or equipment that are to be used by the ~~day~~ child care provider. The agreement shall also provide all of the following:

SECTION 138. 120.125 (4) (a) of the statutes is amended to read:

120.125 **(4)** (a) Except as provided under s. 121.545 (2), that the school board is not responsible for providing transportation to or from the before– and after–school ~~day~~ child care program.

1 **SECTION 139.** 120.125 (4) (b) of the statutes is amended to read:

2 120.125 **(4)** (b) That nothing in the agreement would prohibit the school board
3 from permitting other ~~day~~ child care providers to provide ~~day~~ child care services to
4 pupils in the same building during the same time and that nothing in the agreement
5 would prohibit the school district from providing before– and after–school ~~day~~ child
6 care programs in the same building and during the same time in which the ~~day~~ child
7 care provider provides before– and after–school ~~day~~ child care programs.

8 **SECTION 140.** 120.125 (4) (c) of the statutes is amended to read:

9 120.125 **(4)** (c) That the agreement may be terminated by the school board at
10 the end of a school year if the school board intends to provide ~~day~~ child care for the
11 pupils in the elementary school or intends to solicit other ~~day~~ child care providers to
12 provide services during the following school year.

13 **SECTION 141.** 120.125 (4) (d) of the statutes is amended to read:

14 120.125 **(4)** (d) That the school board may review and terminate the agreement
15 at any time, with 30 days' prior written notice to the ~~day~~ child care provider, if any
16 of the conditions in the agreement are violated by the ~~day~~ child care provider.

17 **SECTION 142.** 120.125 (4) (e) of the statutes is amended to read:

18 120.125 **(4)** (e) That the ~~day~~ child care provider shall be responsible for all
19 actual costs incurred by the school district as a result of the agreement, the costs of
20 which shall be paid to the school district at times specified by the school board in the
21 agreement.

22 **SECTION 143.** 120.125 (4) (f) of the statutes is amended to read:

23 120.125 **(4)** (f) That the ~~day~~ child care provider shall be liable to the school
24 district for any damage to property in the operation of the before– and after–school
25 ~~day~~ child care program, that the ~~day~~ child care provider shall hold the school district

harmless from any liability, claim, or damages caused by the acts or omissions of the ~~day~~ child care provider, and that the ~~day~~ child care provider shall acquire adequate insurance, as determined by the school district, to be in effect beginning the first day on which the ~~day~~ child care provider provides the before– and after–school ~~day~~ child care program.

SECTION 144. 120.125 (4) (g) of the statutes is amended to read:

120.125 **(4)** (g) That the ~~day~~ child care provider shall not provide religious instruction or permit religious practices to be conducted during the before– and after–school ~~day~~ child care program.

SECTION 145. 120.125 (4) (h) of the statutes is amended to read:

120.125 **(4)** (h) That the ~~day~~ child care provider shall meet the standards for licensed ~~day~~ child care centers established by the department of children and families.

SECTION 146. 120.13 (14) of the statutes is amended to read:

120.13 **(14)** ~~DAY~~ CHILD CARE PROGRAMS. Establish and provide or contract for the provision of ~~day~~ child care programs for children. The school board may receive federal or state funds for this purpose. The school board may charge a fee for all or part of the cost of the service for participation in a ~~day~~ child care program established under this subsection. Costs associated with a ~~day~~ child care program under this subsection may not be included in shared costs under s. 121.07 (6). ~~Day~~ Child care programs established under this subsection shall meet the standards for licensed ~~day~~ child care centers established by the department of children and families. If a school board proposes to contract for or renew a contract for the provision of a ~~day~~ child care program under this subsection or if on July 1, 1996, a school board is a party to a contract for the provision of a ~~day~~ child care program under this subsection,

the school board shall refer the contractor or proposed contractor to the department of children and families for the criminal history and child abuse record search required under s. 48.685. Each school board shall provide the department of health services with information about each person who is denied a contract for a reason specified in s. 48.685 (4m) (a) 1. to 5.

SECTION 147. 120.13 (36) of the statutes is amended to read:

120.13 **(36)** PREKINDERGARTEN AND KINDERGARTEN PROGRAM AGREEMENTS. Enter into an agreement with a licensed public or private nonsectarian ~~day~~ child care center to lease space for prekindergarten or kindergarten programs offered by the school district or to place school district employees in ~~day~~ child care centers to provide instruction in prekindergarten or kindergarten programs offered by the school district.

SECTION 148. 121.54 (2) (am) of the statutes is amended to read:

121.54 **(2)** (am) In lieu of transporting a pupil who is eligible for transportation under par. (a) to and from his or her residence, a school district may transport the pupil to or from, or both, a before– and after–school ~~day~~ child care program under s. 120.125, a ~~day~~ child care program under s. 120.13 (14), or any other ~~day~~ child care program, family ~~day~~ child care home, or child care provider.

SECTION 149. 121.545 (2) of the statutes is amended to read:

121.545 **(2)** A school board may provide transportation for children residing in the school district whom the school district is not required to transport under s. 121.54 to or from, or both, a before– and after–school ~~day~~ child care program under s. 120.125, a prekindergarten class under s. 120.13 (13), a ~~day~~ child care program under s. 120.13 (14), or any other ~~day~~ child care program, family ~~day~~ child care home, child care provider, or prekindergarten class. The school board may charge a fee for

the cost of providing such transportation. The school board may waive the fee or any portion of the fee for any person who is unable to pay the fee. State aid shall not be provided for transportation under this subsection.

SECTION 150. 234.83 (3) (a) 2. of the statutes is amended to read:

234.83 **(3)** (a) 2. The start–up of a ~~day~~ child care business, including the purchase or improvement of land, buildings, machinery, equipment, or inventory.

SECTION 151. 252.04 (2) of the statutes is amended to read:

252.04 **(2)** Any student admitted to any elementary, middle, junior, or senior high school or into any ~~day~~ child care center or nursery school shall, within 30 school days after the date on which the student is admitted, present written evidence to the school, ~~day~~ child care center, or nursery school of having completed the first immunization for each vaccine required for the student's grade and being on schedule for the remainder of the basic and recall (booster) immunization series for mumps, measles, rubella (German measles), diphtheria, pertussis (whooping cough), poliomyelitis, tetanus, and other diseases that the department specifies by rule or shall present a written waiver under sub. (3).

SECTION 152. 252.04 (3) of the statutes is amended to read:

252.04 **(3)** The immunization requirement is waived if the student, if an adult, or the student's parent, guardian, or legal custodian submits a written statement to the school, ~~day~~ child care center, or nursery school objecting to the immunization for reasons of health, religion, or personal conviction. At the time any school, ~~day~~ child care center, or nursery school notifies a student, parent, guardian, or legal custodian of the immunization requirements, it shall inform the person in writing of the person's right to a waiver under this subsection.

SECTION 153. 252.04 (4) of the statutes is amended to read:

252.04 **(4)** The student, if an adult, or the student's parent, guardian, or legal custodian shall keep the school, ~~day~~ child care center, or nursery school informed of the student's compliance with the immunization schedule.

SECTION 154. 252.04 (5) (a) of the statutes is amended to read:

252.04 **(5)** (a) By the 15th and the 25th school day after the date on which the student is admitted to a school, ~~day~~ child care center, or nursery school, the school, ~~day~~ child care center, or nursery school shall notify in writing any adult student or the parent, guardian, or legal custodian of any minor student who has not met the immunization or waiver requirements of this section. The notices shall cite the terms of those requirements and shall state that court action and forfeiture penalty could result due to noncompliance. The notices shall also explain the reasons for the immunization requirements and include information on how and where to obtain the required immunizations.

SECTION 155. 252.04 (5) (b) 1. of the statutes is amended to read:

252.04 **(5)** (b) 1. A school, ~~day~~ child care center, or nursery school may exclude from the school, ~~day~~ child care center, or nursery school any student who fails to satisfy the requirements of sub. (2).

SECTION 156. 252.04 (5) (b) 2. of the statutes is amended to read:

252.04 **(5)** (b) 2. Beginning on July 1, 1993, if the department determines that fewer than 98% of the students in a ~~day~~ child care center, nursery school, or school district who are subject to the requirements of sub. (2) have complied with sub. (2), the ~~day~~ child care center or nursery school shall exclude any child who fails to satisfy the requirements of sub. (2) and the school district shall exclude any student enrolled in grades kindergarten to 6 who fails to satisfy the requirements of sub. (2).

SECTION 157. 252.04 (5) (b) 3. of the statutes is amended to read:

1 252.04 **(5)** (b) 3. Beginning on July 1, 1995, if the department determines that
2 fewer than 99% of the students in a ~~day~~ child care center, nursery school, or school
3 district who are subject to the requirements of sub. (2) have complied with sub. (2),
4 the ~~day~~ child care center or nursery school shall exclude any child who fails to satisfy
5 the requirements of sub. (2) and the school district shall exclude any student enrolled
6 in grades kindergarten to 6 who fails to satisfy the requirements of sub. (2).

7 **SECTION 158.** 252.04 (6) of the statutes is amended to read:

8 252.04 **(6)** The school, ~~day~~ child care center, or nursery school shall notify the
9 district attorney of the county in which the student resides of any minor student who
10 fails to present written evidence of completed immunizations or a written waiver
11 under sub. (3) within 60 school days after being admitted to the school, ~~day~~ child care
12 center, or nursery school. The district attorney shall petition the court exercising
13 jurisdiction under chs. 48 and 938 for an order directing that the student be in
14 compliance with the requirements of this section. If the court grants the petition, the
15 court may specify the date by which a written waiver shall be submitted under sub.
16 (3) or may specify the terms of the immunization schedule. The court may require
17 an adult student or the parent, guardian, or legal custodian of a minor student who
18 refuses to submit a written waiver by the specified date or meet the terms of the
19 immunization schedule to forfeit not more than $25 per day of violation.

20 **SECTION 159.** 252.21 (1) of the statutes is amended to read:

21 252.21 **(1)** If a teacher, school nurse, or principal of any school or ~~day~~ child care
22 center knows or suspects that a communicable disease is present in the school or
23 center, he or she shall at once notify the local health officer.

24 **SECTION 160.** 253.15 (2) of the statutes, as affected by 2009 Wisconsin Act 28,
25 is amended to read:

1 253.15 **(2)** INFORMATIONAL MATERIALS. The board shall purchase or prepare or
2 arrange with a nonprofit organization to prepare printed and audiovisual materials
3 relating to shaken baby syndrome and impacted babies. The materials shall include
4 information regarding the identification and prevention of shaken baby syndrome
5 and impacted babies, the grave effects of shaking or throwing on an infant or young
6 child, appropriate ways to manage crying, fussing, or other causes that can lead a
7 person to shake or throw an infant or young child, and a discussion of ways to reduce
8 the risks that can lead a person to shake or throw an infant or young child. The
9 materials shall be prepared in English, Spanish, and other languages spoken by a
10 significant number of state residents, as determined by the board. The board shall
11 make those written and audiovisual materials available to all hospitals, maternity
12 homes, and nurse–midwives licensed under s. 441.15 that are required to provide or
13 make available materials to parents under sub. (3) (a) 1., to the department and to
14 all county departments and nonprofit organizations that are required to provide the
15 materials to ~~day~~ child care providers under sub. (4) (d), and to all school boards and
16 nonprofit organizations that are permitted to provide the materials to pupils in one
17 of grades 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make
18 those written materials available to all county departments and Indian tribes that
19 are providing home visitation services under s. 48.983 (4) (b) 1. and to all providers
20 of prenatal, postpartum, and young child care coordination services under s. 49.45
21 (44). The board may make available the materials required under this subsection
22 to be made available by making those materials available at no charge on the board's
23 Internet site.

24 **SECTION 161.** 253.15 (4) (title) of the statutes is amended to read:

25 253.15 **(4)** (title) TRAINING FOR ~~DAY~~ CHILD CARE PROVIDERS.

1 **SECTION 162.** 253.15 (4) of the statutes, as affected by 2009 Wisconsin Act 28,
2 is renumbered 253.15 (4) (a) and amended to read:

3 253.15 **(4)** (a) Before an individual may obtain a license to operate a ~~day~~ child
4 care center under s. 48.65 for the care and supervision of children under 5 years of
5 age or enter into a contract to provide a ~~day~~ child care program under s. 120.13 (14)
6 for the care and supervision of children under 5 years of age, the individual shall
7 receive training relating to shaken baby syndrome and impacted babies that is
8 approved or provided by the department or that is provided by a nonprofit
9 organization arranged by the department to provide that training.

10 (b) Before an individual may be certified under s. 48.651 as a ~~day~~ child care
11 provider of children under 5 years of age, the individual shall receive training
12 relating to shaken baby syndrome and impacted babies that is approved or provided
13 by the certifying department in a county having a population of 500,000 or more,
14 county department, or agency contracted with under s. 48.651 (2) or that is provided
15 by a nonprofit organization arranged by that department, county department, or
16 contracted agency to provide that training.

17 (c) Before an employee or volunteer of a ~~day~~ child care center licensed under
18 s. 48.65, a ~~day~~ child care provider certified under s. 48.651, or a ~~day~~ child care
19 program established under s. 120.13 (14) may provide care and supervision for
20 children under 5 years of age, the employee or volunteer shall receive training
21 relating to shaken baby syndrome and impacted babies that is approved or provided
22 by the department or the certifying county department or agency contracted with
23 under s. 48.651 (2) or that is provided by a nonprofit organization arranged by the
24 department or that county department or contracted agency to provide that training.

(d) The person conducting the training shall provide to the individual receiving the training, without cost to the individual, a copy of the written materials purchased or prepared under sub. (2), a presentation of the audiovisual materials purchased or prepared under sub. (2), and an oral explanation of those written and audiovisual materials.

SECTION 163. 253.15 (7) (c) of the statutes is amended to read:

253.15 **(7)** (c) The department, a county department, a nonprofit organization specified under sub. (4) (a), (b), or (c), or any other person that provides the training~~,~~ under sub. (4) (a), (b), or (c) and the written and audiovisual materials~~,~~ and ~~the~~ oral explanation specified in sub. (4) (d) is immune from liability for any damages resulting from any good faith act or omission in approving, providing, or failing to approve or provide that training, those materials, and that explanation. A school board is immune from liability for any damages resulting from any good faith act or omission in connection with the provision of, or the failure to provide, the training~~,~~ under sub. (4) (a) or (c) and the written and audiovisual materials~~,~~ and oral explanation specified in sub. (4) (d).

SECTION 164. 254.162 (1) (c) of the statutes is amended to read:

254.162 **(1)** (c) ~~Day~~ Child care providers certified under s. 48.651 and ~~day~~ child care centers licensed under s. 48.65, provisionally licensed under s. 48.69, or established or contracted for under s. 120.13 (14).

SECTION 165. 254.168 (4) of the statutes is amended to read:

254.168 **(4)** A ~~day~~ child care provider certified under s. 48.651.

SECTION 166. 254.168 (5) of the statutes is amended to read:

254.168 **(5)** A ~~day~~ child care center licensed under s. 48.65, provisionally licensed under s. 48.69, or established or contracted for under s. 120.13 (14).

1 **SECTION 167.** 285.63 (10) (d) 5. of the statutes is amended to read:

2 285.63 **(10)** (d) 5. Schools, churches, hospitals, nursing homes, or ~~day~~ child care
3 facilities.

4 **SECTION 168.** 301.46 (4) (a) 2. of the statutes is amended to read:

5 301.46 **(4)** (a) 2. A ~~day~~ child care provider that holds a license under s. 48.65,
6 that is certified under s. 48.651, that holds a probationary license under s. 48.69, or
7 that is established or contracted for under s. 120.13 (14).

8 **SECTION 169.** 562.06 (3) of the statutes is amended to read:

9 562.06 **(3)** ~~DAY~~ CHILD CARE. Nothing in this section prohibits a licensee from
10 operating a ~~day~~ child care area at a track if the ~~day~~ child care area is licensed by the
11 department of children and families under s. 48.65.

12 **SECTION 170.** 767.511 (1m) (e) of the statutes is amended to read:

13 767.511 **(1m)** (e) The cost of ~~day~~ child care if the custodian works outside the
14 home, or the value of custodial services performed by the custodian if the custodian
15 remains in the home.

16 **SECTION 171.** 938.32 (1) (c) 1. c. of the statutes is amended to read:

17 938.32 **(1)** (c) 1. c. A finding as to whether the county department or agency has
18 made reasonable efforts to achieve the goal of the juvenile's permanency plan~~, unless~~
19 ~~return of the juvenile to the home is the goal of the permanency plan and the court~~
20 ~~finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies~~.

21 **SECTION 172.** 938.33 (4) (c) of the statutes is amended to read:

22 938.33 **(4)** (c) Specific information showing that continued placement of the
23 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
24 information showing that the county department or the agency primarily
25 responsible for providing services to the juvenile has made reasonable efforts to

prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that the county department or agency has made reasonable efforts to achieve the goal of the juvenile's permanency plan~~, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies~~.

SECTION 173. 938.335 (3g) (c) of the statutes is amended to read:

938.335 **(3g)** (c) That the county department or agency has made reasonable efforts to achieve the goal of the juvenile's permanency plan~~, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies~~.

SECTION 174. 938.34 (2) (b) of the statutes is amended to read:

938.34 **(2)** (b) If the juvenile is placed in the juvenile's home under the supervision of an agency or the department, order the agency or department to provide specified services to the juvenile and the juvenile's family, including individual, family, or group counseling, homemaker or parent aide services, respite care, housing assistance, ~~day~~ child care, or parent skills training.

SECTION 175. 938.355 (2) (b) 6. of the statutes is amended to read:

938.355 **(2)** (b) 6. If the juvenile is placed outside the home, a finding that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile was adjudicated

delinquent. The court order shall also contain a finding as to whether the county department or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies, and a finding as to whether the county department or agency has made reasonable efforts to achieve the goal of the juvenile's permanency plan~~, unless return of the juvenile to the home is the goal of the permanency plan and the court finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies~~. The court shall make the findings specified in this subdivision 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 court order. A court order that merely references this subdivision without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.

SECTION 176. 938.355 (2c) (a) 3. c. of the statutes is amended to read:

938.355 **(2c)** (a) 3. c. Community support services, such as ~~day~~ child care, parenting skills training, housing assistance, employment training, and emergency mental health services.

SECTION 177. 938.356 (1) of the statutes is amended to read:

938.356 **(1)** ORAL WARNING. Whenever the court orders a juvenile to be placed outside his or her home or denies a parent visitation because the juvenile has been adjudged to be delinquent or to be in need of protection or services under s. 938.34, 938.345, 938.357, 938.363, or 938.365 and whenever the court reviews a permanency

plan under s. 938.38 (5m), the court shall orally inform the parent or parents who appear in court of any grounds for termination of parental rights under s. 48.415 which may be applicable and of the conditions necessary for the juvenile to be returned to the home or for the parent to be granted visitation.

SECTION 178. 938.365 (2g) (b) 2. of the statutes is amended to read:

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

SECTION 179. 938.365 (2m) (a) 1. of the statutes is amended to read:

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

1 ~~permanency plan and the court finds that any of the circumstances under s. 938.355~~
2 ~~(2d) (b) 1. to 4. applies~~. An order shall be issued under s. 938.355.
3 **SECTION 180.** 938.38 (5) (c) 7. of the statutes is amended to read:
4 938.38 **(5)** (c) 7. Whether reasonable efforts were made by the agency to achieve
5 the goal of the permanency plan~~, unless return of the juvenile to the home is the goal~~
6 ~~of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)~~
7 ~~1. to 4. applies~~.
8 **SECTION 181.** 948.53 (1) (a) of the statutes is amended to read:
9 948.53 **(1)** (a) "Child care provider" means a ~~day~~ child care center that is
10 licensed under s. 48.65 (1), a ~~day~~ child care provider that is certified under s. 48.651,
11 or a ~~day~~ child care program that is established or contracted for under s. 120.13 (14).
12 **SECTION 182. Initial applicability.**
13 (1) OUT-OF-HOME PLACEMENTS OF CHILDREN.
14 (a) *Juvenile court reports.* The treatment of sections 48.33 (4) (c), 48.365 (2g)
15 (b) 2., 938.33 (4) (c), and 938.365 (2g) (b) 2. of the statutes first applies to reports filed
16 with the court assigned to exercise jurisdiction under chapters 48 and 938 of the
17 statutes on the effective date of this paragraph.
18 (b) *Orders placing child outside home.* The treatment of sections 48.32 (1) (b)
19 1. c., 48.355 (2) (b) 6., 48.365 (2m) (a) 1., 938.32 (1) (c) 1. c., 938.355 (2) (b) 6., 938.356
20 (1) (with respect to court orders), and 938.365 (2m) (a) 1. of the statutes first applies
21 to court orders granted on the effective date of this paragraph.
22 (c) *Permanency plan reviews and hearings.* The treatment of sections 48.356
23 (1), 48.38 (5) (c) 7., 938.356 (1) (with respect to permanency plan reviews), and 938.38
24 (5) (c) 7. of the statutes first applies to permanency plan reviews and hearings held
25 on the effective date of this paragraph.

1 **SECTION 183. Effective dates.** This act takes effect on the day after
2 publication, except as follows:

3 (1) MAIN STREET EQUITY ACT. The treatment of section 77.54 (20n) (b) of the
4 statutes takes effect on October 1, 2009, or on the day after publication, whichever
5 is later.

6 (2) CLEAN INDOOR AIR. The treatment of section 101.123 (1) (ad) and (2) (a) 1r.
7 and (d) 2. of the statutes takes effect on July 5, 2010, or on the day after publication,
8 whichever is later.

9 (3) TREATMENT FOSTER HOMES. The repeal and recreation of sections 48.66 (1)
10 (a), 48.67 (intro.), 48.685 (1) (b), (4m) (a) (intro.) and (ad), (5m), and (6) (a), and 48.73
11 of the statutes takes effect on the date stated in the notice provided by the secretary
12 of children and families and published in the Wisconsin Administrative Register
13 under section 48.62 (9) of the statutes, or on the day after publication, whichever is
14 later.

15 **(END)**