



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2574/1
GMM:kjf:imp

**SENATE AMENDMENT 1,
TO 2011 SENATE BILL 65**

March 6, 2012 – Offered by Senator LAZICH.

1 At the locations indicated, amend the bill as follows:
2 **1.** Page 2, line 1: delete that line and substitute:
3 “**SECTION 1d.** 48.21 (5) (b) 2m. of the statutes is amended to read:
4 48.21 **(5)** (b) 2m. If the child has one or more siblings, as defined in s. 48.38 (4)
5 (br) 1., who have also been removed from the home, a finding as to whether the intake
6 worker has made reasonable efforts to place the child in a placement that enables the
7 sibling group to remain together, unless the judge or circuit court commissioner
8 determines that a joint placement would be contrary to the safety or well-being of
9 the child or any of those siblings, in which case the judge or circuit court
10 commissioner shall order the county department, department in a county having a
11 population of 500,000 or more, or agency primarily responsible for providing services
12 to the child under the custody order to make reasonable efforts to provide for frequent
13 visitation or other ongoing interaction between the child and the siblings, unless the

1 judge or circuit court commissioner determines that such visitation or interaction
2 would be contrary to the safety or well-being of the child or any of those siblings. The
3 determination shall be based on the best interests of the child and the siblings
4 without regard to whether parental visitation has been denied, limited, or
5 discontinued under an order under s. 48.345, 48.363, or 48.365.

6 **SECTION 1g.** 48.32 (1) (b) 1m. of the statutes is amended to read:

7 48.32 (1) (b) 1m. If the child has one or more siblings, as defined in s. 48.38 (4)
8 (br) 1., who have also been removed from the home, the consent decree shall include
9 a finding as to whether the county department, department in a county having a
10 population of 500,000 or more, or agency primarily responsible for providing services
11 to the child has made reasonable efforts to place the child in a placement that enables
12 the sibling group to remain together, unless the judge or circuit court commissioner
13 determines that a joint placement would be contrary to the safety or well-being of
14 the child or any of those siblings, in which case the judge or circuit court
15 commissioner shall order the county department, department, or agency to make
16 reasonable efforts to provide for frequent visitation or other ongoing interaction
17 between the child and the siblings, unless the judge or circuit court commissioner
18 determines that such visitation or interaction would be contrary to the safety or
19 well-being of the child or any of those siblings. The determination shall be based on
20 the best interests of the child and the siblings without regard to whether parental
21 visitation has been denied, limited, or discontinued under an order under s. 48.345,
22 48.363, or 48.365.

23 **SECTION 1j.** 48.33 (4) (d) 2. of the statutes is amended to read:

24 48.33 (4) (d) 2. If a recommendation is made that the child and his or her
25 siblings not be placed in a joint placement, specific information showing that the

1 county department, department, or agency has made reasonable efforts to provide
2 for frequent visitation or other ongoing interaction between the child and the
3 siblings, unless the county department, department, or agency recommends that
4 such visitation or interaction not be provided, in which case the report shall include
5 specific information showing that such visitation or interaction would be contrary to
6 the safety or well-being of the child or any of those siblings. The recommendation
7 shall be based on the best interests of the child and the siblings without regard to
8 whether parental visitation has been denied, limited, or discontinued under an order
9 under s. 48.345, 48.363, or 48.365.

10 **SECTION 1m.** 48.335 (3g) (d) 2. of the statutes is amended to read:

11 48.335 (3g) (d) 2. If a recommendation is made that the child and his or her
12 siblings not be placed in a joint placement, that the county department, department,
13 or agency has made reasonable efforts to provide for frequent visitation or other
14 ongoing interaction between the child and the siblings, unless the county
15 department, department, or agency recommends that such visitation or interaction
16 not be provided, in which case the county department, department, or agency shall
17 present as evidence specific information showing that such visitation or interaction
18 would be contrary to the safety or well-being of the child or any of those siblings. The
19 recommendation shall be based on the best interests of the child and the siblings
20 without regard to whether parental visitation has been denied, limited, or
21 discontinued under an order under s. 48.345, 48.363, or 48.365.

22 **SECTION 1p.** 48.355 (2) (b) 6p. of the statutes is amended to read:

23 48.355 (2) (b) 6p. If the child is placed outside the home and if the child has one
24 or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside
25 the home, a finding as to whether the county department, the department in a county

1 having a population of 500,000 or more, or the agency primarily responsible for
2 providing services under a court order has made reasonable efforts to place the child
3 in a placement that enables the sibling group to remain together, unless the court
4 determines that a joint placement would be contrary to the safety or well-being of
5 the child or any of those siblings, in which case the court shall order the county
6 department, department, or agency to make reasonable efforts to provide for
7 frequent visitation or other ongoing interaction between the child and the siblings,
8 unless the court determines that such visitation or interaction would be contrary to
9 the safety or well-being of the child or any of those siblings. The determination shall
10 be based on the best interests of the child and the siblings without regard to whether
11 parental visitation has been denied, limited, or discontinued under an order under
12 s. 48.345, 48.363, or 48.365.

13 **SECTION 1r.** 48.355 (3) (a) of the statutes is amended to read:”.

14 **2.** Page 2, line 9: after that line insert:

15 “**SECTION 1t.** 48.357 (2v) (a) 2m. of the statutes is amended to read:

16 48.357 (**2v**) (a) 2m. If the child has one or more siblings, as defined in s. 48.38
17 (4) (br) 1., who have been placed outside the home or for whom a change in placement
18 to a placement outside the home is requested, a finding as to whether the county
19 department, the department in a county having a population of 500,000 or more, or
20 the agency primarily responsible for implementing the dispositional order has made
21 reasonable efforts to place the child in a placement that enables the sibling group to
22 remain together, unless the court determines that a joint placement would be
23 contrary to the safety or well-being of the child or any of those siblings, in which case
24 the court shall order the county department, department, or agency to make

1 reasonable efforts to provide for frequent visitation or other ongoing interaction
2 between the child and the siblings, unless the court determines that such visitation
3 or interaction would be contrary to the safety or well-being of the child or any of those
4 siblings. The determination shall be based on the best interests of the child and the
5 siblings without regard to whether parental visitation has been denied, limited, or
6 discontinued under an order under s. 48.345, 48.363, or 48.365.

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

8 48.365 **(2m)** (a) 1r. a. If the child is placed outside of his or her home and if the
9 child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been
10 placed outside the home, the person or agency primarily responsible for providing
11 services to the child shall present as evidence specific information showing that the
12 agency has made reasonable efforts to place the child in a placement that enables the
13 sibling group to remain together, unless the court has determined that a joint
14 placement would be contrary to the safety or well-being of the child or any of those
15 siblings, in which case the agency shall present as evidence specific information
16 showing that agency has made reasonable efforts to provide for frequent visitation
17 or other ongoing interaction between the child and the siblings, unless the court has
18 determined that such visitation or interaction would be contrary to the safety or
19 well-being of the child or any of those siblings. The determination shall be based on
20 the best interests of the child and the siblings without regard to whether parental
21 visitation has been denied, limited, or discontinued under an order under this section
22 or s. 48.345 or 48.363.

23 b. If the child is placed outside the home and if the child has one or more
24 siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside the home,
25 the findings of fact shall include a finding as to whether reasonable efforts have been

1 made by the agency primarily responsible for providing services to the child to place
2 the child in a placement that enables the sibling group to remain together, unless the
3 court has determined that a joint placement would be contrary to the safety or
4 well-being of the child or any of those siblings, in which case the findings of fact shall
5 include a finding as to whether reasonable efforts have been made by the agency to
6 provide for frequent visitation or other ongoing interaction between the child and the
7 siblings, unless the court has determined that such visitation or interaction would
8 be contrary to the safety or well-being of the child or any of those siblings. The
9 determination shall be based on the best interests of the child and the siblings
10 without regard to whether parental visitation has been denied, limited, or
11 discontinued under an order under this section or s. 48.345 or 48.363.”.

12 **3.** Page 3, line 6: after that line insert:

13 “**SECTION 2d.** 48.38 (5) (c) 8. of the statutes is amended to read:

14 48.38 **(5)** (c) 8. If the child has one or more siblings, as defined in s. 48.38 (4)
15 (br) 1., who have also been removed from the home, whether reasonable efforts were
16 made by the agency to place the child in a placement that enables the sibling group
17 to remain together, unless the court or panel determines that a joint placement would
18 be contrary to the safety or well-being of the child or any of those siblings, in which
19 case the court or panel shall determine whether reasonable efforts were made by the
20 agency to provide for frequent visitation or other ongoing interaction between the
21 child and those siblings, unless the court or panel determines that such visitation or
22 interaction would be contrary to the safety or well-being of the child or any of those
23 siblings. The determination shall be based on the best interests of the child and the

1 siblings without regard to whether parental visitation has been denied, limited, or
2 discontinued under an order under s. 48.345, 48.363, or 48.365.”.

3 **4.** Page 3, line 22: after that line insert:

4 “**SECTION 4d.** 48.834 (2) of the statutes is amended to read:

5 48.834 (2) PLACEMENT WITH SIBLINGS. If a child who is being placed for adoption
6 under s. 48.833 has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have
7 been adopted or who have been placed for adoption, the department, county
8 department under s. 48.57 (1) (e) or (hm), or child welfare agency making the
9 placement shall make reasonable efforts to place the child for adoption with an
10 adoptive parent or proposed adoptive parent of such a sibling who is identified in the
11 child’s permanency plan under s. 48.38 or 938.38 or who is otherwise known by the
12 department, county department, or child welfare agency, unless the department,
13 county department, or child welfare agency determines that a joint placement would
14 be contrary to the safety or well-being of the child or any of those siblings, in which
15 case the department, county department, or child welfare agency shall make
16 reasonable efforts to provide for frequent visitation or other ongoing interaction
17 between the child and the siblings, unless the department, county department, or
18 child welfare agency determines that such visitation or interaction would be contrary
19 to the safety or well-being of the child or any of those siblings. The determination
20 shall be based on the best interests of the child and the siblings without regard to
21 whether parental visitation has been denied, limited, or discontinued under an order
22 under s. 48.345, 48.363, or 48.365.

23 **SECTION 4g.** 938.21 (5) (b) 2m. of the statutes is amended to read:

1 938.21 (5) (b) 2m. If the juvenile has one or more siblings, as defined in s. 938.38
2 (4) (br) 1., who have also been removed from the home, a finding as to whether the
3 intake worker has made reasonable efforts to place the juvenile in a placement that
4 enables the sibling group to remain together, unless the court determines that a joint
5 placement would be contrary to the safety or well-being of the juvenile or any of those
6 siblings, in which case the court shall order the county department or agency
7 primarily responsible for providing services to the juvenile under the custody order
8 to make reasonable efforts to provide for frequent visitation or other ongoing
9 interaction between the juvenile and the siblings, unless the court determines that
10 such visitation or interaction would be contrary to the safety or well-being of the
11 juvenile or any of those siblings. The determination shall be based on the best
12 interests of the juvenile and the siblings without regard to whether parental
13 visitation has been denied, limited, or discontinued under an order under s. 938.345,
14 938.363, or 938.365.

15 **SECTION 4j.** 938.32 (1) (c) 1m. of the statutes is amended to read:

16 938.32 (1) (c) 1m. If the juvenile has one or more siblings, as defined in s. 938.38
17 (4) (br) 1., who have also been removed from the home, the consent decree shall
18 include a finding as to whether the county department or agency primarily
19 responsible for providing services to the juvenile has made reasonable efforts to place
20 the juvenile in a placement that enables the sibling group to remain together, unless
21 the court determines that a joint placement would be contrary to the safety or
22 well-being of the juvenile or any of those siblings, in which case the court shall order
23 the county department or agency to make reasonable efforts to provide for frequent
24 visitation or other ongoing interaction between the ~~child~~ juvenile and the siblings,
25 unless the court determines that such visitation or interaction would be contrary to

1 the safety or well-being of the juvenile or any of those siblings. The determination
2 shall be based on the best interests of the juvenile and the siblings without regard
3 to whether parental visitation has been denied, limited, or discontinued under an
4 order under s. 938.345, 938.363, or 938.365.

5 **SECTION 4m.** 938.33 (4) (d) 2. of the statutes is amended to read:

6 938.33 (4) (d) 2. If a recommendation is made that the juvenile and his or her
7 siblings not be placed in a joint placement, specific information showing that the
8 county department or agency has made reasonable efforts to provide for frequent
9 visitation or other ongoing interaction between the juvenile and the siblings, unless
10 the county department or agency recommends that such visitation or interaction not
11 be provided, in which case the report shall include specific information showing that
12 such visitation or interaction would be contrary to the safety or well-being of the
13 juvenile or any of those siblings. The recommendation shall be based on the best
14 interests of the juvenile and the siblings without regard to whether parental
15 visitation has been denied, limited, or discontinued under an order under s. 938.345,
16 938.363, or 938.365.

17 **SECTION 4p.** 938.335 (3g) (d) 2. of the statutes is amended to read:

18 938.335 (3g) (d) 2. If a recommendation is made that the juvenile and his or
19 her siblings not be placed in a joint placement, that the county department or agency
20 has made reasonable efforts to provide for frequent visitation or other ongoing
21 interaction between the juvenile and the siblings, unless the county department or
22 agency recommends that such visitation or interaction not be provided, in which case
23 the county department or agency shall present as evidence specific information
24 showing that such visitation or interaction would be contrary to the safety or
25 well-being of the juvenile or any of those siblings. The recommendation shall be

1 based on the best interests of the juvenile and the siblings without regard to whether
2 parental visitation has been denied, limited, or discontinued under an order under
3 s. 938.345, 938.363, or 938.365.

4 **SECTION 4r.** 938.355 (2) (b) 6p. of the statutes is amended to read:

5 938.355 (2) (b) 6p. If the juvenile is placed outside the home and if the juvenile
6 has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed
7 outside the home, a finding as to whether the county department or the agency
8 primarily responsible for providing services under a court order has made reasonable
9 efforts to place the juvenile in a placement that enables the sibling group to remain
10 together, unless the court determines that a joint placement would be contrary to the
11 safety or well-being of the juvenile or any of those siblings, in which case the court
12 shall order the county department or agency to make reasonable efforts to provide
13 for frequent visitation or other ongoing interaction between the juvenile and the
14 siblings, unless the court determines that such visitation or interaction would be
15 contrary to the safety or well-being of the juvenile or any of those siblings. The order
16 shall be based on the best interests of the juvenile and the siblings without regard
17 to whether parental visitation has been denied, limited, or discontinued under an
18 order under s. 938.345, 938.363, or 938.365.”.

19 **5.** Page 4, line 7: after that line insert:

20 “**SECTION 5g.** 938.357 (2v) (a) 2m. of the statutes is amended to read:

21 938.357 (2v) (a) 2m. If the juvenile has one or more siblings, as defined in s.
22 938.38 (4) (br) 1., who have been placed outside the home or for whom a change in
23 placement to a placement outside the home is requested, a finding as to whether the
24 county department or the agency primarily responsible for implementing the

1 dispositional order has made reasonable efforts to place the juvenile in a placement
2 that enables the sibling group to remain together, unless the court determines that
3 a joint placement would be contrary to the safety or well-being of the juvenile or any
4 of those siblings, in which case the court shall order the county department or agency
5 to make reasonable efforts to provide for frequent visitation or other ongoing
6 interaction between the juvenile and the siblings, unless the court determines that
7 such visitation or interaction would be contrary to the safety or well-being of the
8 juvenile or any of those siblings. The determination shall be based on the best
9 interests of the juvenile and the siblings without regard to whether parental
10 visitation has been denied, limited, or discontinued under an order under s. 938.345,
11 938.363, or 938.365.

12 **SECTION 5m.** 938.365 (2m) (a) 1r. of the statutes is amended to read:

13 938.365 (2m) (a) 1r. a. If the juvenile is placed outside of his or her home and
14 if the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have
15 also been placed outside the home, the person or agency primarily responsible for
16 providing services to the juvenile shall present as evidence specific information
17 showing that the agency has made reasonable efforts to place the juvenile in a
18 placement that enables the sibling group to remain together, unless the court has
19 determined that a joint placement would be contrary to the safety or well-being of
20 the juvenile or any of those siblings, in which case the agency shall present as
21 evidence specific information showing that agency has made reasonable efforts to
22 provide for frequent visitation or other ongoing interaction between the juvenile and
23 the siblings, unless the court has determined that such visitation or interaction
24 would be contrary to the safety or well-being of the juvenile or any of those siblings.
25 The determination shall be based on the best interests of the juvenile and the siblings

1 without regard to whether parental visitation has been denied, limited, or
2 discontinued under an order under this section or s. 938.345 or 938.363.

3 b. If the juvenile is placed outside the home and if the juvenile has one or more
4 siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed outside the
5 home, the findings of fact shall include a finding as to whether reasonable efforts
6 have been made by the agency primarily responsible for providing services to the
7 juvenile to place the juvenile in a placement that enables the sibling group to remain
8 together, unless the court has determined that a joint placement would be contrary
9 to the safety or well-being of the juvenile or any of those siblings, in which case the
10 findings of fact shall include a finding as to whether reasonable efforts have been
11 made by the agency to provide for frequent visitation or other ongoing interaction
12 between the juvenile and the siblings, unless the court has determined that such
13 visitation or interaction would be contrary to the safety or well-being of the juvenile
14 or any of those siblings. The determination shall be based on the best interests of the
15 juvenile and the siblings without regard to whether parental visitation has been
16 denied, limited, or discontinued under an order under this section or s. 938.345 or
17 938.363.”.

18 **6.** Page 4, line 13: after that line insert:

19 “**SECTION 6d.** 938.38 (5) (c) 8. of the statutes is amended to read:

20 938.38 (5) (c) 8. If the juvenile has one or more siblings, as defined in s. 938.38
21 (4) (br) 1., who have also been removed from the home, whether reasonable efforts
22 were made by the agency to place the juvenile in a placement that enables the sibling
23 group to remain together, unless the court or panel determines that a joint placement
24 would be contrary to the safety or well-being of the juvenile or any of those siblings,

1 in which case the court or panel shall determine whether reasonable efforts were
2 made by the agency to provide for frequent visitation or other ongoing interaction
3 between the juvenile and those siblings, unless the court or panel determines that
4 such visitation or interaction would be contrary to the safety or well-being of the
5 juvenile or any of those siblings. The determination shall be based on the best
6 interests of the juvenile and the siblings without regard to whether parental
7 visitation has been denied, limited, or discontinued under an order under s. 938.345,
8 938.363, or 938.365.”.

9 **7.** Page 4, line 15: delete the material beginning with “The” and ending with
10 “statutes” on line 17 and substitute “Except as provided in subsection (2), this act”.

11 (END)