

**Malaise, Gordon**

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**From:** McGinnis, Cindy  
**Sent:** Tuesday, November 22, 2011 12:18 PM  
**To:** Malaise, Gordon  
**Cc:** 'Susan Conwell'; 'Susan.Fisher@kidsmatterinc.org'  
**Subject:** RE: Bill amending Wis. Ch. 48: Victims of Homicide  
Gordon-

Thanks, sounds good to me.

Cindy McGinnis  
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**From:** Malaise, Gordon  
**Sent:** Tuesday, November 22, 2011 12:12 PM  
**To:** McGinnis, Cindy  
**Cc:** 'Susan Conwell'; 'Susan.Fisher@kidsmatterinc.org'  
**Subject:** RE: Bill amending Wis. Ch. 48: Victims of Homicide

Cindy:

Susan Fisher makes a couple of good points:

1. The term "closest *relative* of a parental homicide victim" doesn't really work because the definition of "relative" in s. 48.02 (13), which applies throughout ch. 48, really is defining a relative *of the child* in that the definition does not include a spouse, domestic partner, or child. Because a spouse or domestic partner of the parental homicide victim (assuming that the spouse or domestic partner did not commit the homicide), or an adult child of the victim, might be the very person who can best represent the interests of the victim's family in a ch. 48 proceeding, a term other than "relative" must be used to describe the person who represents those interests. A term that is commonly used to describe the closest relative of a deceased individual is "next of kin," which would also tie in to the rules of intestate succession for determining who is the next of kin of a deceased individual.
2. The draft does not spell out a mechanism for defining who is the *closest* relative of a parental homicide victim, which could cause inconsistency or create unnecessary controversy as the courts attempt to figure out who is the closest relative. The rules of intestate succession under s. 852.01 are a clear, well-established mechanism for determining who is the closest relative or next of kin or a person who dies intestate. Moreover, because a parental homicide victim will often die intestate, the probate court will already be employing the rules of intestate succession in probating the victim's estate, so using the same rules for determining the representative of the victim's family in a juvenile court proceeding will provide for consistency and clarity for the victim's family and for judicial economy for the bench and bar.
3. There will arise situations in which two or more individuals of the same degree of kinship will be vying to represent the victim's family. In that case the juvenile court must have some standard for choosing one or the other. Because the person's job will be to represent the interests of the victim's family, I think that the courts should use as the tie breaker the standard of who is best able to represent those interests.

Accordingly, I will go ahead and do a redraft that does all of the following:

1. Changes "closest relative" to "next of kin" wherever found.
2. Incorporates the rules of intestate succession in the definition of "next of kin of a parental homicide victim." As such, the order would be as follows:
  - A. Spouse or domestic partner, unless the spouse or domestic partner committed the homicide.
  - B. If there is no spouse or domestic partner, an adult child. This scenario is unlikely, but it is in keeping with s. 852.01.
  - C. If there is no spouse, domestic partner, or adult child, a parent of the victim.
  - D. If there is no spouse, domestic partner, adult child, or parent, an adult sibling of the victim.
  - E. If there is no spouse, domestic partner, adult child, parent, or adult sibling, a grandparent of the victim.
  - F. Finally, in the unlikely event that there is no spouse, domestic partner, adult child, parent, adult sibling, or grandparent, the adult relative in the next degree of kinship, as determined under s. 990.01 (16).
3. Qualifies B. to F., above to say, "the (adult child, etc.) whom the court determines is best able to represent the interests of the victim's family in a proceeding under this chapter."

Gordon

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**From:** McGinnis, Cindy  
**Sent:** Friday, November 18, 2011 2:31 PM  
**To:** Malaise, Gordon  
**Cc:** 'Susan Conwell'  
**Subject:** FW: Bill amending Wis. Ch. 48: Victims of Homicide

Gordon-

Please see the comments below as they relate to LRB 2594/1. This is the group who brought this issue to our attention and has worked with families of murdered parents. If you need any further clarification you may contact Susan Fisher directly.

Thanks!

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**From:** Susan Fisher  
**Sent:** Friday, November 18, 2011 1:53 PM  
**To:** Susan Conwell  
**Subject:** Bill amending Wis. Ch. 48: Victims of Homicide

11/22/2011

Sue:

My primary concern with the proposed legislation was with the definition of "closest relative of a parental homicide victim."

1. "Relative" needs to be defined. There may be an implicit reference to Wis. Stat. § 48.02 (13). However, the drafter could expressly refer to that definition.
2. "Closest" and how to determine who is the "closest relative" also need clarification.
  - a. Closest: Is a mother closer than a sister or an uncle closer than a grandparent? Does the court use consanguinity or intestate succession principles? How is this determined? What is the mechanism used?
  - b. Determining the relation: What happens if you have more than one relative of equal relation seeking this spot? Potentially, you could have two parents or two siblings who are both vying for this position. Perhaps that could be a "best interest" determination or left to the court's discretion, but a mechanism needs to be in place for the court to use.

Please let me know if you have any questions.

Susan

**Susan M. Fisher**

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State of Wisconsin  
2011 - 2012 LEGISLATURE

IN 11/22  
son



LRB-2594/1  
GMM:med:imp

Stays

Repealed

1 AN ACT *to repeal* 48.27 (3) (e); *to renumber and amend* 48.27 (3) (a) 1.; *to*  
2 *amend* 48.19 (2), 48.20 (3), 48.20 (7) (d), 48.20 (8) (a), 48.21 (3) (am), 48.21 (3)  
3 (b), 48.21 (3) (d), 48.21 (3) (e), 48.24 (1m), 48.24 (2) (a), 48.243 (1) (intro.), 48.243  
4 (3), 48.245 (1) (c), 48.245 (2r), 48.245 (3), 48.245 (4), 48.245 (5), 48.245 (8),  
5 48.255 (1) (b), 48.255 (4), 48.27 (3) (a) 1m., 48.27 (3) (a) 2., 48.29 (1), 48.295 (1),  
6 48.295 (3), 48.299 (1) (a), 48.30 (2), 48.31 (2), 48.32 (1) (a), 48.32 (2) (c), 48.32  
7 (6), 48.355 (2) (b) 1m., 48.355 (2) (d), 48.357 (1) (am) 1., 48.357 (1) (am) 2. a.,  
8 48.357 (1) (c) 2., 48.357 (2m) (a), 48.357 (2m) (b), 48.363 (1) (a), 48.363 (1) (b),  
9 48.365 (1m), 48.365 (2), 48.38 (4) (ag), 48.38 (4m) (b), 48.38 (5) (b), 48.38 (5) (bm)  
10 1., 48.38 (5) (d), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (c) 1., 48.38 (5m) (d),  
11 48.38 (5m) (e), 48.396 (1b), 48.396 (1d), 48.396 (2) (ag), 48.396 (2) (am), 48.42  
12 (1) (b), 48.42 (2) (c), 48.427 (6) (b) 2., 48.46 (1), 48.46 (1m), 48.63 (5) (d) 4., 48.63  
13 (5) (d) 6., 48.78 (2) (ag), 48.78 (2) (am), 48.977 (4) (a) 3., 48.977 (4) (b) 2., 48.977  
14 (4) (c) 1. e., 48.981 (7) (a) 3m. and 48.981 (7) (cr) 8.; and *to create* 48.02 (2b) and

**BILL**

next of kin

1 48.27 (3) (a) 1. b. of the statutes; **relating to:** participation of the ~~closest adult~~  
2 ~~relative~~ of a parental homicide victim in proceedings under the Children's Code.

**Analysis by the Legislative Reference Bureau**

next of kin

Current law grants to the parents, guardian, and legal custodian of a child the right to participate in proceedings under the Children's Code concerning the child. This bill grants similar rights to the ~~closest adult relative~~ of a parent who is the victim of a homicide for which the child's other parent has been convicted (~~closest relative~~ of a parental homicide victim).

next of kin

Insert A

Specifically, the bill:

1. **Temporary physical custody of a child.** Requires the ~~closest relative~~ of a parental homicide victim to be notified when a child of that homicide victim is taken into custody and, if the child is held in custody, to be notified of the time and place of the temporary physical custody hearing for the child, the nature and possible consequences of the hearing, and the right to present and cross examine witnesses at the hearing.

next of kin

2. **Intake inquiry and informal disposition.** Requires the ~~closest relative~~ of a parental homicide victim to be notified of intake conferences conducted as part of the intake inquiry conducted by the intake worker of the ~~court assigned to exercise jurisdiction under the Children's Code (juvenile court)~~ when a child of that homicide victim is referred to the juvenile court as being in need of protection or services. The bill also requires the consent of the ~~closest relative~~ of a parental homicide victim to an agreement that imposes an informal disposition when the intake worker determines that the filing of a child in need of protection or services (CHIPS) petition is not required and permits the ~~closest relative~~ of a parental homicide victim to terminate, or object to an extension of, an informal disposition.

next of kin

3. **CHIPS proceedings.** Requires the ~~closest relative~~ of a parental homicide victim to be provided with a copy of the petition initiating a CHIPS proceeding concerning a child of that homicide victim, to receive notice of all hearings in such a CHIPS proceeding, and to receive a copy of the dispositional order in such a CHIPS proceeding. The bill also grants to the ~~closest relative~~ of a parental homicide victim the right to request a substitution of the judge and a jury trial, to object to a public hearing, and to object to a physical, psychological, mental, or developmental examination of the child or to an alcohol and other drug abuse assessment of the child in such a CHIPS proceeding. In addition, the bill requires the agreement of the ~~closest relative~~ of a parental homicide victim to a consent decree suspending such a CHIPS proceeding and placing the child under supervision and permits the ~~closest relative~~ of a parental homicide victim to object to an extension of such a consent decree.

next of kin

4. **Post-dispositional proceedings.** Permits the ~~closest relative~~ of a parental homicide victim to request a change in the placement of a child of that homicide victim who is the subject of a CHIPS order or a revision or extension of a CHIPS order concerning that child. The bill also requires the ~~closest relative~~ of a parental

**BILL**

next of kin

homicide victim to receive notice of a proposed change in placement of such a child or a proposed revision or extension of such an order and permits the ~~closest relative~~ of a parental homicide victim to object to such a proposal.

next of kin

5. **Permanency planning.** Requires the ~~closest relative~~ of a parental homicide victim to receive notice of permanency plan reviews and hearings concerning a child of that homicide victim who is placed outside the home, to receive a copy of the child's permanency plan before the review or hearing, and to receive a copy of the determinations made at the review or hearing. The bill also grants the ~~closest relative~~ of a parental homicide victim the right to be heard at a permanency plan review or hearing by submitting written comments before the review or hearing or by participating at the review or hearing. Under current law, a permanency plan is a plan designed to ensure that a child is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability.

next of kin

6. **Other proceedings under the Children's Code.** Requires the ~~closest relative~~ of a parental homicide victim to receive notice of termination of parental rights and guardianship proceedings concerning a child of that homicide victim and permits the ~~closest relative~~ of a parental homicide victim to file a petition for the guardianship of such a child.

next of kin

7. **Rehearings.** Permits the ~~closest relative~~ of a parental homicide victim to petition the juvenile court for a rehearing on a juvenile court order determining the status of a child of that homicide victim on the grounds of newly discovered evidence. Under current law, those petitions generally must be filed within one year after the date of the order.

next of kin

8. **Records.** Permits the ~~closest relative~~ of a parental homicide victim to request access to law enforcement agency, juvenile court, and social services agency records concerning a child of that homicide victim and to authorize disclosure of those records to a person named by that relative. The bill also permits child abuse and neglect reports and records concerning a child of that homicide victim to be disclosed to the ~~the closest relative~~ of a parental homicide victim without revealing the identity of the reporter of the child abuse or neglect. Under current law, law enforcement agency, juvenile court, social services agency, and child abuse and neglect records concerning a child generally are confidential.

next of kin

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

(12j)

1

SECTION 1. 48.02 (2b) of the statutes is created to read:

2

48.02 (2b) "Closest relative of a parental homicide victim" means, in a case in

3

which a parent has been convicted under s. 940.01, 940.02, 940.05, 940.06, 940.07,

**BILL**

**SECTION 1**

Family member

1 940.08, 940.09, or 940.10 or under any comparable federal law or law of another state  
 2 of the homicide of the child's other parent and in which a ~~relative~~ of the parent who  
 3 is the victim of that homicide is ~~not the~~ guardian, legal custodian, or Indian custodian  
 4 of the child, the ~~closest living adult relative~~ <sup>next of kin</sup> of the parent who is the victim of that  
 5 ~~homicide~~.

4  
5  
4-5

**SECTION 2.** 48.19 (2) of the statutes is amended to read:

7 48.19 (2) When a child is taken into physical custody under this section, the  
 8 person taking the child into custody shall immediately attempt to notify the parent,  
 9 guardian, legal custodian, and Indian custodian of the child ~~and the closest relative~~ <sup>next of kin</sup>  
 10 of a parental homicide victim by the most practical means. The person taking the  
 11 child into custody shall continue such attempt until ~~the parent, guardian, legal~~  
 12 ~~custodian, and Indian custodian of the child~~ those individuals are notified, or the  
 13 child is delivered to an intake worker under s. 48.20 (3), whichever occurs first. If  
 14 the child is delivered to the intake worker before ~~the parent, guardian, legal~~  
 15 ~~custodian, and Indian custodian~~ those individuals are notified, the intake worker, or  
 16 another person at his or her direction, shall continue the attempt to notify until ~~the~~  
 17 ~~parent, guardian, legal custodian, and Indian custodian of the child~~ those  
 18 individuals are notified.

**SECTION 3.** 48.20 (3) of the statutes is amended to read:

20 48.20 (3) If the child is released under sub. (2) (b) to (d), the person who took  
 21 the child into custody shall immediately notify the child's parent, guardian, legal  
 22 custodian, and Indian custodian ~~and the closest relative~~ <sup>next of kin</sup> of a parental homicide  
 23 victim of the time and circumstances of the release and the person, if any, to whom  
 24 the child was released. If the child is not released under sub. (2), the person who took  
 25 the child into custody shall arrange in a manner determined by the court and law

**BILL**

1 enforcement agencies for the child to be interviewed by the intake worker under s.  
2 48.067 (2). The person who took the child into custody shall make a statement in  
3 writing with supporting facts of the reasons why the child was taken into physical  
4 custody and shall give a copy of the statement to the intake worker and to any child  
5 12 years of age or older. If the intake interview is not done in person, the report may  
6 be read to the intake worker.

7 **SECTION 4.** 48.20 (7) (d) of the statutes is amended to read:

8 48.20 (7) (d) If the child is released from custody, the intake worker shall  
9 immediately notify the child's parent, guardian, legal custodian, and Indian  
10 custodian and the <sup>next of kin</sup> ~~closest relative~~ of a parental homicide victim of the time and  
11 circumstances of the release and the person, if any, to whom the child was released.

12 **SECTION 5.** 48.20 (8) (a) of the statutes is amended to read:

13 48.20 (8) (a) If a child is held in custody, the intake worker shall notify the  
14 child's parent, guardian, legal custodian, and Indian custodian and the <sup>next of kin</sup> ~~closest~~  
15 ~~relative~~ of a parental homicide victim of the reasons for holding the child in custody  
16 and of the child's whereabouts unless there is reason to believe that notice would  
17 present imminent danger to the child. ~~The parent, guardian, legal custodian, and~~  
18 ~~Indian custodian~~ An individual so notified shall also be notified of the time and place  
19 of the detention hearing required under s. 48.21, the nature and possible  
20 consequences of that hearing, the right to present and cross-examine witnesses at  
21 the hearing, and, in the case of a parent or Indian custodian of an Indian child who  
22 is the subject of an Indian child custody proceeding, as defined in s. 48.028 (2) (d) 2.,  
23 the right to counsel under s. ~~48.028~~ (4) (b). If the parent, guardian, legal custodian,  
24 or Indian custodian, or <sup>next of kin</sup> ~~closest relative~~ of a parental homicide victim is not  
25 immediately available, the intake worker or another person designated by the court

## BILL

## SECTION 5

1 shall provide notice as soon as possible. When the child is 12 years of age or older,  
2 the child shall receive the same notice about the detention hearing as the parent,  
3 guardian, legal custodian, ~~or~~ Indian custodian, and the <sup>Next of kin</sup> ~~closest relative~~ of a parental  
4 homicide victim. The intake worker shall notify both the child and, the child's  
5 parent, guardian, legal custodian, ~~or~~ <sup>next of kin</sup> ~~and~~ Indian custodian, and the ~~closest relative~~  
6 of a parental homicide victim.

7 SECTION 6. 48.21 (3) (am) of the statutes is amended to read:

8 48.21 (3) (am) The parent, guardian, legal custodian, ~~or~~ Indian custodian, <sup>Next of kin</sup>  
9 ~~closest relative~~ of a parental homicide victim may waive his or her right to participate  
10 in the hearing under this section. After any waiver, a rehearing shall be granted at  
11 the request of the parent, guardian, legal custodian, Indian custodian, ~~closest~~  
12 <sup>Next of kin</sup> ~~relative~~ of a parental homicide victim, or any other interested party for good cause  
13 shown.

14 SECTION 7. 48.21 (3) (b) of the statutes is amended to read:

15 48.21 (3) (b) If present at the hearing, a copy of the petition or request shall be  
16 given to the parent, guardian, legal custodian, ~~or~~ Indian custodian, or <sup>Next of kin</sup> ~~closest relative~~  
17 of a parental homicide victim, and to the child if he or she is 12 years of age or older,  
18 before the hearing begins. If the child is an expectant mother who has been taken  
19 into custody under s. 48.19 (1) (cm) or (d) 8., a copy of the petition shall also be given  
20 to the unborn child, through the unborn child's guardian ad litem, before the hearing  
21 begins. Prior notice of the hearing shall be given to the child's parent, guardian, legal  
22 custodian, and Indian custodian, to the <sup>Next of kin</sup> ~~closest relative~~ of a parental homicide victim,  
23 to the child if he or she is 12 years of age or older and, if the child is an expectant  
24 mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., to the unborn  
25 child, through the unborn child's guardian ad litem, under s. 48.20 (8).

**BILL**

1           **SECTION 8.** 48.21 (3) (d) of the statutes is amended to read:

2           48.21 (3) (d) Prior to the commencement of the hearing, the court shall inform  
3           the parent, guardian, legal custodian, ~~or Indian custodian, or closest relative~~ <sup>next of kin</sup> of a  
4           parental homicide victim of the allegations that have been made or may be made, the  
5           nature and possible consequences of this hearing as compared to possible future  
6           hearings, the right to present, confront, and cross-examine witnesses, and, in the  
7           case of a parent or Indian custodian of an Indian child who is the subject of an Indian  
8           child custody proceeding under s. 48.028 (2) (d) 2., the right to counsel under s. 48.028  
9           (4) (b).

10           **SECTION 9.** 48.21 (3) (e) of the statutes is amended to read:

11           48.21 (3) (e) If the parent, guardian, legal custodian, Indian custodian, ~~closest~~  
12           <sup>next of kin</sup> ~~relative~~ of a parental homicide victim, or child is not represented by counsel at the  
13           hearing and the child is continued in custody as a result of the hearing, ~~the parent,~~  
14           ~~guardian, legal custodian, Indian custodian, or child~~ that individual may request  
15           through counsel subsequently appointed or retained or through a guardian ad litem  
16           that the order to hold the child in custody be reheard. If the request is made, a  
17           rehearing shall take place as soon as possible. An order to hold the child in custody  
18           shall be reheard for good cause, whether or not counsel was present.

19           **SECTION 10.** 48.24 (1m) of the statutes is amended to read:

20           48.24 (1m) As part of the intake inquiry, the intake worker shall inform the  
21           child and, the child's parent, guardian, and legal custodian, and the <sup>next of kin</sup> ~~closest relative~~  
22           of a parental homicide victim that they, or the adult expectant mother of an unborn  
23           child that she, may request counseling from a person designated by the court to  
24           provide dispositional services under s. 48.069.

25           **SECTION 11.** 48.24 (2) (a) of the statutes is amended to read:

## BILL

## SECTION 11

1 48.24 (2) (a) As part of the intake inquiry the intake worker may conduct  
2 multidisciplinary screens and intake conferences with notice to the child, parent,  
3 guardian and, legal custodian, and <sup>next of kin</sup> ~~closest relative~~ of a parental homicide victim or  
4 to the adult expectant mother of the unborn child. If sub. (2m) applies, the intake  
5 worker shall conduct a multidisciplinary screen under s. 48.547 if the child or  
6 expectant mother has not refused to participate under par. (b).

7 SECTION 12. 48.243 (1) (intro.) of the statutes is amended to read:

8 48.243 (1) (intro.) Before conferring with the parent, <sup>next of kin</sup> ~~closest relative~~ of a  
9 parental homicide victim, expectant mother, or child during the intake inquiry, the  
10 intake worker shall personally inform ~~parents, expectant mothers and children 12~~  
11 ~~years of age or older who are the focus of an inquiry regarding the need for protection~~  
12 ~~or services~~ the parent, <sup>next of kin</sup> ~~closest relative~~ of a parental homicide victim, expectant  
13 mother, and child, if 12 years of age or over, that the referral may result in a petition  
14 to the court and of all of the following:

15 SECTION 13. 48.243 (3) of the statutes is amended to read:

16 48.243 (3) If the child or expectant mother has not had a hearing under s. 48.21  
17 or 48.213 and was not present at an intake conference under s. 48.24, the intake  
18 worker shall inform the child, parent, guardian and, legal custodian, and ~~closest~~  
19 <sup>next of kin</sup> ~~relative~~ of a parental homicide victim, or expectant mother, as appropriate, of the  
20 basic rights provided under this section. The notice shall be given verbally, either  
21 in person or by telephone, and in writing. This notice shall be given so as to allow  
22 the child, parent, guardian, legal custodian, <sup>next of kin</sup> ~~closest relative~~ of a parental homicide  
23 victim, or adult expectant mother sufficient time to prepare for the plea hearing.  
24 This subsection does not apply to cases of informal disposition under s. 48.245.

25 SECTION 14. 48.245 (1) (c) of the statutes is amended to read:

**BILL**

1 48.245 (1) (c) The child, if 12 years of age or over, and the child's parent,  
2 guardian, and legal custodian, and the ~~closest relative~~ <sup>next of kin</sup> of a parental homicide victim;  
3 the parent, guardian, and legal custodian of the child expectant mother and the child  
4 expectant mother, if 12 years of age or over; or the adult expectant mother, consent.

5 **SECTION 15.** 48.245 (2r) of the statutes is amended to read:

6 48.245 (2r) The intake worker may, after giving written notice to the child, the  
7 child's parent, guardian, and legal custodian, and the ~~closest relative~~ <sup>next of kin</sup> of a parental  
8 homicide victim, and their counsel, if any, or after giving written notice to the child  
9 expectant mother, her parent, guardian, and legal custodian, and their counsel, if  
10 any, or after giving written notice to the adult expectant mother and her counsel, if  
11 any, extend the informal disposition for up to an additional 6 months unless the  
12 parent, guardian, or legal custodian, the child or child expectant mother, if 12 years  
13 of age or over, or the adult expectant mother any of those individuals objects to the  
14 extension. If the parent, guardian, or legal custodian, the child or child expectant  
15 mother, if 12 years of age or over, or the adult expectant mother any of those  
16 individuals objects to the extension, the intake worker may request the district  
17 attorney or corporation counsel to file a petition under s. 48.13 or 48.133. An  
18 extension under this subsection may be granted only once for any informal  
19 disposition. An extension under this subsection of an informal disposition relating  
20 to an unborn child who is alleged to be in need of protection or services may be  
21 granted after the child is born.

22 **SECTION 16.** 48.245 (3) of the statutes is amended to read:

23 48.245 (3) The obligations imposed under an informal disposition and its  
24 effective date shall be set forth in writing. The child and ~~a~~, the child's parent,  
25 guardian, and legal custodian, and the ~~closest relative~~ <sup>next of kin</sup> of a parental homicide victim,

**BILL****SECTION 16**

1 or the child expectant mother, her parent, guardian, and legal custodian and the  
2 unborn child by the unborn child's guardian ad litem, or the adult expectant mother  
3 and the unborn child by the unborn child's guardian ad litem, shall receive a copy,  
4 as shall any agency providing services under the agreement.

5 **SECTION 17.** 48.245 (4) of the statutes is amended to read:

6 48.245 (4) The intake worker shall inform the child, if 12 years of age or over,  
7 and the child's parent, guardian, and legal custodian, <sup>next of kin</sup> and the ~~closest relative~~ of a  
8 parental homicide victim, or the child expectant mother, if 12 years of age or over, and  
9 her parent, guardian, and legal custodian, or the adult expectant mother in writing  
10 of their right to terminate the informal disposition at any time or object at any time  
11 to the fact or terms of the informal disposition. If there is an objection, the intake  
12 worker may alter the terms of the agreement or request the district attorney or  
13 corporation counsel to file a petition. If the informal disposition is terminated, the  
14 intake worker may request the district attorney or corporation counsel to file a  
15 petition.

16 **SECTION 18.** 48.245 (5) of the statutes is amended to read:

17 48.245 (5) Informal disposition shall be terminated upon the request of the  
18 child, if 12 years of age or over, ~~or~~ the child's parent, guardian, or legal custodian, or  
19 the <sup>next of kin</sup> ~~closest relative~~ of a parental homicide victim, upon request of the child expectant  
20 mother, if 12 years of age or over, or her parent, guardian, or legal custodian, or upon  
21 the request of the adult expectant mother.

22 **SECTION 19.** 48.245 (8) of the statutes is amended to read:

23 48.245 (8) If the obligations imposed under the informal disposition are met,  
24 the intake worker shall so inform the child ~~and a~~, the child's parent, guardian and  
25 legal custodian, <sup>next of kin</sup> ~~closest relative~~ of a parental homicide victim, or the child

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1 expectant mother, her parent, guardian, and legal custodian and the unborn child  
2 by the unborn child's guardian ad litem, or the adult expectant mother and the  
3 unborn child by the unborn child's guardian ad litem, in writing, and no petition may  
4 be filed on the charges that brought about the informal disposition nor may the  
5 charges be the sole basis for a petition under ss. 48.13 to 48.14. next of kin

6 **SECTION 20.** 48.255 (1) (b) of the statutes is amended to read:

7 48.255 (1) (b) The names and addresses of the child's parent, guardian, legal  
8 custodian ~~or, and~~ spouse, if any, ~~and the name and address of the closest relative of~~  
9 a parental homicide victim; or if no such person can be identified, the name and  
10 address of the nearest relative.

11 **SECTION 21.** 48.255 (4) of the statutes is amended to read:

12 48.255 (4) A copy of a petition under sub. (1) shall be given to the child if the  
13 child is 12 years of age or over and to the parents, guardian, legal custodian and,  
14 next of kin ~~closest relative~~ of a parental homicide victim. A copy of a  
15 petition under sub. (1m) shall be given to the child expectant mother, if 12 years of  
16 age or over, her parents, guardian, legal custodian and physical custodian and the  
17 unborn child by the unborn child's guardian ad litem or to the adult expectant  
18 mother, the unborn child through the unborn child's guardian ad litem and the  
19 physical custodian of the expectant mother, if any. If the child is an Indian child who  
20 has been removed from the home of his or her parent or Indian custodian or the  
21 unborn child will be an Indian child when born, a copy of a petition under sub. (1) or  
22 (1m) shall also be given to the Indian child's Indian custodian and tribe or the Indian  
23 tribe with which the unborn child may be eligible for affiliation when born.

24 **SECTION 22.** 48.27 (3) (a) 1. of the statutes is renumbered 48.27 (3) (a) 1. a. and  
25 amended to read:

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1           48.27 (3) (a) 1. a. If the petition that was filed relates to facts concerning a  
2 situation under s. 48.13 ~~or a situation under s. 48.133 involving an expectant mother~~  
3 ~~who is a child~~, the court shall notify, under s. 48.273, the child, any parent, guardian,  
4 and legal custodian of the child, any foster parent or other physical custodian  
5 described in s. 48.62 (2) of the child, ~~the unborn child by the unborn child's guardian~~  
6 ~~ad litem, if applicable, the closest relative~~ <sup>next of kin</sup> of a parental homicide victim, the  
7 court-appointed special advocate for the child, and any person specified in par. (b),  
8 or (d), or (e), if applicable, of all hearings involving the child except hearings on  
9 motions for which notice must be provided only to the child and his or her counsel.

10           c. If parents who are entitled to notice under subd. 1. a. or b. have the same place  
11 of residence, notice to one constitutes notice to the other. The first notice under subd.  
12 1. a. or b. to any interested party, foster parent, or other physical custodian described  
13 in s. 48.62 (2) shall be in writing and may have a copy of the petition attached to it.  
14 Notices of subsequent hearings may be given by telephone at least 72 hours before  
15 the time of the hearing. The person giving telephone notice shall place in the case  
16 file a signed statement of the time notice was given and the person to whom he or she  
17 spoke.

18           **SECTION 23.** 48.27 (3) (a) 1. b. of the statutes is created to read:

19           48.27 (3) (a) 1. b. If the petition that was filed relates to facts concerning a  
20 situation under s. 48.133 involving an expectant mother who is a child, the court  
21 shall notify, under s. 48.273, the child, any parent, guardian, and legal custodian of  
22 the child, any foster parent or other physical custodian described in s. 48.62 (2) of the  
23 child, the unborn child by the unborn child's guardian ad litem, and any person  
24 specified in par. (b) or (d), if applicable, of all hearings involving the child except

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1 hearings on motions for which notice must be provided only to the child and his or  
2 her counsel.

3 **SECTION 24.** 48.27 (3) (a) 1m. of the statutes is amended to read:

4 48.27 (3) (a) 1m. The court shall give a foster parent or other physical custodian  
5 described in s. 48.62 (2) who is notified of a hearing under subd. 1. a. or b. a right to  
6 be heard at the hearing by permitting the foster parent or other physical custodian  
7 to make a written or oral statement during the hearing, or to submit a written  
8 statement prior to the hearing, relevant to the issues to be determined at the hearing.  
9 A foster parent or other physical custodian described in s. 48.62 (2) who receives a  
10 notice of a hearing under subd. 1. a. or b. and a right to be heard under this  
11 subdivision does not become a party to the proceeding on which the hearing is held  
12 solely on the basis of receiving that notice and right to be heard.

13 **SECTION 25.** 48.27 (3) (a) 2. of the statutes is amended to read:

14 48.27 (3) (a) 2. Failure to give notice under subd. 1. a. or b. to a foster parent  
15 or other physical custodian described in s. 48.62 (2) does not deprive the court of  
16 jurisdiction in the action or proceeding. If a foster parent or other physical custodian  
17 described in s. 48.62 (2) is not given notice of a hearing under subd. 1. a. or b., that  
18 person may request a rehearing on the matter during the pendency of an order  
19 resulting from the hearing. If the request is made, the court shall order a rehearing.

20 **SECTION 26.** 48.27 (3) (e) of the statutes is repealed.

21 **SECTION 27.** 48.29 (1) of the statutes is amended to read:

22 48.29 (1) The child, the child's parent, guardian or legal custodian, ~~the closest~~  
23 Next of kin ~~relative~~ relative of a parental homicide victim, the expectant mother or the unborn child by  
24 the unborn child's guardian ad litem, either before or during the plea hearing, may  
25 file a written request with the clerk of the court or other person acting as the clerk

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1 for a substitution of the judge assigned to the proceeding. Upon filing the written  
2 request, the filing party shall immediately mail or deliver a copy of the request to the  
3 judge named in the request. When any person has the right to request a substitution  
4 of judge, that person's counsel or guardian ad litem may file the request. Not more  
5 than one such written request may be filed in any one proceeding, nor may any single  
6 request name more than one judge. This section does not apply to proceedings under  
7 s. 48.21 or 48.213.

8 **SECTION 28.** 48.295 (1) of the statutes is amended to read:

9 48.295 (1) After the filing of a petition and upon a finding by the court that  
10 reasonable cause exists to warrant a physical, psychological, mental, or  
11 developmental examination or an alcohol and other drug abuse assessment that  
12 conforms to the criteria specified under s. 48.547 (4), the court may order any child  
13 coming within its jurisdiction to be examined as an outpatient by personnel in an  
14 approved treatment facility for alcohol and other drug abuse, by a physician,  
15 psychiatrist, or licensed psychologist, or by another expert appointed by the court  
16 holding at least a master's degree in social work or another related field of child  
17 development, in order that the child's physical, psychological, alcohol or other drug  
18 dependency, mental, or developmental condition may be considered. The court may  
19 also order a physical, psychological, mental, or developmental examination or an  
20 alcohol and other drug abuse assessment that conforms to the criteria specified  
21 under s. 48.547 (4) of a parent, guardian, or legal custodian whose ability to care for  
22 a child is at issue before the court or of an expectant mother whose ability to control  
23 her use of alcohol beverages, controlled substances, or controlled substance analogs  
24 is at issue before the court. The court shall hear any objections by the child or, the  
25 child's parents, guardian, or legal custodian, or the <sup>next of kin</sup> ~~eldest relative~~ of a parental

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1 homicide victim to the request for such an examination or assessment before  
2 ordering the examination or assessment. The expenses of an examination, if  
3 approved by the court, shall be paid by the county of the court ordering the  
4 examination in a county having a population of less than 500,000 or by the  
5 department in a county having a population of 500,000 or more. The payment for an  
6 alcohol and other drug abuse assessment shall be in accordance with s. 48.361.

7 **SECTION 29.** 48.295 (3) of the statutes is amended to read:

8 48.295 (3) If the child, the child's parent, guardian, or legal custodian, the  
9 next of kin ~~closest relative~~ of a parental homicide victim, or the expectant mother objects to a  
10 particular physician, psychiatrist, licensed psychologist, or other expert as required  
11 under this section, the court shall appoint a different physician, psychiatrist,  
12 psychologist, or other expert as required under this section.

13 **SECTION 30.** 48.299 (1) (a) of the statutes is amended to read:

14 48.299 (1) (a) The general public shall be excluded from hearings under this  
15 chapter and from hearings by courts exercising jurisdiction under s. 48.16 unless a  
16 public fact-finding hearing is demanded by a child through his or her counsel, by an  
17 expectant mother through her counsel or by an unborn child through the unborn  
18 child's guardian ad litem. ~~However, the~~ The court shall refuse to grant the public  
19 hearing in a proceeding, other than a proceeding under s. 48.375 (7), if a parent,  
20 guardian, or the next of kin ~~closest relative~~ of a parental homicide victim objects or if the  
21 expectant mother or unborn child through the unborn child's guardian ad litem  
22 objects.

23 **SECTION 31.** 48.30 (2) of the statutes is amended to read:

24 48.30 (2) At the commencement of the hearing under this section the child and,  
25 the child's parent, guardian, legal custodian, or and Indian custodian, and the closest

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Next of kin

① ~~relative~~ of a parental homicide victim; the child expectant mother, her parent,  
 2 guardian, legal custodian, or Indian custodian, and the unborn child through the  
 3 unborn child's guardian ad litem; or the adult expectant mother and the unborn child  
 4 through the unborn child's guardian ad litem; shall be advised of their rights as  
 5 specified in s. 48.243 and shall be informed that a request for a jury trial or for a  
 6 substitution of judge under s. 48.29 must be made before the end of the plea hearing  
 7 or is waived. Nonpetitioning parties, including the child, shall be granted a  
 8 continuance of the plea hearing if they wish to consult with an attorney on the  
 9 request for a jury trial or substitution of a judge.

SECTION 32. 48.31 (2) of the statutes is amended to read:

11 48.31 (2) The hearing shall be to the court unless the child, the child's parent,  
 ⑫ guardian, or legal custodian, the ~~closest relative~~ <sup>Next of kin</sup> of a parental homicide victim, the  
 13 unborn child by the unborn child's guardian ad litem, or the expectant mother of the  
 14 unborn child exercises the right to a jury trial by demanding a jury trial at any time  
 15 before or during the plea hearing. If a jury trial is demanded in a proceeding under  
 16 s. 48.13 or 48.133, the jury shall consist of 6 persons. If a jury trial is demanded in  
 17 a proceeding under s. 48.42, the jury shall consist of 12 persons unless the parties  
 18 agree to a lesser number. Chapters 756 and 805 shall govern the selection of jurors.  
 19 If the hearing involves a child victim or witness, as defined in s. 950.02, the court may  
 20 order that a deposition be taken by audiovisual means and allow the use of a recorded  
 21 deposition under s. 967.04 (7) to (10) and, with the district attorney, shall comply with  
 22 s. 971.105. At the conclusion of the hearing, the court or jury shall make a  
 23 determination of the facts, except that in a case alleging a child or an unborn child  
 24 to be in need of protection or services under s. 48.13 or 48.133, the court shall make  
 25 the determination under s. 48.13 (intro.) or 48.133 relating to whether the child or

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1 unborn child is in need of protection or services that can be ordered by the court. If  
2 the court finds that the child or unborn child is not within the jurisdiction of the court  
3 or, in a case alleging a child or an unborn child to be in need of protection or services  
4 under s. 48.13 or 48.133, that the child or unborn child is not in need of protection  
5 or services that can be ordered by the court or if the court or jury finds that the facts  
6 alleged in the petition have not been proved, the court shall dismiss the petition with  
7 prejudice.

8 **SECTION 33.** 48.32 (1) (a) of the statutes is amended to read:

9 48.32 (1) (a) At any time after the filing of a petition for a proceeding relating  
10 to s. 48.13 or 48.133 and before the entry of judgment, the judge or a circuit court  
11 commissioner may suspend the proceedings and place the child or expectant mother  
12 under supervision in the home or present placement of the child or expectant mother.  
13 The court may establish terms and conditions applicable to the child and the child's  
14 parent, guardian or legal custodian, to the child expectant mother and her parent,  
15 guardian or legal custodian or to the adult expectant mother, including the condition  
16 specified in sub. (1b). The order under this section shall be known as a consent decree  
17 and must be agreed to by the child, if 12 years of age or older, the child's parent,  
18 guardian, or legal custodian, the <sup>next of kin</sup> ~~closest relative~~ of a parental homicide victim, and  
19 the person filing the petition under s. 48.25; by the child expectant mother, her  
20 parent, guardian, or legal custodian, the unborn child by the unborn child's guardian  
21 ad litem, and the person filing the petition under s. 48.25; or by the adult expectant  
22 mother, the unborn child by the unborn child's guardian ad litem, and the person  
23 filing the petition under s. 48.25. The consent decree shall be reduced to writing and  
24 given to the parties.

25 **SECTION 34.** 48.32 (2) (c) of the statutes is amended to read:

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1           48.32 (2) (c) Upon the motion of the court or the application of the child, parent,  
 2 guardian, legal custodian, ~~closest relative~~ of a parental homicide victim, expectant  
 3 mother, unborn child by the unborn child's guardian ad litem, intake worker, or any  
 4 agency supervising the child or expectant mother under the consent decree, the court  
 5 may, after giving notice to the parties to the consent decree, their counsel or guardian  
 6 ad litem, and the court-appointed special advocate for the child, if any, extend the  
 7 decree for up to an additional 6 months in the absence of objection to extension by  
 8 the parties to the initial consent decree. If the child, parent, guardian, legal  
 9 custodian, ~~closest relative~~ of a parental homicide victim, expectant mother, or  
 10 unborn child by the unborn child's guardian ad litem objects to the extension, the  
 11 judge shall schedule a hearing and make a determination on the issue of extension.  
 12 An extension under this paragraph of a consent decree relating to an unborn child  
 13 who is alleged to be in need of protection or services may be granted after the child  
 14 is born.

**SECTION 35.** 48.32 (6) of the statutes is amended to read:

15           48.32 (6) The judge or circuit court commissioner shall inform the child and,  
 16 the child's parent, guardian or, and legal custodian, or and the ~~closest relative~~ of a  
 17 parental homicide victim, or the adult expectant mother, in writing, of the right of  
 18 the child or expectant mother to object to the continuation of the consent decree  
 19 under sub. (3) and of the fact that the hearing under which the child or expectant  
 20 mother was placed on supervision may be continued to conclusion as if the consent  
 21 decree had never been entered.

**SECTION 36.** 48.355 (2) (b) 1m. of the statutes is amended to read:

22           48.355 (2) (b) 1m. A notice that the child's parent, guardian or legal custodian,  
 23 the child, if 14 years of age or over, the ~~closest relative~~ of a parental homicide victim,  
 24  
 25

next of kin

next of kin

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1 the expectant mother, if 14 years of age or over, or the unborn child by the unborn  
2 child's guardian ad litem may request an agency that is providing care or services for  
3 the child or expectant mother or that has legal custody of the child to disclose to, or  
4 make available for inspection by, ~~the parent, guardian, legal custodian, child,~~  
5 ~~expectant mother or unborn child by the unborn child's guardian ad litem that~~  
6 individual the contents of any record kept or information received by the agency  
7 about the child or expectant mother as provided in s. 48.78 (2) (ag) and (aj).

8 **SECTION 37.** 48.355 (2) (d) of the statutes is amended to read:

9 48.355 (2) (d) The court shall provide a copy of a dispositional order relating  
10 to a child in need of protection or services to the child's parent, guardian, legal  
11 custodian, or trustee, to the child through the child's counsel or guardian ad litem,  
12 to the <sup>next of kin</sup> ~~closest relative~~ of a parental homicide victim, to the child's court-appointed  
13 special advocate, and, if the child is an Indian child who has been removed from the  
14 home of his or her parent or Indian custodian and placed outside that home, to the  
15 Indian child's Indian custodian and tribe. The court shall provide a copy of a  
16 dispositional order relating to an unborn child in need of protection or services to the  
17 expectant mother, to the unborn child through the unborn child's guardian ad litem,  
18 to the parent, guardian, legal custodian, or trustee of a child expectant mother and,  
19 if the expectant mother is an Indian child, to the expectant mother's Indian custodian  
20 and tribe.

21 **SECTION 38.** 48.357 (1) (am) 1. of the statutes is amended to read:

22 48.357 (1) (am) 1. If the proposed change in placement involves any change in  
23 placement other than a change in placement specified in par. (c), the person or agency  
24 primarily responsible for implementing the dispositional order, the district attorney,  
25 or the corporation counsel shall cause written notice of the proposed change in

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next of kin

1 placement to be sent to the child, the parent, guardian, and legal custodian of the  
2 child, the closest relative of a parental homicide victim, any foster parent or other  
3 physical custodian described in s. 48.62 (2) of the child, the child's court-appointed  
4 special advocate, and, if the child is an Indian child who has been removed from the  
5 home of his or her parent or Indian custodian, the Indian child's Indian custodian and  
6 tribe. If the child is the expectant mother of an unborn child under s. 48.133, written  
7 notice shall also be sent to the unborn child by the unborn child's guardian ad litem.  
8 If the change in placement involves an adult expectant mother of an unborn child  
9 under s. 48.133, written notice shall be sent to the adult expectant mother and the  
10 unborn child by the unborn child's guardian ad litem. The notice shall contain the  
11 name and address of the new placement, the reasons for the change in placement,  
12 a statement describing why the new placement is preferable to the present  
13 placement, and a statement of how the new placement satisfies objectives of the  
14 treatment plan ordered by the court.

next of kin

15 **SECTION 39.** 48.357 (1) (am) 2. a. of the statutes is amended to read:

16 48.357 (1) (am) 2. a. By the parent, guardian, legal custodian, or Indian  
17 custodian, the closest relative of a parental homicide victim, the child, if 12 years of  
18 age or over, and the child's tribe, if the child is an Indian child who has been removed  
19 from the home of his or her parent or Indian custodian.

20 **SECTION 40.** 48.357 (1) (c) 2. of the statutes is amended to read:

21 48.357 (1) (c) 2. The court shall hold a hearing prior to ordering any change in  
22 placement requested under subd. 1. Not less than 3 days prior to the hearing, the  
23 court shall provide notice of the hearing, together with a copy of the request for the  
24 change in placement, to the child, the parent, guardian, and legal custodian of the  
25 child, the closest relative of a parental homicide victim, the child's court-appointed

next of kin

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1 special advocate, all parties that are bound by the dispositional order, and, if the child  
2 is an Indian child, the Indian child's Indian custodian and tribe. Subject to subd. 2r.,  
3 if all parties consent, the court may proceed immediately with the hearing.

4 **SECTION 41.** 48.357 (2m) (a) of the statutes is amended to read:

5 48.357 (2m) (a) The child, ~~the parent~~, guardian, legal custodian, or Indian  
6 custodian of the child, <sup>next of kin</sup> ~~the closest relative~~ of a parental homicide victim, the  
7 expectant mother, the unborn child by the unborn child's guardian ad litem, or any  
8 person or agency primarily bound by the dispositional order, other than the person  
9 or agency responsible for implementing the order, may request a change in  
10 placement under this paragraph. The request shall contain the name and address  
11 of the new placement requested and shall state what new information is available  
12 that affects the advisability of the current placement. If the proposed change in  
13 placement would change the placement of a child placed in the child's home to a  
14 placement outside the child's home, the request shall also contain specific  
15 information showing that continued placement of the child in the home would be  
16 contrary to the welfare of the child and, unless any of the circumstances under s.  
17 48.355 (2d) (b) 1. to 5. applies, specific information showing that the agency primarily  
18 responsible for implementing the dispositional order has made reasonable efforts to  
19 prevent the removal of the child from the home, while assuring that the child's health  
20 and safety are the paramount concerns. The request shall be submitted to the court.  
21 The court may also propose a change in placement on its own motion.

22 **SECTION 42.** 48.357 (2m) (b) of the statutes is amended to read:

23 48.357 (2m) (b) The court shall hold a hearing prior to ordering any change in  
24 placement requested or proposed under par. (a) if the request states that new  
25 information is available that affects the advisability of the current placement. A

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1 hearing is not required if the requested or proposed change in placement does not  
2 involve a change in placement of a child placed in the child's home to a placement  
3 outside the child's home, written waivers of objection to the proposed change in  
4 placement are signed by all persons entitled to receive notice under this paragraph,  
5 other than a court-appointed special advocate, and the court approves. If a hearing  
6 is scheduled, not less than 3 days before the hearing the court shall notify the child,  
7 the parent, guardian, and legal custodian of the child, <sup>next of kin</sup> ~~the closest relative~~ of a  
8 parental homicide victim, any foster parent or other physical custodian described in  
9 s. 48.62 (2) of the child, the child's court-appointed special advocate, all parties who  
10 are bound by the dispositional order, and, if the child is an Indian child, the Indian  
11 child's Indian custodian and tribe. If the child is the expectant mother of an unborn  
12 child under s. 48.133, the court shall also notify the unborn child by the unborn  
13 child's guardian ad litem. If the change in placement involves an adult expectant  
14 mother of an unborn child under s. 48.133, the court shall notify the adult expectant  
15 mother, the unborn child by the unborn child's guardian ad litem, and all parties who  
16 are bound by the dispositional order, at least 3 days prior to the hearing. A copy of  
17 the request or proposal for the change in placement shall be attached to the notice.  
18 Subject to par. (br), if all of the parties consent, the court may proceed immediately  
19 with the hearing. <sup>next of kin</sup>

20 **SECTION 43.** 48.363 (1) (a) of the statutes is amended to read:

21 48.363 (1) (a) A child, the child's parent, guardian, legal custodian, or Indian  
22 custodian, ~~the closest relative~~ of a parental homicide victim, an expectant mother,  
23 an unborn child by the unborn child's guardian ad litem, any person or agency bound  
24 by a dispositional order, or the district attorney or corporation counsel in the county  
25 in which the dispositional order was entered may request a revision in the order that

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1 does not involve a change in placement, including a revision with respect to the  
2 amount of child support to be paid by a parent. The court may also propose a revision.  
3 The request or court proposal shall set forth in detail the nature of the proposed  
4 revision and what new information is available that affects the advisability of the  
5 court's disposition. The request or court proposal shall be submitted to the court.  
6 The court shall hold a hearing on the matter prior to any revision of the dispositional  
7 order if the request or court proposal indicates that new information is available  
8 which affects the advisability of the court's dispositional order, unless written  
9 waivers of objections to the revision are signed by all parties entitled to receive notice  
10 and the court approves.

11 **SECTION 44.** 48.363 (1) (b) of the statutes is amended to read:

12 48.363 (1) (b) If a hearing is held, at least 3 days before the hearing the court  
13 shall notify the child, the child's parent, guardian, legal custodian, and Indian  
14 custodian, <sup>next of kin</sup> ~~the closest relative~~ of a parental homicide victim, all parties bound by the  
15 dispositional order, the child's foster parent or other physical custodian described in  
16 s. 48.62 (2), the child's court-appointed special advocate, the district attorney or  
17 corporation counsel in the county in which the dispositional order was entered, and,  
18 if the child is an Indian child who is placed outside the home of his or her parent or  
19 Indian custodian, the Indian child's tribe. If the child is the expectant mother of an  
20 unborn child under s. 48.133, the court shall also notify the unborn child by the  
21 unborn child's guardian ad litem. If the proceeding involves an adult expectant  
22 mother of an unborn child under s. 48.133, the court shall notify the adult expectant  
23 mother, the unborn child through the unborn child's guardian ad litem, all parties  
24 bound by the dispositional order, and the district attorney or corporation counsel in  
25 the county in which the dispositional order was entered, at least 3 days prior to the

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1 hearing. A copy of the request or proposal shall be attached to the notice. If all  
2 parties consent, the court may proceed immediately with the hearing. No revision  
3 may extend the effective period of the original order.

4 **SECTION 45.** 48.365 (1m) of the statutes is amended to read:

5 48.365 (1m) The parent, child, guardian, legal custodian, Indian custodian,

6 next of kin  
closest relative of a parental homicide victim, expectant mother, unborn child by the  
7 unborn child's guardian ad litem, any person or agency bound by the dispositional  
8 order, the district attorney or corporation counsel in the county in which the  
9 dispositional order was entered, or the court on its own motion may request an  
10 extension of an order under s. 48.355 including an order under s. 48.355 that was  
11 entered before the child was born. The request shall be submitted to the court that  
12 entered the order. An order under s. 48.355 may be extended only as provided in this  
13 section.

14 **SECTION 46.** 48.365 (2) of the statutes is amended to read:

15 48.365 (2) No order may be extended without a hearing. The court shall  
16 provide notice of the time and place of the hearing to the child, the child's parent,  
17 guardian, legal custodian, and Indian custodian, next of kin  
18 the closest relative of a parental  
19 homicide victim, all the parties present at the original hearing, the child's foster  
20 parent or other physical custodian described in s. 48.62 (2), the child's  
21 court-appointed special advocate, the district attorney or corporation counsel in the  
22 county in which the dispositional order was entered and, if the child is an Indian  
23 child who is placed outside the home of his or her parent or Indian custodian, the  
24 Indian child's tribe. If the child is an expectant mother of an unborn child under s.  
25 48.133, the court shall also notify the unborn child by the unborn child's guardian  
ad litem. If the extension hearing involves an adult expectant mother of an unborn

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1 child under s. 48.133, the court shall notify the adult expectant mother, the unborn  
2 child through the unborn child's guardian ad litem, all the parties present at the  
3 original hearing, and the district attorney or corporation counsel in the county in  
4 which the dispositional order was entered, of the time and place of the hearing.

5 **SECTION 47.** 48.38 (4) (ag) of the statutes is amended to read:

next of kin

6 48.38 (4) (ag) The name, address, and telephone number of the child's parent,  
7 guardian, and legal custodian and of the closest relative of a parental homicide  
8 victim.

9 **SECTION 48.** 48.38 (4m) (b) of the statutes is amended to read:

10 48.38 (4m) (b) At least 10 days before the date of the hearing, the court shall  
11 notify the child; ~~the child's any parent, guardian, and legal custodian;~~ of the child,  
12 ~~and the child's; the closest relative of a parental homicide victim;~~ next of kin  
13 or other physical custodian described in s. 48.62 (2) of the child, the operator of the  
14 facility in which the child is living, or the relative with whom the child is living; and,  
15 if the child is an Indian child, the Indian child's Indian custodian and tribe of the  
16 time, of the time, place, and purpose of the hearing, of the issues to be determined  
17 at the hearing, and of the fact that they shall have a right to be heard at the hearing.

18 **SECTION 49.** 48.38 (5) (b) of the statutes is amended to read:

next of kin

19 48.38 (5) (b) The court or the agency shall notify the child, ~~if he or she is 12 years~~  
20 ~~of age or older;~~ the child's parent, guardian, and legal custodian; ~~the closest relative~~  
21 ~~of a parental homicide victim;~~ the child's foster parent, the operator of the facility in  
22 which the child is living, or the relative with whom the child is living; and, if the child  
23 is an Indian child who is placed outside the home of his or her parent or Indian  
24 custodian, the Indian child's Indian custodian and tribe of the ~~date, time, and place,~~  
25 and purpose of the review, of the issues to be determined as part of the review, and

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1 of the fact that they ~~may have an opportunity~~ shall have a right to be heard at the  
2 review ~~by submitting written comments not less than 10 working days before the~~  
3 ~~review or by participating at the review~~ as provided in par. (bm) 1. The court or  
4 agency shall notify the person representing the interests of the public, the child's  
5 counsel, the child's guardian ad litem, and the child's court-appointed special  
6 advocate of the ~~date~~ time, place, and purpose of the review, of the issues to be  
7 determined as part of the review, and of the fact that they may ~~submit written~~  
8 ~~comments not less than 10 working days before the review~~ have an opportunity to  
9 be heard at the review as provided in par. (bm) 1. The notices under this paragraph  
10 shall be provided in writing not less than 30 days before the review and copies of the  
11 notices shall be filed in the child's case record.

12 **SECTION 50.** 48.38 (5) (bm) 1. of the statutes is amended to read:

13 13 48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, ~~closest relative of~~  
14 a parental homicide victim, foster parent, operator of a facility, or relative who is  
15 provided notice of the review under par. (b) shall have a right to be heard at the  
16 review by submitting written comments relevant to the determinations specified in  
17 par. (c) not less than 10 working days before the date of the review or by participating  
18 at the review. A person representing the interests of the public, counsel, guardian  
19 ad litem, or court-appointed special advocate who is provided notice of the review  
20 under par. (b) may have an opportunity to be heard at the review by submitting  
21 written comments relevant to the determinations specified in par. (c) not less than  
22 10 working days before the date of the review. A foster parent, operator of a facility,  
23 or relative who receives notice of a hearing review under par. (b) and a right to be  
24 heard under this subdivision does not become a party to the proceeding on which the  
25 review is held solely on the basis of receiving that notice and right to be heard.

next of kin

**BILL**

1           **SECTION 51.** 48.38 (5) (d) of the statutes is amended to read:

2           48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the  
3 permanency plan shall, at least 5 days before a review by a review panel, provide to  
4 each person appointed to the review panel, the child's parent, guardian, and legal  
5 custodian, the <sup>next of kin</sup> ~~closest relative~~ of a parental homicide victim, the person representing  
6 the interests of the public, the child's counsel, the child's guardian ad litem, the  
7 child's court-appointed special advocate, and, if the child is an Indian child who is  
8 placed outside the home of his or her parent or Indian custodian, the Indian child's  
9 Indian custodian and tribe a copy of the permanency plan and any written comments  
10 submitted under par. (bm) 1. Notwithstanding s. 48.78 (2) (a), a person appointed  
11 to a review panel, the person representing the interests of the public, the child's  
12 counsel, the child's guardian ad litem, the child's court-appointed special advocate,  
13 and, if the child is an Indian child who is placed outside the home of his or her parent  
14 or Indian custodian, the Indian child's Indian custodian and tribe may have access  
15 to any other records concerning the child for the purpose of participating in the  
16 review. A person permitted access to a child's records under this paragraph may not  
17 disclose any information from the records to any other person.

18           **SECTION 52.** 48.38 (5) (e) of the statutes is amended to read:

19           48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of  
20 the determinations under par. (c) and shall provide a copy to the court that entered  
21 the order; the child or the child's counsel or guardian ad litem; the person  
22 representing the interests of the public; the child's parent, guardian, ~~or~~ and legal  
23 custodian; the <sup>next of kin</sup> ~~closest relative~~ of a parental homicide victim; the child's  
24 court-appointed special advocate; the child's foster parent ~~or~~, the operator of the  
25 facility where the child is living, or the relative with whom the child is living; and,

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1 if the child is an Indian child who is placed outside the home of his or her parent or  
2 Indian custodian, the Indian child's Indian custodian and tribe.

3 **SECTION 53.** 48.38 (5m) (b) of the statutes is amended to read:

4 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court

5 shall notify the child; the child's parent, guardian, and legal custodian; the ~~closest~~

6 next of kin relative of a parental homicide victim; and the child's foster parent, the operator of

7 the facility in which the child is living, or the relative with whom the child is living;

8 of the time, place, and purpose of the hearing, of the issues to be determined at the

9 hearing, and of the fact that they shall have a right to be heard at the hearing as

10 provided in par. (c) 1. and shall notify the child's counsel, the child's guardian ad

11 litem, and the child's court-appointed special advocate; the agency that prepared the

12 permanency plan; the person representing the interests of the public; and, if the child

13 is an Indian child who is placed outside the home of his or her parent or Indian

14 custodian, the Indian child's Indian custodian and tribe of the ~~date, time, and place,~~

15 and purpose of the hearing, of the issues to be determined at the hearing, and of the

16 fact that they may have an opportunity to be heard at the hearing as provided in par.

17 (c) 1.

next of kin

18 **SECTION 54.** 48.38 (5m) (c) 1. of the statutes is amended to read:

19 48.38 (5m) (c) 1. A child, parent, guardian, legal custodian, closest relative of

20 a parental homicide victim, foster parent, operator of a facility, or relative who is

21 provided notice of the hearing under par. (b) shall have a right to be heard at the

22 hearing by submitting written comments relevant to the determinations specified in

23 sub. (5) (c) not less than 10 working days before the date of the hearing or by

24 participating at the hearing. A counsel, guardian ad litem, court-appointed special

25 advocate, agency, or person representing the interests of the public who is provided

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1 notice of the hearing under par. (b) may have an opportunity to be heard at the  
2 hearing by submitting written comments relevant to the determinations specified in  
3 sub. (5) (c) not less than 10 working days before the date of the hearing or by  
4 participating at the hearing. A foster parent, operator of a facility, or relative who  
5 receives notice of a hearing under par. (b) and a right to be heard under this  
6 subdivision does not become a party to the proceeding on which the hearing is held  
7 solely on the basis of receiving that notice and right to be heard.

8 **SECTION 55.** 48.38 (5m) (d) of the statutes is amended to read:

9 48.38 (5m) (d) At least 5 days before the date of the hearing the agency that  
10 prepared the permanency plan shall provide a copy of the permanency plan and any  
11 written comments submitted under par. (c) 1. to the court, to the child's parent,  
12 guardian, and legal custodian, to the <sup>next of kin</sup> ~~closest relative~~ of a parental homicide victim,  
13 to the person representing the interests of the public, to the child's counsel or  
14 guardian ad litem, to the child's court-appointed special advocate, and, if the child  
15 is an Indian child who is placed outside the home of his or her parent or Indian  
16 custodian, to the Indian child's Indian custodian and tribe. Notwithstanding s. 48.78  
17 (2) (a), the person representing the interests of the public, the child's counsel or  
18 guardian ad litem, the child's court-appointed special advocate, and, if the child is  
19 an Indian child who is placed outside of the home of his or her parent or Indian  
20 custodian, the Indian child's Indian custodian and tribe may have access to any other  
21 records concerning the child for the purpose of participating in the review. A person  
22 permitted access to a child's records under this paragraph may not disclose any  
23 information from the records to any other person.

24 **SECTION 56.** 48.38 (5m) (e) of the statutes is amended to read:

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## SECTION 56

1           48.38 (5m) (e) After the hearing, the court shall make written findings of fact  
2           and conclusions of law relating to the determinations under sub. (5) (c) and shall  
3           provide a copy of those findings of fact and conclusions of law to the child; the child's  
4           parent, guardian, and legal custodian; <sup>next of kin</sup> ~~the closest relative~~ of a parental homicide  
5           victim; the child's foster parent, the operator of the facility in which the child is living,  
6           or the relative with whom the child is living; the child's court-appointed special  
7           advocate; the agency that prepared the permanency plan; the person representing  
8           the interests of the public; and, if the child is an Indian child who is placed outside  
9           the home of his or her parent or Indian custodian, the Indian child's Indian custodian  
10          and tribe. The court shall make the findings specified in sub. (5) (c) 7. on a  
11          case-by-case basis based on circumstances specific to the child and shall document  
12          or reference the specific information on which those findings are based in the  
13          findings of fact and conclusions of law prepared under this paragraph. Findings of  
14          fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting  
15          or referencing that specific information in the findings of fact and conclusions of law  
16          or amended findings of fact and conclusions of law that retroactively correct earlier  
17          findings of fact and conclusions of law that do not comply with this paragraph are not  
18          sufficient to comply with this paragraph.

19           **SECTION 57.** 48.396 (1b) of the statutes is amended to read:

20           48.396 (1b) If requested by the parent, guardian or legal custodian of a child  
21           who is the subject of a law enforcement officer's report, if requested by the ~~closest~~  
22           <sup>next of kin</sup> ~~relative~~ of a parental homicide victim, or if requested by the child, if 14 years of age  
23           or over, a law enforcement agency may, subject to official agency policy, provide to the  
24           parent, guardian, legal custodian or child requester a copy of that report. If  
25           requested by the parent, guardian or legal custodian of a child expectant mother of

**BILL**

1 an unborn child who is the subject of a law enforcement officer's report, if requested  
2 by an expectant mother of an unborn child who is the subject of a law enforcement  
3 officer's report, if 14 years of age or over, or if requested by an unborn child through  
4 the unborn child's guardian ad litem, a law enforcement agency may, subject to  
5 official agency policy, provide to the parent, guardian, legal custodian, expectant  
6 mother or unborn child by the unborn child's guardian ad litem a copy of that report.

7 **SECTION 58.** 48.396 (1d) of the statutes is amended to read:

8 48.396 (1d) Upon the written permission of the parent, guardian or legal  
9 custodian of a child who is the subject of a law enforcement officer's report, upon the  
10 written permission of the <sup>next of kin</sup> ~~closest relative~~ of a parental homicide victim, or upon the  
11 written permission of the child, if 14 years of age or over, a law enforcement agency  
12 may, subject to official agency policy, make available to the person named in the  
13 permission any reports specifically identified by the parent, guardian, legal  
14 custodian, relative, or child in the written permission. Upon the written permission  
15 of the parent, guardian or legal custodian of a child expectant mother of an unborn  
16 child who is the subject of a law enforcement officer's report, or of an expectant  
17 mother of an unborn child who is the subject of a law enforcement officer's report, if  
18 14 years of age or over, and of the unborn child by the unborn child's guardian ad  
19 litem, a law enforcement agency may, subject to official agency policy, make available  
20 to the person named in the permission any reports specifically identified by the  
21 parent, guardian, legal custodian or expectant mother, and unborn child by the  
22 unborn child's guardian ad litem in the written permission.

23 **SECTION 59.** 48.396 (2) (ag) of the statutes is amended to read:

24 48.396 (2) (ag) Upon request of the parent, guardian, or legal custodian of a  
25 child who is the subject of a record of a court specified in par. (a), upon request of the

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① ~~closest relative~~ of a parental homicide victim, or upon request of the child, if 14 years  
 2 of age or over, the court shall open for inspection by the ~~parent, guardian, legal~~  
 3 ~~custodian or child requester~~ the records of the court relating to that child, unless the  
 4 court finds, after due notice and hearing, that inspection of those records by the  
 5 ~~parent, guardian, legal custodian or child requester~~ would result in imminent  
 6 danger to anyone.

7 **SECTION 60.** 48.396 (2) (am) of the statutes is amended to read:

8 48.396 (2) (am) Upon the written permission of the parent, guardian or legal  
 9 custodian of a child who is the subject of a record of a court specified in par. (a), upon  
 ⑩ the written permission of the ~~closest relative~~ next of kin of a parental homicide victim, or upon  
 11 the written permission of the child, if 14 years of age or over, the court shall open for  
 12 inspection by the person named in the permission any records specifically identified  
 13 by the parent, guardian, legal custodian, relative, or child in the written permission,  
 14 unless the court finds, after due notice and hearing, that inspection of those records  
 15 by the person named in the permission would result in imminent danger to anyone.

16 **SECTION 61.** 48.42 (1) (b) of the statutes is amended to read:

17 48.42 (1) (b) The names and addresses of the child's parent or parents, guardian  
 ⑬ and legal custodian and the name and address of the ~~closest relative~~ next of kin of a parental  
 19 homicide victim.

20 **SECTION 62.** 48.42 (2) (c) of the statutes is amended to read:

21 48.42 (2) (c) The guardian, guardian ad litem, legal custodian, and Indian  
 ⑭ custodian of the child and the ~~closest relative~~ next of kin of a parental homicide victim.

23 **SECTION 63.** 48.427 (6) (b) 2. of the statutes is amended to read:

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next of kin

1 48.427 (6) (b) 2. The names and current addresses of the child's birth parents,  
2 guardian, and legal custodian and the name and address of the closest relative of a  
3 parental homicide victim.

4 SECTION 64. 48.46 (1) of the statutes is amended to read:

5 48.46 (1) Except as provided in subs. (1m), (2), and (3), the child whose status  
6 is adjudicated by the court, the parent, guardian or legal custodian of that child, the  
7 closest relative of a parental homicide victim, the unborn child whose status is  
8 adjudicated by the court, or the expectant mother of that unborn child may at any  
9 time within one year after the entering of the court's order petition the court for a  
10 rehearing on the ground that new evidence has been discovered affecting the  
11 advisability of the court's original adjudication. Upon a showing that such evidence  
12 does exist, the court shall order a new hearing.

13 SECTION 65. 48.46 (1m) of the statutes is amended to read:

14 48.46 (1m) Except as provided in sub. (2), the parent, guardian or legal  
15 custodian of the child, the closest relative of a parental homicide victim, or the child  
16 whose status is adjudicated by the court in an order entered under s. 48.43 or an order  
17 adjudicating paternity under subch. VIII may, within the time permitted under this  
18 subsection, petition the court for a rehearing on the ground that new evidence has  
19 been discovered affecting the advisability of the court's adjudication. Upon a  
20 showing that such evidence does exist, the court shall order a new hearing. A petition  
21 under this subsection shall be filed within one year after the date on which the order  
22 under s. 48.43 or order adjudicating paternity under subch. VIII is entered, unless  
23 within that one-year period a court in this state or in another jurisdiction enters an  
24 order granting adoption of the child, in which case a petition under this subsection  
25 shall be filed before the date on which the order granting adoption is entered or

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1 within 30 days after the date on which the order under s. 48.43 or order adjudicating  
2 paternity under subch. VIII is entered, whichever is later.

3 **SECTION 66.** 48.63 (5) (d) 4. of the statutes is amended to read:

4 48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed  
5 the child or that arranged the placement of the child shall provide a copy of the  
6 revised permanency plan or plans and the request for review submitted under subd.  
7 3. and notice of the time and place of the review to the child, the parent, guardian,  
8 Indian custodian, and legal custodian of the child, <sup>next of kin</sup> ~~the closest relative~~ of a parental  
9 homicide victim, and the operator of the group home in which the child is placed,  
10 together with notice of the issues to be determined as part of the permanency plan  
11 review and notice of the fact that those persons shall have a right to be heard at the  
12 review by submitting written comments to that agency or the independent reviewing  
13 agency before the review or by participating at the review.

14 **SECTION 67.** 48.63 (5) (d) 6. of the statutes is amended to read:

15 48.63 (5) (d) 6. Within 30 days after the review, the agency that prepared the  
16 revised permanency plan or plans shall prepare a written summary of the  
17 determinations specified in s. 48.38 (5) (c) that were made under subd. 5. and shall  
18 provide a copy of that summary to the independent reviewing agency, the child, the  
19 parent, guardian, Indian custodian, and legal custodian of the child, <sup>next of kin</sup> ~~the closest~~  
20 ~~relative~~ of a parental homicide victim, and the operator of the group home in which  
21 the child was placed.

22 **SECTION 68.** 48.78 (2) (ag) of the statutes is amended to read:

23 48.78 (2) (ag) Paragraph (a) does not prohibit an agency from making available  
24 for inspection or disclosing the contents of a record, upon the request of the parent,  
25 guardian, or legal custodian of the child who is the subject of the record, upon the

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next of kin

1 request of the ~~closest relative~~ of a parental homicide victim, or upon the request of  
2 the child, if 14 years of age or over, to the parent, guardian, legal custodian, or child  
3 requester, unless the agency determines that inspection of the record by the child,  
4 parent, guardian, or legal custodian requester would result in imminent danger to  
5 anyone.

6 **SECTION 69.** 48.78 (2) (am) of the statutes is amended to read:

7 48.78 (2) (am) Paragraph (a) does not prohibit an agency from making  
8 available for inspection or disclosing the contents of a record, upon the written  
9 permission of the parent, guardian, or legal custodian of the child who is the subject  
10 of the record, upon the written permission of the ~~closest relative~~ of a parental  
11 homicide victim, or upon the written permission of the child, if 14 years of age or over,  
12 to the person named in the permission if the parent, guardian, legal custodian,  
13 relative, or child specifically identifies the record in the written permission, unless  
14 the agency determines that inspection of the record by the person named in the  
15 permission would result in imminent danger to anyone.

16 **SECTION 70.** 48.977 (4) (a) 3. of the statutes is amended to read:

17 48.977 (4) (a) 3. The child's parent and the ~~closest relative~~ of a parental  
18 homicide victim.

19 **SECTION 71.** 48.977 (4) (b) 2. of the statutes is amended to read:

20 48.977 (4) (b) 2. The names and addresses of the child's parent or parents,  
21 guardian, and legal custodian and the name and address of the ~~closest relative~~ of a  
22 parental homicide victim.

23 **SECTION 72.** 48.977 (4) (c) 1. e. of the statutes is amended to read:

24 48.977 (4) (c) 1. e. The child's parent and the ~~closest relative~~ of a parental  
25 homicide victim.

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1           **SECTION 73.** 48.981 (7) (a) 3m. of the statutes is amended to read:

2           48.981 (7) (a) 3m. A child's parent, guardian, or legal custodian, ~~the closest~~  
3           <sup>next of kin</sup> ~~relative~~ of a parental homicide victim, or the expectant mother of an unborn child,  
4           except that the person or agency maintaining the record or report may not disclose  
5           any information that would identify the reporter.

6           **SECTION 74.** 48.981 (7) (cr) 8. of the statutes is amended to read:

7           48.981 (7) (cr) 8. If the department fails to disclose to the governor, to the  
8           appropriate standing committees of the legislature under s. 13.172 (3), or to the  
9           public any information that the department is required to disclose under this  
10          paragraph, any person may request the department to disclose that information. If  
11          the person's request is denied, the person may petition the court to order the  
12          disclosure of that information. On receiving a petition under this subdivision, the  
13          court shall notify the department, the agency, the district attorney, the child, and the  
14          child's parent, guardian, or legal custodian, and the <sup>next of kin</sup> ~~closest relative~~ of a parental  
15          homicide victim of the petition. If any person notified objects to the disclosure, the  
16          court may hold a hearing to take evidence and hear argument relating to the  
17          disclosure of the information. The court shall make an in camera inspection of the  
18          information sought to be disclosed and shall order disclosure of the information,  
19          unless the court finds that any of the circumstances specified in subd. 6. or 7. apply.

20          **SECTION 75. Initial applicability.**

21          (1) TEMPORARY PHYSICAL CUSTODY OF CHILD. The treatment of sections 48.19 (2),  
22          48.20 (3), (7) (d), and (8) (a), and 48.21 (3) (am), (b), (d), and (e) of the statutes first  
23          applies to a child who is taken into temporary physical custody on the effective date  
24          of this subsection.

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1           (2) INTAKE INQUIRY AND INFORMAL DISPOSITION. The treatment of sections 48.24  
2           (1m) and (2) (a), 48.243 (1) (intro.) and (3), and 48.245 (1) (c), (2r), (3), (4), (5), and (8)  
3           of the statutes first applies to a child who is referred to the court assigned to exercise  
4           jurisdiction under chapter 48 of the statutes on the effective date of this subsection.

5           (3) CHILD IN NEED OF PROTECTION OR SERVICES PROCEEDINGS. The treatment of  
6           sections 48.255 (1) (b) and (4), 48.27 (3) (a) 1m. and 2. and (e), 48.29 (1), 48.295 (1)  
7           and (3), 48.299 (1) (a), 48.30 (2), 48.31 (2), 48.32 (1) (a), (2) (c), and (6), and 48.355 (2)  
8           (b) 1m. and (d) of the statutes, the renumbering and amendment of section 48.27 (3)  
9           (a) 1. of the statutes, and the creation of section 48.27 (3) (a) 1. b. of the statutes first  
10          apply to a child in need of protection or services proceeding commenced on the  
11          effective date of this subsection.

12          (4) POST-DISPOSITIONAL PROCEEDINGS. The treatment of sections 48.357 (1) (am)  
13          1. and 2. a. and (c) 2., (2m) (a) and (b), 48.363 (1) (a) and (b), and 48.365 (1m) and (2)  
14          of the statutes first applies to a change in placement of a child or a revision or  
15          extension of a dispositional order proposed or requested on the effective date of this  
16          subsection.

17          (5) PERMANENCY PLANNING.

18          (a) *Permanency plans*. The treatment of section 48.38 (4) (ag) of the statutes  
19          first applies to a permanency plan filed on the effective date of this paragraph.

20          (b) *Permanency plan determination hearings*. The treatment of section 48.38  
21          (4m) (b) of the statutes first applies to a permanency plan determination hearing for  
22          which notice is provided on the effective date of this paragraph.

23          (c) *Permanency plan reviews*. The treatment of sections 48.38 (5) (b), (bm) 1.,  
24          (d), and (e) and 48.63 (5) (d) 4. and 6. of the statutes first applies to a permanency plan  
25          review for which notice is provided on the effective date of this paragraph.

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1 (d) *Permanency plan hearings*. The treatment of sections 48.38 (5m) (b), (c) 1.,  
2 (d), and (e) of the statutes first applies to a permanency plan hearing for which notice  
3 is provided on the effective date of this paragraph.

4 (6) OTHER PROCEEDINGS UNDER THE CHILDREN'S CODE. The treatment of sections  
5 48.42 (1) (b) and (2) (c), 48.427 (6) (b) 2., and 48.977 (4) (a) 3., (b) 2., and (c) 1. e. of  
6 the statutes first apply to a termination of parental rights or guardianship  
7 proceeding commenced on the effective date of this subsection.

8 (7) REHEARINGS. The treatment of section 48.46 (1) and (1m) of the statutes first  
9 applies to a petition for rehearing filed on the effective date of this subsection.

10 **SECTION 76. Effective date.**

(C) NEXT OF KIN

11 (1) PARTICIPATION OF ~~CLOSEST RELATIVE~~ OF PARENTAL HOMICIDE VICTIM IN  
12 CHILDREN'S CODE PROCEEDINGS. This act takes effect on the first day of the 2nd month  
13 beginning after publication.

14

(END)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2594/2ins  
GMM.....

(INSERT 4-5)

1 homicide, as determined by the court in the following order of priority:

2 (1) The spouse or domestic partner under ch. 770 of the parent who is the victim  
3 of that homicide, unless the spouse or domestic partner committed that homicide.

4 (b) (2)<sup>e</sup> If the parent who is the victim of that homicide does not have a spouse or  
5 domestic partner who <sup>described in par. (c)</sup> ~~has not committed that homicide~~, the adult child of that parent  
6 whom the court determines is best able to represent the interests of the family of that  
7 parent in a proceeding under this chapter. (a)

8 (c) (3)<sup>e</sup> If the parent who is the victim of that homicide does not have a spouse or  
9 domestic partner described in <sup>par. (a)</sup> subd. 2, or an adult child, the parent of that parent  
10 whom the court determines is best able to represent the interests of the family of that  
11 parent in a proceeding under this chapter.

12 (d) (4)<sup>e</sup> If the parent who is the victim of that homicide does not have a spouse or  
13 domestic partner described in <sup>par. (a)</sup> subd. 2, an adult child, or a parent, the adult sibling  
14 of that parent whom the court determines is best able to represent the interests of  
15 the family of that parent in a proceeding under this chapter.

16 (e) (5)<sup>e</sup> If the parent who is the victim of that homicide does not have a spouse or  
17 domestic partner described in <sup>par. (a)</sup> subd. 2, an adult child, a parent, or an adult sibling,  
18 the grandparent of that parent whom the court determines is best able to represent  
19 the interests of the family of that parent in a proceeding under this chapter.

20 (f) (6)<sup>e</sup> If the parent who is the victim of that homicide does not have a spouse or  
21 domestic partner described in <sup>par. (a)</sup> subd. 2, an adult child, a parent, an adult sibling, or  
22 a grandparent, the adult relative of that parent in the next degree of kinship, as

1 specified in s. 990.001 (16), whom the court determines is best able to represent the  
2 interests of the family of that parent in a proceeding under this chapter.

(END OF INSERT)

(INSERT A)

, which the bill defines as the next of kin of a parental homicide victim, as determined by the court assigned to exercise jurisdiction under the Children's Code (juvenile court) in the following order of priority:

1. The spouse or domestic partner of the parental homicide victim, unless the spouse or domestic partner committed the homicide.

2. If the parental homicide victim does not have a spouse or domestic partner who has not committed the homicide (spouse or domestic partner), the adult child of that victim whom the juvenile court determines is best able to represent the interests of the family of that victim in a proceeding under the Children's Code.

3. If the parental homicide victim does not have a spouse, domestic partner, or adult child, the parent of that victim whom the juvenile court determines is best able to represent the interests of that family in such a proceeding.

4. If the parental homicide victim does not have a spouse, domestic partner, adult child, or parent, the adult sibling of that victim whom the juvenile court determines is best able to represent the interests of that family in such a proceeding.

5. If the parental homicide victim does not have a spouse, domestic partner, adult child, parent, or adult sibling, the grandparent of that victim whom the juvenile court determines is best able to represent the interests of that family in such

\* a proceeding.

6. If the parental homicide victim does not have a spouse, domestic partner, adult child, parent, adult sibling, or grandparent, the adult relative of that victim in the next degree of kinship whom the juvenile court determines is best able to represent the interests of that family in such a proceeding.

(END OF INSERT)

**Godwin, Gigi**

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**From:** Mcginnis, Cindy

**Sent:** Thursday, February 16, 2012 9:35 AM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 11-2594/2 Topic: Standing of relatives of murdered parent in juvenile court proceedings

Please Jacket LRB 11-2594/2 for the ASSEMBLY.

2/16/2012