

State of Wisconsin



2013 Assembly Bill 566

Date of enactment: **March 27, 2014**

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2013 WISCONSIN ACT 170

AN ACT *to repeal* 48.675 and 69.15 (3m) (a) 4.; and *to amend* 20.437 (2) (r), 48.20 (8) (b), 48.203 (7), 48.21 (3) (b), 48.213 (2) (c), 48.213 (2) (d), 48.245 (3), 48.245 (8), 48.255 (4), 48.27 (3) (a) 1., 48.27 (3) (c), 48.29 (1), 48.293 (2), 48.293 (3), 48.297 (6), 48.299 (1) (a), 48.30 (2), 48.31 (2), 48.315 (1) (b), 48.32 (1) (a), 48.32 (2) (c), 48.355 (2) (b) 1m., 48.355 (2) (d), 48.357 (1) (am) 1., 48.357 (1) (am) 2. b., 48.357 (1) (am) 2. c., 48.357 (2m) (a), 48.357 (2m) (b), 48.363 (1) (a), 48.363 (1) (b), 48.365 (1m), 48.365 (2), 48.396 (1b), 48.396 (1d), 48.396 (2) (aj), 48.396 (2) (ap), 48.396 (5) (b), 48.46 (1), 48.685 (5) (br) 3m., 48.78 (2) (aj), 48.78 (2) (ap), 48.981 (3) (c) 1. a., 49.155 (1m) (a) 4., 49.155 (1m) (a) 5., 49.854 (5) (f), 69.15 (3) (b) 3., 69.15 (3m) (a) 3., 69.15 (3m) (b), 767.805 (3) (b), 767.813 (5) (a) 4. and 767.865 (1) (a) of the statutes; **relating to:** minors acknowledging paternity; service of the summons and petition in a paternity action when the respondent is deceased; the form for a paternity action summons; releasing a frozen bank account of a support obligor; determining eligibility for Wisconsin Shares; notices to, and the exercise of rights by, a guardian ad litem in an unborn child in need of protection or services proceeding; requiring a diligent investigation by an agency that receives a report of child abuse or neglect if the agency cannot identify an individual who is suspected of the abuse or neglect; eliminating a voluntary foster care education program; the prohibition against a person who has committed armed robbery from showing that he or she has been rehabilitated for purposes of being licensed, certified, or contracted with to provide child care (suggested as remedial legislation by the Department of Children and Families).

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

SECTION 1. 20.437 (2) (r) of the statutes is amended to read:

20.437 (2) (r) *Support receipt and disbursement program; payments.* From the support collections trust fund, except as provided in par. (qm), all moneys received under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys received under ss. 767.57 and 767.75 for child or family support, maintenance, spousal support, health care expenses, or birth expenses, all other moneys received under judgments or orders in actions affecting the family, as defined in s. 767.001 (1), and all

moneys received under s. 49.855 (4) from the department of revenue or the department of administration that were withheld by the department of revenue or the internal revenue service for delinquent child support, family support, or maintenance or outstanding court-ordered amounts for past support, medical expenses, or birth expenses, for disbursement to the persons for whom the payments are awarded, ~~for returning seized funds under s. 49.854 (5) (f),~~ and, if assigned under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm), for transfer to the appropriation account under par. (k). Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 2. 48.20 (8) (b) of the statutes is amended to read:

48.20 (8) (b) If the child is an expectant mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., ~~the unborn child, through~~ the unborn child's guardian ad litem, shall receive the same notice about the whereabouts of the child expectant mother, about the reasons for holding the child expectant mother in custody, and about the detention hearing as the child expectant mother and her parent, guardian, legal custodian, or Indian custodian. The intake worker shall notify the child expectant mother, her parent, guardian, legal custodian, or Indian custodian, ~~and the unborn child, by~~ the unborn child's guardian ad litem.

SECTION 3. 48.203 (7) of the statutes is amended to read:

48.203 (7) If an adult expectant mother is held in custody, the intake worker shall notify the adult expectant mother and ~~the unborn child, through~~ the unborn child's guardian ad litem, of the reasons for holding the adult expectant mother in custody, the time and place of the detention hearing required under s. 48.213, the nature and possible consequences of that hearing, and the right to present and cross-examine witnesses at the hearing.

SECTION 4. 48.21 (3) (b) of the statutes is amended to read:

48.21 (3) (b) If present at the hearing, a copy of the petition or request shall be given to the parent, guardian, legal custodian, or Indian custodian, and to the child if he or she is 12 years of age or older, before the hearing begins. If the child is an expectant mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., a copy of the petition shall also be given to ~~the unborn child, through~~ the unborn child's guardian ad litem, before the hearing begins. Prior notice of the hearing shall be given to the child's parent, guardian, legal custodian, and Indian custodian, to the child if he or she is 12 years of age or older and, if the child is an expectant mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., to ~~the unborn child, through~~ the unborn child's guardian ad litem, under s. 48.20 (8).

SECTION 5. 48.213 (2) (c) of the statutes is amended to read:

48.213 (2) (c) A copy of the petition shall be given to the adult expectant mother, and to ~~the unborn child, through~~ the unborn child's guardian ad litem, before the hearing begins. Prior notice of the hearing shall be given to the adult expectant mother and unborn ~~child~~ child's guardian ad litem in accordance with s. 48.203 (7).

SECTION 6. 48.213 (2) (d) of the statutes is amended to read:

48.213 (2) (d) Prior to the commencement of the hearing, the adult expectant mother and ~~the unborn child, through~~ the unborn child's guardian ad litem, shall be informed by the court of the allegations that have been made or may be made, the nature and possible conse-

quences of this hearing as compared to possible future hearings, the right to confront and cross-examine witnesses, and the right to present witnesses.

SECTION 7. 48.245 (3) of the statutes is amended to read:

48.245 (3) The obligations imposed under an informal disposition and its effective date shall be set forth in writing. The child and a parent, guardian, and legal custodian, ~~the child expectant mother, her parent, guardian, and legal custodian, and the unborn child by~~ the unborn child's guardian ad litem, ~~or the adult expectant mother and the unborn child by~~ the unborn child's guardian ad litem, shall receive a copy, as shall any agency providing services under the agreement.

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

48.245 (8) If the obligations imposed under the informal disposition are met, the intake worker shall so inform the child and a parent, guardian, and legal custodian, ~~the child expectant mother, her parent, guardian, and legal custodian, and the unborn child by~~ the unborn child's guardian ad litem, ~~or the adult expectant mother and the unborn child by~~ the unborn child's guardian ad litem, in writing, and no petition may be filed on the charges that brought about the informal disposition nor may the charges be the sole basis for a petition under ss. 48.13 to 48.14.

SECTION 9. 48.255 (4) of the statutes is amended to read:

48.255 (4) A copy of a petition under sub. (1) shall be given to the child if the child is 12 years of age or over and to ~~the parents a parent,~~ guardian, legal custodian, and physical custodian. A copy of a petition under sub. (1m) shall be given to the child expectant mother, if 12 years of age or over, her ~~parents parent,~~ guardian, legal custodian, and physical custodian, and ~~the unborn child by~~ the unborn child's guardian ad litem or to the adult expectant mother, ~~the unborn child through~~ the unborn child's guardian ad litem, and the physical custodian of the expectant mother, if any. If the child is an Indian child who has been removed from the home of his or her parent or Indian custodian or the unborn child will be an Indian child when born, a copy of a petition under sub. (1) or (1m) shall also be given to the Indian child's Indian custodian and tribe or the Indian tribe with which the unborn child may be eligible for affiliation when born.

SECTION 10. 48.27 (3) (a) 1. of the statutes is amended to read:

48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother who is a child, the court shall notify, under s. 48.273, the child, any parent, guardian, and legal custodian of the child, any foster parent or other physical custodian described in s. 48.62 (2) of the child, ~~the unborn child by~~ the unborn child's guardian ad litem, if applicable, and any person

specified in par. (b), (d), or (e), if applicable, of all hearings involving the child except hearings on motions for which notice must be provided only to the child and his or her counsel and, if applicable, to the unborn child's guardian ad litem. If parents who are entitled to notice have the same place of residence, notice to one constitutes notice to the other. The first notice to any interested party, foster parent, or other physical custodian described in s. 48.62 (2) shall be in writing and may have a copy of the petition attached to it. Notices of subsequent hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the time notice was given and the person to whom he or she spoke.

SECTION 11. 48.27 (3) (c) of the statutes is amended to read:

48.27 (3) (c) If the petition that was filed relates to facts concerning a situation under s. 48.133 involving an expectant mother who is an adult, the court shall notify, under s. 48.273, ~~the unborn child~~ by the unborn child's guardian ad litem, the expectant mother, the physical custodian of the expectant mother, if any, and any person specified in par. (d), if applicable, of all hearings involving the unborn child and expectant mother except hearings on motions for which notice need only be provided to the expectant mother and her counsel ~~and the unborn child through the unborn child's guardian ad litem.~~ The first notice to any interested party shall be written and may have a copy of the petition attached to it. Thereafter, notice of hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the time notice was given and the person to whom he or she spoke.

SECTION 12. 48.29 (1) of the statutes is amended to read:

48.29 (1) The child, the child's parent, guardian or legal custodian, the expectant mother, ~~or the unborn child~~ by the unborn child's guardian ad litem, either before or during the plea hearing, may file a written request with the clerk of the court or other person acting as the clerk for a substitution of the judge assigned to the proceeding. Upon filing the written request, the filing party shall immediately mail or deliver a copy of the request to the judge named in the request. When any person has the right to request a substitution of judge, that person's counsel or guardian ad litem may file the request. Not more than one such written request may be filed in any one proceeding, nor may any single request name more than one judge. This section does not apply to proceedings under s. 48.21 or 48.213.

SECTION 13. 48.293 (2) of the statutes is amended to read:

48.293 (2) All records relating to a child, or to an unborn child and the unborn child's expectant mother, ~~which~~ that are relevant to the subject matter of a proceed-

ing under this chapter shall be open to inspection by a guardian ad litem or counsel for any party and to inspection by the court-appointed special advocate for the child, upon demand and upon presentation of releases when necessary, at least 48 hours before the proceeding. ~~Persons and unborn children, by their guardians ad litem,~~ entitled to inspect the records may obtain copies of the records with the permission of the custodian of the records or with permission of the court. The court may instruct counsel, a guardian ad litem, or a court-appointed special advocate not to disclose specified items in the materials to the child or the parent, or to the expectant mother, if the court reasonably believes that the disclosure would be harmful to the interests of the child or the unborn child.

SECTION 14. 48.293 (3) of the statutes is amended to read:

48.293 (3) Upon request prior to the fact-finding hearing, counsel for the interests of the public shall disclose to the child, through his or her counsel or guardian ad litem, or to ~~the unborn child,~~ through the unborn child's guardian ad litem, the existence of any audiovisual recording of an oral statement of a child under s. 908.08 ~~which~~ that is within the possession, custody, or control of the state and shall make reasonable arrangements for the requesting person to view the statement. If, after compliance with this subsection, the state obtains possession, custody, or control of such a statement, counsel for the interests of the public shall promptly notify the requesting person of that fact and make reasonable arrangements for the requesting person to view the statement.

SECTION 15. 48.297 (6) of the statutes is amended to read:

48.297 (6) A motion required to be served on a child may be served on his or her attorney of record. ~~A motion required to be served on an unborn child may be served on the unborn child's guardian ad litem.~~

SECTION 16. 48.299 (1) (a) of the statutes is amended to read:

48.299 (1) (a) The general public shall be excluded from hearings under this chapter and from hearings by courts exercising jurisdiction under s. 48.16 unless a public fact-finding hearing is demanded by a child through his or her counsel, by an expectant mother through her counsel, or by an ~~unborn child through the unborn child's~~ guardian ad litem. However, the court shall refuse to grant the public hearing in a proceeding other than a proceeding under s. 48.375 (7), if a parent, guardian, expectant mother, or ~~unborn child through the unborn child's~~ guardian ad litem objects.

SECTION 17. 48.30 (2) of the statutes is amended to read:

48.30 (2) At the commencement of the hearing under this section the child and the parent, guardian, legal custodian, or Indian custodian; the child expectant mother,

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

SECTION 18. 48.31 (2) of the statutes is amended to read:

48.31 (2) The hearing shall be to the court unless the child, the child's parent, guardian, or legal custodian, ~~the unborn child by~~ the unborn child's guardian ad litem, or the expectant mother of the unborn child exercises the right to a jury trial by demanding a jury trial at any time before or during the plea hearing. If a jury trial is demanded in a proceeding under s. 48.13 or 48.133, the jury shall consist of 6 persons. If a jury trial is demanded in a proceeding under s. 48.42, the jury shall consist of 12 persons unless the parties agree to a lesser number. Chapters 756 and 805 shall govern the selection of jurors. If the hearing involves a child victim or witness, as defined in s. 950.02, the court may order that a deposition be taken by audiovisual means and allow the use of a recorded deposition under s. 967.04 (7) to (10) and, with the district attorney, shall comply with s. 971.105. At the conclusion of the hearing, the court or jury shall make a determination of the facts, except that in a case alleging a child or an unborn child to be in need of protection or services under s. 48.13 or 48.133, the court shall make the determination under s. 48.13 (intro.) or 48.133 relating to whether the child or unborn child is in need of protection or services that can be ordered by the court. If the court finds that the child or unborn child is not within the jurisdiction of the court or, in a case alleging a child or an unborn child to be in need of protection or services under s. 48.13 or 48.133, that the child or unborn child is not in need of protection or services that can be ordered by the court, or if the court or jury finds that the facts alleged in the petition have not been proved, the court shall dismiss the petition with prejudice.

SECTION 19. 48.315 (1) (b) of the statutes is amended to read:

48.315 (1) (b) Any period of delay resulting from a continuance granted at the request of or with the consent of the child and his or her counsel or of ~~the unborn child by~~ the unborn child's guardian ad litem.

SECTION 20. 48.32 (1) (a) of the statutes is amended to read:

48.32 (1) (a) At any time after the filing of a petition for a proceeding relating to s. 48.13 or 48.133 and before the entry of judgment, the judge or a circuit court com-

missioner may suspend the proceedings and place the child or expectant mother under supervision in the home or present placement of the child or expectant mother. The court may establish terms and conditions applicable to the child and the child's parent, guardian, or legal custodian, to the child expectant mother and her parent, guardian or legal custodian, or to the adult expectant mother, including the condition specified in sub. (1b). The order under this section shall be known as a consent decree and must be agreed to by the child if 12 years of age or older, the parent, guardian, or legal custodian, and the person filing the petition under s. 48.25; by the child expectant mother, her parent, guardian, or legal custodian, ~~the unborn child by~~ the unborn child's guardian ad litem, and the person filing the petition under s. 48.25; or by the adult expectant mother, ~~the unborn child by~~ the unborn child's guardian ad litem, and the person filing the petition under s. 48.25. The consent decree shall be reduced to writing and given to the parties.

SECTION 21. 48.32 (2) (c) of the statutes is amended to read:

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

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

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

SECTION 23. 48.355 (2) (d) of the statutes is amended to read:

48.355 (2) (d) The court shall provide a copy of a dispositional order relating to a child in need of protection or services to the child's parent, guardian, legal custodian, or trustee, to the child through the child's counsel or guardian ad litem, to the child's court-appointed special advocate, and, if the child is an Indian child who has been removed from the home of his or her parent or Indian custodian and placed outside that home, to the Indian child's Indian custodian and tribe. The court shall provide a copy of a dispositional order relating to an unborn child in need of protection or services to the expectant mother, ~~to the unborn child through the unborn child's guardian ad litem,~~ to the parent, guardian, legal custodian, or trustee of a child expectant mother, and, if the expectant mother is an Indian child, to the expectant mother's Indian custodian and tribe.

SECTION 24. 48.357 (1) (am) 1. of the statutes is amended to read:

48.357 (1) (am) 1. If the proposed change in placement involves any change in placement other than a change in placement specified in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel shall cause written notice of the proposed change in placement to be sent to the child, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian described in s. 48.62 (2) of the child, the child's court-appointed special advocate, and, if the child is an Indian child who has been removed from the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe. If the child is the expectant mother of an unborn child under s. 48.133, written notice shall also be sent to ~~the unborn child by the unborn child's guardian ad litem.~~ If the change in placement involves an adult expectant mother of an unborn child under s. 48.133, written notice shall be sent to the adult expectant mother and ~~the unborn child by the unborn child's guardian ad litem.~~ The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court.

SECTION 25. 48.357 (1) (am) 2. b. of the statutes is amended to read:

48.357 (1) (am) 2. b. By the child expectant mother, if 12 years of age or over, her parent, guardian, legal custodian, or Indian custodian, ~~the unborn child by the unborn child's guardian ad litem,~~ and the child expectant mother's tribe, if she is an Indian child who has been removed from the home of her parent or Indian custodian.

SECTION 26. 48.357 (1) (am) 2. c. of the statutes is amended to read:

48.357 (1) (am) 2. c. By the adult expectant mother and ~~the unborn child by the unborn child's guardian ad litem.~~

SECTION 27. 48.357 (2m) (a) of the statutes is amended to read:

48.357 (2m) (a) The child, the parent, guardian, legal custodian, or Indian custodian of the child, the expectant mother, ~~the unborn child by the unborn child's guardian ad litem,~~ or any person or agency primarily bound by the dispositional order, other than the person or agency responsible for implementing the order, may request a change in placement under this paragraph. The request shall contain the name and address of the new placement requested and shall state what new information is available that affects the advisability of the current placement. If the proposed change in placement would change the placement of a child placed in the child's home to a placement outside the child's home, the request shall also contain specific information showing that continued placement of the child in the home would be contrary to the welfare of the child and, unless any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns. The request shall be submitted to the court. The court may also propose a change in placement on its own motion.

SECTION 28. 48.357 (2m) (b) of the statutes is amended to read:

48.357 (2m) (b) The court shall hold a hearing prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current placement. A hearing is not required if the requested or proposed change in placement does not involve a change in placement of a child placed in the child's home to a placement outside the child's home, written waivers of objection to the proposed change in placement are signed by all persons entitled to receive notice under this paragraph, other than a court-appointed special advocate, and the court approves. If a hearing is scheduled, not less than 3 days before the hearing the court shall notify the child, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian described in s. 48.62 (2) of the child, the child's court-appointed special advocate, all parties who are bound by the dispositional order, and, if the child is an Indian child, the Indian child's Indian custodian and tribe. If the child is the expectant mother of an unborn child under s. 48.133, the court shall also notify ~~the unborn child by the unborn child's guardian ad litem.~~ If the change in placement involves an adult expectant mother of an unborn child under s. 48.133, the court shall notify the adult expectant mother, ~~the unborn child by the unborn child's guardian ad litem,~~ and all parties who are bound by the dispositional order, at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement

shall be attached to the notice. Subject to par. (br), if all of the parties consent, the court may proceed immediately with the hearing.

SECTION 29. 48.363 (1) (a) of the statutes is amended to read:

48.363 (1) (a) A child, the child's parent, guardian, legal custodian, or Indian custodian, an expectant mother, ~~an unborn child by the~~ unborn child's guardian ad litem, any person or agency bound by a dispositional order, or the district attorney or corporation counsel in the county in which the dispositional order was entered may request a revision in the order that does not involve a change in placement or a trial reunification, including a revision with respect to the amount of child support to be paid by a parent. The court may also propose a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available that affects the advisability of the court's dispositional order, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves.

SECTION 30. 48.363 (1) (b) of the statutes is amended to read:

48.363 (1) (b) If a hearing is held, at least 3 days before the hearing the court shall notify the child, the child's parent, guardian, legal custodian, and Indian custodian, all parties bound by the dispositional order, the child's foster parent or other physical custodian described in s. 48.62 (2), the child's court-appointed special advocate, the district attorney or corporation counsel in the county in which the dispositional order was entered, and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's tribe. If the child is the expectant mother of an unborn child under s. 48.133, the court shall also notify ~~the unborn child by the~~ unborn child's guardian ad litem. If the proceeding involves an adult expectant mother of an unborn child under s. 48.133, the court shall notify the adult expectant mother, ~~the unborn child through~~ the unborn child's guardian ad litem, all parties bound by the dispositional order, and the district attorney or corporation counsel in the county in which the dispositional order was entered, at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

SECTION 31. 48.365 (1m) of the statutes is amended to read:

48.365 (1m) The parent, child, guardian, legal custodian, Indian custodian, expectant mother, ~~unborn child~~

~~by the~~ unborn child's guardian ad litem, any person or agency bound by the dispositional order, the district attorney or corporation counsel in the county in which the dispositional order was entered, or the court on its own motion may request an extension of an order under s. 48.355 including an order under s. 48.355 that was entered before the child was born. The request shall be submitted to the court that entered the order. An order under s. 48.355 may be extended only as provided in this section.

SECTION 32. 48.365 (2) of the statutes is amended to read:

48.365 (2) No order may be extended without a hearing. The court shall provide notice of the time and place of the hearing to the child, the child's parent, guardian, legal custodian, and Indian custodian, all the parties present at the original hearing, the child's foster parent or other physical custodian described in s. 48.62 (2), the child's court-appointed special advocate, the district attorney or corporation counsel in the county in which the dispositional order was entered and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's tribe. If the child is an expectant mother of an unborn child under s. 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 child under s. 48.133, the court shall notify the adult expectant mother, ~~the unborn child through~~ the unborn child's guardian ad litem, all the parties present at the original hearing, and the district attorney or corporation counsel in the county in which the dispositional order was entered, of the time and place of the hearing.

SECTION 33. 48.396 (1b) of the statutes is amended to read:

48.396 (1b) If requested by the parent, guardian, or legal custodian of a child who is the subject of a law enforcement officer's report, or if requested by the child, if 14 years of age or over, a law enforcement agency may, subject to official agency policy, provide to the parent, guardian, legal custodian, or child a copy of that report. If requested by the parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of a law enforcement officer's report, if requested by an expectant mother of an unborn child who is the subject of a law enforcement officer's report, if 14 years of age or over, or if requested by an ~~unborn child through~~ the unborn child's guardian ad litem, a law enforcement agency may, subject to official agency policy, provide to the parent, guardian, legal custodian, expectant mother or ~~unborn child by the~~ unborn child's guardian ad litem a copy of that report.

SECTION 34. 48.396 (1d) of the statutes is amended to read:

48.396 (1d) Upon the written permission of the parent, guardian, or legal custodian of a child who is the sub-

ject of a law enforcement officer's report or upon the written permission of the child, if 14 years of age or over, a law enforcement agency may, subject to official agency policy, make available to the person named in the permission any reports specifically identified by the parent, guardian, legal custodian or child in the written permission. Upon the written permission of the parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of a law enforcement officer's report, or of an expectant mother of an unborn child who is the subject of a law enforcement officer's report, if 14 years of age or over, and of ~~the unborn child by the unborn child's guardian ad litem~~, a law enforcement agency may, subject to official agency policy, make available to the person named in the permission any reports specifically identified by the parent, guardian, legal custodian or expectant mother, and ~~unborn child by the unborn child's guardian ad litem~~ in the written permission.

SECTION 35. 48.396 (2) (aj) of the statutes is amended to read:

48.396 (2) (aj) Upon request of the parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of a record of a court specified in par. (a), upon request of an expectant mother of an unborn child who is the subject of a record of a court specified in par. (a), if 14 years of age or over, or upon request of an ~~unborn child by the unborn child's guardian ad litem~~, the court shall open for inspection by the parent, guardian, legal custodian, expectant mother, or ~~unborn child by the unborn child's guardian ad litem~~ the records of the court relating to that expectant mother, unless the court finds, after due notice and hearing, that inspection of those records by the parent, guardian, legal custodian, expectant mother, or ~~unborn child by the unborn child's guardian ad litem~~ would result in imminent danger to anyone.

SECTION 36. 48.396 (2) (ap) of the statutes is amended to read:

48.396 (2) (ap) Upon the written permission of the parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of a record of a court specified in par. (a), or of an expectant mother of an unborn child who is the subject of a record of a court specified in par. (a), if 14 years of age or over, and of ~~the unborn child by the unborn child's guardian ad litem~~, the court shall open for inspection by the person named in the permission any records specifically identified by the parent, guardian, legal custodian, or expectant mother, and ~~unborn child by the unborn child's guardian ad litem~~ in the written permission, unless the court finds, after due notice and hearing, that inspection of those records by the person named in the permission would result in imminent danger to anyone.

SECTION 37. 48.396 (5) (b) of the statutes is amended to read:

48.396 (5) (b) The court shall notify the child, the child's counsel, the child's parents, appropriate law enforcement agencies, and, if the child is an expectant mother of an unborn child under s. 48.133, ~~the unborn child by the unborn child's guardian ad litem~~, or shall notify the adult expectant mother, ~~the unborn child by the unborn child's guardian ad litem~~, and appropriate law enforcement agencies, in writing of the petition. If any person notified objects to the disclosure, the court may hold a hearing to take evidence relating to the petitioner's need for the disclosure.

SECTION 38. 48.46 (1) of the statutes is amended to read:

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

SECTION 39. 48.675 of the statutes is repealed.

SECTION 40. 48.685 (5) (br) 3m. of the statutes is amended to read:

48.685 (5) (br) 3m. Except for purposes of permitting a person to be a nonclient resident or caregiver specified in sub. (1) (ag) 1. a. of a child care center or child care provider, a violation of s. 943.201, 943.203, ~~943.32(2)~~, or 943.38 (1) or (2); a violation of s. 943.34 (1), 943.395 (1), 943.41 (3) (e), (4) (a), (5), (6), or (6m), 943.45 (1), 943.455 (2), 943.46 (2), 943.47 (2), 943.50 (1m), or 943.70 (2) (a) or (am) or (3) (a) that is a felony; or an offense under subch. IV of ch. 943 that is a felony.

SECTION 41. 48.78 (2) (aj) of the statutes is amended to read:

48.78 (2) (aj) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of a parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, upon the request of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, or upon the request of an ~~unborn child by the unborn child's guardian ad litem~~, to the parent, guardian, legal custodian, expectant mother, or ~~unborn child by the unborn child's guardian ad litem~~, unless the agency determines that inspection of the record by the parent, guardian, legal custodian, expectant mother, or ~~unborn child by the unborn child's guardian ad litem~~ would result in imminent danger to anyone.

SECTION 42. 48.78 (2) (ap) of the statutes is amended to read:

48.78 (2) (ap) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, or of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, and of ~~the unborn child by the unborn child's guardian ad litem, to the person named in the permission if the parent, guardian, legal custodian, or expectant mother, and unborn child by the unborn child's guardian ad litem,~~ specifically identify the record in the written permission, unless the agency determines that inspection of the record by the person named in the permission would result in imminent danger to anyone.

SECTION 43. 48.981 (3) (c) 1. a. of the statutes is amended to read:

48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the agency shall evaluate the report to determine whether there is reason to suspect that a caregiver has abused or neglected the child, has threatened the child with abuse or neglect, or has facilitated or failed to take action to prevent the suspected or threatened abuse or neglect of the child. Except as provided in sub. (3m), if the agency determines that a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of the child, determines that a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of the child, or cannot ~~determine who abused or neglected the child~~ identify an individual who is suspected of abuse or neglect or of threatened abuse or neglect of the child, within 24 hours after receiving the report the agency shall, in accordance with the authority granted to the department under s. 48.48 (17) (a) 1. or the county department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the child is in need of protection or services. If the agency determines that a person who is not a caregiver is suspected of abuse or of threatened abuse, the agency may, in accordance with that authority, initiate a diligent investigation to determine if the child is in need of protection or services. Within 24 hours after receiving a report under par. (a) of suspected unborn child abuse, the agency, in accordance with that authority, shall initiate a diligent investigation to determine if the unborn child is in need of protection or services. An investigation under this subd. 1. a. shall be conducted in accordance with standards established by the department for conducting child abuse and neglect investigations or unborn child abuse investigations.

SECTION 44. 49.155 (1m) (a) 4. of the statutes is amended to read:

49.155 (1m) (a) 4. ~~If the Wisconsin works agency determines that basic education would facilitate the individual's efforts to maintain employment, participate~~ Participate in basic education, including an English as a 2nd

language course; literacy tutoring; or a course of study meeting the standards established by the state superintendent of public instruction under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation, if the department or the county department or agency determining eligibility determines that basic education would facilitate the individual's efforts to maintain employment. An individual may receive aid under this subdivision for up to 2 years.

SECTION 45. 49.155 (1m) (a) 5. of the statutes is amended to read:

49.155 (1m) (a) 5. Participate in a course of study at a technical college, or participate in educational courses that provide an employment skill, as determined by the department, ~~if the Wisconsin works department or the county department or agency determining eligibility~~ determines that the course or courses would facilitate the individual's efforts to maintain employment. An individual may receive aid under this subdivision for up to 2 years.

SECTION 46. 49.854 (5) (f) of the statutes is amended to read:

49.854 (5) (f) *Hearings.* A hearing requested under par. (d) 6. shall be conducted before the circuit court rendering the order to pay support. Within 45 business days after receiving a request for hearing under par. (d) 6., the court shall conduct the hearing. A circuit court commissioner may conduct the hearing. The hearing shall be limited to a review of whether the account holder owes the amount of support certified and whether any alternative payment arrangement offered by the department or the county child support agency is reasonable. If the court or circuit court commissioner makes a written determination that an alternative payment arrangement offered by the department or county child support agency is not reasonable, the court or circuit court commissioner may order an alternative payment arrangement. If the court or circuit court commissioner orders an alternative payment arrangement, the court or circuit court commissioner shall order the department to instruct the financial institution to release all or a portion of the funds. If the court or circuit court commissioner determines that the account holder does not owe support or owes less than the amount claimed by the department, the court shall order the department to ~~return the seized funds~~ instruct the financial institution to release the funds in the account or the excess of the seized those funds over the amount of the delinquency to the account holder. If a circuit court commissioner conducts the hearing under this paragraph, the department or the obligor may, within 15 business days after the date that the circuit court commissioner makes his or her decision, request review of the decision by the court with jurisdiction over the action.

SECTION 47. 69.15 (3) (b) 3. of the statutes is amended to read:

69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity on a form prescribed by the state registrar and signed by both parents, ~~and by a parent or legal guardian of any parent who is neither of whom was~~ under the age of 18 years when the form was signed, along with the fee under s. 69.22, the state registrar shall insert the name of the father under subd. 1. The state registrar shall mark the certificate to show that the form is on file. The form shall be available to the department of children and families or a county child support agency under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other person with a direct and tangible interest in the record. The state registrar shall include on the form for the acknowledgment the information in s. 767.805 and the items in s. 767.813 (5g).

SECTION 48. 69.15 (3m) (a) 3. of the statutes is amended to read:

69.15 (3m) (a) 3. ~~Except as provided in subd. 4., the~~ The person rescinding the statement files the document under subd. 2. before the day on which a court or circuit court commissioner makes an order in an action affecting the family involving the man who signed the statement and the child who is the subject of the statement or before 60 days elapse after the statement was filed, whichever occurs first.

SECTION 49. 69.15 (3m) (a) 4. of the statutes is repealed.

SECTION 50. 69.15 (3m) (b) of the statutes is amended to read:

69.15 (3m) (b) If the state registrar, within the time required under par. (a) 3. ~~or 4., whichever is appropriate,~~ receives a document prescribed by the state registrar for rescinding a statement acknowledging paternity under sub. (3) (b) 3., along with the proper fee under s. 69.22, the state registrar shall prepare under sub. (6) a new certificate omitting the father's name if it was inserted under sub. (3) (b).

SECTION 51. 767.805 (3) (b) of the statutes is amended to read:

767.805 (3) (b) Except as provided in s. 767.407, in an action specified in par. (a) the court may appoint a guardian ad litem for the child ~~and shall appoint a guardian ad litem for a party who is a minor, unless the minor party is represented by an attorney.~~

SECTION 52. 767.813 (5) (a) 4. of the statutes is amended to read:

767.813 (5) (a) 4. You are also notified that interference with the custody of a child is punishable by a fine of up to \$10,000 and imprisonment for up to ~~5~~ 3 years ~~and 6 months.~~ Section 948.31, stats.

SECTION 53. 767.865 (1) (a) of the statutes is amended to read:

767.865 (1) (a) The personal representative or, if there is no personal representative, a guardian ad litem appointed in accordance with par. (b) may appear for a deceased respondent whenever an appearance by the respondent is required. The summons and petition shall be served on the deceased respondent's personal representative ~~of and or~~ guardian ad litem ~~for the deceased respondent, as the case may be,~~ under s. 767.813 (3) ~~(4)~~.