

drafting instructions

11/7/03:

6 month time extension,  
require counties to ask for extension

= how to determine "cap" of existing 365-day program.  
↳ do not include juveniles @ Juv. detention facilities

if need add 3 months, need to come back + justify

3 months on front end for grant application

If they need additional time → is there some "relief value"

Can we put alternatives for kids currently in LH?

134 @ LH

24 placements in Racine

2 @ grow

15 girls

When to start transitioning out of LH?  
↳ designate youth from LH as not counting toward ADP

Even though

is there a legal barrier to DOC contracting with a county to place correctional placement kid

Consent decree limits where the kids can go?

allow DOC to place in juvenile det. center  
could sunset

temporary to allow process

do they want more than 1 year?

2/13/2019

\* make all these changes

Act 185 Legislative Changes

SECTION 1. 46.057 (1m) of the statutes is created to read:

46.057 (1m) The director of the Mendota Mental Health Institute, or her or his designee, shall be responsible for decisions regarding admissions, treatment and the release and return of juvenile offenders from the Mendota juvenile treatment center to county supervision.

\* current law is "recommendation" of DHS under 46.057 (1)

SECTION 2. 301.027 of the statutes is amended to read:

301.027 The department shall maintain an outage-based intensive alcohol and other drug abuse program at one or more juvenile correctional facilities.

SECTION 3. 301.03 (10) (d) of the statutes is amended to read:

301.03 (10) (d) Administer the office of juvenile offender review in the division of juvenile corrections in the department. The office shall be responsible for decisions regarding case planning and the release of juvenile offenders who are under the supervision of the department from juvenile correctional facilities or secured residential care centers for children and youth to aftercare or community supervision placements.



SECTION 4. 301.03 (10) (g) of the statutes is repealed.

data on juveniles waived into adult court

NO

SECTION 5. 301.031 of the statutes is repealed.

- County budget requirements → no longer required for  
DOC - Juvenile Correctional Services

SECTION 6. 938.33 (1) (c) of the statutes is amended to read:

938.33 (1) (c) A description of the specific services or continuum of services that the agency is recommending ~~the court to order~~ for the juvenile or family, the persons or agencies that would be primarily responsible for providing those services, and the identity of the person or agency that would provide case management or coordination of services, if any, and whether or not the juvenile should receive a coordinated services plan of care.

SECTION 7. 938.33 (6) of the statutes is created to read:

938.33 (6) RETENTION. Reports submitted under this section shall be retained in the record of the pending action where they shall be made available to the supervising entity designated in s. 938.34 and to any entity that may be designated to supervise the juvenile under a change of placement pursuant to s. 938.357.

SECTION 8. 938.34 (4m) of the statutes is amended to read:

938.34 (4m) Place the juvenile on a correctional order under the supervision of the county department to be placed in a secured residential care center for children and youth to be identified by ~~under the supervision of the county department~~ if all of the following apply:

- Clarity that youth goes to county, county determines which facility the juvenile is placed in.

**SECTION 9.** 938.34 (4n) (title) of the statutes is amended to read:

938.34 (4n) ~~COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.~~

**SECTION 10.** 938.34 (4n) of the statutes is amended to read:

938.34 (4n) In the case of a juvenile who has received a correctional placement under sub. (4m), ~~designate the county department to provide aftercare supervision~~ one of the following to provide aftercare supervision for the juvenile following the juvenile's release from a secured residential care center for children and youth or Type 1 juvenile correctional facility. ~~In the case of a juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections, designate the department of corrections to provide community supervision for the juvenile following the juvenile's release from that facility or center or, subject to any arrangement between the department of corrections and a county department regarding the provision of aftercare supervision for juveniles who have been released from a juvenile correctional facility or a secured residential care center for children and youth, designate one of the following to provide aftercare supervision for the juvenile following the juvenile's release from that facility or center:~~

**SECTION 11.** 938.355 (2) (b) 1. of the statutes is amended to read:

938.355 (2) (b) 1. ~~The s~~Specific services to be provided to the juvenile and the juvenile's family, and, if custody is to be transferred to effect the treatment plan, the identity of the legal custodian.

**SECTION 12.** 938.355 (2) (b) 2. of the statutes is amended to read:

938.355 (2) (b) 2. If the juvenile is placed outside the home under s. 938.34 (3) or (4d), the name of the place or facility, including transitional placements, where the juvenile shall be cared for or treated, except that if the placement is a foster home and the name and address of the foster parent is not available at the time of the order, the name and address of the foster parent shall be furnished to the court and the parent within 21 days after the order. If, after a hearing on the issue with due notice to the parent or guardian, the court finds that disclosure of the identity of the foster parent would result in imminent danger to the juvenile or the foster parent, the court may order the name and address of the prospective foster parents withheld from the parent or guardian.

**SECTION 13.** 938.355 (2) (b) 2m. of the statutes is created to read:

938.355 (2) (b) 2m. If the juvenile is to be placed outside the home under s. 938.34 (4m), the name of the county department that will supervise the juvenile and provide placement and services and which will determine the

secure residential care center for children and youth in which the juvenile will be placed.

**SECTION 14.** 938.355 (2) (b) 6m. of the statutes is amended to read:

938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement under s. 938.34 (3) or (4d) recommended by the agency designated under s. 938.33 (1), a statement that the court approves the placement recommended by the agency or, if the juvenile is placed outside the home in a placement other than a placement recommended by that agency, a statement that the court has given bona fide consideration to the recommendations made by the agency and all parties relating to the juvenile's placement.

**SECTION 15.** 938.355 (2) (b) 6n. of the statutes is created to read:

938.355 (2) (b) 6n. If the juvenile is ordered to the supervision of the county department for services and placement in a secured residential care center for children and youth to be identified by the county department, a statement that the court has given bona fide consideration to the recommendations made by the agency and all parties relating to the juvenile's placement. - mirrors sections (2)(b) (em.

**SECTION 16.** 938.357 (3) (b) of the statutes is amended to read:

938.357 (3) (b) Notwithstanding s. 938.34 (4m) and subject to par. (c), the court may order placement in a Type 1 juvenile correctional facility ~~under supervision of~~ operated by the department of corrections for a juvenile who was adjudicated delinquent under s. 938.34 (4m) if the court finds, after a hearing under this section, that any of the following apply:

**SECTION 17.** 938.357 (3) (c) of the statutes is amended to read:

938.357 (3) (c) Upon the recommendation of the department of health services, the court may order the change of placement of a juvenile under par. (b) 1. to at the Mendota juvenile treatment center. The department of health services shall determine the date for the actual transfer of the juvenile to the Mendota juvenile treatment center, and no change of placement to the Mendota juvenile treatment center may be ordered without the prior agreement of the department of health services to admit the juvenile. No further hearing is necessary for the department of health services to transfer the juvenile back to county supervision.

**SECTION 18.** 938.357 (3) (d) of the statutes is amended to read:

938.357 (3) (d) A juvenile who is placed in a Type 1 juvenile correctional facility under par. (b) or (c) is the financial responsibility of the county department of the county where the juvenile was adjudicated delinquent and that county department shall reimburse the department of corrections at the

rate specified under s. 301.26 (4) (d) 2. or 3., or reimburse the department of health services at the rate established by the department of health services, whichever is applicable, for the cost of the juvenile's care while placed in a Type 1 juvenile correctional facility.

**SECTION 19.** 938.357 (3) (e) of the statutes is created to read:

938.357 (3) (e) A juvenile who is placed in a Type 1 juvenile correctional facility in par. (b) is under the supervision of the department of corrections. The change of placement order shall designate the department of corrections to provide community supervision or the county department to provide aftercare for the juvenile following the juvenile's release.

**SECTION 20.** 938.357 (3) (f) of the statutes is created to read:

938.357 (3) (f) A juvenile who is placed at the Mendota juvenile treatment center under par. (c) is subject to the decision-making responsibility specified in s. 46.057 (1m) until discharge from the center, whereupon such responsibility reverts to the county department.

**SECTION 21.** 938.357 (4) (am) of the statutes is amended to read:

938.357 (4) (am) When the juvenile is placed with the department of corrections, that department may, after an examination under s. 938.50, place the juvenile in a juvenile correctional facility or, with the consent of the



operating entity, a secured residential care center for children and youth or on community supervision or aftercare supervision, either immediately or after a period of placement in a juvenile correctional facility or a secured residential care center for children and youth. The department of corrections shall send written notice of the change in placement to the parent, guardian, legal custodian, county department designated under s. 938.34 (4n), if any, and committing court. If the department of corrections places a juvenile in a Type 2 juvenile correctional facility operated by a child welfare agency, that department shall reimburse the child welfare agency at the rate established under s. 49.343 that is applicable to the type of placement that the child welfare agency is providing for the juvenile. If the department of corrections places a juvenile in a secured residential care center for children and youth under this paragraph, the department of corrections shall contract with the operating entity for the care and services provided under s. 301.08. A juvenile who is placed in a Type 2 juvenile correctional facility or a secured residential care center for children and youth under this paragraph remains under the supervision of the department of corrections, remains subject to the rules and discipline of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

**SECTION 22.** 938.357 (4) (d) 1m. of the statutes is created to read:

938.357 (4) (d) 1m. When the juvenile is placed with the county department, that department may place the juvenile in a secured residential care center for children and youth or on aftercare supervision, either immediately or after a period of placement in a secured residential care center for children and youth. The county department shall send written notice of the change in placement to the parent, guardian, legal custodian, if any, and committing court. The county department shall be responsible for decisions regarding the release of juvenile offenders who are under the supervision of the county department.

**SECTION 23.** 938.57 (4) of the statutes is amended to read:

938.57 (4) **AFTERCARE SUPERVISION.** A county department may provide aftercare supervision under s. 938.34 (4n) for juveniles who are released from juvenile correctional facilities or secured residential care centers for children and youth. ~~If a county department intends to change its policy regarding whether the county department will provide aftercare supervision for juveniles released from juvenile correctional facilities or secured residential care centers for children and youth or the department of corrections will provide community supervision for those juveniles, the county executive or county administrator, or, if the county has no county executive or county administrator, the chairperson of the county board of supervisors, or, for multicounty~~

~~departments, the chairpersons of the county boards of supervisors jointly, shall submit a letter to the department of corrections stating that intent before July 1 of the year preceding the year in which the policy change will take effect.~~

**938.33 Court reports and pre-correctional placement review meetings.** -no

(1) Report required. Before the disposition of a juvenile adjudged to be delinquent or in need of protection or services, the court shall designate an agency, as defined in s. 938.38 (1) (a), to submit a report that contains all of the following:

(a) The social history of the juvenile.

(b) A recommended plan of rehabilitation or treatment and care for the juvenile, based on the investigation conducted by the agency and any report resulting from an examination or assessment under s. 938.295, that employs the most effective means available to accomplish the objectives of the plan.

(c) A description of the specific services or continuum of services that the agency is recommending the court to order for the juvenile or family, the persons or agencies that would be primarily responsible for providing those services, and the identity of the person or agency that would provide case management or coordination of services, if any, and whether or not the juvenile should receive a coordinated services plan of care.

(d) A statement of the objectives of the plan, including any desired behavior changes and the academic, social and vocational skills needed by the juvenile.

(e) A plan for the provision of educational services to the juvenile, prepared after consultation with the staff of the school in which the juvenile is enrolled or the last school in which the juvenile was enrolled.

(f) If the agency is recommending that the court order the juvenile's parent, guardian, or legal custodian to participate in mental health treatment, anger management, individual or family counseling, or parent training and education, a statement as to the availability of those services and the availability of funding for those services.

(2) Home placement reports. A report recommending that the juvenile remain in his or her home may be presented orally at the dispositional hearing if all parties consent. A report that is presented orally shall be transcribed and made a part of the court record.

(XX) Pre-correctional placement review meeting. Prior to recommendation of a correctional placement under s. 938.34 (4m), a pre-correctional placement review meeting shall be conducted to determine the best available correctional placement for that juvenile. The county recommending a correctional finding shall convene a pre-correctional placement review including representatives of any potential correctional placement for a review of the juvenile's records, residential and treatment needs, and proximity to the juvenile's family. The pre-correctional placement review meeting may be held in person, by telephone, or by other available technology. If a correctional placement is deemed appropriate through the pre-correctional placement review meeting process, the county shall recommend placement one of the following placement types: juvenile correctional facility, a secured residential care center for children and youth, or Mendota Juvenile Treatment Center. Recommendation

for placement at Mendota Juvenile Treatment Center must be approved by the Department of Health Services.

~~(XXX) Pre-correctional placement report. A report recommending placement of a juvenile in a juvenile correctional facility or a secured residential care center for children and youth following a pre-correctional placement review meeting conducted pursuant to sub. XX or Mendota Juvenile Treatment Center shall be in writing. In addition to the information specified under sub. (1) (a) to (d), the report shall include all of the following:~~

~~(a) A description of any less restrictive alternatives that are available and that have been considered, and why they have been determined to be inappropriate. If the court has found that any of the conditions specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, the report shall indicate that a less restrictive alternative than placement in a juvenile correctional facility or a secured residential care center for children and youth is not appropriate.~~

~~(b) A recommendation for an amount of child support to be paid by either or both of the juvenile's parents or for referral to the county child support agency under s. 59.53 (5) for the establishment of child support.~~

~~(c) A summary of the pre-correctional placement review meeting including who was present, what information was reviewed, and why the proposed placement type is being recommended.~~

~~(3r) Serious juvenile offender report. If a juvenile has been adjudicated delinquent for committing a violation for which the juvenile may be placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report shall be in writing and, in addition to the information specified in sub. (1) and in sub. (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for placement in the serious juvenile offender program under s. 938.34 (4h) or in a juvenile correctional facility under s. 938.34 (4m), a placement specified in s. 938.34 (3), or placement in the juvenile's home with supervision and community-based programming and a recommendation as to the type of placement for which the juvenile is best suited. If placement in a juvenile correctional facility or secured residential care center for children and youth is being pursued, a pre-correctional placement review meeting under s. 938.33 (XX) and correctional placement report under s. 938.33 (XXX) shall be completed for the proposed placement type.~~

## **Wheeler, Elizabeth**

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**From:** Palmer, Linda  
**Sent:** Wednesday, February 20, 2019 8:21 AM  
**To:** Wheeler, Elizabeth; Bender-Olson, Katie; Shea, Elisabeth  
**Subject:** RE: Drafting instructions  
**Attachments:** SRCC Letter to Legislators.pdf

Good morning Elizabeth, Liz, and Katie,

I think I'll be getting back to you late this afternoon on final drafting instructions. At this point, I think it will be as follows:

- yes to points 1-5 below
- no to the additional DCF internal draft requiring an additional placement meeting
- yes to WCA request for 6 months overall but only 3 months for grant application and approval
- yes to 2 drafts, one without DCF and one with DCF

I also ran across this letter from a year ago and am not sure if we included the second point. If not, please do so.

Rep. Schraa would like one last sit-down with all the stakeholders next week. Are there times that you might not be available?

I'll be getting back to you soon.

Thanks!  
Linda

**Linda K. Palmer**  
*Research Assistant/Committee Clerk*  
Rep. Michael Schraa, Corrections Committee  
53<sup>rd</sup> Assembly District  
608-267-7990  
Linda.Palmer@legis.wisconsin.gov

---

**From:** Palmer, Linda  
**Sent:** Wednesday, February 13, 2019 3:45 PM  
**To:** Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>; Bender-Olson, Katie <Katherine.Bender-Olson@legis.wisconsin.gov>; Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>  
**Subject:** RE: Drafting instructions

Elizabeth,

Thanks for the summary. That is what we heard in the meeting, but we want to have the memo on agency requests from Katie before the final OK on those asks. If you want to put in something that would require whoever to report to DOC on the information they wanted to delete in #4, that would be helpful. We can allow transfer out of LH. (My thought is that counties would want to transfer out non-SJOs & adult commits for financial reasons.)

Please also include the JCGC timeline requests for WCA, but not their request to be able to ask for an extension.

Thanks,  
Linda

**Linda K. Palmer**

*Research Assistant/Committee Clerk*

Rep. Michael Schraa, Corrections Committee

53<sup>rd</sup> Assembly District

608-267-7990

[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)

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**From:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>

**Sent:** Wednesday, February 13, 2019 3:18 PM

**To:** Palmer, Linda <[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)>; Bender-Olson, Katie <[Katherine.Bender-Olson@legis.wisconsin.gov](mailto:Katherine.Bender-Olson@legis.wisconsin.gov)>; Shea, Elisabeth <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>

**Subject:** FW: Drafting instructions

Hi Linda,

Here is what I have for drafting instructions after today's meeting. Please let me know if you see anything I've missed:

1. Make all changes in agency memos, except relating to data collection and reporting.
2. Change the requirements for the grant committee approval process so that DOC does not need to pre-approve facility design before the grant committee can approve a grant.
3. Grant a 6- month timeline extension for closing Lincoln Hills/Copper Lake and opening the new Type 1 facility, but allow the appropriate standing committees to approve a request by DOC or a county for up to a 3 month extension to September 30, 2021 if it needs the extra time to complete the Type 1 facility.
4. Allow DOC to transfer juveniles to existing county 180/365 programs out of Lincoln Hills/Copper Lake schools
5. Transfer all programming in Type 1 Juvenile correctional facilities to DCF instead of DOC.

I'll do 2 drafts, one that does 1-4, and one that does 1-5. For 5., it sounds like more information will be needed on what DCF needs for this transition and to provide appropriate programming, but an initial draft can be put together as a starting place.

**Elizabeth Wheeler**

Legislative Attorney

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# MENOMINEE INDIAN TRIBE OF WISCONSIN

P.O. Box 555  
Keshena, WI 54135-0910

DATE: February 18, 2018  
MEMO To: State Legislators  
MEMO FROM: Chairman Doug Cox   
Menominee Indian Tribe  
RE: Juvenile Corrections Legislation (AB-953, SB-807)

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Indian Tribes in Wisconsin have a long interest and involvement in the corrections system in our state. That ranges from operating our own tribal court systems, tribal jails, and alcohol and drug treatment programs. We even operated a tribal re-integration program in several state correctional facilities until the funds ran out.

Because of this long-term involvement we are interested in the efforts being made to reform the state juvenile corrections system. With the new legislation being introduced so recently and moving ahead so quickly we have had little time to analyze them and figure out what impact they might have on tribal youth that have been incarcerated in Lincoln Hills and Cooper Lake.

Menominee has identified at least 2 areas in which we would like to offer recommendations. They are:

1. Tribes Ability to Operate Our Own Secured Residential Care Centers (SRCC) – As pointed out above, tribes operate a number of different types of facilities that address both adult and juvenile justice problems. In addition, tribes operate numerous DHS and DCFS programs that would otherwise be operated by counties.

The bill as drafted only makes counties eligible to operate SRCC's. We think that Indian tribes should also be given that opportunity. We are not saying we will definitely want to operate a SRCC but we think the legislation should be amended to give us at least that opportunity to consider it. If after reviewing we don't think it is reasonable or feasible, then tribes would work with their counties.

2. Menominee Tribal Court Adjudication of Delinquent Juveniles – Menominee Tribe operates its own tribal courts that adjudicate delinquent juveniles. Through an agreement with the state our youth are then sent to Lincoln Hills or Cooper Lake. Section 20 of the bill limits the SRCC's to taking juveniles from "circuit courts".



For the Menominee Tribal Court to continue sending its youth to an appropriate facility we ask that the bill be amended. On page 12, line 5, after "of the county" , insert "or tribal court". If the tribes do establish their own SRCC this change would probably not be needed. Even if our first recommendation is included in the bill, there still may not be a tribal SRCC so this additional language would be needed.

We don't think any other tribe operates an adolescent court that adjudicates youth delinquency but that could change at any time. Other tribes' youth now appear in circuit court.

Your consideration of these requests will be greatly appreciated.

## Wheeler, Elizabeth

---

**From:** Palmer, Linda  
**Sent:** Wednesday, February 20, 2019 2:04 PM  
**To:** Wheeler, Elizabeth  
**Subject:** RE: Drafting instructions

Yes.

**Linda K. Palmer**  
*Research Assistant/Committee Clerk*  
Rep. Michael Schraa, Corrections Committee  
53<sup>rd</sup> Assembly District  
608-267-7990  
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---

**From:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>  
**Sent:** Wednesday, February 20, 2019 1:10 PM  
**To:** Palmer, Linda <[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)>; Bender-Olson, Katie <[Katherine.Bender-Olson@legis.wisconsin.gov](mailto:Katherine.Bender-Olson@legis.wisconsin.gov)>; Shea, Elisabeth <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>  
**Subject:** RE: Drafting instructions

So to be extra clear, all the changes in the agency document except data reporting repeal, and none of the changes in the separate DCF document? Also one draft with #5 included and one without #5?

**Elizabeth Wheeler**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
Direct: 608-504-5880  
[Elizabeth.wheeler@legis.wisconsin.gov](mailto:Elizabeth.wheeler@legis.wisconsin.gov)

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**From:** Palmer, Linda <[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)>  
**Sent:** Wednesday, February 20, 2019 1:07 PM  
**To:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>; Bender-Olson, Katie <[Katherine.Bender-Olson@legis.wisconsin.gov](mailto:Katherine.Bender-Olson@legis.wisconsin.gov)>; Shea, Elisabeth <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>  
**Subject:** Re: Drafting instructions

Yes, draft as below.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----  
From: "Palmer, Linda" <[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)>  
Date: 2/20/19 8:20 AM (GMT-06:00)

To: "Wheeler, Elizabeth" <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>, "Bender-Olson, Katie" <[Katherine.Bender-Olson@legis.wisconsin.gov](mailto:Katherine.Bender-Olson@legis.wisconsin.gov)>, "Shea, Elisabeth" <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>  
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I'll do 2 drafts, one that does 1-4, and one that does 1-5. For 5., it sounds like more information will be needed on what DCF needs for this transition and to provide appropriate programming, but an initial draft can be put together as a starting place.

**Elizabeth Wheeler**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
Direct: 608-504-5880  
[Elizabeth.wheeler@legis.wisconsin.gov](mailto:Elizabeth.wheeler@legis.wisconsin.gov)

## Wheeler, Elizabeth

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**From:** Palmer, Linda  
**Sent:** Wednesday, February 20, 2019 2:33 PM  
**To:** Shea, Elisabeth; Wheeler, Elizabeth; Bender-Olson, Katie  
**Subject:** RE: Drafting instructions

Yes, please.

**Linda K. Palmer**  
*Research Assistant/Committee Clerk*  
Rep. Michael Schraa, Corrections Committee  
53<sup>rd</sup> Assembly District  
608-267-7990  
[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)

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**From:** Shea, Elisabeth <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>  
**Sent:** Wednesday, February 20, 2019 2:31 PM  
**To:** Palmer, Linda <[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)>; Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>; Bender-Olson, Katie <[Katherine.Bender-Olson@legis.wisconsin.gov](mailto:Katherine.Bender-Olson@legis.wisconsin.gov)>  
**Subject:** RE: Drafting instructions

Hi Linda,

Regarding the 2<sup>nd</sup> item in the letter from the Menominee Tribe, it appears we did not make that change because the request was to add language in the middle of a sentence that ended up being removed for unrelated reasons. However, I think their concern had to do with how they would be able to send their juveniles to a county SRCCCY, and we could add that a tribe may contract with a county to send its juveniles to the county's SRCCCY in the same manner that other counties may do this. Should we make that change?

Lis

**Elisabeth H. Shea**  
Senior Legislative Attorney  
Wisconsin Legislative Reference Bureau  
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(608) 504-5885  
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\* made this change in:  
938.22 (1)(a)  
and  
48.60 (1)(b)

*The information contained in this communication may be confidential and protected by the attorney-client privilege.*

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**From:** Palmer, Linda <[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)>  
**Sent:** Wednesday, February 20, 2019 1:07 PM  
**To:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>; Bender-Olson, Katie <[Katherine.Bender-Olson@legis.wisconsin.gov](mailto:Katherine.Bender-Olson@legis.wisconsin.gov)>; Shea, Elisabeth <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>  
**Subject:** Re: Drafting instructions

Yes, draft as below.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Palmer, Linda" <[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)>

Date: 2/20/19 8:20 AM (GMT-06:00)

To: "Wheeler, Elizabeth" <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>, "Bender-Olson, Katie"

<[Katherine.Bender-Olson@legis.wisconsin.gov](mailto:Katherine.Bender-Olson@legis.wisconsin.gov)>, "Shea, Elisabeth" <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>

Subject: RE: Drafting instructions

Good morning Elizabeth, Liz, and Katie,

I think I'll be getting back to you late this afternoon on final drafting instructions. At this point, I think it will be as follows:

- yes to points 1-5 below
- no to the additional DCF internal draft requiring an additional placement meeting
- yes to WCA request for 6 months overall but only 3 months for grant application and approval
- yes to 2 drafts, one without DCF and one with DCF

I also ran across this letter from a year ago and am not sure if we included the second point. If not, please do so.

Rep. Schraa would like one last sit-down with all the stakeholders next week. Are there times that you might not be available?

I'll be getting back to you soon.

Thanks!

Linda

**Linda K. Palmer**

*Research Assistant/Committee Clerk*

Rep. Michael Schraa, Corrections Committee

53<sup>rd</sup> Assembly District

608-267-7990

[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)

---

**From:** Palmer, Linda

**Sent:** Wednesday, February 13, 2019 3:45 PM

**To:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>; Bender-Olson, Katie <[Katherine.Bender-Olson@legis.wisconsin.gov](mailto:Katherine.Bender-Olson@legis.wisconsin.gov)>; Shea, Elisabeth <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>

**Subject:** RE: Drafting instructions

Elizabeth,

Thanks for the summary. That is what we heard in the meeting, but we want to have the memo on agency requests from Katie before the final OK on those asks. If you want to put in something that would require whoever to report to

DOC on the information they wanted to delete in #4, that would be helpful. We can allow transfer out of LH. (My thought is that counties would want to transfer out non-SJOs & adult commits for financial reasons.)

Please also include the JCGC timeline requests for WCA, but not their request to be able to ask for an extension.

Thanks,  
Linda

**Linda K. Palmer**  
*Research Assistant/Committee Clerk*  
Rep. Michael Schraa, Corrections Committee  
53<sup>rd</sup> Assembly District  
608-267-7990  
[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)

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**From:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>  
**Sent:** Wednesday, February 13, 2019 3:18 PM  
**To:** Palmer, Linda <[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)>; Bender-Olson, Katie <[Katherine.Bender-Olson@legis.wisconsin.gov](mailto:Katherine.Bender-Olson@legis.wisconsin.gov)>; Shea, Elisabeth <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>  
**Subject:** FW: Drafting instructions

Hi Linda,

Here is what I have for drafting instructions after today's meeting. Please let me know if you see anything I've missed:

1. Make all changes in agency memos, except relating to data collection and reporting.
2. Change the requirements for the grant committee approval process so that DOC does not need to pre-approve facility design before the grant committee can approve a grant.
3. Grant a 6- month timeline extension for closing Lincoln Hills/Copper Lake and opening the new Type 1 facility, but allow the appropriate standing committees to approve a request by DOC or a county for up to a 3 month extension to September 30, 2021 if it needs the extra time to complete the Type 1 facility.
4. Allow DOC to transfer juveniles to existing county 180/365 programs out of Lincoln Hills/Copper Lake schools
5. Transfer all programming in Type 1 Juvenile correctional facilities to DCF instead of DOC.

I'll do 2 drafts, one that does 1-4, and one that does 1-5. For 5., it sounds like more information will be needed on what DCF needs for this transition and to provide appropriate programming, but an initial draft can be put together as a starting place.

**Elizabeth Wheeler**  
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# State of Wisconsin



2017 Assembly Bill 953

Date of enactment: **March 30, 2018**

Date of publication\*: **March 31, 2018**

## 2017 WISCONSIN ACT 185

**AN ACT** *to repeal* 301.20; *to renumber* 938.48 (16); *to renumber and amend* 938.357 (3) and 938.357 (4) (a); *to amend* 16.99 (3b), 20.866 (1) (u), 20.866 (2) (ux), 20.866 (2) (v), 46.011 (1p), 46.057 (1), 46.20 (3), 46.22 (1) (a), 48.023 (4), 48.526 (2) (c), 48.526 (6) (b), 48.526 (7) (bm), 48.66 (1) (b), 49.11 (1c), 49.45 (25) (bj), 51.35 (3) (a), 51.35 (3) (c) and (e), 301.01 (1n), 301.03 (9), 301.03 (10) (d), 301.08 (1) (b) 3., 301.16 (1x), 301.37 (1), 938.02 (4), 938.02 (15g), 938.22 (1) (a), 938.22 (2) (a), 938.225, 938.34 (2) (a), 938.34 (2) (b), 938.34 (3) (f) 1., 938.34 (4m) (intro.), 938.34 (4n) (intro.), 938.357 (1) (am) 1., 938.357 (4) (am), 938.357 (4) (b) 1., 938.357 (4) (b) 2., 938.357 (4) (b) 4., 938.357 (4) (c) 1., 938.357 (4m), 938.48 (3), 938.48 (4), 938.48 (4m) (b), 938.48 (5), 938.48 (6), 938.48 (14), 938.49 (title), 938.49 (1), 938.49 (2) (intro.), 938.49 (2) (a), 938.505 (1), 938.52 (2) (a) and (c), 938.53, 938.535, 938.539 (2), 938.539 (3), 938.539 (4), 938.539 (5), 938.54, 938.59 (1) and 938.595; *to repeal and recreate* 938.357 (4) (title); and *to create* 13.48 (27m), 13.94 (1) (v), 13.94 (1s) (c) 9., 20.410 (3) (f), 20.410 (3) (fm), 20.437 (1) (ck), 20.866 (2) (uzc), 46.20 (1m), 48.527, 59.53 (8m), 121.79 (1) (e), 301.16 (1f), 301.16 (1w), 301.18 (1) (fm), 301.37 (1m), 301.373, 302.01 (13), 938.22 (2) (d), 938.357 (3) (b), (c) and (d), 938.357 (4) (ab), 938.357 (4) (d) and 938.48 (16) (b) of the statutes; **relating to**: juvenile correctional facilities, secured residential care centers for children and youth, juvenile detention facilities, youth aids, granting bonding authority, providing an exemption from emergency rule procedures, granting rule-making authority, and making an appropriation.

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

**SECTION 1.** 13.48 (27m) of the statutes is created to read:

**13.48 (27m) SECURED RESIDENTIAL CARE CENTERS FOR CHILDREN AND YOUTH.** (a) The legislature finds and determines that the legislative intent set forth under s. 938.01 (2) is served by the design and construction of secured residential care centers for children and youth and attached juvenile detention facilities and that the design and construction of such facilities is a statewide concern of statewide dimension. It is therefore in the public interest, and it is the public policy of this state, to

assist counties in designing and constructing secured residential care centers for children and youth and attached juvenile detention facilities.

(b) The building commission may authorize up to a total of \$40,000,000 in general fund supported borrowing to assist counties in establishing or constructing secured residential care centers for children and youth and attached juvenile detention facilities. Any such state funding commitment shall be in the form of a grant to a county issued under 2017 Wisconsin Act .... (this act), section 110 (4).

(c) If for any reason, the facility that is constructed with funds from the grant is not used for the purposes

\* 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."



46.011 (1p) "Juvenile correctional services" means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), ~~(4m)~~, (4n), or (7g), or 938.357 (3) or (4).

**SECTION 14.** 46.057 (1) of the statutes is amended to read:

46.057 (1) The department shall establish, maintain, and operate the Mendota juvenile treatment center on the grounds of the Mendota Mental Health Institute. The department may designate staff at the Mendota Mental Health Institute as responsible for administering, and providing services at, the center. Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the Mendota juvenile treatment center as a juvenile correctional facility, as defined in s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center shall provide psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in other juvenile correctional facilities and whose mental health needs can be met at the center. With the approval of the department of health services, the department of corrections may transfer to the center any juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections under s. 938.183, 938.34 (4h) or (4m), or 938.357 (3), (4), or (5) (e) in the same manner that the department of corrections transfers juveniles between other juvenile correctional facilities. Upon the recommendation of the department of health services, a court may place a juvenile at the center in a proceeding for a change in placement order under s. 938.357 (3).

**SECTION 15.** 46.057 (1) of the statutes, as affected by 2017 Wisconsin Act ... (this act), is amended to read:

46.057 (1) The department shall establish, maintain, and operate the Mendota juvenile treatment center on the grounds of the Mendota Mental Health Institute. The department may designate staff at the Mendota Mental Health Institute as responsible for administering, and providing services at, the center. Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the Mendota juvenile treatment center as a juvenile correctional facility, as defined in s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center shall provide psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in other juvenile correctional facilities and whose mental health needs can be met at the center. With the approval

of the department of health services, the department of corrections may transfer to the center any juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections under s. 938.183, 938.34 (4h) ~~or (4m)~~, or 938.357 (3), (4), or (5) (e) in the same manner that the department of corrections transfers juveniles between other juvenile correctional facilities. Upon the recommendation of the department of health services, a court may place a juvenile at the center in a proceeding for a change in placement order under s. 938.357 (3).

**SECTION 16.** 46.20 (1m) of the statutes is created to read:

46.20 (1m) Any 2 or more counties may jointly, by majority vote of all the members of each county board, provide for a secured residential care center for children and youth, as defined in s. 938.02 (15g), under ss. 59.52 (7) and 66.0301. A secured residential care center for children and youth established under this section shall be the county secured residential care center for children and youth of each of the counties so joining.

**SECTION 17.** 46.20 (3) of the statutes is amended to read:

46.20 (3) Upon approval of the site, plans, and specifications for the institution, as provided in ss. 46.17 and 301.37, ~~as to other institutions~~, the joint committee shall report to the several county boards the estimated cost of the site and buildings, and the amount thereof chargeable to each county on the basis set forth in sub. (6) (a), appending to each report a copy of the plans and specifications and all matter relating to the site and buildings. If the report is approved by each county board, the joint committee shall purchase the site and cause the buildings to be erected in accordance with the plans and specifications.

**SECTION 18.** 46.22 (1) (a) of the statutes is amended to read:

46.22 (1) (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county board of supervisors of any county with a population of less than 500,000 750,000, or the county boards of 2 or more counties, shall establish a county department of social services on a single-county or multicounty basis. The county department of social services shall consist of a county social services board, a county social services director and necessary personnel.

**SECTION 19.** 48.023 (4) of the statutes is amended to read:

48.023 (4) The rights and responsibilities of legal custody except when legal custody has been vested in another person or when the child is under the supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m), ~~(4n)~~, or 938.357 (3) or (4) or the supervision of a county department under s. 938.34 (4d), ~~(4m)~~, or (4n).

shall be paid from the appropriation account under s. 20.410 (3) (hm), (ho), or (hr).

**SECTION 30.** 51.35 (3) (a) of the statutes is amended to read:

51.35 (3) (a) A licensed psychologist of a juvenile correctional facility or a secured residential care center for children and youth, or a licensed physician of a county department under s. 938.02 (2g) or the department of corrections, who has reason to believe that any individual confined in the juvenile correctional facility or secured residential care center for children and youth is, in his or her opinion, in need of services for developmental disability, alcoholism, or drug dependency or in need of psychiatric services, and who has obtained consent to make a transfer for treatment, shall make a report, in writing, to the superintendent of the juvenile correctional facility or secured residential care center for children and youth, stating the nature and basis of the belief and verifying the consent. In the case of a minor age 14 or older who is in need of services for developmental disability or who is in need of psychiatric services, the minor and the minor's parent or guardian shall consent unless the minor is admitted under s. 51.13 (1) (c) or unless the minor refuses to consent, in which case the minor's parent or guardian may consent on behalf of the minor. In the case of a minor age 14 or older who is in need of services for alcoholism or drug dependency or a minor under the age of 14 who is in need of services for developmental disability, alcoholism, or drug dependency or in need of psychiatric services, only the minor's parent or guardian needs to consent unless the minor is admitted under s. 51.13 (1) (c). The superintendent shall inform, orally and in writing, the minor and the minor's parent or guardian, that transfer is being considered and shall inform them of the basis for the request and their rights as provided in s. 51.13 (3) (am). If the county department or the department of corrections, upon review of a request for transfer, determines that transfer is appropriate, that department shall immediately notify the department of health services and, if the department of health services consents, the county department or department of corrections may immediately transfer the individual. The department of health services shall file a petition under s. 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county where the treatment facility is located.

**SECTION 31.** 51.35 (3) (c) and (e) of the statutes, as affected by 2017 Wisconsin Act 34, are amended to read:

51.35 (3) (c) A licensed psychologist of a juvenile correctional facility or a secured residential care center for children and youth or a licensed physician of a county department under s. 938.02 (2g) or the department of corrections, who has reason to believe that any individual confined in the juvenile correctional facility or secured residential care center for children and youth, in his or her opinion, has a mental illness, drug dependency, or developmental disability and is dangerous as described in s.

51.20 (1) (a) 2., or is dangerous and is an alcoholic or a person who is drug dependent as described in s. 51.45 (13) (a) 1. and 2., shall file a written report with the superintendent of the juvenile correctional facility or secured residential care center for children and youth, stating the nature and basis of the belief. If the superintendent, upon review of the allegations in the report, determines that transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county where the juvenile correctional facility or secured residential care center for children and youth is located. The court shall hold a hearing according to procedures provided in s. 51.20 or 51.45 (13).

(e) The department of corrections or a county department under s. 938.02 (2g) may authorize emergency transfer of an individual from a juvenile correctional facility or a secured residential care center for children and youth to a state treatment facility if there is cause to believe that the individual has a mental illness, drug dependency, or developmental disability and exhibits conduct that constitutes a danger as described under s. 51.20 (1) (a) 2. a., b., c., or d. to the individual or to others, has a mental illness, is dangerous, and satisfies the standard under s. 51.20 (1) (a) 2. e., or is dangerous and is an alcoholic or a person who is drug dependent as provided in s. 51.45 (13) (a) 1. and 2. The custodian of the sending juvenile correctional facility or secured residential care center for children and youth shall execute a statement of emergency detention or petition for emergency commitment for the individual and deliver it to the receiving state treatment facility. The department of health services shall file the statement or petition with the court within 24 hours after the subject individual is received for detention or commitment. The statement or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made, the director of the receiving facility may file a petition for continued commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the juvenile correctional facility or secured residential care center for children and youth from which the transfer was made. As an alternative to this procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no individual may be released without the approval of the court that directed confinement in the juvenile correctional facility or secured residential care center for children and youth.

**SECTION 32.** 59.53 (8m) of the statutes is created to read:

59.53 (8m) SECURED RESIDENTIAL CARE CENTER FOR CHILDREN AND YOUTH. The board may establish, or contract with a child welfare agency to establish, a secured residential care center for children and youth, on its own or jointly with one or more counties, under ss. 46.20 (1m), 59.52 (7), 66.0301, and 938.22 (1) (a), or may contract with another county to place juveniles in that coun-

**SECTION 45.** 301.37 (1) of the statutes is amended to read:

301.37 (1) The department shall fix reasonable standards and regulations for the design, construction, repair, and maintenance of all houses of correction, reforestation camps maintained under s. 303.07, jails, as defined in s. 302.30, extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8), lockup facilities, as defined in s. 302.30, work camps under s. 303.10, Huber facilities under s. 303.09, and, after consulting with the department of children and families, all juvenile detention facilities and secured residential care centers for children and youth, with respect to their adequacy and fitness for the needs which they are to serve.

**SECTION 46.** 301.37 (1m) of the statutes is created to read:

301.37 (1m) Subject to the rules promulgated by the department under sub. (1), a secured residential care center for children and youth may be located in a portion of a juvenile detention facility or a Type 1 juvenile correctional facility. A secured residential care center for children and youth that is located in a portion of a juvenile detention facility or a Type 1 juvenile correctional facility shall provide programming and services as required by the department under s. 938.48 (16) (b).

**SECTION 47.** 301.373 of the statutes is created to read:

**301.373 Operating loss reimbursement program.**

The department shall reimburse a county that operates a secured residential care center for children and youth that holds only female juveniles in secure custody and that was established using funding from the grant program under 2017 Wisconsin Act .... (this act), section 110 (4) for any annual net operating loss. A county seeking reimbursement under this section shall submit its request and supporting financial statements for the prior fiscal year to the department and the legislative audit bureau in a format prescribed by the department. The department shall reimburse the county for the amount of the net operating loss, as determined by the legislative audit bureau under s. 13.94 (1) (v), from the appropriation under s. 20.410 (3) (f). The department may pay for the cost of the audit by the legislative audit bureau under s. 13.94 (1) (v) from the appropriation under s. 20.410 (3) (f).

**SECTION 48.** 302.01 (13) of the statutes is created to read:

302.01 (13) The adult correctional institution established under s. 301.16 (1f) is named "Lincoln County Correctional Institution."

**SECTION 49.** 938.02 (4) of the statutes is amended to read:

938.02 (4) "Department" means the department of children and families, except that with respect to a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4), "department" means the department of corrections.

**SECTION 50.** 938.02 (4) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.02 (4) "Department" means the department of children and families, except that with respect to a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4), "department" means the department of corrections.

**SECTION 51.** 938.02 (15g) of the statutes is amended to read:

938.02 (15g) "Secured residential care center for children and youth" means a residential care center for children and youth facility operated by an Indian tribe or a county under ss. 46.20, 59.53 (8m), 301.26, 301.27, and 938.22 (1) (a) or by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in secure custody persons adjudged delinquent.

**SECTION 52.** 938.22 (1) (a) of the statutes is amended to read:

938.22 (1) (a) Subject to s. 48.66 (1) (b), the The county board of supervisors of a county may establish a juvenile detention facility or secured residential care center for children and youth in accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or more counties may jointly establish a juvenile detention facility or secured residential care center for children and youth in accordance with ss. 46.20, 59.53 (8m), 301.36, and 301.37. An Indian tribe may establish a secured residential care center for children and youth in accordance with ss. 301.36 and 301.37. The county board of supervisors of a county may establish a shelter care facility in accordance with ss. 48.576 and 48.578 or the county boards of supervisors for 2 or more counties may jointly establish a shelter care facility in accordance with ss. 46.20, 48.576, and 48.578. A private entity may establish a juvenile detention facility in accordance with ss. 301.36 and 301.37 and contract with one or more county boards of supervisors under s. 938.222 to hold juveniles in the private juvenile detention facility. Subject to ss. 48.66 (1) (b), 301.36, and 301.37, a child welfare agency may establish a secured residential care center for children and youth and contract with one or more county boards of supervisors to hold juveniles in the secured residential care center for children and youth.

**SECTION 53.** 938.22 (2) (a) of the statutes is amended to read:

938.22 (2) (a) Counties shall submit plans for a juvenile detention facility, secured residential care center for children and youth, or juvenile portion of the county jail to the department of corrections and submit plans for a shelter care facility to the department of children and families. A private entity that proposes to establish a juvenile detention facility or an Indian tribe or a child welfare agency that proposes to establish a secured residential care center for children and youth shall submit plans for the facility to the department of corrections.

under the supervision of the county department or the department of corrections if all of the following apply:

**SECTION 63.** 938.34 (4n) (intro.) of the statutes is amended to read:

938.34 (4n) COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION. (intro.) In the case of a juvenile who has received a correctional placement under sub. (4m), designate the county department to provide aftercare supervision for the juvenile following the juvenile's release from a secured residential care center for children and youth or Type 1 juvenile correctional facility. In the case of a juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections, designate the department of corrections to provide community supervision for the juvenile following the juvenile's release from that facility or center or, subject to any arrangement between the department of corrections and a county department regarding the provision of aftercare supervision for juveniles who have been released from a juvenile correctional facility or a secured residential care center for children and youth, designate one of the following to provide aftercare supervision for the juvenile following the juvenile's release from that facility or center:

**SECTION 64.** 938.357 (1) (am) 1. of the statutes is amended to read:

938.357 (1) (am) 1. Except as provided in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel may request a change in placement under this subsection by causing written notice of the proposed change in placement to be sent to the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, and legal custodian of the juvenile, and any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile. If the request is for a change in placement under sub. (3), notice shall be sent to the entity that operates the secured residential care center for children and youth or Type 1 juvenile correctional facility where placement is proposed. If the juvenile is an Indian juvenile who has been removed from the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), written notice shall also be sent to the Indian juvenile's Indian custodian and tribe. 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 or permanency plan ordered by the court. The person sending the notice shall file the notice with the court on the same day that the notice is sent.

**SECTION 65.** 938.357 (3) of the statutes is renumbered 938.357 (3) (a) and amended to read:

938.357 (3) (a) Subject to subs. (4) (b) ~~and (c), and (d),~~ and (5) (e), if the proposed change in placement would involve placing a juvenile in a juvenile correctional facility or a secured residential care center for children and youth, notice shall be given as provided in sub. (1) (am) 1. A hearing shall be held, unless waived by the juvenile, parent, guardian, and legal custodian, before the court makes a decision on the request. The juvenile is entitled to counsel at the hearing, and any party opposing or favoring the proposed new placement may present relevant evidence and cross-examine witnesses. The department of corrections shall have the opportunity to object to a change of placement of a juvenile from a secured residential care center for children and youth to a Type 1 juvenile correctional facility under par. (b). The proposed new placement may be approved only if the court finds, on the record, that the conditions set forth in s. 938.34 (4m) (a) ~~and (b)~~ have been met.

**SECTION 66.** 938.357 (3) (b), (c) and (d) of the statutes are created to read:

938.357 (3) (b) Notwithstanding s. 938.34 (4m) and subject to par. (c), the court may order placement in a Type 1 juvenile correctional facility under supervision of the department of corrections for a juvenile who was adjudicated delinquent under s. 938.34 (4m) if the court finds, after a hearing under this section, that any of the following apply:

1. The juvenile is placed at a secured residential care center for children and youth and all of the following apply:

a. The secured residential care center for children and youth where the juvenile is placed is not able to meet the juvenile's treatment needs.

b. The programming available at the proposed Type 1 juvenile correctional facility as of the date of the hearing is able to meet the treatment needs of the juvenile.

c. No other secured residential care center for children and youth is willing and able to meet the juvenile's treatment needs.

2. The county department does not have space for the juvenile in its secured residential care center for children and youth and no other secured residential care center for children and youth is willing and able to meet the juvenile's treatment needs.

(c) Upon the recommendation of the department of health services, the court may order the placement of a juvenile under par. (b) at the Mendota juvenile treatment center.

(d) A juvenile who is placed in a Type 1 juvenile correctional facility under par. (b) or (c) is the financial responsibility of the county department of the county where the juvenile was adjudicated delinquent and that county department shall reimburse the department of corrections at the rate specified under s. 301.26 (4) (d) 2. or 3., whichever is applicable, for the cost of the juve-

placed at the rate established under s. 49.343, and that child welfare agency shall reimburse the department of corrections at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is applicable, for the cost of the juvenile's care while placed in a Type 1 juvenile correctional facility.

**SECTION 73.** 938.357 (4) (b) 4. of the statutes is amended to read:

938.357 (4) (b) 4. A juvenile may seek review of a decision of the department of corrections or the county department under subd. 1. or 2. only by the common law writ of certiorari.

**SECTION 74.** 938.357 (4) (c) 1. of the statutes is amended to read:

938.357 (4) (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility operated by a child welfare agency under par. (a) ~~(am)~~ and it appears that a less restrictive placement would be appropriate for the juvenile, the department of corrections, after consulting with the child welfare agency that is operating the Type 2 juvenile correctional facility, may place the juvenile in a less restrictive placement, and may return the juvenile to the Type 2 juvenile correctional facility without a hearing under sub. (1) (am) 2. The rate for each type of placement shall be established by the department of children and families, in consultation with the department of corrections, in the manner provided in s. 49.343.

**SECTION 75.** 938.357 (4) (d) of the statutes is created to read:

938.357 (4) (d) 1. If a juvenile under the supervision of the department of corrections is placed in a secured residential care center for children and youth and that secured residential care center for children and youth is unable to meet the treatment needs of the juvenile, the operating entity shall notify the department of corrections and the department of corrections, after consulting with the operating entity, may place the juvenile in a secured residential care center for children and youth that is able to meet the treatment needs of the juvenile without a hearing under sub. (1) (am) 2. if the receiving operating entity agrees. The department of corrections shall send written notice of the change in placement to the parent, guardian, legal custodian, county department designated under s. 938.34 (4n), if any, and committing court. If the department of corrections places a juvenile in a secured residential care center for children and youth under this subdivision, the department of corrections shall contract with the operating entity for the care and services provided under s. 301.08. A juvenile who is placed in a secured residential care center for children and youth under this subdivision remains under the supervision of the department of corrections, remains subject to the rules and discipline of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

2. If a juvenile under the supervision of a county department is placed in a secured residential care center

for children and youth and that secured residential care center for children and youth is unable to meet the treatment needs of the juvenile, the supervising county department, after consulting with the operating entity, may transfer the juvenile to a different secured residential care center for children and youth that is able to meet the treatment needs of the juvenile and offers more appropriate care and services without a hearing under sub. (1) (am) 2. if the receiving operating entity agrees. The supervising county department shall send written notice of the change in placement to the parent, guardian, legal custodian, county department designated under s. 938.34 (4n), if any, and committing court. If a county department places a juvenile in a secured residential care center for children and youth under this subdivision, the county department shall contract with the operating entity for the care and services provided. If a county department places a juvenile in a secured residential care center for children and youth under this subdivision, the juvenile remains under the supervision of the placing county department, remains subject to the rules and discipline of that county department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

3. A juvenile may seek review of a decision by the department of corrections or county department under subd. 1. or 2. only by the common law writ of certiorari.

**SECTION 76.** 938.357 (4m) of the statutes is amended to read:

938.357 (4m) **RELEASE TO COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.** The department of corrections shall try to release a juvenile to community supervision ~~or~~ and the county department with supervision of a juvenile shall try to release the juvenile to aftercare supervision under sub. (4) within 30 days after the date on which ~~that~~ the department of corrections or county department determines the juvenile is eligible for the release.

**SECTION 77.** 938.48 (3) of the statutes is amended to read:

938.48 (3) **SUPERVISION AND SPECIAL TREATMENT OR CARE.** Accept supervision over juveniles transferred to it by the court under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) ~~or~~ (4), and provide special treatment or care to juveniles when directed by the court. Except as provided in s. 938.505 (2), a court may not direct the department to administer psychotropic medications to juveniles who receive special treatment or care under this subsection.

**SECTION 78.** 938.48 (3) of the statutes, as affected by 2017 Wisconsin Act ... (this act), is amended to read:

938.48 (3) **SUPERVISION AND SPECIAL TREATMENT OR CARE.** Accept supervision over juveniles transferred to it by the court under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or 938.357 (3) or (4), and provide special treatment or care to juveniles when directed by the court. Except as provided in s. 938.505 (2), a court may not direct the

938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay maintenance, tuition, and related expenses from the appropriation under s. 20.410 (3) (ho) for persons who, when they attained 17 years of age, were students regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare them for gainful employment, and who upon attaining that age were under the supervision of the department under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or 938.357 (3) or (4) as a result of a judicial decision.

**SECTION 89.** 938.48 (16) of the statutes is renumbered 938.48 (16) (a).

**SECTION 90.** 938.48 (16) (b) of the statutes is created to read:

938.48 (16) (b) Promulgate rules governing services and programming for juveniles in a secured residential care center for children and youth. The department shall include uniform data reporting standards for counties or Indian tribes that operate or contract with a child welfare agency for a secured residential care center for children and youth in rules promulgated under this paragraph. The department shall base the rules it promulgates under this paragraph on the recommendations provided by the juvenile corrections study committee under 2017 Wisconsin Act .... (this act), section 110 (6) (c) 1.

**SECTION 91.** 938.49 (title) of the statutes is amended to read:

**938.49 (title) Notification by court of placement with a county department or the department of corrections; transfer of reports and records.**

**SECTION 92.** 938.49 (1) of the statutes is amended to read:

938.49 (1) NOTICE TO COUNTY DEPARTMENT OR DEPARTMENT OF CORRECTIONS OF PLACEMENT. When a court places a juvenile in a juvenile correctional facility under the supervision of a county department or the department of corrections or a secured residential care center for children and youth under the supervision of ~~the department of corrections~~ a county department, the court shall immediately notify that the county department or the department of corrections of that action. The court shall, in accordance with procedures established by the department of corrections, provide transportation for the juvenile to a receiving center designated by that the county department or the department of corrections or deliver the juvenile to personnel of that the county department or the department of corrections.

**SECTION 93.** 938.49 (2) (intro.) of the statutes is amended to read:

938.49 (2) TRANSFER OF COURT REPORT AND PUPIL RECORDS. (intro.) When a court places a juvenile in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections or a county department, the

court and all other public agencies shall immediately do all of the following:

**SECTION 94.** 938.49 (2) (a) of the statutes is amended to read:

938.49 (2) (a) Transfer to the department of corrections or the county department a copy of the report submitted to the court under s. 938.33 or, if the report was presented orally, a transcript of the report and all other pertinent data in their possession.

**SECTION 95.** 938.505 (1) of the statutes is amended to read:

938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY DEPARTMENT. When a juvenile is placed under the supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (3), (4), or (5) (e) or under the supervision of a county department under s. 938.34 (4m) or (4n), the department of corrections or county department, whichever has supervision over the juvenile, shall have the right and duty to protect, train, discipline, treat, and confine the juvenile and to provide food, shelter, legal services, education, and ordinary medical and dental care for the juvenile, subject to the rights, duties, and responsibilities of the guardian of the juvenile and subject to any residual parental rights and responsibilities and the provisions of any court order.

**SECTION 96.** 938.505 (1) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY DEPARTMENT. When a juvenile is placed under the supervision of the department of corrections under s. 938.183, 938.34 (4h), ~~(4m)~~ or (4n), or 938.357 (3), (4), or (5) (e) or under the supervision of a county department under s. 938.34 (4m) or (4n), the department of corrections or county department, whichever has supervision over the juvenile, shall have the right and duty to protect, train, discipline, treat, and confine the juvenile and to provide food, shelter, legal services, education, and ordinary medical and dental care for the juvenile, subject to the rights, duties, and responsibilities of the guardian of the juvenile and subject to any residual parental rights and responsibilities and the provisions of any court order.

**SECTION 97.** 938.52 (2) (a) and (c) of the statutes are amended to read:

938.52 (2) (a) In addition to facilities and services under sub. (1), the department of corrections may use other facilities and services under its jurisdiction. The department of corrections may contract for and pay for the use of other public facilities or private facilities for the care and treatment of juveniles in its care. Placement of a juvenile in a private or public facility that is not under the jurisdiction of the department of corrections does not terminate that department's supervision over the juvenile under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357

938.539 (5) OPERATION AS TYPE 2 PLACEMENT. With respect to a juvenile who is placed in a secured residential care center for children and youth under s. 938.34 (4d) or 938.357 (4) (a) (am) or in a less restrictive placement under s. 938.357 (4) (c), the child welfare agency operating the center in which the juvenile is placed, and the person operating any less restrictive placement in which the juvenile is placed, shall operate that center or less restrictive placement as a Type 2 residential care center for children and youth or a Type 2 juvenile correctional facility. This subsection does not preclude a child welfare agency or other person from placing in a residential care center for children and youth or less restrictive placement in which a juvenile is placed under s. 938.34 (4d) or 938.357 (4) (a) (am) or (c) a juvenile who is not placed under s. 938.34 (4d) or 938.357 (4) (a) (am) or (c).

**SECTION 106.** 938.54 of the statutes is amended to read:

**938.54 Records.** The department of corrections shall keep a complete record on each juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n) or 938.357 (3) or (4). This record shall include the information received from the court, the date of reception, all available data on the personal and family history of the juvenile, the results of all tests and examinations given the juvenile, and a complete history of all placements of the juvenile while under the supervision of the department of corrections.

**SECTION 107.** 938.54 of the statutes, as affected by 2017 Wisconsin Act ... (this act), is amended to read:

**938.54 Records.** The department of corrections shall keep a complete record on each juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n) or 938.357 (3) or (4). This record shall include the information received from the court, the date of reception, all available data on the personal and family history of the juvenile, the results of all tests and examinations given the juvenile, and a complete history of all placements of the juvenile while under the supervision of the department of corrections.

**SECTION 108.** 938.59 (1) of the statutes is amended to read:

938.59 (1) INVESTIGATION AND EXAMINATION. The county department shall investigate the personal and family history and environment of any juvenile transferred to its legal custody or placed under its supervision under s. 938.34 (2), (4d), (4m), or (4n) and make any physical or mental examinations of the juvenile considered necessary to determine the type of care necessary for the juvenile. The county department shall screen a juvenile who is examined to determine whether the juvenile is in need of special treatment or care because of alcohol or other drug abuse, mental illness, or severe emotional disturbance. The county department shall keep a complete record of the information received from the court, the date of reception, all available data on the personal

and family history of the juvenile, the results of all tests and examinations given the juvenile, and a complete history of all placements of the juvenile while in the legal custody or under the supervision of the county department.

**SECTION 109.** 938.595 of the statutes is amended to read:

**938.595 Duration of control of county departments over delinquents.** A juvenile who has been adjudged delinquent and placed under the supervision of a county department under s. 938.34 (2), (4d), (4m), or (4n) shall be discharged as soon as the county department determines that there is a reasonable probability that it is no longer necessary either for the rehabilitation and treatment of the juvenile or for the protection of the public that the county department retain supervision.

**SECTION 110. Nonstatutory provisions.**

(1) TRANSFER OF JUVENILES.

(a) Upon the establishment of the Type 1 juvenile correctional facilities under subsection (7) and the secured residential care centers for children and youth under subsections (4) and (7m), the department of corrections shall begin to transfer each juvenile held in secure custody at the Lincoln Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional facility or secured residential care center for children and youth. No juvenile may be transferred to a Type 1 juvenile correctional facility until the department of corrections determines the facility to be ready to accept juveniles, and no juvenile may be transferred to a secured residential care center for children and youth until the entity operating the facility determines it to be ready to accept juveniles. The transfers may occur in phases. The department shall transfer all juveniles under this subsection no later than January 1, 2021.

(b) On the date on which a juvenile who was under the supervision of the department of corrections under section 938.34 (2) or (4m) of the statutes is transferred to a secured residential care center for children and youth under paragraph (a), the juvenile is under the supervision of the county department of the county of the court that adjudicated the juvenile delinquent under section 938.34 (2) or (4m) of the statutes.

(2) CLOSURE AND CONVERSION OF FACILITIES.

(a) On the earlier of the date on which all juveniles have been transferred to secured residential care centers for children and youth and Type 1 juvenile correctional facilities under subsection (1) or January 1, 2021, the department of corrections shall permanently close the Type 1 juvenile correctional facilities housed at the Lincoln Hills School and Copper Lake School in the town of Birch, Lincoln County.

(b) The department of corrections shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register that states the date on which the facilities under paragraph (a) are closed.

(a) of the statutes as needed to establish standards for the approval, design, construction, repair, maintenance, and operation of secured residential care centers for children and youth. Using the procedure under section 227.24 of the statutes, the department of corrections shall promulgate emergency rules under section 938.48 (16) (b) of the statutes as needed to establish standards for services, programming, and uniform data reporting requirements for counties or Indian tribes that operate or contract with a child welfare agency to operate a secured residential care center for children and youth. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect for 2 years after the date they become effective, or until the date on which permanent rules take effect, whichever is sooner, and the effective period may not be further extended under section 227.24 (2) of the statutes.

(b) The department of corrections shall present the statement of scope of the rules required under paragraph (a) to the department of administration for gubernatorial approval under section 227.135 (2) of the statutes no later than August 24, 2018. Notwithstanding section 227.24 (1) (e) 1d. of the statutes, if the governor does not disapprove the statement of scope of the rules under this paragraph by the 7th day after the department presents the statement to the governor, the statement is considered approved by the governor.

(c) The department of corrections shall submit to the governor the rules required under paragraph (a) in final draft form no later than December 17, 2018. Notwithstanding section 227.24 (1) (e) 1g. of the statutes, if the governor does not reject the rules under this paragraph by the 14th day after the rules are submitted to the governor in final draft form, the rules are considered to be approved by the governor.

(6) JUVENILE CORRECTIONS STUDY COMMITTEE.

(a) *Committee; members.* There is created in the department of corrections a juvenile corrections study committee consisting of all of the following members:

1. The secretary of corrections, or his or her designee, who shall serve as cochairperson.
2. The secretary of children and families, or his or her designee, who shall serve as cochairperson.
3. The secretary of health services, or his or her designee.
4. The superintendent of public instruction, or his or her designee.
5. The state public defender, or his or her designee.

6. Three representatives to the assembly appointed by the speaker of the assembly or the appointed representative's designee.

7. Three senators appointed by the senate majority leader or the appointed senator's designee.

8. Two circuit court judges, appointed by the governor.

9. Two district attorneys, appointed by the governor.

10. Two representatives of law enforcement agencies in this state, appointed by the governor.

10m. One sheriff, or his or her designee, appointed by the governor.

11. One representative of a national organization that focuses on eliminating race-based discrimination, appointed by the governor.

12. One representative of a nonprofit that focuses on issues relating to juvenile justice, appointed by the governor.

13. One representative of a nonprofit organization that focuses on best practices for holding juveniles in secure custody, appointed by the governor.

14. One representative of the county department of social services or human services in the county with the highest percentage of juveniles under the supervision of either the department of corrections or a county department under chapter 938 of the statutes, appointed by the governor.

15. One representative of a county department of social services or human services of a county that operates a regional juvenile detention facility that is also an eligible juvenile detention facility, as defined under subsection (7m) (a), appointed by the governor.

16. One representative of a county department of social services or human services of a county not described in subdivision 14. or 15., appointed by the governor.

17. One resident of the state who either has been under the supervision of the department of corrections under chapter 938 of the statutes or has had a close family member who has been under the supervision of the department of corrections under chapter 938 of the statutes, appointed by the governor.

(b) *Staff.* The state agencies with membership on the committee shall provide adequate staff to conduct the functions of the committee.

(c) *Duties.*

1. The juvenile corrections study committee shall research and develop recommendations for rules governing the services and programming provided to juveniles in secured residential care centers for children and youth. The committee shall submit to the department of corrections its findings and recommendations no later than September 1, 2018.

2. The juvenile corrections study committee shall study and develop recommendations for the location of



the statutes the cost for staffing, operating, and maintaining the new Type 1 juvenile correctional facilities constructed or established under section 301.16 (1w) of the statutes.

(c) The department of children and families shall include in its 2019–21 biennial budget request under section 16.42 of the statutes a proposal to increase the appropriation under section 20.437 (1) (ck) of the statutes to provide bonuses under section 48.527 of the statutes to em. Type 1 juvenile correctional facilities — statewide

(b) In paragraph (d) 1., under projects financed by bh. Expansion of the Mendota Juvenile Treatment Center — Madison

**SECTION 111. Initial applicability.**

(1) The treatment of sections 938.34 (4m) (intro.) and (4n) (intro.) and 938.357 (4) (a), (ab), (b) 1., 2., and 4., (c) 1. and 4., and (d) of the statutes, the renumbering and amendment of section 938.357 (3) of the statutes, and the creation of section 938.357 (3) (b), (c), and (d) of the statutes with respect to a county department’s supervision of a juvenile, first apply to a juvenile adjudicated delinquent by the court of the county and placed at that county’s secured residential care center for children and youth under section 938.34 (4m) of the statutes.

(2) The treatment of section 938.34 (3) (f) 1. of the statutes, with respect to juvenile detention facilities that are not eligible juvenile detention facilities under SECTION 110 (7m), first applies to a juvenile adjudicated delinquent on the effective date of this subsection.

(3) The treatment of section 938.34 (3) (f) 1. of the statutes, with respect to an eligible juvenile detention

counties that operate a joint secured residential care center for children and youth.

(10) 2017–19 AUTHORIZED STATE BUILDING PROGRAM ADDITIONS. In 2017 Wisconsin Act 59, SECTION 9104 (1), the following projects are added to the 2017–19 Authorized State Building Program and the appropriate totals are increased by the amounts shown:

(a) In paragraph (c) 1., under projects financed by general fund supported borrowing: \$25,000,000

general fund supported borrowing: \$15,000,000

facility under SECTION 110 (7m), first applies to a juvenile adjudicated delinquent on January 1, 2021.

**SECTION 112. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 46.011 (1p) (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.03 (10) (d) (by SECTION 38), 301.20, 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57) and (b) (by SECTION 59) and (4m) (intro.) (by SECTION 62), 938.357 (4) (am) (by SECTION 70), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b) (by SECTION 82), (5) (by SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88), 938.505 (1) (by SECTION 96), 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION 100), and 938.54 (by SECTION 107) of the statutes takes effect on the date specified in the notice under SECTION 110 (2) (b) or January 1, 2021, whichever is earlier.

2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1117/P3ins  
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INS - A:

This bill makes certain changes to the grant program for the design and construction of new secured residential care centers for children and youth (SRCCCYs) under 2017 Wisconsin Act 185, changes the closure date for the Lincoln Hills and Copper Lake Schools, modifies how juveniles who are transferred between an SRCCCY or a Type 1 juvenile correctional facility and the Mendota Juvenile Treatment Center (MJTC) are supervised and released, changes the provisions for grandfathering current juvenile detention programs, and changes the requirements for the purchase of services between counties and the Department of Corrections.

**CHANGES TO THE JUVENILE CORRECTIONS GRANT PROGRAM**

Act 185 created a grant program for counties to construct new SRCCCYs for the purpose of holding in secure custody juveniles who are adjudicated delinquent and given a correctional placement. Under Act 185, grant applications are due to the juvenile corrections grant committee by March 31, 2019, and the committee is responsible for submitting a plan to the Joint Committee on Finance for which applications to fund no later than July 1, 2019. This bill provides a three-month extension to the timeline for submitting grant applications to the grant committee and for the grant committee to submit the plan for funding grant applications to JCF.

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Under Act 185, a grant to construct a new SRCCCY covers 95 percent of the county's cost for design and construction, except that the grant covers 100 percent of the county's cost for design and construction for a girls-only facility. Act 185 also provided that DOC will reimburse a girls-only facility any net operating loss, as determined by the Legislative Audit Bureau. This bill changes the grant program so that 100 percent of the portion of any facility that is designed and constructed to hold female juveniles is paid for by the grant program, and that the net operating loss reimbursement applies to any portion of a facility that houses female juveniles or any portion of services provided to female juveniles at the facility.

**CLOSURE OF LINCOLN HILLS AND COPPER LAKE SCHOOLS**

Act 185 also requires the current juvenile correctional facility owned and operated by DOC (Lincoln Hills and Copper Lakes schools) to be closed no later than January 1, 2021, or when all of the juveniles that are held there are transferred to the new county-run SRCCCYs or a new state-run juvenile correctional facility, also funded by and required to be established by DOC under Act 185. This bill extends the timeline for closing Lincoln Hills and Copper Lakes schools and for constructing the new SRCCCYs and new state-run juvenile correctional facility by six months, to July 1, 2021. Under this bill, if DOC cannot meet the July 1, 2021 deadline for closing the Lincoln Hills and Copper Lake schools, DOC may request one three-month extension from the appropriate standing committees of the legislature under a passive review process.

Act 185 also provides a youth aids bonus of 15 percent of the county's annual youth aids payment or \$750,000, whichever is less, to any county that agrees to

on

operate a joint SRCCCY for two or more counties. This bill provides the youth aids bonus to any county that operates an SRCCCY that serves juveniles from more than one county. ✓

**TRANSFER AND SUPERVISION OF JUVENILES BETWEEN FACILITIES**

This bill specifies that when a juvenile is placed at MJTC under a change-in-placement order, the Department of Health Services is responsible for determining the date of the transfer and is responsible for determining whether to release a juvenile who has been placed there back to DOC or the county. ✓

**GRANDFATHERING EXISTING JUVENILE DETENTION PROGRAMS**

Under Act 185, existing programs to hold juveniles in a juvenile detention facility for up to one year will be grandfathered in and allowed to hold a number of juveniles equal to the facility's population on January 1, 2021. This bill changes the cap for the grandfathered juvenile detention programs under Act 185 to a number of juveniles equal to the three-year average daily population of the facility between July 1, 2018, and June 30, 2021. ✓

**COUNTY BUDGETS**

This bill repeals the current law requirement for counties to submit an annual budget to DOC for the purchase of juvenile correctional services and the requirements for contracts between counties and DOC for the purchase of juvenile correctional services. ✓

INS 3-13

✦ **SECTION 1.** 46.21 (2) (j) of the statutes is amended to read:

46.21 (2) (j) May exercise approval or disapproval power over contracts and purchases of the director that are for \$50,000 or more, except that the county board of supervisors may not exercise approval or disapproval power over any personal service contract or over any contract or purchase of the director that relates to community living arrangements, adult family homes, or foster homes and that was entered into pursuant to a contract under s. 46.031 (2g) <sup>plain</sup> or 301.031 (2g), regardless of whether the contract mentions the provider, except as provided in par. (m). The county board of supervisors may not exercise approval or disapproval power over any contract relating to mental health or mental health institutions, programs, or services. This paragraph does not preclude the county board of supervisors from

creating a central purchasing department for all county purchases that are not related to mental health.

**History:** 1973 c. 136, 153, 262; 1975 c. 224; 1975 c. 413 s. 18; 1977 c. 271, 272, 449; 1979 c. 34; 1981 c. 217, 329, 391; 1983 a. 27, 239, 368, 524; 1985 a. 29 s. 3202 (23); 1985 a. 120, 176, 332; 1987 a. 399; 1989 a. 31, 112, 319; 1991 a. 274; 1993 a. 27, 186, 213, 446; 1995 a. 27, 77, 201; 1997 a. 27, 79, 164, 237, 283; 1999 a. 9; 2005 a. 264, 388, 443; 2007 a. 20, 45; 2009 a. 28, 180; 2011 a. 32; 2013 a. 20, 203; 2017 a. 207 s. 5.

*reverse  
order  
of these  
4*

- SECTION 2. 46.23 (5) (n) 3. of the statutes is repealed.
- SECTION 3. 46.22 (2g) (d) 4. of the statutes is repealed.
- SECTION 4. 46.22 (1) (b) 5m. d. of the statutes is repealed.
- SECTION 5. 46.215 (3) of the statutes is amended to read:

46.215 (3) PROGRAM BUDGETS. The county department of social services shall submit a final budget for authorized services to the department of health services under s. 46.031 (1), to the department of corrections under s. ~~301.031 (1)~~, and to the department of children and families under s. 49.325 (1), ~~for authorized services.~~

**History:** 1971 c. 218; 1973 c. 90, 147, 333, 336; 1975 c. 39, 307, 421; 1977 c. 29, 271, 418; 1979 c. 34; 1981 c. 20 ss. 867m to 870, 2202 (20) (j); 1981 c. 81, 329; 1983 a. 27 ss. 1080, 2202 (20); 1983 a. 190 s. 7; 1983 a. 193; 1985 a. 29, 120; 1985 a. 176 ss. 322 to 332; Stats. 1985 s. 46.215; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2063 to 2076, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 225, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 264, 388, 406; 2007 a. 20 ss. 848 to 856, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 15, 28, 180, 334; 2011 a. 32; 2013 a. 20; 2015 a. 55.

→ SECTION 6. 46.23 (5) (c) 3. of the statutes is amended to read:

46.23 (5) (c) 3. Shall monitor the performance of contracts for the purchase of juvenile correctional services. ~~Contracts for the purchase of those services shall be subject to the conditions specified in s. 301.031.~~

**History:** 1975 c. 39, 224; 1977 c. 29; 1981 c. 20, 93, 291; 1981 c. 329 s. 31; 1983 a. 27 ss. 962, 2202 (20); 1985 a. 29 ss. 844m to 860, 3200 (56) (a); 1985 a. 120, 176, 332; 1987 a. 186; 1987 a. 403 s. 256; 1989 a. 56, 359; 1991 a. 274; 1993 a. 16, 27, 83, 445, 491; 1995 a. 27 ss. 2112 to 2127, 9126 (19), 9130 (4); 1995 a. 64, 201, 352, 417; 1997 a. 3, 164, 268, 283; 1999 a. 9; 2005 a. 264, 388, 406; 2007 a. 20 ss. 878 to 891, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180; 2011 a. 32; 2015 a. 55; 2017 a. 150; 2017 a. 207 s. 5.

→ SECTION 7. 46.23 (5m) (c) of the statutes is amended to read:

46.23 (5m) (c) Prepare, with the assistance of the county human services director under sub. (6m) (e), a proposed budget for submission to the county executive or county administrator; a final budget for submission to the department of health services in accordance with s. 46.031 (1) for authorized services, except services under ch. 48 and subch. III of ch. 49, community-based juvenile delinquency-related services, and juvenile correctional services; and a final budget for submission to the

department of children and families in accordance with s. 49.325 for authorized services under ch. 48 and subch. III of ch. 49 and for authorized community-based juvenile delinquency-related services; and a final budget for submission to the department of corrections in accordance with s. 301.031 for the purchase of authorized juvenile correctional services.

**History:** 1975 c. 39, 224; 1977 c. 29; 1981 c. 20, 93, 291; 1981 c. 329 s. 31; 1983 a. 27 ss. 962, 2202 (20); 1985 a. 29 ss. 844m to 860, 3200 (56) (a); 1985 a. 120, 176, 332; 1987 a. 186; 1987 a. 403 s. 256; 1989 a. 56, 359; 1991 a. 274; 1993 a. 16, 27, 83, 445, 491; 1995 a. 27 ss. 2112 to 2127, 9126 (19), 9130 (4); 1995 a. 64, 201, 352, 417; 1997 a. 3, 164, 268, 283; 1999 a. 9; 2005 a. 264, 388, 406; 2007 a. 20 ss. 878 to 891, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180; 2011 a. 32; 2015 a. 55; 2017 a. 150; 2017 a. 207 s. 5.

INS 3-21

✕ **SECTION 8.** 48.66 (1) (b) of the statutes is amended to read:

48.66 (1) (b) Except as provided in s. 48.715 (6), the department of corrections may license a child welfare agency to operate a secured residential care center for children and youth for holding in secure custody juveniles who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h), or (4m) and referred to the child welfare agency by the court, the tribal court, the county department, or the department of corrections and to provide supervision, care, and maintenance for those juveniles.

**History:** 1975 c. 307; 1977 c. 29, 271, 418, 447; 1979 c. 330; 1985 a. 176; 1993 a. 375 ss. 10, 12, 13; 1993 a. 377, 446, 491; 1995 a. 27, 77, 352; 1997 a. 27, 191, 205, 237; 1999 a. 9; 2005 a. 344; 2007 a. 20; 2009 a. 28, 185; 2013 a. 36; 2017 a. 47, 59, 185, 257.

**Cross-reference:** See also ch. DCF 57, Wis. adm. code.

INS 4-4

✕ **SECTION 9.** 301.031 of the statutes is repealed.

INS 4-18

✕ **SECTION 10.** 938.22 (1) (a) of the statutes is amended to read:

938.22 (1) (a) The county board of supervisors of a county may establish a juvenile detention facility or secured residential care center for children and youth in accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or more counties may jointly establish a juvenile detention facility or secured

residential care center for children and youth in accordance with ss. 46.20, 59.53 (8m), 301.36, and 301.37. An Indian tribe may establish a secured residential care center for children and youth in accordance with ss. 301.36 and 301.37 or may contract with a county board of supervisors to hold juveniles who are adjudicated delinquent by the tribal court in <sup>that</sup> a county's secured residential care center for children and youth. The county board of supervisors of a county may establish a shelter care facility in accordance with ss. 48.576 and 48.578 or the county boards of supervisors for 2 or more counties may jointly establish a shelter care facility in accordance with ss. 46.20, 48.576, and 48.578. A private entity may establish a juvenile detention facility in accordance with ss. 301.36 and 301.37 and contract with one or more county boards of supervisors under s. 938.222 to hold juveniles in the private juvenile detention facility. Subject to ss. 48.66 (1) (b), 301.36, and 301.37, a child welfare agency may establish a secured residential care center for children and youth and contract with one or more county boards of supervisors or an Indian tribe to hold juveniles in the secured residential care center for children and youth.

INS 9-4

✕ **SECTION 11.** 938.355 (2) (b) 6m. of the statutes is amended to read:

938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement under s. 938.34 (3) or (4d) recommended by the agency designated under s. 938.33 (1), a statement that the court approves the placement recommended by the agency or, if the juvenile is placed outside the home in a placement other than a placement recommended by that agency, a statement that the court has given bona fide

consideration to the recommendations made by the agency and all parties relating to the juvenile's placement.

**History:** 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 103, 180, 185, 302; 2011 a. 181, 258; 2013 a. 165, 334, 362; 2015 a. 55, 80; 2015 a. 195 ss. 64, 83; 2015 a. 366, 367, 373; 2017 a. 366.

**NOTE:** The above annotations cite to s. 48.355, the predecessor statute to s. 938.355.

INS 17-4

**SECTION 12. Initial applicability.**

(1) The treatment of ss. 938.33 (3r), 938.34 (4m) (intro.) (by SECTION 14) and (4n) (intro.), and 938.357 (3) (b) (c), (d), (e), and (f) and (4) (as), with respect to a county department's supervision of a juvenile, first applies to a juvenile adjudicated delinquent and placed under the supervision of the county under s. 938.34 (4m).

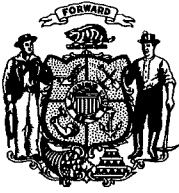
20  
a.r.

**SECTION 13. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of s. 938.34 (4m) (intro.) takes effect on the date specified in the notice under 2017 Wisconsin Act 185, SECTION 110 (2) (b).

(by Section 5) a.r. 21

**History:** 1995 a. 27 s. 9126 (19); 1995 a. 77, 352; 1997 a. 27, 35, 252; 1999 a. 9; 2005 a. 344; 2007 a. 20, 97; 2011 a. 209; 2013 a. 335; 2015 a. 55; 2017 a. 185; 2017 a. 207 s. 5; s. 35.17 correction in (2) (d) 1. a.



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1117/P3  
EAW:amn&ahe

In: 2/21  
due: 2/22 Am  
if possible

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

INSERT

1     **AN ACT to amend** 13.94 (1) (v), 48.527, 301.027, 301.373, 938.22 (2) (d) 2., 938.33  
2           (title), 938.33 (1) (c), 938.33 (3) (intro.), 938.33 (3r), 938.34 (4m) (intro.), 938.34  
3           (4n) (intro.), 938.355 (2) (b) 1., 938.355 (2) (b) 2., 938.357 (3) (b) (intro.), (c) and  
4           (d) and 938.57 (4); **to repeal and recreate** 938.34 (4m) (intro.); **to create**  
5           46.057 (1m), 938.33 (2m), 938.33 (3) (c), 938.33 (6), 938.355 (2) (b) 2m., 938.355  
6           (2) (b) 6n., 938.357 (3) (e) and (f) and 938.357 (4) (as) of the statutes; and **to**  
7           **affect** 2017 Wisconsin Act 185, section 38, 2017 Wisconsin Act 185, section 70,  
8           2017 Wisconsin Act 185, section 110 (1) (a), 2017 Wisconsin Act 185, section 110  
9           (2) (a), 2017 Wisconsin Act 185, section 110 (3) (c), 2017 Wisconsin Act 185,  
10          section 110 (4) (a) 1. c., 2017 Wisconsin Act 185, section 110 (4) (d), 2017  
11          Wisconsin Act 185, section 110 (4) (e), 2017 Wisconsin Act 185, section 110 (4)  
12          (f), 2017 Wisconsin Act 185, section 110 (6) (e), 2017 Wisconsin Act 185, section  
13          110 (7), 2017 Wisconsin Act 185, section 110 (7m) (b), 2017 Wisconsin Act 185,  
14          section 111 (3) and 2017 Wisconsin Act 185, section 112 (1); **relating to:** the



1  
2

grant program for county secured residential care centers for children and youth.  
*juvenile correctional facilities*

**Analysis by the Legislative Reference Bureau**

This bill makes certain changes to the grant program for the design and construction of new secured residential care centers for children and youth (SRCCCYs) under 2017 Wisconsin Act 185. *to the transfer of juveniles between juvenile correctional facilities, and to the purchase of services between*

Act 185 created a grant program for counties to construct new SRCCCYs for the purpose of holding in secure custody juveniles who are adjudicated delinquent and given a correctional placement. Act 185 also required the current juvenile correctional facility owned and operated by the Department of Corrections (Lincoln Hills and Copper Lakes schools) to be closed no later than January 1, 2021, or when all of the juveniles that are held there are transferred to the new county-run SRCCCYs or a new state-run juvenile correctional facility, also funded by and required under Act 185. This bill extends the timeline for closing Lincoln Hills and Copper Lakes schools and for constructing the new SRCCCYs and new state-run juvenile correctional facility to July 1, 2021. *between counties and the Department of Corrections*

Act 185 also provided a youth aids bonus of 15 percent of the county's annual youth aids payment or \$750,000, whichever is less, to any county that agreed to operate a joint SRCCCY for two or more counties. This bill provides the youth aids bonus to any county that operates an SRCCCY that serves juveniles from more than one county.

Under Act 185, a grant to construct a new SRCCCY would cover 95 percent of the county's cost for design and construction, except that the grant would cover 100 percent of the county's cost for design and construction for a girls-only facility. Act 185 also provided that the Department of Corrections would reimburse a girls-only facility any net operating loss, as determined by the Legislative Audit Bureau. This bill changes the grant program so that 100 percent of the portion of any facility that is designed and constructed to hold female juveniles is paid for by the grant program, and that the net operating loss reimbursement would apply to any portion of a facility that houses female juveniles or any portion of services provided to female juveniles at the facility. *DOC*

Under Act 185, existing programs to hold juveniles in a juvenile detention facility for up to one year would be grandfathered in and allowed to hold the number of juveniles equal to the facility's population on January 1, 2021. This bill changes the cap for the grandfathered juvenile detention programs under Act 185 to the number of juveniles equal to the three-year average daily population of the facility between July 1, 2018, and June 30, 2021.

*Replace with Ins-A*

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

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

1           **SECTION 1.** 13.94 (1) (v) of the statutes is amended to read:

2           13.94 (1) (v) Conduct an audit, at the request of the department of corrections,  
3 of a county's net operating costs for a secured residential care center for children and  
4 youth that holds only female juveniles for the purpose of determining the amount,  
5 if any, of a net operating loss to be reimbursed by the department of corrections to  
6 a county under s. 301.373. The bureau shall report the result of the audit to the  
7 department of corrections as soon as practicable.

8           **SECTION 2.** 46.057 (1m) of the statutes is created to read:

9           46.057 (1m) The director of the Mendota Mental Health Institute, or his or her  
10 designee, shall be responsible for decisions regarding admissions, treatment, and the  
11 release and return of juvenile offenders from the Mendota juvenile treatment center  
12 to county supervision.

13           **SECTION 3.** 48.527 of the statutes is amended to read:

14           **48.527 Community youth and family aids; bonus for county facilities.**

15 From the appropriation under s. 20.437 (1) (ck), the department shall allocate an  
16 amount equal to 15 percent of a county's allocation in the preceding fiscal year under  
17 s. 48.526 or \$750,000, whichever is less, in additional funds for a county that operates  
18 a joint secured residential care center for children and youth under s. 46.20 (1m) that  
19 was funded by a grant under 2017 Wisconsin Act 185, section 110 (4), and that serves  
20 juveniles from more than one county.

21           **SECTION 4.** 301.027 of the statutes is amended to read:

INS  
3-13

INS  
3-21

1           **301.027 Treatment program at one or more juvenile correctional**  
2 **facilities.** The department shall maintain ~~a cottage-based~~ an intensive alcohol and  
3 other drug abuse program at one or more juvenile correctional facilities.

4           **SECTION 5.** 301.373 of the statutes is amended to read:

5           **301.373 Operating loss reimbursement program.** The department shall  
6 reimburse a county that operates a secured residential care center for children and  
7 youth that holds only female juveniles in secure custody and that was established  
8 using funding from the grant program under 2017 Wisconsin Act 185, section 110 (4),  
9 for any annual net operating loss for the services and facilities offered to female  
10 juveniles. A county seeking reimbursement under this section shall submit its  
11 request and supporting financial statements for the prior fiscal year to the  
12 department and the legislative audit bureau in a format prescribed by the  
13 department. The department shall reimburse the county for the amount of the net  
14 operating loss, as determined by the legislative audit bureau under s. 13.94 (1) (v),  
15 from the appropriation under s. 20.410 (3) (f). The department may pay for the cost  
16 of the audit by the legislative audit bureau under s. 13.94 (1) (v) from the  
17 appropriation under s. 20.410 (3) (f).

18           **SECTION 6.** 938.22 (2) (d) 2. of the statutes is amended to read:

19           **938.22 (2) (d) 2.** After ~~January~~ July 1, 2021, the number of juveniles that may  
20 be housed at a juvenile detention facility under subd. 1. is limited to the number that  
21 are housed at is equal to the average daily population of juveniles housed under subd.  
22 1., rounded up to the nearest whole number, of the juvenile detention facility on  
23 January 1 between July 1, 2018, and June 30, 2021, excluding any juveniles placed  
24 there under 2019 Wisconsin Act ... (this act), section 39 (2) and the juvenile detention  
25 facility may not be altered or added to or repaired in excess of 50 percent of its

1 assessed value. If a juvenile detention facility violates this subdivision, it is no longer  
2 authorized to accept juveniles for placement for more than 30 consecutive days.

3 **SECTION 7.** 938.33 (title) of the statutes is amended to read:

4 **938.33 (title) Court reports and precorrectional placement review**  
5 **meetings.**

6 **SECTION 8.** 938.33 (1) (c) of the statutes is amended to read:

7 938.33 (1) (c) A description of the specific services or continuum of services that  
8 the agency is recommending ~~the court to order~~ for the juvenile or family, the persons  
9 or agencies that would be primarily responsible for providing those services, and the  
10 identity of the person or agency that would provide case management or coordination  
11 of services, if any, and whether or not the juvenile should receive a coordinated  
12 services plan of care.

13 **SECTION 9.** 938.33 (2m) of the statutes is created to read:

14 **938.33 (2m) PRECORRECTIONAL PLACEMENT REVIEW.** Before an agency  
15 recommends a placement in a secured residential care center for children and youth  
16 or Type 1 juvenile correctional facility, the agency shall conduct a precorrectional  
17 placement review to determine the appropriate placement for the juvenile. In  
18 conducting the review, the agency shall confer with the appropriate personnel of each  
19 agency or facility under consideration and shall consider the juvenile's record,  
20 residential and treatment needs, and proximity to the juvenile's family. If, upon the  
21 precorrectional placement review, the agency determines that placement in a  
22 secured residential care center for children and youth or Type 1 juvenile correctional  
23 facility is appropriate, the agency may recommend that placement. If the agency  
24 recommends immediate placement at the Mendota juvenile treatment center subject  
25 to the approval of the department of health services, the agency shall specify

1 whether, upon release from the center, the juvenile should be placed with the  
2 department of corrections or the county department.

3 **SECTION 10.** 938.33 (3) (intro.) of the statutes is amended to read:

4 938.33 (3) ~~CORRECTIONAL~~ PRECORRECTIONAL PLACEMENT REPORTS. (intro.) A  
5 report recommending placement of a juvenile in a Type 1 juvenile correctional facility  
6 or a secured residential care center for children and youth following a precorrectional  
7 placement review shall be in writing, except that the report may be presented orally  
8 at the dispositional hearing if the juvenile and the juvenile's counsel consent. A  
9 report that is presented orally shall be transcribed and made a part of the court  
10 record. In addition to the information specified under sub. (1) (a) to (d), the report  
11 shall include all of the following:

12 **SECTION 11.** 938.33 (3) (c) of the statutes is created to read:

13 938.33 (3) (c) A summary of the precorrectional placement review including  
14 who participated in the review, what information was considered, and the reason for  
15 the proposed recommendation.

16 **SECTION 12.** 938.33 (3r) of the statutes is amended to read:

17 938.33 (3r) **SERIOUS JUVENILE OFFENDER REPORT.** If a juvenile has been  
18 adjudicated delinquent for committing a violation for which the juvenile may be  
19 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report  
20 shall be in writing and, in addition to the information specified in sub. (1) and in sub.  
21 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for  
22 placement in the serious juvenile offender program under s. 938.34 (4h) or in a  
23 juvenile correctional facility secured residential care center for children and youth  
24 under s. 938.34 (4m), a placement specified in s. 938.34 (3), or placement in the

1 juvenile's home with supervision and community-based programming and a  
2 recommendation as to the type of placement for which the juvenile is best suited.

3 **SECTION 13.** 938.33 (6) of the statutes is created to read:

4 938.33 (6) RETENTION. Reports submitted under this section shall be retained  
5 in the record of the pending action, which shall be made available to the agency that  
6 is designated to supervise the juvenile under a disposition under s. 938.34 or a  
7 change of placement order under s. 938.357.

8 **SECTION 14.** 938.34 (4m) (intro.) of the statutes is amended to read:

9 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile under the  
10 supervision of the department of corrections in a juvenile correctional facility or  
11 under the supervision of the county department in a secured residential care center  
12 for children and youth ~~under the supervision of~~ to be identified by the county  
13 department ~~or the department of corrections~~ if all of the following apply:

14 **SECTION 15.** 938.34 (4m) (intro.) of the statutes, as affected by 2017 Wisconsin  
15 Act 185, section 62, is repealed and recreated to read:

16 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile under the  
17 supervision of the county department in a secured residential care center for children  
18 and youth to be identified by the county department if all of the following apply:

19 **SECTION 16.** 938.34 (4n) (intro.) of the statutes is amended to read:

20 938.34 (4n) ~~COMMUNITY SUPERVISION OR AFTERCARE~~ AFTERCARE SUPERVISION.  
21 (intro.) In the case of a juvenile who has received a correctional placement under sub.  
22 (4m), designate ~~the county department~~ one of the following to provide aftercare  
23 supervision for the juvenile following the juvenile's release from a secured  
24 residential care center for children and youth or Type 1 juvenile correctional facility.  
25 ~~In the case of a juvenile who has been placed in a juvenile correctional facility or a~~

1 ~~secured residential care center for children and youth under the supervision of the~~  
2 ~~department of corrections, designate the department of corrections to provide~~  
3 ~~community supervision for the juvenile following the juvenile's release from that~~  
4 ~~facility or center or, subject to any arrangement between the department of~~  
5 ~~corrections and a county department regarding the provision of aftercare~~  
6 ~~supervision for juveniles who have been released from a juvenile correctional facility~~  
7 ~~or a secured residential care center for children and youth, designate one of the~~  
8 ~~following to provide aftercare supervision for the juvenile following the juvenile's~~  
9 ~~release from that facility or center:~~

10 **SECTION 17.** 938.355 (2) (b) 1. of the statutes is amended to read:

11 938.355 (2) (b) 1. ~~The specific~~ Specific services to be provided to the juvenile  
12 and the juvenile's family, and, if custody is to be transferred to effect the treatment  
13 plan, the identity of the legal custodian.

14 **SECTION 18.** 938.355 (2) (b) 2. of the statutes is amended to read:

15 938.355 (2) (b) 2. If the juvenile is placed outside the home under s. 938.34 (3)  
16 or (4d), the name of the place or facility, including transitional placements, where the  
17 juvenile shall be cared for or treated, except that if the placement is a foster home  
18 and the name and address of the foster parent is not available at the time of the order,  
19 the name and address of the foster parent shall be furnished to the court and the  
20 parent within 21 days after the order. If, after a hearing on the issue with due notice  
21 to the parent or guardian, the court finds that disclosure of the identity of the foster  
22 parent would result in imminent danger to the juvenile or the foster parent, the court  
23 may order the name and address of the prospective foster parents withheld from the  
24 parent or guardian.

25 **SECTION 19.** 938.355 (2) (b) 2m. of the statutes is created to read:

1 938.355 (2) (b) 2m. If the juvenile is placed outside the home under s. 938.34  
2 (4m), the name of the county department that will provide supervision and  
3 determine placement for the juvenile.

4 **SECTION 20.** 938.355 (2) (b) 6n. of the statutes is created to read:

5 938.355 (2) (b) 6n. If the juvenile is placed outside the home under s. 938.34  
6 (4m), a statement that the court has given bona fide consideration to the  
7 recommendations made by the agency and all parties relating to the juvenile's  
8 placement.

9 **SECTION 21.** 938.357 (3) (b) (intro.), (c) and (d) of the statutes are amended to  
10 read:

11 938.357 (3) (b) (intro.) Notwithstanding s. 938.34 (4m) and subject to par. (c),  
12 the court may order placement in a Type 1 juvenile correctional facility under  
13 supervision of operated by the department of corrections for a juvenile who was  
14 adjudicated delinquent under s. 938.34 (4m) if the court finds, after a hearing under  
15 this section, that any of the following apply:

16 <sup>Notwithstanding s. 938.34(4m), upon</sup> (c) Upon the recommendation of the department of health services, the court  
17 may order the placement of a juvenile <sup>who was adjudicated delinquent under s. 938.34(4m)</sup> under par. (b) at the Mendota juvenile  
18 treatment center if par. (b) 1. a. to c. are met. The department of health services shall  
19 determine the date for the actual transfer of the juvenile to the Mendota juvenile  
20 treatment center, and no change of placement to the Mendota juvenile treatment  
21 center may be ordered without the prior agreement of the department of health  
22 services to admit the juvenile. No further hearing or court order is necessary for the  
23 department of health services to transfer the juvenile back to the supervision of the  
24 county department.



1 (d) A juvenile who is placed in a Type 1 juvenile correctional facility under par.  
2 (b) or (c) is the financial responsibility of the county department of the county where  
3 the juvenile was adjudicated delinquent ~~and that.~~ The county department shall  
4 reimburse the department of corrections at the rate specified under s. 301.26 (4) (d)  
5 2. or 3., whichever is applicable, for the cost of the a juvenile's care while placed in  
6 a Type 1 juvenile correctional facility other than the Mendota juvenile treatment  
7 center. The county department shall reimburse the department of health services  
8 at a rate specified by that department for the cost of a juvenile's care while placed  
9 at the Mendota juvenile treatment center.

10 **SECTION 22.** 938.357 (3) (e) and (f) of the statutes are created to read:

11 938.357 (3) (e) A juvenile who is placed in a Type 1 juvenile correctional facility  
12 under par. (b) is under the supervision of the department of corrections. The change  
13 of placement order shall designate the department of corrections to provide  
14 community supervision or the county department to provide aftercare supervision  
15 for the juvenile following the juvenile's release from the Type 1 juvenile correctional  
16 facility.

17 (f) A juvenile who is placed at the Mendota juvenile treatment center under par.  
18 (c) is under the supervision of the department of health services until the juvenile  
19 is released back to the supervision of the county department.

20 **SECTION 23.** 938.357 (4) (as) of the statutes is created to read:

21 938.357 (4) (as) When a juvenile is placed under the supervision of a county  
22 department, that department may place the juvenile in a secured residential care  
23 center for children and youth or on aftercare supervision, either immediately or after  
24 a period of placement in a secured residential care center for children and youth. The  
25 county department shall send written notice of any change in placement to the

1 parent, guardian, legal custodian, if any, and the court. The county department shall  
2 be responsible for decisions regarding the release of a juvenile who is under its  
3 supervision.

4 **SECTION 24.** 938.57 (4) of the statutes is amended to read:

5 938.57 (4) **AFTERCARE SUPERVISION.** A county department may provide aftercare  
6 supervision under s. 938.34 (4n) for juveniles who are released from juvenile  
7 correctional facilities or secured residential care centers for children and youth. If  
8 ~~a county department intends to change its policy regarding whether the county~~  
9 ~~department will provide aftercare supervision for juveniles released from juvenile~~  
10 ~~correctional facilities or secured residential care centers for children and youth or the~~  
11 ~~department of corrections will provide community supervision for those juveniles,~~  
12 ~~the county executive or county administrator, or, if the county has no county~~  
13 ~~executive or county administrator, the chairperson of the county board of~~  
14 ~~supervisors, or, for multicounty departments, the chairpersons of the county boards~~  
15 ~~of supervisors jointly, shall submit a letter to the department of corrections stating~~  
16 ~~that intent before July 1 of the year preceding the year in which the policy change~~  
17 ~~will take effect.~~

18 **SECTION 25.** 2017 Wisconsin Act 185, section 38 is repealed.

19 **SECTION 26.** 2017 Wisconsin Act 185, section 70 is repealed.

20 **SECTION 27.** 2017 Wisconsin Act 185, section 110 (1) (a) is amended to read:

21 [2017 Wisconsin Act 185] Section 110 (1) (a) Upon the establishment of the Type  
22 1 juvenile correctional facilities under subsection (7) and the secured residential care  
23 centers for children and youth under subsections (4) and (7m), the department of  
24 corrections shall begin to transfer each juvenile held in secure custody at the Lincoln  
25 Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional

1 facility or secured residential care center for children and youth. No juvenile may  
2 be transferred to a Type 1 juvenile correctional facility until the department of  
3 corrections determines the facility to be ready to accept juveniles, and no juvenile  
4 may be transferred to a secured residential care center for children and youth until  
5 the entity operating the facility determines it to be ready to accept juveniles. The  
6 transfers may occur in phases. The Unless an extension is granted under 2019  
7 Wisconsin Act .... (this act), section 39 (2), the department shall transfer all juveniles  
8 under this subsection no later than January July 1, 2021.

9 **SECTION 28.** 2017 Wisconsin Act 185, section 110 (2) (a) is amended to read:

10 [2017 Wisconsin Act 185] Section 110 (2) (a) On the earlier of the date on which  
11 all juveniles have been transferred to secured residential care centers for children  
12 and youth and Type 1 juvenile correctional facilities under subsection (1) ~~or January,~~  
13 July 1, 2021, or the date of an extension granted under 2019 Wisconsin Act .... (this  
14 act), section 39 (2), the department of corrections shall permanently close the Type  
15 1 juvenile correctional facilities housed at the Lincoln Hills School and Copper Lake  
16 School in the town of Birch, Lincoln County.

17 **SECTION 29.** 2017 Wisconsin Act 185, section 110 (3) (c) is amended to read:

18 [2017 Wisconsin Act 185] Section 110 (3) (c) *Termination.* The juvenile  
19 corrections grant committee terminates on the earlier of the date on which all  
20 projects funded with grants under subsection (4) are completed or ~~January~~ July 1,  
21 2021.

22 **SECTION 30.** 2017 Wisconsin Act 185, section 110 (4) (a) 1. c. is amended to read:

23 [2017 Wisconsin Act 185] Section 110 (4) (a) 1. c. A grant to pay 100 percent of  
24 the costs of designing and constructing a secured residential care center for children

1 and youth ~~only for female juveniles~~ or any portion thereof that is ~~only~~ intended  
2 primarily for the holding and treatment of female juveniles.

3 **SECTION 31.** 2017 Wisconsin Act 185, section 110 (4) (d) is amended to read:

4 [2017 Wisconsin Act 185] Section 110 (4) (d) *Deadline.* Grant applications are  
5 due no later than ~~March 31~~ June 30, 2019. Between that date and ~~June 30~~  
6 September 30, 2019, the juvenile corrections grant committee may work with  
7 applicants to modify their applications in order to increase the likelihood of being  
8 awarded a grant.

9 **SECTION 32.** 2017 Wisconsin Act 185, section 110 (4) (e) is amended to read:

10 [2017 Wisconsin Act 185] Section 110 (4) (e) *Wisconsin model of juvenile justice;*  
11 *statewide plan.* The juvenile corrections grant committee shall develop a statewide  
12 plan that recommends which grant applications to approve, based on an overall view  
13 toward a Wisconsin model of juvenile justice. The committee shall consult with the  
14 departments of corrections and children and families on the statewide plan and ~~may~~  
15 ~~not recommend approval of an application unless the department of corrections~~  
16 ~~approves the plans and specifications for the site and the design and construction of~~  
17 ~~the proposed secured residential care center for children and youth under section~~  
18 ~~301.37 of the statutes.~~

19 **SECTION 33.** 2017 Wisconsin Act 185, section 110 (4) (f) is amended to read:

20 [2017 Wisconsin Act 185] Section 110 (4) (f) *Plan approval.* No later than July  
21 October 1, 2019/2020, the juvenile corrections grant committee shall submit the plan  
22 under paragraph (e) for approval to the joint committee on finance. The juvenile  
23 corrections grant committee and the department of corrections may not implement  
24 the plan until it is approved by the joint committee on finance, as submitted or as  
25 modified.

1           **SECTION 34.** 2017 Wisconsin Act 185, section 110 (6) (e) is amended to read:

2           [2017 Wisconsin Act 185] Section 110 (6) (e) *Termination.* The juvenile  
3 corrections study committee terminates on ~~January~~ July 1, 2021.

4           **SECTION 35.** 2017 Wisconsin Act 185, section 110 (7) is amended to read:

5           [2017 Wisconsin Act 185] Section 110 (7) TYPE 1 JUVENILE CORRECTIONAL  
6 FACILITIES. The department of corrections shall establish or construct the Type 1  
7 juvenile correctional facilities under section 301.16 (1w) (a) of the statutes no later  
8 than ~~January~~ July 1, 2021, subject to the approval of the joint committee on finance.  
9 The department shall consider the recommendations of the juvenile corrections  
10 study committee under subsection (6) (c) 2. in establishing or constructing these  
11 facilities.

12           **SECTION 36.** 2017 Wisconsin Act 185, section 110 (7m) (b) is amended to read:

13           [2017 Wisconsin Act 185] Section 110 (7m) (b) 1. Notwithstanding section  
14 938.22 (1) and (2) of the statutes, except as provided in subdivision 2., on ~~January~~  
15 July 1, 2021, the portion of an eligible juvenile detention facility that holds juveniles  
16 who are placed under section 938.34 (3) (f) of the statutes for more than 30 days is  
17 a secured residential care center for children and youth and juveniles may be placed  
18 there under section 938.34 (4m) of the statutes.

19           2. Notwithstanding subdivision 1., on ~~January~~ July 1, 2021, the portion of an  
20 eligible juvenile detention facility that holds juveniles who are placed under section  
21 938.34 (3) (f) of the statutes for more than 30 days is, with respect to a juvenile placed  
22 under section 938.34 (3) (f) of the statutes prior to ~~January~~ July 1, 2021, a juvenile  
23 detention facility.

24           **SECTION 37.** 2017 Wisconsin Act 185, section 111 (3) is amended to read:

1 [2017 Wisconsin Act 185] Section 111 (3) The treatment of section 938.34 (3) (f)  
2 1. of the statutes, with respect to an eligible juvenile detention facility under SECTION  
3 110 (7m), first applies to a juvenile adjudicated delinquent on ~~January~~ July 1, 2021.

4 **SECTION 38.** 2017 Wisconsin Act 185, section 112 (1) is amended to read:

5 [2017 Wisconsin Act 185] Section 112 (1) The treatment of sections 46.011 (1p)  
6 (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by  
7 SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.20,  
8 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57) and (b) (by SECTION 59) and  
9 (4m) (intro.) (by SECTION 62), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b)  
10 (by SECTION 82), (5) (by SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88),  
11 938.505 (1) (by SECTION 96), 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION  
12 100), and 938.54 (by SECTION 107) of the statutes takes effect on the date specified  
13 in the notice under SECTION 110 (2) (b) ~~or January 1, 2021, whichever is earlier.~~

14 **SECTION 39. Nonstatutory provisions.**

15 (1) TEMPORARY CHANGE IN PLACEMENT WITHOUT A HEARING.

16 (a) The department of corrections may, using the procedure set forth in s.  
17 938.357 (4) (am), place a juvenile who is placed in the Type 1 juvenile correctional  
18 facility known as Lincoln Hills School or Copper Lakes School on the effective date  
19 of this paragraph in a juvenile detention facility under s. 938.22 (2) (d) 1. If the  
20 department of corrections places a juvenile in a juvenile detention facility under this  
21 paragraph, the department of corrections shall contract with the operating entity for  
22 the care and services provided under s. 301.08.

23 (b) Notwithstanding s. 938.34 (3) (f) 1., a juvenile may be placed in a juvenile  
24 detention facility under par. (a) for a period longer than 365 days, and shall be  
25 transferred out of the juvenile detention facility using the procedure and by the date

1 required under 2017 Wisconsin Act 185, section 110 (1). The department of  
2 corrections shall transfer all juveniles placed in a juvenile detention facility under  
3 par. (a) out of the juvenile detention facility no later than July 1, 2021, unless an  
4 extension is granted under sub. (2).

5 (2) ONETIME EXTENSION.

6 (a) The department of corrections may request approval from the appropriate  
7 standing committees of the legislature for a onetime extension of up to 3 months of  
8 the deadline to transfer all juveniles out of the Lincoln Hills School and Copper Lake  
9 School under sub. (1) or 2017 Wisconsin Act 185, section 110 (1) (a) and to  
10 permanently close the Type 1 juvenile correctional facilities housed at the Lincoln  
11 Hills School and Copper Lake School in the town of Birch, Lincoln County under 2017  
12 Wisconsin Act 185, section 110 (2) (a).

13 (b) A request for an extension under par. (a) shall be submitted no later than  
14 January 1, 2021, to the chief clerk of each house of the legislature. The chief clerks  
15 shall publish notice of receipt of the request in the journals of the respective houses,  
16 notify the speaker and president, respectively, that the request has been received,  
17 and shall distribute the request to the appropriate standing committee in that house,  
18 as directed by the speaker or president.

19 (c) If within 14 days after receipt of a request for an extension under par. (a),  
20 the chairperson of an appropriate standing committee of the legislature does not  
21 notify the department of corrections that the committee has scheduled a meeting to  
22 review the request, the request is considered to be approved by that standing  
23 committee. If the chairperson of a committee notifies the department of corrections  
24 that the committee has scheduled a meeting for the purpose of reviewing the request  
25 to be held within 14 days after receipt of the request, the extension is only approved

1 by that committee upon a majority vote of that committee. A request under par. (a)  
2 is not granted unless it is approved by the appropriate standing committee in each  
3 house of the legislature.

4

(END)

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