



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa2383/1
GMM;jlg:ijs

**SENATE AMENDMENT 2,
TO 1997 ASSEMBLY BILL 463**

April 30, 1998 – Offered by COMMITTEE ON JUDICIARY.

1 At the locations indicated, amend the engrossed bill as follows:

2 **1.** Page 10, line 1: delete lines 1 to 6 and substitute:

3 “**SECTION 1m.** 38.24 (1s) (a) of the statutes, as affected by 1997 Wisconsin Act
4 27, is amended to read:

5 38.24 (1s) (a) A court–approved alcohol or other drug abuse education program
6 offered to individuals under s. 48.245 (2) (a) 4., 48.345 (13) (b), 48.347 (5) (b), 938.245
7 (2) (a) 4., 938.32 (1g) (b), 938.34 (6r) (b) or (14s) (b) 3., 938.343 (10) (c) or 938.344 (2g)
8 (a).”.

9 **2.** Page 11, line 19: delete lines 19 to 25.

10 **3.** Page 12, line 1: delete lines 1 and 2 and substitute:

11 “**SECTION 4m.** 46.238 of the statutes, as affected by 1997 Wisconsin Act 27, is
12 amended to read:

1 **46.238 Infants and unborn children whose mothers abuse controlled**
2 **substances or controlled substance analogs.** If a county department under s.
3 46.22 or 46.23 or, in a county having a population of 500,000 or more, a county
4 department under s. 51.42 or 51.437 receives a report under s. 146.0255 (2), the
5 county department shall offer to provide appropriate services and treatment to the
6 child and the child's mother or to the unborn child, as defined in s. 48.02 (19), and
7 the expectant mother of the unborn child or the county department shall make
8 arrangements for the provision of appropriate services or treatment.”.

9 **4.** Page 13, line 15: delete lines 15 to 21 and substitute:

10 **“SECTION 11m.** 46.95 (2) (a) of the statutes, as affected by 1997 Wisconsin Act
11 27, is amended to read:

12 46.95 (2) (a) The secretary shall make grants from the appropriations under
13 s. 20.435 (3) (cd) and (hh) to organizations for the provision of any of the services
14 specified in sub. (1) (d). Grants may be made to organizations which have provided
15 those domestic abuse services in the past or to organizations which propose to
16 provide those services in the future. No grant may be made to fund services for child
17 or unborn child abuse or abuse of elderly persons.”.

18 **5.** Page 17, line 20: delete lines 20 to 25.

19 **6.** Page 18, line 1: delete lines 1 to 25.

20 **7.** Page 19, line 1: delete lines 1 to 23 and substitute:

21 **“SECTION 21m.** 48.06 (1) (a) 1. of the statutes, as affected by 1997 Wisconsin
22 Act 27, is amended to read:

23 48.06 (1) (a) 1. In counties with a population of 500,000 or more, the
24 department shall provide the court with the services necessary for investigating and

1 supervising child welfare and unborn child welfare cases under this chapter. The
2 department is charged with providing child welfare and unborn child welfare intake
3 and dispositional services and with administration of the personnel and services of
4 the child welfare and unborn child welfare intake and dispositional sections of the
5 department. The department shall include investigative services for all children and
6 unborn children alleged to be in need of protection or services to be provided by the
7 department.

8 **SECTION 22m.** 48.06 (1) (a) 3. of the statutes, as affected by 1997 Wisconsin Act
9 27, is amended to read:

10 48.06 (1) (a) 3. The county board of supervisors does not have authority and
11 may not assert jurisdiction over the disposition of any case ~~or~~ child, unborn child or
12 expectant mother of an unborn child after a written order is made under s. 48.21 or
13 48.213 or if a petition is filed under s. 48.25.

14 **SECTION 23m.** 48.06 (1) (am) 3. of the statutes, as affected by 1997 Wisconsin
15 Act 27, is amended to read:

16 48.06 (1) (am) 3. Each intake worker providing services under this chapter
17 whose responsibilities include investigation or treatment of child abuse or neglect or
18 unborn child abuse shall successfully complete additional training in child abuse and
19 neglect and unborn child abuse protective services approved by the department
20 under s. 48.981 (8) (d). Not more than 4 hours of the additional training may be
21 applied to the requirement under subd. 1.

22 **SECTION 24m.** 48.06 (2) (c) of the statutes, as affected by 1997 Wisconsin Act
23 27, is amended to read:

24 48.06 (2) (c) Each intake worker providing services under this chapter whose
25 responsibilities include investigation or treatment of child abuse or neglect or

1 unborn child abuse shall successfully complete additional training in child abuse and
2 neglect and unborn child abuse protective services approved by the department
3 under s. 48.981 (8) (d). Not more than 4 hours of the additional training may be
4 applied to the requirement under par. (b).”.

5 **8.** Page 25, line 23: delete lines 23 to 25.

6 **9.** Page 26, line 1: delete lines 1 to 7 and substitute:

7 “**SECTION 48m.** 48.185 (1) of the statutes, as affected by 1997 Wisconsin Act 80,
8 is amended to read:

9 48.185 (1) Subject to sub. (2), venue for any proceeding under ss. 48.13, 48.133,
10 48.135 and 48.14 (1) to (9) may be in any of the following: the county where the child
11 or the expectant mother of the unborn child resides or the county where the child or
12 expectant mother is present. Venue for proceedings brought under subch. VIII is as
13 provided in this subsection except where the child has been placed and is living
14 outside the home of the child’s parent pursuant to a dispositional order, in which case
15 venue is as provided in sub. (2). Venue for a proceeding under s. 48.14 (10) is as
16 provided in s. 801.50 (5s).”.

17 **10.** Page 35, line 18: delete lines 18 to 24.

18 **11.** Page 36, line 1: delete lines 1 to 10 and substitute:

19 “**SECTION 68m.** 48.207 (2) of the statutes, as affected by 1997 Wisconsin Act 27,
20 is renumbered 48.207 (2) (a) and amended to read:

21 48.207 (2) (a) If a facility listed in sub. (1) (b) to (k) is used to hold ~~children a~~
22 child in custody, or if supervisory services of a home detention program are provided
23 to ~~children a child~~ held under sub. (1) (a), ~~its~~ the authorized rate of the facility for the
24 care of the child or the authorized rate for those supervisory services shall be paid

1 by the county in a county having a population of less than 500,000 or by the
2 department in a county having a population of 500,000 or more. If no authorized rate
3 has been established, a reasonable sum to be fixed by the court shall be paid by the
4 county in a county having a population of less than 500,000 or by the department in
5 a county having a population of 500,000 or more for the supervision or care of the
6 child.

7 **SECTION 69m.** 48.207 (2) (b) of the statutes is created to read:

8 48.207 (2) (b) If a facility listed in sub. (1m) (b) to (e) is used to hold an expectant
9 mother of an unborn child in custody, or if supervisory services of a home detention
10 program are provided to an expectant mother held under sub. (1m) (a), the
11 authorized rate of the facility for the care of the expectant mother or the authorized
12 rate for those supervisory services shall be paid by the county in a county having a
13 population of less than 500,000 or by the department in a county having a population
14 of 500,000 or more. If no authorized rate has been established, a reasonable sum to
15 be fixed by the court shall be paid by the county in a county having a population of
16 less than 500,000 or by the department in a county having a population of 500,000
17 or more for the supervision or care of the expectant mother.”.

18 **12.** Page 37, line 13: delete lines 13 to 19 and substitute:

19 “**SECTION 72g.** 48.21 (3) (title) of the statutes is amended to read:

20 48.21 (3) (title) PROCEEDINGS CONCERNING CHILDREN IN NEED OF PROTECTION OR
21 SERVICES AND UNBORN CHILDREN IN NEED OF PROTECTION OR SERVICES AND THEIR CHILD
22 EXPECTANT MOTHERS.

23 **SECTION 72m.** 48.21 (3) (ag) of the statutes, as affected by 1997 Wisconsin Act
24 35, is amended to read:

1 48.21 (3) (ag) Proceedings concerning a child who comes within the jurisdiction
2 of the court under s. 48.13 or an unborn child and a child expectant mother of the
3 unborn child who come within the jurisdiction of the court under s. 48.133 shall be
4 conducted according to this subsection.”.

5 **13.** Page 49, line 1: delete lines 1 and 2 and substitute:

6 “**SECTION 92m.** 48.243 (4) of the statutes, as affected by 1997 Wisconsin Act 35,
7 is amended to read:”.

8 **14.** Page 52, line 12: delete lines 12 to 22 and substitute:

9 “**SECTION 102m.** 48.245 (4) of the statutes, as affected by 1997 Wisconsin Act
10 80, is amended to read:

11 48.245 (4) The intake worker shall inform the child and the child’s parent,
12 guardian and legal custodian, the child expectant mother, her parent, guardian and
13 legal custodian and the unborn child by the unborn child’s guardian ad litem, or the
14 adult expectant mother and the unborn child by the unborn child’s guardian ad litem,
15 in writing of their right to terminate the informal disposition at any time or object
16 at any time to the fact or terms of the informal disposition. If an objection arises the
17 intake worker may alter the terms of the agreement or request the district attorney
18 or corporation counsel to file a petition. If the informal disposition is terminated the
19 intake worker may request the district attorney or corporation counsel to file a
20 petition.”.

21 **15.** Page 63, line 3: delete lines 3 to 23 and substitute:

22 “**SECTION 131m.** 48.295 (1) of the statutes, as affected by 1997 Wisconsin Act
23 27, is amended to read:

1 48.295 (1) After the filing of a petition and upon a finding by the court that
2 reasonable cause exists to warrant an examination or an alcohol and other drug
3 abuse assessment that conforms to the criteria specified under s. 48.547 (4), the court
4 may order any child coming within its jurisdiction to be examined as an outpatient
5 by personnel in an approved treatment facility for alcohol and other drug abuse, by
6 a physician, psychiatrist or licensed psychologist, or by another expert appointed by
7 the court holding at least a master's degree in social work or another related field of
8 child development, in order that the child's physical, psychological, alcohol or other
9 drug dependency, mental or developmental condition may be considered. The court
10 may also order an examination or an alcohol and other drug abuse assessment that
11 conforms to the criteria specified under s. 48.547 (4) of a parent, guardian or legal
12 custodian whose ability to care for a child is at issue before the court or of an
13 expectant mother whose ability to control her use of alcohol beverages, controlled
14 substances or controlled substance analogs is at issue before the court. The court
15 shall hear any objections by the child, the child's parents, guardian or legal custodian
16 to the request for such an examination or assessment before ordering the
17 examination or assessment. The expenses of an examination, if approved by the
18 court, shall be paid by the county of the court ordering the examination in a county
19 having a population of less than 500,000 or by the department in a county having a
20 population of 500,000 or more. The payment for an alcohol and other drug abuse
21 assessment shall be in accordance with s. 48.361.”.

22 **16.** Page 78, line 21: delete lines 21 to 25.

23 **17.** Page 79, line 1: delete lines 1 to 11 and substitute:

1 “**SECTION 177m.** 48.345 (intro.) of the statutes, as affected by 1997 Wisconsin
2 Act 164, is amended to read:

3 **48.345 (title) Disposition of child or unborn child of child expectant**
4 **mother adjudged in need of protection or services.** (intro.) If the judge finds
5 that the child is in need of protection or services or that the unborn child of a child
6 expectant mother is in need of protection or services, the judge shall enter an order
7 deciding one or more of the dispositions of the case as provided in this section under
8 a care and treatment plan, except that the order may not place any child not
9 specifically found under chs. 46, 49, 51, 115 and 880 to be developmentally disabled,
10 mentally ill or to have a disability specified in s. 115.76 (5) in facilities which
11 exclusively treat those categories of children and the court may not place any child
12 expectant mother of an unborn child in need of protection or services outside of the
13 child expectant mother’s home unless the court finds that the child expectant mother
14 is refusing or has refused to accept any alcohol or other drug abuse services offered
15 to her or is not making or has not made a good faith effort to participate in any alcohol
16 or other drug abuse services offered to her. The dispositions under this section are
17 as follows:”.

18 **18.** Page 80, line 4: delete lines 4 to 21 and substitute:

19 “**SECTION 181m.** 48.345 (14) of the statutes is created to read:

20 **48.345 (14) (a)** If, based on an evaluation under s. 48.295 and the report under
21 s. 48.33, the judge finds that the child expectant mother of an unborn child in need
22 of protection or services is in need of inpatient treatment for her habitual lack of
23 self-control in the use of alcohol, controlled substances or controlled substance
24 analogs, exhibited to a severe degree, that inpatient treatment is appropriate for the

1 child expectant mother's needs and that inpatient treatment is the least restrictive
2 treatment consistent with the child expectant mother's needs, the judge may order
3 the child expectant mother to enter an inpatient alcohol or other drug abuse
4 treatment program at an inpatient facility, as defined in s. 51.01 (10). The inpatient
5 facility shall, under the terms of a service agreement between the inpatient facility
6 and the county in a county having a population of less than 500,000 or the
7 department in a county having a population of 500,000 or more, or with the written
8 and informed consent of the child expectant mother or the child expectant mother's
9 parent if the child expectant mother has not attained the age of 12, report to the
10 agency primarily responsible for providing services to the child expectant mother as
11 to whether the child expectant mother is cooperating with the treatment and
12 whether the treatment appears to be effective.

13 (b) Payment for any treatment ordered under par. (a) shall be in accordance
14 with s. 48.361.”.

15 **19.** Page 83, line 1: delete lines 1 to 25.

16 **20.** Page 84, line 1: delete lines 1 to 14 and substitute:

17 “**(5) ALCOHOL OR DRUG TREATMENT OR EDUCATION.** (a) If the report prepared under
18 s. 48.33 (1) recommends that the adult expectant mother is in need of treatment for
19 the use or abuse of alcohol beverages, controlled substances or controlled substance
20 analogs and its medical, personal, family or social effects, the court may order the
21 adult expectant mother to enter an outpatient alcohol and other drug abuse
22 treatment program at an approved treatment facility. The approved treatment
23 facility shall, under the terms of a service agreement between the approved
24 treatment facility and the county in a county having a population of less than 500,000

1 or the department in a county having a population of 500,000 or more, or with the
2 written informed consent of the adult expectant mother, report to the agency
3 primarily responsible for providing services to the adult expectant mother as to
4 whether the adult expectant mother is cooperating with the treatment and whether
5 the treatment appears to be effective.

6 (b) If the report prepared under s. 48.33 (1) recommends that the adult
7 expectant mother is in need of education relating to the use of alcohol beverages,
8 controlled substances or controlled substance analogs, the court may order the adult
9 expectant mother to participate in an alcohol or other drug abuse education program
10 approved by the court. The person or agency that provides the education program
11 shall, under the terms of a service agreement between the education program and
12 the county in a county having a population of less than 500,000 or the department
13 in a county having a population of 500,000 or more, or with the written informed
14 consent of the adult expectant mother, report to the agency primarily responsible for
15 providing services to the adult expectant mother about the adult expectant mother's
16 attendance at the program.

17 (c) Payment for any treatment or education ordered under this subsection in
18 counties that have an alcohol and other drug abuse program under s. 48.547 shall
19 be in accordance with s. 48.361.

20 **(6) INPATIENT ALCOHOL OR DRUG TREATMENT.** (a) If, based on an evaluation under
21 s. 48.295 and the report under s. 48.33, the judge finds that the adult expectant
22 mother is in need of inpatient treatment for her habitual lack of self-control in the
23 use of alcohol, controlled substances or controlled substance analogs, exhibited to a
24 severe degree, that inpatient treatment is appropriate for the adult expectant
25 mother's needs and that inpatient treatment is the least restrictive treatment

1 consistent with the adult expectant mother's needs, the judge may order the adult
2 expectant mother to enter an inpatient alcohol or other drug abuse treatment
3 program at an inpatient facility, as defined in s. 51.01 (10). The inpatient facility
4 shall, under the terms of a service agreement between the inpatient facility and the
5 county in a county having a population of less than 500,000 or the department in a
6 county having a population of 500,000 or more, or with the written and informed
7 consent of the adult expectant mother, report to the agency primarily responsible for
8 providing services to the adult expectant mother as to whether the adult expectant
9 mother is cooperating with the treatment and whether the treatment appears to be
10 effective.

11 (b) Payment for any treatment ordered under par. (a) shall be in accordance
12 with s. 48.361.”.

13 **21.** Page 84, line 19: delete lines 19 to 24.

14 **22.** Page 85, line 1: delete lines 1 to 6 and substitute:

15 “**SECTION 184m.** 48.35 (1) (b) (intro.) of the statutes, as affected by 1997
16 Wisconsin Act (Assembly Bill 410), is amended to read:

17 48.35 (1) (b) (intro.) The disposition of a child or an unborn child, and any record
18 of evidence given in a hearing in court, shall not be admissible as evidence against
19 the child or the expectant mother of the unborn child in any case or proceeding in any
20 other court except for the following:

21 **SECTION 185m.** 48.35 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin
22 Act (Assembly Bill 410), is amended to read:

1 48.35 (1) (b) 1. In sentencing proceedings after ~~conviction~~ the child or expectant
2 mother has been convicted of a felony or misdemeanor and then only for the purpose
3 of a presentence investigation.”.

4 **23.** Page 89, line 8: delete lines 8 to 25.

5 **24.** Page 90, line 1: delete lines 1 to 17 and substitute:

6 “**SECTION 201m.** 48.357 (1) of the statutes, as affected by 1997 Wisconsin Act
7 80, is amended to read:

8 48.357 (1) The person or agency primarily responsible for implementing the
9 dispositional order, the district attorney or the corporation counsel may request a
10 change in the placement of the child or expectant mother, whether or not the change
11 requested is authorized in the dispositional order and shall cause written notice to
12 be sent to the child ~~or the child’s counsel or guardian ad litem~~, the parent, guardian
13 and legal custodian of the child, any foster parent, treatment foster parent or other
14 physical custodian described in s. 48.62 (2), guardian and legal custodian of the child,
15 and, if the child is the expectant mother of an unborn child under s. 48.133, the
16 unborn child by the unborn child’s guardian ad litem. If the expectant mother is an
17 adult, written notice shall be sent to the adult expectant mother and the unborn child
18 by the unborn child’s guardian ad litem. The notice shall contain the name and
19 address of the new placement, the reasons for the change in placement, a statement
20 describing why the new placement is preferable to the present placement and a
21 statement of how the new placement satisfies objectives of the treatment plan
22 ordered by the court. Any person receiving the notice under this subsection or notice
23 of the a specific foster or treatment foster placement under s. 48.355 (2) (b) 2. may
24 obtain a hearing on the matter by filing an objection with the court within 10 days

1 of after receipt of the notice. Placements ~~shall~~ may not be changed until 10 days after
2 such that notice is sent to the court unless the parent, guardian or legal custodian
3 and the child, if 12 ~~or more~~ years of age or over, or the child expectant mother, if 12
4 years of age or over, her parent, guardian or legal custodian and the unborn child by
5 the unborn child's guardian ad litem, or the adult expectant mother and the unborn
6 child by the unborn child's guardian ad litem, sign written waivers of objection,
7 except that placement changes which were authorized in the dispositional order may
8 be made immediately if notice is given as required in this subsection. In addition,
9 a hearing is not required for placement changes authorized in the dispositional order
10 except where when an objection filed by a person who received notice alleges that new
11 information is available which affects the advisability of the court's dispositional
12 order.”.

13 **25.** Page 91, line 4: delete lines 4 to 25.

14 **26.** Page 92, line 1: delete lines 1 to 8 and substitute:

15 “**SECTION 203g.** 48.357 (2m) of the statutes, as affected by 1997 Wisconsin Act
16 80, is amended to read:

17 48.357 **(2m)** The child, the parent, guardian or legal custodian of the child, the
18 expectant mother, the unborn child by the unborn child's guardian at litem or any
19 person or agency primarily bound by the dispositional order, other than the person
20 or agency responsible for implementing the order, may request a change in
21 placement under this subsection. The request shall contain the name and address
22 of the place of the new placement requested and shall state what new information
23 is available which affects the advisability of the current placement. This request
24 shall be submitted to the court. In addition, the court may propose a change in

1 placement on its own motion. The court shall hold a hearing on the matter prior to
2 ordering any change in placement under this subsection if the request states that
3 new information is available which affects the advisability of the current placement,
4 unless written waivers of objection to the proposed change in placement are signed
5 by all parties entitled to receive notice under sub. (1) and the court approves. If a
6 hearing is scheduled, the court shall notify the child, the parent, guardian and legal
7 custodian of the child, any foster parent, treatment foster parent or other physical
8 custodian described in s. 48.62 (2) of the child ~~and~~, all parties who are bound by the
9 dispositional order and, if the child is the expectant mother of an unborn child under
10 s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify
11 the adult expectant mother, the unborn child by the unborn child's guardian ad litem
12 and all parties who are bound by the dispositional order, at least 3 days prior to the
13 hearing. A copy of the request or proposal for the change in placement shall be
14 attached to the notice. If all the parties consent, the court may proceed immediately
15 with the hearing. F”.

16 **27.** Page 92, line 16: delete lines 16 to 24 and substitute:

17 “**SECTION 204m.** 48.36 (2) of the statutes, as affected by 1997 Wisconsin Act 27,
18 is amended to read:

19 48.36 (2) If an expectant mother or a child whose legal custody has not been
20 taken from a parent or guardian is given educational and social services, or medical,
21 psychological or psychiatric treatment by order of the court, the cost ~~thereof~~ of those
22 services or that treatment, if ordered by the court, shall be a charge upon the county
23 in a county having a population of less than 500,000 or the department in a county
24 having a population of 500,000 or more. This section does not prevent recovery of

1 reasonable contribution toward the costs from the parent or guardian of the child or
2 from an adult expectant mother as the court may order based on the ability of the
3 parent ~~or~~, guardian or adult expectant mother to pay. This subsection shall be
4 subject to s. 46.03 (18).”.

5 **28.** Page 98, line 15: delete lines 15 to 22 and substitute:

6 “**SECTION 220m.** 48.365 (2g) (a) of the statutes, as affected by 1997 Wisconsin
7 Acts 27 and 80, is amended to read:

8 48.365 (2g) (a) At the hearing the person or agency primarily responsible for
9 providing services to the child or expectant mother shall file with the court a written
10 report stating to what extent the dispositional order has been meeting the objectives
11 of the plan for the child’s rehabilitation or care and treatment of the child or for the
12 rehabilitation and treatment of the expectant mother and the care of the unborn
13 child.”.

14 **29.** Page 99, line 10: delete lines 10 to 22 and substitute:

15 “**SECTION 223m.** 48.396 (1) of the statutes, as affected by 1997 Wisconsin Acts
16 80 and (Assembly Bill 410), is amended to read:

17 48.396 (1) Law enforcement officers’ records of children shall be kept separate
18 from records of adults. Law enforcement officers’ records of the adult expectant
19 mothers of unborn children shall be kept separate from records of other adults. Law
20 enforcement officers’ records of children and the adult expectant mothers of unborn
21 children shall not be open to inspection or their contents disclosed except under sub.
22 (1b), (1d) or (5) or s. 48.293 or by order of the court. This subsection does not apply
23 to the representatives of newspapers or other reporters of news who wish to obtain
24 information for the purpose of reporting news without revealing the identity of the

1 or adult expectant mother child involved, to the confidential exchange of information
2 between the police and officials of the school attended by the child or other law
3 enforcement or social welfare agencies or to children 10 years of age or older who are
4 subject to the jurisdiction of the court of criminal jurisdiction. A public school official
5 who obtains information under this subsection shall keep the information
6 confidential as required under s. 118.125 and a private school official who obtains
7 information under this subsection shall keep the information confidential in the
8 same manner as is required of a public school official under s. 118.125. A law
9 enforcement agency that obtains information under this subsection shall keep the
10 information confidential as required under this subsection and s. 938.396 (1). A
11 social welfare agency that obtains information under this subsection shall keep the
12 information confidential as required under ss. 48.78 and 938.78.”.

13 **30.** Page 100, line 3: delete “an expectant” and substitute “the parent,
14 guardian or legal custodian of a child expectant”.

15 **31.** Page 100, line 4: after “, if” insert “requested by an expectant mother of
16 an unborn child who is the subject of a law enforcement officer’s report, if”.

17 **32.** Page 100, line 6: after “the” insert “parent, guardian, legal custodian,”.

18 **33.** Page 100, line 14: delete “an” and substitute “the parent, guardian or legal
19 custodian of a child”.

20 **34.** Page 100, line 16: delete that line and substitute “report, or of an
21 expectant mother of an unborn child who is the subject of a law enforcement officer’s
22 report, if”.

23 **35.** Page 100, line 17: after “age” insert “or over”.

24 **36.** Page 100, line 19: delete “expectant”.

1 **37.** Page 100, line 20: delete that line and substitute “parent, guardian, legal
2 custodian or expectant mother, and unborn child by the unborn”.

3 **38.** Page 100, line 23: delete “an expectant” and substitute “the parent,
4 guardian or legal custodian of a child expectant”.

5 **39.** Page 100, line 24: after “(a),” insert “upon request of an expectant mother
6 of an unborn child who is the subject of a record of a court specified in par. (a),”.

7 **40.** Page 101, line 1: on lines 1 and 4, delete “expectant mother or by the” and
8 substitute “parent, guardian, legal custodian, expectant mother or”.

9 **41.** Page 101, line 7: delete “an expectant” and substitute “the parent,
10 guardian or legal custodian of a child expectant”.

11 **42.** Page 101, line 8: after “(a)” insert “, or of an expectant mother of an unborn
12 child who is the subject of a record of a court specified in par. (a),”.

13 **43.** Page 101, line 9: delete that line and substitute “of age or over,”.

14 **44.** Page 101, line 12: delete that line and substitute “identified by the parent,
15 guardian, legal custodian or expectant mother, and”.

16 **45.** Page 103, line 4: delete lines 4 to 14 and substitute:

17 “**SECTION 234m.** 48.415 (2) (c) of the statutes, as affected by 1997 Wisconsin Act
18 80, is amended to read:

19 48.415 (2) (c) That the child has been outside the home for a cumulative total
20 period of 6 months or longer pursuant to such orders not including time spent outside
21 the home as an unborn child; and that the parent has failed to meet the conditions
22 established for the return of the child to the home and there is a substantial

1 likelihood that the parent will not meet these conditions within the 12-month period
2 following the fact-finding hearing under s. 48.424.

3 **SECTION 235m.** 48.44 (1) of the statutes, as affected by 1997 Wisconsin Act 35,
4 is amended to read:

5 48.44 (1) The court has jurisdiction over persons 17 years of age or older as
6 provided under ss. 48.133, 48.355 (4) and 48.45 and as otherwise specifically
7 provided in this chapter.”.

8 **46.** Page 104, line 21: delete lines 21 to 25.

9 **47.** Page 105, line 1: delete lines 1 to 4 and substitute:

10 “**SECTION 240m.** 48.46 (1) of the statutes, as affected by 1997 Wisconsin Acts
11 104 and 114, is repealed and recreated to read:

12 48.46 (1) Except as provided in subs. (1m), (2) and (3), the child whose status
13 is adjudicated by the court, the parent, guardian or legal custodian of that child, the
14 unborn child whose status is adjudicated by the court or the expectant mother of that
15 unborn child may at any time within one year after the entering of the court’s order
16 petition the court for a rehearing on the ground that new evidence has been
17 discovered affecting the advisability of the court’s original adjudication. Upon a
18 showing that such evidence does exist, the court shall order a new hearing.”.

19 **48.** Page 105, line 16: after that line insert:

20 “**SECTION 242g.** 48.48 (17) (a) 1. of the statutes, as created by 1997 Wisconsin
21 Act 27, is amended to read:

22 48.48 (17) (a) 1. Investigate the conditions surrounding nonmarital children
23 and, children in need of protection or services and unborn children in need of
24 protection or services within the county and to take every reasonable action within

1 its power to secure for them the full benefit of all laws enacted for their benefit.
2 Unless provided by another agency, the department shall offer social services to the
3 caretaker of any child, and to the expectant mother of any unborn child, who is
4 referred to ~~it~~ the department under the conditions specified in this subdivision. This
5 duty shall be discharged in cooperation with the court and with the public officers
6 or boards legally responsible for the administration and enforcement of these laws.

7 **SECTION 242m.** 48.48 (17) (a) 2. of the statutes, as created by 1997 Wisconsin
8 Act 27, is amended to read:

9 48.48 (17) (a) 2. Accept legal custody of children transferred to it by the court
10 under s. 48.355, to accept supervision over expectant mothers of unborn children who
11 are placed under its supervision under s. 48.355 and to provide special treatment and
12 care for children and expectant mothers if ordered by the court and if providing
13 special treatment and care is not the responsibility of the county department under
14 s. 46.215, 51.42 or 51.437. A court may not order the department to administer
15 psychotropic medications to children and expectant mothers who receive special
16 treatment or care under this subdivision.

17 **SECTION 242p.** 48.48 (17) (a) 3. of the statutes, as created by 1997 Wisconsin
18 Act 27, is amended to read:

19 48.48 (17) (a) 3. Provide appropriate protection and services for children and
20 the expectant mothers of unborn children in its care, including providing services for
21 those children and their families and for those expectant mothers in their own
22 homes, placing the children in licensed foster homes, ~~licensed~~ treatment foster
23 homes or ~~licensed~~ group homes in this state or another state within a reasonable
24 proximity to the agency with legal custody or contracting for services for ~~them~~ those
25 children by licensed child welfare agencies, except that the department may not

1 purchase the educational component of private day treatment programs unless the
2 department, the school board as defined in s. 115.001 (7) and the state
3 superintendent of public instruction all determine that an appropriate public
4 education program is not available. Disputes between the department and the school
5 district shall be resolved by the state superintendent of public instruction.

6 **SECTION 242r.** 48.48 (17) (b) of the statutes, as created by 1997 Wisconsin Act
7 27, is amended to read:

8 48.48 (17) (b) In performing the functions specified in par. (a), the department
9 may avail itself of the cooperation of any individual or private agency or organization
10 interested in the social welfare of children and unborn children in the county.”.

11 **49.** Page 109, line 3: delete lines 3 to 16 and substitute:

12 **“SECTION 253m.** 48.57 (1) (c) of the statutes, as affected by 1997 Wisconsin Act
13 27, is amended to read:

14 48.57 (1) (c) To provide appropriate protection and services for children and the
15 expectant mothers of unborn children in its care, including providing services for
16 those children and their families and for those expectant mothers in their own
17 homes, placing the those children in licensed foster homes, ~~licensed~~ treatment foster
18 homes or ~~licensed~~ group homes in this state or another state within a reasonable
19 proximity to the agency with legal custody or contracting for services for ~~them~~ those
20 children by licensed child welfare agencies, except that the county department ~~shall~~
21 may not purchase the educational component of private day treatment programs
22 unless the county department, the school board as defined in s. 115.001 (7) and the
23 state superintendent of public instruction all determine that an appropriate public
24 education program is not available. Disputes between the county department and

1 the school district shall be resolved by the state superintendent of public
2 instruction.”.

3 **50.** Page 110, line 1: delete lines 1 to 17 and substitute:

4 “**SECTION 256m.** 48.59 (1) of the statutes, as affected by 1997 Wisconsin Act 27,
5 is amended to read:

6 48.59 (1) The county department or, in a county having a population of 500,000
7 or more, the department or an agency under contract with the department shall
8 investigate the personal and family history and environment of any child transferred
9 to its legal custody or placed under its supervision under s. 48.345 and of every
10 expectant mother of an unborn child placed under its supervision under s. 48.347 and
11 make any physical or mental examinations of the child or expectant mother
12 considered necessary to determine the type of care necessary for the child or
13 expectant mother. The county department, department or agency shall screen a
14 child or expectant mother who is examined under this subsection to determine
15 whether the child or expectant mother is in need of special treatment or care because
16 of alcohol or other drug abuse, mental illness or severe emotional disturbance. The
17 county department, department or agency shall keep a complete record of the
18 information received from the court, the date of reception, all available data on the
19 personal and family history of the child or expectant mother, the results of all tests
20 and examinations given the child or expectant mother and a complete history of all
21 placements of the child while in the legal custody or under the supervision of the
22 county department, department or agency or of the expectant mother while under
23 the supervision of the county department, department or agency.”.

1 **51.** Page 110, line 25: delete “an” and substitute “a parent, guardian or legal
2 custodian of a child”.

3 **52.** Page 111, line 1: after “record,” insert “upon the request of an expectant
4 mother of an unborn child who is the subject of the record,”.

5 **53.** Page 111, line 2: after “to the” insert “parent, guardian, legal custodian,”.

6 **54.** Page 111, line 4: after “by the” insert “parent, guardian, legal custodian,”.

7 **55.** Page 111, line 10: delete lines 10 and 11 and substitute “the parent,
8 guardian or legal custodian of a child expectant mother of an unborn child who is the
9 subject of the record, or of an expectant mother of an unborn child who is the subject
10 of the record, if 14 years of age or over,”.

11 **56.** Page 111, line 13: delete that line and substitute “in the permission if the
12 parent, guardian, legal custodian or expectant mother, and”.

13 **57.** Page 111, line 14: delete “litem” and substitute “litem,”.

14 **58.** Page 114, line 24: delete that line.

15 **59.** Page 115, line 1: delete lines 1 to 9 and substitute:

16 “**SECTION 266m.** 48.981 (3) (a) of the statutes, as affected by 1997 Wisconsin
17 Act 27, is amended to read:

18 48.981 (3) (a) *Referral of report.* A person required to report under sub. (2) shall
19 immediately inform, by telephone or personally, the county department or, in a
20 county having a population of 500,000 or more, the department or a licensed child
21 welfare agency under contract with the department or the sheriff or city, village or
22 town police department of the facts and circumstances contributing to a suspicion of
23 child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will

1 occur. The sheriff or police department shall within 12 hours, exclusive of Saturdays,
2 Sundays or legal holidays, refer to the county department or, in a county having a
3 population of 500,000 or more, the department or a licensed child welfare agency
4 under contract with the department all cases reported to it. The county department,
5 department or licensed child welfare agency may require that a subsequent report
6 be made in writing. Each county department, the department and a licensed child
7 welfare agency under contract with the department shall adopt a written policy
8 specifying the kinds of reports it will routinely report to local law enforcement
9 authorities.”.

10 **60.** Page 117, line 3: delete lines 3 to 25.

11 **61.** Page 118, line 1: delete lines 1 to 12 and substitute:

12 **“SECTION 274m.** 48.981 (3) (c) 1. of the statutes, as affected by 1997 Wisconsin
13 Act 27, is amended to read:

14 48.981 (3) (c) 1. Within 24 hours after receiving a report under par. (a), the
15 agency shall, in accordance with the authority granted to the department under s.
16 48.48 (17) (a) 1. or the county department under s. 48.57 (1) (a), initiate a diligent
17 investigation to determine if the child or unborn child is in need of protection or
18 services. The investigation shall be conducted in accordance with standards
19 established by the department for conducting child abuse and neglect investigations
20 or unborn child abuse investigations. If the investigation is of a report of child abuse
21 or neglect or of child threatened abuse or neglect by a caregiver specified in sub. (1)
22 (am) 5. to 8. who continues to have access to the child or a caregiver specified in sub.
23 (1) (am) 1. to 4., or of a report that does not disclose who is suspected of the child abuse
24 or neglect and in which the investigation does not disclose who abused or neglected

1 the child, the investigation shall also include observation of or an interview with the
2 child, or both, and, if possible, an interview with the child's parents, guardian or legal
3 custodian. If the investigation is of a report of child abuse or neglect or threatened
4 child abuse or neglect by a caregiver who continues to reside in the same dwelling
5 as the child, the investigation shall also include, if possible, a visit to that dwelling.
6 At the initial visit to the child's dwelling, the person making the investigation shall
7 identify himself or herself and the agency involved to the child's parents, guardian
8 or legal custodian. The agency may contact, observe or interview the child at any
9 location without permission from the child's parent, guardian or legal custodian if
10 necessary to determine if the child is in need of protection or services, except that the
11 person making the investigation may enter a child's dwelling only with permission
12 from the child's parent, guardian or legal custodian or after obtaining a court order
13 to do so.

14 **SECTION 275m.** 48.981 (3) (c) 2m. of the statutes is created to read:

15 48.981 (3) (c) 2m. a. If the person making the investigation is an employe of the
16 county department or, in a county having a population of 500,000 or more, the
17 department or a licensed child welfare agency under contract with the department
18 and he or she determines that it is consistent with the best interest of the unborn
19 child in terms of physical safety and physical health to take the expectant mother
20 into custody for the immediate protection of the unborn child, he or she shall take the
21 expectant mother into custody under s. 48.08 (2), 48.19 (1) (cm) or 48.193 (1) (c) and
22 deliver the expectant mother to the intake worker under s. 48.20 or 48.203.”.

23 **62.** Page 118, line 20: delete lines 20 to 25.

24 **63.** Page 119, line 1: delete lines 1 to 25.

1 **64.** Page 120, line 1: delete lines 1 to 24.

2 **65.** Page 121, line 1: delete lines 1 to 25.

3 **66.** Page 122, line 1: delete lines 1 to 15 and substitute:

4 “**SECTION 276m.** 48.981 (3) (c) 3. of the statutes, as affected by 1997 Wisconsin
5 Act 27, is amended to read:

6 48.981 (3) (c) 3. If the county department or, in a county having a population
7 of 500,000 or more, the department or a licensed child welfare agency under contract
8 with the department determines that a child, any member of the child’s family or the
9 child’s guardian or legal custodian is in need of services or that the expectant mother
10 of an unborn child is in need of services, the county department, department or
11 licensed child welfare agency shall offer to provide appropriate services or to make
12 arrangements for the provision of services. If the child’s parent, guardian or legal
13 custodian or the expectant mother refuses to accept the services, the county
14 department, department or licensed child welfare agency may request that a petition
15 be filed under s. 48.13 alleging that the child who is the subject of the report or any
16 other child in the home is in need of protection or services or that a petition be filed
17 under s. 48.133 alleging that the unborn child who is the subject of the report is in
18 need of protection or services.

19 **SECTION 277m.** 48.981 (3) (c) 5. of the statutes, as affected by 1997 Wisconsin
20 Act 27, is amended to read:

21 48.981 (3) (c) 5. The agency shall maintain a record of its actions in connection
22 with each report it receives. The record shall include a description of the services
23 provided to any child and to the parents, guardian or legal custodian of the child or

1 to any expectant mother of an unborn child. The agency shall update the record every
2 6 months until the case is closed.

3 **SECTION 278m.** 48.981 (3) (c) 6. of the statutes, as affected by 1997 Wisconsin
4 Act 27, is amended to read:

5 48.981 (3) (c) 6. The agency shall, within 60 days after it receives a report from
6 a person required under sub. (2) to report, inform the reporter what action, if any, was
7 taken to protect the health and welfare of the child or unborn child who is the subject
8 of the report.

9 **SECTION 279m.** 48.981 (3) (c) 6m. of the statutes, as affected by 1997 Wisconsin
10 Act 27, is amended to read:

11 48.981 (3) (c) 6m. If a person who is not required under sub. (2) to report makes
12 a report and is a relative of the child, other than the child's parent, or is a relative
13 of the expectant mother of the unborn child, that person may make a written request
14 to the agency for information regarding what action, if any, was taken to protect the
15 health and welfare of the child or unborn child who is the subject of the report. An
16 agency that receives a written request under this subdivision shall, within 60 days
17 after it receives the report or 20 days after it receives the written request, whichever
18 is later, inform the reporter in writing of what action, if any, was taken to protect the
19 health and welfare of the child or unborn child, unless a court order prohibits that
20 disclosure, and of the duty to keep the information confidential under sub. (7) (e) and
21 the penalties for failing to do so under sub. (7) (f). The agency may petition the court
22 ex parte for an order prohibiting that disclosure and, if the agency does so, the time
23 period within which the information must be disclosed is tolled on the date the
24 petition is filed and remains tolled until the court issues a decision. The court may
25 hold an ex parte hearing in camera and shall issue an order granting the petition if

1 the court determines that disclosure of the information would not be in the best
2 interests of the child or unborn child.

3 **SECTION 280m.** 48.981 (3) (c) 7. of the statutes, as affected by 1997 Wisconsin
4 Act 27, is amended to read:

5 48.981 (3) (c) 7. The county department or, in a county having a population of
6 500,000 or more, the department or a licensed child welfare agency under contract
7 with the department shall cooperate with law enforcement officials, courts of
8 competent jurisdiction, tribal governments and other human services agencies to
9 prevent, identify and treat child abuse and neglect and unborn child abuse. The
10 county department or, in a county having a population of 500,000 or more, the
11 department or a licensed child welfare agency under contract with the department
12 shall coordinate the development and provision of services to abused and neglected
13 children and, to abused unborn children to families where in which child abuse or
14 neglect has occurred or, to expectant mothers who have abused their unborn
15 children, to children and families where when circumstances justify a belief that
16 abuse or neglect will occur and to the expectant mothers of unborn children when
17 circumstances justify a belief that unborn child abuse will occur.

18 **SECTION 281m.** 48.981 (3) (c) 8. of the statutes, as affected by 1997 Wisconsin
19 Act 27, is amended to read:

20 48.981 (3) (c) 8. Using the format prescribed by the department, each county
21 department shall provide the department with information about each report that
22 the county department receives or that is received by a licensed child welfare agency
23 that is under contract with the county department and about each investigation that
24 the county department or a licensed child welfare agency under contract with the
25 county department conducts. Using the format prescribed by the department, a

1 licensed child welfare agency under contract with the department shall provide the
2 department with information about each report that the child welfare agency
3 receives and about each investigation that the child welfare agency conducts. This
4 information shall be used by the department to monitor services provided by county
5 departments or licensed child welfare agencies under contract with county
6 departments or the department. The department shall use nonidentifying
7 information to maintain statewide statistics on child abuse and neglect and on
8 unborn child abuse, and for planning and policy development purposes.

9 **SECTION 282m.** 48.981 (3) (d) 1. of the statutes, as affected by 1997 Wisconsin
10 Act 27, is amended to read:

11 48.981 (3) (d) 1. In this paragraph, "agent" includes, but is not limited to, a
12 foster parent, treatment foster parent or other person given custody of a child or a
13 human services professional employed by a county department under s. 51.42 or
14 51.437 or by a child welfare agency who is working with the a child or an expectant
15 mother of an unborn child under contract with or under the supervision of the
16 department in a county having a population of 500,000 or more or a county
17 department under s. 46.22.

18 **SECTION 283m.** 48.981 (3) (d) 2. of the statutes, as affected by 1997 Wisconsin
19 Act 27, is amended to read:

20 48.981 (3) (d) 2. If an agent or employe of an agency required to investigate
21 under this subsection is the subject of a report, or if the agency determines that,
22 because of the relationship between the agency and the subject of a report, there is
23 a substantial probability that the agency would not conduct an unbiased
24 investigation, the agency shall, after taking any action necessary to protect the child
25 or unborn child, notify the department. Upon receipt of the notice, the department,

1 in a county having a population of less than 500,000 or a county department or child
2 welfare agency designated by the department in any county shall conduct an
3 independent investigation. If the department designates a county department
4 under s. 46.22, 46.23, 51.42 or 51.437, that county department shall conduct the
5 independent investigation. If a licensed child welfare agency agrees to conduct the
6 independent investigation, the department may designate the child welfare agency
7 to do so. The powers and duties of the department or designated county department
8 or child welfare agency making an independent investigation are those given to
9 county departments under par. (c).”.

10 **67.** Page 123, line 6: delete lines 6 to 14 and substitute:

11 “**SECTION 285m.** 48.981 (7) (a) 1m. of the statutes, as affected by 1997
12 Wisconsin Act 27, is amended to read:

13 48.981 (7) (a) 1m. A reporter described in sub. (3) (c) 6m. who makes a written
14 request to an agency for information regarding what action, if any, was taken to
15 protect the health and welfare of the child or unborn child who is the subject of the
16 report, unless a court order under sub. (3) (c) 6m. prohibits disclosure of that
17 information to that reporter, except that the only information that may be disclosed
18 is information in the record regarding what action, if any, was taken to protect the
19 health and welfare of the child or unborn child who is the subject of the report.”.

20 **68.** Page 123, line 25: delete that line.

21 **69.** Page 124, line 1: delete lines 1 to 7 and substitute:

22 “**SECTION 288m.** 48.981 (7) (a) 5. of the statutes, as affected by 1997 Wisconsin
23 Act 27, is amended to read:

1 48.981 (7) (a) 5. A professional employe of a county department under s. 51.42
2 or 51.437 who is working with the child or the expectant mother of the unborn child
3 under contract with or under the supervision of the county department under s. 46.22
4 or, in a county having a population of 500,000 or more, the department or a licensed
5 child welfare agency under contract with the department.

6 **SECTION 289m.** 48.981 (7) (a) 6. of the statutes, as affected by 1997 Wisconsin
7 Act 27, is amended to read:

8 48.981 (7) (a) 6. A multidisciplinary child abuse and neglect or unborn child
9 abuse team recognized by the county department or, in a county having a population
10 of 500,000 or more, the department or a licensed child welfare agency under contract
11 with the department.”.

12 **70.** Page 124, line 21: delete lines 21 to 24.

13 **71.** Page 125, line 1: delete lines 1 and 2 and substitute:

14 **“SECTION 292m.** 48.981 (7) (a) 11. of the statutes, as affected by 1997 Wisconsin
15 Act 27, is amended to read:

16 48.981 (7) (a) 11. The county corporation counsel or district attorney
17 representing the interests of the public, the agency legal counsel and the counsel or
18 guardian ad litem representing the interests of a child in proceedings under subd.
19 10., 10g or 10j and the guardian ad litem representing the interests of an unborn
20 child in proceedings under subd. 10.”.

21 **72.** Page 125, line 8: delete lines 8 to 14 and substitute:

22 **“SECTION 294m.** 48.981 (7) (a) 11r. of the statutes, as affected by 1997
23 Wisconsin Act 27, is amended to read:

1 48.981 (7) (a) 11r. A volunteer appointed or person employed by a
2 court-appointed special advocate program recognized by the county board or the
3 county department or, in a county having a population of 500,000 or more, the
4 department or a licensed child welfare agency under contract with the department,
5 to the extent necessary to perform the advocacy services in proceedings related to a
6 petition under s. 48.13 or 48.133 for which the court-appointed special advocate
7 program is recognized by the county board, county department or department.”.

8 **73.** Page 125, line 20: delete lines 20 to 25.

9 **74.** Page 126, line 1: delete lines 1 to 5 and substitute:

10 **“SECTION 296m.** 48.981 (8) (a) of the statutes, as affected by 1997 Wisconsin
11 Act 27, is amended to read:

12 48.981 (8) (a) The department, the county departments and a licensed child
13 welfare agency under contract with the department in a county having a population
14 of 500,000 or more to the extent feasible shall conduct continuing education and
15 training programs for staff of the department, the county departments, a licensed
16 child welfare agency under contract with the department or a county department,
17 and the tribal social services departments, persons and officials required to report,
18 the general public and others as appropriate. The programs shall be designed to
19 encourage reporting of child abuse and neglect and of unborn child abuse, to
20 encourage self-reporting and voluntary acceptance of services and to improve
21 communication, cooperation and coordination in the identification, prevention and
22 treatment of child abuse and neglect and of unborn child abuse. The department, the
23 county departments and a licensed child welfare agency under contract with the

1 department in a county having a population of 500,000 or more shall develop public
2 information programs about child abuse and neglect and about unborn child abuse.”.

3 **75.** Page 126, line 14: delete lines 14 to 25.

4 **76.** Page 127, line 1: delete lines 1 and 2 and substitute:

5 “**SECTION 298m.** 48.981 (8) (c) of the statutes, as affected by 1997 Wisconsin Act
6 27, is amended to read:

7 48.981 (8) (c) In meeting its responsibilities under par. (a) or (b), the
8 department, a county department or a licensed child welfare agency under contract
9 with the department in a county having a population of 500,000 or more may contract
10 with any public or private organization which meets the standards set by the
11 department. In entering into the contracts the department, county department or
12 licensed child welfare agency shall give priority to parental organizations combating
13 child abuse and neglect or unborn child abuse.

14 **SECTION 299m.** 48.981 (8) (d) 1. of the statutes, as affected by 1997 Wisconsin
15 Act 27, is amended to read:

16 48.981 (8) (d) 1. Each agency staff member and supervisor whose
17 responsibilities include investigation or treatment of child abuse and neglect or of
18 unborn child abuse shall successfully complete training in child abuse and neglect
19 protective services and in unborn child abuse protective services approved by the
20 department. The department shall monitor compliance with this subdivision
21 according to rules promulgated by the department.”.

22 **77.** Page 127, line 13: delete lines 13 to 25.

23 **78.** Page 128, line 1: delete lines 1 to 4 and substitute:

1 “**SECTION 301m.** 48.985 (1) of the statutes, as affected by 1997 Wisconsin Act
2 27, is amended to read:

3 48.985 (1) FEDERAL PROGRAM OPERATIONS. From the appropriation under s.
4 20.435 (3) (n), the department shall expend not more than \$273,700 in each fiscal
5 year of the moneys received under 42 USC 620 to 626 for the department’s expenses
6 in connection with administering the expenditure of funds received under 42 USC
7 620 to 626 and for child abuse and neglect and unborn child abuse independent
8 investigations.

9 **SECTION 302m.** 48.985 (2) of the statutes, as affected by 1997 Wisconsin Act 27,
10 is amended to read:

11 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the
12 appropriation under s. 20.435 (7) (o), the department shall distribute not more than
13 \$3,804,000 in fiscal year 1997-98 and not more than \$3,734,000 in fiscal year
14 1998-99 of the moneys received under 42 USC 620 to 626 to county departments
15 under ss. 46.215, 46.22 and 46.23 for the provision or purchase of child welfare
16 projects and services, for services to children and families, for services to the
17 expectant mothers of unborn children and for family-based child welfare services.”.

18 **79.** Page 130, line 17: delete lines 17 to 25.

19 **80.** Page 131, line 1: delete lines 1 to 15 and substitute:

20 “**SECTION 310m.** 146.0255 (2) of the statutes, as affected by 1997 Wisconsin Act
21 35, is amended to read:

22 146.0255 (2) TESTING. Any hospital employe who provides health care, social
23 worker or intake worker under ch. 48 may refer an infant or an expectant mother of
24 an unborn child, as defined in s. 48.02 (19), to a physician for testing of the infant’s

1 bodily fluids of the infant or expectant mother for controlled substances or controlled
2 substance analogs if the hospital employe who provides health care, social worker or
3 intake worker suspects that the infant or expectant mother has controlled
4 substances or controlled substance analogs in the ~~infant's~~ bodily fluids of the infant
5 or expectant mother because of the ~~mother's~~ use of controlled substances or
6 controlled substance analogs by the mother while she was pregnant with the infant
7 or by the expectant mother while she is pregnant with the unborn child. The
8 physician may test the infant or expectant mother to ascertain whether or not the
9 infant or expectant mother has controlled substances or controlled substance
10 analogs in the ~~infant's~~ bodily fluids of the infant or expectant mother, if the physician
11 determines that there is a serious risk that there are controlled substances or
12 controlled substance analogs in the ~~infant's~~ bodily fluids of the infant or expectant
13 mother because of the ~~mother's~~ use of controlled substances or controlled substance
14 analogs by the mother while she was pregnant with the infant or by the expectant
15 mother while she is pregnant with the unborn child and that the health of the infant,
16 the unborn child or the child when born may be adversely affected by the controlled
17 substances or controlled substance analogs. If the results of the test indicate that
18 the infant or expectant mother does have controlled substances or controlled
19 substance analogs in the ~~infant's~~ bodily fluids of the infant or expectant mother, the
20 physician shall make a report under s. 46.238.”.

21 (END)