



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 264**

October 22, 1997 – Offered by Senator HUELSMAN.

1 **AN ACT** *to renumber and amend* 48.207 (2), 48.243 (2), 48.27 (1), 48.27 (4)
2 (intro.) and 48.985 (2) (a); *to amend* 38.24 (1s), 46.001, 46.03 (7) (a), 46.238,
3 46.40 (7m), 46.51 (title), 46.51 (1), 46.51 (3), 46.51 (4), 46.51 (5), 46.95 (2) (a),
4 48.01 (1) (intro.), 48.01 (1) (a), 48.01 (1) (br), 48.01 (1) (dm), 48.02 (17m), 48.06
5 (1) (a) 1., 48.06 (1) (a) 3., 48.06 (1) (am) 3., 48.06 (2) (c), 48.065 (1), 48.065 (2)
6 (gm), 48.065 (3) (c), 48.065 (3) (e), 48.067 (1), 48.067 (2), 48.067 (3), 48.067 (4),
7 48.067 (6m), 48.067 (8), 48.069 (1) (a), 48.069 (1) (c), 48.07 (4), 48.08 (1), 48.09
8 (5), 48.135 (title), 48.135 (1), 48.135 (2), 48.14 (5), 48.15, 48.185 (1), 48.185 (2),
9 48.19 (1) (c), 48.20 (title), 48.20 (7) (b), 48.20 (8), 48.205 (title), 48.205 (1) (intro.),
10 48.205 (2), 48.207 (title), 48.207 (1) (intro.), 48.207 (1) (g), 48.208 (4), 48.21 (1)
11 (b), 48.21 (3) (intro.), 48.21 (3) (b), 48.21 (6), 48.21 (7), 48.227 (4) (e) 2., 48.23 (4),
12 48.235 (3), 48.235 (6), 48.24 (1), 48.24 (1m), 48.24 (2) (a), 48.24 (2m) (a) (intro.),
13 48.24 (3), 48.24 (5), 48.243 (1) (intro.), (a), (b), (c), (d), (e), (f) and (g), 48.243 (3),

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3 48.981 (3) (c) 6., 48.981 (3) (c) 6m., 48.981 (3) (c) 7., 48.981 (3) (c) 8., 48.981 (3)
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9 (1) (intro.), 146.0255 (2), 146.0255 (3) (intro.), 146.82 (2) (a) 11., 757.69 (1) (g),
10 808.075 (4) (a) 4., 813.122 (1) (a), 904.085 (4) (d), 905.04 (4) (e) (title) and
11 938.245 (8); and **to create** 48.01 (1) (am), 48.01 (1) (bm), 48.02 (1) (am), 48.02
12 (19), 48.065 (2) (bm), 48.08 (3), 48.133, 48.19 (1) (cm), 48.19 (1) (d) 8., 48.193,
13 48.20 (4m), 48.203, 48.205 (1) (d), 48.205 (1m), 48.207 (1m), 48.207 (2) (b),
14 48.213, 48.23 (2m), 48.235 (1) (f), 48.235 (4m), 48.24 (2m) (a) 6., 48.255 (1m),
15 48.27 (1) (b), 48.27 (3) (c), 48.27 (3) (d), 48.27 (4) (b), 48.345 (14), 48.345 (15),
16 48.347, 48.355 (2) (b) 2m., 48.361 (2) (a) 1m., 48.361 (2) (b) 1m., 48.362 (3m),
17 48.396 (2) (aj), 48.396 (2) (ap), 48.45 (1) (am), 48.45 (1r), 48.52 (1m), 48.78 (2)
18 (aj), 48.78 (2) (ap), 48.981 (1) (ct), 48.981 (1) (h) 1m., 48.981 (3) (b) 2m., 48.981
19 (3) (c) 2m., 51.30 (4) (b) 11m., 301.01 (2) (cm) and 905.04 (4) (e) 3. of the statutes;
20 **relating to:** unborn children who are at substantial risk of serious physical
21 injury due to the habitual lack of self-control of their expectant mothers in the
22 use of alcohol beverages, controlled substances or controlled substance analogs,
23 exhibited to a severe degree.

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

1 **SECTION 1.** 38.24 (1s) of the statutes is amended to read:

2 38.24 **(1s)** **ADDITIONAL FEES.** A district board may establish and charge a fee in
3 addition to the fees under sub. (1m) for a court-approved alcohol or other drug abuse
4 education program offered to individuals under s. 48.245 (2) (a) 4., 48.345 (13) (b),
5 48.347 (5) (b), 938.245 (2) (a) 4., 938.32 (1g) (b), 938.34 (6r) (b) or (14s) (b) 3., 938.343
6 (10) (c) or 938.344 (2g) (a).

7 **SECTION 2.** 46.001 of the statutes is amended to read:

8 **46.001 Purposes of chapter.** The purposes of this chapter are to conserve
9 human resources in Wisconsin; to provide a just and humane program of services to
10 children and unborn children in need of protection or services ~~and~~, nonmarital
11 children and the expectant mothers of those unborn children; to prevent dependency,
12 mental illness, developmental disability, mental infirmity and other forms of social
13 maladjustment by a continuous attack on causes; to provide effective aid and services
14 to all persons in need thereof and to assist those persons to achieve or regain
15 self-dependence at the earliest possible date; to avoid duplication and waste of effort
16 and money on the part of public and private agencies; and to coordinate and integrate
17 a social welfare program.

18 **SECTION 3.** 46.03 (7) (a) of the statutes is amended to read:

19 46.03 **(7)** (a) Promote the enforcement of laws for the protection of
20 developmentally disabled children, children and unborn children in need of
21 protection or services and nonmarital children; and to this end cooperate with courts
22 assigned to exercise jurisdiction under chs. 48 and 938 ~~and~~, licensed child welfare
23 agencies and public and private institutions (~~public and private~~) and take the
24 initiative in all matters involving the interests of such those children where and
25 unborn children when adequate provision ~~therefor~~ for those interests has not

1 already been made, including the establishment and enforcement of standards for
2 services provided under ~~s.~~ ss. 48.345 and 48.347.

3 **SECTION 4.** 46.238 of the statutes is amended to read:

4 **46.238 (title) Infants whose mothers and unborn children whose**
5 **expectant mothers abuse controlled substances or controlled substance**
6 **analogs.** If the county department under s. 46.215, 46.22 or 46.23 receives a report
7 under s. 146.0255 (2), the county department shall offer to provide appropriate
8 services and treatment to the child and the child's mother or to the unborn child, as
9 defined in s. 48.02 (19), and the expectant mother of the unborn child or the county
10 department shall make arrangements for the provision of appropriate services or
11 treatment.

12 **SECTION 5.** 46.40 (7m) of the statutes is amended to read:

13 **46.40 (7m) USE BY COUNTY OF COMMUNITY AIDS FUNDS TO PAY PRIVATE ATTORNEYS**
14 **FOR CERTAIN PROCEEDINGS UNDER THE CHILDREN'S CODE.** Upon application by a county
15 department under s. 46.215, 46.22 or 46.23 to the department for permission to use
16 funds allocated to that county department under sub. (2) to employ private counsel
17 for the purposes specified in this subsection and a determination by the department
18 that use of funds for those purposes does not affect any federal grants or federal
19 funding allocated under this section, the department and the county department
20 shall execute a contract authorizing the county department to expend, as agreed
21 upon in the contract, funds allocated to that county department under sub. (2) to
22 permit the county department to employ private counsel to represent the interests
23 of the state or county in proceedings under ch. 48 relating to child abuse or neglect
24 cases, unborn child abuse cases, proceedings to terminate parental rights and any

1 ch. 48 cases or proceedings involving the Indian child welfare act, 25 USC 1901 to
2 1963.

3 **SECTION 6.** 46.51 (title) of the statutes is amended to read:

4 **46.51** (title) **Child abuse and neglect and unborn child abuse services.**

5 **SECTION 7.** 46.51 (1) of the statutes is amended to read:

6 46.51 (1) From the amounts distributed under s. 46.40 (1) for services for
7 children and families, the department shall distribute funds to eligible counties for
8 services related to child abuse and neglect and to unborn child abuse, including child
9 abuse and neglect and unborn child abuse prevention, investigation and treatment.

10 **SECTION 8.** 46.51 (3) of the statutes is amended to read:

11 46.51 (3) The department shall distribute the funds under sub. (1) to counties
12 that have a serious problem with child abuse and neglect or with unborn child abuse
13 according to eligibility criteria and distribution criteria to be developed by the
14 department.

15 **SECTION 9.** 46.51 (4) of the statutes is amended to read:

16 46.51 (4) A county may use the funds distributed under this section to fund
17 additional foster parents and treatment foster parents to care for abused and
18 neglected children and to fund additional staff positions to provide services related
19 to child abuse and neglect and to unborn child abuse.

20 **SECTION 10.** 46.51 (5) of the statutes is amended to read:

21 46.51 (5) A county may not use the funds distributed under this section to
22 reduce its expenditures from other sources for services related to child abuse and
23 neglect or to unborn child abuse below the level in the year before the year for which
24 the funds are distributed.

25 **SECTION 11.** 46.95 (2) (a) of the statutes is amended to read:

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

7 **SECTION 12.** 48.01 (1) (intro.) of the statutes is amended to read:

8 48.01 (1) (intro.) This chapter may be cited as “The Children’s Code”. In
9 construing this chapter, the best interests of the child or unborn child shall always
10 be of paramount consideration. This chapter shall be liberally construed to
11 effectuate the following express legislative purposes:

12 **SECTION 13.** 48.01 (1) (a) of the statutes is amended to read:

13 48.01 (1) (a) While recognizing that the paramount goal of this chapter is to
14 protect children and unborn children, to preserve the unity of the family, whenever
15 appropriate, by strengthening family life through assisting parents and the
16 expectant mothers of unborn children, whenever appropriate, in fulfilling their
17 parental responsibilities as parents or expectant mothers. The courts and agencies
18 responsible for child welfare should assist parents and the expectant mothers of
19 unborn children in changing any circumstances in the home which might harm the
20 child or unborn child, which may require the child to be placed outside the home or
21 which may require the expectant mother to be taken into custody. The courts should
22 recognize that they have the authority, in appropriate cases, not to reunite a child
23 with his or her family. The courts and agencies responsible for child welfare should
24 also recognize that instability and impermanence in family relationships are
25 contrary to the welfare of children and should therefore recognize the importance of

1 eliminating the need for children to wait unreasonable periods of time for their
2 parents to correct the conditions that prevent their return to the family.

3 **SECTION 14.** 48.01 (1) (am) of the statutes is created to read:

4 48.01 (1) (am) To recognize that unborn children have certain basic needs
5 which must be provided for, including the need to develop physically to their
6 potential and the need to be free from physical harm due to the habitual lack of
7 self-control of their expectant mothers in the use of alcohol beverages, controlled
8 substances or controlled substance analogs, exhibited to a severe degree. It is further
9 recognized that, when an expectant mother of an unborn child suffers from a
10 habitual lack of self-control in the use of alcohol beverages, controlled substances or
11 controlled substance analogs, exhibited to a severe degree, in order to ensure that the
12 needs of the unborn child, as described in this paragraph, are provided for, the court
13 may determine that it is in the best interests of the unborn child for the expectant
14 mother to be ordered to receive treatment, including inpatient treatment, for that
15 habitual lack of self-control, consistent with any applicable law relating to the rights
16 of the expectant mother.

17 **SECTION 15.** 48.01 (1) (bm) of the statutes is created to read:

18 48.01 (1) (bm) To ensure that unborn children are protected against the
19 harmful effects resulting from the habitual lack of self-control of their expectant
20 mothers in the use of alcohol beverages, controlled substances or control substance
21 analogs, exhibited to a severe degree.

22 **SECTION 16.** 48.01 (1) (br) of the statutes is amended to read:

23 48.01 (1) (br) To encourage innovative and effective prevention, intervention
24 and treatment approaches, including collaborative community efforts and the use of
25 community-based programs, as significant strategies in planning and

1 implementing legislative, executive and local government policies and programs
2 relating to children and their families and substitute families and to unborn children
3 and their expectant mothers.

4 **SECTION 17.** 48.01 (1) (dm) of the statutes is amended to read:

5 48.01 (1) (dm) To divert children and unborn children from formal proceedings
6 under this chapter to the extent that this is consistent with protection of children,
7 unborn children and the public safety.

8 **SECTION 18.** 48.02 (1) (am) of the statutes is created to read:

9 48.02 (1) (am) When used in referring to an unborn child, serious physical harm
10 inflicted on the unborn child, and the risk of serious physical harm to the child when
11 born, caused by the habitual lack of self-control of the expectant mother of the
12 unborn child in the use of alcohol beverages, controlled substances or controlled
13 substance analogs, exhibited to a severe degree.

14 **SECTION 19.** 48.02 (17m) of the statutes is amended to read:

15 48.02 (17m) “Special treatment or care” means professional services which
16 need to be provided to a child or his or her family to protect the well-being of the child,
17 prevent placement of the child outside the home or meet the special needs of the
18 child. “Special treatment or care” also means professional services which need to be
19 provided to the expectant mother of an unborn child to protect the physical health
20 of the unborn child and of the child when born from the harmful effects resulting from
21 the habitual lack of self-control of the expectant mother in the use of alcohol,
22 controlled substances or controlled substance analogs, exhibited to a severe degree.

23 This term includes, but is not limited to, medical, psychological or psychiatric
24 treatment, alcohol or other drug abuse treatment or other services which the court
25 finds to be necessary and appropriate.

1 **SECTION 20.** 48.02 (19) of the statutes is created to read:

2 48.02 (19) “Unborn child” means an unborn human who is at that stage of fetal
3 development when there is a reasonable likelihood of sustained survival outside the
4 womb, with or without artificial support.

5 **SECTION 21.** 48.06 (1) (a) 1. of the statutes is amended to read:

6 48.06 (1) (a) 1. In counties with a population of 500,000 or more, the county
7 board of supervisors shall provide the court with the services necessary for
8 investigating and supervising cases by operating a children’s court center under the
9 supervision of a director who is appointed as provided in s. 46.21 (1m) (a). The
10 director is the chief administrative officer of the center and of the intake and
11 probation sections and secure detention facilities of the center except as otherwise
12 provided in this subsection. The director is charged with administration of the
13 personnel and services of the sections and of the secure detention facilities, and is
14 responsible for supervising both the operation of the physical plant and the
15 maintenance and improvement of the buildings and grounds of the center. The
16 center shall include investigative services for all children and unborn children
17 alleged to be in need of protection or services to be provided by the county
18 department, and the services of an assistant district attorney or assistant
19 corporation counsel or both, who shall be assigned to the center to provide
20 investigative as well as legal work in the cases.

21 **SECTION 22.** 48.06 (1) (a) 3. of the statutes is amended to read:

22 48.06 (1) (a) 3. The county board of supervisors shall develop policies and
23 establish necessary rules for the management and administration of the nonjudicial
24 operations of the children’s court center. The director of the center shall report and
25 is responsible to the director of the county department for the execution of all

1 nonjudicial operational policies and rules governing the center, including activities
2 of probation officers whenever they are not performing services for the court. The
3 director of the center is also responsible for the preparation and submission to the
4 county board of supervisors of the annual budget for the center except for the judicial
5 functions or responsibilities which are delegated by law to the judge or judges and
6 clerk of circuit court. The county board of supervisors shall make provision in the
7 organization of the office of director for the devolution of the director's authority in
8 the case of temporary absence, illness, disability to act or a vacancy in position and
9 shall establish the general qualifications for the position. The county board of
10 supervisors also has the authority to investigate, arbitrate and resolve any conflict
11 in the administration of the center as between judicial and nonjudicial operational
12 policy and rules. The county board of supervisors does not have authority and may
13 not assert jurisdiction over the disposition of any case ~~or~~, child, unborn child or
14 expectant mother of an unborn child after a written order is made under s. 48.21 or
15 48.213 or if a petition is filed under s. 48.25. All personnel of the intake and probation
16 sections and of the secure detention facilities shall be appointed under civil service
17 by the director except that existing court service personnel having permanent civil
18 service status may be reassigned to any of the respective sections within the center
19 specified in this paragraph.

20 **SECTION 23.** 48.06 (1) (am) 3. of the statutes is amended to read:

21 48.06 (1) (am) 3. Each intake worker whose responsibilities include
22 investigation or treatment of child abuse or neglect or unborn child abuse shall
23 successfully complete additional training in child abuse and neglect and unborn
24 child abuse protective services approved by the department under s. 48.981 (8) (d).

1 Not more than 4 hours of the additional training may be applied to the requirement
2 under subd. 1.

3 **SECTION 24.** 48.06 (2) (c) of the statutes is amended to read:

4 48.06 (2) (c) Each intake worker whose responsibilities include investigation
5 or treatment of child abuse or neglect or unborn child abuse shall successfully
6 complete additional training in child abuse and neglect and unborn child abuse
7 protective services approved by the department under s. 48.981 (8) (d). Not more
8 than 4 hours of the additional training may be applied to the requirement under par.
9 (b).

10 **SECTION 25.** 48.065 (1) of the statutes is amended to read:

11 48.065 (1) The board of supervisors of any county may authorize the chief judge
12 of the judicial administrative district to appoint one or more part-time or full-time
13 juvenile court commissioners who shall serve at the discretion of the chief judge. A
14 juvenile court commissioner shall be licensed to practice law in this state and shall
15 have been so licensed for at least 2 years immediately prior to appointment and shall
16 have a demonstrated interest in the welfare of children and unborn children. The
17 chief judge may assign law clerks, bailiffs and deputies to the court commissioner.
18 The chief judge shall supervise juvenile court commissioners, law clerks, bailiffs and
19 deputies, except that the chief judge may delegate any of those duties.

20 **SECTION 26.** 48.065 (2) (bm) of the statutes is created to read:

21 48.065 (2) (bm) Conduct hearings under s. 48.213 and thereafter order an adult
22 expectant mother of an unborn child to be held in or released from custody.

23 **SECTION 27.** 48.065 (2) (gm) of the statutes is amended to read:

24 48.065 (2) (gm) Conduct uncontested proceedings under s. ss. 48.13 and 48.133.

25 **SECTION 28.** 48.065 (3) (c) of the statutes is amended to read:

1 48.065 (3) (c) Make dispositions other than approving consent decrees and
2 other than dispositions in uncontested proceedings under s. 48.13 or 48.133.

3 **SECTION 29.** 48.065 (3) (e) of the statutes is amended to read:

4 48.065 (3) (e) Make changes in placements of children or of the expectant
5 mothers of unborn children, or revisions or extensions of dispositional orders, except
6 in uncontested proceedings under s. 48.13 or 48.133.

7 **SECTION 30.** 48.067 (1) of the statutes is amended to read:

8 48.067 (1) Provide intake services 24 hours a day, 7 days a week, for the purpose
9 of screening children taken into custody and not released under s. 48.20 (2) and the
10 adult expectant mothers of unborn children taken into custody and not released
11 under s. 48.203 (1);

12 **SECTION 31.** 48.067 (2) of the statutes is amended to read:

13 48.067 (2) Interview, unless impossible, any child or expectant mother of an
14 unborn child who is taken into physical custody and not released, and ~~where~~ when
15 appropriate interview other available concerned parties. If the child cannot be
16 interviewed, the intake worker shall consult with the child's parent or a responsible
17 adult. If an adult expectant mother of an unborn child cannot be interviewed, the
18 intake worker shall consult with an adult relative or friend of the adult expectant
19 mother. No child may be placed in a secure detention facility unless the child has
20 been interviewed in person by an intake worker, except that if the intake worker is
21 in a place which is distant from the place where the child is or the hour is
22 unreasonable, as defined by written court intake rules, and if the child meets the
23 criteria under s. 48.208, the intake worker, after consulting by telephone with the
24 law enforcement officer who took the child into custody, may authorize the secure
25 holding of the child while the intake worker is en route to the in-person interview

1 or until 8 a.m. of the morning after the night on which the child was taken into
2 custody.

3 **SECTION 32.** 48.067 (3) of the statutes is amended to read:

4 48.067 (3) Determine whether the child or the expectant mother of an unborn
5 child shall be held under s. 48.205 and such policies as the judge shall promulgate
6 under s. 48.06 (1) or (2);

7 **SECTION 33.** 48.067 (4) of the statutes is amended to read:

8 48.067 (4) If the child or the expectant mother of an unborn child is not
9 released, determine where the child or expectant mother shall be held;

10 **SECTION 34.** 48.067 (6m) of the statutes is amended to read:

11 48.067 (6m) Conduct the multidisciplinary screen in counties that have a ~~pilot~~
12 an alcohol and other drug abuse program under s. 48.547.

13 **SECTION 35.** 48.067 (8) of the statutes is amended to read:

14 48.067 (8) Make interim recommendations to the court concerning children,
15 and unborn children and their expectant mothers, awaiting final disposition under
16 s. 48.355; and

17 **SECTION 36.** 48.069 (1) (a) of the statutes is amended to read:

18 48.069 (1) (a) Supervise and assist a child and the child's family or the
19 expectant mother of an unborn child pursuant to informal dispositions, a consent
20 decree or order of the court.

21 **SECTION 37.** 48.069 (1) (c) of the statutes is amended to read:

22 48.069 (1) (c) Make an affirmative effort to obtain necessary or desired services
23 for the child and the child's family or for the expectant mother of an unborn child and
24 investigate and develop resources toward that end.

25 **SECTION 38.** 48.07 (4) of the statutes is amended to read:

1 48.07 (4) COUNTY DEPARTMENTS THAT PROVIDE DEVELOPMENTAL DISABILITIES,
2 MENTAL HEALTH OR ALCOHOL AND OTHER DRUG ABUSE SERVICES. Within the limits of
3 available state and federal funds and of county funds appropriated to match state
4 funds, the court may order county departments established under s. 51.42 or 51.437
5 to provide special treatment or care to a child if special treatment or care has been
6 ordered under s. 48.345 (6) and if s. 48.362 (4) applies or to provide special treatment
7 or care to the expectant mother of an unborn child if special treatment or care has
8 been ordered under s. 48.347 (4) and if s. 48.362 (4) applies.

9 **SECTION 39.** 48.08 (1) of the statutes is amended to read:

10 48.08 (1) It is the duty of each person appointed to furnish services to the court
11 as provided in ss. 48.06 and 48.07 to make such investigations and exercise such
12 discretionary powers as the judge may direct, to keep a written record of such
13 investigations and to submit a report to the judge. Such person shall keep informed
14 concerning the conduct and condition of the a child or expectant mother of an unborn
15 child under the person's supervision and shall report ~~thereon~~ on that conduct and
16 condition as the judge directs.

17 **SECTION 40.** 48.08 (3) of the statutes is created to read:

18 48.08 (3) Any person authorized to provide or providing intake or dispositional
19 services for the court under s. 48.067 or 48.069 has the power of police officers and
20 deputy sheriffs only for the purpose of taking the expectant mother of an unborn
21 child into physical custody when the expectant mother comes voluntarily or when
22 there is a substantial risk that the physical health of the unborn child, and of the
23 child when born, will be seriously affected or endangered due to the expectant
24 mother's habitual lack of self-control in the use of alcohol beverages, controlled
25 substances or controlled substance analogs, exhibited to a severe degree.

1 **SECTION 41.** 48.09 (5) of the statutes is amended to read:

2 48.09 (5) By the district attorney or, if designated by the county board of
3 supervisors, by the corporation counsel, in any matter arising under s. 48.13, 48.133
4 or 48.977. If the county board transfers this authority to or from the district attorney
5 on or after May 11, 1990, the board may do so only if the action is effective on
6 September 1 of an odd-numbered year and the board notifies the department of
7 administration of that change by January 1 of that odd-numbered year.

8 **SECTION 42.** 48.133 of the statutes is created to read:

9 **48.133 Jurisdiction over unborn children in need of protection or**
10 **services and the expectant mothers of those unborn children.** The court has
11 exclusive original jurisdiction over an unborn child alleged to be in need of protection
12 or services which can be ordered by the court whose expectant mother habitually
13 lacks self-control in the use of alcohol beverages, controlled substances or controlled
14 substance analogs, exhibited to a severe degree, to the extent that there is a
15 substantial risk that the physical health of the unborn child, and of the child when
16 born, will be seriously affected or endangered unless the expectant mother receives
17 prompt and adequate treatment for that habitual lack of self-control. The court also
18 has exclusive original jurisdiction over the expectant mother of an unborn child
19 described in this section.

20 **SECTION 43.** 48.135 (title) of the statutes is amended to read:

21 **48.135 (title) Referral of children and expectant mothers of unborn**
22 **children to proceedings under chapter 51 or 55.**

23 **SECTION 44.** 48.135 (1) of the statutes is amended to read:

24 48.135 (1) If a child alleged to be in need of protection or services or a child
25 expectant mother of an unborn child alleged to be in need of protection or services

1 is before the court and it appears that the child or child expectant mother is
2 developmentally disabled, mentally ill or drug dependent or suffers from alcoholism,
3 the court may proceed under ch. 51 or 55. If an adult expectant mother of an unborn
4 child alleged to be in need of protection or services is before the court and it appears
5 that the adult expectant mother is drug dependent or suffers from alcoholism, the
6 court may proceed under ch. 51.

7 **SECTION 45.** 48.135 (2) of the statutes is amended to read:

8 48.135 (2) Any Except as provided in ss. 48.19 to 48.21 and s. 48.345 (14), any
9 voluntary or involuntary admissions, placements or commitments of a child made in
10 or to an inpatient facility, as defined in s. 51.01 (10), shall be governed by ch. 51 or
11 55. Except as provided in ss. 48.193 to 48.213 and s. 48.347 (6), any voluntary or
12 involuntary admissions, placements or commitments of an adult expectant mother
13 of an unborn child made in or to an inpatient facility, as defined in s. 51.01 (10), shall
14 be governed by ch. 51.

15 **SECTION 46.** 48.14 (5) of the statutes is amended to read:

16 48.14 (5) Proceedings under chs. 51 and 55 which apply to minors and
17 proceedings under ch. 51 which apply to the adult expectant mothers of unborn
18 children, if those adult expectant mothers appear to be drug dependent or to suffer
19 from alcoholism.

20 **SECTION 47.** 48.15 of the statutes is amended to read:

21 **48.15 Jurisdiction of other courts to determine legal custody.** Nothing
22 contained in ss. 48.13, 48.133 and 48.14 deprives other courts of the right to
23 determine the legal custody of children by habeas corpus or to determine the legal
24 custody or guardianship of children if the legal custody or guardianship is incidental
25 to the determination of causes pending in the other courts. But the jurisdiction of

1 the court assigned to exercise jurisdiction under this chapter and ch. 938 is
2 paramount in all cases involving children alleged to come within the provisions of ss.
3 48.13 and 48.14 and unborn children and their expectant mothers alleged to come
4 within the provisions of ss. 48.133 and 48.14 (5).

5 **SECTION 48.** 48.185 (1) of the statutes is amended to read:

6 48.185 (1) Subject to sub. (2), venue for any proceeding under ss. 48.13, 48.133,
7 48.135 and 48.14 (1) to (9) may be in any of the following: the county where the child
8 or the expectant mother of the unborn child resides, or the county where the child
9 is or expectant mother is present ~~or, in the case of a violation of a state law or a county,~~
10 ~~town or municipal ordinance, the county where the violation occurred.~~ Venue for
11 proceedings brought under subch. VIII is as provided in this subsection except where
12 the child has been placed and is living outside the home of the child's parent pursuant
13 to a dispositional order, in which case venue is as provided in sub. (2). Venue for a
14 proceeding under s. 48.14 (10) is as provided in s. 801.50 (5s).

15 **SECTION 49.** 48.185 (2) of the statutes is amended to read:

16 48.185 (2) In an action under s. 48.41, venue shall be in the county where the
17 birth parent or child resides at the time that the petition is filed. Venue for any
18 proceeding under s. 48.363, 48.365 or 48.977, or any proceeding under subch. VIII
19 when the child has been placed outside the home pursuant to a dispositional order
20 under s. 48.345 or 48.347, shall be in the county where the dispositional order was
21 issued, unless the child's county of residence has changed, or the parent of the child
22 or the expectant mother of the unborn child has resided in a different county of this
23 state for 6 months. In either case, the court may, upon a motion and for good cause
24 shown, transfer the case, along with all appropriate records, to the county of
25 residence of the child ~~or~~, parent or expectant mother.

1 Subchapter IV (title) of chapter 48 [precedes 48.19] of the statutes is amended
2 to read:

3 **CHAPTER 48**

4 **SUBCHAPTER IV**

5 **HOLDING A CHILD OR AN**

6 **EXPECTANT MOTHER IN CUSTODY**

7 **SECTION 50.** 48.19 (1) (c) of the statutes is amended to read:

8 48.19 (1) (c) An order of the judge if made upon a showing satisfactory to the
9 judge that the welfare of the child demands that the child be immediately removed
10 from his or her present custody. The order shall specify that the child be held in
11 custody under s. 48.207 (1).

12 **SECTION 51.** 48.19 (1) (cm) of the statutes is created to read:

13 48.19 (1) (cm) An order of the judge if made upon a showing satisfactory to the
14 judge that the child is an expectant mother and that due to the child expectant
15 mother's habitual lack of self-control in the use of alcohol beverages, controlled
16 substances or controlled substance analogs, exhibited to a severe degree, there is a
17 substantial risk that the physical health of the unborn child, and of the child when
18 born, will be seriously affected or endangered unless the child expectant mother is
19 taken into custody. The order shall specify that the child expectant mother be held
20 in custody under s. 48.207 (1).

21 **SECTION 52.** 48.19 (1) (d) 8. of the statutes is created to read:

22 48.19 (1) (d) 8. The child is an expectant mother and there is a substantial risk
23 that the physical health of the unborn child, and of the child when born, will be
24 seriously affected or endangered due to the child expectant mother's habitual lack
25 of self-control in the use of alcohol beverages, controlled substances or controlled

1 substance analogs, exhibited to a severe degree, unless the child expectant mother
2 is taken into custody.

3 **SECTION 53.** 48.193 of the statutes is created to read:

4 **48.193 Taking an adult expectant mother into custody. (1)** An adult
5 expectant mother of an unborn child may be taken into custody under any of the
6 following:

7 (a) A warrant.

8 (b) A capias issued by a judge under s. 48.28.

9 (c) An order of the judge if made upon a showing satisfactory to the judge that
10 due to the adult expectant mother's habitual lack of self-control in the use of alcohol
11 beverages, controlled substances or controlled substance analogs, exhibited to a
12 severe degree, there is a substantial risk that the physical health of the unborn child,
13 and of the child when born, will be seriously affected or endangered unless the adult
14 expectant mother is taken into custody. The order shall specify that the adult
15 expectant mother be held in custody under s. 48.207 (1m).

16 (d) Circumstances in which a law enforcement officer believes on reasonable
17 grounds that any of the following conditions exists:

18 1. A capias or warrant for the apprehension of the adult expectant mother has
19 been issued in this state or in another state.

20 2. There is a substantial risk that the physical health of the unborn child, and
21 of the child when born, will be seriously affected or endangered due to the adult
22 expectant mother's habitual lack of self-control in the use of alcohol beverages,
23 controlled substances or controlled substance analogs, exhibited to a severe degree,
24 unless the adult expectant mother is taken into custody.

1 3. The adult expectant mother has violated the conditions of an order under s.
2 48.213 (3) or the conditions of an order for temporary physical custody by an intake
3 worker.

4 **(2)** When an adult expectant mother of an unborn child is taken into physical
5 custody as provided in this section, the person taking the adult expectant mother into
6 custody shall immediately attempt to notify an adult relative or friend of the adult
7 expectant mother by the most practical means. The person taking the adult
8 expectant mother into custody shall continue such attempt until an adult relative or
9 friend is notified, or the adult expectant mother is delivered to an intake worker
10 under s. 48.203 (2), whichever occurs first. If the adult expectant mother is delivered
11 to the intake worker before an adult relative or friend is notified, the intake worker,
12 or another person at his or her direction, shall continue the attempt to notify until
13 an adult relative or friend of the adult expectant mother is notified.

14 **(3)** Taking into custody is not an arrest except for the purpose of determining
15 whether the taking into custody or the obtaining of any evidence is lawful.

16 **SECTION 54.** 48.20 (title) of the statutes is amended to read:

17 **48.20** (title) **Release or delivery of child from custody.**

18 **SECTION 55.** 48.20 (4m) of the statutes is created to read:

19 **48.20 (4m)** If the child is an expectant mother and if the unborn child or child
20 expectant mother is believed to be suffering from a serious physical condition which
21 requires either prompt diagnosis or prompt treatment or if there is a substantial risk
22 that the physical health of the unborn child, and of the child when born, will be
23 seriously affected or endangered due to the child expectant mother's habitual lack
24 of self-control in the use of alcohol beverages, controlled substances or controlled
25 substance analogs, exhibited to a severe degree, the person taking the child

1 expectant mother into physical custody, the intake worker or other appropriate
2 person shall deliver the child expectant mother to a hospital as defined in s. 50.33
3 (2) (a) and (c) or physician's office.

4 **SECTION 56.** 48.20 (7) (b) of the statutes is amended to read:

5 48.20 (7) (b) The intake worker shall review the need to hold the child in
6 custody and shall make every effort to release the child from custody as provided in
7 par. (c). The intake worker shall base his or her decision as to whether to release the
8 child or to continue to hold the child in custody on the criteria specified in s. 48.205
9 (1) and criteria established under s. 48.06 (1) or (2).

10 **SECTION 57.** 48.20 (8) of the statutes is amended to read:

11 48.20 (8) If a child is held in custody, the intake worker shall notify the child's
12 parent, guardian and legal custodian of the reasons for holding the child in custody
13 and of the child's whereabouts unless there is reason to believe that notice would
14 present imminent danger to the child. ~~If a child who has violated the terms of~~
15 ~~aftercare supervision administered by the department of corrections or a county~~
16 ~~department is held in custody, the intake worker shall also notify the department of~~
17 ~~corrections or county department, whichever has supervision over the child, of the~~
18 ~~reasons for holding the child in custody, of the child's whereabouts and of the time~~
19 ~~and place of the detention hearing required under s. 48.21.~~ The parent, guardian and
20 legal custodian shall also be notified of the time and place of the detention hearing
21 required under s. 48.21, the nature and possible consequences of that hearing, and
22 the right to present and cross-examine witnesses at the hearing. If the parent,
23 guardian or legal custodian is not immediately available, the intake worker or
24 another person designated by the court shall provide notice as soon as possible.
25 When the child is alleged to be in need of protection or services and is 12 years of age

1 or older, the child shall receive the same notice about the detention hearing as the
2 parent, guardian or legal custodian. The intake worker shall notify both the child
3 and the child's parent, guardian or legal custodian. When the child is an expectant
4 mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., the unborn
5 child, through the unborn child's guardian ad litem, shall receive the same notice
6 about the whereabouts of the child expectant mother, about the reasons for holding
7 the child expectant mother in custody and about the detention hearing as the child
8 expectant mother and her parent, guardian or legal custodian. The intake worker
9 shall notify the child expectant mother, her parent, guardian or legal custodian and
10 the unborn child, by the unborn child's guardian ad litem.

11 **SECTION 58.** 48.203 of the statutes is created to read:

12 **48.203 Release or delivery of adult expectant mother from custody. (1)**

13 A person taking an adult expectant mother of an unborn child into custody shall
14 make every effort to release the adult expectant mother to an adult relative or friend
15 of the adult expectant mother after counseling or warning the adult expectant
16 mother as may be appropriate or, if an adult relative or friend is unavailable,
17 unwilling or unable to accept the release of the adult expectant mother, the person
18 taking the adult expectant mother into custody may release the adult expectant
19 mother under the adult expectant mother's own supervision after counseling or
20 warning the adult expectant mother as may be appropriate.

21 **(2)** If the adult expectant mother is not released under sub. (1), the person who
22 took the adult expectant mother into custody shall arrange in a manner determined
23 by the court and law enforcement agencies for the adult expectant mother to be
24 interviewed by the intake worker under s. 48.067 (2), and shall make a statement in
25 writing with supporting facts of the reasons why the adult expectant mother was

1 taken into physical custody and shall give the adult expectant mother a copy of the
2 statement in addition to giving a copy to the intake worker. When the intake
3 interview is not done in person, the report may be read to the intake worker.

4 (3) If the unborn child or adult expectant mother is believed to be suffering from
5 a serious physical condition which requires either prompt diagnosis or prompt
6 treatment or if there is a substantial risk that the physical health of the unborn child,
7 and of the child when born, will be seriously affected or endangered due to the adult
8 expectant mother's habitual lack of self-control in the use of alcohol beverages,
9 controlled substances or controlled substance analogs, exhibited to a severe degree,
10 the person taking the adult expectant mother into physical custody, the intake
11 worker or other appropriate person shall deliver the adult expectant mother to a
12 hospital, as defined in s. 50.33 (2) (a) and (c), or physician's office.

13 (4) If the adult expectant mother is believed to be mentally ill, drug dependent
14 or developmentally disabled, and exhibits conduct which constitutes a substantial
15 probability of physical harm to herself or others, or a substantial probability of
16 physical impairment or injury to the adult expectant mother exists due to the
17 impaired judgment of the adult expectant mother, and the standards of s. 51.15 are
18 met, the person taking the adult expectant mother into physical custody, the intake
19 worker or other appropriate person shall proceed under s. 51.15.

20 (5) If the adult expectant mother is believed to be an intoxicated person who
21 has threatened, attempted or inflicted physical harm on herself or on another and
22 is likely to inflict such physical harm unless committed, or is incapacitated by
23 alcohol, the person taking the adult expectant mother into physical custody, the
24 intake worker or other appropriate person shall proceed under s. 51.45 (11).

1 **(6)** (a) When an adult expectant mother is interviewed by an intake worker, the
2 intake worker shall inform the adult expectant mother of her right to counsel.

3 (b) The intake worker shall review the need to hold the adult expectant mother
4 in custody and shall make every effort to release the adult expectant mother from
5 custody as provided in par. (c). The intake worker shall base his or her decision as
6 to whether to release the adult expectant mother or to continue to hold the adult
7 expectant mother in custody on the criteria specified in s. 48.205 (1m) and criteria
8 established under s. 48.06 (1) or (2).

9 (c) The intake worker may release the adult expectant mother to an adult
10 relative or friend of the adult expectant mother after counseling or warning the adult
11 expectant mother as may be appropriate or, if an adult relative or friend is
12 unavailable, unwilling or unable to accept the release of the adult expectant mother,
13 the intake worker may release the adult expectant mother under the adult expectant
14 mother's own supervision after counseling or warning the adult expectant mother as
15 may be appropriate.

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

22 **SECTION 59.** 48.205 (title) of the statutes is amended to read:

23 **48.205** (title) **Criteria for holding a child or expectant mother in**
24 **physical custody.**

25 **SECTION 60.** 48.205 (1) (intro.) of the statutes is amended to read:

1 48.205 (1) (intro.) A child may be held under s. 48.207 (1), 48.208 or 48.209 if
2 the intake worker determines that there is probable cause to believe the child is
3 within the jurisdiction of the court and:

4 **SECTION 61.** 48.205 (1) (d) of the statutes is created to read:

5 48.205 (1) (d) Probable cause exists to believe that the child is an expectant
6 mother and that if the child expectant mother is not held, there is a substantial risk
7 that the physical health of the unborn child, and of the child when born, will be
8 seriously affected or endangered by the child expectant mother's habitual lack of
9 self-control in the use of alcohol beverages, controlled substances or controlled
10 substance analogs, exhibited to a severe degree.

11 **SECTION 62.** 48.205 (1m) of the statutes is created to read:

12 48.205 (1m) An adult expectant mother of an unborn child may be held under
13 s. 48.207 (1m) if the intake worker determines that there is probable cause to believe
14 that the adult expectant mother is within the jurisdiction of the court and to believe
15 that if the adult expectant mother is not held, there is a substantial risk that the
16 physical health of the unborn child, and of the child when born, will be seriously
17 affected or endangered by the adult expectant mother's habitual lack of self-control
18 in the use of alcohol beverages, controlled substances or controlled substance
19 analogs, exhibited to a severe degree.

20 **SECTION 63.** 48.205 (2) of the statutes is amended to read:

21 48.205 (2) The criteria for holding a child or the expectant mother of an unborn
22 child in custody specified in this section shall govern the decision of all persons
23 responsible for determining whether the action is appropriate.

24 **SECTION 64.** 48.207 (title) of the statutes is amended to read:

1 **48.207** (title) **Places where a child or expectant mother may be held in**
2 **nonsecure custody.**

3 **SECTION 65.** 48.207 (1) (intro.) of the statutes is amended to read:

4 48.207 (1) (intro.) A child held in physical custody under s. 48.205 (1) may be
5 held in any of the following places:

6 **SECTION 66.** 48.207 (1) (g) of the statutes is amended to read:

7 48.207 (1) (g) A hospital as defined in s. 50.33 (2) (a) and (c) or physician's office
8 if the child is held under s. 48.20 (4) or (4m).

9 **SECTION 67.** 48.207 (1m) of the statutes is created to read:

10 48.207 (1m) An adult expectant mother of an unborn child held in physical
11 custody under s. 48.205 (1m) may be held in any of the following places:

12 (a) The home of an adult relative or friend of the adult expectant mother.

13 (b) A licensed community-based residential facility, as defined in s. 50.01 (1g),
14 if the placement does not violate the conditions of the license.

15 (c) A hospital, as defined in s. 50.33 (2) (a) and (c), or a physician's office if the
16 adult expectant mother is held under s. 48.203 (3).

17 (d) A place listed in s. 51.15 (2) if the adult expectant mother is held under s.
18 48.203 (4).

19 (e) An approved public treatment facility for emergency treatment if the adult
20 expectant mother is held under s. 48.203 (5).

21 **SECTION 68.** 48.207 (2) of the statutes is renumbered 48.207 (2) (a) and
22 amended to read:

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

1 authorized rate for those supervisory services shall be paid by the county for the
2 supervision or care of the child. If no authorized rate has been established, a
3 reasonable sum to be fixed by the court shall be paid by the county for the supervision
4 or care of the child.

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

6 48.207 (2) (b) If a facility listed in sub. (1m) (b) to (e) is used to hold an expectant
7 mother of an unborn child in custody, or if supervisory services of a home detention
8 program are provided to an expectant mother held under sub. (1m) (a), the
9 authorized rate of the facility or the authorized rate for those supervisory services
10 shall be paid by the county for the supervision or care of the expectant mother. If no
11 authorized rate has been established, a reasonable sum to be fixed by the court shall
12 be paid by the county for the supervision or care of the expectant mother.

13 **SECTION 70.** 48.208 (4) of the statutes is amended to read:

14 48.208 (4) Probable cause exists to believe that the child, having been placed
15 in nonsecure custody by an intake worker under s. 48.207 (1) or by the judge or
16 juvenile court commissioner under s. 48.21 (4), has run away or committed a
17 delinquent act and no other suitable alternative exists.

18 **SECTION 71.** 48.21 (1) (b) of the statutes is amended to read:

19 48.21 (1) (b) If no petition has been filed by the time of the hearing, a child may
20 be held in custody with approval of the judge or juvenile court commissioner for an
21 additional 72 hours from the time of the hearing, excluding Saturdays, Sundays and
22 legal holidays, only if, as a result of the facts brought forth at the hearing, the judge
23 or juvenile court commissioner determines that probable cause exists to believe that
24 the child is an imminent danger to himself or herself or to others, ~~or~~ that probable
25 cause exists to believe that the parent, guardian or legal custodian of the child or

1 other responsible adult is neglecting, refusing, unable or unavailable to provide
2 adequate supervision and care or, if the child is an expectant mother who was taken
3 into custody under s. 48.19 (1) (cm) or (d) 8., that probable cause exists to believe that
4 there is a substantial risk that if the child expectant mother is not held, the physical
5 health of the unborn child, and of the child when born, will be seriously affected or
6 endangered by the child expectant mother's habitual lack of self-control in the use
7 of alcohol beverages, controlled substances or controlled substance analogs,
8 exhibited to a severe degree. The extension may be granted only once for any
9 petition. In the event of failure to file a petition within the extension period provided
10 for in this paragraph, the judge or juvenile court commissioner shall order the child's
11 immediate release from custody.

12 **SECTION 72.** 48.21 (3) (intro.) of the statutes is amended to read:

13 48.21 (3) (title) PROCEEDINGS CONCERNING CHILDREN IN NEED OF PROTECTION OR
14 SERVICES AND UNBORN CHILDREN IN NEED OF PROTECTION OR SERVICES AND THEIR CHILD
15 EXPECTANT MOTHERS. (intro.) Proceedings concerning a child who comes within the
16 jurisdiction of the court under s. 48.13 or an unborn child and a child expectant
17 mother of the unborn child who come within the jurisdiction of the court under s.
18 48.133 shall be conducted according to this subsection.

19 **SECTION 73.** 48.21 (3) (b) of the statutes is amended to read:

20 48.21 (3) (b) If present at the hearing, a copy of the petition shall be given to
21 the parent, guardian or legal custodian, and to the child if he or she is 12 years of age
22 or older, before the hearing begins. If the child is an expectant mother who has been
23 taken into custody under s. 48.19 (1) (cm) or (d) 8., a copy of the petition shall also
24 be given to the unborn child, through the unborn child's guardian ad litem, before the
25 hearing begins. Prior notice of the hearing shall be given to the child's parent,

1 guardian and legal custodian ~~and~~, to the child if he or she is 12 years of age or older
2 and, if the child is an expectant mother who has been taken into custody under s.
3 48.19 (1) (cm) or (d) 8., to the unborn child, through the unborn child's guardian ad
4 litem, in accordance with s. 48.20 (8).

5 **SECTION 74.** 48.21 (6) of the statutes is amended to read:

6 48.21 (6) AMENDMENT OF ORDER. An order placing a child under sub. (4) (a) on
7 conditions specified in this section may at any time be amended, with notice, so as
8 to ~~return~~ place the child ~~to~~ in another form of custody for failure to conform to the
9 conditions originally imposed. A child may be transferred to secure custody if he or
10 she meets the criteria of s. 48.208.

11 **SECTION 75.** 48.21 (7) of the statutes is amended to read:

12 48.21 (7) INFORMAL DISPOSITION. If the judge or juvenile court commissioner
13 determines that the best interests of the child and the public are served or, in the case
14 of a child expectant mother who has been taken into custody under s. 48.19 (1) (cm)
15 or (d) 8., that the best interests of the unborn child and the public are served, he or
16 she may enter a consent decree under s. 48.32 or order the petition dismissed and
17 refer the matter to the intake worker for informal disposition in accordance with s.
18 48.245.

19 **SECTION 76.** 48.213 of the statutes is created to read:

20 **48.213 Hearing for adult expectant mother in custody. (1) HEARING;**
21 **WHEN HELD.** (a) If an adult expectant mother of an unborn child who has been taken
22 into custody is not released under s. 48.203, a hearing to determine whether the adult
23 expectant mother shall continue to be held in custody under the criteria of s. 48.205
24 (1m) shall be conducted by the judge or juvenile court commissioner within 48 hours
25 after the time that the decision to hold the adult expectant mother was made,

1 excluding Saturdays, Sundays and legal holidays. By the time of the hearing a
2 petition under s. 48.25 shall be filed, except that no petition need be filed when an
3 adult expectant mother is taken into custody under s. 48.193 (1) (b) or (d) 1. or 3., in
4 which case a written statement of the reasons for holding the adult expectant mother
5 in custody shall be substituted if the petition is not filed. If no hearing has been held
6 within those 48 hours, excluding Saturdays, Sundays and legal holidays, or if no
7 petition or statement has been filed at the time of the hearing, the adult expectant
8 mother shall be released except as provided in par. (b).

9 (b) If no petition has been filed by the time of the hearing, an adult expectant
10 mother of an unborn child may be held in custody with the approval of the judge or
11 juvenile court commissioner for an additional 72 hours after the time of the hearing,
12 excluding Saturdays, Sundays and legal holidays, only if, as a result of the facts
13 brought forth at the hearing, the judge or juvenile court commissioner determines
14 that probable cause exists to believe that there is a substantial risk that if the adult
15 expectant mother is not held, the physical health of the unborn child, and of the child
16 when born, will be seriously affected or endangered by the adult expectant mother's
17 habitual lack of self-control in the use of alcohol beverages, controlled substances or
18 controlled substance analogs, exhibited to a severe degree. The extension may be
19 granted only once for any petition. In the event of failure to file a petition within the
20 extension period provided for in this paragraph, the judge or juvenile court
21 commissioner shall order the adult expectant mother's immediate release from
22 custody.

23 **(2) PROCEEDINGS CONCERNING UNBORN CHILDREN IN NEED OF PROTECTION OR**
24 **SERVICES AND THEIR ADULT EXPECTANT MOTHERS.** (a) Proceedings concerning an unborn
25 child and an adult expectant mother of the unborn child who come within the

1 jurisdiction of the court under s. 48.133 shall be conducted according to this
2 subsection.

3 (b) The adult expectant mother may waive the hearing under this section. After
4 any waiver, a hearing shall be granted at the request of any interested party.

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

9 (d) Prior to the commencement of the hearing, the adult expectant mother and
10 the unborn child, through the unborn child’s guardian ad litem, shall be informed by
11 the court of the allegations that have been made or may be made, the nature and
12 possible consequences of this hearing as compared to possible future hearings, the
13 right to confront and cross-examine witnesses and the right to present witnesses.

14 (e) If the adult expectant mother is not represented by counsel at the hearing
15 and the adult expectant mother is continued in custody as a result of the hearing, the
16 adult expectant mother may request through counsel subsequently appointed or
17 retained or through a guardian ad litem that the order to hold the adult expectant
18 mother in custody be reheard. If the request is made, a rehearing shall take place
19 as soon as possible. Any order to hold the adult expectant mother in custody shall
20 be subject to rehearing for good cause, whether or not counsel was present.

21 **(3) CONTINUATION OF CUSTODY.** If the judge or juvenile court commissioner finds
22 that the adult expectant mother should be continued in custody under the criteria
23 of s. 48.205 (1m), the judge or juvenile court commissioner shall enter one of the
24 following orders:

1 (a) Release the adult expectant mother and impose reasonable restrictions on
2 the adult expectant mother's travel, association with other persons or places of abode
3 during the period of the order, including a condition requiring the adult expectant
4 mother to return to other custody as requested; or subject the adult expectant mother
5 to the supervision of an agency agreeing to supervise the adult expectant mother.
6 Reasonable restrictions may be placed upon the conduct of the adult expectant
7 mother which may be necessary to ensure the safety of the unborn child and of the
8 child when born.

9 (b) Order the adult expectant mother to be held in an appropriate manner
10 under s. 48.207 (1m).

11 **(4) ORDERS IN WRITING.** All orders to hold an adult expectant mother of an
12 unborn child in custody shall be in writing, listing the reasons and criteria forming
13 the basis for the decision.

14 **(5) AMENDMENT OF ORDER.** An order under sub. (3) (a) imposing restrictions on
15 an adult expectant mother of an unborn child may at any time be amended, with
16 notice, so as to place the adult expectant mother in another form of custody for failure
17 of the adult expectant mother to conform to the conditions originally imposed.

18 **(6) INFORMAL DISPOSITION.** If the judge or juvenile court commissioner
19 determines that the best interests of the unborn child and the public are served, the
20 judge or juvenile court commissioner may enter a consent decree under s. 48.32 or
21 order the petition dismissed and refer the matter to the intake worker for informal
22 disposition in accordance with s. 48.245.

23 **SECTION 77.** 48.227 (4) (e) 2. of the statutes is amended to read:

24 48.227 **(4)** (e) 2. That, with the consent of the child and the runaway home, the
25 child remain in the care of the runaway home for a period of not more than 20 days.

1 Without further proceedings, the child shall be released whenever the child
2 indicates, either by statement or conduct, that he or she wishes to leave the home or
3 whenever the runaway home withdraws its consent. During this time period not to
4 exceed 20 days ordered by the court, the child's parent, guardian or legal custodian
5 may not remove the child from the home but may confer with the child or with the
6 person operating the home. If, at the conclusion of the time period ordered by the
7 court the child has not left the home, and no petition concerning the child has been
8 filed under s. 48.13, 48.133, 938.12 or 938.13, the child shall be released from the
9 home. If a petition concerning the child has been filed under s. 48.13, 48.133, 938.12
10 or 938.13, the child may be held in temporary physical custody under ss. 48.20 to
11 48.21 or 938.20 to 938.21.

12 **SECTION 78.** 48.23 (2m) of the statutes is created to read:

13 48.23 (2m) RIGHT OF EXPECTANT MOTHER TO COUNSEL. (a) When an unborn child
14 is alleged to be in need of protection or services under s. 48.133, the expectant mother
15 of the unborn child, if the expectant mother is a child, shall be represented by counsel
16 and may not waive counsel.

17 (b) If a petition under s. 48.133 is contested, no expectant mother may be placed
18 outside of her home unless the expectant mother is represented by counsel at the
19 fact-finding hearing and subsequent proceedings. If the petition is not contested,
20 the expectant mother may not be placed outside of her home unless the expectant
21 mother is represented by counsel at the hearing at which the placement is made. An
22 adult expectant mother, however, may waive counsel if the court is satisfied that the
23 waiver is knowingly and voluntarily made and the court may place the adult
24 expectant mother outside of her home even though the adult expectant mother was
25 not represented by counsel.

1 (c) For an expectant mother under 12 years of age, the judge may appoint a
2 guardian ad litem instead of counsel.

3 **SECTION 79.** 48.23 (4) of the statutes is amended to read:

4 48.23 (4) PROVIDING COUNSEL. In any situation under this section in which a
5 person has a right to be represented by counsel or is provided counsel at the
6 discretion of the court and counsel is not knowingly and voluntarily waived, the court
7 shall refer the person to the state public defender and counsel shall be appointed by
8 the state public defender under s. 977.08 without a determination of indigency. If the
9 referral is of a person who has filed a petition under s. 48.375 (7), the state public
10 defender shall appoint counsel within 24 hours after that referral. Any counsel
11 appointed in a petition filed under s. 48.375 (7) shall continue to represent the child
12 in any appeal brought under s. 809.105 unless the child requests substitution of
13 counsel or extenuating circumstances make it impossible for counsel to continue to
14 represent the child. In any situation under sub. (2) or (2m) in which a parent 18 years
15 of age or ~~older~~ over or an adult expectant mother is entitled to representation by
16 counsel; counsel is not knowingly and voluntarily waived; and it appears that the
17 parent or adult expectant mother is unable to afford counsel in full, or the parent or
18 adult expectant mother so indicates; the court shall refer the parent or adult
19 expectant mother to the authority for indigency determinations specified under s.
20 977.07 (1). In any other situation under this section in which a person has a right
21 to be represented by counsel or is provided counsel at the discretion of the court,
22 competent and independent counsel shall be provided and reimbursed in any
23 manner suitable to the court regardless of the person's ability to pay, except that the
24 court may not order a person who files a petition under s. 813.122 or 813.125 to
25 reimburse counsel for the child who is named as the respondent in that petition.

1 **SECTION 80.** 48.235 (1) (f) of the statutes is created to read:

2 48.235 **(1)** (f) The court shall appoint a guardian ad litem, or extend the
3 appointment of a guardian ad litem previously appointed under par. (a), for any
4 unborn child alleged or found to be in need of protection or services.

5 **SECTION 81.** 48.235 (3) of the statutes is amended to read:

6 48.235 **(3)** DUTIES AND RESPONSIBILITIES. (a) The guardian ad litem shall be an
7 advocate for the best interests of the person or unborn child for whom the
8 appointment is made. The guardian ad litem shall function independently, in the
9 same manner as an attorney for a party to the action, and shall consider, but shall
10 not be bound by, the wishes of such that person or the positions of others as to the
11 best interests of such that person or unborn child. If the guardian ad litem
12 determines that the best interests of the person are substantially inconsistent with
13 the wishes of such that person, the guardian ad litem shall so inform the court and
14 the court may appoint counsel to represent that person. The guardian ad litem has
15 none of the rights or duties of a general guardian.

16 (b) In addition to any other duties and responsibilities required of a guardian
17 ad litem, a guardian ad litem appointed for a child who is the subject of a proceeding
18 under s. 48.13 or for an unborn child who is the subject of a proceeding under s. 48.133
19 shall do all of the following:

20 1. Unless granted leave by the court not to do so, personally, or through a
21 trained designee, meet with the child or expectant mother of the unborn child, assess
22 the appropriateness and safety of the ~~child's~~ environment of the child or unborn child
23 and, if the child is old enough to communicate, interview the child and determine the
24 child's goals and concerns regarding his or her placement.

1 2. Make clear and specific recommendations to the court concerning the best
2 interest of the child or unborn child at every stage of the proceeding.

3 **SECTION 82.** 48.235 (4m) of the statutes is created to read:

4 48.235 (4m) MATTERS INVOLVING UNBORN CHILD IN NEED OF PROTECTION OR
5 SERVICES. (a) In any matter involving an unborn child found to be in need of
6 protection or services, the guardian ad litem may, if reappointed or if the
7 appointment is continued under sub. (7), do any of the following:

8 1. Participate in permanency planning under ss. 48.38 and 48.43 (5) after the
9 child is born.

10 2. Petition for a change in placement under s. 48.357.

11 3. Petition for termination of parental rights or any other matter specified
12 under s. 48.14 after the child is born.

13 3m. Petition for a commitment of the expectant mother of the unborn child
14 under ch. 51 as specified in s. 48.14 (5).

15 4. Petition for revision of dispositional orders under s. 48.363.

16 5. Petition for extension of dispositional orders under s. 48.365.

17 6. Petition for a temporary restraining order and injunction under s. 813.122
18 or 813.125 after the child is born.

19 7. Petition for relief from a judgment terminating parental rights under s. 48.46
20 after the child is born.

21 7g. Petition for the appointment of a guardian under s. 48.977 (2), the revision
22 of a guardianship order under s. 48.977 (6) or the removal of a guardian under s.
23 48.977 (7) after the child is born.

24 7m. Bring an action or motion for the determination of the child's paternity
25 under s. 767.45 after the child is born.

1 8. Perform any other duties consistent with this chapter.

2 (b) The court shall order the agency identified under s. 48.355 (2) (b) 1. as
3 primarily responsible for the provision of services to notify the guardian ad litem, if
4 any, regarding actions to be taken under par. (a).

5 **SECTION 83.** 48.235 (6) of the statutes is amended to read:

6 48.235 (6) COMMUNICATION TO A JURY. In jury trials under this chapter, the
7 guardian ad litem or the court may tell the jury that the guardian ad litem represents
8 the interests of the person or unborn child for whom the guardian ad litem was
9 appointed.

10 **SECTION 84.** 48.24 (1) of the statutes is amended to read:

11 48.24 (1) Information indicating that a child or an unborn child should be
12 referred to the court as in need of protection or services shall be referred to the intake
13 worker, who shall conduct an intake inquiry on behalf of the court to determine
14 whether the available facts establish prima facie jurisdiction and to determine the
15 best interests of the child or unborn child and of the public with regard to any action
16 to be taken.

17 **SECTION 85.** 48.24 (1m) of the statutes is amended to read:

18 48.24 (1m) As part of the intake inquiry, the intake worker shall inform the
19 child and the child's parent, guardian and legal custodian that they, or the adult
20 expectant mother of an unborn child that she, may request counseling from a person
21 designated by the court to provide dispositional services under s. 48.069.

22 **SECTION 86.** 48.24 (2) (a) of the statutes is amended to read:

23 48.24 (2) (a) As part of the intake inquiry the intake worker may conduct
24 multidisciplinary screens and intake conferences with notice to the child, parent,
25 guardian and legal custodian or to the adult expectant mother of the unborn child.

1 If sub. (2m) applies, the intake worker shall conduct a multidisciplinary screen
2 under s. 48.547 if the child or expectant mother has not refused to participate under
3 par. (b).

4 **SECTION 87.** 48.24 (2m) (a) (intro.) of the statutes is amended to read:

5 48.24 **(2m)** (a) (intro.) In counties that have a ~~pilot~~ an alcohol and other drug
6 abuse program under s. 48.547, a multidisciplinary screen shall be conducted for:

7 **SECTION 88.** 48.24 (2m) (a) 6. of the statutes is created to read:

8 48.24 **(2m)** (a) 6. Any expectant mother 12 years of age or over who requests
9 and consents to a multidisciplinary screen.

10 **SECTION 89.** 48.24 (3) of the statutes is amended to read:

11 48.24 **(3)** If the intake worker determines as a result of the intake inquiry that
12 the child or unborn child should be referred to the court, the intake worker shall
13 request that the district attorney, corporation counsel or other official specified in s.
14 48.09 file a petition.

15 **SECTION 90.** 48.24 (5) of the statutes is amended to read:

16 48.24 **(5)** The intake worker shall request that a petition be filed, enter into an
17 informal disposition or close the case within 40 days or sooner of receipt of referral
18 information. If the case is closed or an informal disposition is entered into, the
19 district attorney, corporation counsel or other official under s. 48.09 shall receive
20 written notice of such action. If a law enforcement officer has made a
21 recommendation concerning the child, or the unborn child and the expectant mother
22 of the unborn child, the intake worker shall forward this recommendation to the
23 district attorney, corporation counsel or other official under s. 48.09. With respect
24 to petitioning a child or unborn child to be in need of protection or services,
25 information received more than 40 days before filing the petition may be included to

1 establish a condition or pattern which, together with information received within the
2 40–day period, provides a basis for conferring jurisdiction on the court. The judge
3 shall dismiss with prejudice any such petition which is not referred or filed within
4 the time limits specified within this subsection.

5 **SECTION 91.** 48.243 (1) (intro.), (a), (b), (c), (d), (e), (f) and (g) of the statutes are
6 amended to read:

7 48.243 (1) (intro.) Before conferring with the parent, expectant mother or child
8 during the intake inquiry, the intake worker shall personally inform parents,
9 expectant mothers and children 12 years of age or older who are the focus of an
10 inquiry regarding the need for protection or services that the referral may result in
11 a petition to the court and of all of the following:

- 12 (a) What allegations could be in the petition;_
- 13 (b) The nature and possible consequences of the proceedings;_
- 14 (c) The right to remain silent and the fact that silence of any party may be
15 relevant;_
- 16 (d) The right to confront and cross–examine those appearing against them;_
- 17 (e) The right of ~~the child~~ to counsel under s. 48.23;_
- 18 (f) The right to present and subpoena witnesses;_
- 19 (g) The right to a jury trial;_and_

20 **SECTION 92.** 48.243 (2) of the statutes is renumbered 48.243 (4) and amended
21 to read:

22 48.243 (4) This section does not apply if the child or expectant mother was
23 present at a hearing under s. 48.21 or 48.213.

24 **SECTION 93.** 48.243 (3) of the statutes is amended to read:

1 48.243 (3) If the child or expectant mother has not had a hearing under s. 48.21
2 or 48.213 and was not present at an intake conference under s. 48.24, the intake
3 worker shall inform the child, parent, guardian and legal custodian, or expectant
4 mother, as appropriate ~~of~~, of the basic rights provided under this section. ~~This~~ The
5 notice shall be given verbally, either in person or by telephone, and in writing. This
6 notice shall be given so as to allow the child, parent, guardian ~~or~~, legal custodian or
7 adult expectant mother sufficient time to prepare for the plea hearing. This
8 subsection does not apply to cases of informal disposition under s. 48.245.

9 **SECTION 94.** 48.245 (1) of the statutes is amended to read:

10 48.245 (1) The intake worker may enter into a written agreement with all
11 parties which imposes informal disposition under this section if the intake worker
12 has determined that neither the interests of the child or unborn child nor of the public
13 require filing of a petition for circumstances relating to ss. 48.13 to 48.14. Informal
14 disposition shall be available only if the facts persuade the intake worker that the
15 jurisdiction of the court, if sought, would exist and upon consent of the child, parent,
16 guardian and legal custodian; or upon consent of the child expectant mother, her
17 parent, guardian and legal custodian and the unborn child, by the unborn child's
18 guardian ad litem; or upon consent of the adult expectant mother and the unborn
19 child, by the unborn child's guardian ad litem.

20 **SECTION 95.** 48.245 (2) (a) 1. of the statutes is amended to read:

21 48.245 (2) (a) 1. That the child appear with a parent, guardian or legal
22 custodian for counseling and advice or that the adult expectant mother appear for
23 counseling and advice.

24 **SECTION 96.** 48.245 (2) (a) 2. of the statutes is amended to read:

1 48.245 (2) (a) 2. That the child and a parent, guardian and legal custodian abide
2 by such obligations as will tend to ensure the child's rehabilitation, protection or care
3 of the child or that the expectant mother abide by such obligations as will tend to
4 ensure the protection or care of the unborn child and the rehabilitation of the
5 expectant mother.

6 **SECTION 97.** 48.245 (2) (a) 3. of the statutes is amended to read:

7 48.245 (2) (a) 3. That the child or expectant mother submit to an alcohol and
8 other drug abuse assessment that conforms to the criteria specified under s. 48.547
9 (4) and that is conducted by an approved treatment facility for an examination of the
10 child's use of alcohol beverages, controlled substances or controlled substance
11 analogs by the child or expectant mother and any medical, personal, family or social
12 effects caused by its use, if the multidisciplinary screen conducted under s. 48.24 (2)
13 shows that the child or expectant mother is at risk of having needs and problems
14 related to the use of alcohol beverages, controlled substances or controlled substance
15 analogs and its medical, personal, family or social effects.

16 **SECTION 98.** 48.245 (2) (a) 4. of the statutes is amended to read:

17 48.245 (2) (a) 4. That the child or expectant mother participate in an alcohol
18 and other drug abuse outpatient treatment program or an education program
19 relating to the abuse of alcohol beverages, controlled substances or controlled
20 substance analogs, if an alcohol and other drug abuse assessment conducted under
21 subd. 3. recommends outpatient treatment or education.

22 **SECTION 99.** 48.245 (2) (c) of the statutes is amended to read:

23 48.245 (2) (c) If the informal disposition provides for alcohol and other drug
24 abuse outpatient treatment under par. (a) 4., the child and the child's parent,
25 guardian or legal custodian, or the adult expectant mother, shall execute an informed

1 consent form that indicates that they are, or that she is, voluntarily and knowingly
2 entering into an informal disposition agreement for the provision of alcohol and other
3 drug abuse outpatient treatment.

4 **SECTION 100.** 48.245 (2r) of the statutes is amended to read:

5 48.245 (2r) If an informal disposition is based on allegations that a child or an
6 unborn child is in need of protection or services, the intake worker may, after giving
7 written notice to the child and the child's parent, guardian and legal custodian and
8 their counsel, if any, or after giving written notice to the child expectant mother, her
9 parent, guardian and legal custodian and their counsel, if any, and the unborn child
10 by the unborn child's guardian ad litem, or after giving written notice to the adult
11 expectant mother, her counsel, if any, and the unborn child, by the unborn child's
12 guardian ad litem, extend the informal disposition for up to an additional 6 months
13 unless the child or the child's parent, guardian or legal custodian, the child expectant
14 mother, her parent, guardian or legal custodian or the unborn child by the unborn
15 child's guardian ad litem, or the adult expectant mother or the unborn child by the
16 unborn child's guardian ad litem, objects to the extension. If the child or the child's
17 parent, guardian or legal custodian, the child expectant mother, her parent,
18 guardian or legal custodian or the unborn child by the unborn child's guardian ad
19 litem, or the adult expectant mother or the unborn child by the unborn child's
20 guardian ad litem, objects to the extension, the intake worker may recommend to the
21 district attorney or corporation counsel that a petition be filed under s. 48.13 or
22 48.133. An extension under this subsection may be granted only once for any
23 informal disposition. An extension under this subsection of an informal disposition
24 relating to an unborn child who is alleged to be in need of protection or services may
25 be granted after the child is born.

1 **SECTION 101.** 48.245 (3) of the statutes is amended to read:

2 48.245 (3) The obligations imposed under an informal disposition and its
3 effective date shall be set forth in writing. The child and a parent, guardian and legal
4 custodian, the child expectant mother, her parent, guardian and legal custodian and
5 the unborn child by the unborn child's guardian ad litem, or the adult expectant
6 mother and the unborn child by the unborn child's guardian ad litem, shall receive
7 a copy, as shall any agency providing services under the agreement.

8 **SECTION 102.** 48.245 (4) of the statutes is amended to read:

9 48.245 (4) The intake worker shall inform the child and the child's parent,
10 guardian and legal custodian, the child expectant mother, her parent, guardian and
11 legal custodian and the unborn child by the unborn child's guardian ad litem, or the
12 adult expectant mother and the unborn child by the unborn child's guardian ad litem,
13 in writing of their right to terminate the informal disposition at any time or object
14 at any time to the fact or terms of the informal disposition. If an objection arises the
15 intake worker may alter the terms of the agreement or recommend to the district
16 attorney or corporation counsel that a petition be filed. If the informal disposition
17 is terminated the intake worker may recommend to the district attorney or
18 corporation counsel that a petition be filed.

19 **SECTION 103.** 48.245 (5) of the statutes is amended to read:

20 48.245 (5) Informal disposition shall be terminated upon the request of the
21 child, parent, guardian or legal custodian, upon request of the child expectant
22 mother, her parent, guardian or legal custodian or the unborn child by the unborn
23 child's guardian ad litem, or upon the request of the adult expectant mother or the
24 unborn child by the unborn child's guardian ad litem.

25 **SECTION 104.** 48.245 (8) of the statutes is amended to read:

1 48.245 (8) If the obligations imposed under the informal disposition are met,
2 the intake worker shall so inform the child and a parent, guardian and legal
3 custodian, the child expectant mother, her parent, guardian and legal custodian and
4 the unborn child by the unborn child's guardian ad litem, or the adult expectant
5 mother and the unborn child by the unborn child's guardian ad litem, in writing, and
6 no petition may be filed on the charges that brought about the informal disposition
7 nor may the charges be the sole basis for a petition under ss. 48.13 to 48.14.

8 **SECTION 105.** 48.25 (1) of the statutes is amended to read:

9 48.25 (1) A petition initiating proceedings under this chapter shall be signed
10 by a person who has knowledge of the facts alleged or is informed of them and
11 believes them to be true. The district attorney, corporation counsel or other
12 appropriate official specified under s. 48.09 may file the petition if the proceeding is
13 under s. 48.13 or 48.133. The counsel or guardian ad litem for a parent, relative,
14 guardian or child may file a petition under s. 48.13 or 48.14. The counsel or guardian
15 ad litem for an expectant mother or the guardian ad litem for an unborn child may
16 file a petition under s. 48.133. The district attorney, corporation counsel or other
17 appropriate person designated by the court may initiate proceedings under s. 48.14
18 in a manner specified by the court.

19 **SECTION 106.** 48.25 (2) of the statutes is amended to read:

20 48.25 (2) If the proceeding is brought under s. 48.13 or 48.133, the district
21 attorney, corporation counsel or other appropriate official shall file the petition, close
22 the case, or refer the case back to intake within 20 days after the date that the intake
23 worker's recommendation was filed. A referral back to intake may be made only
24 when the district attorney, corporation counsel or other appropriate official decides
25 not to file a petition or determines that further investigation is necessary. If the case

1 is referred back to intake upon a decision not to file a petition, the intake worker shall
2 close the case or enter into an informal disposition within 20 days. If the case is
3 referred back to intake for further investigation, the appropriate agency or person
4 shall complete the investigation within 20 days. If another referral is made to the
5 district attorney, corporation counsel or other appropriate official, it shall be
6 considered a new referral to which the time limits of this subsection shall apply. The
7 time limits in this subsection may only be extended by a judge upon a showing of good
8 cause under s. 48.315. If a petition is not filed within the time limitations set forth
9 in this subsection and the court has not granted an extension, the petition shall be
10 accompanied by a statement of reasons for the delay. The court shall dismiss with
11 prejudice a petition which was not timely filed unless the court finds at the plea
12 hearing that good cause has been shown for failure to meet the time limitations.

13 **SECTION 107.** 48.255 (1) (intro.) of the statutes is amended to read:

14 48.255 (1) (intro.) A petition initiating proceedings under this chapter, other
15 than a petition under s. 48.133, shall be entitled, “In the interest of (child’s name),
16 a person under the age of 18” and shall set forth with specificity:

17 **SECTION 108.** 48.255 (1m) of the statutes is created to read:

18 48.255 (1m) A petition initiating proceedings under s. 48.133 shall be entitled
19 “In the interest of (J. Doe), an unborn child, and (expectant mother’s name), the
20 unborn child’s expectant mother” and shall set forth with specificity:

21 (a) The estimated gestational age of the unborn child and a statement that the
22 unborn child is at that stage of fetal development when there is a reasonable
23 likelihood of sustained survival outside the womb, with or without artificial support.

24 (b) The name, birth date and address of the expectant mother.

1 (bm) The names and addresses of the parent, guardian, legal custodian or
2 spouse, if any, of the expectant mother, if the expectant mother is a child, the name
3 and address of the spouse, if any, of the expectant mother, if the expectant mother
4 is an adult, or, if no such person can be identified, the name and address of the nearest
5 relative of the expectant mother.

6 (c) Whether the expectant mother is in custody and, if so, the place where the
7 expectant mother is being held and the time when the expectant mother was taken
8 into custody unless there is reasonable cause to believe that disclosure of that
9 information would result in imminent danger to the unborn child, expectant mother
10 or physical custodian.

11 (d) Whether the unborn child, when born, may be subject to the federal Indian
12 Child Welfare Act, 25 USC 1911 to 1963.

13 (e) Reliable and credible information which forms the basis of the allegations
14 necessary to invoke the jurisdiction of the court under s. 48.133 and to provide
15 reasonable notice of the conduct or circumstances to be considered by the court,
16 together with a statement that the unborn child is in need of protection or care and
17 that the expectant mother is in need of supervision, services, care or rehabilitation.

18 **SECTION 109.** 48.255 (2) of the statutes is amended to read:

19 48.255 (2) If any of the facts ~~in~~ required under sub. (1) (a) to (cm) or (1m) (a)
20 to (d) are not known or cannot be ascertained by the petitioner, the petition shall so
21 state.

22 **SECTION 110.** 48.255 (3) of the statutes is amended to read:

23 48.255 (3) If the information required under sub. (1) (e) or (1m) (e) is not stated,
24 the petition shall be dismissed or amended under s. 48.263 (2).

25 **SECTION 111.** 48.255 (4) of the statutes is amended to read:

1 48.255 (4) A copy of the a petition under sub. (1) shall be given to the child if
2 the child is 12 years of age or ~~older~~ over and to the parents, guardian, legal custodian
3 and physical custodian. A copy of a petition under sub. (1m) shall be given to the child
4 expectant mother, if 12 years of age or over, her parents, guardian, legal custodian
5 and physical custodian and the unborn child by the unborn child's guardian ad litem
6 or to the adult expectant mother, the unborn child through the unborn child's
7 guardian ad litem and the physical custodian of the expectant mother, if any. A copy
8 of a petition under sub. (1) or (1m) shall also be given to the tribe or band with which
9 the child is affiliated or with which the unborn child may be eligible for affiliation
10 when born, if the child is an Indian child or the unborn child may be an Indian child
11 when born.

12 **SECTION 112.** 48.263 (1) of the statutes is amended to read:

13 48.263 (1) Except as provided in s. 48.255 (3), no petition, process or other
14 proceeding may be dismissed or reversed for any error or mistake if the case and the
15 identity of the child or expectant mother named in the petition may be readily
16 understood by the court; and the court may order an amendment curing the defects.

17 **SECTION 113.** 48.263 (2) of the statutes is amended to read:

18 48.263 (2) With reasonable notification to the interested parties and prior to
19 the taking of a plea under s. 48.30, the petition may be amended at the discretion of
20 the court or person who filed the petition. After the taking of a plea, ~~if the child is~~
21 ~~alleged to be in need of protection or services,~~ the petition may be amended provided
22 any objecting party is allowed a continuance for a reasonable time.

23 **SECTION 114.** 48.27 (1) of the statutes is renumbered 48.27 (1) (a) and amended
24 to read:

1 48.27 (1) (a) After a petition has been filed relating to facts concerning a
2 situation specified under ss. s. 48.13 or a situation specified in s. 48.133 involving an
3 expectant mother who is a child, unless the parties under sub. (3) voluntarily appear,
4 the court may issue a summons requiring the person who has legal custody of the
5 child to appear personally, and, if the court so orders, to bring the child before the
6 court at a time and place stated.

7 **SECTION 115.** 48.27 (1) (b) of the statutes is created to read:

8 48.27 (1) (b) After a petition has been filed relating to facts concerning a
9 situation specified under s. 48.133 involving an expectant mother who is an adult,
10 unless the adult expectant mother voluntarily appears, the court may issue a
11 summons requiring the adult expectant mother to appear personally before the court
12 at a time and place stated.

13 **SECTION 116.** 48.27 (3) (a) 1. of the statutes is amended to read:

14 48.27 (3) (a) 1. ~~The~~ If the petition that was filed relates to facts concerning a
15 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother
16 who is a child, the court shall also notify, under s. 48.273, the child, any parent,
17 guardian and legal custodian of the child, any foster parent, treatment foster parent
18 or other physical custodian described in s. 48.62 (2) of the child, the unborn child by
19 the unborn child's guardian ad litem, if applicable, and any person specified in par.
20 (b) or (d), if applicable, of all hearings involving the child except hearings on motions
21 for which notice need only be provided to the child and his or her counsel. ~~Where~~
22 When parents who are entitled to notice have the same place of residence, notice to
23 one shall constitute notice to the other. The first notice to any interested party, foster
24 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)
25 shall be written and may have a copy of the petition attached to it. Thereafter, notice

1 of hearings may be given by telephone at least 72 hours before the time of the
2 hearing. The person giving telephone notice shall place in the case file a signed
3 statement of the time notice was given and the person to whom he or she spoke.

4 **SECTION 117.** 48.27 (3) (b) 1. (intro.) of the statutes is amended to read:

5 48.27 (3) (b) 1. (intro.) Except as provided in subd. 2., if the petition that was
6 filed relates to facts concerning a situation under s. 48.13 or a situation under s.
7 48.133 involving an expectant mother who is a child and if the child is a nonmarital
8 child who is not adopted or whose parents do not subsequently intermarry as
9 provided under s. 767.60 and if paternity has not been established, the court shall
10 notify, under s. 48.273, all of the following persons:

11 **SECTION 118.** 48.27 (3) (c) of the statutes is created to read:

12 48.27 (3) (c) If the petition that was filed relates to facts concerning a situation
13 under s. 48.133 involving an expectant mother who is an adult, the court shall notify,
14 under s. 48.273, the unborn child by the unborn child's guardian ad litem, the
15 expectant mother, the physical custodian of the expectant mother, if any, and any
16 person specified in par. (d), if applicable, of all hearings involving the unborn child
17 and expectant mother except hearings on motions for which notice need only be
18 provided to the expectant mother and her counsel and the unborn child through the
19 unborn child's guardian ad litem. The first notice to any interested party shall be
20 written and may have a copy of the petition attached to it. Thereafter, notice of
21 hearings may be given by telephone at least 72 hours before the time of the hearing.
22 The person giving telephone notice shall place in the case file a signed statement of
23 the time notice was given and the person to whom he or she spoke.

24 **SECTION 119.** 48.27 (3) (d) of the statutes is created to read:

1 48.27 (3) (d) If the petition that was filed relates to facts concerning a situation
2 under s. 48.133 concerning an unborn child who, when born, will be an Indian child,
3 the court shall notify, under s. 48.273, the tribe or band with which the unborn child
4 will be affiliated when born and that tribe or band may, at the court's discretion,
5 intervene in the proceeding before the unborn child is born.

6 **SECTION 120.** 48.27 (4) (intro.) of the statutes is renumbered 48.27 (4) (a)
7 (intro.) and amended to read:

8 48.27 (4) (a) (intro.) The A notice under sub. (3) (a) or (b) shall:

9 **SECTION 121.** 48.27 (4) (b) of the statutes is created to read:

10 48.27 (4) (b) A notice under sub. (3) (c) shall:

11 (a) Contain the name of the adult expectant mother, and the nature, location,
12 date and time of the hearing.

13 (b) Advise the adult expectant mother of her right to legal counsel regardless
14 of ability to pay.

15 **SECTION 122.** 48.27 (8) of the statutes is amended to read:

16 48.27 (8) When a petition is filed under s. 48.13 or when a petition involving
17 an expectant mother who is a child is filed under s. 48.133, the court shall notify, in
18 writing, the child's parents or guardian that they may be ordered to reimburse this
19 state or the county for the costs of legal counsel provided for the child, as provided
20 under s. 48.275 (2).

21 **SECTION 123.** 48.275 (1) of the statutes is amended to read:

22 48.275 (1) If the court finds a child to be in need of protection or services under
23 s. 48.13 or an unborn child of an expectant mother who is a child to be in need of
24 protection or services under s. 48.133, the court shall order the parents parent of the
25 child to contribute toward the expense of post-adjudication services to the child

1 expectant mother and the child when born the proportion of the total amount which
2 the court finds the parents are parent is able to pay. If the court finds an unborn child
3 of an expectant mother who is an adult to be in need of protection or services under
4 s. 48.133, the court shall order the adult expectant mother to contribute toward the
5 expense of post-adjudication services to the adult expectant mother and the child
6 when born the proportion of the total amount which the court finds the adult
7 expectant mother is able to pay.

8 **SECTION 124.** 48.275 (2) (a) of the statutes is amended to read:

9 48.275 (2) (a) If this state or a county provides legal counsel to a child who is
10 subject to a proceeding under s. 48.13 or to a child expectant mother who is subject
11 to a proceeding under s. 48.133, the court shall order the child's parent to reimburse
12 the state or county in accordance with par. (b) or (c). If this state or a county provides
13 legal counsel to an adult expectant mother who is subject to a proceeding under s.
14 48.133, the court shall order the adult expectant mother to reimburse the state or
15 county in accordance with par. (b) or (c). The court may not order reimbursement if
16 a parent is the complaining or petitioning party or if the court finds that the interests
17 of the parent and the interests of the child in the proceeding are substantially and
18 directly adverse and that reimbursement would be unfair to the parent. The court
19 may not order reimbursement until the completion of the proceeding or until the
20 state or county is no longer providing the child or expectant mother with legal
21 counsel in the proceeding.

22 **SECTION 125.** 48.275 (2) (b) of the statutes is amended to read:

23 48.275 (2) (b) If this state provides the child or adult expectant mother with
24 legal counsel and the court orders reimbursement under par. (a), the child's parent
25 or the adult expectant mother may request the state public defender to determine

1 whether the parent or adult expectant mother is indigent as provided under s. 977.07
2 and to determine the amount of reimbursement. If the parent or adult expectant
3 mother is found not to be indigent, the amount of reimbursement shall be the
4 maximum amount established by the public defender board. If the parent or adult
5 expectant mother is found to be indigent in part, the amount of reimbursement shall
6 be the amount of partial payment determined in accordance with the rules of the
7 public defender board under s. 977.02 (3).

8 **SECTION 126.** 48.275 (2) (c) of the statutes is amended to read:

9 48.275 (2) (c) If the county provides the child or adult expectant mother with
10 legal counsel and the court orders reimbursement under par. (a), the court shall
11 either make a determination of indigency or shall appoint the county department to
12 make the determination. If the court or the county department finds that the parent
13 or adult expectant mother is not indigent or is indigent in part, the court shall
14 establish the amount of reimbursement and shall order the parent or adult expectant
15 mother to pay it.

16 **SECTION 127.** 48.275 (2) (cg) (intro.) of the statutes is amended to read:

17 48.275 (2) (cg) (intro.) The court shall, upon motion by a parent or expectant
18 mother, hold a hearing to review any of the following:

19 **SECTION 128.** 48.29 (1) of the statutes is amended to read:

20 48.29 (1) The child, ~~or~~ the child's parent, guardian or legal custodian, the
21 expectant mother or the unborn child by the unborn child's guardian ad litem, either
22 before or during the plea hearing, may file a written request with the clerk of the
23 court or other person acting as the clerk for a substitution of the judge assigned to
24 the proceeding. Upon filing the written request, the filing party shall immediately
25 mail or deliver a copy of the request to the judge named therein. ~~Whenever~~ in the

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

6 **SECTION 129.** 48.293 (2) of the statutes is amended to read:

7 48.293 (2) All records relating to a child, or to an unborn child and the unborn
8 child's expectant mother, which are relevant to the subject matter of a proceeding
9 under this chapter shall be open to inspection by a guardian ad litem or counsel for
10 any party, upon demand and upon presentation of releases ~~where~~ when necessary,
11 at least 48 hours before the proceeding. Persons and unborn children, by their
12 guardians ad litem, entitled to inspect the records may obtain copies of the records
13 with the permission of the custodian of the records or with permission of the court.
14 The court may instruct counsel not to disclose specified items in the materials to the
15 child or the parent, or to the expectant mother, if the court reasonably believes that
16 the disclosure would be harmful to the interests of the child or the unborn child.

17 **SECTION 130.** 48.293 (3) of the statutes is amended to read:

18 48.293 (3) Upon request prior to the fact-finding hearing, counsel for the
19 interests of the public shall disclose to the child, ~~child's~~ through his or her counsel
20 or guardian ad litem, or to the unborn child, through the unborn child's guardian ad
21 litem, the existence of any videotaped oral statement of a child under s. 908.08 which
22 is within the possession, custody or control of the state and shall make reasonable
23 arrangements for the requesting person to view the videotaped oral statement. If,
24 subsequent to compliance with this subsection, the state obtains possession, custody
25 or control of such a videotaped statement, counsel for the interests of the public shall

1 promptly notify the requesting person of that fact and make reasonable
2 arrangements for the requesting person to view the videotaped oral statement.

3 **SECTION 131.** 48.295 (1) of the statutes is amended to read:

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

24 **SECTION 132.** 48.295 (1c) of the statutes is amended to read:

1 48.295 (1c) Reasonable cause is considered to exist to warrant an alcohol and
2 other drug abuse assessment under sub. (1) if the multidisciplinary screen procedure
3 conducted under s. 48.24 (2) indicates that the child or expectant mother is at risk
4 of having needs and problems related to alcohol or other drug abuse.

5 **SECTION 133.** 48.295 (1g) of the statutes is amended to read:

6 48.295 (1g) If the court orders an alcohol or other drug abuse assessment under
7 sub. (1), the approved treatment facility shall, within 14 days after the court order,
8 report the results of the assessment to the court, except that, upon request by the
9 approved treatment facility and if the child is not an expectant mother under s.
10 48.133 and is not held in secure or nonsecure custody, the court may extend the period
11 for assessment for not more than 20 additional working days. The report shall
12 include a recommendation as to whether the child or expectant mother is in need of
13 treatment for abuse of alcohol beverages, controlled substances or controlled
14 substance analogs or education relating to the use of alcohol beverages, controlled
15 substances and controlled substance analogs and, if so, shall recommend a service
16 plan and an appropriate treatment, from an approved treatment facility, or a
17 court-approved education program.

18 **SECTION 134.** 48.295 (2) of the statutes is amended to read:

19 48.295 (2) The examiner shall file a report of the examination with the court
20 by the date specified in the order. The court shall cause copies to be transmitted to
21 the district attorney or corporation counsel ~~and to the child's,~~ counsel or guardian
22 ad litem for the child and, if applicable, to counsel or guardian ad litem for the unborn
23 child and the unborn child's expectant mother. The report shall describe the nature
24 of the examination and identify the persons interviewed, the particular records
25 reviewed and any tests administered to the child or expectant mother. The report

1 shall also state in reasonable detail the facts and reasoning upon which the
2 examiner's opinions are based.

3 **SECTION 135.** 48.295 (3) of the statutes is amended to read:

4 48.295 (3) If the child ~~or a~~, the child's parent or the expectant mother objects
5 to a particular physician, psychiatrist, licensed psychologist or other expert as
6 required under this section, the court shall appoint a different physician,
7 psychiatrist, psychologist or other expert as required under this section.

8 **SECTION 136.** 48.297 (4) of the statutes is amended to read:

9 48.297 (4) Although the taking of a child or an expectant mother of an unborn
10 child into custody is not an arrest, ~~it~~ that taking into custody shall be considered an
11 arrest for the purpose of deciding motions which require a decision about the
12 propriety of taking into custody, including ~~but not limited to~~ motions to suppress
13 evidence as illegally seized, motions to suppress statements as illegally obtained and
14 motions challenging the lawfulness of the taking into custody.

15 **SECTION 137.** 48.297 (5) of the statutes is amended to read:

16 48.297 (5) If the child or the expectant mother of an unborn child is in custody
17 and the court grants a motion to dismiss based ~~upon~~ on a defect in the petition or in
18 the institution of the proceedings, the court may order the child or expectant mother
19 to be continued in custody for not more than 48 hours pending the filing of a new
20 petition.

21 **SECTION 138.** 48.297 (6) of the statutes is amended to read:

22 48.297 (6) A motion required to be served on a child may be served ~~upon~~ on his
23 or her attorney of record. A motion required to be served on an unborn child may be
24 served on the unborn child's guardian ad litem.

25 **SECTION 139.** 48.299 (1) (a) of the statutes is amended to read:

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

9 **SECTION 140.** 48.299 (1) (ag) of the statutes is amended to read:

10 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
11 a public hearing is not held, only the parties and their counsel or guardian ad litem,
12 if any, the child's foster parent, treatment foster parent or other physical custodian
13 described in s. 48.62 (2), witnesses and other persons requested by a party and
14 approved by the court may be present, except that the court may exclude a foster
15 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)
16 from any portion of the hearing if that portion of the hearing deals with sensitive
17 personal information of the child or the child's family or if the court determines that
18 excluding the foster parent, treatment foster parent or other physical custodian
19 would be in the best interests of the child. Except in a proceeding under s. 48.375
20 (7), any other person the court finds to have a proper interest in the case or in the
21 work of the court, including a member of the bar, may be admitted by the court.

22 **SECTION 141.** 48.299 (1) (b) of the statutes is amended to read:

23 48.299 (1) (b) Except as provided in ss. 48.375 (7) (e) and 48.396, any person
24 who divulges any information which would identify the child, the expectant mother
25 or the family involved in any proceeding under this chapter shall be subject to ch.

1 785. ~~This paragraph does not preclude a victim of the child's act from commencing~~
2 ~~a civil action based upon the child's act.~~

3 **SECTION 142.** 48.299 (4) (b) of the statutes is amended to read:

4 48.299 (4) (b) Except as provided in s. 901.05, neither common law nor
5 statutory rules of evidence are binding at a hearing for a child held in custody under
6 s. 48.21, a hearing for an adult expectant mother held in custody under s. 48.213, a
7 runaway home hearing under s. 48.227 (4), a dispositional hearing, or a hearing
8 about changes in placement, revision of dispositional orders, extension of
9 dispositional orders or termination of guardianship orders entered under s. 48.977
10 (4) (h) 2. or (6). At those hearings, the court shall admit all testimony having
11 reasonable probative value, but shall exclude immaterial, irrelevant or unduly
12 repetitious testimony or evidence that is inadmissible under s. 901.05. Hearsay
13 evidence may be admitted if it has demonstrable circumstantial guarantees of
14 trustworthiness. The court shall give effect to the rules of privilege recognized by
15 law. The court shall apply the basic principles of relevancy, materiality and probative
16 value to proof of all questions of fact. Objections to evidentiary offers and offers of
17 proof of evidence not admitted may be made and shall be noted in the record.

18 **SECTION 143.** 48.299 (5) of the statutes is amended to read:

19 48.299 (5) On request of any party, unless good cause to the contrary is shown,
20 any hearing under s. 48.209 (1) (e) ~~or~~, 48.21 (1) or 48.213 (1) may be held on the record
21 by telephone or live audio-visual means or testimony may be received by telephone
22 or live audio-visual means as prescribed in s. 807.13 (2). The request and the
23 showing of good cause for not conducting the hearing or admitting testimony by
24 telephone or live audio-visual means may be made by telephone.

25 **SECTION 144.** 48.30 (1) of the statutes is amended to read:

1 48.30 (1) Except as provided in this subsection, the hearing to determine
2 whether any party wishes to contest an allegation that the child or unborn child is
3 in need of protection or services shall take place on a date which allows reasonable
4 time for the parties to prepare but is within 30 days after the filing of a petition for
5 a child or an expectant mother who is not being held in secure custody or within 10
6 days after the filing of a petition for a child who is being held in secure custody.

7 **SECTION 145.** 48.30 (2) of the statutes is amended to read:

8 48.30 (2) At the commencement of the hearing under this section the child and
9 the parent, guardian or legal custodian, the child expectant mother, her parent,
10 guardian or legal custodian and the unborn child through the unborn child's
11 guardian ad litem or the adult expectant mother and the unborn child through the
12 unborn child's guardian ad litem, shall be advised of their rights as specified in s.
13 48.243 and shall be informed that a request for a jury trial or for a substitution of
14 judge under s. 48.29 must be made before the end of the plea hearing or be waived.
15 Nonpetitioning parties, including the child, shall be granted a continuance of the
16 plea hearing if they wish to consult with an attorney on the request for a jury trial
17 or substitution of a judge.

18 **SECTION 146.** 48.30 (3) of the statutes is amended to read:

19 48.30 (3) If a petition alleges that a child is in need of protection or services
20 under s. 48.13 or that an unborn child of a child expectant mother is in need of
21 protection or services under s. 48.133, the nonpetitioning parties and the child, if he
22 or she is 12 years of age or older or is otherwise competent to do so, shall state
23 whether they desire to contest the petition. If a petition alleges that an unborn child
24 of an adult expectant mother is in need of protection or services under s. 48.133, the

1 adult expectant mother of the unborn child shall state whether she desires to contest
2 the petition.

3 **SECTION 147.** 48.30 (6) of the statutes, as affected by 1997 Wisconsin Act 3, is
4 amended to read:

5 48.30 (6) If a petition is not contested, the court shall set a date for the
6 dispositional hearing which allows reasonable time for the parties to prepare but is
7 no more than 10 days ~~from~~ after the plea hearing for ~~the a~~ a child who is held in secure
8 custody and no more than 30 days ~~from~~ after the plea hearing for a child or an
9 expectant mother who is not held in secure custody. If it appears to the court that
10 disposition of the case may include placement of the child outside the child's home,
11 the court shall order the child's parent to provide a statement of income, assets, debts
12 and living expenses to the court or the designated agency under s. 48.33 (1) at least
13 5 days before the scheduled date of the dispositional hearing or as otherwise ordered
14 by the court. The clerk of court shall provide, without charge, to any parent ordered
15 to provide a statement of income, assets, debts and living expenses a document
16 setting forth the percentage standard established by the department of workforce
17 development under s. 49.22 (9) and the manner of its application established by the
18 department of health and family services under s. 46.247 and listing the factors that
19 a court may consider under s. 46.10 (14) (c). If all parties consent the court may
20 proceed immediately with the dispositional hearing.

21 **SECTION 148.** 48.30 (7) of the statutes is amended to read:

22 48.30 (7) If the petition is contested, the court shall set a date for the
23 fact-finding hearing which allows reasonable time for the parties to prepare but is
24 no more than 20 days ~~from~~ after the plea hearing for a child who is held in secure

1 custody and no more than 30 days ~~from~~ after the plea hearing for a child or an
2 expectant mother who is not held in secure custody.

3 **SECTION 149.** 48.30 (8) (a) of the statutes is amended to read:

4 48.30 (8) (a) Address the parties present including the child or expectant
5 mother personally and determine that the plea or admission is made voluntarily
6 with understanding of the nature of the acts alleged in the petition and the potential
7 dispositions.

8 **SECTION 150.** 48.30 (8) (c) of the statutes is amended to read:

9 48.30 (8) (c) Make such inquiries as satisfactorily establishes that there is a
10 factual basis for the ~~parent's and child's~~ plea or admission of the parent and child,
11 of the parent and child expectant mother or of the adult expectant mother.

12 **SECTION 151.** 48.30 (9) of the statutes is amended to read:

13 48.30 (9) If a court commissioner conducts the plea hearing and accepts an
14 admission of the alleged facts in a petition brought under s. 48.13 or 48.133, the judge
15 shall review the admission at the beginning of the dispositional hearing by
16 addressing the parties and making the inquiries set forth in sub. (8).

17 **SECTION 152.** 48.305 of the statutes is amended to read:

18 **48.305** (title) **Hearing upon the involuntary removal of a child or**
19 **expectant mother.** Notwithstanding other time periods for hearings under this
20 chapter, if a child is removed from the physical custody of the child's parent or
21 guardian under s. 48.19 (1) (c) or (cm) or (d) 5. or 8. without the consent of the parent
22 or guardian or if an adult expectant mother is taken into custody under s. 48.193 (1)
23 (c) or (d) 2. without the consent of the expectant mother, the court shall schedule a
24 plea hearing and fact-finding hearing within 30 days of after a request from the
25 parent or guardian from whom custody was removed or from the adult expectant

1 mother who was taken into custody. The plea hearing and fact-finding hearing may
2 be combined. This time period may be extended only with the consent of the
3 requesting parent ~~or~~ guardian or expectant mother.

4 **SECTION 153.** 48.31 (1) of the statutes is amended to read:

5 48.31 (1) In this section, “fact-finding hearing” means a hearing to determine
6 if the allegations in a petition under s. 48.13 or 48.133 or a petition to terminate
7 parental rights are proved by clear and convincing evidence.

8 **SECTION 154.** 48.31 (2) of the statutes is amended to read:

9 48.31 (2) The hearing shall be to the court unless the child, the child’s parent,
10 guardian or legal custodian, the unborn child by the unborn child’s guardian ad litem
11 or the expectant mother of the unborn child exercises the right to a jury trial by
12 demanding a jury trial at any time before or during the plea hearing. If a jury trial
13 is demanded in a proceeding under s. 48.13 or 48.133, the jury shall consist of 6
14 persons. If a jury trial is demanded in a proceeding under s. 48.42, the jury shall
15 consist of 12 persons unless the parties agree to a lesser number. Chapters 756 and
16 805 shall govern the selection of jurors. If the hearing involves a child victim or
17 witness, as defined in s. 950.02, the court may order the taking and allow the use of
18 a videotaped deposition under s. 967.04 (7) to (10) and, with the district attorney,
19 shall comply with s. 971.105. At the conclusion of the hearing, the court or jury shall
20 make a determination of the facts, except that in a case alleging a child or an unborn
21 child to be in need of protection or services under s. 48.13 or 48.133, the court shall
22 make the determination under s. 48.13 (intro.) or 48.133 (intro.) relating to whether
23 the child or unborn child is in need of protection or services which can be ordered by
24 the court. If the court finds that the child or unborn child is not within the
25 jurisdiction of the court or, in a case alleging a child or an unborn child to be in need

1 of protection or services under s. 48.13 or 48.133, that the child or unborn child is not
2 in need of protection or services which can be ordered by the court or if the court or
3 jury finds that the facts alleged in the petition have not been proved, the court shall
4 dismiss the petition with prejudice.

5 **SECTION 155.** 48.31 (4) of the statutes is amended to read:

6 48.31 (4) The court or jury shall make findings of fact and the court shall make
7 conclusions of law relating to the allegations of a petition filed under s. 48.13, 48.133
8 or 48.42, except that the court shall make findings of fact relating to whether the
9 child or unborn child is in need of protection or services which can be ordered by the
10 court. In cases alleging a child to be in need of protection or services under s. 48.13
11 (11), the court ~~shall~~ may not find that the child is suffering emotional damage unless
12 a licensed physician specializing in psychiatry or a licensed psychologist appointed
13 by the court to examine the child has testified at the hearing that in his or her opinion
14 the condition exists, and adequate opportunity for the cross-examination of the
15 physician or psychologist has been afforded. The judge may use the written reports
16 if the right to have testimony presented is voluntarily, knowingly and intelligently
17 waived by the guardian ad litem or legal counsel for the child and the parent or
18 guardian. In cases alleging a child to be in need of protection or services under s.
19 48.13 (11m) or an unborn child to be in need of protection or services under s. 48.133,
20 the court ~~shall~~ may not find that the child or the expectant mother of the unborn child
21 is in need of treatment and education for needs and problems related to the use or
22 abuse of alcohol beverages, controlled substances or controlled substance analogs
23 and its medical, personal, family or social effects unless an assessment for alcohol
24 and other drug abuse that conforms to the criteria specified under s. 48.547 (4) has
25 been conducted by an approved treatment facility.

1 **SECTION 156.** 48.31 (7) of the statutes, as affected by 1997 Wisconsin Act 3, is
2 amended to read:

3 48.31 (7) At the close of the fact-finding hearing, the court shall set a date for
4 the dispositional hearing which allows a reasonable time for the parties to prepare
5 but is no more than 10 days ~~from~~ after the fact-finding hearing for a child in secure
6 custody and no more than 30 days ~~from~~ after the fact-finding hearing for a child or
7 expectant mother who is not held in secure custody. If it appears to the court that
8 disposition of the case may include placement of the child outside the child's home,
9 the court shall order the child's parent to provide a statement of income, assets, debts
10 and living expenses to the court or the designated agency under s. 48.33 (1) at least
11 5 days before the scheduled date of the dispositional hearing or as otherwise ordered
12 by the court. The clerk of court shall provide, without charge, to any parent ordered
13 to provide a statement of income, assets, debts and living expenses a document
14 setting forth the percentage standard established by the department of workforce
15 development under s. 49.22 (9) and the manner of its application established by the
16 department of health and family services under s. 46.247 and listing the factors that
17 a court may consider under s. 46.10 (14) (c). If all parties consent, the court may
18 immediately proceed with a dispositional hearing.

19 **SECTION 157.** 48.315 (1) (a) of the statutes is amended to read:

20 48.315 (1) (a) Any period of delay resulting from other legal actions concerning
21 the child or the unborn child and the unborn child's expectant mother, including an
22 examination under s. 48.295 or a hearing related to the child's mental condition of
23 the child, the child's parent, guardian or legal custodian or the expectant mother,
24 prehearing motions, waiver motions and hearings on other matters.

25 **SECTION 158.** 48.315 (1) (b) of the statutes is amended to read:

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

4 **SECTION 159.** 48.315 (1) (f) of the statutes is amended to read:

5 48.315 (1) (f) Any period of delay resulting from the absence or unavailability
6 of the child or expectant mother.

7 **SECTION 160.** 48.32 (1) of the statutes is amended to read:

8 48.32 (1) At any time after the filing of a petition for a proceeding relating to
9 s. 48.13 or 48.133 and before the entry of judgment, the judge or juvenile court
10 commissioner may suspend the proceedings and place the child or expectant mother
11 under supervision in the ~~child's own~~ home or present placement of the child or
12 expectant mother. The court may establish terms and conditions applicable to the
13 child and the child's parent, guardian or legal custodian, and to the child to the child
14 expectant mother and her parent, guardian or legal custodian or to the adult
15 expectant mother. The order under this section shall be known as a consent decree
16 and must be agreed to by the child if 12 years of age or older; ~~the parent, guardian~~
17 ~~or legal custodian;~~ and the person filing the petition under s. 48.25; by the child
18 expectant mother, her parent, guardian or legal custodian, the unborn child by the
19 unborn child's guardian ad litem and the person filing the petition under s. 48.25; or
20 by the adult expectant mother, the unborn child by the unborn child's guardian ad
21 litem and the person filing the petition under s. 48.25. The consent decree shall be
22 reduced to writing and given to the parties.

23 **SECTION 161.** 48.32 (2) (a) of the statutes is amended to read:

1 48.32 (2) (a) A consent decree shall remain in effect up to 6 months unless the
2 child, parent, guardian ~~or~~, legal custodian or expectant mother is discharged sooner
3 by the judge or juvenile court commissioner.

4 **SECTION 162.** 48.32 (2) (c) of the statutes is amended to read:

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

17 **SECTION 163.** 48.32 (3) of the statutes is amended to read:

18 48.32 (3) If, prior to discharge by the court, or the expiration of the consent
19 decree, the court finds that the child ~~or~~, parent, ~~legal~~ guardian ~~or~~, legal custodian or
20 expectant mother has failed to fulfill the express terms and conditions of the consent
21 decree or that the child or expectant mother objects to the continuation of the consent
22 decree, the hearing under which the child or expectant mother was placed on
23 supervision may be continued to conclusion as if the consent decree had never been
24 entered.

25 **SECTION 164.** 48.32 (5) (intro.) of the statutes is amended to read:

1 48.32 (5) (intro.) A court which, under this section, elicits or examines
2 information or material about a child or an expectant mother which would be
3 inadmissible in a hearing on the allegations of the petition ~~shall~~ may not, over
4 objections of one of the parties, participate in any subsequent proceedings if any of
5 the following applies:

6 **SECTION 165.** 48.32 (5) (a) of the statutes is amended to read:

7 48.32 (5) (a) The court refuses to enter into a consent decree and the allegations
8 in the petition remain to be decided in a hearing ~~where~~ at which one of the parties
9 denies the allegations forming the basis for a child or unborn child in need of
10 protection or services petition; ~~or.~~

11 **SECTION 166.** 48.32 (5) (b) of the statutes is amended to read:

12 48.32 (5) (b) A consent decree is granted but the petition under s. 48.13 or
13 48.133 is subsequently reinstated.

14 **SECTION 167.** 48.32 (6) of the statutes is amended to read:

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

21 **SECTION 168.** 48.33 (1) (intro.) of the statutes is amended to read:

22 48.33 (1) **REPORT REQUIRED.** (intro.) Before the disposition of a child or unborn
23 child adjudged to be in need of protection or services the court shall designate an
24 agency, as defined in s. 48.38 (1) (a), to submit a report which shall contain all of the
25 following:

1 **SECTION 169.** 48.33 (1) (a) of the statutes is amended to read:

2 48.33 (1) (a) The social history of the child or of the expectant mother of the
3 unborn child.

4 **SECTION 170.** 48.33 (1) (b) of the statutes is amended to read:

5 48.33 (1) (b) A recommended plan of rehabilitation or treatment and care for
6 the child or expectant mother which is based on the investigation conducted by the
7 agency and any report resulting from an examination or assessment under s. 48.295,
8 which employs the least restrictive means available to accomplish the objectives of
9 the plan, and, in cases of child abuse or neglect or unborn child abuse, which also
10 includes an assessment of risks to the child's physical safety and physical health of
11 the child or unborn child and a description of a plan for controlling the risks.

12 **SECTION 171.** 48.33 (1) (c) of the statutes is amended to read:

13 48.33 (1) (c) A description of the specific services or continuum of services which
14 the agency is recommending that the court order for the child or family or for the
15 expectant mother of the unborn child, the persons or agencies that would be
16 primarily responsible for providing those services, ~~and~~ the identity of the person or
17 agency that would provide case management or coordination of services, ~~if any or,~~
18 and, in the case of a child adjudged to be in need of protection or services, whether
19 or not the child should receive an integrated service plan.

20 **SECTION 172.** 48.33 (1) (d) of the statutes is amended to read:

21 48.33 (1) (d) A statement of the objectives of the plan, including any desired
22 behavior changes desired of the child or expectant mother and the academic, social
23 and vocational skills needed by the child or the expectant mother.

24 **SECTION 173.** 48.33 (1) (f) of the statutes is amended to read:

1 48.33 (1) (f) If the agency is recommending that the court order the child's
2 parent, guardian or legal custodian or the expectant mother to participate in mental
3 health treatment, anger management, individual or family counseling or parent or
4 prenatal development training and education, a statement as to the availability of
5 those services and as to the availability of funding for those services.

6 **SECTION 174.** 48.33 (2) of the statutes is amended to read:

7 48.33 (2) HOME PLACEMENT REPORTS. A report recommending that the child
8 remain in his or her home or that the expectant mother remain in her home may be
9 presented orally at the dispositional hearing if all parties consent. A report that is
10 presented orally shall be transcribed and made a part of the court record.

11 **SECTION 175.** 48.33 (4) (intro.) of the statutes is amended to read:

12 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
13 placement of an adult expectant mother outside of her home shall be in writing. A
14 report recommending placement of a child in a foster home, treatment foster home,
15 group home or child caring institution shall be in writing and shall include all of the
16 following:

17 **SECTION 176.** 48.335 (1) of the statutes is amended to read:

18 48.335 (1) The court shall conduct a hearing to determine the disposition of a
19 case in which a child is adjudged to be in need of protection or services under s. 48.13
20 or an unborn child is adjudged to be in need of protection or services under s. 48.133.

21 **SECTION 177.** 48.345 (intro.) of the statutes is amended to read:

22 **48.345 (title) Disposition of child or unborn child of child expectant**
23 **mother adjudged in need of protection or services.** (intro.) If the judge finds
24 that the child is in need of protection or services or that the unborn child of a child
25 expectant mother is in need of protection or services, the judge shall enter an order

1 deciding one or more of the dispositions of the case as provided in this section under
2 a care and treatment plan, except that the order may not place any child not
3 specifically found under chs. 46, 49, 51, 115 and 880 to be developmentally disabled,
4 mentally ill or to have exceptional educational needs in facilities which exclusively
5 treat those categories of children. The dispositions under this section are as follows:

6 **SECTION 178.** 48.345 (2) of the statutes is amended to read:

7 48.345 (2) Place the child under supervision of an agency, the department, if
8 the department approves, or a suitable adult, including a friend of the child, under
9 conditions prescribed by the judge including reasonable rules for the child's conduct,
10 designed for the physical, mental and moral well-being and behavior of the child
11 and, if applicable, for the physical well-being of the child's unborn child.

12 **SECTION 179.** 48.345 (2m) of the statutes is amended to read:

13 48.345 (2m) Place the child in the child's home under the supervision of an
14 agency or the department, if the department approves, and order the agency or
15 department to provide specified services to the child and the child's family, which
16 may include but are not limited to individual, family or, group counseling,
17 homemaker or parent aide services, respite care, housing assistance, day care or
18 parent skills training or prenatal development training or education.

19 **SECTION 180.** 48.345 (13) (c) of the statutes is amended to read:

20 48.345 (13) (c) Payment for the court ordered treatment or education under this
21 subsection in counties that have a ~~pilot~~ an alcohol and other drug abuse program
22 under s. 48.547 shall be in accordance with s. 48.361.

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

24 48.345 (14) (a) If, based on an evaluation under s. 48.295 and the report under
25 s. 48.33, the judge finds that the child expectant mother of an unborn child in need

1 of protection or services is in need of inpatient treatment for her habitual lack of
2 self-control in the use of alcohol, controlled substances or controlled substance
3 analogs, exhibited to a severe degree, that inpatient treatment is appropriate for the
4 child expectant mother's needs and that inpatient treatment is the least restrictive
5 treatment consistent with the child expectant mother's needs, the judge may order
6 the child expectant mother to enter an inpatient alcohol or other drug abuse
7 treatment program at an inpatient facility, as defined in s. 51.01 (10). The inpatient
8 facility shall, under the terms of a service agreement between the county and the
9 inpatient facility, or with the written and informed consent of the child expectant
10 mother or the child expectant mother's parent if the child expectant mother has not
11 attained the age of 12, report to the agency primarily responsible for providing
12 services to the child expectant mother as to whether the child expectant mother is
13 cooperating with the treatment and whether the treatment appears to be effective.

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

16 **SECTION 182.** 48.345 (15) of the statutes is created to read:

17 48.345 (15) If it appears that an unborn child in need of protection or services
18 may be born during the period of the dispositional order, the judge may order that
19 the child, when born, be provided with any services or care that may be ordered for
20 a child in need of protection or services under this section.

21 **SECTION 183.** 48.347 of the statutes is created to read:

22 **48.347 Disposition of unborn child of adult expectant mother**
23 **adjudged in need of protection or services.** If the judge finds that the unborn
24 child of an adult expectant mother is in need of protection or services, the judge shall
25 enter an order deciding one or more of the dispositions of the case as provided in this

1 section under a care and treatment plan, except that the order may not place any
2 adult expectant mother of an unborn child not specifically found under ch. 51, 55 or
3 880 to be developmentally disabled or mentally ill in a facility which exclusively
4 treats those categories of individuals. If the judge finds that the unborn child of a
5 child expectant mother is in need of protection or services, the judge shall enter an
6 order deciding one or more of the dispositions of the case as provided in s. 48.345
7 under a care and treatment plan. The dispositions under this section are as follows:

8 (1) COUNSELING. Counsel the adult expectant mother.

9 (2) SUPERVISION. Place the adult expectant mother under supervision of the
10 county department, the department, if the department approves, or a suitable adult,
11 including an adult relative or friend of the adult expectant mother, under conditions
12 prescribed by the judge including reasonable rules for the adult expectant mother's
13 conduct, designed for the physical well-being of the unborn child. An order under
14 this paragraph may include an order to participate in mental health treatment,
15 anger management, individual or family counseling or prenatal development
16 training or education and to make a reasonable contribution, based on ability to pay,
17 for the cost of those services.

18 (3) PLACEMENT. Designate one of the following as the placement for the adult
19 expectant mother:

20 (a) The home of an adult relative or friend of the adult expectant mother.

21 (b) A community-based residential facility, as defined in s. 50.01 (1g).

22 (4) SPECIAL TREATMENT OR CARE. (a) If the adult expectant mother is in need of
23 special treatment or care, as identified in an evaluation under s. 48.295 and the
24 report under s. 48.33, the judge may order the adult expectant mother to obtain the
25 special treatment or care. If the adult expectant mother fails or is financially unable

1 to obtain the special treatment or care, the judge may order an appropriate agency
2 to provide the special treatment or care. If a judge orders a county department under
3 s. 51.42 or 51.437 to provide special treatment or care under this paragraph, the
4 provision of that special treatment or care shall be subject to conditions specified in
5 ch. 51. An order of special treatment or care under this paragraph may not include
6 an order for the administration of psychotropic drugs.

7 (b) Payment for any special treatment or care that relates to alcohol and other
8 drug abuse services ordered under par. (a) shall be in accordance with s. 48.361.

9 (c) Payment for any services provided under ch. 51 that are ordered under par.
10 (a), other than alcohol and other drug abuse services, shall be in accordance with s.
11 48.362.

12 **(5) ALCOHOL OR DRUG TREATMENT OR EDUCATION.** (a) If the report prepared under
13 s. 48.33 (1) recommends that the adult expectant mother is in need of treatment for
14 the use or abuse of alcohol beverages, controlled substances or controlled substance
15 analogs and its medical, personal, family or social effects, the court may order the
16 adult expectant mother to enter an outpatient alcohol and other drug abuse
17 treatment program at an approved treatment facility. The approved treatment
18 facility shall, under the terms of a service agreement between the county and the
19 approved treatment facility, or with the written informed consent of the adult
20 expectant mother, report to the agency primarily responsible for providing services
21 to the adult expectant mother as to whether the adult expectant mother is
22 cooperating with the treatment and whether the treatment appears to be effective.

23 (b) If the report prepared under s. 48.33 (1) recommends that the adult
24 expectant mother is in need of education relating to the use of alcohol beverages,
25 controlled substances or controlled substance analogs, the court may order the adult

1 expectant mother to participate in an alcohol or other drug abuse education program
2 approved by the court. The person or agency that provides the education program
3 shall, under the terms of a service agreement between the county and the education
4 program, or with the written informed consent of the adult expectant mother, report
5 to the agency primarily responsible for providing services to the adult expectant
6 mother about the adult expectant mother's attendance at the program.

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

10 **(6) INPATIENT ALCOHOL OR DRUG TREATMENT.** (a) If, based on an evaluation under
11 s. 48.295 and the report under s. 48.33, the judge finds that the adult expectant
12 mother is in need of inpatient treatment for her habitual lack of self-control in the
13 use of alcohol, controlled substances or controlled substance analogs, exhibited to a
14 severe degree, that inpatient treatment is appropriate for the adult expectant
15 mother's needs and that inpatient treatment is the least restrictive treatment
16 consistent with the adult expectant mother's needs, the judge may order the adult
17 expectant mother to enter an inpatient alcohol or other drug abuse treatment
18 program at an inpatient facility, as defined in s. 51.01 (10). The inpatient facility
19 shall, under the terms of a service agreement between the county and the inpatient
20 facility, or with the written and informed consent of the adult expectant mother,
21 report to the agency primarily responsible for providing services to the adult
22 expectant mother as to whether the adult expectant mother is cooperating with the
23 treatment and whether the treatment appears to be effective.

24 (b) Payment for any treatment ordered under par. (a) shall be in accordance
25 with s. 48.361.

1 **(7) SERVICES FOR CHILD WHEN BORN.** If it appears that the unborn child may be
2 born during the period of the dispositional order, the judge may order that the child,
3 when born, be provided any services or care that may be ordered for a child in need
4 of protection or services under s. 48.345.

5 **SECTION 184.** 48.35 (1) (b) (intro.) of the statutes is amended to read:

6 48.35 **(1)** (b) (intro.) The disposition of a child or an unborn child, and any record
7 of evidence given in a hearing in court, shall not be admissible as evidence against
8 the child or the expectant mother of the unborn child in any case or proceeding in any
9 other court except as follows:

10 **SECTION 185.** 48.35 (1) (b) 1. of the statutes is amended to read:

11 48.35 **(1)** (b) 1. In sentencing proceedings after ~~conviction~~ the child or expectant
12 mother has been convicted of a felony or misdemeanor and then only for the purpose
13 of a presentence study and report;

14 **SECTION 186.** 48.35 (1) (b) 2. of the statutes is amended to read:

15 48.35 **(1)** (b) 2. In a proceeding in any court assigned to exercise jurisdiction
16 under this chapter and ch. 938; ~~or~~.

17 **SECTION 187.** 48.35 (2) of the statutes is amended to read:

18 48.35 **(2)** Except as specifically provided in sub. (1), this section does not
19 preclude the court from disclosing information to qualified persons if the court
20 considers the disclosure to be in the best interests of the child or unborn child or of
21 the administration of justice.

22 **SECTION 188.** 48.355 (1) of the statutes is amended to read:

23 48.355 **(1)** **INTENT.** In any order under s. 48.345 or 48.347 the judge shall decide
24 on a placement and treatment finding based on evidence submitted to the judge. The
25 disposition shall employ those means necessary to maintain and protect the child's

1 well-being of the child or unborn child which are the least restrictive of the rights
2 of the parent ~~or~~ and child, of the rights of the parent and child expectant mother or
3 of the rights of the adult expectant mother, and which assure the care, treatment or
4 rehabilitation of the child and the family, of the child expectant mother, the unborn
5 child and the family or of the adult expectant mother and the unborn child, consistent
6 with the protection of the public. ~~Whenever~~ When appropriate, and, in cases of child
7 abuse ~~and or neglect or unborn child abuse~~, when it is consistent with the ~~child's~~ best
8 interest of the child or unborn child in terms of physical safety and physical health,
9 the family unit shall be preserved and there shall be a policy of transferring custody
10 of a child from the parent or of placing an expectant mother outside of her home only
11 where when there is no less drastic alternative. If there is no less drastic alternative
12 for a child than transferring custody from the parent, the judge shall consider
13 transferring custody to a relative whenever possible.

14 **SECTION 189.** 48.355 (2) (a) of the statutes is amended to read:

15 48.355 (2) (a) In addition to the order, the judge shall make written findings
16 of fact and conclusions of law based on the evidence presented to the judge to support
17 the disposition ordered, including findings as to the ~~child's~~ condition and need for
18 special treatment or care of the child or expectant mother if an examination or
19 assessment was conducted under s. 48.295. A finding may not include a finding that
20 a child or an expectant mother is in need of psychotropic medications.

21 **SECTION 190.** 48.355 (2) (b) 1. of the statutes is amended to read:

22 48.355 (2) (b) 1. The specific services or continuum of services to be provided
23 to the child and family, to the child expectant mother and family or to the adult
24 expectant mother, the identity of the agencies which are to be primarily responsible
25 for the provision of the services ~~mandated~~ ordered by the judge, the identity of the

1 person or agency who will provide case management or coordination of services, if
2 any, and, if custody of the child is to be transferred to effect the treatment plan, the
3 identity of the legal custodian.

4 **SECTION 191.** 48.355 (2) (b) 1m. of the statutes is amended to read:

5 48.355 (2) (b) 1m. A notice that the child's parent, guardian or legal custodian
6 ~~or~~, the child, if 14 years of age or over, the expectant mother, if 14 years of age or over,
7 or the unborn child by the unborn child's guardian ad litem may request an agency
8 that is providing care or services for the child or expectant mother or that has legal
9 custody of the child to disclose to, or make available for inspection by, the parent,
10 guardian, legal custodian ~~or~~, child, expectant mother or unborn child by the unborn
11 child's guardian ad litem the contents of any record kept or information received by
12 the agency about the child or expectant mother as provided in s. 48.78 (2) (ag) and
13 (aj).

14 **SECTION 192.** 48.355 (2) (b) 2m. of the statutes is created to read:

15 48.355 (2) (b) 2m. If the adult expectant mother is placed outside her home, the
16 name of the place or facility, including transitional placements, where the expectant
17 mother shall be treated.

18 **SECTION 193.** 48.355 (2) (b) 7. of the statutes is amended to read:

19 48.355 (2) (b) 7. A statement of the conditions with which the child or expectant
20 mother is required to comply.

21 **SECTION 194.** 48.355 (2) (d) of the statutes is amended to read:

22 48.355 (2) (d) The court shall provide a copy of ~~the a~~ a dispositional order relating
23 to a child in need of protection or services to the child's parent, guardian or trustee.
24 The court shall provide a copy of a dispositional order relating to an unborn child in
25 need of protection or services to the expectant mother, to the unborn child through

1 the unborn child's guardian ad litem and, if the expectant mother is a child, to her
2 parent, guardian or trustee.

3 **SECTION 195.** 48.355 (2m) of the statutes is amended to read:

4 48.355 (2m) TRANSITIONAL PLACEMENTS. The court order may include the name
5 of transitional placements, but may not designate a specific time when transitions
6 are to take place. The procedures of ss. 48.357 and 48.363 shall govern when such
7 transitions take place. However, the court may place specific time limitations on
8 interim arrangements made for the care of the child or for the treatment of the
9 expectant mother pending the availability of the dispositional placement.

10 **SECTION 196.** 48.355 (4) of the statutes is amended to read:

11 48.355 (4) TERMINATION OF ORDERS. Except as provided under s. 48.368, all
12 orders under this section shall terminate at the end of one year unless the judge
13 specifies a shorter period of time. Except if s. 48.368 applies, extensions or revisions
14 shall terminate at the end of one year unless the judge specifies a shorter period of
15 time. Any order made before the child reaches the age of majority or before the
16 unborn child is born shall be effective for a time up to one year after its entry unless
17 the judge specifies a shorter period of time.

18 **SECTION 197.** 48.355 (5) of the statutes is amended to read:

19 48.355 (5) EFFECT OF COURT ORDER. Any party, person or agency who provides
20 services for the child or the expectant mother under this section shall be bound by
21 the court order.

22 **SECTION 198.** 48.355 (7) of the statutes is amended to read:

23 48.355 (7) (title) ORDERS APPLICABLE TO PARENTS, GUARDIANS, LEGAL CUSTODIANS,
24 EXPECTANT MOTHERS AND OTHER ADULTS. In addition to any dispositional order entered
25 under s. 48.345 or 48.347, the court may enter an order applicable to a child's the

1 parent, guardian or legal custodian of a child, to a family member of an adult
2 expectant mother or to another adult, as provided under s. 48.45.

3 **SECTION 199.** 48.356 (1) of the statutes is amended to read:

4 48.356 (1) Whenever the court orders a child to be placed outside his or her
5 home, orders an expectant mother of an unborn child to be placed outside of her home
6 or denies a parent visitation because the child or unborn child has been adjudged to
7 be in need of protection or services under s. 48.345, 48.347 48.357, 48.363 or 48.365,
8 the court shall orally inform the parent or parents who appear in court or the
9 expectant mother who appears in court of any grounds for termination of parental
10 rights under s. 48.415 which may be applicable and of the conditions necessary for
11 the child or expectant mother to be returned to the home or for the parent to be
12 granted visitation.

13 **SECTION 200.** 48.356 (2) of the statutes is amended to read:

14 48.356 (2) In addition to the notice required under sub. (1), any written order
15 which places a child or an expectant mother outside the home or denies visitation
16 under sub. (1) shall notify the parent or parents or expectant mother of the
17 information specified under sub. (1).

18 **SECTION 201.** 48.357 (1) of the statutes is amended to read:

19 48.357 (1) The person or agency primarily responsible for implementing the
20 dispositional order, the district attorney or the corporation counsel may request a
21 change in the placement of the child or expectant mother, whether or not the change
22 requested is authorized in the dispositional order and shall cause written notice to
23 be sent to the child or the child's counsel or guardian ad litem, the parent, guardian
24 and legal custodian of the child, any foster parent, treatment foster parent or other
25 physical custodian described in s. 48.62 (2), ~~guardian and legal custodian of the child,~~

1 and, if the child is the expectant mother of an unborn child under s. 48.133, the
2 unborn child by the unborn child's guardian ad litem. If the expectant mother is an
3 adult, written notice shall be sent to the adult expectant mother and the unborn child
4 by the unborn child's guardian ad litem. The notice shall contain the name and
5 address of the new placement, the reasons for the change in placement, a statement
6 describing why the new placement is preferable to the present placement and a
7 statement of how the new placement satisfies objectives of the treatment plan
8 ordered by the court. Any person receiving the notice under this subsection or notice
9 of the a specific foster or treatment foster placement under s. 48.355 (2) (b) 2. may
10 obtain a hearing on the matter by filing an objection with the court within 10 days
11 of after receipt of the notice. Placements shall may not be changed until 10 days after
12 such that notice is sent to the court unless the parent, guardian or legal custodian
13 and the child, if 12 ~~or more~~ years of age or over, or the child expectant mother, if 12
14 years of age or over, her parent, guardian or legal custodian and the unborn child by
15 the unborn child's guardian ad litem, or the adult expectant mother and the unborn
16 child by the unborn child's guardian ad litem, sign written waivers of objection,
17 except that placement changes which were authorized in the dispositional order may
18 be made immediately if notice is given as required in this subsection. In addition,
19 a hearing is not required for placement changes authorized in the dispositional order
20 except where when an objection filed by a person who received notice alleges that new
21 information is available which affects the advisability of the court's dispositional
22 order. If a hearing is held under this subsection and the change in placement would
23 remove a child from a foster home, treatment foster home or other placement with
24 a physical custodian described in s. 48.62 (2), the court shall permit the foster parent,
25 treatment foster parent or other physical custodian described in s. 48.62 (2) to make

1 a written or oral statement during the hearing or to submit a written statement prior
2 to the hearing, relating to the child and the requested change in placement.

3 **SECTION 202.** 48.357 (2) of the statutes is amended to read:

4 48.357 (2) If emergency conditions necessitate an immediate change in the
5 placement of a child or expectant mother placed outside the home, the person or
6 agency primarily responsible for implementing the dispositional order may remove
7 the child or expectant mother to a new placement, whether or not authorized by the
8 existing dispositional order, without the prior notice provided in sub. (1). The notice
9 shall, however, be sent within 48 hours after the emergency change in placement.
10 Any party receiving notice may demand a hearing under sub. (1). In emergency
11 situations, ~~the~~ a child may be placed in a licensed public or private shelter care
12 facility as a transitional placement for not more than 20 days, as well as in any
13 placement authorized under s. 48.345 (3).

14 **SECTION 203.** 48.357 (2m) of the statutes is amended to read:

15 48.357 (2m) The child, the parent, guardian or legal custodian of the child, the
16 expectant mother, the unborn child by the unborn child's guardian ad litem or any
17 person or agency primarily bound by the dispositional order, other than the person
18 or agency responsible for implementing the order, may request a change in
19 placement under this subsection. The request shall contain the name and address
20 of the place of the new placement requested and shall state what new information
21 is available which affects the advisability of the current placement. This request
22 shall be submitted to the court. In addition, the court may propose a change in
23 placement on its own motion. The court shall hold a hearing on the matter prior to
24 ordering any change in placement under this subsection if the request states that
25 new information is available which affects the advisability of the current placement,

1 unless written waivers of objection to the proposed change in placement are signed
2 by all parties entitled to receive notice under sub. (1) and the court approves. If a
3 hearing is scheduled, the court shall notify the child, the parent, guardian and legal
4 custodian of the child, any foster parent, treatment foster parent or other physical
5 custodian described in s. 48.62 (2) of the child ~~and, all parties who are bound by the~~
6 dispositional order and, if the child is the expectant mother of an unborn child under
7 s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify
8 the adult expectant mother, the unborn child by the unborn child's guardian ad litem
9 and all parties who are bound by the dispositional order, at least 3 days prior to the
10 hearing. A copy of the request or proposal for the change in placement shall be
11 attached to the notice. If all the parties consent, the court may proceed immediately
12 with the hearing. If a hearing is held under this subsection and the change in
13 placement would remove a child from a foster home, treatment foster home or other
14 placement with a physical custodian described in s. 48.62 (2), the court shall permit
15 the foster parent, treatment foster parent or other physical custodian described in
16 s. 48.62 (2) to make a written or oral statement during the hearing or to submit a
17 written statement prior to the hearing, relating to the child and the requested change
18 in placement.

19 **SECTION 204.** 48.36 (2) of the statutes is amended to read:

20 48.36 (2) If an expectant mother or a child whose legal custody has not been
21 taken from a parent or guardian is given educational and social services, or medical,
22 psychological or psychiatric treatment by order of the court, the cost ~~thereof~~ of those
23 services or treatment, if ordered by the court, shall be a charge upon the county. This
24 section does not prevent recovery of reasonable contribution toward the costs from
25 the parent or guardian of the child or from an adult expectant mother as the court

1 may order based on the ability of the parent ~~or~~, guardian or adult expectant mother
2 to pay. This subsection shall be is subject to s. 46.03 (18).

3 **SECTION 205.** 48.361 (1) (b) of the statutes is amended to read:

4 48.361 (1) (b) Any special treatment or care that relates to alcohol or other drug
5 abuse services ordered by a court under s. 48.345 (6) (a) or 48.347 (4) (a).

6 **SECTION 206.** 48.361 (1) (c) of the statutes is amended to read:

7 48.361 (1) (c) Any alcohol or other drug abuse treatment or education ordered
8 by a court under s. 48.345 (6) (a) ~~or~~, (13) or (14) or 48.347 (4) (a), (5) or (6) (a).

9 **SECTION 207.** 48.361 (2) (a) 1m. of the statutes is created to read:

10 48.361 (2) (a) 1m. If an adult expectant mother neglects, refuses or is unable
11 to obtain court-ordered alcohol and other drug abuse services for herself through her
12 health insurance or other 3rd-party payments, the judge may order the adult
13 expectant mother to pay for the court-ordered alcohol and drug abuse services. If
14 the adult expectant mother consents to obtain court-ordered alcohol and other drug
15 abuse services for herself through her health insurance or other 3rd-party payments
16 but the health insurance provider or other 3rd-party payer refuses to provide the
17 court-ordered alcohol and other drug abuse services, the court may order the health
18 insurance provider or 3rd-party payer to pay for the court-ordered alcohol and other
19 drug abuse services in accordance with the terms of the adult expectant mother's
20 health insurance policy or other 3rd-party payment plan.

21 **SECTION 208.** 48.361 (2) (am) 1. of the statutes is amended to read:

22 48.361 (2) (am) 1. If a court in a county that has ~~a pilot~~ an alcohol or other drug
23 abuse program under s. 48.547 finds that payment is not attainable under par. (a),
24 the court may order payment in accordance with par. (b).

25 **SECTION 209.** 48.361 (2) (am) 2. of the statutes is amended to read:

1 48.361 (2) (am) 2. If a court in a county that does not have a ~~pilot~~ an alcohol
2 and other drug abuse program under s. 48.547 finds that payment is not attainable
3 under par. (a), the court may order payment in accordance with s. 48.345 (6) (a),
4 48.347 (4) (a) or 48.36.

5 **SECTION 210.** 48.361 (2) (b) 1. of the statutes is amended to read:

6 48.361 (2) (b) 1. In counties that have a ~~pilot~~ an alcohol and other drug abuse
7 program under s. 48.547, in addition to using the alternative provided for under par.
8 (a), the court may order a county department of human services established under
9 s. 46.23 or a county department established under s. 51.42 or 51.437 in the child's
10 county of legal residence to pay for the court-ordered alcohol and other drug abuse
11 services whether or not custody has been taken from the parent.

12 **SECTION 211.** 48.361 (2) (b) 1m. of the statutes is created to read:

13 48.361 (2) (b) 1m. In counties that have an alcohol and other drug abuse
14 program under s. 48.547, in addition to using the alternative provided for under par.
15 (a), the court may order a county department of human services established under
16 s. 46.23 or a county department established under s. 51.42 or 51.437 in the adult
17 expectant mother's county of legal residence to pay for the court-ordered alcohol and
18 other drug abuse services provided for the adult expectant mother.

19 **SECTION 212.** 48.361 (2) (c) of the statutes is amended to read:

20 48.361 (2) (c) Payment for alcohol and other drug abuse services by a county
21 department under this section does not prohibit the county department from
22 contracting with another county department or approved treatment facility for the
23 provision of alcohol and other drug abuse services. Payment by the county under this
24 section does not prevent recovery of reasonable contribution toward the costs of the
25 court-ordered alcohol and other drug abuse services from the parent or adult

1 expectant mother which is based upon the ability of the parent or adult expectant
2 mother to pay. This subsection is subject to s. 46.03 (18).

3 **SECTION 213.** 48.362 (2) of the statutes is amended to read:

4 48.362 (2) This section applies to the payment of court-ordered special
5 treatment or care under s. 48.345 (6) (a), whether or not custody has been taken from
6 the parent, and to the payment of court-ordered special treatment or care under s.
7 48.347 (4) (a).

8 **SECTION 214.** 48.362 (3m) of the statutes is created to read:

9 48.362 (3m) If an adult expectant mother neglects, refuses or is unable to
10 obtain court-ordered special treatment or care for herself through her health
11 insurance or other 3rd-party payments, the judge may order the adult expectant
12 mother to pay for the court-ordered special treatment or care. If the adult expectant
13 mother consents to obtain court-ordered special treatment or care for herself
14 through her health insurance or other 3rd-party payments but the health insurance
15 provider or other 3rd-party payer refuses to provide the court-ordered special
16 treatment or care, the judge may order the health insurance provider or 3rd-party
17 payer to pay for the court-ordered special treatment or care in accordance with the
18 terms of the adult expectant mother's health insurance policy or other 3rd-party
19 payment plan.

20 **SECTION 215.** 48.362 (4) (a) of the statutes is amended to read:

21 48.362 (4) (a) If the judge finds that payment is not attainable under sub. (3)
22 or (3m), the judge may order the county department under s. 51.42 or 51.437 of the
23 child's county of legal residence of the child or expectant mother to pay the cost of any
24 court-ordered special treatment or care that is provided by or under contract with
25 that county department.

1 **SECTION 216.** 48.362 (4) (c) of the statutes is amended to read:

2 48.362 (4) (c) A county department that pays for court-ordered special
3 treatment or care under par. (a) may recover from the parent or adult expectant
4 mother, based on the ~~parent's ability~~ of the parent or adult expectant mother to pay,
5 a reasonable contribution toward the costs of the court-ordered special treatment or
6 care. This paragraph is subject to s. 46.03 (18).

7 **SECTION 217.** 48.363 (1) of the statutes, as affected by 1997 Wisconsin Act 3,
8 is amended to read:

9 48.363 (1) A child, the child's parent, guardian or legal custodian, an expectant
10 mother, an unborn child by the unborn child's guardian ad litem, any person or
11 agency bound by a dispositional order or the district attorney or corporation counsel
12 in the county in which the dispositional order was entered may request a revision in
13 the order that does not involve a change in placement, including a revision with
14 respect to the amount of child support to be paid by a parent, or the court may on its
15 own motion propose such a revision. The request or court proposal shall set forth in
16 detail the nature of the proposed revision and what new information is available that
17 affects the advisability of the court's disposition. The request or court proposal shall
18 be submitted to the court. The court shall hold a hearing on the matter if the request
19 or court proposal indicates that new information is available which affects the
20 advisability of the court's dispositional order and prior to any revision of the
21 dispositional order, unless written waivers of objections to the revision are signed by
22 all parties entitled to receive notice and the court approves. If a hearing is held, the
23 court shall notify the child, the child's parent, guardian and legal custodian, all
24 parties bound by the dispositional order, the child's foster parent, treatment foster
25 parent or other physical custodian described in s. 48.62 (2), ~~and~~ the district attorney

1 or corporation counsel in the county in which the dispositional order was entered,
2 and, if the child is the expectant mother of an unborn child under s. 48.133, the
3 unborn child by the unborn child’s guardian ad litem or shall notify the adult
4 expectant mother, the unborn child through the unborn child’s guardian ad litem, all
5 parties bound by the dispositional order and the district attorney or corporation
6 counsel in the county in which the dispositional order was entered, at least 3 days
7 prior to the hearing. A copy of the request or proposal shall be attached to the notice.
8 If the proposed revision is for a change in the amount of child support to be paid by
9 a parent, the court shall order the child’s parent to provide a statement of income,
10 assets, debts and living expenses to the court and the person or agency primarily
11 responsible for implementing the dispositional order by a date specified by the court.
12 The clerk of court shall provide, without charge, to any parent ordered to provide a
13 statement of income, assets, debts and living expenses a document setting forth the
14 percentage standard established by the department of workforce development under
15 s. 49.22 (9) and the manner of its application established by the department of health
16 and family services under s. 46.247 and listing the factors that a court may consider
17 under s. 46.10 (14) (c). If all parties consent, the court may proceed immediately with
18 the hearing. No revision may extend the effective period of the original order.

19 **SECTION 218.** 48.365 (1m) of the statutes is amended to read:

20 48.365 (1m) The parent, child, guardian, legal custodian, expectant mother,
21 unborn child by the unborn child’s guardian ad litem, any person or agency bound
22 by the dispositional order, the district attorney or corporation counsel in the county
23 in which the dispositional order was entered or the court on its own motion, may
24 request an extension of an order under s. 48.355 including an order under s. 48.355
25 that was entered before the child was born. The request shall be submitted to the

1 court which entered the order. No order under s. 48.355 may be extended except as
2 provided in this section.

3 **SECTION 219.** 48.365 (2) of the statutes is amended to read:

4 48.365 (2) No order may be extended without a hearing. The court shall notify
5 the child ~~or the child's guardian ad litem or counsel~~, the child's parent, guardian, and
6 legal custodian, all the parties present at the original hearing, the child's foster
7 parent, treatment foster parent or other physical custodian described in s. 48.62 (2),
8 ~~and~~ the district attorney or corporation counsel in the county in which the
9 dispositional order was entered and, if the child is an expectant mother of an unborn
10 child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or
11 shall notify the adult expectant mother, the unborn child through the unborn child's
12 guardian ad litem, all the parties present at the original hearing and the district
13 attorney or corporation counsel in the county in which the dispositional order was
14 entered, of the time and place of the hearing.

15 **SECTION 220.** 48.365 (2g) (a) of the statutes is amended to read:

16 48.365 (2g) (a) At the hearing the person or agency primarily responsible for
17 providing services to the child or expectant mother shall file with the court a written
18 report stating to what extent the dispositional order has been meeting the objectives
19 of the plan for the child's rehabilitation or care and treatment. ~~The juvenile offender~~
20 ~~review program may file a written report regarding any child examined by the~~
21 ~~program~~ of the child or for the rehabilitation and treatment of the expectant mother
22 and the care of the unborn child.

23 **SECTION 221.** 48.365 (2m) (a) of the statutes is amended to read:

24 48.365 (2m) (a) Any party may present evidence relevant to the issue of
25 extension. The judge shall make findings of fact and conclusions of law based on the

1 evidence, including a finding as to whether reasonable efforts were made by the
2 agency primarily responsible for providing services to the child or expectant mother
3 to make it possible for the child to return to his or her home or for the expectant
4 mother to return to her home. An order shall be issued under s. 48.355.

5 **SECTION 222.** 48.365 (2m) (b) of the statutes is amended to read:

6 48.365 (2m) (b) If a child has been placed outside the home under s. 48.345, or
7 if an adult expectant mother has been placed outside the home under s. 48.347, and
8 an extension is ordered under this subsection, the judge shall state in the record the
9 reason for the extension.

10 **SECTION 223.** 48.396 (1) of the statutes is amended to read:

11 48.396 (1) Law enforcement officers' records of children shall be kept separate
12 from records of adults. Law enforcement officers' records of the expectant mothers
13 of unborn children shall be kept separate from records of other adults. Law
14 enforcement officers' records of children and the expectant mothers of unborn
15 children shall not be open to inspection or their contents disclosed except under sub.
16 (1b) or (1d) or s. 48.293 or by order of the court. This subsection does not apply to the
17 representatives of newspapers or other reporters of news who wish to obtain
18 information for the purpose of reporting news without revealing the identity of the
19 child or expectant mother involved, to the confidential exchange of information
20 between the police and officials of the school attended by the child or other law
21 enforcement or social welfare agencies or to children 10 years of age or older who are
22 subject to the jurisdiction of the court of criminal jurisdiction.

23 **SECTION 224.** 48.396 (1b) of the statutes is amended to read:

24 48.396 (1b) If requested by the parent, guardian or legal custodian of a child
25 who is the subject of a law enforcement officer's report, or if requested by the child,

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

8 **SECTION 225.** 48.396 (1d) of the statutes is amended to read:

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

22 **SECTION 226.** 48.396 (2) (aj) of the statutes is created to read:

23 48.396 (2) (aj) Upon request of an expectant mother of an unborn child who is
24 the subject of a record of a court specified in par. (a), if 14 years of age or over, or upon
25 request of an unborn child by the unborn child's guardian ad litem, the court shall

1 open for inspection by the expectant mother or by the unborn child by the unborn
2 child's guardian ad litem the records of the court relating to that expectant mother,
3 unless the court finds, after due notice and hearing, that inspection of those records
4 by the expectant mother or by the unborn child by the unborn child's guardian ad
5 litem would result in imminent danger to anyone.

6 **SECTION 227.** 48.396 (2) (ap) of the statutes is created to read:

7 48.396 (2) (ap) Upon the written permission of an expectant mother of an
8 unborn child who is the subject of a record of a court specified in par. (a) if 14 years
9 of age or over, or of her parent, guardian or legal custodian, if under 14 years of age,
10 and of the unborn child by the unborn child's guardian ad litem, the court shall open
11 for inspection by the person named in the permission any records specifically
12 identified by the expectant mother, or parent, guardian or legal custodian, and
13 unborn child by the unborn child's guardian ad litem in the written permission,
14 unless the court finds, after due notice and hearing, that inspection of those records
15 by the person named in the permission would result in imminent danger to anyone.

16 **SECTION 228.** 48.396 (5) (b) of the statutes is amended to read:

17 48.396 (5) (b) The court shall notify the child, the child's counsel, the child's
18 parents ~~and~~, appropriate law enforcement agencies and, if the child is an expectant
19 mother of an unborn child under s. 48.133, the unborn child by the unborn child's
20 guardian ad litem, or shall notify the adult expectant mother, the unborn child by the
21 unborn child's guardian ad litem and appropriate law enforcement agencies, in
22 writing of the petition. If any person notified objects to the disclosure, the court may
23 hold a hearing to take evidence relating to the petitioner's need for the disclosure.

24 **SECTION 229.** 48.396 (5) (c) of the statutes is amended to read:

1 48.396 (5) (c) The court shall make an inspection, which may be in camera, of
2 the child's records of the child or expectant mother. If the court determines that the
3 information sought is for good cause and that it cannot be obtained with reasonable
4 effort from other sources, ~~it~~ the court shall then determine whether the petitioner's
5 need for the information outweighs society's interest in protecting its confidentiality.
6 In making ~~this~~ that determination, the court shall balance the ~~petitioner's~~ interest
7 of the petitioner in obtaining access to the record against the ~~child's~~ interest of the
8 child or expectant mother in avoiding the stigma that might result from disclosure.

9 **SECTION 230.** 48.396 (5) (e) of the statutes is amended to read:

10 48.396 (5) (e) The court shall record the reasons for its decision to disclose or
11 not to disclose the child's records of the child or expectant mother. All records related
12 to a decision under this subsection are confidential.

13 **SECTION 231.** 48.415 (2) (a) of the statutes is amended to read:

14 48.415 (2) (a) That the child has been adjudged to be a child or an unborn child
15 in need of protection or services and placed, or continued in a placement, outside his
16 or her home pursuant to one or more court orders under s. 48.345, ~~48.347~~, 48.357,
17 48.363, 48.365, 938.345, 938.357, 938.363 or 938.365 containing the notice required
18 by s. 48.356 (2) or 938.356 (2).

19 **SECTION 232.** 48.415 (2) (b) 1. of the statutes is amended to read:

20 48.415 (2) (b) 1. In this paragraph, "diligent effort" means an earnest and
21 conscientious effort to take good faith steps to provide the services ordered by the
22 court which takes into consideration the characteristics of the parent or child or of
23 the expectant mother or child, the level of cooperation of the parent or expectant
24 mother and other relevant circumstances of the case.

25 **SECTION 233.** 48.415 (2) (b) 2. of the statutes is amended to read:

1 48.415 (2) (b) 2. That the agency responsible for the care of the child and the
2 family or of the unborn child and expectant mother has made a diligent effort to
3 provide the services ordered by the court.

4 **SECTION 234.** 48.415 (2) (c) of the statutes is amended to read:

5 48.415 (2) (c) That the child has been outside the home for a cumulative total
6 period of 6 months or longer pursuant to such orders including time spent outside
7 the home as an unborn child; and that the parent has failed to demonstrate
8 substantial progress toward meeting the conditions established for the return of the
9 child to the home and there is a substantial likelihood that the parent will not meet
10 these conditions within the 12-month period following the fact-finding hearing
11 under s. 48.424.

12 **SECTION 235.** 48.44 (1) of the statutes is amended to read:

13 48.44 (1) The court has jurisdiction over persons 17 or older as provided under
14 ss. 48.133, 48.355 (4) and 48.45 and as otherwise specifically provided in this chapter.

15 **SECTION 236.** 48.45 (1) (am) of the statutes is created to read:

16 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn
17 child's expectant mother alleged to be in a condition described in s. 48.133 it appears
18 that any person 17 years of age or over has been guilty of contributing to,
19 encouraging, or tending to cause by any act or omission, such condition of the unborn
20 child and expectant mother, the judge may make orders with respect to the conduct
21 of such person in his or her relationship to the unborn child and expectant mother.

22 **SECTION 237.** 48.45 (1) (b) of the statutes is amended to read:

23 48.45 (1) (b) An act or failure to act contributes to a condition of a child as
24 described in s. 48.13 or an unborn child and the unborn child's expectant mother as
25 described in s. 48.133, although the child is not actually adjudicated to come within

1 the provisions of s. 48.13 or the unborn child and expectant mother are not actually
2 adjudicated to come within the provisions of s. 48.133, if the natural and probable
3 consequences of that act or failure to act would be to cause the child to come within
4 the provisions of s. 48.13 or the unborn child and expectant mother to come within
5 the provisions of s. 48.133.

6 **SECTION 238.** 48.45 (1r) of the statutes is created to read:

7 48.45 (1r) In a proceeding in which an unborn child has been found to be in need
8 of protection or services under s. 48.133, the judge may impose on the expectant
9 mother any disposition permitted under s. 48.347 (1) to (6).

10 **SECTION 239.** 48.45 (2) of the statutes is amended to read:

11 48.45 (2) No order under sub. (1) (a) or (am) or (1m) (a) may be entered until
12 the person who is the subject of the contemplated order is given an opportunity to be
13 heard on the contemplated order. The court shall cause notice of the time, place and
14 purpose of the hearing to be served on the person personally at least 10 days before
15 the date of hearing. The procedure in these cases shall, as far as practicable, be the
16 same as in other cases in the court. At the hearing the person may be represented
17 by counsel and may produce and cross-examine witnesses. Any person who fails to
18 comply with any order issued by a court under sub. (1) (a) or (am) or (1m) (a) may be
19 proceeded against for contempt of court. If the person's conduct involves a crime, the
20 person may be proceeded against under the criminal law.

21 **SECTION 240.** 48.46 (1) of the statutes is amended to read:

22 48.46 (1) Except as provided in sub. (2), ~~the parent, guardian or legal custodian~~
23 ~~of the child or the child whose status is adjudicated by the court, the parent, guardian~~
24 ~~or legal custodian of that child, the unborn child whose status is adjudicated by the~~
25 ~~court or the expectant mother of that unborn child~~ may at any time within one year

1 after the entering of the court's order petition the court for a rehearing on the ground
2 that new evidence has been discovered affecting the advisability of the court's
3 original adjudication. Upon a showing that such evidence does exist, the court shall
4 order a new hearing.

5 **SECTION 241.** 48.48 (1) of the statutes is amended to read:

6 48.48 (1) To promote the enforcement of the laws relating to nonmarital
7 children and children in need of protection or services including developmentally
8 disabled children and unborn children in need of protection or services and to take
9 the initiative in all matters involving the interests of such those children where and
10 unborn children when adequate provision therefor for those interests is not made.
11 This duty shall be discharged in cooperation with the courts, county departments,
12 licensed child welfare agencies and with parents, expectant mothers and other
13 individuals interested in the welfare of children and unborn children.

14 **SECTION 242.** 48.48 (16) of the statutes is amended to read:

15 48.48 (16) To establish and enforce standards for services provided under s. ss.
16 48.345 and 48.347.

17 **SECTION 243.** 48.52 (title) of the statutes is amended to read:

18 **48.52 (title) Facilities for care of children and adult expectant mothers**
19 **in care of department.**

20 **SECTION 244.** 48.52 (1m) of the statutes is created to read:

21 48.52 (1m) FACILITIES MAINTAINED OR USED FOR ADULT EXPECTANT MOTHERS. The
22 department may maintain or use the following facilities for adult expectant mothers
23 in its care:

24 (a) Community-based residential facilities, as defined in s. 50.01 (1g).

25 (b) Inpatient facilities, as defined in s. 51.01 (10).

1 (c) Other facilities determined by the department to be appropriate for the
2 adult expectant mother.

3 **SECTION 245.** 48.52 (2) (a) of the statutes is amended to read:

4 48.52 (2) (a) In addition to the facilities and services described in sub. (1), the
5 department may use other facilities and services under its jurisdiction. The
6 department may also contract for and pay for the use of other public facilities or
7 private facilities for the care and treatment of children and the expectant mothers
8 of unborn children in its care. Placements in institutions for the mentally ill or
9 developmentally disabled shall be made in accordance with ss. 48.14 (5), 48.347 (6)
10 and 48.63 and ch. 51.

11 **SECTION 246.** 48.547 (title) of the statutes is amended to read:

12 **48.547 (title) ~~Juvenile alcohol~~ Alcohol and other drug abuse pilot**
13 **program.**

14 **SECTION 247.** 48.547 (1) of the statutes is amended to read:

15 48.547 (1) LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that the use
16 and abuse of alcohol and other drugs by children and the expectant mothers of
17 unborn children is a state responsibility of statewide dimension. The legislature
18 recognizes that there is a lack of adequate procedures to screen, assess and treat
19 children and the expectant mothers of unborn children for alcohol and other drug
20 abuse. To reduce the incidence of alcohol and other drug abuse by children and the
21 expectant mothers of unborn children, the legislature deems it necessary to
22 experiment with solutions to the problems of the use and abuse of alcohol and other
23 drugs by children and the expectant mothers of unborn children by establishing a
24 juvenile and expectant mother alcohol and other drug abuse ~~pilot~~ program in a
25 limited number of counties. The purpose of the program is to develop intake and

1 court procedures that screen, assess and give new dispositional alternatives for
2 children and expectant mothers with needs and problems related to the use of alcohol
3 beverages, controlled substances or controlled substance analogs who come within
4 the jurisdiction of a court assigned to exercise jurisdiction under this chapter and ch.
5 938 in the pilot counties selected by the department.

6 **SECTION 248.** 48.547 (2) of the statutes is amended to read:

7 48.547 (2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding
8 under s. 20.435 (7) (mb) that is available for the pilot program, the department shall
9 select counties to participate in the pilot program. Unless a county department of
10 human services has been established under s. 46.23 in the county that is seeking to
11 implement a pilot program, the application submitted to the department shall be a
12 joint application by the county department that provides social services and the
13 county department established under s. 51.42 or 51.437. The department shall select
14 counties in accordance with the request for proposal procedures established by the
15 department. The department shall give a preference to county applications that
16 include a plan for case management. ~~The counties selected shall begin the pilot~~
17 ~~program on January 1, 1989.~~

18 **SECTION 249.** 48.547 (3) (intro.), (b) and (d) of the statutes are amended to read:

19 48.547 (3) MULTIDISCIPLINARY SCREEN. (intro.) ~~By September 1, 1988, the~~ The
20 department shall ~~develop~~ provide a multidisciplinary screen for the pilot program.
21 The screen shall be used by an intake worker to determine whether or not a child or
22 an expectant mother of an unborn child is in need of an alcohol or other drug abuse
23 assessment. The screen shall also include indicators that screen children and
24 expectant mothers for:

25 (b) School ~~or~~, truancy or work problems.

1 (d) Delinquent or criminal behavior patterns.

2 **SECTION 250.** 48.547 (4) of the statutes is amended to read:

3 48.547 (4) ASSESSMENT CRITERIA. ~~By September 1, 1988, the~~ The department
4 shall ~~develop~~ provide uniform alcohol and other drug abuse assessment criteria to
5 be used in the pilot program under ss. 48.245 (2) (a) 3. and 48.295 (1). An approved
6 treatment facility that assesses a person under s. 48.245 (2) (a) 3. or 48.295 (1) may
7 not also provide the person with treatment unless the department permits the
8 approved treatment facility to do both in accordance with the criteria established by
9 rule by the department.

10 **SECTION 251.** 48.57 (1) (a) of the statutes is amended to read:

11 48.57 (1) (a) To investigate the conditions surrounding nonmarital children
12 ~~and~~, children in need of protection or services, including developmentally disabled
13 children, and unborn children in need of protection or services within the county and
14 to take every reasonable action within its power to secure for them the full benefit
15 of all laws enacted for their benefit. Unless provided by another agency, the county
16 department shall offer social services to the caretaker of any child, and to the
17 expectant mother of any unborn child, who is referred to it under the conditions
18 specified in this paragraph. This duty shall be discharged in cooperation with the
19 court and with the public officers or boards legally responsible for the administration
20 and enforcement of ~~these~~ those laws.

21 **SECTION 252.** 48.57 (1) (b) of the statutes is amended to read:

22 48.57 (1) (b) To accept legal custody of children transferred to it by the court
23 under s. 48.355, to accept supervision over expectant mothers of unborn children who
24 are placed under its supervision under s. 48.355 and to provide special treatment and
25 care for children and expectant mothers if ordered by the court. A court may not

1 order a county department to administer psychotropic medications to children and
2 expectant mothers who receive special treatment or care under this paragraph.

3 **SECTION 253.** 48.57 (1) (c) of the statutes is amended to read:

4 48.57 (1) (c) To provide appropriate protection and services for children and the
5 expectant mothers of unborn children in its care, including providing services for
6 those children and their families and for those expectant mothers in their own
7 homes, placing the those children in licensed foster homes, ~~licensed~~ treatment foster
8 homes or ~~licensed~~ group homes in this state or another state within a reasonable
9 proximity to the agency with legal custody or contracting for services for ~~them~~ those
10 children by licensed child welfare agencies, except that the county department ~~shall~~
11 may not purchase the educational component of private day treatment programs
12 unless the county department, the school board as defined in s. 115.001 (7) and the
13 ~~department of education~~ state superintendent of public instruction all determine
14 that an appropriate public education program is not available. Disputes between the
15 county department and the school district shall be resolved by the ~~department of~~
16 ~~education~~ state superintendent of public instruction.

17 **SECTION 254.** 48.57 (1) (g) of the statutes is amended to read:

18 48.57 (1) (g) Upon request of the department of health and family services or
19 the department of corrections, to provide service for any child or expectant mother
20 of an unborn child in the care of those departments.

21 **SECTION 255.** 48.57 (2) of the statutes is amended to read:

22 48.57 (2) In performing the functions specified in sub. (1) the county
23 department may avail itself of the cooperation of any individual or private agency or
24 organization interested in the social welfare of children and unborn children in the
25 county.

1 **SECTION 256.** 48.59 (1) of the statutes is amended to read:

2 48.59 (1) The county department shall investigate the personal and family
3 history and environment of any child transferred to its legal custody or placed under
4 its supervision under s. 48.345 and of every expectant mother of an unborn child
5 placed under its supervision under s. 48.347 and make any physical or mental
6 examinations of the child or expectant mother considered necessary to determine the
7 type of care necessary for the child or expectant mother. The county department
8 shall screen a child or expectant mother who is examined under this subsection to
9 determine whether the child or expectant mother is in need of special treatment or
10 care because of alcohol or other drug abuse, mental illness or severe emotional
11 disturbance. The county department shall keep a complete record of the information
12 received from the court, the date of reception, all available data on the personal and
13 family history of the child or expectant mother, the results of all tests and
14 examinations given the child or expectant mother and a complete history of all
15 placements of the child while in the legal custody or under the supervision of the
16 county department or of the expectant mother while under the supervision of the
17 county department.

18 **SECTION 257.** 48.59 (2) of the statutes is amended to read:

19 48.59 (2) At the department's request, the county department shall report to
20 the department regarding children who are in the legal custody or under the
21 supervision of the county department and expectant mothers of unborn children who
22 are under the supervision of the county department.

23 **SECTION 258.** 48.78 (2) (aj) of the statutes is created to read:

24 48.78 (2) (aj) Paragraph (a) does not prohibit an agency from making available
25 for inspection or disclosing the contents of a record, upon the request of an expectant

1 mother of an unborn child who is the subject of the record, if 14 years of age or over,
2 or upon the request of an unborn child by the unborn child’s guardian ad litem to the
3 expectant mother or unborn child by the unborn child’s guardian ad litem, unless the
4 agency determines that inspection of those records by the expectant mother or
5 unborn child by the unborn child’s guardian ad litem would result in imminent
6 danger to anyone.

7 **SECTION 259.** 48.78 (2) (ap) of the statutes is created to read:

8 48.78 (2) (ap) Paragraph (a) does not prohibit an agency from making available
9 for inspection or disclosing the contents of a record, upon the written permission of
10 an expectant mother of an unborn child who is the subject of the record, if 14 years
11 of age or over, and of her parent, guardian or legal custodian, if under 14 years of age,
12 and of the unborn child by the unborn child’s guardian ad litem, to the person named
13 in the permission if the expectant mother, or parent, guardian or legal custodian, and
14 unborn child by the unborn child’s guardian ad litem specifically identify the record
15 in the written permission, unless the agency determines that inspection of those
16 records by the person named in the permission would result in imminent danger to
17 anyone.

18 **SECTION 260.** 48.981 (title) of the statutes is amended to read:

19 **48.981 (title) Abused or neglected children and abused unborn**
20 **children.**

21 **SECTION 261.** 48.981 (1) (ct) of the statutes is created to read:

22 48.981 (1) (ct) “Indian unborn child” means an unborn child who, when born,
23 may be eligible for affiliation with an Indian tribe or band in any of the following
24 ways:

25 1. As a member of the tribe or band.

1 2. As a person who is both eligible for membership in the tribe or band and the
2 biological child of a member of the tribe or band.

3 **SECTION 262.** 48.981 (1) (h) (intro.) of the statutes is amended to read:

4 48.981 (1) (h) (intro.) “Subject” means a person or unborn child named in a
5 report or record as ~~either~~ any of the following:

6 **SECTION 263.** 48.981 (1) (h) 1m. of the statutes is created to read:

7 48.981 (1) (h) 1m. An unborn child who is the victim or alleged victim of abuse
8 or who is at substantial risk of abuse.

9 **SECTION 264.** 48.981 (1) (h) 2. of the statutes is amended to read:

10 48.981 (1) (h) 2. A person who is suspected of abuse or neglect or who has been
11 determined to have abused or neglected a child or to have abused an unborn child.

12 **SECTION 265.** 48.981 (2) of the statutes is amended to read:

13 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
14 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
15 mental health professional, social worker, marriage and family therapist,
16 professional counselor, public assistance worker, including a financial and
17 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
18 counselor, mediator under s. 767.11, child care worker in a day care center or child
19 caring institution, day care provider, alcohol or other drug abuse counselor, member
20 of the treatment staff employed by or working under contract with a county
21 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
22 therapist, dietitian, speech-language pathologist, audiologist, emergency medical
23 technician or police or law enforcement officer having reasonable cause to suspect
24 that a child seen in the course of professional duties has been abused or neglected
25 or, having reasonable cause to suspect that an unborn child of an expectant mother

1 seen in the course of professional duties has been abused, having reason to believe
2 that a child seen in the course of professional duties has been threatened with abuse
3 or neglect and that abuse or neglect of the child will occur or having reason to believe
4 that an unborn child of an expectant mother seen in the course of professional duties
5 is at substantial risk of abuse shall, except as provided under sub. (2m), report as
6 provided in sub. (3). Any other person, including an attorney, having reason to
7 suspect that a child has been abused or neglected ~~or~~ reason to suspect that an unborn
8 child has been abused, reason to believe that a child has been threatened with abuse
9 or neglect and that abuse or neglect of the child will occur or reason to believe that
10 an unborn child is at substantial risk of abuse may make such a report. No person
11 making a report under this subsection may be discharged from employment for so
12 doing.

13 **SECTION 266.** 48.981 (3) (a) of the statutes is amended to read:

14 48.981 (3) (a) *Referral of report.* A person required to report under sub. (2) shall
15 immediately inform, by telephone or personally, the county department or the sheriff
16 or city, village or town police department of the facts and circumstances contributing
17 to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that
18 abuse or neglect will occur. The sheriff or police department shall within 12 hours,
19 exclusive of Saturdays, Sundays or legal holidays, refer to the county department all
20 cases reported to it. The county department may require that a subsequent report
21 be made in writing. Each county department shall adopt a written policy specifying
22 the kinds of reports it will routinely report to local law enforcement authorities.

23 **SECTION 267.** 48.981 (3) (b) 1. of the statutes is amended to read:

24 48.981 (3) (b) 1. Any person reporting under this section may request an
25 immediate investigation by the sheriff or police department if the person has reason

1 to suspect that ~~a child's~~ the health or safety of a child or of an unborn child is in
2 immediate danger. Upon receiving such a request, the sheriff or police department
3 shall immediately investigate to determine if there is reason to believe that the
4 ~~child's health or safety~~ of the child or unborn child is in immediate danger and take
5 any necessary action to protect the child or unborn child.

6 **SECTION 268.** 48.981 (3) (b) 2. of the statutes is amended to read:

7 48.981 (3) (b) 2. If the investigating officer has reason under s. 48.19 (1) (c) or
8 (cm) or (d) 5. or 8. to take a child into custody, the investigating officer shall take the
9 child into custody and deliver the child to the intake worker under s. 48.20.

10 **SECTION 269.** 48.981 (3) (b) 2m. of the statutes is created to read:

11 48.981 (3) (b) 2m. If the investigating officer has reason under s. 48.193 (1) (c)
12 or (d) 2. to take the adult expectant mother of an unborn child into custody, the
13 investigating officer shall take the adult expectant mother into custody and deliver
14 the adult expectant mother to the intake worker under s. 48.203.

15 **SECTION 270.** 48.981 (3) (bm) (intro.) of the statutes is amended to read:

16 48.981 (3) (bm) *Notice of report to Indian tribal agent.* (intro.) In a county
17 which has wholly or partially within its boundaries a federally recognized Indian
18 reservation or a bureau of Indian affairs service area for the Winnebago Ho-Chunk
19 tribe, if a county department which receives a report under par. (a) pertaining to a
20 child or unborn child knows that ~~he or she~~ the child is an Indian child who resides
21 in the county or that the unborn child is an Indian unborn child whose expectant
22 mother resides in the county, the county department shall provide notice, which shall
23 consist only of the name and address of the child or expectant mother and the fact
24 that a report has been received about that child or unborn child, within 24 hours to
25 one of the following:

1 **SECTION 271.** 48.981 (3) (bm) 1. of the statutes is amended to read:

2 48.981 (3) (bm) 1. If the county department knows with which tribe or band the
3 child is affiliated, or with which tribe or band the unborn child, when born, may be
4 eligible for affiliation, and it is a Wisconsin tribe or band, the tribal agent of that tribe
5 or band.

6 **SECTION 272.** 48.981 (3) (bm) 2. of the statutes is amended to read:

7 48.981 (3) (bm) 2. If the county department does not know with which tribe or
8 band the child is affiliated, or with which tribe or band the unborn child, when born,
9 may be eligible for affiliation, or the child or expectant mother is not affiliated with
10 a Wisconsin tribe or band, the tribal agent serving the reservation or Winnebago
11 Ho-Chunk service area where the child or expectant mother resides.

12 **SECTION 273.** 48.981 (3) (bm) 3. of the statutes is amended to read:

13 48.981 (3) (bm) 3. If neither subd. 1. nor 2. applies, any tribal agent serving a
14 reservation or Winnebago Ho-Chunk service area in the county.

15 **SECTION 274.** 48.981 (3) (c) 1. of the statutes is amended to read:

16 48.981 (3) (c) 1. Within 24 hours after receiving a report under par. (a), the
17 county department or licensed child welfare agency under contract with the county
18 department shall, in accordance with the authority granted to the county
19 department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the
20 child or unborn child is in need of protection or services. The investigation shall be
21 conducted in accordance with standards established by the department for
22 conducting child abuse and neglect investigations or unborn child abuse
23 investigations. If the investigation is of a report of abuse or neglect or threatened
24 abuse or neglect by a caregiver specified in sub. (1) (am) 5. to 8. who continues to have
25 access to the child or a caregiver specified in sub. (1) (am) 1. to 4., or of a report that

1 does not disclose who is suspected of the abuse or neglect and in which the
2 investigation does not disclose who abused or neglected the child, the investigation
3 shall also include observation of or an interview with the child, or both, and, if
4 possible, an interview with the child's parents, guardian or legal custodian. If the
5 investigation is of a report of abuse or neglect or threatened abuse or neglect by a
6 caregiver who continues to reside in the same dwelling as the child, the investigation
7 shall also include, if possible, a visit to that dwelling. At the initial visit to the child's
8 dwelling, the person making the investigation shall identify himself or herself and
9 the county department or licensed child welfare agency involved to the child's
10 parents, guardian or legal custodian. The county department or licensed child
11 welfare agency under contract with the county department may contact, observe or
12 interview the child at any location without permission from the child's parent,
13 guardian or legal custodian if necessary to determine if the child is in need of
14 protection or services, except that the person making the investigation may enter a
15 child's dwelling only with permission from the child's parent, guardian or legal
16 custodian or after obtaining a court order to do so.

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

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

1 b. If the person making the investigation is an employe of a licensed child
2 welfare agency which is under contract with the county department and he or she
3 determines that any unborn child requires immediate protection, he or she shall
4 notify the county department of the circumstances and together with an employe of
5 the county department shall take the expectant mother of the unborn child into
6 custody under s. 48.08 (2), 48.19 (1) (cm) or 48.193 (1) (c) and deliver the expectant
7 mother to the intake worker under s. 48.20 or 48.203.

8 **SECTION 276.** 48.981 (3) (c) 3. of the statutes is amended to read:

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

19 **SECTION 277.** 48.981 (3) (c) 5. of the statutes is amended to read:

20 48.981 (3) (c) 5. The county department and licensed child welfare agency
21 under contract with the county department shall maintain a record of its actions in
22 connection with each report it receives. The record shall include a description of the
23 services provided to any child and to the parents, guardian or legal custodian of the
24 child or to any expectant mother of an unborn child. The county department and

1 licensed child welfare agency under contract with the county department shall
2 update the record every 6 months until the case is closed.

3 **SECTION 278.** 48.981 (3) (c) 6. of the statutes is amended to read:

4 48.981 (3) (c) 6. The county department or licensed child welfare agency under
5 contract with the county department shall, within 60 days after it receives a report
6 from a person required under sub. (2) to report, inform the reporter what action, if
7 any, was taken to protect the health and welfare of the child or unborn child who is
8 the subject of the report.

9 **SECTION 279.** 48.981 (3) (c) 6m. of the statutes is amended to read:

10 48.981 (3) (c) 6m. If a person who is not required under sub. (2) to report makes
11 a report and is a relative of the child, other than the child's parent, or is a relative
12 of the expectant mother of the unborn child, that person may make a written request
13 to the county department or licensed child welfare agency under contract with the
14 county department 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. A county department or licensed child welfare agency that receives a written
17 request under this subdivision shall, within 60 days after it receives the report or 20
18 days after it receives the written request, whichever is later, inform the reporter in
19 writing of what action, if any, was taken to protect the health and welfare of the child
20 or unborn child, unless a court order prohibits that disclosure, and of the duty to keep
21 the information confidential under sub. (7) (e) and the penalties for failing to do so
22 under sub. (7) (f). The county department or licensed child welfare agency may
23 petition the court ex parte for an order prohibiting that disclosure and, if the county
24 department or licensed child welfare agency does so, the time period within which
25 the information must be disclosed is tolled on the date the petition is filed and

1 remains tolled until the court issues a decision. The court may hold an ex parte
2 hearing in camera and shall issue an order granting the petition if the court
3 determines that disclosure of the information would not be in the best interests of the
4 child or unborn child.

5 **SECTION 280.** 48.981 (3) (c) 7. of the statutes is amended to read:

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

16 **SECTION 281.** 48.981 (3) (c) 8. of the statutes is amended to read:

17 48.981 (3) (c) 8. Using the format prescribed by the department, each county
18 department shall provide the department with information about each report that
19 it receives or that is received by a licensed child welfare agency that is under contract
20 with the county department and about each investigation it or a licensed child
21 welfare agency under contract with the county department conducts. This
22 information shall be used by the department to monitor services provided by county
23 departments or licensed child welfare agencies under contract with county
24 departments. The department shall use nonidentifying information to maintain

1 statewide statistics on child abuse and neglect and on unborn child abuse, and for
2 planning and policy development purposes.

3 **SECTION 282.** 48.981 (3) (d) 1. of the statutes is amended to read:

4 48.981 (3) (d) 1. In this paragraph, “agent” includes, but is not limited to, a
5 foster parent, treatment foster parent or other person given custody of a child or a
6 human services professional employed by a county department under s. 51.42 or
7 51.437 who is working with the a child or expectant mother of an unborn child under
8 contract with or under the supervision of the county department under s. 46.215 or
9 46.22.

10 **SECTION 283.** 48.981 (3) (d) 2. of the statutes is amended to read:

11 48.981 (3) (d) 2. If an agent or employe of a county department or licensed child
12 welfare agency under contract with the county department required to investigate
13 under this subsection is the subject of a report, or if the county department or
14 licensed child welfare agency under contract with the county department determines
15 that, because of the relationship between the county department or licensed child
16 welfare agency under contract with the county department and the subject of a
17 report, there is a substantial probability that the county department or licensed child
18 welfare agency under contract with the county department would not conduct an
19 unbiased investigation, the county department or licensed child welfare agency
20 under contract with the county department shall, after taking any action necessary
21 to protect the child or unborn child, notify the department. Upon receipt of the notice,
22 the department or a county department or child welfare agency designated by the
23 department shall conduct an independent investigation. If the department
24 designates a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, that
25 county department shall conduct the independent investigation. If a licensed child

1 welfare agency agrees to conduct the independent investigation, the department
2 may designate that agency to do so. The powers and duties of the department or
3 designated county department or child welfare agency making an independent
4 investigation are those given to county departments under par. (c).

5 **SECTION 284.** 48.981 (4) of the statutes is amended to read:

6 48.981 (4) IMMUNITY FROM LIABILITY. Any person or institution participating in
7 good faith in the making of a report, conducting an investigation, ordering or taking
8 of photographs or ordering or performing medical examinations of a child or of an
9 expectant mother under this section shall have immunity from any liability, civil or
10 criminal, that results by reason of the action. For the purpose of any proceeding, civil
11 or criminal, the good faith of any person reporting under this section shall be
12 presumed. The immunity provided under this subsection does not apply to liability
13 for abusing or neglecting a child or for abusing an unborn child.

14 **SECTION 285.** 48.981 (7) (a) 1m. of the statutes is amended to read:

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

23 **SECTION 286.** 48.981 (7) (a) 3m. of the statutes is amended to read:

1 48.981 (7) (a) 3m. A child's parent, guardian or legal custodian or the expectant
2 mother of an unborn child, except that the person or agency maintaining the record
3 or report may not disclose any information that would identify the reporter.

4 **SECTION 287.** 48.981 (7) (a) 4. of the statutes is amended to read:

5 48.981 (7) (a) 4. A child's foster parent, treatment foster parent or other person
6 having physical custody of the child or a person having physical custody of the
7 expectant mother of an unborn child, except that the person or agency maintaining
8 the record or report may not disclose any information that would identify the
9 reporter.

10 **SECTION 288.** 48.981 (7) (a) 5. of the statutes is amended to read:

11 48.981 (7) (a) 5. A professional employe of a county department under s. 51.42
12 or 51.437 who is working with the child or the expectant mother of the unborn child
13 under contract with or under the supervision of the county department under s.
14 46.215 or 46.22.

15 **SECTION 289.** 48.981 (7) (a) 6. of the statutes is amended to read:

16 48.981 (7) (a) 6. A multidisciplinary child abuse and neglect or unborn child
17 abuse team recognized by the county department.

18 **SECTION 290.** 48.981 (7) (a) 10. of the statutes is amended to read:

19 48.981 (7) (a) 10. A court conducting proceedings under s. 48.21 or 48.213, a
20 court conducting proceedings related to a petition under s. 48.13, 48.133 or 48.42 or
21 a court conducting dispositional proceedings under subch. VI or VIII in which abuse
22 or neglect of the child who is the subject of the report or record or abuse of the unborn
23 child who is the subject of the report or record is an issue.

24 **SECTION 291.** 48.981 (7) (a) 10m. of the statutes is amended to read:

1 48.981 (7) (a) 10m. A tribal court, or other adjudicative body authorized by a
2 tribe or band to perform child welfare functions, that exercises jurisdiction over
3 children and unborn children alleged to be in need of protection or services for use
4 in proceedings in which abuse or neglect of the child who is the subject of the report
5 or record or abuse of the unborn child who is the subject of the report or record is an
6 issue.

7 **SECTION 292.** 48.981 (7) (a) 11. of the statutes is amended to read:

8 48.981 (7) (a) 11. The county corporation counsel or district attorney
9 representing the interests of the public and in proceedings under subd. 10., 10g. or
10 10j., the counsel or guardian ad litem representing the interests of a child in
11 proceedings under subd. 10., 10g. or 10j. and the guardian ad litem representing the
12 interests of an unborn child in proceedings under subd. 10.

13 **SECTION 293.** 48.981 (7) (a) 11m. of the statutes is amended to read:

14 48.981 (7) (a) 11m. An attorney representing the interests of an Indian tribe
15 or band ~~or~~ in proceedings under subd. 10m. or 10r., of an Indian child in proceedings
16 under subd. 10m. or 10r. or of an Indian unborn child in proceedings under subd.
17 10m.

18 **SECTION 294.** 48.981 (7) (a) 11r. of the statutes is amended to read:

19 48.981 (7) (a) 11r. A volunteer appointed or person employed by a
20 court-appointed special advocate program recognized by the county board or the
21 county department, to the extent necessary to perform the advocacy services in
22 proceedings related to a petition under s. 48.13 or 48.133 for which the
23 court-appointed special advocate program is recognized by the county board or
24 county department.

25 **SECTION 295.** 48.981 (7) (a) 17. of the statutes is amended to read:

1 48.981 (7) (a) 17. A federal agency, state agency of this state or any other state
2 or local governmental unit located in this state or any other state that has a need for
3 a report or record in order to carry out its responsibility to protect children from
4 abuse or neglect or to protect unborn children from abuse.

5 **SECTION 296.** 48.981 (8) (a) of the statutes is amended to read:

6 48.981 (8) (a) The department and county departments to the extent feasible
7 shall conduct continuing education and training programs for staff of the
8 department, county departments and tribal social services departments, persons
9 and officials required to report, the general public and others as appropriate. The
10 programs shall be designed to encourage reporting of child abuse and neglect and of
11 unborn child abuse, to encourage self-reporting and voluntary acceptance of services
12 and to improve communication, cooperation and coordination in the identification,
13 prevention and treatment of child abuse and neglect and of unborn child abuse. The
14 department and county departments shall develop public information programs
15 about child abuse and neglect and about unborn child abuse.

16 **SECTION 297.** 48.981 (8) (b) of the statutes is amended to read:

17 48.981 (8) (b) The department shall to the extent feasible ensure that there are
18 available in the state administrative procedures, personnel trained in child abuse
19 and neglect and in unborn child abuse, multidisciplinary programs and operational
20 procedures and capabilities to deal effectively with child abuse and neglect cases and
21 with unborn child abuse cases. These procedures and capabilities may include, but
22 are not limited to, receipt, investigation and verification of reports; determination of
23 treatment or ameliorative social services; or referral to the appropriate court.

24 **SECTION 298.** 48.981 (8) (c) of the statutes is amended to read:

1 48.981 (8) (c) In meeting its responsibilities under par. (a) or (b), the
2 department or a county department may contract with any public or private
3 organization which meets the standards set by the department. In entering into the
4 contracts the department or county department shall give priority to parental
5 organizations combating child abuse and neglect or unborn child abuse.

6 **SECTION 299.** 48.981 (8) (d) 1. of the statutes is amended to read:

7 48.981 (8) (d) 1. Each county department or licensed child welfare agency
8 under contract with a county department staff member and supervisor whose
9 responsibilities include investigation or treatment of child abuse and neglect or of
10 unborn child abuse shall successfully complete training in child abuse and neglect
11 protective services and in unborn child abuse protective services approved by the
12 department. The department shall monitor compliance with this subdivision
13 according to rules promulgated by the department.

14 **SECTION 300.** 48.981 (9) of the statutes is amended to read:

15 48.981 (9) ANNUAL REPORTS. Annually, the department shall prepare and
16 transmit to the governor, and to the legislature under s. 13.172 (2), a report on the
17 status of child abuse and neglect programs and on the status of unborn child abuse
18 programs. The report shall include a full statistical analysis of the child abuse and
19 neglect reports, and the unborn child abuse reports, made through the last calendar
20 year, an evaluation of services offered under this section and their effectiveness, and
21 recommendations for additional legislative and other action to fulfill the purpose of
22 this section. The department shall provide statistical breakdowns by county, if
23 requested by a county.

24 **SECTION 301.** 48.985 (1) of the statutes is amended to read:

1 48.985 (1) FEDERAL PROGRAM OPERATIONS. From the appropriation under s.
2 20.435 (3) (n), the department shall expend not more than \$543,700 in fiscal year
3 1995-96 and not more than \$543,700 in fiscal year 1996-97 of the moneys received
4 under 42 USC 620 to 626 for the department's expenses in connection with
5 administering the expenditure of funds received under 42 USC 620 to 626, for child
6 welfare projects and services provided or purchased by the department, for child
7 abuse and neglect and unborn child abuse independent investigations and for
8 providing child-at-risk and unborn child-at-risk field training to counties.

9 **SECTION 302.** 48.985 (2) (a) of the statutes is renumbered 48.985 (2) and
10 amended to read:

11 48.985 (2) From the appropriation under s. 20.435 (7) (o), the department shall
12 distribute not more than \$3,919,800 in each fiscal year of the moneys received under
13 42 USC 620 to 626 to county departments under ss. 46.215, 46.22 and 46.23 for the
14 provision or purchase of child welfare projects and services, for services to children
15 and families, for services to the expectant mothers of unborn children and for
16 family-based child welfare services.

17 **SECTION 303.** 51.13 (4) (h) 4. of the statutes is amended to read:

18 51.13 (4) (h) 4. If there is a reason to believe the minor is in need of protection
19 or services under s. 48.13 or 938.13 or the minor is an expectant mother of an unborn
20 child in need of protection or services under s. 48.133, dismiss the petition and
21 authorize the filing of a petition under s. 48.25 (3) or 938.25 (3). The court may
22 release the minor or may order that the minor be taken and held in custody under
23 s. 48.19 (1) (c) or (cm) or 938.19 (1) (c).

24 **SECTION 304.** 51.30 (4) (b) 9. of the statutes is amended to read:

1 51.30 (4) (b) 9. To a facility which is to receive an individual who is involuntarily
2 committed under this chapter, ch. 48, 971 or 975 upon transfer of the individual from
3 one treatment facility to another. Release of records under this subdivision shall be
4 limited to such treatment records as are required by law, a record or summary of all
5 somatic treatments, and a discharge summary. The discharge summary may include
6 a statement of the patient's problem, the treatment goals, the type of treatment
7 which has been provided, and recommendation for future treatment, but it may not
8 include the patient's complete treatment record. The department shall promulgate
9 rules to implement this subdivision.

10 **SECTION 305.** 51.30 (4) (b) 11. of the statutes is amended to read:

11 51.30 (4) (b) 11. To the subject individual's counsel or guardian ad litem,
12 without modification, at any time in order to prepare for involuntary commitment
13 or recommitment proceedings, reexaminations, appeals or other actions relating to
14 detention, admission, commitment or patients' rights under this chapter or ch. 48,
15 971 or 975.

16 **SECTION 306.** 51.30 (4) (b) 11m. of the statutes is created to read:

17 51.30 (4) (b) 11m. To the guardian ad litem of the unborn child, as defined in
18 s. 48.02 (19), of a subject individual, without modification, at any time to prepare for
19 proceedings under s. 48.133.

20 **SECTION 307.** 51.30 (4) (b) 14. of the statutes is amended to read:

21 51.30 (4) (b) 14. To the counsel for the interests of the public in order to prepare
22 for involuntary commitment or recommitment proceedings, reexaminations,
23 appeals or other actions relating to detention, admission or commitment under this
24 chapter or ch. 48, 971 or 975. Records released under this subdivision are limited to

1 information concerning the admission, detention or commitment of an individual
2 who is presently admitted, detained or committed.

3 **SECTION 308.** 51.30 (4) (b) 17. of the statutes is amended to read:

4 51.30 (4) (b) 17. To the county agency designated under s. 46.90 (2) or other
5 investigating agency under s. 46.90 for the purposes of s. 46.90 (4) (a) and (5) , to the
6 county department, as defined in s. 48.02 (2g), or the sheriff or police department for
7 the purposes of s. 48.981 (2) and (3) or to the county protective services agency
8 designated under s. 55.02 for purposes of s. 55.043. The treatment record holder may
9 release treatment record information by initiating contact with the county protective
10 services agency or county department, as defined in s. 48.02 (2g), without first
11 receiving a request for release of the treatment record from the county protective
12 services agency or county department.

13 **SECTION 309.** 51.61 (1) (intro.) of the statutes is amended to read:

14 51.61 (1) (intro.) In this section, “patient” means any individual who is
15 receiving services for mental illness, developmental disabilities, alcoholism or drug
16 dependency, including any individual who is admitted to a treatment facility in
17 accordance with this chapter or ch. 48 or 55 or who is detained, committed or placed
18 under this chapter or ch. 48, 55, 971, 975 or 980, or who is transferred to a treatment
19 facility under s. 51.35 (3) or 51.37 or who is receiving care or treatment for those
20 conditions through the department or a county department under s. 51.42 or 51.437
21 or in a private treatment facility. “Patient” does not include persons committed
22 under ch. 975 who are transferred to or residing in any state prison listed under s.
23 302.01. In private hospitals and in public general hospitals, “patient” includes any
24 individual who is admitted for the primary purpose of treatment of mental illness,
25 developmental disability, alcoholism or drug abuse but does not include an

1 individual who receives treatment in a hospital emergency room nor an individual
2 who receives treatment on an outpatient basis at those hospitals, unless the
3 individual is otherwise covered under this subsection. Except as provided in sub. (2),
4 each patient shall:

5 **SECTION 310.** 146.0255 (2) of the statutes is amended to read:

6 146.0255 (2) TESTING. Any hospital employe who provides health care, social
7 worker or intake worker under ch. 48 may refer an infant or an expectant mother of
8 an unborn child, as defined in s. 48.02 (19), to a physician for testing of the infant's
9 bodily fluids of the infant or expectant mother for controlled substances or controlled
10 substance analogs if the hospital employe who provides health care, social worker or
11 intake worker suspects that the infant or expectant mother has controlled
12 substances or controlled substance analogs in the infant's bodily fluids of the infant
13 or expectant mother because of the ~~mother's~~ use of controlled substances or
14 controlled substance analogs by the mother while she was pregnant with the infant
15 or by the expectant mother while she is pregnant with the unborn child. The
16 physician may test the infant or expectant mother to ascertain whether or not the
17 infant or expectant mother has controlled substances or controlled substance
18 analogs in the infant's bodily fluids of the infant or expectant mother, if the physician
19 determines that there is a serious risk that there are controlled substances or
20 controlled substance analogs in the infant's bodily fluids of the infant or expectant
21 mother because of the ~~mother's~~ use of controlled substances or controlled substance
22 analogs by the mother while she was pregnant with the infant or by the expectant
23 mother while she is pregnant with the unborn child and that the health of the infant,
24 the unborn child or the child when born may be adversely affected by the controlled
25 substances or controlled substance analogs. If the results of the test indicate that

1 the infant or expectant mother does have controlled substances or controlled
2 substance analogs in the infant's bodily fluids of the infant or expectant mother, the
3 physician shall make a report under s. 46.238.

4 **SECTION 311.** 146.0255 (3) (intro.) of the statutes is amended to read:

5 146.0255 (3) TEST RESULTS. (intro.) The physician who performs a test under
6 sub. (2) shall provide the infant's parents or guardian or the expectant mother with
7 all of the following information:

8 **SECTION 312.** 146.82 (2) (a) 11. of the statutes is amended to read:

9 146.82 (2) (a) 11. To a county department, as defined under s. 48.02 (2g), a
10 sheriff or police department or a district attorney for purposes of investigation of
11 threatened or suspected child abuse or neglect or suspected unborn child abuse or
12 for purposes of prosecution of alleged child abuse or neglect, if the person conducting
13 the investigation or prosecution identifies the subject of the record by name. The
14 health care provider may release information by initiating contact with a county
15 department, sheriff or police department or district attorney without receiving a
16 request for release of the information. A person to whom a report or record is
17 disclosed under this subdivision may not further disclose it, except to the persons,
18 for the purposes and under the conditions specified in s. 48.981 (7).

19 **SECTION 313.** 301.01 (2) (cm) of the statutes is created to read:

20 301.01 (2) (cm) Any expectant mother held in custody under ss. 48.193 to
21 48.213.

22 **SECTION 314.** 757.69 (1) (g) of the statutes is amended to read:

23 757.69 (1) (g) When assigned to the court assigned jurisdiction under chs. 48
24 and 938, a court commissioner may, under ch. 48 or 938, issue summonses and
25 warrants, order the release or detention of children ~~apprehended~~ or expectant

1 mothers of unborn children taken into custody, conduct detention and shelter care
2 hearings, conduct preliminary appearances, conduct uncontested proceedings under
3 ss. 48.13, 48.133, 938.12, 938.13 and 938.18, enter into consent decrees and exercise
4 the powers and perform the duties specified in par. (j) or (m), whichever is applicable,
5 in proceedings under s. 813.122 or 813.125 in which the respondent is a child.
6 Contested waiver hearings under s. 938.18 and dispositional hearings under ss.
7 48.335 and 938.335 shall be conducted by a judge. When acting in an official capacity
8 and assigned to the children's court center, a court commissioner shall sit at the
9 children's court center or such other facility designated by the chief judge. Any
10 decision by the commissioner shall be reviewed by the judge of the branch of court
11 to which the case has been assigned, upon motion of any party. Any determination,
12 order or ruling by the commissioner may be certified to the branch of court to which
13 such case has been assigned upon a motion of any party for a hearing de novo.

14 **SECTION 315.** 808.075 (4) (a) 4. of the statutes is amended to read:

15 808.075 (4) (a) 4. Hearing for child held in custody under s. 48.21 or an adult
16 expectant mother of an unborn child held in custody under s. 48.213.

17 **SECTION 316.** 813.122 (1) (a) of the statutes is amended to read:

18 813.122 (1) (a) "Abuse" has the meaning given in s. 48.02 (1) (a) and (b) to (gm)
19 and, in addition, includes a threat to engage in any conduct under s. 48.02 (1), other
20 than conduct under s. 48.02 (1) (am).

21 **SECTION 317.** 904.085 (4) (d) of the statutes is amended to read:

22 904.085 (4) (d) A mediator reporting child or unborn child abuse under s.
23 48.981 or reporting nonidentifying information for statistical, research or
24 educational purposes does not violate this section.

25 **SECTION 318.** 905.04 (4) (e) (title) of the statutes is amended to read:

1 905.04 (4) (e) (title) *Abused or neglected child or abused unborn child.*

2 **SECTION 319.** 905.04 (4) (e) 3. of the statutes is created to read:

3 905.04 (4) (e) 3. There is no privilege in situations where the examination of
4 the expectant mother of an abused unborn child creates a reasonable ground for an
5 opinion of the physician, registered nurse, chiropractor, psychologist, social worker,
6 marriage and family therapist or professional counselor that the physical injury
7 inflicted on the unborn child was caused by the habitual lack of self-control of the
8 expectant mother of the unborn child in the use of alcohol beverages, controlled
9 substances or controlled substance analogs, exhibited to a severe degree.

10 **SECTION 320.** 938.245 (8) of the statutes is amended to read:

11 938.245 (8) If the obligations imposed under the deferred prosecution
12 agreement are met, the intake worker shall so inform the juvenile and a parent,
13 guardian and legal custodian in writing, and no petition may be filed or citation
14 issued on the charges that brought about the deferred prosecution agreement nor
15 may the charges be the sole basis for a petition under s. 48.13, 48.133, 48.14, 938.13
16 or 938.14.

17 **SECTION 321. Initial applicability.**

18 (1) This act first applies to an expectant mother of an unborn child, as defined
19 in section 48.02 (19) of the statutes, as created by this act, who exhibits a lack of
20 self-control in the use of alcohol beverages, controlled substances or controlled
21 substance analogs, to a severe degree, on the effective date of this subsection, but
22 does not preclude consideration of a lack of that self-control exhibited before the
23 effective date of this subsection in determining whether the lack of that self-control
24 is habitual or is habitually exhibited to a severe degree, or in determining whether
25 there is a substantial risk that the physical health of the unborn child, or of the child

1 when born, will be seriously affected or endangered due to the habitual lack of that
2 self-control, exhibited to a severe degree.

3 (END)