



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4582/1
EAW&TKK:emw

2017 ASSEMBLY BILL 780

December 27, 2017 - Introduced by Representatives RODRIGUEZ, CROWLEY, NEYLON, BILLINGS, KATSMA, DOYLE, NOVAK, MEYERS, BALLWEG, SUBECK, KITCHENS, PRONSCHINSKE, SNYDER, ANDERSON, BERCEAU, BORN, E. BROOKS, FELZKOWSKI, FIELDS, GENRICH, KNODL, KRUG, KULP, MURSAU, PETERSEN, PETRYK, QUINN, RIPP, ROHRKASTE, SARGENT, SCHRAA, SINICKI, SPREITZER, STEINEKE, SWEARINGEN, TAUCHEN, C. TAYLOR, TITTL, TRANEL, VANDERMEER, ZEPNICK and SPIROS, cosponsored by Senators PETROWSKI, JOHNSON, CARPENTER, DARLING, LARSON, OLSEN, L. TAYLOR and VINEHOUT. Referred to Committee on Education.

1 **AN ACT to amend** 48.38 (5) (b), 48.38 (5) (bm) 1., 48.38 (5m) (b), 48.38 (5m) (c)
2 1., 48.62 (3), 48.625 (2m), 48.64 (1r) and 118.125 (4) of the statutes; **relating**
3 **to:** notice to a school of a permanency review or hearing, notice to a school
4 district of a foster home or group home license or out-of-home care placement,
5 and transfer of pupil records.

Analysis by the Legislative Reference Bureau

This bill makes changes to various requirements for schools related to permanency hearings, foster care, and transfer of pupil records. The bill adds a child's school to the list of entities that receive notice of and may comment on an upcoming permanency review or permanency hearing under the Children's Code. The bill changes the requirements for notifying a school and a school district when a foster home or group home is licensed and when a child is placed in out-of-home care. The bill also changes the time period within which a school must transfer the records of a pupil who attended that school to an individual or entity that requests those records, and that is authorized to receive those records, from five working days to the next working day.

Currently, when a child adjudged to be in need of protection or services is removed from his or her home in a proceeding under the Children's Code, the agency responsible for that child's removal is required to prepare a permanency plan, designed to ensure that the child is reunified with his or her family whenever appropriate, or that the child quickly attains a placement or home providing

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long-term stability. Current law requires the court assigned to exercise jurisdiction under the Children's Code (juvenile court) to periodically review the plan and to periodically hold a hearing on the plan. Under current law, when a permanency plan is up for review or a hearing, notice of the review or hearing is sent to a list of interested parties and persons as prescribed by the Children's Code. Parties to the proceeding have a right to submit written comments on the permanency plan and participate in the review or hearing; other interested persons may have the right to submit comments to the juvenile court on the proposed plan.

This bill adds the child's school to the list of entities or persons that receive notice of the review or hearing and that may have the opportunity to submit written comments to the court on the proposed plan, but may not otherwise participate in the review or appear at the hearing.

Under current law, when a new foster home or group home is licensed, the licensing agency is required to notify the clerk of the school district in which the foster home or group home is located. This bill requires that the licensing agency notify a school district of a newly licensed foster home or group home located in the school district, but does not specify that the notice must be sent to the clerk of the school district.

Under current law, when a child is placed in a foster home, group home, shelter care facility, or the home of a relative other than a parent (out-of-home care placement), the agency placing the child in the out-of-home care placement is required to notify the clerk of the school district where the out-of-home care placement is located that a placement has been made. This bill requires that the agency making an out-of-home care placement give notification of the placement to the school district and school where the child will attend after the placement is made. The bill does not specify that the notice must be sent to the clerk of the school district.

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

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

2 48.38 **(5)** (b) The court or the agency shall notify the child; the child's parent,
3 guardian, and legal custodian; the child's foster parent, the operator of the facility
4 in which the child is living, or the relative with whom the child is living; and, if the
5 child is an Indian child who is placed outside the home of his or her parent or Indian
6 custodian, the Indian child's Indian custodian and tribe of the time, place, and
7 purpose of the review, of the issues to be determined as part of the review, and of the
8 fact that they shall have a right to be heard at the review as provided in par. (bm)

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

8 **SECTION 2.** 48.38 (5) (bm) 1. of the statutes is amended to read:

9 48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent,
10 operator of a facility, or relative who is provided notice of the review under par. (b)
11 shall have a right to be heard at the review by submitting written comments relevant
12 to the determinations specified in par. (c) not less than 10 working days before the
13 date of the review or by participating at the review. A person representing the
14 interests of the public, counsel, guardian ad litem, ~~or~~ court-appointed special
15 advocate, or school who is provided notice of the review under par. (b) may have an
16 opportunity to be heard at the review by submitting written comments relevant to
17 the determinations specified in par. (c) not less than 10 working days before the date
18 of the review. A foster parent, operator of a facility, or relative who receives notice
19 of a review under par. (b) and a right to be heard under this subdivision does not
20 become a party to the proceeding on which the review is held solely on the basis of
21 receiving that notice and right to be heard.

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

23 48.38 (5m) (b) ~~Not less than 30 days before the date of the hearing, the~~ The
24 court shall notify the child; the child's parent, guardian, and legal custodian; and the
25 child's foster parent, the operator of the facility in which the child is living, or the

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1 relative with whom the child is living of the time, place, and purpose of the hearing,
2 of the issues to be determined at the hearing, and of the fact that they shall have a
3 right to be heard at the hearing as provided in par. (c) 1. ~~and~~ The court shall notify
4 the child's counsel, the child's guardian ad litem, and the child's court-appointed
5 special advocate; the agency that prepared the permanency plan; the child's school;
6 the person representing the interests of the public; and, if the child is an Indian child
7 who is placed outside the home of his or her parent or Indian custodian, the Indian
8 child's Indian custodian and tribe of the time, place, and purpose of the hearing, of
9 the issues to be determined at the hearing, and of the fact that they may have an
10 opportunity to be heard at the hearing as provided in par. (c) 1. The notices under
11 this paragraph shall be provided in writing not less than 30 days before the hearing.

12 **SECTION 4.** 48.38 (5m) (c) 1. of the statutes is amended to read:

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

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1 on which the hearing is held solely on the basis of receiving that notice and right to
2 be heard.

3 **SECTION 5.** 48.62 (3) of the statutes is amended to read:

4 48.62 (3) When the department, a county department, or a child welfare agency
5 issues a license to operate a foster home, the department, county department, or
6 child welfare agency shall notify the ~~clerk of the~~ school district in which the foster
7 home is located that a foster home has been licensed in the school district.

8 **SECTION 6.** 48.625 (2m) of the statutes is amended to read:

9 48.625 (2m) When the department issues a license to operate a group home,
10 the department shall notify the ~~clerk of the~~ school district in which the group home
11 is located that a group home has been licensed in the school district.

12 **SECTION 7.** 48.64 (1r) of the statutes is amended to read:

13 48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT AND SCHOOL. When an agency places
14 a school-age child in a ~~foster home, group home, or shelter care facility approved~~
15 ~~under s. 938.22 (2) (c) or in the home of a relative other than a parent~~ out-of-home
16 care, the agency shall ~~notify the clerk of the~~ give notification of the out-of-home care
17 placement to the school district in which the ~~foster home, group home, shelter care~~
18 ~~facility, or home of the relative is located that a school-age child has been placed in~~
19 ~~a foster home, group home, shelter care facility, or home of a relative in the school~~
20 ~~district~~ and the school in which the child will enroll after the placement is made,
21 unless the child will remain enrolled in his or her school and school district of origin.
22 If the child will remain enrolled in his or her school and school district of origin, the
23 agency shall give notification of the out-of-home care placement to the child's school
24 district and school of origin.

25 **SECTION 8.** 118.125 (4) of the statutes is amended to read:

