



1995 ENGROSSED ASSEMBLY BILL 130

June 6, 1995 - Printed by direction of ASSEMBLY CHIEF CLERK.

1 **AN ACT to repeal** 20.410 (1) (am), 20.435 (3) (au), 20.435 (3) (bg), 20.435 (3) (k),
2 46.025, 46.26 (4) (dr), 48.01 (1) (c), 48.01 (1) (d), 48.01 (1) (h), 48.02 (3m), 48.02
3 (9m), 48.02 (15m), 48.065 (2) (g), 48.065 (3) (a), 48.065 (3) (f), 48.069 (1) (dj),
4 48.08 (3), 48.09 (1), 48.09 (2), 48.09 (3), 48.09 (4), 48.125, 48.13 (6), 48.13 (6m),
5 48.13 (7), 48.13 (12), 48.13 (14), 48.14 (4), 48.17, 48.18 (title) and (1), 48.18 (2),
6 48.18 (2m), 48.18 (3), 48.18 (4), 48.18 (5) (intro.), 48.18 (5) (a), 48.18 (5) (b), 48.18
7 (5) (c), 48.18 (5) (d), 48.18 (6), 48.18 (8), 48.18 (9), 48.183, 48.185 (3), 48.19 (1)
8 (d) 3., 48.19 (1) (d) 6., 48.19 (1) (d) 8., 48.19 (1) (d) 9., 48.19 (1) (d) 10., 48.19 (1m),
9 48.20 (2) (cm), 48.20 (2) (e), 48.20 (2) (f), 48.20 (2) (g), 48.20 (7) (c) 1m., 48.208
10 (1), 48.208 (2), 48.208 (5), 48.209 (3), 48.21 (2), 48.21 (4m), 48.22, 48.225, 48.23
11 (1) (am), 48.23 (2m), 48.237, 48.24 (2m) (a) 1., 48.24 (2m) (a) 3., 48.24 (7), 48.243
12 (1m), 48.245 (2) (a) 5., 48.245 (2) (a) 6., 48.245 (2) (a) 7., 48.245 (2m), 48.245 (6),
13 48.25 (2) (b), 48.25 (4), 48.25 (5), 48.255 (1) (d), 48.27 (4m), 48.27 (7), 48.29 (1g),
14 48.29 (2), 48.295 (1c) (b), 48.295 (1c) (c), 48.295 (2) (a), 48.296, 48.299 (1) (am),
15 48.30 (4), 48.30 (5), 48.32 (1d), 48.32 (1g), 48.32 (1r), 48.32 (1t), 48.32 (2) (b),
16 48.32 (4), 48.33 (3), 48.33 (3m), 48.331, 48.335 (3m), 48.34 (intro.), 48.34 (2r),
17 48.34 (3g), 48.34 (4g), 48.34 (4m), 48.34 (4n), 48.34 (4p), 48.34 (4r), 48.34 (4s),

1 48.34 (5), 48.34 (7), 48.34 (7m), 48.34 (8), 48.34 (9), 48.34 (14), 48.34 (15), 48.341,
2 48.342, 48.343, 48.344, 48.345 (1) (a), 48.345 (1) (b), 48.345 (1) (c), 48.345 (1) (d),
3 48.345 (1) (f), 48.345 (2), 48.346, 48.35 (1) (a), 48.35 (1) (b) 4., 48.35 (1) (c), 48.355
4 (3m), 48.355 (4) (b), 48.355 (6) and (6g), 48.357 (3) and (4), 48.357 (4g), 48.357
5 (4m), 48.357 (5), 48.364, 48.37 (3), 48.38 (3) (a), 48.39, 48.396 (2) (c), 48.396 (2)
6 (d), 48.396 (2) (e), 48.396 (2m), 48.396 (3), 48.396 (4), 48.396 (5), 48.396 (6),
7 48.396 (7), 48.396 (8), 48.48 (13), 48.49, 48.505, 48.51 (title), 48.51 (1) (intro.),
8 48.51 (1) (a), 48.51 (1) (b), 48.51 (1) (c), 48.51 (2), 48.51 (3), 48.52 (1) (d), 48.53,
9 48.532, 48.533, 48.534, 48.536, 48.537, 48.57 (4), 48.595, 48.78 (2) (d), 48.78 (2)
10 (e), 48.78 (3), 301.03 (9m), 304.07 and 906.09 (4); **to renumber** 48.34 (1), 48.34
11 (2), 48.34 (2m), 48.34 (3), 48.34 (4), 48.34 (6), 48.34 (6m), 48.34 (10) (title), 48.34
12 (10) (a), 48.34 (10) (b), 48.34 (10) (c), 48.34 (11), 48.34 (12), 48.34 (13), 48.991,
13 48.996 and 48.997; **to renumber and amend** 46.26 (4) (cm) 2., 48.25 (2) (a),
14 48.295 (2) (b), 48.355 (4) (a), 48.992, 48.993, 48.994, 48.995, 48.998 and 118.125
15 (5); **to consolidate, renumber and amend** 48.295 (1c) (intro.) and (a), 48.345
16 (1) (intro.) and (e) and ; **to amend** 16.51 (7), 17.10 (6) (b) 1., 19.35 (1) (am) 2. c.,
17 20.410 (1) (c), 20.410 (1) (hx), 20.435 (3) (cd), 20.435 (3) (cg), 20.435 (3) (hm),
18 20.435 (3) (ho), 20.435 (3) (o), 20.435 (7) (b), 38.24 (1s), 46.03 (1), 46.03 (4) (b)
19 1., 46.03 (6) (a), 46.03 (7) (a), 46.03 (7) (e), 46.03 (17) (c), 46.03 (32), 46.041 (1)
20 (a), 46.049, 46.10 (1), 46.10 (2), 46.10 (14) (b), 46.10 (14) (e) 1., 46.206 (1) (b),
21 46.21 (2) (a), 46.215 (1) (h), 46.22 (1) (c) 1. b., 46.22 (1) (c) 2., 46.22 (1) (c) 5., 46.22
22 (1) (c) 8. c., 46.22 (1) (c) 8. e., 46.25 (9) (b), 46.26 (1), 46.26 (2) (c), 46.26 (3) (d),
23 46.26 (3) (f), 46.26 (4) (a), 46.26 (4) (a), 46.26 (4) (a), 46.26 (4) (b) 1., 46.26 (4) (c),
24 46.26 (4) (cm) 1., 46.26 (4) (d) 1., 46.26 (4) (d) 1m., 46.26 (4) (d) 3., 46.26 (4) (d)
25 4., 46.26 (4) (dm), 46.26 (4) (e), 46.26 (4) (eg), 46.26 (4) (g), 46.26 (7) (b) 2., 46.26

1 (7) (b) 3., 46.26 (7) (h), 46.263 (3), 46.275 (4) (b) 1., 46.28 (1) (am) 1., 46.28 (1)
2 (am) 2., 46.56 (3) (a) 5., 46.56 (8) (a), 46.56 (8) (g), 46.56 (8) (h) 5., 46.56 (8) (j),
3 46.56 (8) (k), 46.56 (14) (a) (intro.), 48.02 (1), 48.02 (2), 48.02 (2m), 48.02 (3m),
4 48.02 (10), 48.02 (15m), 48.023 (4), 48.03 (2), 48.035, 48.065 (2) (gm), 48.065 (3)
5 (b), 48.065 (3) (c), 48.065 (3) (e), 48.065 (3) (f), 48.07 (4), 48.08 (2), 48.10, 48.12
6 (1), 48.12 (2), 48.13 (4), 48.135 (1), 48.15, 48.18 (5) (c), 48.185 (1), 48.19 (1) (d)
7 6., 48.20 (2) (ag), 48.20 (3), 48.20 (7) (a), 48.20 (8), 48.205 (1) (a), 48.205 (1) (c),
8 48.208 (1), 48.21 (1) (a), 48.21 (3) (intro.), 48.227 (4) (b), 48.227 (4) (e) 2., 48.23
9 (1) (a), 48.23 (4), 48.24 (1), 48.24 (2m) (a) 2., 48.24 (5), 48.243 (1) (intro.), 48.243
10 (1) (b), 48.243 (1) (c), 48.243 (1) (h), 48.245 (1), 48.245 (2) (b), 48.245 (7), 48.245
11 (8), 48.25 (1), 48.25 (3), 48.255 (1) (intro.), 48.255 (1) (e), 48.255 (3), 48.255 (4),
12 48.263 (2), 48.27 (1), 48.27 (8), 48.273 (1), 48.273 (3), 48.275 (1), 48.275 (2) (a),
13 48.275 (2) (b), 48.29 (1), 48.29 (1m), 48.29 (3), 48.293 (1), 48.293 (2), 48.297 (2),
14 48.297 (3), 48.297 (5), 48.299 (1) (a), 48.299 (4) (a), 48.299 (4) (b), 48.30 (1), 48.30
15 (2), 48.30 (3), 48.30 (6), 48.30 (7), 48.30 (8), 48.30 (9), 48.30 (10), 48.31 (1), 48.31
16 (2), 48.31 (4), 48.32 (1), 48.32 (2) (a), 48.32 (5) (a), 48.32 (5) (b), 48.33 (1) (intro.),
17 48.33 (4m) (intro.), 48.335 (1), 48.34 (10) (a), 48.345 (1) (a), 48.35 (1) (b) 2., 48.35
18 (1) (c), 48.355 (1), 48.355 (2) (b) 5., 48.355 (4) (a), 48.355 (4) (b), 48.355 (7), 48.357
19 (2), 48.36 (1) (a), 48.361 (1) (b), 48.361 (1) (c), 48.361 (2) (am) 2., 48.362 (2),
20 48.365 (7), 48.366 (1) (a) (intro.), 48.366 (1) (b), 48.366 (8), 48.37 (1), 48.373 (1),
21 48.375 (4) (b) 1g., 48.38 (3) (a), 48.39, 48.396 (1), 48.396 (2) (a), 48.415 (1) (a) 2.,
22 48.415 (2) (a), subchapter IX (title) of chapter 48 [precedes 48.44], 48.44 (title)
23 and (1), 48.45 (1) (a), 48.45 (1) (b), 48.45 (1m) (a), 48.45 (3), 48.48 (1), 48.48 (3),
24 48.48 (4), 48.48 (4m) (a), 48.48 (4m) (b), 48.48 (5), 48.48 (6), 48.48 (14), 48.48
25 (16), 48.49, 48.50 (1), 48.505, 48.51 (1) (intro.), 48.52 (1) (c), 48.52 (2) (a), 48.52

1 (2) (c), 48.54, 48.547 (1), 48.547 (4), 48.57 (1) (a), 48.58 (1) (b), 48.58 (1) (c), 48.58
2 (1) (d), 48.59 (1), 48.63 (1), 48.66 (1), 48.78 (2) (a), 48.78 (3), 48.95, 49.19 (4) (c),
3 49.46 (1) (a) 5., 49.80 (7), 49.90 (1m), 50.39 (3), 51.05 (2), 51.13 (1) (c), 51.13 (4)
4 (a), 51.13 (4) (b), 51.13 (4) (d), 51.13 (4) (h) 2., 51.13 (4) (h) 4., 51.14 (2), 51.15
5 (1) (a) (intro.), 3. and 4., 51.20 (1) (a) 2. b., c. and d., 51.20 (1) (b), 51.20 (6), 51.20
6 (13) (cr), 51.35 (3) (title), 51.35 (3) (a), 51.35 (3) (b), 51.35 (3) (c), 51.35 (3) (e),
7 51.35 (3) (g), 51.42 (3) (ar) 4. b., 51.42 (3) (as) 1., 51.437 (4rm) (a), 51.45 (5) (d)
8 1., 51.45 (11) (bm), 59.175, 101.123 (1) (i), 102.07 (13), 103.70 (1), 103.72, 103.87,
9 115.31 (1) (b), 115.81 (9) (c), 115.85 (2m), 118.125 (1) (a), 118.125 (2) (cm),
10 118.125 (2) (d), 118.125 (2) (j) 3., 118.125 (2) (L), 118.125 (3), 118.125 (4), 118.127
11 (1), 118.127 (2), 118.15 (1) (cm) 1., 118.15 (5) (a), 118.16 (2m) (a) (intro.), 118.16
12 (2m) (d), 118.16 (2m) (e), 118.16 (4) (e), 118.16 (5) (intro.), 118.16 (5) (a), 118.16
13 (5) (c), 118.16 (6), 118.162 (4) (e), 118.163 (2) (b), 118.163 (2) (d), 120.12 (18),
14 121.78 (4), 125.07 (4) (bs) 1., 125.07 (4) (bs) 2., 125.07 (4) (bs) 3., 125.07 (4) (bs)
15 4., 125.07 (4) (c) 1., 125.07 (4) (c) 2., 125.07 (4) (c) 3., 125.07 (4) (c) 4., 125.07 (4)
16 (cg), 125.07 (4) (d), 125.07 (4) (e) 2. a., 125.085 (3) (bd), 125.085 (3) (bh), 125.085
17 (3) (bt), 125.09 (2) (d), 146.34 (1) (e), 146.34 (5) (a) (intro.), 146.81 (4), 146.81 (5),
18 157.065 (2) (a) 4. c., 161.455 (1), 161.46 (1), 161.46 (2), 161.46 (3), 161.573 (2),
19 161.574 (2), 161.575 (1), 161.575 (2), 165.76 (1) (a), 165.76 (2) (b) 2., 165.76 (2)
20 (b) 5., 165.76 (3), 165.765 (1), 165.765 (2) (a), 165.77 (2) (b), 165.77 (3), 175.35
21 (1) (ag), 175.45 (1) (b), 175.45 (1) (e), 175.45 (3) (a) 2., 175.45 (5) (b), 227.03 (4),
22 230.36 (1), 230.36 (3) (c) (intro.), 252.04 (6), 252.11 (5m), 252.11 (7), 252.15 (1)
23 (ab), 252.15 (2) (a) 6., 252.15 (2) (a) 7. a., 252.15 (5) (a) 17., 252.15 (5) (a) 19.,
24 301.01 (2) (b), 301.02, 301.03 (9), 301.035 (2), 301.035 (4), 301.135 (1), 301.135
25 (3m), 301.28 (1), 301.36 (1), 302.11 (10), 302.18 (7), 302.255, 302.31, 302.386 (1),

1 302.386 (2) (intro.), 302.386 (3), 304.06 (1) (b), 340.01 (9r) (d), 343.06 (1) (i),
2 343.30 (5), 343.30 (6) (b) (intro.), 752.31 (2) (e), 757.69 (1) (intro.), 757.69 (1) (g),
3 757.69 (1) (k), 757.69 (2) (intro.), 757.69 (3) (intro.), 757.81 (2), 758.19 (6), 767.02
4 (1) (m), 767.24 (3) (e), 767.29 (3), 767.30 (1), 767.305, 767.32 (1) (a), 767.32 (2r),
5 767.47 (10), 778.25 (1) (a) 1., 778.25 (1) (a) 4., 778.25 (1) (a) 5., 778.25 (8) (a),
6 778.25 (8) (b), 778.25 (8) (c), 808.04 (3), 808.04 (4), 809.30 (1) (a), 809.30 (1) (b),
7 809.30 (2) (d), 809.30 (2) (fm), 809.40 (1), 851.72 (7), 859.07 (2), 880.15 (1),
8 885.37 (1) (a) 2., 895.035 (3), 895.035 (4), 895.035 (6), 901.05 (2) (intro.), 901.05
9 (3), 904.13 (2), 905.04 (4) (i), 906.08 (2), 906.09 (title), 906.09 (1), 906.09 (2),
10 906.09 (3), 906.09 (5), 908.08 (1), 939.62 (3) (a), 939.62 (3) (b), 939.635 (1),
11 939.635 (2) (b), 941.29 (2), 946.42 (1) (a), 946.42 (1) (c), 946.42 (2) (b), 946.42 (3)
12 (b), 946.42 (3) (c), 946.44 (1) (a), 946.44 (2) (c), 946.44 (2) (d), 946.45 (1), 946.45
13 (2) (c), 946.45 (2) (d), 948.01 (1), 948.31 (1) (a) 2., 948.31 (1) (b), 948.35 (1) (a),
14 948.36 (1), 948.40 (1), 948.40 (2), 948.45 (1), 948.50 (4) (b), 948.60 (title), (2) and
15 (3), 948.61 (4), 950.02 (1m), 967.04 (7) (a) (intro.), 967.04 (9), 968.255 (1) (a) 3.,
16 968.255 (7) (b), 969.01 (4), 970.032 (title) and (1), 970.032 (2) (intro.), 970.032
17 (2) (b), 970.032 (2) (c), 970.035, 971.105, 972.14 (3), 973.013 (3m), 976.08, 977.02
18 (3), 977.05 (4) (gm), 977.05 (4) (h), 977.05 (4) (i) 5., 977.07 (1) (a), 977.07 (1) (c),
19 977.07 (2) (a), 977.07 (2) (c), 977.08 (2) (e), 977.10, 978.05 (6) (a), 980.015 (2) (b),
20 980.02 (1) (b) 2., 980.02 (2) (ag), 980.02 (4) (am), 980.02 (4) (b), 980.04 (1), 990.01
21 (3) and 990.01 (20); **to repeal and recreate** 20.410 (1) (hx), 20.435 (3) (hm),
22 46.26 (3) (d), 46.26 (4) (b) 1., 46.26 (4) (c), 46.26 (4) (cm) 1., 48.205 (1) (c), 48.23
23 (1) (a), 48.255 (1) (intro.), 48.275 (2) (a), 48.275 (3), 48.355 (4) (b), 48.365 (7),
24 48.396 (1), 48.396 (1m), 48.45 (1) (a), 48.48 (4m) (b), 48.48 (14), 118.125 (4),
25 161.573 (2), 161.574 (2), 161.575 (2), 227.03 (4), 301.28 (1), 302.31, 304.06 (1)

1 (b), 946.42 (1) (a), 946.42 (3) (c), 946.44 (1) (a), 946.44 (2) (d), 946.45 (1) and
2 946.45 (2) (d); and **to create** 20.435 (3) (c), 46.26 (4) (cm) 1m., 46.26 (4) (cm) 4.,
3 46.26 (4) (d) 3m., 48.366 (1) (c), 48.396 (1g), 48.396 (2) (ag), 48.396 (2) (am), 48.78
4 (2) (ag), 48.78 (2) (am), 60.23 (22m), 101.123 (3) (gg), 118.125 (2) (cg), 118.125
5 (5) (b), 118.127 (3), 118.15 (5) (am), 118.16 (5m), 118.163 (2) (e), 301.03 (9r),
6 301.35 (2) (e), 302.386 (5) (c), 302.386 (5) (d), 304.06 (1z), 808.075 (4) (fn),
7 895.035 (2m), chapter 938, 938.988 and 946.50 of the statutes; **relating to:**
8 creating a juvenile justice code, granting rule-making authority, making
9 appropriations and providing penalties.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 1995 Assembly Bill 130 consists of the bill, as adopted in the assembly on May 24, 1995, as affected by the following Assembly Amendments adopted in the assembly on May 24, 1995: Assembly Amendment 25, Assembly Amendment 26 (as affected by part 2 of Assembly Amendment 1 thereto), Assembly Amendment 30, Assembly Amendment 32 (as affected by Assembly Amendment 1 thereto), part 2 of Assembly Amendment 40, Assembly Amendment 41 and Assembly Amendment 43 (as affected by Assembly Amendment 1 thereto). The text also includes the legislative reference bureau corrections to the bill dated March 21, 1995, March 24, 1995, and May 15, 1995, the legislative reference bureau correction to Assembly Amendment 26 dated May 24, 1995, and the legislative reference bureau correction dated June 6, 1995.

Certain of the amendments affect the same text. In this bill, amendments are reconciled as follows:

1. Assembly Amendments 25 and 26 both affect s. 48.396 (1). This bill reflects the effect of both of those amendments.

2. Assembly Amendments 25 and 41 both affect s. 118.125 (2) (d). This bill gives effect to both of those amendments.

3. Assembly Amendment 25 affects s. 120.24 (12), as created by this bill. Assembly Amendment 26 removes s. 120.24 (12). This bill reflects the effect of Assembly Amendment 26.

4. Assembly Amendments 25 and 32 both affect s. 938.355 (6) (d) 1., as created by the bill. This bill gives effect to both of those amendments.

5. Assembly Amendment 25 affects s. 938.366, as created by the bill. Assembly Amendment 26 removes s. 938.366. This bill reflects the effect of Assembly Amendment 26.

6. Assembly Amendments 25 and 40 both affect s. 938.396 (1), as created by the bill. This bill gives effect to both of those amendments.

7. Assembly Amendments 25 and 41 both affect s. 938.396 (7) (c), as created by the bill. This bill gives effect to both of those amendments.

8. Assembly Amendments 25 and 26 both affect s. 938.505 (2) (b), as created by the bill. This bill gives effect to both of those amendments.

9. Assembly Amendments 25 and 26 both affect s. 938.51 (1) (intro.), as created by the bill. This bill gives effect to both of those amendments.

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

1 **SECTION 1.** 16.51 (7) of the statutes is amended to read:

2 16.51 (7) (title) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND
3 CHILDREN IN SECURED CORRECTIONAL FACILITIES. Receive, examine, determine and
4 audit claims, duly certified and approved by the department of corrections or the
5 department of health and social services, from the county clerk of any county in
6 behalf of the county, which are presented for payment to reimburse the county for
7 certain expenses incurred or paid by it in reference to all matters growing out of
8 actions and proceedings involving prisoners in state prisons, as defined in s. 302.01,
9 or children in secured correctional facilities, as defined in s. 938.02 (15m), including
10 prisoners or children transferred to a mental health institute for observation or
11 treatment, when the proceedings are commenced in counties in which the prisons or
12 secured correctional facilities are located by a district attorney or by the prisoner or
13 child as a postconviction remedy or a matter involving the prisoner's status as a
14 prisoner or the child's status as a resident of a secured correctional facility and for
15 certain expenses incurred or paid by it in reference to holding those children in
16 secure custody while those actions or proceedings are pending. Expenses shall only
17 include the amounts as that were necessarily incurred and actually paid and shall

1 be no more than the legitimate cost would be to any other county had the offense or
2 crime occurred therein.

3 **SECTION 2.** 17.10 (6) (b) 1. of the statutes is amended to read:

4 17.10 **(6)** (b) 1. Disposition staff and intake workers appointed to provide
5 services under ~~ch.~~ chs. 48 and 938.

6 **SECTION 3.** 19.35 (1) (am) 2. c. of the statutes is amended to read:

7 19.35 **(1)** (am) 2. c. Endanger the security of any state correctional institution,
8 as defined in s. 301.01 (4), jail, as defined in s. 165.85 (2) (bg), secured correctional
9 facility, as defined in s. ~~48.02~~ 938.02 (15m), secured child caring institution, as
10 defined in s. 938.02 (15g), mental health institute, as defined in s. 51.01 (12), center
11 for the developmentally disabled, as defined in s. 51.01 (3), or the population or staff
12 of any of these institutions, facilities or jails.

13 **SECTION 3m.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
14 insert the following amounts for the purposes indicated:

			1995-96	1996-97
15				
16	20.435	Health and social services, department		
17		of		
18	(3)	YOUTH SERVICES		
19	(c)	Reimbursement claims of coun-		
20		ties containing secured correc-		
21		tional facilities	GPR A	200,000 200,000

22 **SECTION 4m.** 20.410 (1) (am) of the statutes, as created by 1993 Wisconsin Act
23 377, is repealed.

24 **SECTION 5.** 20.410 (1) (c) of the statutes is amended to read:

1 20.410 (1) (c) (title) *Reimbursement claims of counties containing state*
2 *institutions prisons*. A sum sufficient to pay all valid claims made by county clerks
3 of counties containing ~~certain state institutions~~ prisons as provided in s. 16.51 (7).

4 **SECTION 6m.** 20.410 (1) (hx) of the statutes is amended to read:

5 20.410 (1) (hx) *Extended jurisdiction services*. The amounts in the schedule for
6 services to persons younger than ~~19~~ 18 years old placed with the department under
7 s. 48.366 (8). All moneys received in payment for services provided by the
8 department specified in s. 46.26 (4) (d) 1m, and all moneys transferred under s. 46.26
9 (4) (cm) 2, shall be credited to this appropriation.

10 **SECTION 6p.** 20.410 (1) (hx) of the statutes, as affected by 1995 Wisconsin Act
11 (this act), is repealed and recreated to read:

12 20.410 (1) (hx) *Extended jurisdiction services*. The amounts in the schedule for
13 services to persons younger than 18 years old placed with the department under s.
14 48.366 (8) or 938.183 (2). All moneys received in payment for services provided by
15 the department specified in s. 46.26 (4) (d) 1m. and all moneys transferred under s.
16 46.26 (4) (cm) 3. shall be credited to this appropriation.

17 **SECTION 7m.** 20.435 (3) (au) of the statutes is repealed.

18 **SECTION 7r.** 20.435 (3) (bg) of the statutes is repealed.

19 **SECTION 9.** 20.435 (3) (c) of the statutes is created to read:

20 20.435 (3) (c) *Reimbursement claims of counties containing secured*
21 *correctional facilities*. The amounts in the schedule to pay all valid claims made by
22 county clerks of counties containing state juvenile correctional institutions as
23 provided in s. 16.51 (7).

24 **SECTION 10.** 20.435 (3) (cd) of the statutes is amended to read:

1 20.435 (3) (cd) *Community youth and family aids*. The amounts in the schedule
2 for the improvement and provision of juvenile delinquency-related services under
3 s. 46.26 and for reimbursement to counties having a population of less than 500,000
4 for the cost of court attached intake services as provided in s. ~~48.06~~ 938.06 (4).
5 Disbursements may be made from this appropriation under s. 46.03 (20). Refunds
6 received relating to payments made under s. 46.03 (20) shall be returned to this
7 appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), but subject to s.
8 46.26 (3) (f), the department of health and social services may transfer moneys under
9 this paragraph between fiscal years. Except for moneys authorized for transfer
10 under s. 46.26 (3), all moneys from this paragraph allocated under s. 46.26 (3) and
11 not spent or encumbered by counties by December 31 of each year shall lapse into the
12 general fund on the succeeding January 1. The joint committee on finance may
13 transfer additional moneys to the next calendar year.

14 **SECTION 10m.** 20.435 (3) (cg) of the statutes is amended to read:

15 20.435 (3) (cg) (title) *Violent Serious juvenile offenders*. The amounts in the
16 schedule for the reimbursement of institutions, alternate care providers and
17 aftercare providers under s. 46.26 (4) (cm).

18 **SECTION 11m.** 20.435 (3) (hm) of the statutes, as affected by 1993 Wisconsin Act
19 377, is amended to read:

20 20.435 (3) (hm) *Juvenile correctional services*. Except as provided in pars. (ho),
21 and (hr) ~~and (k)~~, the amounts in the schedule for juvenile correctional services
22 specified in s. 46.26 (4) (c) and (d). All moneys transferred under s. 46.26 (4) (cm) 1.,
23 and, except as provided in par. (hr) ~~and (k)~~ and s. 20.410 (1) (hx), all moneys received
24 in payment for juvenile correctional services specified in s. 46.26 (4) (d) shall be
25 credited to this appropriation. If moneys generated by the monthly rate exceed

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1 actual fiscal year institutional costs by 2% or more, all moneys in excess of 2% shall
2 be remitted to the counties during the subsequent calendar year. Each county shall
3 receive a proportionate share of the remittance depending on the total number of
4 days of placement at juvenile correctional institutions. Counties shall use the funds
5 for purposes specified in s. 46.26.

6 **SECTION 11p.** 20.435 (3) (hm) of the statutes, as affected by 1993 Wisconsin Act
7 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

8 20.435 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)
9 and (hr), the amounts in the schedule for juvenile correctional services specified in
10 s. 46.26 (4) (c) and (d). All moneys transferred under s. 46.26 (4) (cm) 1., and, except
11 as provided in par. (hr) and s. 20.410 (1) (hx), all moneys received in payment for
12 juvenile correctional services specified in s. 46.26 (4) (d) shall be credited to this
13 appropriation. If moneys generated by the monthly rate exceed actual fiscal year
14 institutional costs by 2% or more, all moneys in excess of 2% shall be remitted to the
15 counties during the subsequent calendar year. Each county shall receive a
16 proportionate share of the remittance depending on the total number of days of
17 placement at juvenile correctional institutions or secured child caring institutions,
18 as defined in s. 938.02 (15g). Counties shall use the funds for purposes specified in
19 s. 46.26.

20 **SECTION 12.** 20.435 (3) (ho) of the statutes is amended to read:

21 20.435 (3) (ho) *Juvenile residential aftercare.* Under s. 46.26 (4) (e), the
22 amounts in the schedule for providing foster care, treatment foster care, group home
23 care and institutional child care to delinquent children under ~~ss. 48.48 (4) and (14),~~
24 ~~48.52 and 49.19 (10) (d), 938.48 (4) and (14) and 938.52.~~ All moneys received in
25 payment for providing foster care, treatment foster care, group home care and

1 institutional child care to delinquent children under ss. ~~48.48 (4) and (14), 48.52 and~~
2 ~~49.19 (10) (d), 938.48 (4) and (14) and 938.52~~ shall be credited to this appropriation.
3 If moneys generated by the monthly rate exceed actual fiscal year foster care,
4 treatment foster care, group home care and institutional child care costs by 2% or
5 more, all moneys in excess of 2% shall be remitted to the counties during the
6 subsequent calendar year. Each county shall receive a proportionate share of the
7 remittance depending on the total number of days of placement in foster care,
8 treatment foster care, group home care or institutional child care.

9 **SECTION 12m.** 20.435 (3) (k) of the statutes, as created by 1993 Wisconsin Act
10 377, is repealed.

11 **SECTION 13.** 20.435 (3) (o) of the statutes is amended to read:

12 20.435 (3) (o) *Federal aid; foster care and treatment foster care.* All federal
13 moneys received for meeting the costs of providing foster care, treatment foster care
14 and institutional child care to delinquent children under ss. ~~48.48~~ 938.48 (4) and (14)
15 and ~~48.52~~ 938.52, and for the cost of care for children under s. 49.19 (10) (d). All
16 moneys received under this paragraph shall be deposited in the general fund as a
17 nonappropriated receipt.

18 **SECTION 14.** 20.435 (7) (b) of the statutes is amended to read:

19 20.435 (7) (b) *Community aids.* The amounts in the schedule for human
20 services under s. 46.40, for reimbursement to counties having a population of less
21 than 500,000 for the cost of court attached intake services under s. 48.06 (4), for
22 shelter care under ss. ~~48.22 and 48.58~~ and 938.22 and for foster care and treatment
23 foster care under s. 49.19 (10). Social services disbursements under s. 46.03 (20) (b)
24 may be made from this appropriation. Refunds received relating to payments made
25 under s. 46.03 (20) (b) for the provision of services for which moneys are appropriated

1 under this paragraph shall be returned to this appropriation. Notwithstanding ss.
2 20.001 (3) (a) and 20.002 (1), the department of health and social services may
3 transfer funds between fiscal years under this paragraph. The department shall
4 deposit into this appropriation funds it recovers under ss. 49.52 (2) (b) and 51.423
5 (15) from prior year audit adjustments including those resulting from audits of
6 services under s. 46.26 or 46.27. Except for amounts authorized to be carried forward
7 under s. 46.45, all funds recovered under ss. 49.52 (2) (b) and 51.423 (15) and all funds
8 allocated under s. 46.40 and not spent or encumbered by December 31 of each year
9 shall lapse to the general fund on the succeeding January 1 unless carried forward
10 to the next calendar year by the joint committee on finance.

11 **SECTION 15.** 38.24 (1s) of the statutes is amended to read:

12 38.24 (1s) ADDITIONAL FEES. A district board may establish and charge a fee in
13 addition to the fees under sub. (1m) for a court-approved alcohol or other drug abuse
14 education program offered to individuals under s. 48.245 (2) (a) 4., ~~48.32 (1g) (b),~~
15 ~~48.34 (4s) (b) 3. or (13) (b), 48.343 (10) (e) or 48.344 (2g) (a) 3~~ 48.345 (13) (b), 938.245
16 (2) (a) 4., 938.32 (1g) (b), 938.34 (6r) (b) or (14s) (b) 3., 938.343 (10) (c) or 938.344 (2g)
17 (a).

18 **SECTION 16m.** 46.025 of the statutes is repealed.

19 **SECTION 17.** 46.03 (1) of the statutes is amended to read:

20 46.03 (1) INSTITUTIONS GOVERNED. Maintain and govern all secured correctional
21 facilities, as defined in s. 48.02 938.02 (15m), that are operated by the department;
22 the Mendota and the Winnebago mental health institutes; and the centers for the
23 developmentally disabled.

24 **SECTION 18.** 46.03 (4) (b) 1. of the statutes is amended to read:

1 46.03 (4) (b) 1. The department, in order to discharge more effectively its
2 responsibilities under this chapter and ~~ch. chs. 48 and 938~~ and other relevant
3 provisions of the statutes, is authorized to study causes and methods of prevention
4 and treatment of juvenile delinquency, mental illness, mental deficiency, mental
5 infirmity, and related social problems, including establishment of demonstration
6 projects to apply and evaluate such methods in actual cases. The department is
7 directed and authorized to utilize all powers provided by the statutes, including the
8 authority under sub. (2a), to accept grants of money or property from federal, state
9 or private sources, and to enlist the cooperation of other appropriate agencies and
10 state departments; it may enter into agreements with local government
11 subdivisions, departments and agencies for the joint conduct of such projects; and it
12 may purchase services when deemed appropriate.

13 **SECTION 19m.** 46.03 (6) (a) of the statutes, as affected by 1993 Wisconsin Act
14 377, is amended to read:

15 46.03 (6) (a) ~~Except as provided in s. 48.537, execute~~ Execute the laws relating
16 to the detention, reformation and correction of delinquents.

17 **SECTION 20.** 46.03 (7) (a) of the statutes is amended to read:

18 46.03 (7) (a) Promote the enforcement of laws for the protection of
19 developmentally disabled children, delinquent children, children in need of
20 protection or services and nonmarital children; and to this end cooperate with courts
21 assigned to exercise jurisdiction under ~~ch. chs. 48 and 938~~ and licensed child welfare
22 agencies and institutions (public and private) and take the initiative in all matters
23 involving the interests of such children where adequate provision therefor has not
24 already been made, including the establishment and enforcement of standards for

1 services provided under ss. ~~48.34 and 48.345, 938.34 and 938.345, other than~~
2 services provided by the department of corrections under s. 938.34 (4h).

3 **SECTION 21.** 46.03 (7) (e) of the statutes is amended to read:

4 46.03 (7) (e) Administer the juvenile offender review program in the division
5 of youth services in the department. The program shall be responsible for decisions
6 regarding case planning and the release of juvenile offenders from juvenile
7 correctional institutions operated by the department and secured child caring
8 institutions, as defined in s. 938.02 (15g), to aftercare and corrective sanctions
9 placements.

10 **SECTION 22.** 46.03 (17) (c) of the statutes, as affected by 1993 Wisconsin Act 385,
11 is amended to read:

12 46.03 (17) (c) To contract with public, private or voluntary agencies for the
13 purchase of goods, care and services for youth placed under department supervision
14 under s. ~~48.34~~ 938.183 (2), 938.34 (4m) or (4n) or ~~48.366~~ 938.366. Services may
15 include, but are not limited to, diagnostic services, evaluation, treatment,
16 counseling, referral and information, day care, inpatient hospitalization,
17 transportation, recreation, special education, vocational training, work adjustment,
18 sheltered employment, special living arrangements and legal and protective
19 services.

20 **SECTION 23.** 46.03 (32) of the statutes is amended to read:

21 46.03 (32) REIMBURSEMENT TO VISITING FAMILIES. The department may
22 reimburse families visiting girls at a secured correctional facility, as defined in s.
23 938.02 (15m), that is operated by the department or a secured child caring
24 institution, as defined in s. 938.02 (15g). If the department decides to provide the

1 reimbursement, it shall establish criteria for the level of reimbursement, which shall
2 include family income and size and other relevant factors.

3 **SECTION 24.** 46.041 (1) (a) of the statutes is amended to read:

4 46.041 (1) (a) Provide for the temporary residence and evaluation of children
5 referred from courts assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938, the
6 institutions and services under the jurisdiction of the department, university of
7 Wisconsin hospital and clinics, county departments under s. 46.215, 46.22 or 46.23,
8 private child welfare agencies, schools for the deaf and visually handicapped, and
9 mental health facilities within the state at the discretion of the superintendent.

10 **SECTION 25.** 46.049 of the statutes, as affected by 1993 Wisconsin Act 385, is
11 amended to read:

12 **46.049 Training school for delinquent boys.** The department, with the
13 approval of the governor, may purchase or accept a gift of land for a suitable site for
14 an additional training school for delinquent boys and erect and equip such buildings
15 as it deems necessary at such time as funds may be allocated for that purpose by the
16 building commission. The training school or other additional facilities for delinquent
17 boys financed by the authorized 1965-67 building program shall be located north of
18 a line between La Crosse and Manitowoc. The department shall operate and
19 maintain the institution for the treatment of delinquent boys who are placed in a
20 secured correctional facility under s. ~~48.34~~ 938.183 (2) or 938.34 (4m). All laws
21 pertaining to the care of children received under s. ~~48.34~~ 938.34 shall apply. Officers
22 and employes of the institution are subject to the same laws as apply to other
23 facilities described in s. ~~48.52~~ 938.52.

24 **SECTION 26.** 46.10 (1) of the statutes is amended to read:

1 46.10 (1) Liability and the collection and enforcement of such liability for the
2 care, maintenance, services and supplies specified in this section is governed
3 exclusively by this section, except in cases of child support ordered by a court under
4 s. 48.355 (2) (b) 4., 48.357 (5m) ~~or~~, 48.363 (2), 938.183 (2), 938.355 (2) (b) 4., 938.357
5 (5m) or 938.363 (2) or ch. 767.

6 **SECTION 27.** 46.10 (2) of the statutes, as affected by 1993 Wisconsin Acts 479
7 and 481, is amended to read:

8 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
9 including but not limited to a person admitted, committed or placed under s. 975.01,
10 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. ~~48.34 (4m),~~
11 ~~48.357 (4) and (5) (e),~~ 48.366, 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45
12 (10), (11), (12) and (13), 55.05, 55.06, 938.183 (2), 938.34 (4h) or (4m), 938.357 (4) and
13 (5) (e), 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care, maintenance,
14 services and supplies provided by any institution in this state including university
15 of Wisconsin hospital and clinics, in which the state is chargeable with all or part of
16 the person's care, maintenance, services and supplies, any person receiving care and
17 services from a county department established under s. 51.42 or 51.437 or from a
18 facility established under s. 49.175, and any person receiving treatment and services
19 from a public or private agency under s. 971.17 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08
20 (5) and the person's property and estate, including the homestead, and the spouse
21 of the person, and the spouse's property and estate, including the homestead, and,
22 in the case of a minor child, the parents of the person, and their property and estates,
23 including their homestead, and, in the case of a foreign child described in s. 48.839
24 (1) who became dependent on public funds for his or her primary support before an
25 order granting his or her adoption, the resident of this state appointed guardian of

1 the child by a foreign court who brought the child into this state for the purpose of
2 adoption, and his or her property and estate, including his or her homestead, shall
3 be liable for the cost of the care, maintenance, services and supplies in accordance
4 with the fee schedule established by the department under s. 46.03 (18). If a spouse,
5 widow or minor, or an incapacitated person may be lawfully dependent upon the
6 property for their support, the court shall release all or such part of the property and
7 estate from the charges that may be necessary to provide for those persons. The
8 department shall make every reasonable effort to notify the liable persons as soon
9 as possible after the beginning of the maintenance, but the notice or the receipt
10 thereof is not a condition of liability.

11 **SECTION 28.** 46.10 (14) (b) of the statutes is amended to read:

12 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
13 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
14 parent's minor child who has been placed by a court order under s. 48.355 ~~or~~, 48.357,
15 938.183 (2), 938.355 or 938.357 in a residential, nonmedical facility such as a group
16 home, foster home, treatment foster home, child caring institution or juvenile
17 correctional institution shall be determined by the court by using the percentage
18 standard established by the department under s. 46.25 (9) (a) and by applying the
19 percentage standard in the manner established by the department under s. 46.25 (9)
20 (b).

21 **SECTION 29.** 46.10 (14) (e) 1. of the statutes, as created by 1993 Wisconsin Act
22 481, is amended to read:

23 46.10 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) ~~or~~, 48.363
24 (2), 938.183 (2), 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2) for support determined
25 under this subsection constitutes an assignment of all commissions, earnings,

1 salaries, wages, pension benefits, benefits under ch. 102 or 108 and other money due
2 or to be due in the future to the county department under s. 46.215, 46.22 or 46.23
3 in the county where the order was entered or to the department, depending upon the
4 placement of the child as specified by rules promulgated under subd. 5. The
5 assignment shall be for an amount sufficient to ensure payment under the order.

6 **SECTION 30.** 46.206 (1) (b) of the statutes is amended to read:

7 46.206 (1) (b) All records of the department and all county records relating to
8 social services, aid to families with dependent children and aid under s. 49.18, 1971
9 stats., s. 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws
10 of 1973, shall be open to inspection at all reasonable hours by authorized
11 representatives of the federal government. Notwithstanding ~~s. ss.~~ 48.396 (2) and
12 938.396 (2), all county records relating to the administration of such services and
13 public assistance shall be open to inspection at all reasonable hours by authorized
14 representatives of the department.

15 **SECTION 31.** 46.21 (2) (a) of the statutes is amended to read:

16 46.21 (2) (a) Shall adopt policies for the management, operation, maintenance
17 and improvement of the county hospital; the detention center; the probation section
18 of the children's court center; the provision and maintenance of the physical facilities
19 for the children's court and its intake section under the supervision and operation
20 of the judges assigned to exercise jurisdiction under ~~ch. chs.~~ 48 and 938 and as
21 provided in ~~s. ss.~~ 48.06 (1) and 938.06 (1); the mental health complex; the county
22 department of human services; the central service departments; and all buildings
23 and land used in connection with any institution under this section. The powers and
24 duties of the county board of supervisors are policy forming only, and not
25 administrative or executive.

1 **SECTION 32.** 46.215 (1) (h) of the statutes is amended to read:

2 46.215 (1) (h) To administer child welfare services under ss. 48.56 and 48.57
3 and juvenile welfare services under s. 938.57, to accept custody and guardianship of
4 children upon the order of a competent court and to place children for adoption and
5 to make recommendations relating to the adoption of children under s. 48.85.

6 **SECTION 33.** 46.22 (1) (c) 1. b. of the statutes is amended to read:

7 46.22 (1) (c) 1. b. State institutions. Mendota mental health institute,
8 Winnebago mental health institute, university of Wisconsin hospital and clinics,
9 centers for the developmentally disabled and Type 1 secured correctional facilities,
10 as defined in s. ~~48.02 (15m)~~ 938.02 (19), that are operated by the department.

11 **SECTION 34.** 46.22 (1) (c) 2. of the statutes is amended to read:

12 46.22 (1) (c) 2. Subdivision 1. does not authorize the county department of
13 social services to make investigations regarding admission to or release from the
14 Waupun correctional institution, the Columbia correctional institution, the Racine
15 correctional institution, the correctional institution authorized under s. 301.046 (1),
16 the correctional institution authorized under s. 301.048 (4) (b), the Oshkosh
17 correctional institution, the Green Bay correctional institution, the Dodge
18 correctional institution, the Taycheedah correctional institution, county houses of
19 correction, jails, detention homes ~~or~~, reforestation camps, Type 2 secured
20 correctional facilities, as defined in s. 938.02 (20), or secured correctional facilities,
21 as defined in s. 938.02 (15m), that are operated by the department of corrections.

22 **SECTION 35.** 46.22 (1) (c) 5. of the statutes is amended to read:

23 46.22 (1) (c) 5. Perform the duties and functions prescribed in s. ~~ss. 48.08 and~~
24 938.08 when requested to do so by the judge assigned to exercise jurisdiction under
25 ~~ch. chs. 48 and 938.~~

1 **SECTION 36.** 46.22 (1) (c) 8. c. of the statutes is amended to read:

2 46.22 (1) (c) 8. c. Upon the request of the judge assigned to exercise jurisdiction
3 under ~~ch. chs. 48 and 938~~, the county department of social services shall investigate
4 the home environment and other factors in the life of any child brought to the
5 attention of the court for alleged dependency, neglect, or delinquency, and to assume
6 guidance and supervision of any child placed on probation by that court.

7 **SECTION 37.** 46.22 (1) (c) 8. e. of the statutes is amended to read:

8 46.22 (1) (c) 8. e. The county department of social services shall have the powers
9 and duties specified in ~~s. ss. 48.57 and 938.57~~.

10 **SECTION 38.** 46.25 (9) (b) of the statutes is amended to read:

11 46.25 (9) (b) For purposes of determining child support under s. 46.10 (14) (b),
12 the department shall promulgate separate rules related to the application of the
13 standard under par. (a) to a child support obligation for the care and maintenance
14 of a child who is placed by a court order under s. 48.355 ~~or~~, 48.357, 938.183 (2),
15 938.355 or 938.357 in a residential, nonmedical facility. The rules shall take into
16 account the needs of any person, including dependent children other than the child,
17 whom either parent is legally obligated to support.

18 **SECTION 39.** 46.26 (1) of the statutes is amended to read:

19 46.26 (1) PROCEDURES. The department of health and social services shall
20 develop procedures for the implementation of this section, standards for the
21 development and delivery of social services under ~~ch. chs. 48 and 938~~, and shall
22 provide consultation and technical assistance to aid counties in implementation and
23 service delivery. The department of health and social services shall establish
24 information systems, monitoring and evaluation procedures to report periodically to
25 the governor and legislature on the state impact of this section.

1 **SECTION 40.** 46.26 (2) (c) of the statutes is amended to read:

2 46.26 (2) (c) All funds to counties under this section shall be used to purchase
3 or provide juvenile delinquency-related services under ch. 48 938, except that no
4 funds to counties under this section may be used for purposes of land purchase,
5 building construction or maintenance of buildings under ss. 46.17 and 46.175, for
6 reimbursement of costs under s. ~~48.209~~ 938.209, for city lockups or for
7 reimbursement of care costs in temporary shelter care under s. ~~48.22~~ 938.22. Funds
8 to counties under this section may be used for reimbursement of costs of program
9 services, other than basic care and supervision costs, in juvenile secure detention
10 facilities.

11 **SECTION 41m.** 46.26 (3) (d) of the statutes, as affected by 1993 Wisconsin Act
12 377, is amended to read:

13 46.26 (3) (d) Subject to pars. (dd), (de) and (dg), in addition to the funds
14 allocated under par. (c), the department of health and social services shall allocate
15 funds to counties under sub. (4) (b) 2. and shall consider each county's proportionate
16 use of applicable services of the department of health and social services under ss.
17 48.34 and 48.366 or the department of corrections under ss. s. 48.366 and ~~48.537~~
18 during previous calendar years.

19 **SECTION 41p.** 46.26 (3) (d) of the statutes, as affected by 1993 Wisconsin Act
20 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

21 46.26 (3) (d) Subject to pars. (dd), (de) and (dg), in addition to the funds
22 allocated under par. (c), the department of health and social services shall allocate
23 funds to counties under sub. (4) (b) 2. and shall consider each county's proportionate
24 use of applicable services of the department of health and social services under ss.

1 48.366, 938.183 (2) and 938.34 or the department of corrections under ss. 48.366,
2 938.183 (2) and 938.538 during previous calendar years.

3 **SECTION 42.** 46.26 (3) (f) of the statutes is amended to read:

4 46.26 (3) (f) Notwithstanding pars. (dm) and (e), the department of health and
5 social services may carry forward from 1994 to 1995 not more than \$768,100 of the
6 funds allocated under this subsection to the counties that are participating in the
7 corrective sanctions program under s. ~~48.533~~ 938.533 (2) for their use of the services
8 provided under that program. Notwithstanding s. 20.435 (3) (cd), any funds that are
9 carried forward under this paragraph and not spent or encumbered by counties by
10 June 30, 1995, shall lapse to the general fund on July 1, 1995.

11 **SECTION 43m.** 46.26 (4) (a) of the statutes, as affected by 1993 Wisconsin Act
12 377, is amended to read:

13 46.26 (4) (a) Except as provided in pars. (c) and (cm), the department of health
14 and social services shall bill counties or deduct from the allocations under s. 20.435
15 (3) (cd) for the costs of care, services and supplies purchased or provided by the
16 department of health and social services for each person receiving services under ss.
17 48.34, 48.366 and 51.35 (3) or the department of corrections for each person receiving
18 services under s. 48.366. The department of health and social services may not bill
19 a county for or deduct from a county's allocation the cost of care, services and supplies
20 provided to a person subject to an order under s. 48.366 after the person reaches 19
21 years of age ~~or provided to a person subject to an order under s. 48.34 (4g)~~. Payment
22 shall be due within 60 days of the billing date. If any payment has not been received
23 within 60 days, the department of health and social services may withhold aid
24 payments in the amount due from the appropriation under s. 20.435 (3) (cd) or (7) (b).

1 **SECTION 43n.** 46.26 (4) (a) of the statutes, as affected by 1993 Wisconsin Act
2 377 and 1995 Wisconsin Act (this act), section 43m, is repealed and recreated to
3 read:

4 46.26 (4) (a) Except as provided in pars. (c) and (cm), the department of health
5 and social services shall bill counties or deduct from the allocations under s. 20.435
6 (3) (cd) for the costs of care, services and supplies purchased or provided by the
7 department of health and social services for each person receiving services under ss.
8 48.34, 48.366 and 51.35 (3) or the department of corrections for each person receiving
9 services under s. 48.366. The department of health and social services may not bill
10 a county for or deduct from a county's allocation the cost of care, services and supplies
11 provided to a person subject to an order under s. 48.366 after the person reaches 18
12 years of age. Payment shall be due within 60 days of the billing date. If any payment
13 has not been received within 60 days, the department of health and social services
14 may withhold aid payments in the amount due from the appropriation under s.
15 20.435 (3) (cd) or (7) (b).

16 **SECTION 43p.** 46.26 (4) (a) of the statutes, as affected by 1993 Wisconsin Act
17 377 and 1995 Wisconsin Act (this act), sections 43m and 43n, is amended to read:

18 46.26 (4) (a) Except as provided in pars. (c) and (cm), the department of health
19 and social services shall bill counties or deduct from the allocations under s. 20.435
20 (3) (cd) for the costs of care, services and supplies purchased or provided by the
21 department of health and social services for each person receiving services under ss.
22 ~~48.34, s. 48.366 and, 51.35 (3), 938.183 (2) or 938.34~~ or the department of corrections
23 for each person receiving services under s. 48.366 or 938.183 (2). The department
24 of health and social services may not bill a county for or deduct from a county's
25 allocation the cost of care, services and supplies provided to a person subject to an

1 order under s. 48.366 or 938.183 (2) after the person reaches 18 years of age.
2 Payment shall be due within 60 days of the billing date. If any payment has not been
3 received within 60 days, the department of health and social services may withhold
4 aid payments in the amount due from the appropriation under s. 20.435 (3) (cd) or
5 (7) (b).

6 **SECTION 44m.** 46.26 (4) (b) 1. of the statutes, as affected by 1993 Wisconsin Act
7 377, is amended to read:

8 46.26 (4) (b) 1. Assessment of costs under par. (a) shall be made periodically on
9 the basis of a per person per day cost estimate adjusted at least annually by the
10 department. Except as provided in pars. (bm), (c), and (cm) ~~and (dr)~~, liability shall
11 apply to county departments under s. 46.21, 46.22 or 46.23 in the county of the court
12 exercising jurisdiction under ch. 48 for each person receiving services from the
13 department of health and social services under ss. 48.34, 48.366 and 51.35 (3) or the
14 department of corrections under s. 48.366. Except as provided in pars. (bm), (c), and
15 (cm) ~~and (dr)~~, in multicounty court jurisdictions, the county of residency within the
16 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
17 par. (a) shall also be made according to the general placement type or level of care
18 provided, as defined by the department, and prorated according to the ratio of the
19 amount designated under sub. (3) (c) and (d) to the total applicable estimated costs
20 of care, services and supplies provided by the department of health and social
21 services under ss. 48.34, 48.366 and 51.35 (3) or the department of corrections under
22 ~~ss. 48.34 (4g) and s.~~ 48.366.

23 **SECTION 44p.** 46.26 (4) (b) 1. of the statutes, as affected by 1993 Wisconsin Act
24 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

1 46.26 (4) (b) 1. Assessment of costs under par. (a) shall be made periodically on
2 the basis of a per person per day cost estimate adjusted at least annually by the
3 department. Except as provided in pars. (bm), (c) and (cm), liability shall apply to
4 county departments under s. 46.21, 46.22 or 46.23 in the county of the court
5 exercising jurisdiction under chs. 48 and 938 for each person receiving services from
6 the department of health and social services under s. 48.366, 51.35 (3), 938.183 (2)
7 or 938.34 or the department of corrections under s. 48.366 or 938.183 (2). Except as
8 provided in pars. (bm), (c) and (cm), in multicounty court jurisdictions, the county of
9 residency within the jurisdiction shall be liable for costs under this subsection.
10 Assessment of costs under par. (a) shall also be made according to the general
11 placement type or level of care provided, as defined by the department, and prorated
12 according to the ratio of the amount designated under sub. (3) (c) and (d) to the total
13 applicable estimated costs of care, services and supplies provided by the department
14 of health and social services under ss. 48.366, 51.35 (3), 938.183 (2) and 938.34 or the
15 department of corrections under ss. 48.366, 938.183 (2) and 938.34 (4h).

16 **SECTION 45m.** 46.26 (4) (c) of the statutes, as affected by 1993 Wisconsin Act
17 377, is amended to read:

18 46.26 (4) (c) Notwithstanding pars. (a), (b) 1. and (bm), ~~but subject to par. (dr),~~
19 the department of health and social services shall pay, from the appropriation under
20 s. 20.435 (3) (hm), the costs of care, services and supplies provided for each person
21 receiving services under ss. 48.34, 48.366 and 51.35 (3) who was under the
22 guardianship of the department pursuant to an order under ch. 48 at the time that
23 the person was adjudicated delinquent.

24 **SECTION 45p.** 46.26 (4) (c) of the statutes, as affected by 1993 Wisconsin Act 377
25 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

1 46.26 (4) (c) Notwithstanding pars. (a), (b) 1. and (bm), the department of
2 health and social services shall pay, from the appropriation under s. 20.435 (3) (hm),
3 the costs of care, services and supplies provided for each person receiving services
4 under ss. 48.366, 51.35 (3), 938.183 (2) and 938.34 who was under the guardianship
5 of the department pursuant to an order under ch. 48 at the time that the person was
6 adjudicated delinquent.

7 **SECTION 46m.** 46.26 (4) (cm) 1. of the statutes, as affected by 1993 Wisconsin
8 Act 377, is amended to read:

9 46.26 (4) (cm) 1. Notwithstanding pars. (a), (b) 1. and (bm), ~~but subject to par.~~
10 ~~(dr)~~, the department shall transfer funds from the appropriation under s. 20.435 (3)
11 (cg) to the appropriation under s. 20.435 (3) (hm) for the purpose of reimbursing
12 juvenile correctional institutions for costs incurred beginning on January 1, 1995, for
13 the care of any child who is placed in a juvenile correctional facility based on a
14 delinquent act that is a violation of s. 940.01, 940.02, 940.03, 940.05, 940.225 (1) or
15 943.32 (2).

16 **SECTION 46p.** 46.26 (4) (cm) 1. of the statutes, as affected by 1993 Wisconsin
17 Act 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

18 46.26 (4) (cm) 1. Notwithstanding pars. (a), (b) 1. and (bm), the department
19 shall transfer funds from the appropriation under s. 20.435 (3) (cg) to the
20 appropriation under s. 20.435 (3) (hm) for the purpose of reimbursing juvenile
21 correctional institutions operated by the department and secured child caring
22 institutions, as defined in s. 938.02 (15g), for costs incurred beginning on July 1,
23 1996, for the care of any child 14 years of age or over who is placed in a juvenile
24 correctional facility operated by the department or secured child caring institution
25 based on a delinquent act that is a violation of s. 939.31, 939.32 (1) (a), 940.01, 940.02,

1 940.03, 940.05, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10
2 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30, 948.35 (1) (b) or
3 948.36.

4 **SECTION 46r.** 46.26 (4) (cm) 1m. of the statutes is created to read:

5 46.26 (4) (cm) 1m. Notwithstanding pars. (a), (b) 1. and (bm), the department
6 shall transfer funds from the appropriation under s. 20.435 (3) (cg) to the
7 appropriation under s. 20.435 (3) (ho) for the purpose of reimbursing alternate care
8 and aftercare providers for costs incurred beginning on July 1, 1996, for the care of
9 any child 14 years of age or over who is receiving alternate care or aftercare based
10 on a delinquent act that is a violation of s. 939.31, 939.32 (1) (a), 940.01, 940.02,
11 940.03, 940.05, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10
12 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30, 948.35 (1) (b) or
13 948.36.

14 **SECTION 47m.** 46.26 (4) (cm) 2. of the statutes is renumbered 46.26 (4) (cm) 3.
15 and amended to read:

16 46.26 (4) (cm) 3. Notwithstanding pars. (a), (b) 1. and (bm), the department
17 shall transfer funds from the appropriation under s. 20.435 (3) (cg) to the
18 appropriation under s. 20.410 (1) (hx) for the purpose of reimbursing juvenile or
19 adult correctional institutions and alternate care and aftercare providers for costs
20 incurred beginning on January July 1, 1995 1996, for the care of any person 19 14
21 years of age or over and under 18 years of age who is placed in an a juvenile or adult
22 correctional facility under s. 48.366 (8) or 938.183 (2) based on a delinquent act that
23 is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

24 **SECTION 47r.** 46.26 (4) (cm) 4. of the statutes is created to read:

1 46.26 (4) (cm) 4. The per person daily reimbursement rate to juvenile and adult
2 correctional institutions under this paragraph shall be equal to the per person daily
3 cost assessment to counties under par. (d) 2. to 4. for care in a juvenile or adult
4 correctional institution.

5 **SECTION 48.** 46.26 (4) (d) 1. of the statutes is amended to read:

6 46.26 (4) (d) 1. Except as provided in pars. (e) to (g), for services under s. 48.34
7 938.34, all payments and deductions made under this subsection and uniform fee
8 collections made under s. 46.03 (18) shall be deposited in the appropriation under s.
9 20.435 (3) (hm). As adjustments in the assessments under this subsection are made,
10 there shall be a proportionate adjustment in the allocations to counties under sub.
11 (3) (d).

12 **SECTION 49.** 46.26 (4) (d) 1m. of the statutes is amended to read:

13 46.26 (4) (d) 1m. Except as provided in pars. (e) to (g), for services under s. ss.
14 48.366 and 938.183 (2), all payments and deductions made under this subsection and
15 uniform fee collections made under s. 46.03 (18) shall be deposited in the
16 appropriation under s. 20.435 (3) (hm) for services provided by the department of
17 health and social services or s. 20.410 (1) (hx) for services provided by the department
18 of corrections. As adjustments in the assessments under this subsection are made,
19 there shall be a proportionate adjustment in the allocations to counties under sub.
20 (3) (d).

21 **SECTION 51m.** 46.26 (4) (d) 3. of the statutes is amended to read:

22 46.26 (4) (d) 3. ~~In calendar year 1994~~ Beginning January 1, 1996, and ending
23 June 30, 1996, the per person daily cost assessment to counties shall be \$111.73 for
24 care in a juvenile correctional institution, \$111.73 for care for children transferred
25 from a juvenile correctional institution under s. 51.35 (3), the dollar amount set by

1 the department of corrections by rule for maintaining a prisoner in an adult
2 correctional institution, \$141.05 for care in a child caring institution, \$98.47 for care
3 in a group home for children, \$22.49 for care in a foster home, \$62.46 for care in a
4 treatment foster home, \$66.75 for departmental corrective sanctions services and
5 \$12.96 for departmental aftercare services.

6 **SECTION 51p.** 46.26 (4) (d) 3m. of the statutes is created to read:

7 46.26 (4) (d) 3m. Beginning July 1, 1996, and ending December 31, 1996, the
8 per person daily cost assessment to counties shall be \$111.73 for care in a Type 1
9 secured correctional facility, as defined in s. 938.02 (19), \$111.73 for care for children
10 transferred from a secured correctional facility, as defined in s. 938.02 (15m), or a
11 secured child caring institution, as defined in s. 938.02 (15g), under s. 51.35 (3), the
12 dollar amount set by the department of corrections by rule for maintaining a prisoner
13 in an adult correctional institution, \$141.05 for care in a child caring institution,
14 \$98.47 for care in a group home for children, \$22.49 for care in a foster home, \$62.46
15 for care in a treatment foster home, \$66.75 for care in a Type 2 secured correctional
16 facility, as defined in s. 938.02 (20), and \$12.96 for departmental aftercare services.

17 **SECTION 52.** 46.26 (4) (d) 4. of the statutes is amended to read:

18 46.26 (4) (d) 4. Beginning January 1, 1995 1997, and ending June 30, 1995
19 1997, the per person daily cost assessment to counties shall be \$115.68 for care in a
20 juvenile correctional institution Type 1 secured correctional facility, as defined in s.
21 938.02 (19), \$115.68 for care for children transferred from a juvenile correctional
22 institution secured correctional facility, as defined in s. 938.02 (15m), or a secured
23 child caring institution, as defined in s. 938.02 (15g), under s. 51.35 (3), the dollar
24 amount set by the department of corrections by rule for maintaining a prisoner in an
25 adult correctional institution, \$146.07 for care in a child caring institution, \$101.92

1 for care in a group home for children, \$23.28 for care in a foster home, \$64.65 for care
2 in a treatment foster home, \$66.75 for ~~departmental corrective sanctions services~~
3 care in a Type 2 secured correctional facility, as defined in s. 938.02 (20), and \$12.96
4 for departmental aftercare services.

5 **SECTION 52m.** 46.26 (4) (dm) of the statutes is amended to read:

6 46.26 (4) (dm) The department of health and social services shall promulgate
7 rules to provide rates under par. (d) 2., ~~3.~~ and to 4. for maintaining a person in an
8 adult correctional institution. The rate shall not vary according to the adult
9 correctional institution where a person is placed. The rate shall reflect the average
10 daily cost associated with maintaining prisoners in adult correctional institutions.

11 **SECTION 53m.** 46.26 (4) (dr) of the statutes, as created by 1993 Wisconsin Act
12 377, is repealed.

13 **SECTION 54.** 46.26 (4) (e) of the statutes is amended to read:

14 46.26 (4) (e) For foster care, treatment foster care, group home care and
15 institutional child care to delinquent children under ss. ~~48.48 (4) and (14), 48.52 and~~
16 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all payments and deductions made
17 under this subsection and uniform fee collections under s. 46.03 (18) shall be
18 deposited in the appropriation under s. 20.435 (3) (ho).

19 **SECTION 55.** 46.26 (4) (eg) of the statutes is amended to read:

20 46.26 (4) (eg) For corrective sanctions services under s. ~~48.533~~ 938.533 (2), all
21 payments and deductions made under this subsection and uniform fee collections
22 under s. 46.03 (18) shall be deposited in the appropriation under s. 20.435 (3) (hr).

23 **SECTION 56.** 46.26 (4) (g) of the statutes is amended to read:

24 46.26 (4) (g) For juvenile field and institutional aftercare services under ch. 48
25 938 and for the juvenile offender review program in the division of youth services in

1 the department of health and social services, all payments and deductions made
2 under this subsection and uniform fee collections under s. 46.03 (18) shall be
3 deposited in the general fund and shall be treated as a nonappropriated receipt.

4 **SECTION 57.** 46.26 (7) (b) 2. of the statutes is amended to read:

5 46.26 (7) (b) 2. To determine eligibility for payments under this paragraph for
6 fiscal year ~~1993-94~~ 1995-96, the department shall determine a percentage for each
7 county by dividing the combined number of ~~1990~~ 1992 and ~~1991~~ 1993 assaultive and
8 total Part I juvenile arrests in a county by the population of that county under ~~18~~ 17
9 years of age. A county having a percentage exceeding 3.5% is eligible to receive these
10 payments.

11 **SECTION 58.** 46.26 (7) (b) 3. of the statutes is amended to read:

12 46.26 (7) (b) 3. To determine eligibility for payments under this paragraph for
13 fiscal year ~~1994-95~~ 1996-97, the department shall determine a percentage for each
14 county by using the procedure under subd. 2., updating the arrest data to reflect
15 current statistics, if available. A county having a percentage exceeding 3.5% is
16 eligible to receive these payments.

17 **SECTION 59.** 46.26 (7) (h) of the statutes is amended to read:

18 46.26 (7) (h) For counties that are participating in the corrective sanctions
19 program under s. ~~48.533~~ 938.533 (2), \$768,100 in 1994 and \$768,100 in the first 6
20 months of 1995 for the provision of corrective sanctions services for children from
21 that county. In distributing funds to counties under this paragraph, the department
22 shall determine a county's distribution by dividing the amount allocated under this
23 paragraph by 105 and multiplying the quotient by the average daily population of
24 children from that county who are participating in the program.

25 **SECTION 60.** 46.263 (3) of the statutes is amended to read:

1 46.263 (3) The department shall distribute 33% of the amounts distributed
2 under sub. (1) based on each county's proportion of the number of children who are
3 taken into custody statewide for alleged violations that are punishable as a Class A
4 or a Class B felony if committed by an adult, during the most recent 2-year period
5 for which that information is available. The department shall distribute 33% of the
6 amounts distributed under sub. (1) based on each county's proportion of the number
7 of children statewide who are placed in a juvenile correctional institution or a
8 secured child caring institution, as defined in s. 938.02 (15g), during the most recent
9 2-year period for which that information is available. The department shall
10 distribute 34% of the amounts distributed under sub. (1) based on each county's
11 proportion of the number of Part I juvenile ~~offenses~~ arrests reported statewide under
12 the uniform crime reporting system of the ~~Wisconsin department~~ office of justice
13 assistance in the department of administration, during the most recent 2-year
14 period for which that information is available.

15 **SECTION 61.** 46.275 (4) (b) 1. of the statutes is amended to read:

16 46.275 (4) (b) 1. Consent for participation is given either by the person's parent,
17 guardian or legal custodian, if the person is under age 18, or by the person or the
18 person's guardian, if the person is age 18 or over, except that this subdivision does
19 not limit the authority of the circuit court to enter, change, revise or extend a
20 dispositional order under subch. VI of ch. 48 or subch. VI of ch. 938 or to order a
21 placement under s. 55.06.

22 **SECTION 62.** 46.28 (1) (am) 1. of the statutes is amended to read:

23 46.28 (1) (am) 1. A child adjudged delinquent for whom a case disposition is
24 made under s. 48.34 938.34.

25 **SECTION 63.** 46.28 (1) (am) 2. of the statutes is amended to read:

1 46.28 (1) (am) 2. A child found in need of protection or services for whom an
2 order is made under s. 48.345 or 938.345.

3 **SECTION 64.** 46.56 (3) (a) 5. of the statutes is amended to read:

4 46.56 (3) (a) 5. The juvenile court administrator or another representative
5 appointed by the judge responsible for cases heard under ~~ch.~~ chs. 48 and 938.

6 **SECTION 65.** 46.56 (8) (a) of the statutes is amended to read:

7 46.56 (8) (a) Referrals to the program may come from any county departments,
8 agencies, school districts, cooperative educational service agencies, county
9 handicapped children's education boards, technical college districts, courts assigned
10 to exercise jurisdiction under ~~ch.~~ chs. 48 and 938 or any other organization or the
11 child with severe disabilities or his or her family may contact the administering
12 agency or service coordination agency to request services.

13 **SECTION 66.** 46.56 (8) (g) of the statutes is amended to read:

14 46.56 (8) (g) The service coordinator shall assemble the results of all prior
15 relevant assessments and evaluations documenting the service needs of the child
16 with severe disabilities and the child's family, including multidisciplinary team
17 evaluations under s. 115.80 (3) or independent educational evaluations,
18 court-ordered evaluations under s. 48.295 or 938.295, family support program
19 evaluations, community integration program or community options program
20 assessments, and any other available medical, psychiatric, psychological, vocational
21 or developmental evaluations.

22 **SECTION 67.** 46.56 (8) (h) 5. of the statutes is amended to read:

23 46.56 (8) (h) 5. Identification of any administrative or judicial procedures
24 under ch. 48, 51, 55, 115 ~~or~~, 118 or 938 that may be necessary in order to fully
25 implement the integrated service plan and the identity of the individual or

1 organization that will be responsible for initiating those procedures, if any are
2 required.

3 **SECTION 68.** 46.56 (8) (j) of the statutes is amended to read:

4 46.56 (8) (j) The proposed integrated service plan shall be submitted to any
5 service providers who would be included in the integrated service plan and the court
6 assigned to exercise jurisdiction under ~~ch. chs.~~ 48 and 938 if participation in the
7 program has been court ordered under s. ~~48.34~~ 48.345 (6m) or 938.34 (6m).

8 **SECTION 69.** 46.56 (8) (k) of the statutes is amended to read:

9 46.56 (8) (k) Upon written approval of the integrated service plan by the
10 proposed service providers and the child's family, unless the child's involvement in
11 the program is through court order under s. ~~48.355~~ or 938.355, in which case
12 approval of the court may be substituted for that of the family, the integrated service
13 plan shall be implemented by the service coordination agency and the service
14 providers designated to provide services under the integrated service plan.

15 **SECTION 70.** 46.56 (14) (a) (intro.) of the statutes is amended to read:

16 46.56 (14) (a) (intro.) In order to support the development of a comprehensive
17 system of coordinated care for children with severe disabilities and their families, the
18 department shall establish a statewide advisory committee with representatives of
19 county departments, the department of public instruction, educational agencies,
20 professionals experienced in the provision of services to children with severe
21 disabilities, families with children with severe disabilities, advocates for such
22 families and their children, the subunit of the department that administers
23 vocational rehabilitation, the technical college system, health care providers, courts
24 assigned to exercise jurisdiction under ~~ch. chs.~~ 48 and 938, child welfare officials, and
25 other appropriate persons as selected by the department. The department may use

1 an existing committee for this purpose if it has representatives from the listed groups
2 and is willing to perform the required functions. This committee shall do all of the
3 following:

4 **SECTION 71.** 48.01 (1) (c) of the statutes is repealed.

5 **SECTION 72.** 48.01 (1) (d) of the statutes is repealed.

6 **SECTION 73.** 48.01 (1) (h) of the statutes is repealed.

7 **SECTION 73m.** 48.02 (1) of the statutes is amended to read:

8 48.02 (1) "Adult" means a person who is 18 years of age or older, except that
9 for purposes of prosecuting a person who is alleged to have violated any state or
10 federal criminal law or any civil law or municipal ordinance, "adult" means a person
11 who has attained 17 years of age.

12 **SECTION 73p.** 48.02 (2) of the statutes is amended to read:

13 48.02 (2) "Child" means a person who is less than 18 years of age, except that
14 for purposes of prosecuting a person who is alleged to have violated a state or federal
15 criminal law or any civil law or municipal ordinance, "child" does not include a person
16 who has attained 17 years of age.

17 **SECTION 74.** 48.02 (2m) of the statutes is amended to read:

18 48.02 (2m) "Court", when used without further qualification, means the court
19 assigned to exercise jurisdiction under this chapter and ch. 938.

20 **SECTION 75m.** 48.02 (3m) of the statutes is amended to read:

21 48.02 (3m) "Delinquent" means a child who is less than ~~18~~ 17 years of age and
22 12 years of age or older who has violated any state or federal criminal law, except as
23 provided in ss. 48.17, 48.18 and 48.183, or who has committed a contempt of court,
24 as defined in s. 785.01 (1), as specified in s. 48.355 (6g).

1 **SECTION 75p.** 48.02 (3m) of the statutes, as affected by 1995 Wisconsin Act ...
2 (this act), is repealed.

3 **SECTION 76.** 48.02 (9m) of the statutes is repealed.

4 **SECTION 77.** 48.02 (10) of the statutes is amended to read:

5 48.02 (10) "Judge", if used without further qualification, means the judge of the
6 court assigned to exercise jurisdiction under this chapter and ch. 938.

7 **SECTION 77m.** 48.02 (15m) of the statutes, as affected by 1993 Wisconsin Act
8 377, is amended to read:

9 48.02 (15m) "Secured correctional facility" means a correctional institution
10 operated or contracted for by the department of ~~health and social services or the~~
11 ~~department of corrections~~ for holding in secure custody persons adjudged
12 delinquent. "Secured correctional facility" includes the facility at which the juvenile
13 boot camp program under s. 48.532 is operated.

14 **SECTION 78.** 48.02 (15m) of the statutes, as affected by 1993 Wisconsin Act 377
15 and 1995 Wisconsin Act ... (this act), is repealed.

16 **SECTION 79.** 48.023 (4) of the statutes, as affected by 1993 Wisconsin Act 385,
17 is amended to read:

18 48.023 (4) The rights and responsibilities of legal custody except when legal
19 custody has been vested in another person or when the child is under the supervision
20 of the department under s. ~~48.34~~ 938.183 (2) or 938.34 (4m) or (4n) or the supervision
21 of a county department under s. ~~48.34~~ 938.34 (4n).

22 **SECTION 80.** 48.03 (2) of the statutes is amended to read:

23 48.03 (2) In the case of the absence or disability of the judge of a court assigned
24 to exercise jurisdiction under this chapter and ch. 938, another judge shall be
25 assigned under s. 751.03 to act temporarily in the judge's place. If the judge assigned

1 temporarily is from a circuit other than the one for which elected, the judge shall
2 receive expenses as provided under s. 753.073.

3 **SECTION 81.** 48.035 of the statutes is amended to read:

4 **48.035 Court; Menominee and Shawano counties.** Menominee county is
5 attached to Shawano county for judicial purposes to the extent of the jurisdiction and
6 functions of the court assigned to exercise jurisdiction under this chapter and ch. 938
7 and the office and functions of the judge of the court, and the duly designated judge
8 of the court assigned to exercise jurisdiction under this chapter and ch. 938 of the
9 circuit court for Menominee and Shawano counties shall serve in both counties. The
10 county boards of Menominee county and Shawano county shall enter into an
11 agreement on administration of this section and the prorating of expenditures
12 involved, and for such purposes the county board of supervisors of Menominee county
13 may appropriate, levy and collect a sum each year sufficient to pay its share of the
14 expenses. If the 2 county boards are unable to agree on the prorating of expenditure
15 involved, then the circuit judges for the circuit court for Menominee and Shawano
16 counties shall, upon appropriate notice and hearing, determine the prorating of the
17 expenditures on the basis of a fair allocation to each county under such procedure as
18 they prescribe. If the circuit judges are unable to agree, the chief judge of the judicial
19 administrative district shall make the determination.

20 **SECTION 87.** 48.065 (2) (g) of the statutes is repealed.

21 **SECTION 88.** 48.065 (2) (gm) of the statutes is amended to read:

22 48.065 (2) (gm) Conduct uncontested proceedings under ~~ss. 48.12 and s.~~ 48.13.

23 **SECTION 89.** 48.065 (3) (a) of the statutes is repealed.

24 **SECTION 90.** 48.065 (3) (b) of the statutes is amended to read:

1 48.065 (3) (b) Conduct fact-finding or dispositional hearings ~~except petitions~~
2 ~~or citations under s. 48.125~~ and except as provided in sub. (2) (gm).

3 **SECTION 91.** 48.065 (3) (c) of the statutes is amended to read:

4 48.065 (3) (c) Make dispositions other than approving consent decrees and
5 other than dispositions in uncontested proceedings under ~~ss. 48.12~~ and s. 48.13.

6 **SECTION 92.** 48.065 (3) (e) of the statutes is amended to read:

7 48.065 (3) (e) Make changes in placements of children, or revisions or
8 extensions of dispositional orders, ~~except pursuant to petitions or citations under s.~~
9 ~~48.125~~ and except in uncontested proceedings under ~~ss. 48.12~~ and s. 48.13.

10 **SECTION 92m.** 48.065 (3) (f) of the statutes, as affected by 1993 Wisconsin Act
11 377, is amended to read:

12 48.065 (3) (f) Make any dispositional order under s. 48.34 ~~(4g)~~ or (4m).

13 **SECTION 93.** 48.065 (3) (f) of the statutes, as affected by 1993 Wisconsin Act 377
14 and 1995 Wisconsin Act (this act), is repealed.

15 **SECTION 94.** 48.069 (1) (dj) of the statutes, as created by 1993 Wisconsin Act
16 385, is repealed.

17 **SECTION 95.** 48.07 (4) of the statutes is amended to read:

18 48.07 (4) COUNTY DEPARTMENTS THAT PROVIDE DEVELOPMENTAL DISABILITIES,
19 MENTAL HEALTH OR ALCOHOL AND OTHER DRUG ABUSE SERVICES. Within the limits of
20 available state and federal funds and of county funds appropriated to match state
21 funds, the court may order county departments established under s. 51.42 or 51.437
22 to provide special treatment or care to a child if special treatment or care has been
23 ordered under s. ~~48.34~~ 48.345 (6) and if s. 48.362 (4) applies.

24 **SECTION 96.** 48.08 (2) of the statutes is amended to read:

1 48.08 (2) ~~Except as provided in sub. (3), any~~ Any person authorized to provide
2 or providing intake or dispositional services for the court under ss. 48.067 and 48.069
3 ~~and any department of corrections staff member designated by agreement between~~
4 ~~the department of corrections and the department of health and social services has~~
5 the power of police officers and deputy sheriffs only for the purpose of taking a child
6 into physical custody when the child comes voluntarily or is suffering from illness or
7 injury or is in immediate danger from his or her surroundings and removal from the
8 surroundings is necessary.

9 **SECTION 97.** 48.08 (3) of the statutes is repealed.

10 **SECTION 98.** 48.09 (1) of the statutes is repealed.

11 **SECTION 99.** 48.09 (2) of the statutes is repealed.

12 **SECTION 100.** 48.09 (3) of the statutes is repealed.

13 **SECTION 101.** 48.09 (4) of the statutes is repealed.

14 **SECTION 102.** 48.10 of the statutes is amended to read:

15 **48.10 Power of the judge to act as intake worker.** The duties of the intake
16 worker may be carried out from time to time by the judge at his or her discretion, but
17 if a recommendation to file a petition is made, ~~a citation is issued~~ or an informal
18 disposition is entered into, the judge shall be disqualified from participating further
19 in the proceedings.

20 **SECTION 103m.** 48.12 (1) of the statutes is amended to read:

21 48.12 (1) The court has exclusive jurisdiction, except as provided in ss. 48.17,
22 48.18 and 48.183, over any child who is less than 17 years of age and 12 years of age
23 or older and who is alleged to be delinquent as defined in s. 48.02 (3m).

24 **SECTION 103p.** 48.12 (2) of the statutes is amended to read:

1 48.12 (2) If a court proceeding has been commenced under this section before
2 a child is ~~18~~ 17 years of age, but the child becomes ~~18~~ 17 years of age before admitting
3 the facts of the petition at the plea hearing or if the child denies the facts, before an
4 adjudication, the court retains jurisdiction over the case to dismiss the action with
5 prejudice, to waive its jurisdiction under s. 48.18, or to enter into a consent decree.
6 If the court finds that the child has failed to fulfill the express terms and conditions
7 of the consent decree or the child objects to the continuation of the consent decree,
8 the court may waive its jurisdiction.

9 **SECTION 104.** 48.125 of the statutes is repealed.

10 **SECTION 105.** 48.13 (4) of the statutes is amended to read:

11 48.13 (4) Whose parent or guardian signs the petition requesting jurisdiction
12 and states that he or she is unable to care for, ~~control~~ or provide necessary special
13 treatment or care for the child;

14 **SECTION 106.** 48.13 (6) of the statutes is repealed.

15 **SECTION 107.** 48.13 (6m) of the statutes is repealed.

16 **SECTION 108.** 48.13 (7) of the statutes is repealed.

17 **SECTION 109.** 48.13 (12) of the statutes is repealed.

18 **SECTION 110.** 48.13 (14) of the statutes is repealed.

19 **SECTION 111.** 48.135 (1) of the statutes is amended to read:

20 48.135 (1) If a child alleged to be ~~delinquent or~~ in need of protection or services
21 is before the court and it appears that the child is developmentally disabled, mentally
22 ill or drug dependent or suffers from alcoholism, the court may proceed under ch. 51
23 or 55.

24 **SECTION 112m.** 48.14 (4) of the statutes is repealed.

25 **SECTION 113.** 48.15 of the statutes is amended to read:

1 **48.15 Jurisdiction of other courts to determine legal custody.** Nothing
2 contained in ss. 48.12, 48.13 and 48.14 deprives other courts of the right to determine
3 the legal custody of children by habeas corpus or to determine the legal custody or
4 guardianship of children if the legal custody or guardianship is incidental to the
5 determination of causes pending in the other courts. But the jurisdiction of the court
6 assigned to exercise jurisdiction under this chapter and ch. 938 is paramount in all
7 cases involving children alleged to come within the provisions of ss. 48.12, 48.13 and
8 48.14.

9 **SECTION 114.** 48.17 of the statutes is repealed.

10 **SECTION 114d.** 48.18 (title) and (1) of the statutes are repealed.

11 **SECTION 114g.** 48.18 (2) of the statutes is repealed.

12 **SECTION 114j.** 48.18 (2m) of the statutes, as created by 1993 Wisconsin Act 377,
13 is repealed.

14 **SECTION 114m.** 48.18 (3) of the statutes is repealed.

15 **SECTION 114p.** 48.18 (4) of the statutes is repealed.

16 **SECTION 114r.** 48.18 (5) (intro.) of the statutes is repealed.

17 **SECTION 114v.** 48.18 (5) (a) of the statutes is repealed.

18 **SECTION 115d.** 48.18 (5) (b) of the statutes is repealed.

19 **SECTION 115g.** 48.18 (5) (c) of the statutes, as affected by 1993 Wisconsin Act
20 377, is amended to read:

21 48.18 (5) (c) The adequacy and suitability of facilities, services and procedures
22 available for treatment of the child and protection of the public within the juvenile
23 justice system, and, where applicable, the mental health system ~~and the suitability~~
24 ~~of the child for placement in the youthful offender program under s. 48.537 or the~~
25 ~~adult intensive sanctions program under s. 301.048.~~

1 **SECTION 115j.** 48.18 (5) (c) of the statutes, as affected by 1993 Wisconsin Act
2 377 and 1995 Wisconsin Act (this act), is repealed.

3 **SECTION 115m.** 48.18 (5) (d) of the statutes is repealed.

4 **SECTION 115p.** 48.18 (6) of the statutes is repealed.

5 **SECTION 115r.** 48.18 (8) of the statutes is repealed.

6 **SECTION 115v.** 48.18 (9) of the statutes is repealed.

7 **SECTION 116.** 48.183 of the statutes is repealed.

8 **SECTION 117.** 48.185 (1) of the statutes is amended to read:

9 48.185 (1) ~~Subject to sub. (3), venue~~ Venue for any proceeding under ss. 48.12,
10 ~~48.125, 48.13, 48.135, and~~ 48.14 (1) to (9) ~~and 48.18~~ may be in any of the following:
11 the county where the child resides, the county where the child is present or, in the
12 case of a violation of a state law or a county, town or municipal ordinance, the county
13 where the violation occurred. Venue for proceedings brought under subch. VIII is as
14 provided in this subsection except where the child has been placed and is living
15 outside the home of the child's parent pursuant to a dispositional order, in which case
16 venue is as provided in sub. (2). Venue for a proceeding under s. 48.14 (10) is as
17 provided in s. 801.50 (5s).

18 **SECTION 118.** 48.185 (3) of the statutes is repealed.

19 **SECTION 119.** 48.19 (1) (d) 3. of the statutes is repealed.

20 **SECTION 119m.** 48.19 (1) (d) 6. of the statutes, as affected by 1993 Wisconsin
21 Act 377, is amended to read:

22 48.19 (1) (d) 6. The child has violated the terms of court-ordered supervision
23 or aftercare supervision administered by the department of health and social
24 services or a county department, or of corrective sanctions supervision administered

1 by the department of health and social services or youthful offender supervision
2 administered by the department of corrections.

3 **SECTION 120.** 48.19 (1) (d) 6. of the statutes, as affected by 1993 Wisconsin Act
4 377 and 1995 Wisconsin Act (this act), is repealed.

5 **SECTION 121.** 48.19 (1) (d) 8. of the statutes is repealed.

6 **SECTION 122.** 48.19 (1) (d) 9. of the statutes is repealed.

7 **SECTION 123.** 48.19 (1) (d) 10. of the statutes is repealed.

8 **SECTION 124.** 48.19 (1m) of the statutes is repealed.

9 **SECTION 125.** 48.20 (2) (ag) of the statutes is amended to read:

10 48.20 (2) (ag) Except as provided in pars. (b) to ~~(g)~~ (d), a person taking a child
11 into custody shall make every effort to release the child immediately to the child's
12 parent, guardian or legal custodian.

13 **SECTION 126.** 48.20 (2) (cm) of the statutes, as created by 1993 Wisconsin Act
14 385, is repealed.

15 **SECTION 127.** 48.20 (2) (e) of the statutes is repealed.

16 **SECTION 128.** 48.20 (2) (f) of the statutes is repealed.

17 **SECTION 129.** 48.20 (2) (g) of the statutes is repealed.

18 **SECTION 130.** 48.20 (3) of the statutes is amended to read:

19 48.20 (3) If the child is released under sub. (2) (b) to (d) ~~or (g)~~, the person who
20 took the child into custody shall immediately notify the child's parent, guardian and
21 legal custodian of the time and circumstances of the release and the person, if any,
22 to whom the child was released. If the child is not released under sub. (2), the person
23 who took the child into custody shall arrange in a manner determined by the court
24 and law enforcement agencies for the child to be interviewed by the intake worker
25 under s. 48.067 (2), and shall make a statement in writing with supporting facts of

1 the reasons why the child was taken into physical custody and shall give any child
2 12 years of age or older a copy of the statement in addition to giving a copy to the
3 intake worker. When the intake interview is not done in person, the report may be
4 read to the intake worker.

5 **SECTION 131.** 48.20 (7) (a) of the statutes is amended to read:

6 48.20 (7) (a) When a child is interviewed by an intake worker, the intake worker
7 shall inform any child ~~possibly involved in a delinquent act of his or her right to~~
8 ~~counsel and the right against self-incrimination.~~ If the child who is alleged to be in
9 need of protection or services and who is 12 years of age or older, ~~the intake worker~~
10 ~~shall inform the child~~ of his or her right to counsel.

11 **SECTION 132.** 48.20 (7) (c) 1m. of the statutes, as created by 1993 Wisconsin Act
12 385, is repealed.

13 **SECTION 133.** 48.20 (8) of the statutes, as affected by 1993 Wisconsin Act 385,
14 is amended to read:

15 48.20 (8) If a child is held in custody, the intake worker shall notify the child's
16 parent, guardian and legal custodian of the reasons for holding the child in custody
17 and of the child's whereabouts unless there is reason to believe that notice would
18 present imminent danger to the child. If a child who has violated the terms of
19 aftercare supervision administered by the department or a county department is
20 held in custody, the intake worker shall also notify the department or county
21 department, whichever has supervision over the child, of the reasons for holding the
22 child in custody, of the child's whereabouts and of the time and place of the detention
23 hearing required under s. 48.21. The parent, guardian and legal custodian shall also
24 be notified of the time and place of the detention hearing required under s. 48.21, the
25 nature and possible consequences of that hearing, the right to counsel under s. 48.23

1 regardless of ability to pay, and the right to present and cross-examine witnesses at
2 the hearing. If the parent, guardian or legal custodian is not immediately available,
3 the intake worker or another person designated by the court shall provide notice as
4 soon as possible. When the child is alleged to be in need of protection or services and
5 is 12 years of age or older, ~~or is alleged to have committed a delinquent act~~, the child
6 shall receive the same notice about the detention hearing as the parent, guardian or
7 legal custodian. The intake worker shall notify both the child and the child's parent,
8 guardian or legal custodian.

9 **SECTION 134.** 48.205 (1) (a) of the statutes is amended to read:

10 48.205 (1) (a) Probable cause exists to believe that if the child is not held he or
11 she will ~~commit injury to the person or property of others or cause injury to himself~~
12 or herself or be subject to injury by others;

13 **SECTION 135m.** 48.205 (1) (c) of the statutes, as affected by 1993 Wisconsin Act
14 377, is amended to read:

15 48.205 (1) (c) Probable cause exists to believe that the child will run away or
16 be taken away so as to be unavailable for proceedings of the court or its officers or
17 proceedings of the division of hearings and appeals in the department of
18 administration for revocation of aftercare, or corrective sanctions ~~or~~ youthful
19 offender supervision.

20 **SECTION 135p.** 48.205 (1) (c) of the statutes, as affected by 1993 Wisconsin Act
21 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

22 48.205 (1) (c) Probable cause exists to believe that the child will run away or
23 be taken away so as to be unavailable for proceedings of the court or its officers.

24 **SECTION 135r.** 48.208 (1) of the statutes, as affected by 1993 Wisconsin Acts 377
25 and 385, is amended to read:

1 48.208 (1) Probable cause exists to believe that the child has committed a
2 delinquent act and either presents a substantial risk of physical harm to another
3 person or a substantial risk of running away as evidenced by a previous act or
4 attempt so as to be unavailable for a court hearing or a revocation hearing for
5 children on aftercare, or corrective sanctions ~~or youthful offender~~ supervision. For
6 children on aftercare, or corrective sanctions ~~or youthful offender~~ supervision, the
7 delinquent act referred to in this section may be the act for which the child was placed
8 in a secured correctional facility.

9 **SECTION 136.** 48.208 (1) of the statutes, as affected by 1993 Wisconsin Acts 377
10 and 385 and 1995 Wisconsin Act (this act), is repealed.

11 **SECTION 137.** 48.208 (2) of the statutes is repealed.

12 **SECTION 138.** 48.208 (5) of the statutes is repealed.

13 **SECTION 139.** 48.209 (3) of the statutes is repealed.

14 **SECTION 140.** 48.21 (1) (a) of the statutes is amended to read:

15 48.21 (1) (a) If a child who has been taken into custody is not released under
16 s. 48.20, a hearing to determine whether the child shall continue to be held in custody
17 under the criteria of ss. 48.205 to 48.209 shall be conducted by the judge or juvenile
18 court commissioner within 24 hours of the time the decision to hold the child was
19 made, excluding Saturdays, Sundays and legal holidays. By the time of the hearing
20 a petition under s. 48.25 shall be filed, except that no petition need be filed where a
21 child is taken into custody under s. 48.19 (1) (b) or (d) 2., ~~6.~~ or 7. or where the child
22 is a runaway from another state, in which case a written statement of the reasons
23 for holding a child in custody shall be substituted if the petition is not filed. If no
24 hearing has been held within 24 hours or if no petition or statement has been filed

1 at the time of the hearing, the child shall be released except as provided in par. (b).

2 A parent not present at the hearing shall be granted a rehearing upon request.

3 **SECTION 141.** 48.21 (2) of the statutes is repealed.

4 **SECTION 142.** 48.21 (3) (intro.) of the statutes is amended to read:

5 48.21 (3) PROCEEDINGS CONCERNING CHILDREN IN NEED OF PROTECTION OR
6 SERVICES. (intro.) Proceedings concerning a child who comes within the jurisdiction
7 of the court under s. 48.13 ~~(1) to (5) or (8) to (11)~~ shall be conducted according to this
8 subsection.

9 **SECTION 143.** 48.21 (4m) of the statutes is repealed.

10 **SECTION 144.** 48.22 of the statutes, as affected by 1993 Wisconsin Act 377, is
11 repealed.

12 **SECTION 145.** 48.225 of the statutes is repealed.

13 **SECTION 146.** 48.227 (4) (b) of the statutes is amended to read:

14 48.227 (4) (b) If, in addition to jurisdiction under par. (c), the court has
15 jurisdiction over the child under ss. 48.12 48.13 to 48.14, excluding s. 48.14 (8), or
16 under ss. 938.12 to 938.14, a hearing may be held under s. 48.21 or 938.21.

17 **SECTION 147.** 48.227 (4) (e) 2. of the statutes is amended to read:

18 48.227 (4) (e) 2. That, with the consent of the child and the runaway home, the
19 child remain in the care of the runaway home for a period of not more than 20 days.
20 Without further proceedings, the child shall be released whenever the child
21 indicates, either by statement or conduct, that he or she wishes to leave the home or
22 whenever the runaway home withdraws its consent. During this time period not to
23 exceed 20 days ordered by the court, the child's parent, guardian or legal custodian
24 may not remove the child from the home but may confer with the child or with the
25 person operating the home. If, at the conclusion of the time period ordered by the

1 court the child has not left the home, and no petition concerning the child has been
2 filed under s. ~~48.12 or 48.13~~, 938.12 or 938.13, the child shall be released from the
3 home. If a petition concerning the child has been filed under s. ~~48.12 or 48.13~~, 938.12
4 or 938.13, the child may be held in temporary physical custody under ss. 48.20 to
5 48.21 or 938.20 to 938.21.

6 **SECTION 148m.** 48.23 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
7 377, 385 and 491, is amended to read:

8 48.23 (1) (a) Any child alleged to be delinquent under s. 48.12 or held in a secure
9 detention facility shall be represented by counsel at all stages of the proceedings, but
10 a child 15 years of age or older may waive counsel if the court is satisfied that the
11 waiver is knowingly and voluntarily made and the court accepts the waiver. If the
12 waiver is accepted, the court may not place the child in a secured correctional facility,
13 ~~transfer legal custody of the child to the department of corrections for participation~~
14 ~~in the youthful offender program or transfer jurisdiction over the child to adult court.~~

15 **SECTION 148p.** 48.23 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
16 377, 385 and 491 and 1995 Wisconsin Act (this act), is repealed and recreated to
17 read:

18 48.23 (1) (a) Any child held in a secure detention facility shall be represented
19 by counsel at all stages of the proceedings, but a child 15 years of age or older may
20 waive counsel if the court is satisfied that the waiver is knowingly and voluntarily
21 made and the court accepts the waiver.

22 **SECTION 149.** 48.23 (1) (am) of the statutes is repealed.

23 **SECTION 150.** 48.23 (2m) of the statutes is repealed.

24 **SECTION 150d.** 48.23 (4) of the statutes is amended to read:

SECTION 150d

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

22 **SECTION 151.** 48.237 of the statutes is repealed.

23 **SECTION 152.** 48.24 (1) of the statutes is amended to read:

24 48.24 (1) ~~Except where a citation has been issued under s. 48.17 (2),~~
25 ~~information~~ Information indicating that a child should be referred to the court as

1 ~~delinquent, in need of protection or services or in violation of a civil law or a county,~~
2 ~~town or municipal ordinance~~ shall be referred to the intake worker, who shall
3 conduct an intake inquiry on behalf of the court to determine whether the available
4 facts establish prima facie jurisdiction and to determine the best interests of the child
5 and of the public with regard to any action to be taken.

6 **SECTION 153.** 48.24 (2m) (a) 1. of the statutes is repealed.

7 **SECTION 154.** 48.24 (2m) (a) 2. of the statutes is amended to read:

8 48.24 **(2m)** (a) 2. Any child alleged to be ~~delinquent or~~ in need of protection and
9 services who has at least 2 prior adjudications for a violation of s. 125.07 (4) (a) or
10 (b), 125.085 (3) (b) or 125.09 (2) or a local ordinance that strictly conforms to any of
11 those sections.

12 **SECTION 155.** 48.24 (2m) (a) 3. of the statutes is repealed.

13 **SECTION 156.** 48.24 (5) of the statutes is amended to read:

14 48.24 **(5)** The intake worker shall recommend that a petition be filed, enter into
15 an informal disposition or close the case within 40 days or sooner of receipt of referral
16 information. If the case is closed or an informal disposition is entered into, the
17 district attorney, corporation counsel or other official under s. 48.09 shall receive
18 written notice of such action. ~~A notice of informal disposition of an alleged~~
19 ~~delinquency case shall include a summary of facts surrounding the allegation and~~
20 ~~a list of prior intake referrals and dispositions.~~ If a law enforcement officer has made
21 a recommendation concerning the child, the intake worker shall forward this
22 recommendation to the district attorney, corporation counsel or other official under
23 s. 48.09. With respect to petitioning a child to be in need of protection or services,
24 information received more than 40 days before filing the petition may be included to
25 establish a condition or pattern which, together with information received within the

1 40-day period, provides a basis for conferring jurisdiction on the court.
2 Notwithstanding the requirements of this section, the district attorney may initiate
3 a delinquency petition under s. 48.25 within 20 days after notice that the case has
4 been closed or that an informal disposition has been made. The judge shall dismiss
5 with prejudice any such petition which is not referred or filed within the time limits
6 specified within this subsection.

7 **SECTION 157.** 48.24 (7) of the statutes is repealed.

8 **SECTION 158.** 48.243 (1) (intro.) of the statutes is amended to read:

9 48.243 (1) (intro.) Before conferring with the parent or child during the intake
10 inquiry, the intake worker shall personally inform a child alleged to have committed
11 a delinquent act, and parents and children 12 years of age or older who are the focus
12 of an inquiry regarding the need for protection or services, that the referral may
13 result in a petition to the court and:

14 **SECTION 159.** 48.243 (1) (b) of the statutes is amended to read:

15 48.243 (1) (b) The nature and possible consequences of the proceedings
16 including the provisions of ss. 48.17, 48.18 and 48.366 if applicable;

17 **SECTION 160.** 48.243 (1) (c) of the statutes is amended to read:

18 48.243 (1) (c) The right to remain silent and the fact that in a delinquency
19 proceeding the silence of the child shall not be adversely considered by the court or
20 jury, although silence of any party may be relevant in any nondelinquency
21 proceeding;

22 **SECTION 161.** 48.243 (1) (h) of the statutes is amended to read:

23 48.243 (1) (h) The right to have the allegations of the petition proved by clear
24 and convincing evidence unless the child comes within the court's jurisdiction under

1 s. 48.12 or 48.13 (12), in which case the standard of proof shall be beyond a reasonable
2 doubt.

3 **SECTION 162.** 48.243 (1m) of the statutes is repealed.

4 **SECTION 163.** 48.245 (1) of the statutes is amended to read:

5 48.245 (1) The intake worker may enter into a written agreement with all
6 parties which imposes informal disposition under this section if the intake worker
7 has determined that neither the interests of the child nor of the public require filing
8 of a petition for circumstances relating to ss. 48.12 48.13 to 48.14. Informal
9 disposition shall be available only if the facts persuade the intake worker that the
10 jurisdiction of the court, if sought, would exist and upon consent of the child, parent,
11 guardian and legal custodian.

12 **SECTION 164.** 48.245 (2) (a) 5. of the statutes is repealed.

13 **SECTION 165.** 48.245 (2) (a) 6. of the statutes is repealed.

14 **SECTION 166.** 48.245 (2) (a) 7. of the statutes is repealed.

15 **SECTION 167.** 48.245 (2) (b) of the statutes is amended to read:

16 48.245 (2) (b) Informal disposition may not include any form of residential
17 placement and may not exceed 6 months, ~~except as provided under sub. (2m).~~

18 **SECTION 168.** 48.245 (2m) of the statutes is repealed.

19 **SECTION 169.** 48.245 (6) of the statutes is repealed.

20 **SECTION 170.** 48.245 (7) of the statutes is amended to read:

21 48.245 (7) If at any time during the period of informal disposition the intake
22 worker determines that the obligations imposed under it are not being met, the
23 intake worker may cancel the informal disposition. Within 10 days after the
24 cancellation of the informal disposition, the intake worker shall notify the district
25 attorney, corporation counsel or other official under s. 48.09 of the cancellation and

1 recommend whether or not a petition should be filed. ~~In delinquency cases, the~~
2 ~~district attorney may initiate a petition within 20 days after the date of the notice~~
3 ~~regardless of whether the intake worker has recommended that a petition be filed.~~
4 The judge shall dismiss with prejudice any petition which is not filed within the time
5 limit specified in this subsection.

6 **SECTION 171.** 48.245 (8) of the statutes is amended to read:

7 48.245 (8) If the obligations imposed under the informal disposition are met,
8 the intake worker shall so inform the child and a parent, guardian and legal
9 custodian in writing, and no petition may be filed ~~or citation issued~~ on the charges
10 that brought about the informal disposition nor may the charges be the sole basis for
11 a petition under ss. 48.13 to 48.14.

12 **SECTION 172.** 48.25 (1) of the statutes is amended to read:

13 48.25 (1) A petition initiating proceedings under this chapter shall be signed
14 by a person who has knowledge of the facts alleged or is informed of them and
15 believes them to be true. ~~If a petition under s. 48.12 is to be filed, it shall be prepared,~~
16 ~~signed and filed by the district attorney.~~ The district attorney, ~~city attorney or~~
17 corporation counsel or other appropriate official specified under s. 48.09 may file the
18 petition if the proceeding is under s. ~~48.125 or~~ 48.13. The counsel or guardian ad
19 litem for a parent, relative, guardian or child may file a petition under s. 48.13 or
20 48.14. The district attorney, corporation counsel or other appropriate person
21 designated by the court may initiate proceedings under s. 48.14 in a manner specified
22 by the court.

23 **SECTION 173.** 48.25 (2) (a) of the statutes is renumbered 48.25 (2) and amended
24 to read:

1 48.25 (2) If the proceeding is brought under s. ~~48.12, 48.125 or~~ 48.13, the
2 district attorney, corporation counsel or other appropriate official shall file the
3 petition, close the case, or refer the case back to intake within 20 days after the date
4 that the intake worker's recommendation was filed. A referral back to intake may
5 be made only when the district attorney, corporation counsel or other appropriate
6 official decides not to file a petition or determines that further investigation is
7 necessary. If the case is referred back to intake upon a decision not to file a petition,
8 the intake worker shall close the case or enter into an informal disposition within 20
9 days. If the case is referred back to intake for further investigation, the appropriate
10 agency or person shall complete the investigation within 20 days. If another referral
11 is made to the district attorney, corporation counsel or other appropriate official, it
12 shall be considered a new referral to which the time limits of this subsection shall
13 apply. The time limits in this subsection may only be extended by a judge upon a
14 showing of good cause under s. 48.315. If a petition is not filed within the time
15 limitations set forth in this subsection and the court has not granted an extension,
16 the petition shall be accompanied by a statement of reasons for the delay. The court
17 shall dismiss with prejudice a petition which was not timely filed unless the court
18 finds at the plea hearing that good cause has been shown for failure to meet the time
19 limitations.

20 **SECTION 174.** 48.25 (2) (b) of the statutes is repealed.

21 **SECTION 175.** 48.25 (3) of the statutes is amended to read:

22 48.25 (3) If the district attorney, ~~city attorney or~~ corporation counsel or other
23 appropriate official specified in s. 48.09 refuses to file a petition, any person may
24 request the judge to order that the petition be filed and a hearing shall be held on the

1 request. The judge may order the filing of the petition on his or her own motion. The
2 matter may not be heard by the judge who orders the filing of a petition.

3 **SECTION 176.** 48.25 (4) of the statutes is repealed.

4 **SECTION 177.** 48.25 (5) of the statutes is repealed.

5 **SECTION 177m.** 48.255 (1) (intro.) of the statutes is amended to read:

6 48.255 (1) (intro.) A petition initiating proceedings under this chapter, other
7 than a petition initiating proceedings under s. 48.12 or 48.13 (12), shall be entitled,
8 “In the interest of (child’s name), a person under the age of 18”, ~~and.~~ A petition
9 initiating proceedings under s. 48.12 or 48.13 (12) shall be entitled, “In the interest
10 of (child’s name), a person under the age of 17”. A petition initiating proceedings
11 under this chapter shall set forth with specificity:

12 **SECTION 177p.** 48.255 (1) (intro.) of the statutes, as affected by 1995 Wisconsin
13 Act (this act), is repealed and recreated to read:

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

17 **SECTION 178.** 48.255 (1) (d) of the statutes is repealed.

18 **SECTION 179.** 48.255 (1) (e) of the statutes is amended to read:

19 48.255 (1) (e) If the child is alleged to come within the provisions of s. 48.13 ~~(1)~~
20 ~~to (11)~~ or 48.14, reliable and credible information which forms the basis of the
21 allegations necessary to invoke the jurisdiction of the court and to provide reasonable
22 notice of the conduct or circumstances to be considered by the court together with a
23 statement that the child is in need of supervision, services, care or rehabilitation.

24 **SECTION 180.** 48.255 (3) of the statutes is amended to read:

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

3 **SECTION 181.** 48.255 (4) of the statutes is amended to read:

4 48.255 (4) A copy of the petition shall be given to the child if the child is 12 years
5 of age or older ~~or alleged to have committed a delinquent act~~ and to the parents,
6 guardian, legal custodian and physical custodian.

7 **SECTION 182.** 48.263 (2) of the statutes is amended to read:

8 48.263 (2) With reasonable notification to the interested parties and prior to
9 the taking of a plea under s. 48.30, the petition may be amended at the discretion of
10 the court or person who filed the petition. After the taking of a plea, if the child is
11 alleged to be delinquent, ~~the court may allow amendment of the petition to conform~~
12 ~~to the proof if the amendment is not prejudicial to the child.~~ If the child is alleged
13 ~~to be~~ in need of protection or services, the petition may be amended provided any
14 objecting party is allowed a continuance for a reasonable time.

15 **SECTION 183.** 48.27 (1) of the statutes is amended to read:

16 48.27 (1) After a ~~citation is issued or a~~ petition has been filed relating to facts
17 concerning a situation specified under ss. 48.12, ~~48.125~~ and 48.13, unless the parties
18 under sub. (3) voluntarily appear, the court may issue a summons requiring the
19 person who has legal custody of the child to appear personally, and, if the court so
20 orders, to bring the child before the court at a time and place stated.

21 **SECTION 184.** 48.27 (4m) of the statutes is repealed.

22 **SECTION 185.** 48.27 (7) of the statutes is repealed.

23 **SECTION 186.** 48.27 (8) of the statutes is amended to read:

24 48.27 (8) When a petition is filed under s. 48.12 ~~or~~ 48.13, the court shall notify,
25 in writing, the child's parents or guardian that they may be ordered to reimburse this

1 state or the county for the costs of legal counsel provided for the child, as provided
2 under s. 48.275 (2).

3 **SECTION 187.** 48.273 (1) of the statutes is amended to read:

4 48.273 (1) Service of summons or notice required by s. 48.27 may be made by
5 mailing a copy thereof to the persons summoned or notified. If the persons, ~~other~~
6 ~~than a person specified in s. 48.27 (4m)~~, fail to appear at the hearing or otherwise to
7 acknowledge service, a continuance shall be granted, except where the court
8 determines otherwise because the child is in secure custody, and service shall be
9 made personally by delivering to the persons a copy of the summons or notice; except
10 that if the court is satisfied that it is impracticable to serve the summons or notice
11 personally, it may make an order providing for the service of the summons or notice
12 by certified mail addressed to the last-known addresses of the persons. The court
13 may refuse to grant a continuance when the child is being held in secure custody, but
14 in such a case the court shall order that service of notice of the next hearing be made
15 personally or by certified mail to the last-known address of the person who failed to
16 appear at the hearing. Personal service shall be made at least 72 hours before the
17 time of the hearing. Mail shall be sent at least 7 days before the time of the hearing,
18 except where the petition is filed under s. 48.13 and the person to be notified lives
19 outside the state, in which case the mail shall be sent at least 14 days before the time
20 of the hearing.

21 **SECTION 188.** 48.273 (3) of the statutes is amended to read:

22 **48.273 (3)** The expenses of service of summons or notice or of the publication
23 of summons or notice and the traveling expenses and fees as allowed in ch. 885
24 incurred by any person summoned or required to appear at the hearing of any case

1 coming within the jurisdiction of the court under ss. ~~48.12~~ 48.13 to 48.14, shall be a
2 charge on the county when approved by the court.

3 **SECTION 189.** 48.275 (1) of the statutes is amended to read:

4 48.275 (1) If the court finds a child to be ~~delinquent under s. 48.12, in violation~~
5 ~~of a civil law or ordinance under s. 48.125~~ or in need of protection or services under
6 s. 48.13, the court shall order the parents of the child to contribute toward the
7 expense of post-adjudication services to the child the proportion of the total amount
8 which the court finds the parents are able to pay.

9 **SECTION 190m.** 48.275 (2) (a) of the statutes is amended to read:

10 48.275 (2) (a) If this state or a county provides legal counsel to a child subject
11 to a proceeding under s. 48.12 or 48.13, the court shall order the child's parent to
12 ~~provide a statement of income, assets and living expenses to the county department~~
13 ~~and shall order that parent~~ to reimburse the state or county in accordance with par.
14 (b) or (c). The court may not order reimbursement if a parent is the complaining or
15 petitioning party or if the court finds that the interests of the parent and the interests
16 of the child in the proceeding are substantially and directly adverse and that
17 reimbursement would be unfair to the parent. The court may not order
18 reimbursement until the completion of the proceeding or until the state or county is
19 no longer providing the child with legal counsel in the proceeding.

20 **SECTION 190p.** 48.275 (2) (a) of the statutes, as affected by 1995 Wisconsin Act
21 (this act), is repealed and recreated to read:

22 48.275 (2) (a) If this state or a county provides legal counsel to a child subject
23 to a proceeding under s. 48.13, the court shall order the child's parent to reimburse
24 the state or county in accordance with par. (b) or (c). The court may not order
25 reimbursement if a parent is the complaining or petitioning party or if the court finds

1 that the interests of the parent and the interests of the child in the proceeding are
2 substantially and directly adverse and that reimbursement would be unfair to the
3 parent. The court may not order reimbursement until the completion of the
4 proceeding or until the state or county is no longer providing the child with legal
5 counsel in the proceeding.

6 **SECTION 190r.** 48.275 (2) (b) of the statutes is amended to read:

7 48.275 (2) (b) If this state provides the child with legal counsel and the court
8 orders reimbursement under par. (a), ~~the county department shall~~ child's parent may
9 request the state public defender to determine whether the parent is indigent as
10 provided under s. 977.07 and shall determine the amount of reimbursement. If the
11 parent is found not to be indigent, the amount of reimbursement shall be the
12 maximum amount established by the public defender board. If the parent is found
13 to be indigent in part, the amount of reimbursement shall be the amount of partial
14 payment determined in accordance with the rules of the public defender board under
15 s. 977.02 (3).

16 **SECTION 191.** 48.275 (3) of the statutes is repealed and recreated to read:

17 48.275 (3) This section does not apply to any proceedings under s. 48.375 (7).

18 **SECTION 192.** 48.29 (1) of the statutes is amended to read:

19 48.29 (1) ~~Except as provided in sub. (1g), the~~ The child, or the child's parent,
20 guardian or legal custodian, either before or during the plea hearing, may file a
21 written request with the clerk of the court or other person acting as the clerk for a
22 substitution of the judge assigned to the proceeding. Upon filing the written request,
23 the filing party shall immediately mail or deliver a copy of the request to the judge
24 named therein. ~~In a proceeding under s. 48.12 or 48.13 (12), only the child may~~
25 ~~request a substitution of the judge.~~ Whenever any person has the right to request

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

5 **SECTION 193.** 48.29 (1g) of the statutes is repealed.

6 **SECTION 194.** 48.29 (1m) of the statutes is amended to read:

7 48.29 (1m) When the clerk receives a request for substitution, the clerk shall
8 immediately contact the judge whose substitution has been requested for a
9 determination of whether the request was made timely and in proper form. ~~Except~~
10 ~~as provided in sub. (2), if~~ If the request is found to be timely and in proper form, the
11 judge named in the request has no further jurisdiction and the clerk shall request
12 the assignment of another judge under s. 751.03. If no determination is made within
13 7 days, the clerk shall refer the matter to the chief judge of the judicial administrative
14 district for determination of whether the request was made timely and in proper form
15 and reassignment as necessary.

16 **SECTION 195.** 48.29 (2) of the statutes is repealed.

17 **SECTION 196.** 48.29 (3) of the statutes is amended to read:

18 48.29 (3) Subsections (1) to ~~(2)~~ (1m) do not apply in any proceeding under s.
19 48.375 (7). For proceedings under s. 48.375 (7), the minor may select the judge whom
20 she wishes to be assigned to the proceeding and that judge shall be assigned to the
21 proceeding.

22 **SECTION 197.** 48.293 (1) of the statutes is amended to read:

23 48.293 (1) Copies of all ~~peace~~ law enforcement officer reports, including but not
24 limited to the officer's memorandum and witnesses' statements, shall be made
25 available upon request to counsel or guardian ad litem prior to a plea hearing. The

1 reports shall be available through the representative of the public designated under
2 s. 48.09. ~~The child, through counsel or guardian ad litem, is the only party who shall~~
3 ~~have access to the reports in proceedings under ss. 48.12, 48.125 and 48.13 (12).~~ The
4 identity of a confidential informant may be withheld pursuant to s. 905.10.

5 **SECTION 198.** 48.293 (2) of the statutes is amended to read:

6 48.293 (2) All records relating to a child which are relevant to the subject
7 matter of a proceeding under this chapter shall be open to inspection by a guardian
8 ad litem or counsel for any party, upon demand and upon presentation of releases
9 where necessary, at least 48 hours before the proceeding. Persons entitled to inspect
10 the records may obtain copies of the records with the permission of the custodian of
11 the records or with permission of the court. The court may instruct counsel not to
12 disclose specified items in the materials to the child or the parent if the court
13 reasonably believes that the disclosure would be harmful to the interests of the child.
14 ~~Sections 971.23 to 971.25 and 972.11 (5) shall be applicable in all delinquency~~
15 ~~proceedings under this chapter except the court shall establish the timetable for ss.~~
16 ~~971.23 (3), (8) and (9) and 972.11 (5).~~

17 **SECTION 199.** 48.295 (1c) (intro.) and (a) of the statutes are consolidated,
18 renumbered 48.295 (1c) and amended to read:

19 48.295 (1c) Reasonable cause is considered to exist to warrant an alcohol and
20 other drug abuse assessment under sub. (1) if ~~any of the following applies:~~ (a) ~~The~~
21 the multidisciplinary screen procedure conducted under s. 48.24 (2) indicates that
22 the child is at risk of having needs and problems related to alcohol or other drug
23 abuse.

24 **SECTION 200.** 48.295 (1c) (b) of the statutes is repealed.

25 **SECTION 201.** 48.295 (1c) (c) of the statutes is repealed.

1 **SECTION 202.** 48.295 (2) (a) of the statutes is repealed.

2 **SECTION 203.** 48.295 (2) (b) of the statutes is renumbered 48.295 (2) and
3 amended to read:

4 48.295 (2) The examiner shall file a report of the examination with the court
5 by the date specified in the order. The court shall cause copies to be transmitted to
6 the district attorney or corporation counsel and to the child's counsel. The report
7 shall describe the nature of the examination and identify the persons interviewed,
8 the particular records reviewed and any tests administered to the child. ~~If the
9 examination is ordered following a plea under s. 48.30 (4) (c), the report shall also
10 contain an opinion regarding whether the child suffered from mental disease or
11 defect at the time of the commission of the act alleged in the petition and, if so,
12 whether this caused the child to lack substantial capacity to appreciate the
13 wrongfulness of his or her conduct or to conform his or her conduct to the
14 requirements of law. If the examination is ordered following a finding that there is
15 probable cause to believe that the child has committed the alleged offense and that
16 there is reason to doubt the child's competency to proceed, the report shall also
17 contain an opinion regarding the child's present mental capacity to understand the
18 proceedings and assist in his or her defense and, if the examiner reports that the
19 child lacks competency to proceed, the examiner's opinion regarding the likelihood
20 that the child, if provided treatment, may be restored to competency within the time
21 specified in s. 48.30 (5) (e) 1. The report shall also state in reasonable detail the facts
22 and reasoning upon which the examiner's opinions are based.~~

23 **SECTION 204.** 48.296 of the statutes is repealed

24 **SECTION 205.** 48.297 (2) of the statutes is amended to read:

1 48.297 (2) Defenses and objections based on defects in the institution of
2 proceedings, lack of probable cause on the face of the petition, insufficiency of the
3 petition ~~or a citation~~ or invalidity in whole or in part of the statute on which the
4 petition ~~or a citation~~ is founded shall be raised not later than 10 days after the plea
5 hearing or be deemed waived. Other motions capable of determination without trial
6 may be brought any time before trial.

7 **SECTION 206.** 48.297 (3) of the statutes is amended to read:

8 48.297 (3) Motions to suppress evidence as having been illegally seized or
9 statements illegally obtained shall be made before fact-finding on the issues. The
10 court may entertain the motion at the fact-finding hearing if it appears that a party
11 is surprised by the attempt to introduce such evidence and that party waives
12 jeopardy. ~~Only the child may waive jeopardy in cases under s. 48.12, 48.125 or 48.13~~
13 ~~(12).~~

14 **SECTION 207.** 48.297 (5) of the statutes is amended to read:

15 48.297 (5) If the child is in custody and the court grants a motion to dismiss
16 based upon a defect in the petition ~~or a citation~~ or in the institution of the
17 proceedings, the court may order the child continued in custody for not more than 48
18 hours pending the filing of a new petition ~~or citation~~.

19 **SECTION 208.** 48.299 (1) (a) of the statutes is amended to read:

20 48.299 (1) (a) The general public shall be excluded from hearings under this
21 chapter and from hearings by courts exercising jurisdiction under s. 48.16 ~~or 48.17~~
22 ~~(2)~~ unless a public fact-finding hearing is demanded by a child through his or her
23 counsel. However, the court shall refuse to grant the public hearing ~~if the victim of~~
24 ~~an alleged sexual assault objects or,~~ in a nondelinquency proceeding other than a
25 proceeding under s. 48.375 (7), if a parent or guardian objects. All hearings under

1 s. 48.375 (7) shall be held in chambers, unless a public fact-finding hearing is
2 demanded by the child through her counsel. If a public hearing is not held, only the
3 parties, their counsel, witnesses and other persons requested by a party and
4 approved by the court may be present. Except in a proceeding under s. 48.375 (7),
5 any other person the court finds to have a proper interest in the case or in the work
6 of the court, including a member of the bar, may be admitted by the court.

7 **SECTION 209.** 48.299 (1) (am) of the statutes is repealed.

8 **SECTION 210.** 48.299 (4) (a) of the statutes is amended to read:

9 48.299 (4) (a) Chapters 901 to 911 shall govern the presentation of evidence at
10 the fact-finding hearings under ss. 48.31 and 48.42. ~~Section 972.11 (5) applies at~~
11 ~~fact-finding proceedings in all delinquency proceedings under this chapter.~~

12 **SECTION 211.** 48.299 (4) (b) of the statutes is amended to read:

13 48.299 (4) (b) Except as provided in s. 901.05, neither common law nor
14 statutory rules of evidence are binding at a ~~waiver hearing under s. 48.18~~, a hearing
15 for a child held in custody under s. 48.21, a runaway home hearing under s. 48.227
16 (4), a ~~hearing under s. 48.296 (4) for a child who is alleged to have violated s. 940.225,~~
17 ~~948.02, 948.025, 948.05 or 948.06~~, a dispositional hearing, or a hearing about
18 changes in placement, revision of dispositional orders or extension of dispositional
19 orders. At those hearings, the court shall admit all testimony having reasonable
20 probative value, but shall exclude immaterial, irrelevant or unduly repetitious
21 testimony or evidence that is inadmissible under s. 901.05. Hearsay evidence may
22 be admitted if it has demonstrable circumstantial guarantees of trustworthiness.
23 The court shall give effect to the rules of privilege recognized by law. The court shall
24 apply the basic principles of relevancy, materiality and probative value to proof of all

1 questions of fact. Objections to evidentiary offers and offers of proof of evidence not
2 admitted may be made and shall be noted in the record.

3 **SECTION 212.** 48.30 (1) of the statutes is amended to read:

4 48.30 (1) Except as provided in this subsection, the hearing to determine the
5 child's plea to a citation or a petition under s. 48.12, 48.125 or 48.13 (12), or to
6 determine whether any party wishes to contest an allegation that the child is in need
7 of protection or services, shall take place on a date which allows reasonable time for
8 the parties to prepare but is within 30 days after the filing of a petition or issuance
9 of a citation for a child who is not being held in secure custody or within 10 days after
10 the filing of a petition or issuance of a citation for a child who is being held in secure
11 custody. In a municipal court operated jointly by 2 or more cities, towns or villages
12 under s. 755.01 (4), the hearing to determine the child's plea shall take place within
13 45 days after the filing of a petition or issuance of a citation for a child who is not being
14 held in secure custody.

15 **SECTION 213.** 48.30 (2) of the statutes is amended to read:

16 48.30 (2) At the commencement of the hearing under this section the child and
17 the parent, guardian or legal custodian shall be advised of their rights as specified
18 in s. 48.243 and shall be informed that a request for a jury trial or for a substitution
19 of judge under s. 48.29 must be made before the end of the plea hearing or be waived,
20 except where the child is before the court on a uniform municipal citation, issued
21 under ch. 800 in which case the court shall inform the child that a request for a jury
22 trial may be made at any time prior to the fact-finding hearing and within 20 days
23 after the plea hearing. Nonpetitioning parties, including the child, shall be granted
24 a continuance of the plea hearing if they wish to consult with an attorney on the
25 request for a jury trial or substitution of a judge.

1 **SECTION 214.** 48.30 (3) of the statutes is amended to read:

2 48.30 (3) If a petition alleges that a child is in need of protection or services
3 under s. 48.13 (1) to (11), the nonpetitioning parties and the child, if he or she is 12
4 years of age or older or is otherwise competent to do so, shall state whether they
5 desire to contest the petition.

6 **SECTION 215.** 48.30 (4) of the statutes is repealed.

7 **SECTION 216.** 48.30 (5) of the statutes is repealed.

8 **SECTION 217.** 48.30 (6) of the statutes is amended to read:

9 48.30 (6) If a petition is not contested, the court shall set a date for the
10 dispositional hearing which allows reasonable time for the parties to prepare but is
11 no more than 10 days from the plea hearing for the child who is held in secure custody
12 and no more than 30 days from the plea hearing for a child who is not held in secure
13 custody. If it appears to the court that disposition of the case may include placement
14 of the child outside the child's home, the court shall order the child's parent to provide
15 a statement of income, assets, debts and living expenses to the court or the
16 designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the
17 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
18 provide, without charge, to any parent ordered to provide a statement of income,
19 assets, debts and living expenses a document setting forth the percentage standard
20 established by the department under s. 46.25 (9) and listing the factors that a court
21 may consider under s. 46.10 (14) (c). If all parties consent the court may proceed
22 immediately with the dispositional hearing. ~~If a citation is not contested, the court~~
23 ~~may proceed immediately to enter a dispositional order.~~

24 **SECTION 218.** 48.30 (7) of the statutes is amended to read:

1 48.30 (7) If the ~~citation or the~~ petition is contested, the court shall set a date
2 for the fact-finding hearing which allows reasonable time for the parties to prepare
3 but is no more than 20 days from the plea hearing for a child who is held in secure
4 custody and no more than 30 days from the plea hearing for a child who is not held
5 in secure custody.

6 **SECTION 219.** 48.30 (8) of the statutes is amended to read:

7 48.30 (8) ~~Except when a child fails to appear in response or stipulates to a~~
8 ~~citation before~~ Before accepting an admission or plea of no contest of the alleged facts
9 in a petition ~~or citation~~, the court shall:

10 (a) Address the parties present including the child personally and determine
11 that the plea or admission is made voluntarily with understanding of the nature of
12 the acts alleged in the petition ~~or citation~~ and the potential dispositions.

13 (b) Establish whether any promises or threats were made to elicit a ~~plea the~~
14 plea or admission and alert unrepresented parties to the possibility that a lawyer
15 may discover defenses or mitigating circumstances which would not be apparent to
16 them.

17 (c) Make such inquiries as satisfactorily establishes that there is a factual basis
18 for the ~~child's plea or parent~~ parent's and child's plea or admission.

19 **SECTION 220.** 48.30 (9) of the statutes is amended to read:

20 48.30 (9) If a court commissioner conducts the plea hearing and accepts an
21 admission of the alleged facts in a petition brought under s. 48.12 ~~or~~ 48.13, the judge
22 shall review the admission at the beginning of the dispositional hearing by
23 addressing the parties and making the inquires set forth in sub. (8).

24 **SECTION 221.** 48.30 (10) of the statutes is amended to read:

1 48.30 (10) The court may permit any party to participate in hearings under this
2 section by telephone or live audio-visual means ~~except a child who intends to admit~~
3 ~~the facts of a delinquency petition.~~

4 **SECTION 222.** 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 of a petition under s. 48.12 or 48.13 (12) are supported beyond a~~
7 ~~reasonable doubt or a hearing to determine if the allegations in a petition or citation~~
8 ~~under s. 48.125 or 48.13 (1) to (11) or a petition to terminate parental rights are~~
9 ~~proved by clear and convincing evidence.~~

10 **SECTION 223.** 48.31 (2) of the statutes is amended to read:

11 48.31 (2) The hearing shall be to the court unless the child, parent, guardian
12 or legal custodian exercises the right to a jury trial by demanding a jury trial at any
13 time before or during the plea hearing. Chapters 756 and 805 shall govern the
14 selection of jurors ~~except that ss. 972.03 and 972.04 shall apply in cases in which the~~
15 ~~juvenile is alleged to be delinquent under s. 48.12.~~ If the hearing involves a child
16 victim or witness, as defined in s. 950.02, the court may order the taking and allow
17 the use of a videotaped deposition under s. 967.04 (7) to (10) and, with the district
18 attorney, shall comply with s. 971.105. At the conclusion of the hearing, the court or
19 jury shall make a determination of the facts. If the court finds that the child is not
20 within the jurisdiction of the court or the court or jury finds that the facts alleged in
21 the petition ~~or citation~~ have not been proved, the court shall dismiss the petition ~~or~~
22 ~~citation~~ with prejudice.

23 **SECTION 224.** 48.31 (4) of the statutes is amended to read:

24 48.31 (4) The court or jury shall make findings of fact and the court shall make
25 conclusions of law relating to the allegations of a petition filed under s. 48.13 (1) ~~to~~

1 ~~(11m)~~. In cases alleging a child to be in need of protection or services under s. 48.13
2 (11), the court shall not find that the child is suffering serious emotional damage
3 unless a licensed physician specializing in psychiatry or a licensed psychologist
4 appointed by the court to examine the child has testified at the hearing that in his
5 or her opinion the condition exists, and adequate opportunity for the
6 cross-examination of the physician or psychologist has been afforded. The judge
7 may use the written reports if the right to have testimony presented is voluntarily,
8 knowingly and intelligently waived by the guardian ad litem or legal counsel for the
9 child and the parent or guardian. In cases alleging a child to be in need of protection
10 and services under s. 48.13 (11m), the court shall not find that the child is in need
11 of treatment and education for needs and problems related to the use or abuse of
12 alcohol beverages or controlled substances and its medical, personal, family or social
13 effects unless an assessment for alcohol and other drug abuse that conforms to the
14 criteria specified under s. 48.547 (4) has been conducted by an approved treatment
15 facility. ~~In cases alleging a child delinquent or in need of protection or services under~~
16 ~~s. 48.13 (12) the court shall make findings relating to the proof of the violation of law~~
17 ~~and to the proof that the child named in the petition committed the violation alleged.~~

18 **SECTION 225.** 48.32 (1) of the statutes is amended to read:

19 48.32 (1) At any time after the filing of a petition for a proceeding relating to
20 s. 48.12 ~~or~~ 48.13 and before the entry of judgment, the judge or juvenile court
21 commissioner may suspend the proceedings and place the child under supervision
22 in the child's own home or present placement. The court may establish terms and
23 conditions applicable to the parent, guardian or legal custodian, and to the child,
24 including any conditions specified in subs. (1d), (1g) and (1t). The order under this
25 section shall be known as a consent decree and must be agreed to by the child if 12

1 years of age or older; the parent, guardian or legal custodian; and the person filing
2 the petition under s. 48.25. ~~If the consent decree includes any conditions specified~~
3 ~~in sub. (1g), the consent decree shall include provisions for payment of the services~~
4 ~~as specified in s. 48.361.~~ The consent decree shall be reduced to writing and given
5 to the parties.

6 **SECTION 226.** 48.32 (1d) of the statutes is repealed.

7 **SECTION 227.** 48.32 (1g) of the statutes is repealed.

8 **SECTION 228.** 48.32 (1r) of the statutes is repealed.

9 **SECTION 229.** 48.32 (1t) of the statutes is repealed.

10 **SECTION 230.** 48.32 (2) (a) of the statutes is amended to read:

11 48.32 (2) (a) ~~Except as provided in par. (b), a~~ A consent decree shall remain in
12 effect up to 6 months unless the child, parent, guardian or legal custodian is
13 discharged sooner by the judge or juvenile court commissioner.

14 **SECTION 231.** 48.32 (2) (b) of the statutes is repealed.

15 **SECTION 232.** 48.32 (4) of the statutes is repealed.

16 **SECTION 233.** 48.32 (5) (a) of the statutes is amended to read:

17 48.32 (5) (a) The court refuses to enter into a consent decree and the allegations
18 in the petition remain to be decided in a hearing where ~~the child denies the~~
19 ~~allegations of delinquency or~~ one of the parties denies the allegations forming the
20 basis for a child in need of protection or services petition; or

21 **SECTION 234.** 48.32 (5) (b) of the statutes is amended to read:

22 48.32 (5) (b) A consent decree is granted but the petition under s. ~~48.12 or 48.13~~
23 is subsequently reinstated.

24 **SECTION 235.** 48.33 (1) (intro.) of the statutes is amended to read:

1 48.33 (1) REPORT REQUIRED. (intro.) Before the disposition of a child adjudged
2 to be delinquent ~~or~~ in need of protection or services the court shall designate an
3 agency to submit a report which shall contain all of the following:

4 **SECTION 236.** 48.33 (3) of the statutes, as affected by 1993 Wisconsin Acts 385
5 and 481, is repealed.

6 **SECTION 237.** 48.33 (3m) of the statutes, as created by 1993 Wisconsin Act 377,
7 is repealed.

8 **SECTION 238.** 48.33 (4m) (intro.) of the statutes is amended to read:

9 48.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In
10 making a recommendation for an amount of child support under sub. (3) ~~or~~ (4), the
11 agency shall consider the factors that the court considers under s. 46.10 (14) (c) for
12 deviation from the percentage standard. Prior to the dispositional hearing under s.
13 48.335, the agency shall provide the child's parent with all of the following:

14 **SECTION 239.** 48.331 of the statutes, as affected by 1993 Wisconsin Act 377, is
15 repealed.

16 **SECTION 240.** 48.335 (1) of the statutes is amended to read:

17 48.335 (1) The court shall conduct a hearing to determine the disposition of a
18 case in which a child is adjudged to be delinquent under s. 48.12, to have violated a
19 civil law or ordinance under s. 48.125 ~~or~~ to be in need of protection or services under
20 s. 48.13, ~~except the court shall proceed as provided by s. 48.237 (2) if a citation is~~
21 issued and the child fails to contest the citation.

22 **SECTION 241.** 48.335 (3m) of the statutes is repealed.

23 **SECTION 242.** 48.34 (intro.) of the statutes, as affected by 1993 Wisconsin Act
24 385, is repealed.

25 **SECTION 243.** 48.34 (1) of the statutes is renumbered 48.345 (1).

1 **SECTION 244.** 48.34 (2) of the statutes, as affected by 1993 Wisconsin Act 377,
2 is renumbered 48.345 (2).

3 **SECTION 245.** 48.34 (2m) of the statutes, as affected by 1993 Wisconsin Act 377,
4 is renumbered 48.345 (2m).

5 **SECTION 246.** 48.34 (2r) of the statutes is repealed.

6 **SECTION 247.** 48.34 (3) of the statutes is renumbered 48.345 (3).

7 **SECTION 248.** 48.34 (3g) of the statutes is repealed.

8 **SECTION 249.** 48.34 (4) of the statutes is renumbered 48.345 (4).

9 **SECTION 250.** 48.34 (4g) of the statutes, as created by 1993 Wisconsin Act 377,
10 is repealed.

11 **SECTION 251.** 48.34 (4m) of the statutes, as affected by 1993 Wisconsin Act 385,
12 is repealed.

13 **SECTION 252.** 48.34 (4n) of the statutes, as created by 1993 Wisconsin Act 385,
14 is repealed.

15 **SECTION 253.** 48.34 (4p) of the statutes is repealed.

16 **SECTION 254.** 48.34 (4r) of the statutes is repealed.

17 **SECTION 255.** 48.34 (4s) of the statutes is repealed.

18 **SECTION 256.** 48.34 (5) of the statutes is repealed.

19 **SECTION 257.** 48.34 (6) of the statutes is renumbered 48.345 (6).

20 **SECTION 258.** 48.34 (6m) of the statutes, as affected by 1993 Wisconsin Act 377,
21 is renumbered 48.345 (6m).

22 **SECTION 259.** 48.34 (7) of the statutes is repealed.

23 **SECTION 260.** 48.34 (7m) of the statutes is repealed.

24 **SECTION 261.** 48.34 (8) of the statutes is repealed.

25 **SECTION 262.** 48.34 (9) of the statutes is repealed.

1 **SECTION 263k.** 48.34 (10) (title) of the statutes is renumbered 48.345 (10)
2 (title).

3 **SECTION 263m.** 48.34 (10) (a) of the statutes is amended to read:

4 48.34 (10) (a) The judge may order that a child, on attaining 17 ~~or more~~ years
5 of age, be allowed to live independently, either alone or with friends, under such
6 supervision as the judge deems appropriate.

7 **SECTION 263p.** 48.34 (10) (a) of the statutes, as affected by 1995 Wisconsin Act
8 (this act), is renumbered 48.345 (10) (a).

9 **SECTION 263r.** 48.34 (10) (b) of the statutes is renumbered 48.345 (10) (b).

10 **SECTION 263t.** 48.34 (10) (c) of the statutes is renumbered 48.345 (10) (c).

11 **SECTION 264.** 48.34 (11) of the statutes is renumbered 48.345 (11).

12 **SECTION 265.** 48.34 (12) of the statutes is renumbered 48.345 (12).

13 **SECTION 266.** 48.34 (13) of the statutes, as affected by 1993 Wisconsin Act 377,
14 is renumbered 48.345 (13).

15 **SECTION 267.** 48.34 (14) of the statutes is repealed.

16 **SECTION 268.** 48.34 (15) of the statutes is repealed.

17 **SECTION 269.** 48.341 of the statutes is repealed.

18 **SECTION 270.** 48.342 of the statutes is repealed.

19 **SECTION 271.** 48.343 of the statutes is repealed.

20 **SECTION 272.** 48.344 of the statutes is repealed.

21 **SECTION 273.** 48.345 (1) (intro.) and (e) of the statutes are consolidated,
22 renumbered 48.345 (intro.) and amended to read:

23 **48.345 Disposition of child adjudged in need of protection or services.**
24 (intro.) If the judge finds that the child is in need of protection or services, the judge
25 shall enter an order deciding one or more of the dispositions of the case as provided

1 in s. 48.34 this section under a care and treatment plan, except that the order may
2 not do any of the following: ~~(e) Place~~ place any child not specifically found under chs.
3 46, 49, 51, 115 and 880 to be developmentally disabled, mentally ill or to have
4 exceptional educational needs in facilities which exclusively treat those categories
5 of children. The dispositions under this section are as follows:

6 **SECTION 273m.** 48.345 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
7 377, 385 and 491, is amended to read:

8 48.345 (1) (a) Place the child in a secured correctional facility ~~or transfer the~~
9 ~~custody of the child to the department of corrections.~~

10 **SECTION 274.** 48.345 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
11 377, 385 and 491 and 1995 Wisconsin Act (this act), is repealed.

12 **SECTION 275.** 48.345 (1) (b) of the statutes is repealed.

13 **SECTION 276.** 48.345 (1) (c) of the statutes is repealed.

14 **SECTION 277.** 48.345 (1) (d) of the statutes is repealed.

15 **SECTION 278.** 48.345 (1) (f) of the statutes is repealed.

16 **SECTION 279.** 48.345 (2) of the statutes is repealed.

17 **SECTION 280.** 48.346 of the statutes is repealed.

18 **SECTION 281.** 48.35 (1) (a) of the statutes is repealed.

19 **SECTION 282.** 48.35 (1) (b) 2. of the statutes is amended to read:

20 48.35 (1) (b) 2. In a proceeding in any court assigned to exercise jurisdiction
21 under this chapter and ch. 938; or

22 **SECTION 283.** 48.35 (1) (b) 4. of the statutes is repealed.

23 **SECTION 284m.** 48.35 (1) (c) of the statutes is amended to read:

24 48.35 (1) (c) Disposition by the court assigned to exercise jurisdiction under this
25 chapter of any allegation under s. 48.12 shall bar any future proceeding on the same

1 matter in criminal court when the child reaches the age of ~~18~~ 17. This paragraph
2 does not affect proceedings in criminal court which have been transferred under s.
3 48.18.

4 **SECTION 284p.** 48.35 (1) (c) of the statutes, as affected by 1995 Wisconsin Act
5 (this act), is repealed.

6 **SECTION 285.** 48.355 (1) of the statutes, as affected by 1993 Wisconsin Act 377,
7 is amended to read:

8 48.355 (1) INTENT. In any order under s. ~~48.34 or 48.345~~ the judge shall decide
9 on a placement and treatment finding based on evidence submitted to the judge. The
10 disposition shall employ those means necessary to maintain and protect the child's
11 well-being which are the least restrictive of the rights of the parent or child and
12 which assure the care, treatment or rehabilitation of the child and the family,
13 consistent with the protection of the public. Wherever possible, and, in cases of child
14 abuse and neglect, when it is consistent with the child's best interest in terms of
15 physical safety and physical health the family unit shall be preserved and there shall
16 be a policy of transferring custody from the parent only where there is no less drastic
17 alternative. ~~If information under s. 48.331 has been provided in a court report under~~
18 ~~s. 48.33 (1), the court shall consider that information when deciding on a placement~~
19 ~~and treatment finding.~~

20 **SECTION 286.** 48.355 (2) (b) 5. of the statutes is amended to read:

21 48.355 (2) (b) 5. For a child placed outside his or her home pursuant to an order
22 under s. ~~48.34 (3) or 48.345~~, a permanency plan under s. 48.38 if one has been
23 prepared.

24 **SECTION 287.** 48.355 (3m) of the statutes is repealed.

1 **SECTION 288m.** 48.355 (4) (a) of the statutes, as affected by 1993 Wisconsin Acts
2 377, 385 and 491, is amended to read:

3 48.355 (4) (a) Except as provided under par. (b) or s. 48.368, all orders under
4 this section shall terminate at the end of one year unless the judge specifies a shorter
5 period of time. Except if s. 48.368 applies, extensions or revisions shall terminate
6 at the end of one year unless the judge specifies a shorter period of time. No extension
7 under s. 48.365 of an original dispositional order may be granted for a child whose
8 legal custody has been transferred to the department of corrections under s. 48.34
9 (4g) or who is under the supervision of the department of health and social services
10 under s. 48.34 (4m) or (4n) or under the supervision of a county department under
11 s. 48.34 (4n) if the child is 18 years of age or older when the original dispositional
12 order terminates. Any order made before the child reaches the age of majority shall
13 be effective for a time up to one year after its entry unless the judge specifies a shorter
14 period of time.

15 **SECTION 288p.** 48.355 (4) (a) of the statutes, as affected by 1993 Wisconsin Acts
16 377, 385 and 491 and 1995 Wisconsin Act ... (this act), is renumbered 48.355 (4) and
17 amended to read:

18 48.355 (4) Except as provided under par. (b) or s. 48.368, all orders under this
19 section shall terminate at the end of one year unless the judge specifies a shorter
20 period of time. Except if s. 48.368 applies, extensions or revisions shall terminate
21 at the end of one year unless the judge specifies a shorter period of time. No extension
22 under s. 48.365 of an original dispositional order may be granted for a child or who
23 is under the supervision of the department of health and social services under s.
24 48.34 (4m) or (4n) or under the supervision of a county department under s. 48.34 (4n)
25 if the child is 18 years of age or older when the original dispositional order

1 ~~terminates.~~ Any order made before the child reaches the age of majority shall be
2 effective for a time up to one year after its entry unless the judge specifies a shorter
3 period of time.

4 **SECTION 288r.** 48.355 (4) (b) of the statutes, as affected by 1993 Wisconsin Act
5 377, is amended to read:

6 48.355 (4) (b) An order under s. 48.34 ~~(4g) or~~ (4m) for which a child has been
7 adjudicated delinquent is subject to par. (a), except that the judge may make an order
8 under s. 48.34 (4m) apply for up to 2 years or until the child's 19th birthdate,
9 whichever is earlier, ~~and the judge shall make an order under s. 48.34 (4g) apply for~~
10 ~~5 years, if the child is adjudicated delinquent for committing an act that would be~~
11 ~~punishable as a Class B, C or D felony if committed by an adult, or until the child~~
12 ~~reaches 25 years of age, if the child is adjudicated delinquent for committing an act~~
13 ~~that would be punishable as a Class A felony if committed by an adult.~~

14 **SECTION 288t.** 48.355 (4) (b) of the statutes, as affected by 1993 Wisconsin Act
15 377 and 1995 Wisconsin Act (this act), section 288r, is repealed and recreated to
16 read:

17 48.355 (4) (b) An order under s. 48.34 (4g) or (4m) for which a child has been
18 adjudicated delinquent is subject to par. (a), except that the judge may make an order
19 under s. 48.34 (4m) apply for up to 2 years or until the child's 18th birthdate,
20 whichever is earlier.

21 **SECTION 288v.** 48.355 (4) (b) of the statutes, as affected by 1993 Wisconsin Act
22 377 and 1995 Wisconsin Act (this act), sections 288r and 288t is repealed.

23 **SECTION 290.** 48.355 (6) and (6g) of the statutes are repealed.

24 **SECTION 291.** 48.355 (7) of the statutes, as affected by 1993 Wisconsin Act 377,
25 is amended to read:

1 48.355 (7) ORDERS APPLICABLE TO PARENTS, GUARDIANS, LEGAL CUSTODIANS AND
2 OTHER ADULTS. In addition to any dispositional order entered under s. 48.34 or 48.345,
3 the court may enter an order applicable to a child's parent, guardian or legal
4 custodian or to another adult, as provided under s. 48.45.

5 **SECTION 292.** 48.357 (2) of the statutes is amended to read:

6 48.357 (2) If emergency conditions necessitate an immediate change in the
7 placement of a child placed outside the home, the person or agency primarily
8 responsible for implementing the dispositional order may remove the child to a new
9 placement, whether or not authorized by the existing dispositional order, without the
10 prior notice provided in sub. (1). The notice shall, however, be sent within 48 hours
11 after the emergency change in placement. Any party receiving notice may demand
12 a hearing under sub. (1). In emergency situations, the child may be placed in a
13 licensed public or private shelter care facility as a transitional placement for not
14 more than 20 days, as well as in any placement authorized under s. 48.34 48.345 (3).

15 **SECTION 293.** 48.357 (3) and (4) of the statutes, as affected by 1993 Wisconsin
16 Act 385, are repealed.

17 **SECTION 294.** 48.357 (4g) of the statutes, as created by 1993 Wisconsin Act 385,
18 is repealed.

19 **SECTION 295.** 48.357 (4m) of the statutes is repealed.

20 **SECTION 296.** 48.357 (5) of the statutes, as affected by 1993 Wisconsin Act 385,
21 is repealed.

22 **SECTION 297.** 48.36 (1) (a) of the statutes is amended to read:

23 48.36 (1) (a) If legal custody is transferred from the parent or guardian or the
24 court otherwise designates an alternative placement for the child by a disposition
25 made under s. 48.34 or 48.345 or by a change in placement under s. 48.357, the duty

1 of the parent or guardian or, in the case of a transfer of guardianship and custody
2 under s. 48.839 (4), the duty of the former guardian to provide support shall continue
3 even though the legal custodian or the placement designee may provide the support.
4 A copy of the order transferring custody or designating alternative placement for the
5 child shall be submitted to the agency or person receiving custody or placement and
6 the agency or person may apply to the court for an order to compel the parent or
7 guardian to provide the support. Support payments for residential services, when
8 purchased or otherwise funded or provided by the department, or a county
9 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, shall be determined under
10 s. 46.10 (14).

11 **SECTION 298.** 48.361 (1) (b) of the statutes is amended to read:

12 48.361 (1) (b) Any special treatment or care that relates to alcohol or other drug
13 abuse services ordered by a court under s. ~~48.34~~ 48.345 (6) (a).

14 **SECTION 299.** 48.361 (1) (c) of the statutes is amended to read:

15 48.361 (1) (c) Any alcohol or other drug abuse treatment or education ordered
16 by a court under s. ~~48.32 (1g), 48.34~~ 48.345 (6) (a) or (13), ~~48.343 (10) or 48.344 (2g)~~.

17 **SECTION 300.** 48.361 (2) (am) 2. of the statutes is amended to read:

18 48.361 (2) (am) 2. If a court in a county that does not have a pilot program under
19 s. 48.547 finds that payment is not attainable under par. (a), the court may order
20 payment in accordance with s. ~~48.34~~ 48.345 (6) (a) or 48.36.

21 **SECTION 301.** 48.362 (2) of the statutes is amended to read:

22 48.362 (2) This section applies to the payment of court-ordered special
23 treatment or care under s. ~~48.34~~ 48.345 (6) (a), whether or not custody has been taken
24 from the parent.

25 **SECTION 302.** 48.364 of the statutes is repealed.

1 **SECTION 303m.** 48.365 (7) of the statutes, as affected by 1993 Wisconsin Act
2 377, is amended to read:

3 48.365 (7) Nothing in this section may be construed to allow any changes in
4 placement or revocation of aftercare, or corrective sanctions ~~or youthful offender~~
5 supervision. Revocation and other changes in placement may take place only under
6 s. 48.357 ~~or, for a child who is a participant in the youthful offender program, s.~~
7 ~~48.537.~~

8 **SECTION 303p.** 48.365 (7) of the statutes, as affected by 1993 Wisconsin Act 377
9 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

10 48.365 (7) Nothing in this section may be construed to allow any changes in
11 placement. Changes in placement may take place only under s. 48.357.

12 **SECTION 304m.** 48.366 (1) (a) (intro.) of the statutes, as affected by 1993
13 Wisconsin Act 385, is amended to read:

14 48.366 (1) (a) (intro.) If Subject to par. (c), if the person committed any crime
15 specified under s. 940.01, 940.02, 940.05, 940.21 or 940.225 (1) (a) to (c), 948.03 or
16 948.04, is adjudged delinquent on that basis and is placed in a secured correctional
17 facility under s. 48.34 (4m), the court shall enter an order extending its jurisdiction
18 as follows:

19 **SECTION 304p.** 48.366 (1) (b) of the statutes is amended to read:

20 48.366 (1) (b) If Subject to par. (c), if the person committed a crime specified in
21 s. 940.20 (1) or 946.43 while placed in a secured correctional facility and is adjudged
22 delinquent on that basis following transfer of jurisdiction under s. 970.032, the court
23 shall enter an order extending its jurisdiction until the person reaches 21 years of
24 age or until termination of the order under sub. (6), whichever occurs earlier.

25 **SECTION 304r.** 48.366 (1) (c) of the statutes is created to read:

1 48.366 (1) (c) A court may not enter an order extending its jurisdiction as
2 provided in par. (a) or (b) with respect to any violation committed after December 31,
3 1995.

4 **SECTION 304t.** 48.366 (8) of the statutes, as affected by 1993 Wisconsin Act 385,
5 is amended to read:

6 48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department may transfer
7 a person subject to an order between secured correctional facilities. After the person
8 attains the age of ~~18~~ 17 years, the department may, after consulting with the
9 department of corrections, place the person in a state prison named in s. 302.01. The
10 department of corrections may transfer a person placed in a state prison under this
11 subsection to or between state prisons named in s. 302.01 without petitioning for
12 revision of the order under sub. (5) (a).

13 **SECTION 305.** 48.37 (1) of the statutes is amended to read:

14 48.37 (1) A court assigned to exercise jurisdiction under this chapter and ch.
15 938 may not assess costs or assessments against a child under 14 years of age but
16 may assess costs against a child 14 years of age or older.

17 **SECTION 306.** 48.37 (3) of the statutes is repealed.

18 **SECTION 307.** 48.373 (1) of the statutes is amended to read:

19 48.373 (1) The court assigned to exercise jurisdiction under this chapter and
20 ch. 938 may authorize medical services including surgical procedures when needed
21 if the court assigned to exercise jurisdiction under this chapter and ch. 938
22 determines that reasonable cause exists for the services and that the minor is within
23 the jurisdiction of the court assigned to exercise jurisdiction under this chapter and
24 ch. 938 and, ~~except as provided in s. 48.296 (4),~~ consents.

25 **SECTION 308.** 48.375 (4) (b) 1g. of the statutes is amended to read:

1 48.375 (4) (b) 1g. The minor provides the person who intends to perform or
2 induce the abortion with a written statement, signed and dated by the minor, in
3 which the minor swears that the pregnancy is the result of a sexual assault in
4 violation of s. 940.225 (1), (2) or (3) in which the minor did not indicate a freely given
5 agreement to have sexual intercourse. The person who intends to perform or induce
6 the abortion shall place the statement in the minor's medical record and report the
7 sexual intercourse as required under s. 48.981 (2) or (2m) (e). Any minor who makes
8 a false statement under this subdivision, which the minor does not believe is true,
9 is subject to a proceeding under s. ~~48.12 or 48.13~~ 938.12 or 938.13 (12), whichever is
10 applicable, based on a violation of s. 946.32 (2).

11 **SECTION 309.** 48.38 (3) (intro.) and (b) of the statutes are consolidated,
12 renumbered 48.38 (3) and amended to read:

13 48.38 (3) TIME. The agency shall file the permanency plan with the court
14 within 60 days after the date on which the child was first held in physical custody
15 or placed outside of his or her home under a court order, ~~except under either of the~~
16 ~~following conditions: (b) If that if the child is held for less than 60 days in a secure~~
17 ~~detention facility, juvenile portion of a county jail or a shelter care facility, no~~
18 ~~permanency plan is required if the child is returned to his or her home within that~~
19 ~~period.~~

20 **SECTION 309m.** 48.38 (3) (a) of the statutes, as affected by 1993 Wisconsin Acts
21 377, 385 and 491, is amended to read:

22 48.38 (3) (a) If the child is alleged to be delinquent and is being held in a secure
23 detention facility, juvenile portion of a county jail or shelter care facility, and the
24 agency intends to recommend that the child be placed in a secured correctional
25 facility ~~or the department of corrections intends to recommend that custody of the~~

1 ~~child be transferred to the department of corrections for participation in the youthful~~
2 ~~offender program~~, the agency is not required to submit the permanency plan unless
3 the court does not accept the recommendation of the agency ~~or the department of~~
4 ~~corrections~~. If the court places the child in any facility outside of the child's home
5 other than a secured correctional facility, the agency shall file the permanency plan
6 with the court within 60 days after the date of disposition.

7 **SECTION 310.** 48.38 (3) (a) of the statutes, as affected by 1993 Wisconsin Acts
8 377, 385 and 491 and 1995 Wisconsin Act ... (this act), is repealed.

9 **SECTION 311m.** 48.39 of the statutes is amended to read:

10 **48.39 Disposition by court bars criminal proceeding.** Disposition by the
11 court of any violation of state law coming within its jurisdiction under s. 48.12 bars
12 any future criminal proceeding on the same matter in circuit court when the child
13 reaches the age of ~~18~~ 17. This section does not affect criminal proceedings in circuit
14 court which were transferred under s. 48.18.

15 **SECTION 311p.** 48.39 of the statutes, as affected by 1995 Wisconsin Act ... (this
16 act), is repealed.

17 **SECTION 312g.** 48.396 (1) of the statutes is amended to read:

18 48.396 (1) Peace officers' records of children shall be kept separate from records
19 of ~~persons 18 or older~~ adults. Peace officers' records of children shall not be open to
20 inspection or their contents disclosed except under sub. (1m) or (5) or s. 48.293 or by
21 order of the court. This subsection does not apply to the representatives of
22 newspapers or other reporters of news who wish to obtain information for the
23 purpose of reporting news without revealing the identity of the child involved, to the
24 confidential exchange of information between the police and officials of the school

1 attended by the child or other law enforcement or social welfare agencies or to
2 children 16 or older who are transferred to the criminal courts.

3 **SECTION 312h.** 48.396 (1) of the statutes, as affected by 1995 Wisconsin Act
4 (this act), is repealed and recreated to read:

5 48.396 (1) Law enforcement officers' records of children, other than children
6 17 years of age or over who come within the jurisdiction of the court under s. 938.125
7 or 938.13, shall be kept separate from records of adults. Law enforcement officers'
8 records of children, other than children 17 years of age or over who come within the
9 jurisdiction of the court under s. 938.125 or 938.13, shall not be open to inspection
10 or their contents disclosed except under sub. (1g) or (1m) or s. 48.293 or by order of
11 the court. This subsection does not apply to the representatives of newspapers or
12 other reporters of news who wish to obtain information for the purpose of reporting
13 news without revealing the identity of the child involved, to the confidential
14 exchange of information between the police and officials of the school attended by the
15 child or other law enforcement or social welfare agencies or to children 10 or over who
16 are subject to the jurisdiction of the court of criminal jurisdiction.

17 **SECTION 312m.** 48.396 (1g) of the statutes is created to read:

18 48.396 (1g) If requested by the parent, guardian or legal custodian of a child
19 who is the subject of a law enforcement officer's report, or if requested by the child,
20 if 14 years of age or over, a law enforcement agency may, subject to official agency
21 policy, provide to the parent, guardian, legal custodian or child a copy of that report.

22 **SECTION 313m.** 48.396 (1m) of the statutes is repealed and recreated to read:

23 48.396 (1m) Upon the written permission of the parent, guardian or legal
24 custodian of a child who is the subject of a law enforcement officer's report or upon
25 the written permission of the child, if 14 years of age or over, a law enforcement

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1 agency may, subject to official agency policy, make available to the person named in
2 the permission any reports specifically identified by the parent, guardian, legal
3 custodian or child in the written permission.

4 **SECTION 314.** 48.396 (2) (a) of the statutes is amended to read:

5 48.396 (2) (a) Records of the court assigned to exercise jurisdiction under this
6 chapter and ch. 938 and of courts exercising jurisdiction under s. 48.16 ~~or 48.17 (2)~~
7 shall be entered in books or deposited in files kept for that purpose only. They shall
8 not be open to inspection or their contents disclosed except by order of the court
9 assigned to exercise jurisdiction under this chapter and ch. 938 or as permitted under
10 this section or s. 48.375 (7) (e).

11 **SECTION 314g.** 48.396 (2) (ag) of the statutes is created to read:

12 48.396 (2) (ag) Upon request of the parent, guardian or legal custodian of a
13 child who is the subject of a record of a court specified in par. (a), or upon request of
14 the child, if 14 years of age or over, the court shall open for inspection by the parent,
15 guardian, legal custodian or child the records of the court relating to that child.

16 **Section 314m.** 48.396 (2) (am) of the statutes is created to read:

17 48.396 (2) (am) Upon the written permission of the parent, guardian or legal
18 custodian of a child who is the subject of a record of a court specified in par. (a), the
19 court shall open for inspection by the person named in the permission any records
20 specifically identified by the parent, guardian, legal custodian or child in the written
21 permission.

22 **SECTION 315.** 48.396 (2) (c) of the statutes is repealed.

23 **SECTION 316.** 48.396 (2) (d) of the statutes is repealed.

24 **SECTION 317.** 48.396 (2) (e) of the statutes is repealed.

25 **SECTION 318.** 48.396 (2m) of the statutes is repealed.

1 **SECTION 319.** 48.396 (3) of the statutes is repealed.

2 **SECTION 320.** 48.396 (4) of the statutes is repealed.

3 **SECTION 321.** 48.396 (5) of the statutes is repealed.

4 **SECTION 322.** 48.396 (6) of the statutes is repealed.

5 **SECTION 323.** 48.396 (7) of the statutes is repealed.

6 **SECTION 324.** 48.396 (8) of the statutes is repealed.

7 **SECTION 325.** 48.415 (1) (a) 2. of the statutes is amended to read:

8 48.415 (1) (a) 2. The child has been placed, or continued in a placement, outside
9 the parent's home by a court order containing the notice required by s. 48.356 (2) or
10 938.356 (2) and the parent has failed to visit or communicate with the child for a
11 period of 6 months or longer; or

12 **SECTION 326.** 48.415 (2) (a) of the statutes is amended to read:

13 48.415 (2) (a) That the child has been adjudged to be in need of protection or
14 services and placed, or continued in a placement, outside his or her home pursuant
15 to one or more court orders under s. 48.345, 48.357, 48.363 ~~or~~, 48.365, 938.345,
16 938.357, 938.363 or 938.365 containing the notice required by s. 48.356 (2) or 938.356
17 (2).

18 **SECTION 327.** Subchapter IX (title) of chapter 48 [precedes 48.44] of the
19 statutes is amended to read:

20 **CHAPTER 48**

21 SUBCHAPTER IX

22 JURISDICTION OVER PERSON ~~18~~ 17

23 OR OLDER

24 **SECTION 328m.** 48.44 (title) and (1) of the statutes are amended to read:

1 **48.44** (title) **Jurisdiction over persons 18 17 or older.** (1) The court has
2 jurisdiction over persons ~~18~~ 17 or older as provided under ss. 48.355 (4) and 48.45 and
3 as otherwise specifically provided in this chapter.

4 **SECTION 328p.** 48.45 (1) (a) of the statutes is amended to read:

5 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition
6 described in s. 48.12 or 48.13 it appears that any person ~~18~~ 17 or older has been guilty
7 of contributing to, encouraging, or tending to cause by any act or omission, such
8 condition of the child, the judge may make orders with respect to the conduct of such
9 person in his or her relationship to the child, including orders determining the ability
10 of the person to provide for the maintenance or care of the child and directing when,
11 how and where funds for the maintenance or care shall be paid.

12 **SECTION 328r.** 48.45 (1) (a) of the statutes, as affected by 1995 Wisconsin Act
13 (this act), is repealed and recreated to read:

14 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition
15 described in s. 48.13 it appears that any person 17 or older has been guilty of
16 contributing to, encouraging, or tending to cause by any act or omission, such
17 condition of the child, the judge may make orders with respect to the conduct of such
18 person in his or her relationship to the child, including orders determining the ability
19 of the person to provide for the maintenance or care of the child and directing when,
20 how and where funds for the maintenance or care shall be paid.

21 **SECTION 328t.** 48.45 (1) (b) of the statutes is amended to read:

22 48.45 (1) (b) An act or failure to act contributes to a condition of a child as
23 described in s. ~~48.12 or~~ 48.13, although the child is not actually adjudicated to come
24 within the provisions of s. ~~48.12 or~~ 48.13, if the natural and probable consequences

1 of that act or failure to act would be to cause the child to come within the provisions
2 of s. ~~48.12~~ or 48.13.

3 **SECTION 331.** 48.45 (1m) (a) of the statutes, as affected by 1993 Wisconsin Act
4 377, is amended to read:

5 48.45 **(1m)** (a) In a proceeding in which a child has been adjudicated delinquent
6 ~~or has been found to be in need of protection or services under s. 48.13~~, the judge may
7 order the child's parent, guardian or legal custodian to comply with any conditions
8 determined by the judge to be necessary for the child's welfare. An order under this
9 paragraph may include an order to participate in mental health treatment, anger
10 management, individual or family counseling or parent training and education and
11 to make a reasonable contribution, based on ability to pay, toward the cost of those
12 services.

13 **SECTION 332.** 48.45 (3) of the statutes is amended to read:

14 48.45 **(3)** If it appears at a court hearing that any person ~~18~~ 17 or older has
15 violated s. 948.40, the judge shall refer the record to the district attorney for criminal
16 proceedings as may be warranted in the district attorney's judgment. This
17 subsection does not prevent prosecution of violations of s. 948.40 without the prior
18 reference by the judge to the district attorney, as in other criminal cases.

19 **SECTION 333.** 48.48 (1) of the statutes is amended to read:

20 48.48 **(1)** To promote the enforcement of the laws relating to delinquent
21 children, nonmarital children and children in need of protection or services including
22 developmentally disabled children and to take the initiative in all matters involving
23 the interests of such children where adequate provision therefor is not made. This
24 duty shall be discharged in cooperation with the courts, county departments,

1 licensed child welfare agencies and with parents and other individuals interested in
2 the welfare of children.

3 **SECTION 334.** 48.48 (3) of the statutes is amended to read:

4 48.48 (3) To accept legal custody of children transferred to it by the court under
5 ~~s. 48.355~~ and guardianship of children when appointed by the court, and to provide
6 special treatment and care when directed by the court. A court may not direct the
7 department to administer psychotropic medications to children who receive special
8 treatment or care under this subsection.

9 **SECTION 335.** 48.48 (4) of the statutes, as affected by 1993 Wisconsin Act 385,
10 is amended to read:

11 48.48 (4) To provide appropriate care and training for children in its legal
12 custody ~~or under its supervision under s. 48.34 (4m) or (4n)~~; including serving those
13 children in their own homes, placing them in licensed foster homes or licensed
14 treatment foster homes in accordance with s. 48.63 or licensed group homes,
15 contracting for their care by licensed child welfare agencies or replacing them in
16 juvenile correctional institutions in accordance with rules promulgated under ch.
17 227, except that the department shall not purchase the educational component of
18 private day treatment programs for children in its custody unless the department,
19 the school board as defined in s. 115.001 (7) and the state superintendent of public
20 instruction all determine that an appropriate public education program is not
21 available. Disputes between the department and the school district shall be resolved
22 by the state superintendent of public instruction.

23 **SECTION 335m.** 48.48 (4m) (a) of the statutes is amended to read:

24 48.48 (4m) (a) Is at least ~~18~~ 17 years of age;

1 **SECTION 336m.** 48.48 (4m) (b) of the statutes, as affected by 1993 Wisconsin
2 Act 385, is amended to read:

3 48.48 (4m) (b) Was in the legal custody of the department or under its
4 supervision under s. 48.34 (4m) or (4n) when the person reached 18 17 years of age;

5 **SECTION 336p.** 48.48 (4m) (b) of the statutes, as affected by 1993 Wisconsin Act
6 385 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

7 48.48 (4m) (b) Was in the legal custody of the department when the person
8 reached 17 years of age;

9 **SECTION 337.** 48.48 (5) of the statutes, as affected by 1993 Wisconsin Act 385,
10 is amended to read:

11 48.48 (5) To provide for the moral and religious training of a child in its legal
12 custody ~~or under its supervision under s. 48.34 (4m) or (4n)~~ according to the religious
13 belief of the child or of the child's parents.

14 **SECTION 338.** 48.48 (6) of the statutes, as affected by 1993 Wisconsin Act 385,
15 is amended to read:

16 48.48 (6) To consent to emergency surgery under the direction of a licensed
17 physician or surgeon for any child in its legal custody ~~or under its supervision under~~
18 ~~s. 48.34 (4m) or (4n)~~ upon notification by a licensed physician or surgeon of the need
19 for such surgery and if reasonable effort, compatible with the nature and time
20 limitation of the emergency, has been made to secure the consent of the child's parent
21 or guardian.

22 **SECTION 339.** 48.48 (13) of the statutes is repealed.

23 **SECTION 340m.** 48.48 (14) of the statutes, as affected by 1993 Wisconsin Act
24 385, is amended to read:

1 48.48 (14) To pay maintenance, tuition and related expenses from the
2 appropriations under s. 20.435 (3) (ho) and (7) (dd) for persons who when they
3 reached ~~18~~ 17 years of age were students regularly attending a school, college or
4 university or regularly attending a course of vocational or technical training
5 designed to fit them for gainful employment, and who when reaching that age were
6 in the legal custody of the department or under its supervision under s. 48.34 (4m)
7 or (4n) as a result of a judicial decision.

8 **SECTION 340p.** 48.48 (14) of the statutes, as affected by 1993 Wisconsin Act 385
9 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

10 48.48 (14) To pay maintenance, tuition and related expenses from the
11 appropriations under s. 20.435 (3) (ho) and (7) (dd) for persons who when they
12 reached 17 years of age were students regularly attending a school, college or
13 university or regularly attending a course of vocational or technical training
14 designed to fit them for gainful employment, and who when reaching that age were
15 in the legal custody of the department as a result of a judicial decision.

16 **SECTION 341.** 48.48 (16) of the statutes is amended to read:

17 48.48 (16) To establish and enforce standards for services provided under ss.
18 48.34 and s. 48.345 (1) (a) and (e). ~~This authority does not apply to services provided~~
19 ~~by the department of corrections under s. 48.366 (8).~~

20 **SECTION 341m.** 48.49 of the statutes, as affected by 1993 Wisconsin Acts 377
21 and 385, is amended to read:

22 **48.49 (title) Notification by court of transfer to department of**
23 **corrections or of placement with department of health and social services;**
24 **information for those departments department.** (1) When the court places a
25 child in a secured correctional facility ~~under the supervision of the department of~~

SECTION 341m

1 ~~health and social services or transfers legal custody of a child to the department of~~
2 ~~corrections, the court shall immediately notify the department to which the child's~~
3 ~~legal custody is transferred or under whose supervision the child is placed of that~~
4 ~~action. The court shall, in accordance with procedures established by the~~
5 ~~department to which the child's legal custody is transferred or under whose~~
6 ~~supervision the child is placed, provide transportation for the child to a receiving~~
7 ~~center designated by that department or deliver the child to personnel of that~~
8 ~~department.~~

9 (2) ~~When the court places a child in a secured correctional facility under the~~
10 ~~supervision of the department of health and social services or transfers legal custody~~
11 ~~of a child to the department of corrections, the court and all other public agencies~~
12 ~~shall also immediately transfer to the department to which the child's legal custody~~
13 ~~is transferred or under whose supervision the child is placed a copy of the report~~
14 ~~submitted to the court under s. 48.33 and all other pertinent data in their possession~~
15 ~~and shall immediately notify the child's last school district in writing of its obligation~~
16 ~~under s. 118.125 (4).~~

17 **SECTION 342.** ~~48.49 of the statutes, as affected by 1993 Wisconsin Acts 377 and~~
18 ~~385 and 1995 Wisconsin Act (this act), is repealed.~~

19 **SECTION 343.** ~~48.50 (1) of the statutes, as affected by 1993 Wisconsin Acts 385~~
20 ~~and 491, is amended to read:~~

21 ~~48.50 (1) The department shall examine every child who is placed under its~~
22 ~~supervision under s. 48.34 (4m) or (4n) or whose legal custody is transferred to it by~~
23 ~~the court to determine the type of placement best suited to the child and, in the case~~
24 ~~of a child who has violated a state law, to the protection of the public. This~~
25 ~~examination shall include an investigation of the personal and family history of the~~

1 child and his or her environment, and include any physical or mental examinations
2 considered necessary to determine the type of placement that is necessary for the
3 child ~~and the evaluation under s. 48.533 (1) or (2) to determine whether the child is~~
4 ~~eligible for corrective sanctions supervision.~~ A child who is examined under this
5 subsection shall be screened to determine whether the child is in need of special
6 treatment or care because of alcohol or other drug abuse, mental illness or severe
7 emotional disturbance.

8 **Section 343m.** 48.505 of the statutes, as created by 1993 Wisconsin Act 385,
9 is amended to read:

10 48.505 (title) **Children placed in a secured correctional facility or on**
11 **aftercare.** ~~The~~ When a child is under the supervision of the department under s.
12 48.34 (4m) or (4n), 48.357 (4) or (5) (e) or 48.366 or under the supervision of a county
13 department under s. 48.34 (4n), the department or county department having
14 supervision over the child shall have the right and duty to protect, train, discipline,
15 treat and confine a child who is placed in a secured correctional facility under s. 48.34
16 ~~(4m), 48.357 (4) or (5) (e) or 48.366,~~ the child and to provide food, shelter, legal
17 services, education and ordinary medical and dental care for the child, subject to the
18 rights, duties and responsibilities of the guardian of the child and subject to any
19 residual parental rights and responsibilities and the provisions of any court order.

20 **SECTION 344.** 48.505 of the statutes, as created by 1993 Wisconsin Act 385 and
21 as affected by 1995 Wisconsin Act (this act), is repealed.

22 **SECTION 344m.** 48.51 (title) of the statutes, as affected by 1993 Wisconsin Act
23 377, is repealed.

24 **SECTION 345d.** 48.51 (1) (intro.) of the statutes, as affected by 1993 Wisconsin
25 Acts 377 and 385, is amended to read:

1 48.51 (1) (intro.) At least 15 days prior to the date of release of a child from a
2 secured correctional facility or a placement in the community under the corrective
3 sanctions program ~~or the youthful offender program~~, the department of health and
4 social services ~~or the department of corrections~~ shall:

5 **SECTION 345g.** 48.51 (1) (intro.) of the statutes, as affected by 1993 Wisconsin
6 Acts 377 and 385 and 1995 Wisconsin Act ... (this act), is repealed.

7 **SECTION 345m.** 48.51 (1) (a) of the statutes is repealed.

8 **SECTION 345p.** 48.51 (1) (b) of the statutes, as affected by 1993 Wisconsin Acts
9 377 and 385, is repealed.

10 **SECTION 345r.** 48.51 (1) (c) of the statutes is repealed.

11 **SECTION 345t.** 48.51 (2) of the statutes is repealed.

12 **SECTION 345v.** 48.51 (3) of the statutes is repealed.

13 **SECTION 346.** 48.52 (1) (c) of the statutes is amended to read:

14 48.52 (1) (c) Group homes; and

15 **SECTION 347.** 48.52 (1) (d) of the statutes is repealed.

16 **SECTION 348.** 48.52 (2) (a) of the statutes, as affected by 1993 Wisconsin Act
17 385, is amended to read:

18 48.52 (2) (a) In addition to the facilities and services described in sub. (1), the
19 department may use other facilities and services under its jurisdiction. The
20 department may also contract for and pay for the use of other public facilities or
21 private facilities for the care and treatment of children in its care; but placement of
22 children in private or public facilities not under its jurisdiction does not terminate
23 the legal custody ~~or supervision under s. 48.34 (4m) or (4n)~~ of the department.
24 Placements in institutions for the mentally ill or developmentally disabled shall be
25 made in accordance with ss. 48.14 (5) and 48.63 and ch. 51.

1 **SECTION 349.** 48.52 (2) (c) of the statutes, as affected by 1993 Wisconsin Act 385,
2 is amended to read:

3 48.52 (2) (c) The department shall have the right to inspect all facilities it is
4 using and to examine and consult with persons in its legal custody ~~or under its~~
5 ~~supervision under s. 48.34 (4m) or (4n)~~ who have been placed in that facility.

6 **SECTION 350.** 48.53 of the statutes, as affected by 1993 Wisconsin Act 385, is
7 repealed.

8 **SECTION 351.** 48.532 of the statutes is repealed.

9 **SECTION 352.** 48.533 of the statutes, as affected by 1993 Wisconsin Act 385, is
10 repealed.

11 **SECTION 353.** 48.534 of the statutes is repealed.

12 **SECTION 354.** 48.536 of the statutes is repealed.

13 **SECTION 355.** 48.537 of the statutes, as created by 1993 Wisconsin Act 377, is
14 repealed.

15 **SECTION 356.** 48.54 of the statutes, as affected by 1993 Wisconsin Act 385, is
16 amended to read:

17 **48.54 Records.** The department shall keep a complete record on each child
18 in its legal custody ~~or under its supervision under s. 48.34 (4m) or (4n)~~. This record
19 shall include the information received from the court, the date of reception, all
20 available data on the personal and family history of the child, the results of all tests
21 and examinations given the child, and a complete history of all placements of the
22 child while in the legal custody ~~or under the supervision~~ of the department.

23 **SECTION 357.** 48.547 (1) of the statutes is amended to read:

24 48.547 (1) **LEGISLATIVE FINDINGS AND PURPOSE.** The legislature finds that the use
25 and abuse of alcohol and other drugs by children is a state responsibility of statewide

1 dimension. The legislature recognizes that there is a lack of adequate procedures to
2 screen, assess and treat children for alcohol and other drug abuse. To reduce the
3 incidence of alcohol and other drug abuse by children, the legislature deems it
4 necessary to experiment with solutions to the problems of the use and abuse of
5 alcohol and other drugs by children by establishing a juvenile alcohol and other drug
6 abuse pilot program in a limited number of counties. The purpose of the program is
7 to develop intake and court procedures that screen, assess and give new dispositional
8 alternatives for children with needs and problems related to the use of alcohol
9 beverages or controlled substances who come within the jurisdiction of a court
10 assigned to exercise jurisdiction under this chapter and ch. 938 in the pilot counties
11 selected by the department.

12 **SECTION 358.** 48.547 (4) of the statutes is amended to read:

13 48.547 (4) ASSESSMENT CRITERIA. By September 1, 1988, the department shall
14 develop uniform alcohol and other drug abuse assessment criteria to be used in the
15 pilot program under ss. 48.245 (2) (a) 3., and 48.295 (1), ~~48.32 (1g), 48.343 (10) and~~
16 ~~48.344 (2g)~~. An approved treatment facility that assesses a person under ~~ss. s.~~ 48.245
17 (2) (a) 3., or 48.295 (1), ~~48.32 (1g), 48.343 (10) and 48.344 (2g)~~ may not also provide
18 the person with treatment unless the department permits the approved treatment
19 facility to do both in accordance with the criteria established by rule by the
20 department.

21 **SECTION 359.** 48.57 (1) (a) of the statutes is amended to read:

22 48.57 (1) (a) To investigate the conditions surrounding ~~delinquent children,~~
23 nonmarital children and children in need of protection or services including
24 developmentally disabled children within the county and to take every reasonable
25 action within its power to secure for them the full benefit of all laws enacted for their

1 benefit. Unless provided by another agency, the county department shall offer social
2 services to the caretaker of any child who is referred to it under the conditions
3 specified in this paragraph. This duty shall be discharged in cooperation with the
4 court and with the public officers or boards legally responsible for the administration
5 and enforcement of these laws.

6 **SECTION 360.** 48.57 (4) of the statutes, as created by 1993 Wisconsin Act 385,
7 is repealed.

8 **SECTION 361.** 48.58 (1) (b) of the statutes is amended to read:

9 48.58 (1) (b) Provide care for children in need of protection or services, and
10 delinquent ~~children~~ juveniles referred by the county department, if the delinquent
11 ~~children~~ juveniles are placed in separate facilities;

12 **SECTION 362.** 48.58 (1) (c) of the statutes is amended to read:

13 48.58 (1) (c) Provide temporary shelter care for children in need of protection
14 or services and delinquent ~~children~~ juveniles; provided that the delinquent ~~children~~
15 juveniles are placed in separate facilities.

16 **SECTION 363.** 48.58 (1) (d) of the statutes is amended to read:

17 48.58 (1) (d) Provide temporary shelter care for children taken into custody
18 under s. 48.19 or 938.19.

19 **SECTION 364.** 48.59 (1) of the statutes, as affected by 1993 Wisconsin Act 385,
20 is amended to read:

21 48.59 (1) The county department shall investigate the personal and family
22 history and environment of any child transferred to its legal custody or placed under
23 its supervision under s. ~~48.34 (4n)~~ 48.345 and make any physical or mental
24 examinations of the child considered necessary to determine the type of care
25 necessary for the child. The county department shall screen a child who is examined

1 under this subsection to determine whether the child is in need of special treatment
2 or care because of alcohol or other drug abuse, mental illness or severe emotional
3 disturbance. The county department shall keep a complete record of the information
4 received from the court, the date of reception, all available data on the personal and
5 family history of the child, the results of all tests and examinations given the child
6 and a complete history of all placements of the child while in the legal custody or
7 under the supervision of the county department.

8 **SECTION 365.** 48.595 of the statutes, as created by 1993 Wisconsin Act 385, is
9 repealed.

10 **SECTION 366.** 48.63 (1) of the statutes is amended to read:

11 48.63 (1) Acting pursuant to court order or voluntary agreement, the child's
12 parent or guardian or the department, a county department or a child welfare agency
13 licensed to place children in foster homes or treatment foster homes may place a child
14 or negotiate or act as intermediary for the placement of a child in a foster home,
15 treatment foster home or group home. Voluntary agreements under this subsection
16 may not be used for placements in facilities other than foster, treatment foster or
17 group homes and may not be extended. A foster home or treatment foster home
18 placement under a voluntary agreement may not exceed 6 months. A group home
19 placement under a voluntary agreement may not exceed 15 days. These time
20 limitations do not apply to placements made under ~~ss. 48.34 and s. 48.345, 938.183,~~
21 938.34 or 938.345. Voluntary agreements may be made only under this subsection
22 and shall be in writing and shall specifically state that the agreement may be
23 terminated at any time by the parent or by the child if the child's consent to the
24 agreement is required. The child's consent to the agreement is required whenever
25 the child is 12 years of age or older.

1 **SECTION 367.** 48.66 (1) of the statutes is amended to read:

2 48.66 (1) The department shall license and supervise child welfare agencies,
3 as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities,
4 as required by s. 48.48 and day care centers, as required by s. 48.65. The department
5 may license foster homes or treatment foster homes, as provided by s. 48.62, and may
6 license and supervise county departments in accordance with the procedures
7 specified in this section and in ss. 48.67 to 48.74. The department may license a child
8 welfare agency to hold in secure custody children under 12 years of age who have
9 been convicted under s. 938.183 or adjudicated delinquent under s. 938.34 (4m) and
10 placed in a secured child caring institution, and to provide supervision, care and
11 maintenance for those children. The department may also license a child welfare
12 agency to hold in secure custody children who have been adjudicated delinquent
13 under s. ~~48.34 (4m)~~ 938.34 (4m) and referred to the child welfare agency by the
14 department under the intensive residential aftercare pilot program under 1993
15 Wisconsin Act 377, section 9126 (3x), and to provide supervision, care and
16 maintenance for those children.

17 **SECTION 368.** 48.78 (2) (a) of the statutes is amended to read:

18 48.78 (2) (a) No agency may make available for inspection or disclose the
19 contents of any record kept or information received about an individual in its care
20 or legal custody, except as provided under ~~sub. (3)~~ or s. 48.371, 48.38 (5) (b) or (d),
21 48.432, 48.433, 48.93 or 48.981 (7) or by order of the court.

22 **SECTION 368g.** 48.78 (2) (ag) of the statutes is created to read:

23 48.78 (2) (ag) Paragraph (a) does not prohibit an agency from making available
24 for inspection or disclosing the contents of a record, upon the request of the parent,
25 guardian or legal custodian of the child who is the subject of the record or upon the

1 request of the child, if 14 years of age or over, to the parent, guardian, legal custodian
2 or child.

3 **SECTION 368m.** 48.78 (2) (am) of the statutes is created to read:

4 48.78 (2) (am) Paragraph (a) does not prohibit an agency from making
5 available for inspection or disclosing the contents of a record, upon the written
6 permission of the parent, guardian or legal custodian of the child who is the subject
7 of the record or upon the written permission of the child, if 14 years of age or over,
8 to the person named in the permission if the parent, guardian, legal custodian or
9 child specifically identifies the record in the written permission.

10 **SECTION 369.** 48.78 (2) (d) of the statutes, as affected by 1993 Wisconsin Act
11 385, is repealed.

12 **SECTION 370g.** 48.78 (2) (e) of the statutes is repealed.

13 **SECTION 370m.** 48.78 (3) of the statutes, as affected by 1993 Wisconsin Act 377,
14 is amended to read:

15 48.78 (3) If a child adjudged delinquent on the basis of a violation of s. 941.10,
16 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295,
17 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a),
18 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60,
19 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
20 correctional facility, has been allowed to leave a secured correctional facility for a
21 specified time period and is absent from the facility for more than 12 hours after the
22 expiration of the specified period or has run away from the child's placement in the
23 community while under corrective sanctions or youthful offender supervision, the
24 department of health and social services or the department of corrections may
25 release the child's name and any information about the child that is necessary for the

1 protection of the public or to secure the child's return to the facility or placement.
2 The department of health and social services shall promulgate rules establishing
3 guidelines for the release of the child's name or information about the child to the
4 public, ~~except that the department of corrections shall promulgate rules establishing~~
5 ~~guidelines for the release to the public of the name of a child, or information about~~
6 ~~a child, who is a participant in the youthful offender program.~~

7 **SECTION 370p.** 48.78 (3) of the statutes, as affected by 1993 Wisconsin Act 377
8 and 1995 Wisconsin Act (this act), is repealed.

9 **SECTION 371.** 48.95 of the statutes is amended to read:

10 **48.95 Withdrawal or denial of petition.** Except as provided under s. 48.839
11 (3) (b), if the petition is withdrawn or denied, the circuit court shall order the case
12 transferred to the court assigned to exercise jurisdiction under this chapter and ch.
13 938 for appropriate action, except that if parental rights have been terminated and
14 the guardian of the minor is the department, a licensed child welfare agency or a
15 county department under s. 48.57 (1) (e) or (hm), the minor shall remain in the legal
16 custody of the guardian.

17 **SECTION 372.** 48.991 of the statutes is renumbered 938.991.

18 **SECTION 373.** 48.992 of the statutes is renumbered 938.992, and 938.992 (1) (a)
19 and (b) and (3), as renumbered, are amended to read:

20 938.992 (1) (a) The "appropriate court" of this state to issue a requisition under
21 s. 48.991 938.991 (4) is the court assigned to exercise jurisdiction under this chapter
22 and ch. 48 for the county of the petitioner's residence, or, if the petitioner is a child
23 welfare agency, the court so assigned for the county where the agency has its
24 principal office, or, if the petitioner is the department, any court so assigned in the
25 state.

1 (b) The “appropriate court” of this state to receive a requisition under s. ~~48.991~~
2 938.991 (4) or (5) or ~~48.998~~ 938.998 is the court assigned to exercise jurisdiction
3 under this chapter and ch. 48 for the county where the juvenile is located.

4 **(3)** Notwithstanding s. ~~48.991~~ 938.991 (3) (b), “delinquent juvenile” does not
5 include a person subject to an order under s. 48.366 who is confined to a state prison
6 under s. 302.01 or a person subject to an order under s. 938.34 (4g) who is 17 years
7 of age or over.

8 **SECTION 374.** 48.993 of the statutes is renumbered 938.993, and 938.993 (2),
9 as renumbered, is amended to read:

10 938.993 **(2)** The compact administrator shall determine for this state whether
11 to receive juvenile probationers and parolees of other states under s. ~~48.991~~ 938.991
12 (7) and shall arrange for the supervision of each such probationer or parolee received,
13 either by the department or by a person appointed to perform supervision service for
14 the court assigned to exercise jurisdiction under this chapter and ch. 48 for the
15 county where the juvenile is to reside, whichever is more convenient. Those persons
16 shall in all such cases make periodic reports to the compact administrator regarding
17 the conduct and progress of the juveniles.

18 **SECTION 375.** 48.994 of the statutes is renumbered 938.994 and amended to
19 read:

20 **938.994 Supplementary agreements.** The department may enter into
21 supplementary agreements with appropriate officials of other states under s. ~~48.991~~
22 938.991 (10). If the supplementary agreement requires or contemplates the use of
23 any institution or facility of this state or the provision of any service by this state, the
24 supplementary agreement has no effect until approved by the department or agency

1 under whose jurisdiction the institution or facility is operated or which shall be
2 charged with the rendering of the service.

3 **SECTION 376.** 48.995 of the statutes is renumbered 938.995 and amended to
4 read:

5 **938.995 Financial arrangements.** The expense of returning juveniles to
6 this state pursuant to s. ~~48.991~~ 938.991 shall be paid as follows:

7 (1) In the case of a runaway under s. ~~48.991~~ 938.991 (4), the court making the
8 requisition shall inquire summarily regarding the financial ability of the petitioner
9 to bear the expense and if it finds the petitioner is able to do so, shall order the
10 petitioner to pay all the expenses of returning the juvenile; otherwise the court shall
11 arrange for the transportation at the expense of the county and order that the county
12 reimburse the person, if any, who returns the juvenile, for that person's actual and
13 necessary expenses; and the court may order that the petitioner reimburse the
14 county for so much of the expense as the court finds the petitioner is able to pay. If
15 the petitioner fails, without good cause, or refuses to pay that sum, the petitioner
16 may be proceeded against for contempt.

17 (2) In the case of an escapee or absconder under s. ~~48.991~~ 938.991 (5) or (6), if
18 the juvenile is in the legal custody of the department, it shall bear the expense of his
19 or her return; otherwise the appropriate court shall, on petition of the person entitled
20 to the juvenile's custody or charged with his or her supervision, arrange for the
21 transportation at the expense of the county and order that the county reimburse the
22 person, if any, who returns the juvenile, for the person's actual and necessary
23 expenses. In this subsection "appropriate court" means the court which adjudged the
24 juvenile to be delinquent or, if the juvenile is under supervision for another state
25 under s. ~~48.991~~ 938.991 (7), then the court assigned to exercise jurisdiction under

1 this chapter and ch. 48 for the county of the juvenile's residence during the
2 supervision.

3 (3) In the case of a voluntary return of a runaway without requisition under
4 s. ~~48.991~~ 938.991 (6), the person entitled to the juvenile's legal custody shall pay the
5 expense of transportation and the actual and necessary expenses of the person, if
6 any, who returns the juvenile; but if the person is financially unable to pay all the
7 expenses he or she may petition the court assigned to exercise jurisdiction under this
8 chapter and ch. 48 for the county of the petitioner's residence for an order arranging
9 for the transportation as provided in sub. (1). The court shall inquire summarily into
10 the financial ability of the petitioner and, if it finds the petitioner is unable to bear
11 any or all of the expense, the court shall arrange for the transportation at the expense
12 of the county and shall order the county to reimburse the person, if any, who returns
13 the juvenile, for the person's actual and necessary expenses. The court may order
14 that the petitioner reimburse the county for so much of the expense as the court finds
15 the petitioner is able to pay. If the petitioner fails, without good cause, or refuses to
16 pay that sum, he or she may be proceeded against for contempt.

17 (4) In the case of a juvenile subject to a petition under s. ~~48.998~~ 938.998, the
18 appropriate court shall arrange for the transportation at the expense of the county
19 in which the violation of criminal law is alleged to have been committed and order
20 that the county reimburse the person, if any, who returns the juvenile, for the
21 person's actual and necessary expenses. In this subsection "appropriate court"
22 means the court assigned to exercise jurisdiction under this chapter and ch. 48 for
23 the county in which the violation of criminal law is alleged to have been committed.

24 **SECTION 377.** 48.996 of the statutes is renumbered 938.996.

25 **SECTION 378.** 48.997 of the statutes is renumbered 938.997.

1 **SECTION 379.** 48.998 of the statutes is renumbered 938.998, and 938.998 (2),
2 as renumbered, is amended to read:

3 938.998 (2) All provisions and procedures of s. ~~48.991~~ 938.991 (5) and (6) shall
4 be construed to apply to any juvenile charged with being a delinquent by reason of
5 a violation of any criminal law. Any juvenile, charged with being a delinquent by
6 reason of violating any criminal law shall be returned to the requesting state upon
7 a requisition to the state where the juvenile may be found. A petition in such case
8 shall be filed in a court of competent jurisdiction in the requesting state where the
9 violation of criminal law is alleged to have been committed. The petition may be filed
10 regardless of whether the juvenile has left the state before or after the filing of the
11 petition. The requisition described in s. ~~48.991~~ 938.991 (5) shall be forwarded by the
12 judge of the court in which the petition has been filed.

13 **SECTION 380.** 49.19 (4) (c) of the statutes is amended to read:

14 49.19 (4) (c) The person having the care and custody of the dependent child
15 must be fit and proper to have the child. Aid shall not be denied by the county
16 department under s. 46.215 or 46.22 on the grounds that a person is not fit and proper
17 to have the care and custody of the child until the county department obtains a
18 finding substantiating that fact from a court assigned to exercise jurisdiction under
19 ~~ch. 48 and 938~~ or other court of competent jurisdiction; but in appropriate cases
20 it is the responsibility of the county department to petition under ch. 48 or refer the
21 case to a proper child protection agency.

22 **SECTION 381.** 49.46 (1) (a) 5. of the statutes is amended to read:

23 49.46 (1) (a) 5. Any child in an adoption assistance, foster care or treatment
24 foster care placement under ch. 48 or 938, as determined by the department.

25 **SECTION 382.** 49.80 (7) of the statutes is amended to read:

1 49.80 (7) INDIVIDUALS IN STATE PRISONS. No payment under sub. (6) may be made
2 to a prisoner who is imprisoned in a state prison under s. 302.01 or to a person placed
3 at a secured correctional facility, as defined in s. ~~48.02~~ 938.02 (15m), or a secured
4 child caring institution, as defined in s. 938.02 (15g).

5 **SECTION 383.** 49.90 (1m) of the statutes is amended to read:

6 49.90 (1m) Each spouse has an equal obligation to support the other spouse as
7 provided in this chapter. Each parent has an equal obligation to support his or her
8 minor children as provided in this chapter and ~~ch. 48 and 938~~. Each parent of
9 a dependent person under the age of 18 has an equal obligation to support the child
10 of the dependent person as provided under sub. (1) (a) 2.

11 **SECTION 384.** 50.39 (3) of the statutes is amended to read:

12 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.14, 49.171, 50.02, 51.09,
13 58.06, 252.073, 252.076 and 252.10, secured correctional facilities as defined in s.
14 ~~48.02~~ 938.02 (15m), correctional institutions governed by the department of
15 corrections under s. 301.02 and the offices and clinics of persons licensed to treat the
16 sick under chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32
17 to 50.39 do not abridge the rights of the medical examining board, physical therapists
18 affiliated credentialing board, dentistry examining board, pharmacy examining
19 board, chiropractic examining board and board of nursing in carrying out their
20 statutory duties and responsibilities.

21 **SECTION 385.** 51.05 (2) of the statutes is amended to read:

22 51.05 (2) The department may not accept for admission to a mental health
23 institute any resident person, except in an emergency, unless the county department
24 under s. 51.42 in the county where the person has legal residency authorizes the care,
25 as provided in s. 51.42 (3) (as). Patients who are committed to the department under

1 s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17, 975.06 or 980.06,
2 admitted by the department under s. 975.17, 1977 stats., or are transferred from a
3 juvenile correctional facility or a secured child caring institution, as defined in s.
4 938.02 (15g), to a state treatment facility under s. 51.35 (3) or from a jail or prison
5 to a state treatment facility under s. 51.37 (5) are not subject to this section.

6 **SECTION 386.** 51.13 (1) (c) of the statutes is amended to read:

7 51.13 (1) (c) If a minor 14 years of age or older wishes to be admitted to an
8 approved inpatient treatment facility but a parent with legal custody or the guardian
9 refuses to execute the application for admission or cannot be found, or if there is no
10 parent with legal custody, the minor or a person acting on the minor's behalf may
11 petition the court assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938 in the
12 county of residence of the parent or guardian for approval of the admission. A copy
13 of the petition and a notice of hearing shall be served upon the parent or guardian
14 at his or her last-known address. If, after hearing, the court determines that the
15 parent or guardian's consent is unreasonably withheld or that the parent or guardian
16 cannot be found or that there is no parent with legal custody, and that the admission
17 is proper under the standards prescribed in sub. (4) (d), it shall approve the minor's
18 admission without the parent or guardian's consent. The court may, at the minor's
19 request, temporarily approve the admission pending hearing on the petition. If a
20 hearing is held under this subsection, no review or hearing under sub. (4) is required.

21 **SECTION 387.** 51.13 (4) (a) of the statutes is amended to read:

22 51.13 (4) (a) Within 3 days of the admission of a minor under sub. (1), or within
23 3 days of application for such admission, whichever occurs first, the treatment
24 director of the facility to which the minor is admitted or, in the case of a center for
25 the developmentally disabled, the director of the center, shall file a verified petition

1 for review of the admission in the court assigned to exercise jurisdiction under ~~ch.~~
2 chs. 48 and 938 in the county in which the facility is located. The petition shall
3 contain: 1) the name, address and date of birth of the minor; 2) the names and
4 addresses of the parents or guardian; 3) the facts substantiating the petitioner's
5 belief in the minor's need for psychiatric services, or services for developmental
6 disability, alcoholism or drug abuse; 4) the facts substantiating the appropriateness
7 of inpatient treatment in the inpatient treatment facility; 5) the basis for the
8 petitioner's opinion that inpatient care in the facility is the least restrictive
9 treatment consistent with the needs of the minor; and 6) notation of any statement
10 made or conduct demonstrated by the minor in the presence of the director or staff
11 of the facility indicating that inpatient treatment is against the wishes of the minor.
12 A copy of the application for admission and of any relevant professional evaluations
13 shall be attached to the petition.

14 **SECTION 388.** 51.13 (4) (b) of the statutes is amended to read:

15 51.13 (4) (b) If hardship would otherwise occur and if the best interests of the
16 minor would be served thereby, the court may, on its own motion or on the motion of
17 any interested party, remove the petition to the court assigned to exercise
18 jurisdiction under ~~ch.~~ chs. 48 and 938 of the county of residence of the parent or
19 guardian.

20 **SECTION 389.** 51.13 (4) (d) of the statutes is amended to read:

21 51.13 (4) (d) Within 5 days of the filing of the petition, the court assigned to
22 exercise jurisdiction under ~~ch.~~ chs. 48 and 938 shall determine, based on the
23 allegations of the petition and accompanying documents, whether the admission is
24 voluntary on the part of the minor if the minor is 14 years of age or older and whether
25 there is a prima facie showing that the minor is in need of psychiatric services, or

1 services for developmental disability, alcoholism or drug abuse, that the treatment
2 facility offers inpatient therapy or treatment which is appropriate to the minor's
3 needs, and that inpatient care in the treatment facility is the least restrictive therapy
4 or treatment consistent with the needs of the minor. If such a showing is made, the
5 court shall permit voluntary admission. If the court is unable to make such
6 determinations based on the petition and accompanying documents, it shall dismiss
7 the petition as provided in par. (h); or order additional information to be produced
8 as it deems necessary to make such review, and make such determinations within
9 14 days of admission or application for admission, whichever is sooner; or it may hold
10 a hearing within 14 days of admission or application for admission, whichever is
11 sooner. If a notation of the minor's unwillingness appears on the face of the petition,
12 or if a hearing has been requested by the minor, the minor's counsel, parent or
13 guardian, the court shall hold a hearing to review the admission within 14 days of
14 admission or application for admission, whichever is sooner, and shall appoint
15 counsel to represent the minor if the minor is unrepresented. If the court deems it
16 necessary, it shall also appoint a guardian ad litem to represent the minor.

17 **SECTION 390.** 51.13 (4) (h) 2. of the statutes is amended to read:

18 51.13 (4) (h) 2. Order the petition to be treated as a petition for involuntary
19 commitment and refer it to the court where the review under this section was held,
20 or if it was not held in the county of legal residence of the subject individual's parent
21 or guardian and hardship would otherwise occur and if the best interests of the
22 subject individual would be served thereby, to the court assigned to exercise
23 jurisdiction under ~~ch~~ chs. 48 and 938 in such county for a hearing under s. 51.20 or
24 51.45 (13).

25 **SECTION 391.** 51.13 (4) (h) 4. of the statutes is amended to read:

1 51.13 (4) (h) 4. If there is a reason to believe the minor is in need of protection
2 or services under s. 48.13 or 938.13, dismiss the petition and authorize the filing of
3 a petition under s. 48.25 (3) or 938.25 (3). The court may release the minor or may
4 order that the minor be taken and held in custody under s. 48.19 (1) (c) or 938.19 (1)
5 (c).

6 **SECTION 392.** 51.14 (2) of the statutes is amended to read:

7 51.14 (2) MENTAL HEALTH REVIEW OFFICER. Each court assigned to exercise
8 jurisdiction under ~~ch~~ chs. 48 and 938 shall designate a mental health review officer
9 to review petitions filed under sub. (3).

10 **SECTION 393.** 51.15 (1) (a) (intro.), 3. and 4. of the statutes are amended to read:

11 51.15 (1) (a) (intro.) A law enforcement officer or other person authorized to
12 take a child into custody under ch. 48 or 938 may take an individual into custody if
13 the officer or person has cause to believe that such individual is mentally ill, drug
14 dependent or developmentally disabled, and that the individual evidences any of the
15 following:

16 3. A substantial probability of physical impairment or injury to himself or
17 herself due to impaired judgment, as manifested by evidence of a recent act or
18 omission. The probability of physical impairment or injury is not substantial under
19 this subdivision if reasonable provision for the individual's protection is available in
20 the community and there is a reasonable probability that the individual will avail
21 himself or herself of these services or, in the case of a minor, if the individual is
22 appropriate for services or placement under s. 48.13 (4) or (11) or 938.13 (4). Food,
23 shelter or other care provided to an individual who is substantially incapable of
24 obtaining the care for himself or herself, by any person other than a treatment

1 facility, does not constitute reasonable provision for the individual's protection
2 available in the community under this subdivision.

3 4. Behavior manifested by a recent act or omission that, due to mental illness
4 or drug dependency, he or she is unable to satisfy basic needs for nourishment,
5 medical care, shelter or safety without prompt and adequate treatment so that a
6 substantial probability exists that death, serious physical injury, serious physical
7 debilitation or serious physical disease will imminently ensue unless the individual
8 receives prompt and adequate treatment for this mental illness or drug dependency.
9 No substantial probability of harm under this subdivision exists if reasonable
10 provision for the individual's treatment and protection is available in the community
11 and there is a reasonable probability that the individual will avail himself or herself
12 of these services, if the individual can receive protective placement under s. 55.06 or,
13 in the case of a minor, if the individual is appropriate for services or placement under
14 s. 48.13 (4) or (11) or 938.13 (4). The individual's status as a minor does not
15 automatically establish a substantial probability of death, serious physical injury,
16 serious physical debilitation or serious disease under this subdivision. Food, shelter
17 or other care provided to an individual who is substantially incapable of providing
18 the care for himself or herself, by any person other than a treatment facility, does not
19 constitute reasonable provision for the individual's treatment or protection available
20 in the community under this subdivision.

21 **SECTION 394.** 51.20 (1) (a) 2. b., c. and d. of the statutes are amended to read:

22 51.20 (1) (a) 2. b. Evidences a substantial probability of physical harm to other
23 individuals as manifested by evidence of recent homicidal or other violent behavior,
24 or by evidence that others are placed in reasonable fear of violent behavior and
25 serious physical harm to them, as evidenced by a recent overt act, attempt or threat

1 to do serious physical harm. In this subd. 2. b., if the petition is filed under a court
2 order under s. ~~48.30~~ 938.30 (5) (c) 1. or (d) 1., a finding by the court exercising
3 jurisdiction under ~~ch. chs. 48 and 938~~ that the child committed the act or acts alleged
4 in the petition under s. ~~48.12 or 48.13~~ 938.12 or 938.13 (12) may be used to prove that
5 the child exhibited recent homicidal or other violent behavior or committed a recent
6 overt act, attempt or threat to do serious physical harm.

7 c. Evidences such impaired judgment, manifested by evidence of a pattern of
8 recent acts or omissions, that there is a substantial probability of physical
9 impairment or injury to himself or herself. The probability of physical impairment
10 or injury is not substantial under this subd. 2. c. if reasonable provision for the
11 subject individual's protection is available in the community and there is a
12 reasonable probability that the individual will avail himself or herself of these
13 services, if the individual is appropriate for protective placement under s. 55.06 or,
14 in the case of a minor, if the individual is appropriate for services or placement under
15 s. 48.13 (4) or (11) or 938.13 (4). The subject individual's status as a minor does not
16 automatically establish a substantial probability of physical impairment or injury
17 under this subd. 2. c. Food, shelter or other care provided to an individual who is
18 substantially incapable of obtaining the care for himself or herself, by a person other
19 than a treatment facility, does not constitute reasonable provision for the subject
20 individual's protection available in the community under this subd. 2. c.

21 d. Evidences behavior manifested by recent acts or omissions that, due to
22 mental illness, he or she is unable to satisfy basic needs for nourishment, medical
23 care, shelter or safety without prompt and adequate treatment so that a substantial
24 probability exists that death, serious physical injury, serious physical debilitation or
25 serious physical disease will imminently ensue unless the individual receives

1 prompt and adequate treatment for this mental illness. No substantial probability
2 of harm under this subd. 2. d. exists if reasonable provision for the individual's
3 treatment and protection is available in the community and there is a reasonable
4 probability that the individual will avail himself or herself of these services, if the
5 individual is appropriate for protective placement under s. 55.06 or, in the case of a
6 minor, if the individual is appropriate for services or placement under s. 48.13 (4) or
7 (11) or 938.13 (4). The individual's status as a minor does not automatically establish
8 a substantial probability of death, serious physical injury, serious physical
9 debilitation or serious disease under this subd. 2. d. Food, shelter or other care
10 provided to an individual who is substantially incapable of obtaining the care for
11 himself or herself, by any person other than a treatment facility, does not constitute
12 reasonable provision for the individual's treatment or protection available in the
13 community under this subd. 2. d.

14 **SECTION 395.** 51.20 (1) (b) of the statutes is amended to read:

15 51.20 (1) (b) Each petition for examination shall be signed by 3 adult persons,
16 at least one of whom has personal knowledge of the conduct of the subject individual,
17 except that this requirement does not apply if the petition is filed pursuant to a court
18 order under s. ~~48.30~~ 938.30 (5) (c) 1. or (d) 1.

19 **SECTION 396.** 51.20 (6) of the statutes is amended to read:

20 51.20 (6) JUVENILES. For minors, the hearings held under this section shall be
21 before the court assigned to exercise jurisdiction under ~~ch. 48~~ chs. 48 and 938.

22 **SECTION 397.** 51.20 (13) (cr) of the statutes is amended to read:

23 51.20 (13) (cr) If the subject individual is before the court on a petition filed
24 under a court order under s. ~~48.30~~ 938.30 (5) (c) 1. and is found to have committed
25 a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the court shall require

1 the individual to provide a biological specimen to the state crime laboratories for
2 deoxyribonucleic acid analysis and to comply with the reporting and testing
3 requirements of s. 175.45.

4 **SECTION 398.** 51.35 (3) (title) of the statutes is amended to read:

5 51.35 (3) (title) TRANSFER OF CERTAIN CHILDREN FROM JUVENILE CORRECTIONAL
6 FACILITIES AND SECURED CHILD CARING INSTITUTIONS.

7 **SECTION 399.** 51.35 (3) (a) of the statutes is amended to read:

8 51.35 (3) (a) A licensed psychologist of a juvenile correctional facility ~~under s.~~
9 ~~48.52~~ or a secured child caring institution, as defined in s. 938.02 (15g), or a licensed
10 physician of the department of ~~corrections,~~ who has reason to believe that any
11 individual confined in the facility or institution is, in his or her opinion, in need of
12 services for developmental disability, alcoholism or drug dependency or in need of
13 psychiatric services, and who has obtained voluntary consent to make a transfer for
14 treatment, shall make a report, in writing, to the superintendent of the facility or
15 institution, stating the nature and basis of the belief and verifying the consent. In
16 the case of a minor age 14 and over, the minor and the minor's parent or guardian
17 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of
18 a minor under the age of 14, only the minor's parent or guardian need consent. The
19 superintendent shall inform, orally and in writing, the minor and the minor's parent
20 or guardian, that transfer is being considered and shall inform them of the basis for
21 the request and their rights as provided in s. 51.13 (3). If the department, upon
22 review of a request for transfer, determines that transfer is appropriate, the
23 department may immediately transfer the individual. The department shall file a
24 petition under s. 51.13 (4) (a) in the court assigned to exercise jurisdiction under ~~ch.~~
25 chs. 48 and 938 of the county where the treatment facility is located.

1 **SECTION 400.** 51.35 (3) (b) of the statutes is amended to read:

2 51.35 (3) (b) The court assigned to exercise jurisdiction under ~~ch. chs.~~ chs. 48 and
3 938 shall determine, based on the allegations of the petition and accompanying
4 documents, whether the transfer is voluntary on the part of the minor if he or she is
5 aged 14 or over, and whether the transfer of the minor to an inpatient facility is
6 appropriate and consistent with the needs of the minor. In the event that the court
7 is unable to make such determinations based on the petition and accompanying
8 documents, it shall order additional information to be produced as it deems
9 necessary to make such review, and make such determinations within 14 days of
10 admission, or it may hold a hearing within 14 days of admission. If a notation of the
11 minor's unwillingness appears on the face of the petition, or that a hearing has been
12 requested by the minor, the minor's counsel, guardian ad litem, parent or guardian,
13 the court shall hold a hearing and appoint counsel or a guardian ad litem for the
14 minor as provided in s. 51.13 (4) (d). At the conclusion of the hearing, the court shall
15 approve or disapprove the request for transfer. If the minor is under the continuing
16 jurisdiction of the court of another county, the court may order the case transferred
17 together with all appropriate records to that court.

18 **SECTION 401.** 51.35 (3) (c) of the statutes is amended to read:

19 51.35 (3) (c) A licensed psychologist of a juvenile correctional facility or a
20 secured child caring institution, as defined in s. 938.02 (15g), or a licensed physician
21 of the department of corrections, who has reason to believe that any individual
22 confined in the facility or institution is, in his or her opinion, mentally ill, drug
23 dependent or developmentally disabled, and is dangerous as defined in s. 51.20 (1)
24 (a) 2., or is an alcoholic and is dangerous as defined in s. 51.45 (13) (a), shall file a
25 written report with the superintendent of the facility or institution, stating the

1 nature and basis of the belief. If the superintendent, upon review of the allegations
2 in the report, determines that transfer is appropriate, he or she shall file a petition
3 according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under ~~ch~~
4 chs. 48 and 938 of the county where the correctional facility or secured child caring
5 institution is located. The court shall hold a hearing according to procedures
6 provided in s. 51.20 or 51.45 (13).

7 **SECTION 402.** 51.35 (3) (e) of the statutes is amended to read:

8 51.35 (3) (e) The department may authorize emergency transfer of an
9 individual from a juvenile correctional facility or a secured child caring institution,
10 as defined in s. 938.02 (15g), to a state treatment facility if there is cause to believe
11 that the individual is mentally ill, drug dependent or developmentally disabled and
12 exhibits conduct which constitutes a danger as defined in s. 51.20 (1) (a) 2. to the
13 individual or to others, or is an alcoholic and is dangerous as provided in s. 51.45 (13)
14 (a) 1. and 2. The ~~correctional~~ custodian of the sending facility or institution shall
15 execute a statement of emergency detention or petition for emergency commitment
16 for the individual and deliver it to the receiving state treatment facility. The
17 department shall file the statement or petition with the court within 24 hours after
18 the subject individual is received for detention or commitment. The statement or
19 petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency
20 transfer is made, the director of the receiving facility may file a petition for continued
21 commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the
22 facility or institution from which the transfer was made. As an alternative to this
23 procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used, except that
24 no prisoner may be released without the approval of the court which directed
25 confinement in the correctional facility or secured child caring institution.

1 **SECTION 403.** 51.35 (3) (g) of the statutes is amended to read:

2 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment
3 facility under par. (a) may request in writing a return to the juvenile correctional
4 facility or secured child caring institution, as defined in s. 938.02 (15g). In the case
5 of a minor under 14 years of age, the parent or guardian may make the request. Upon
6 receipt of a request for return from a minor 14 years of age or over, the director shall
7 immediately notify the minor's parent or guardian. The minor shall be returned to
8 the juvenile correctional facility or secured child caring institution within 48 hours
9 after submission of the request unless a petition or statement is filed for emergency
10 detention, emergency commitment, involuntary commitment or protective
11 placement.

12 **SECTION 404.** 51.42 (3) (ar) 4. b. of the statutes is amended to read:

13 51.42 (3) (ar) 4. b. Comprehensive diagnostic and evaluation services,
14 including assessment as specified under ss. 343.30 (1q) and 343.305 (10) and
15 assessments under s. ss. 48.295 (1) and 938.295 (1).

16 **SECTION 405.** 51.42 (3) (as) 1. of the statutes is amended to read:

17 51.42 (3) (as) 1. A county department of community programs shall authorize
18 all care of any patient in a state, local or private facility under a contractual
19 agreement between the county department of community programs and the facility,
20 unless the county department of community programs governs the facility. The need
21 for inpatient care shall be determined by the program director or designee in
22 consultation with and upon the recommendation of a licensed physician trained in
23 psychiatry and employed by the county department of community programs or its
24 contract agency. In cases of emergency, a facility under contract with any county
25 department of community programs shall charge the county department of

1 community programs having jurisdiction in the county where the patient is found.
2 The county department of community programs shall reimburse the facility for the
3 actual cost of all authorized care and services less applicable collections under s.
4 46.036, unless the department of health and social services determines that a charge
5 is administratively infeasible, or unless the department of health and social services,
6 after individual review, determines that the charge is not attributable to the cost of
7 basic care and services. A county department of community programs may not
8 reimburse any state institution or receive credit for collections for care received
9 therein by nonresidents of this state, interstate compact clients, transfers under s.
10 51.35 (3), and transfers from Wisconsin state prisons under s. 51.37 (5) (a),
11 commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14,
12 971.17 or 975.06 or admissions under s. 975.17, 1977 stats., or children placed in the
13 guardianship or legal custody of the department of health and social services or the
14 department of corrections under s. 48.355, 48.427 ~~or~~, 48.43 or 938.355. The
15 exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which
16 are attributable to care and treatment of the client.

17 **SECTION 406.** 51.437 (4rm) (a) of the statutes is amended to read:

18 51.437 (**4rm**) (a) A county department of developmental disabilities services
19 shall authorize all care of any patient in a state, local or private facility under a
20 contractual agreement between the county department of developmental disabilities
21 services and the facility, unless the county department of developmental disabilities
22 services governs the facility. The need for inpatient care shall be determined by the
23 program director or designee in consultation with and upon the recommendation of
24 a licensed physician trained in psychiatry and employed by the county department
25 of developmental disabilities services or its contract agency prior to the admission

1 of a patient to the facility except in the case of emergency services. In cases of
2 emergency, a facility under contract with any county department of developmental
3 disabilities services shall charge the county department of developmental
4 disabilities services having jurisdiction in the county where the individual receiving
5 care is found. The county department of developmental disabilities services shall
6 reimburse the facility for the actual cost of all authorized care and services less
7 applicable collections under s. 46.036, unless the department of health and social
8 services determines that a charge is administratively infeasible, or unless the
9 department of health and social services, after individual review, determines that
10 the charge is not attributable to the cost of basic care and services. The exclusionary
11 provisions of s. 46.03 (18) do not apply to direct and indirect costs which are
12 attributable to care and treatment of the client. County departments of
13 developmental disabilities services may not reimburse any state institution or
14 receive credit for collections for care received therein by nonresidents of this state,
15 interstate compact clients, transfers under s. 51.35 (3) (a), commitments under s.
16 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06,
17 admissions under s. 975.17, 1977 stats., or children placed in the guardianship or
18 legal custody of the department of health and social services under s. 48.355, 48.427
19 or, 48.43 or 938.355.

20 **SECTION 407.** 51.45 (5) (d) 1. of the statutes is amended to read:

21 51.45 (5) (d) 1. Ensure that each county receiving funding under par. (b) has
22 in place not later than 12 months from the date the county initially receives the
23 funding a coordinating council whose duties shall include the coordination of alcohol
24 and other drug abuse activities relating to primary prevention with school districts,
25 community service and treatment providers in the community, courts assigned to

1 exercise jurisdiction under ~~ch.~~ chs. 48 and 938, law enforcement agencies, parents,
2 children and the alcohol and other drug abuse prevention specialist.

3 **SECTION 408.** 51.45 (11) (bm) of the statutes is amended to read:

4 51.45 (11) (bm) If the person who appears to be incapacitated by alcohol under
5 par. (b) is a minor, either a law enforcement officer or a person authorized to take a
6 child into custody under ch. 48 or 938 may take the minor into custody as provided
7 in par. (b).

8 **SECTION 409.** 59.175 of the statutes is amended to read:

9 **59.175 Clerks of counties containing state institutions to make claims**
10 **in certain cases.** The county clerk of any county which is entitled to reimbursement
11 under s. 16.51 (7) shall make a certified claim against the state, without direction
12 from the county board, in all cases where the reimbursement is directed in that
13 subsection, upon forms prescribed by the department of administration. The forms
14 shall contain information required by the clerk and shall be filed annually ~~with the~~
15 ~~department of corrections~~ on or before June 1. If the claim is for reimbursement of
16 expenses involving a prisoner in a state prison, as defined in s. 302.01, the form shall
17 be filed with the department of corrections. If the claim is for reimbursement of
18 expenses involving a child in a secured correctional facility, as defined in s. 938.02
19 (15m), the form shall be filed with the department of health and social services. If
20 the claims are approved by the department of corrections or the department of health
21 and social services, they shall be certified to the department of administration and
22 paid from the appropriation ~~made by~~ under s. 20.410 (1) (c) or 20.435 (3) (c).

23 **SECTION 410.** 60.23 (22m) of the statutes is created to read:

24 60.23 (22m) SCHOOL ATTENDANCE. If the town board has established a
25 municipal court under s. 755.01 (1), enact and enforce an ordinance to impose a

1 forfeiture, which is the same as the fine provided under s. 118.15 (5), upon a person
2 having under his or her control a child who is between the ages of 6 and 18 years and
3 whose child is not in compliance with s. 118.15.

4 **SECTION 411.** 101.123 (1) (i) of the statutes is amended to read:

5 101.123 (1) (i) "State institution" means a prison, a secured correctional
6 facility, a mental health institute as defined in s. 51.01 (12) or a center for the
7 developmentally disabled as defined in s. 51.01 (3), except that "state institution"
8 does not include a Type 2 secured correctional facility, as defined in s. 938.02 (20).

9 **SECTION 412.** 101.123 (3) (gg) of the statutes is created to read:

10 101.123 (3) (gg) A Type 2 secured correctional facility, as defined in s. 938.02
11 (20).

12 **SECTION 413.** 102.07 (13) of the statutes is amended to read:

13 102.07 (13) A child performing uncompensated community service work as a
14 result of an ~~informal disposition under s. 48.245~~ a deferred prosecution agreement
15 under s. 938.245, a consent decree under s. 48.32 938.32 or an order under s. 48.34
16 ~~(9) 938.34 (5g)~~ is an employe of the county in which the court ordering the community
17 service work is located. No compensation may be paid to that employe for temporary
18 disability during the healing period.

19 **SECTION 414.** 103.70 (1) of the statutes is amended to read:

20 103.70 (1) Except as otherwise provided in sub. (2) and in ss. 103.21 to 103.31
21 and 103.78, and as may be provided under s. 103.79, a minor, unless indentured as
22 an apprentice in accordance with s. 106.01, or unless 12 years and over and engaged
23 in agricultural pursuits, or unless 14 years and over and enrolled in a youth
24 apprenticeship program under s. 101.265, shall may not be employed or permitted
25 to work at any gainful occupation or employment unless there is first obtained from

1 the department or a permit officer a written permit authorizing the employment of
2 the minor within those periods of time stated in the permit, which shall not exceed
3 the maximum hours prescribed by law. The issuance of a permit under this
4 subsection is subject to any limitations imposed under s. 938.342 (1) (e).

5 **SECTION 415.** 103.72 of the statutes is amended to read:

6 **103.72 Refusal and revocation of permits.** (1) The department or permit
7 officer may refuse to grant permits in the case of minors who seem physically unable
8 to perform the labor at which they are to be employed. They may also refuse to grant
9 a permit if in their judgment the best interests of the minor would be served by ~~such~~
10 that refusal. The department shall refuse to grant a permit if so ordered under s.
11 938.342 (1) (e).

12 (2) Whenever it shall ~~appear~~ appears to the department that ~~any~~ a permit has
13 been improperly or illegally issued, or that the physical or moral welfare or school
14 attendance of the minor would be best served by the revocation of the permit, the
15 department may ~~forthwith~~ immediately, without notice, revoke the same, ~~and~~
16 permit. The department shall revoke a permit if ordered to do so under s. 938.342
17 (1) (e). If the department revokes a permit, the department shall, by registered mail,
18 notify the person employing ~~such~~ the minor and the minor holding ~~such~~ the permit
19 of ~~such~~ the revocation. Upon receipt of ~~such~~ the notice, the employer employing ~~such~~
20 the minor shall ~~forthwith~~ immediately return the revoked permit to the department
21 and discontinue the employment of the minor.

22 **SECTION 416.** 103.87 of the statutes is amended to read:

23 **103.87 Employe not to be disciplined for testifying.** No employer may
24 discharge an employe because the employe is subpoenaed to testify in an action or
25 proceeding pertaining to a crime or pursuant to ch. 48 or 938. On or before the first

1 business day after the receipt of a subpoena to testify, the employe shall give the
2 employer notice if he or she will have to be absent from employment because he or
3 she has been subpoenaed to testify in an action or proceeding pertaining to a crime
4 or pursuant to ch. 48 or 938. If a person is subpoenaed to testify in an action or
5 proceeding as a result of a crime, as defined in s. 950.02 (1m), against the person's
6 employer or an incident involving the person during the course of his or her
7 employment, the employer shall not decrease or withhold the employe's pay for any
8 time lost resulting from compliance with the subpoena. An employer who violates
9 this section may be fined not more than \$200 and may be required to make full
10 restitution to the aggrieved employe, including reinstatement and back pay. Except
11 as provided in this section, restitution shall be in accordance with s. 973.20.

12 **SECTION 417.** 115.31 (1) (b) of the statutes is amended to read:

13 115.31 (1) (b) "Educational agency" means a school district, cooperative
14 educational service agency, state correctional institution under s. 302.01, secured
15 correctional facility, as defined in s. 48.02 938.02 (15m), secured child caring
16 institution, as defined in s. 938.02 (15g), the Wisconsin school for the visually
17 handicapped, the Wisconsin school for the deaf, the Mendota mental health institute,
18 the Winnebago mental health institute, a state center for the developmentally
19 disabled, a private school or a private, nonprofit, nonsectarian agency under contract
20 with a school board under s. 118.153 (3) (c).

21 **SECTION 418.** 115.81 (9) (c) of the statutes is amended to read:

22 115.81 (9) (c) Notwithstanding ss. ~~48.34 (4) and (4m)~~, 48.345, 48.363, 48.427
23 (3), 767.24 (3), 880.12 ~~and~~, 880.15, 938.183, 938.34 (4) and (4m), 938.345 and
24 938.363, a surrogate parent has the authority to act as the child's parent in all
25 matters relating to this subchapter.

1 **SECTION 419.** 115.85 (2m) of the statutes is amended to read:

2 115.85 **(2m)** PLACEMENT DISPUTES. If a dispute arises between the school board
3 and the department of health and social services or a county department under s.
4 46.215, 46.22 or 46.23, or between school boards under s. 115.815 (4) (c), over the
5 placement of a child in an appropriate program under sub. (2), the state
6 superintendent shall resolve the dispute. This subsection applies only to placements
7 in nonresidential educational programs made under ss. 48.48 (4) and, 48.57 (1) (c),
8 938.48 (4) and 938.57 (1) (c) and to placements in child caring institutions made
9 under s. 115.815.

10 **SECTION 420.** 118.125 (1) (a) of the statutes is amended to read:

11 118.125 **(1)** (a) “Behavioral records” means those pupil records which include
12 psychological tests, personality evaluations, records of conversations, any written
13 statement relating specifically to an individual pupil’s behavior, tests relating
14 specifically to achievement or measurement of ability, the pupil’s physical health
15 records other than his or her immunization records or any lead screening records
16 required under s. 254.162, peace officers’ records obtained under s. ~~48.396~~ 938.396
17 (1m) and any other pupil records that are not progress records.

18 **SECTION 421.** 118.125 (2) (cg) of the statutes is created to read:

19 118.125 **(2)** (cg) A law enforcement agency shall, upon request, be provided by
20 the school district clerk with a copy of the attendance record of a pupil who is the
21 subject of an investigation by the law enforcement agency.

22 **SECTION 422.** 118.125 (2) (cm) of the statutes is amended to read:

23 118.125 **(2)** (cm) If school attendance is a condition of a child’s dispositional
24 order under s. 48.355 (2) (b) 7. or 938.355 (2) (b) 7., the school board shall notify the

1 county department that is responsible for supervising the child within 5 days after
2 any violation of the condition by the child.

3 **SECTION 423.** 118.125 (2) (d) of the statutes is amended to read:

4 118.125 (2) (d) Pupil records ~~may~~ shall be made available to persons employed
5 by the school district which the pupil attends who are required by the department
6 under s. 115.28 (7) to hold a license and other school district officials who have been
7 determined by the school board to have legitimate educational or safety interests in
8 the pupil records. Peace officers' records obtained under s. ~~48.396 (1m)~~ 938.396
9 (1m) (a) shall be made available under this paragraph ~~only~~ for the purposes of s.
10 118.127 (2) ~~and only to those designated personnel involved in employes of the school~~
11 district who have been designated by the school board to receive that information for
12 the purpose of providing alcohol and other drug abuse programs. Peace officers'
13 records obtained under s. 938.396 (1m) (b) shall be made available under this
14 paragraph for the purposes of s. 118.127 (3) to persons employed by the school district
15 which the pupil attends who are required by the department under s. 115.28 (7) to
16 hold a license, to other school district officials who have been determined by the
17 school board to have legitimate educational or safety interests in those records and
18 to those employes of the school district who have been designated by the school board
19 to receive that information for the purpose of providing treatment programs. A
20 school board member or an employe of a school district may not be held personally
21 liable for any damages caused by the nondisclosure of any information specified in
22 this paragraph unless the member or employe acted with actual malice in failing to
23 disclose the information. A school district may not be held liable for any damages
24 caused by the nondisclosure of any information specified in this paragraph unless

1 the school district or its agent acted with gross negligence or with reckless, wanton
2 or intentional misconduct in failing to disclose the information.

3 **SECTION 424.** 118.125 (2) (j) 3. of the statutes is amended to read:

4 118.125 (2) (j) 3. If a school has notified the parent, legal guardian or guardian
5 ad litem of the information that it has designated as directory data with respect to
6 any pupil, the school has allowed 14 days for the parent, legal guardian or guardian
7 ad litem of the pupil to inform the school that such information may not be released
8 without the prior consent of the parent, legal guardian or guardian ad litem and the
9 parent, legal guardian or guardian ad litem has not so informed the school, the school
10 district clerk, upon request, shall provide any representative of a law enforcement
11 agency, as defined in s. 165.83 (1) (b), district attorney or corporation counsel, county
12 department under s. 46.215, 46.22 or 46.23 or a court of record or municipal court
13 with such information relating to any such pupil enrolled in the school district for the
14 purpose of enforcing that pupil's school attendance ~~or to respond,~~ investigating
15 alleged criminal or delinquent activity by the pupil or responding to a health or safety
16 emergency.

17 **SECTION 425.** 118.125 (2) (L) of the statutes is amended to read:

18 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in
19 compliance with a court order under s. ~~48.34 (12) (b)~~ 938.34 (7d) (b), 938.396 (1m) (c)
20 or 938.78 (2) (b) 2. after making a reasonable effort to notify the pupil's parent or legal
21 guardian.

22 **SECTION 426.** 118.125 (3) of the statutes is amended to read:

23 118.125 (3) MAINTENANCE OF RECORDS. Each school board shall adopt rules in
24 writing specifying the content of pupil records and the time during which pupil
25 records shall be maintained. No behavioral records may be maintained for more than

1 one year after the pupil ceases to be enrolled in the school, unless the pupil specifies
2 in writing that his or her behavioral records may be maintained for a longer period.
3 A pupil's progress records shall be maintained for at least 5 years after the pupil
4 ceases to be enrolled in the school. A school board may maintain the records on
5 microfilm or optical disk if authorized under s. 19.21 (4) (c), or in such other form as
6 the school board deems appropriate. A school board shall maintain peace officers'
7 records obtained under s. ~~48.396~~ 938.396 (1m) separately from a pupil's other pupil
8 records. Rules adopted under this subsection shall be published by the school board
9 as a class 1 notice under ch. 985.

10 **SECTION 427m.** 118.125 (4) of the statutes, as affected by 1993 Wisconsin Acts
11 377, 385 and 491, is amended to read:

12 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
13 transfer to another school or school district all pupil records relating to a specific
14 pupil if the transferring school district has received written notice from the pupil if
15 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
16 pupil intends to enroll in the other school or school district or written notice from the
17 other school or school district that the pupil has enrolled or from a court that legal
18 custody of the pupil has been transferred to the department of corrections or that the
19 pupil has been placed in a juvenile correctional facility. In this subsection, "school"
20 and "school district" include any state juvenile correctional facility which provides
21 an educational program for its residents instead of or in addition to that which is
22 provided by public and private schools.

23 **SECTION 427p.** 118.125 (4) of the statutes, as affected by 1993 Wisconsin Acts
24 377, 385 and 491 and 1995 Wisconsin Act (this act), is repealed and recreated to
25 read:

1 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
2 transfer to another school or school district all pupil records relating to a specific
3 pupil if the transferring school district has received written notice from the pupil if
4 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
5 pupil intends to enroll in the other school or school district or written notice from the
6 other school or school district that the pupil has enrolled or from a court that the pupil
7 has been placed in a juvenile correctional facility or a secured child caring
8 institution, as defined in s. 938.02 (15g). In this subsection, "school" and "school
9 district" include any state juvenile correctional facility or secured child caring
10 institution which provides an educational program for its residents instead of or in
11 addition to that which is provided by public and private schools.

12 **SECTION 428.** 118.125 (5) of the statutes is renumbered 118.125 (5) (a) and
13 amended to read:

14 118.125 (5) (a) ~~Nothing~~ Except as provided in par. (b), nothing in this section
15 prohibits the use of a pupil's records in connection with the suspension or expulsion
16 of the pupil or the use of such records by a multidisciplinary team under ch. 115.

17 **SECTION 429.** 118.125 (5) (b) of the statutes is created to read:

18 118.125 (5) (b) Peace officers' records obtained under s. 938.396 (1m) and
19 records of the court assigned to exercise jurisdiction under chs. 48 and 938 obtained
20 under s. 938.396 (7) shall not be used as the sole basis for expelling or suspending
21 a pupil.

22 **SECTION 430.** 118.127 (1) of the statutes is amended to read:

23 118.127 (1) Upon receipt of information from peace officers' records obtained
24 under s. ~~48.396~~ 938.396 (1m), the school district administrator shall notify any pupil

1 named in the records, and the parent or guardian of any minor pupil named in the
2 records, of the information.

3 **SECTION 431.** 118.127 (2) of the statutes is amended to read:

4 118.127 (2) A school district ~~may~~ shall use information from peace officers'
5 records obtained under s. ~~48.396 (1m) only~~ 938.396 (1m) (a) for the purpose of
6 providing alcohol and other drug abuse programs for pupils enrolled in the school
7 district. A school district shall not use peace officers' records obtained under s.
8 938.396 (1m) (a) as the sole basis for expelling or suspending a pupil.

9 **SECTION 432.** 118.127 (3) of the statutes is created to read:

10 118.127 (3) A school district shall use information from peace officers' records
11 obtained under s. 938.396 (1m) (b) for legitimate educational or safety purposes and
12 for the purpose of providing treatment programs for pupils enrolled in the school
13 district. A school district shall not use peace officers' records obtained under s.
14 938.396 (1m) (b) as the sole basis for expelling or suspending a pupil.

15 **SECTION 433.** 118.15 (1) (cm) 1. of the statutes is amended to read:

16 118.15 (1) (cm) 1. Upon the child's request and with the approval of the child's
17 parent or guardian, any child who is 17 years of age or over shall be excused by the
18 school board from regular school attendance if the child began a program leading to
19 a high school equivalency diploma in a secured correctional facility, as defined in s.
20 ~~48.02~~ 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g),
21 and the child and his or her parent or guardian agree under subd. 2. that the child
22 will continue to participate in such a program.

23 **SECTION 434.** 118.15 (5) (a) of the statutes is amended to read:

24 118.15 (5) (a) Except as provided under par. (b) or if a person has been found
25 guilty of a misdemeanor under s. 948.45, whoever violates this section may be fined

1 not more than \$500 or imprisoned for not more than 30 days or both, after evidence
2 has been provided by the school attendance officer that the activities under s. 118.16
3 (5) have been completed or were not completed due to the child's absence from school
4 as provided in s. 118.16 (5m). In a prosecution under this paragraph, if the defendant
5 proves that he or she is unable to comply with the law because of the disobedience
6 of the child, the action shall be dismissed and the child shall be referred to the court
7 assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938.

8 **SECTION 435.** 118.15 (5) (am) of the statutes is created to read:

9 118.15 (5) (am) The court may order any person who violates this section to
10 participate in counseling at the person's own expense.

11 **SECTION 436.** 118.16 (2m) (a) (intro.) of the statutes is amended to read:

12 118.16 (2m) (a) (intro.) A school district administrator may designate any of
13 the following individuals to take a child who resides in the school district and who
14 is absent from school without an acceptable excuse under s. 118.15 into custody
15 under s. ~~48.19~~ 938.19 (1m):

16 **SECTION 437.** 118.16 (2m) (d) of the statutes is amended to read:

17 118.16 (2m) (d) A school district administrator who makes a designation under
18 par. (a) shall provide each individual so designated with an identification card of a
19 form determined by the school board. The designee shall carry the identification card
20 on his or her person at all times while the designee is on official duty under s. ~~48.19~~
21 938.19 (1m) and shall exhibit the identification card to any person to whom the
22 designee represents himself or herself as a person authorized to take a child into
23 custody under s. ~~48.19~~ 938.19 (1m).

24 **SECTION 438.** 118.16 (2m) (e) of the statutes is amended to read:

1 118.16 **(2m)** (e) A school district administrator who makes a designation under
2 par. (a) or the individual designated under par. (a) shall immediately attempt to
3 notify, by personal contact or telephone call, the child's parent, guardian and legal
4 custodian that the designation has been made and that the child may be taken into
5 custody under s. ~~48.19~~ 938.19 (1m). The school district administrator, or the
6 designee, is not required to notify a parent, guardian or legal custodian under this
7 paragraph if the parent, guardian or legal custodian is the person who requested that
8 the child be taken into custody under s. ~~48.19~~ 938.19 (1m).

9 **SECTION 439.** 118.16 (4) (e) of the statutes is amended to read:

10 118.16 **(4)** (e) A school board may establish one or more youth service centers
11 for the counseling of children who are taken into custody under s. ~~48.19~~ 938.19 (1)
12 (d) ~~9. or~~ 10. for being absent from school without an acceptable excuse under s.
13 118.15.

14 **SECTION 440.** 118.16 (5) (intro.) of the statutes is amended to read:

15 118.16 **(5)** (intro.) ~~Prior to~~ Except as provided in sub. (5m), before any
16 proceeding ~~being~~ may be brought against a child under s. ~~48.13 (6)~~ 938.13 (6) for
17 habitual truancy or under s. 938.125 (2) or 938.17 (2) for a violation of an ordinance
18 enacted under s. 118.163 (2) or against the child's parent or guardian under s. 118.15
19 for failure to cause the child to attend school regularly, the school attendance officer
20 shall provide evidence that appropriate school personnel in the school or school
21 district in which the child is enrolled have, within the school year during which the
22 truancy occurred, done all of the following:

23 **SECTION 441.** 118.16 (5) (a) of the statutes is amended to read:

1 118.16 (5) (a) Met with the child's parent or guardian to discuss the child's
2 truancy or have attempted to meet with the child's parent or guardian and been
3 received no response or were refused.

4 **SECTION 442.** 118.16 (5) (c) of the statutes is amended to read:

5 118.16 (5) (c) Evaluated the child to determine whether learning problems may
6 be a cause of the child's truancy and, if so, have taken steps to overcome the learning
7 problems, except that the child need not be evaluated if tests administered to the
8 child within the previous year indicate that the child is performing at his or her grade
9 level.

10 **SECTION 443.** 118.16 (5m) of the statutes is created to read:

11 118.16 (5m) Subsection (5) (b), (c) and (d) does not apply if the school
12 attendance officer provides evidence that appropriate school personnel were unable
13 to carry out the activity due to the child's absences from school.

14 **SECTION 444.** 118.16 (6) of the statutes is amended to read:

15 118.16 (6) Following receipt of evidence that activities under sub. (5) have been
16 completed or were not completed due to the child's absence from school as provided
17 in sub. (5m), the school attendance officer may file information on any child who
18 continues to be truant with the court assigned to exercise jurisdiction under ~~ch.~~ chs.
19 48 and 938 in accordance with s. ~~48.24~~ 938.24. Filing information on a child under
20 this subsection does not preclude concurrent prosecution of the child's parent or
21 guardian under s. 118.15 (5).

22 **SECTION 445.** 118.162 (4) (e) of the statutes is amended to read:

23 118.162 (4) (e) The types of truancy cases to be referred to the district attorney
24 for the filing of information under s. ~~48.24~~ 938.24 or prosecution under s. 118.15 (5)

1 and the time periods within which the district attorney will respond to and take
2 action on the referrals.

3 **SECTION 446.** 118.163 (2) (b) of the statutes is amended to read:

4 118.163 (2) (b) An order for the child to participate in counseling, ~~community~~
5 ~~service~~ or a supervised work program as ~~provided~~ or other community service work
6 under s. ~~48.34 (9)~~ 938.34 (5g).

7 **SECTION 447.** 118.163 (2) (d) of the statutes is amended to read:

8 118.163 (2) (d) An order for the child to attend an educational program under
9 s. ~~48.34 (12)~~ 938.34 (7d).

10 **SECTION 448.** 118.163 (2) (e) of the statutes is created to read:

11 118.163 (2) (e) An order for the department of industry, labor and human
12 relations to revoke or refuse to issue, under s. 103.72, a permit under s. 103.70
13 authorizing the employment of the child.

14 **SECTION 450.** 120.12 (18) of the statutes is amended to read:

15 120.12 (18) CONTINUITY OF EDUCATIONAL PROGRAMMING. Coordinate and provide
16 for continuity of educational programming for pupils receiving educational services
17 as the result of a court order under s. ~~48.34 (12)~~ 938.34 (7d), including but not limited
18 to providing a written report to the court assigned to exercise jurisdiction under ~~ch.~~
19 ~~chs. 48 and 938~~ and the agency which is required to submit an educational plan for
20 a child under s. ~~48.33- 938.33~~ (1) (e). The ~~written~~ report shall describe the child's
21 educational status and make recommendations regarding educational programming
22 for the child. The written report shall be in writing, except that if the educational
23 plan under s. 938.33 (1) (e) is presented orally at the dispositional hearing the report
24 may be presented orally to the court assigned to exercise jurisdiction under chs. 48
25 and 938 and the agency at the dispositional hearing. If written, the report shall be

1 provided to the court assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938 and
2 the agency at least 3 days before the date of the child's dispositional hearing.

3 **SECTION 452.** 121.78 (4) of the statutes is amended to read:

4 121.78 (4) COURT-ORDERED EDUCATIONAL SERVICES. If a pupil is receiving
5 educational services as the result of a court order under s. ~~48.34~~ 48.345 (12) or 938.34
6 (7d), the school board of the school district in which the pupil resided at the time of
7 issuance of the court order shall pay tuition for the pupil. A school board paying
8 tuition for a pupil under this subsection shall count the pupil as 1.0 pupil in
9 membership for general aid under subch. II. The school board shall pay each agency
10 specified under s. ~~48.34~~ 48.345 (12) (a) 2. to 4. or 938.34 (7d) (a) 2. to 4., for each
11 full-time equivalent pupil served by the agency, an amount equal to at least 80% of
12 the average per pupil cost for the school district. No state aid may be paid to the
13 technical college district for pupils attending the technical college under s. ~~48.34~~
14 48.345 (12) (a) 4. or 938.34 (7d) (a) 4.

15 **SECTION 453.** 125.07 (4) (bs) 1. of the statutes is amended to read:

16 125.07 (4) (bs) 1. For a first violation, a forfeiture of not less than \$250 nor more
17 than \$500, suspension of the person's operating privilege as provided under s. 343.30
18 (6) (b) 1., participation in a supervised work program or other community service
19 work under par. (cg) or any combination of these penalties.

20 **SECTION 454.** 125.07 (4) (bs) 2. of the statutes is amended to read:

21 125.07 (4) (bs) 2. For a violation committed within 12 months of a previous
22 violation, either a forfeiture of not less than \$300 nor more than \$500, suspension
23 of the person's operating privilege as provided under s. 343.30 (6) (b) 2., participation
24 in a supervised work program or other community service work under par. (cg) or any
25 combination of these penalties.

1 **SECTION 455.** 125.07 (4) (bs) 3. of the statutes is amended to read:

2 125.07 (4) (bs) 3. For a violation committed within 12 months of 2 previous
3 violations, either a forfeiture of not less than \$500 nor more than \$750, revocation
4 of the person's operating privilege under s. 343.30 (6) (b) 3., participation in a
5 supervised work program or other community service work under par. (cg) or any
6 combination of these penalties.

7 **SECTION 456.** 125.07 (4) (bs) 4. of the statutes is amended to read:

8 125.07 (4) (bs) 4. For a violation committed within 12 months of 3 or more
9 previous violations, either a forfeiture of not less than \$750 nor more than \$1,000,
10 revocation of the person's operating privilege under s. 343.30 (6) (b) 3., participation
11 in a supervised work program or other community service work under par. (cg) or any
12 combination of these penalties.

13 **SECTION 457.** 125.07 (4) (c) 1. of the statutes is amended to read:

14 125.07 (4) (c) 1. For a first violation, a forfeiture of not less than \$100 nor more
15 than \$200, suspension of the person's operating privilege as provided under s. 343.30
16 (6) (b) 1., participation in a supervised work program or other community service
17 work under par. (cg) or any combination of these penalties.

18 **SECTION 458.** 125.07 (4) (c) 2. of the statutes is amended to read:

19 125.07 (4) (c) 2. For a violation committed within 12 months of a previous
20 violation, either a forfeiture of not less than \$200 nor more than \$300, suspension
21 of the person's operating privilege as provided under s. 343.30 (6) (b) 2., participation
22 in a supervised work program or other community service work under par. (cg) or any
23 combination of these penalties.

24 **SECTION 459.** 125.07 (4) (c) 3. of the statutes is amended to read:

1 125.07 (4) (c) 3. For a violation committed within 12 months of 2 previous
2 violations, either a forfeiture of not less than \$300 nor more than \$500, revocation
3 of the person's operating privilege under s. 343.30 (6) (b) 3., participation in a
4 supervised work program or other community service work under par. (cg) or any
5 combination of these penalties.

6 **SECTION 460.** 125.07 (4) (c) 4. of the statutes is amended to read:

7 125.07 (4) (c) 4. For a violation committed within 12 months of 3 or more
8 previous violations, either a forfeiture of not less than \$500 nor more than \$1,000,
9 revocation of the person's operating privilege under s. 343.30 (6) (b) 3., participation
10 in a supervised work program or other community service work under par. (cg) or any
11 combination of these penalties.

12 **SECTION 461.** 125.07 (4) (cg) of the statutes is amended to read:

13 125.07 (4) (cg) 1. ~~If the court orders a person to participate in a A supervised~~
14 ~~work program ordered under par. (bs) or (c), the shall be administered by the county~~
15 ~~department under s. 46.215 or 46.22 or by a community agency approved by the~~
16 ~~court. The court shall set standards for the supervised work program within the~~
17 ~~budgetary limits established by the county board of supervisors. The supervised~~
18 ~~work program may provide the person with reasonable compensation reflecting the~~
19 ~~market value of the work performed, or it may consist of uncompensated community~~
20 ~~service work, and shall be administered by a the county department under s. 46.215~~
21 ~~or 46.22 or a community agency approved by the court. Community service work~~
22 ~~ordered under par. (bs) or (c), other than community service work performed under~~
23 ~~a supervised work program, shall be administered by a public agency or nonprofit~~
24 ~~charitable organization approved by the court. The court may use any available~~

1 resources, including any community service work program, in ordering the child to
2 perform community service work under par. (bs) or (c).

3 2. The supervised work program or other community service work shall be of
4 a constructive nature designed to promote the person's rehabilitation, shall be
5 appropriate to the person's age level and physical ability and shall be combined with
6 counseling from ~~an agency staff~~ a member of the staff of the county department,
7 community agency, public agency or nonprofit charitable organization or other
8 qualified person. The supervised work program or other community service work
9 may not conflict with the person's regular attendance at school. The amount of work
10 required shall be reasonably related to the seriousness of the person's offense.

11 **SECTION 462.** 125.07 (4) (d) of the statutes is amended to read:

12 125.07 (4) (d) A person who is under 18 years of age on the date of disposition
13 is subject to s. ~~48.344~~ 938.344 unless proceedings have been instituted against the
14 person in a court of civil or criminal jurisdiction after dismissal of the citation under
15 s. ~~48.344~~ 938.344 (3).

16 **SECTION 463.** 125.07 (4) (e) 2. a. of the statutes is amended to read:

17 125.07 (4) (e) 2. a. Submit to an alcohol abuse assessment that conforms to the
18 criteria specified under s. ~~48.547~~ 938.547 (4) and that is conducted by an approved
19 treatment facility. The order shall designate an approved treatment facility to
20 conduct the alcohol abuse assessment and shall specify the date by which the
21 assessment must be completed.

22 **SECTION 464.** 125.085 (3) (bd) of the statutes is amended to read:

23 125.085 (3) (bd) Any underage person who violates par. (b) is subject to a
24 forfeiture of not less than \$100 nor more than \$500, suspension of the person's
25 operating privilege under s. 343.30 (6) (bm), participation in a supervised work

1 program or other community service work under par. (bh) or any combination of
2 these penalties.

3 **SECTION 465.** 125.085 (3) (bh) of the statutes is amended to read:

4 125.085 (3) (bh) 1. ~~If the court orders a person to participate in a~~ A supervised
5 work program ordered under par. (bd), ~~the~~ shall be administered by the county
6 department under s. 46.215 or 46.22 or by a community agency approved by the
7 court. The court shall set standards for the supervised work program within the
8 budgetary limits established by the county board of supervisors. The supervised
9 work program may provide the person with reasonable compensation reflecting the
10 market value of the work performed, or it may consist of uncompensated community
11 service work, and shall be administered by the county department under s. 46.215
12 or 46.22 or a community agency approved by the court. Community service work
13 ordered under par. (bd), other than community service work performed under a
14 supervised work program, shall be administered by a public agency or nonprofit
15 charitable organization approved by the court. The court may use any available
16 resources, including any community service work program, in ordering the child to
17 perform community service work under par. (bd).

18 2. The supervised work program or other community service work shall be of
19 a constructive nature designed to promote the person's rehabilitation, shall be
20 appropriate to the person's age level and physical ability and shall be combined with
21 counseling from ~~an agency staff~~ a member of the staff of the county department,
22 community agency, public agency or nonprofit charitable organization or other
23 qualified person. The supervised work program or other community service work
24 may not conflict with the person's regular attendance at school. The amount of work
25 required shall be reasonably related to the seriousness of the person's offense.

1 **SECTION 466.** 125.085 (3) (bt) of the statutes is amended to read:

2 125.085 (3) (bt) A person who is under 18 years of age on the date of disposition
3 is subject to s. ~~48.344~~ 938.344 unless proceedings have been instituted against the
4 person in a court of civil or criminal jurisdiction after dismissal of the citation under
5 s. ~~48.344~~ 938.344 (3).

6 **SECTION 467.** 125.09 (2) (d) of the statutes is amended to read:

7 125.09 (2) (d) A person who violates this subsection is subject to a forfeiture of
8 not more than \$200, except that ss. ~~48.344~~ and 125.07 (4) (c) and (d) and 938.344
9 provide the penalties applicable to underage persons.

10 **SECTION 468.** 146.34 (1) (e) of the statutes is amended to read:

11 146.34 (1) (e) “Legal custodian” means a person other than a parent or
12 guardian or an agency to whom the legal custody of a minor has been transferred by
13 a court under ch. 48 or 938, but does not include a person who has only physical
14 custody of a minor.

15 **SECTION 469.** 146.34 (5) (a) (intro.) of the statutes is amended to read:

16 146.34 (5) (a) (intro.) A relative of the prospective donor or the district attorney
17 or corporation counsel of the county of residence of the prospective donor may file a
18 petition with the court assigned to exercise jurisdiction under ch. chs. 48 and 938 for
19 an order to prohibit either of the following:

20 **SECTION 470.** 146.81 (4) of the statutes is amended to read:

21 146.81 (4) “Patient health care records” means all records related to the health
22 of a patient prepared by or under the supervision of a health care provider, including
23 the records required under s. 146.82 (2) (d) and (3) (c), but not those records subject
24 to s. 51.30, reports collected under s. 69.186, records of tests administered under s.
25 ~~48.296 (4)~~, 252.15 (2) (a) 7., 343.305, 938.296 (4) or 968.38 (4), fetal monitor tracings,

1 as defined under s. 146.817 (1), or a pupil's physical health records maintained by
2 a school under s. 118.125.

3 **SECTION 471.** 146.81 (5) of the statutes, as affected by 1993 Wisconsin Act 385,
4 is amended to read:

5 146.81 (5) "Person authorized by the patient" means the parent, guardian or
6 legal custodian of a minor patient, as defined in s. 48.02 (8) and (11), the person
7 vested with supervision of the child under s. ~~48.34~~ 938.183 or 938.34 (4m) or (4n), the
8 guardian of a patient adjudged incompetent, as defined in s. 880.01 (3) and (4), the
9 personal representative or spouse of a deceased patient, any person authorized in
10 writing by the patient or a health care agent designated by the patient as a principal
11 under ch. 155 if the patient has been found to be incapacitated under s. 155.05 (2),
12 except as limited by the power of attorney for health care instrument. If no spouse
13 survives a deceased patient, "person authorized by the patient" also means an adult
14 member of the deceased patient's immediate family, as defined in s. 632.895 (1) (d).
15 A court may appoint a temporary guardian for a patient believed incompetent to
16 consent to the release of records under this section as the person authorized by the
17 patient to decide upon the release of records, if no guardian has been appointed for
18 the patient.

19 **SECTION 472.** 157.065 (2) (a) 4. c. of the statutes is amended to read:

20 157.065 (2) (a) 4. c. A Type 1 secured correctional facility, as defined in s. ~~48.02~~
21 ~~(15m)~~ 938.02 (19).

22 **SECTION 473.** 161.455 (1) of the statutes is amended to read:

23 161.455 (1) Any person who has attained the age of ~~18~~ 17 years who knowingly
24 solicits, hires, directs, employs or uses a person who ~~has not attained the age of 18~~

1 years is 17 years of age or under for the purpose of violating s. 161.41 (1) may be fined
2 not more than \$50,000 or imprisoned for not more than 10 years or both.

3 **SECTION 474.** 161.46 (1) of the statutes is amended to read:

4 161.46 (1) Except as provided in sub. (3), any person ~~18~~ 17 years of age or over
5 who violates s. 161.41 (1) by distributing a controlled substance listed in schedule I
6 or II which is a narcotic drug to a person ~~under 18~~ 17 years of age or under who is
7 at least 3 years his or her junior is punishable by the fine authorized by s. 161.41 (1)
8 (a) or a term of imprisonment of up to twice that authorized by s. 161.41 (1) (a), or
9 both.

10 **SECTION 475.** 161.46 (2) of the statutes is amended to read:

11 161.46 (2) Except as provided in sub. (3), any person ~~18~~ 17 years of age or over
12 who violates s. 161.41 (1) by distributing any other controlled substance listed in
13 schedule I, II, III, IV or V to a person ~~under 18~~ 17 years of age or under who is at least
14 3 years his or her junior is punishable by the fine authorized by s. 161.41 (1) (b), (i)
15 or (j) or a term of imprisonment of up to twice that authorized by s. 161.41 (1) (b), (i)
16 or (j) or both.

17 **SECTION 476.** 161.46 (3) of the statutes is amended to read:

18 161.46 (3) If any person ~~18~~ 17 years of age or over violates s. 161.41 (1) (cm),
19 (d), (e), (f), (g) or (h) by distributing a controlled substance included under s. 161.14
20 (7) (L) or 161.16 (2) (b), heroin, phencyclidine, lysergic acid diethylamide, psilocin,
21 psilocybin, amphetamine, methamphetamine or any form of tetrahydrocannabinols
22 to a person ~~under 18~~ 17 years of age or under who is at least 3 years his or her junior,
23 any applicable minimum and maximum fines and minimum and maximum periods
24 of imprisonment under s. 161.41 (1) (cm), (d), (e), (f), (g) or (h) are doubled.

25 **SECTION 477m.** 161.573 (2) of the statutes is amended to read:

1 161.573 (2) Any person who violates this section who is under ~~18~~ 17 years of
2 age is subject to a disposition under s. 48.344 (2e).

3 **SECTION 477p.** 161.573 (2) of the statutes, as affected by 1995 Wisconsin Act
4 (this act), is repealed and recreated to read:

5 161.573 (2) Any person who violates this section who is under 17 years of age
6 is subject to a disposition under s. 938.344 (2e).

7 **SECTION 478m.** 161.574 (2) of the statutes is amended to read:

8 161.574 (2) Any person who violates this section who is under ~~18~~ 17 years of
9 age is subject to a disposition under s. 48.344 (2e).

10 **SECTION 478p.** 161.574 (2) of the statutes, as affected by 1995 Wisconsin Act
11 (this act), is repealed and recreated to read:

12 161.574 (2) Any person who violates this section who is under 17 years of age
13 is subject to a disposition under s. 938.344 (2e).

14 **SECTION 479.** 161.575 (1) of the statutes is amended to read:

15 161.575 (1) Any person ~~18~~ 17 years of age or over who violates s. 161.574 by
16 delivering drug paraphernalia to a person ~~under 18~~ under 17 years of age or under who is
17 at least 3 years younger than the violator may be fined not more than \$10,000 or
18 imprisoned for not more than 9 months or both.

19 **SECTION 480m.** 161.575 (2) of the statutes is amended to read:

20 161.575 (2) Any person who violates this section who is under ~~18~~ 17 years of
21 age is subject to a disposition under s. 48.344 (2e).

22 **SECTION 480p.** 161.575 (2) of the statutes, as affected by 1995 Wisconsin Act
23 (this act), is repealed and recreated to read:

24 161.575 (2) Any person who violates this section who is under 17 years of age
25 is subject to a disposition under s. 938.344 (2e).

1 **SECTION 481.** 165.76 (1) (a) of the statutes is amended to read:

2 165.76 (1) (a) Is in prison ~~or~~, a secured correctional facility, as defined in s. 48.02
3 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or
4 on probation, parole, supervision, or aftercare supervision ~~or corrective sanctions~~
5 ~~supervision~~ on or after August 12, 1993, for any violation of s. 940.225 (1) or (2),
6 948.02 (1) or (2) or 948.025.

7 **SECTION 482.** 165.76 (2) (b) 2. of the statutes is amended to read:

8 165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured
9 correctional facility or a secured child caring institution, he or she shall provide the
10 specimen under par. (a) at the office of a county sheriff as soon as practicable after
11 release on parole, or aftercare supervision ~~or corrective sanctions supervision~~, as
12 directed by his or her probation and parole agent, or aftercare agent ~~or corrective~~
13 ~~sanctions agent~~, except that the department of corrections may require the person
14 to provide the specimen while he or she is in prison or in a secured correctional
15 facility under the supervision of that department and the department of health and
16 social services may require the person, if a child, to provide the specimen while he
17 or she is placed at a secured correctional facility or a secured child caring institution
18 under the supervision of that department.

19 **SECTION 483.** 165.76 (2) (b) 5. of the statutes is amended to read:

20 165.76 (2) (b) 5. Notwithstanding subs. 1. to 3., for persons who are subject
21 to sub. (1) and who are in prison ~~or~~, a secured correctional facility or a secured child
22 caring institution or who are on probation, parole, supervision, or aftercare
23 supervision ~~or corrective sanctions supervision~~ on August 12, 1993, the departments
24 of justice, corrections and health and social services shall cooperate to have these
25 persons provide specimens under par. (a) before July 1, 1998.

1 **SECTION 484.** 165.76 (3) of the statutes is amended to read:

2 165.76 (3) If a person is required to submit a biological specimen under s. 48.34
3 (~~15~~), 51.20 (13) (cr), 938.34 (15), 971.17 (1m) or 973.047, he or she shall comply with
4 that requirement and is not required to comply with this section.

5 **SECTION 485.** 165.765 (1) of the statutes is amended to read:

6 165.765 (1) Whoever intentionally fails to comply with a requirement to submit
7 a biological specimen under s. 48.34 (~~15~~), 165.76, 938.34 (15) or 973.047 may be fined
8 not more than \$10,000 or imprisoned for not more than 9 months or both.

9 **SECTION 486.** 165.765 (2) (a) of the statutes is amended to read:

10 165.765 (2) (a) Any physician, registered nurse, medical technologist,
11 physician assistant or person acting under the direction of a physician who obtains
12 a biological specimen under s. 48.34 (~~15~~), 165.76, 938.34 (15) or 973.047 is immune
13 from any civil or criminal liability for the act, except for civil liability for negligence
14 in the performance of the act.

15 **SECTION 487.** 165.77 (2) (b) of the statutes is amended to read:

16 165.77 (2) (b) Paragraph (a) does not apply to specimens received under s. 48.34
17 (~~15~~), 51.20 (13) (cr), 165.76, 938.34 (15), 971.17 (1m) or 973.047.

18 **SECTION 488.** 165.77 (3) of the statutes is amended to read:

19 165.77 (3) If the laboratories receive a human biological specimen under s.
20 48.34 (~~15~~), 51.20 (13) (cr), 165.76, 938.34 (15), 971.17 (1m) or 973.047, the
21 laboratories shall analyze the deoxyribonucleic acid in the specimen. The
22 laboratories shall maintain a data bank based on data obtained from
23 deoxyribonucleic acid analysis of those specimens. The laboratories may compare
24 the data obtained from one specimen with the data obtained from other specimens.
25 The laboratories may make data obtained from any analysis and comparison

1 available to law enforcement agencies in connection with criminal or delinquency
2 investigations and, upon request, to any prosecutor, defense attorney or subject of
3 the data. The data may be used in criminal and delinquency actions and proceedings.
4 In this state, the use is subject to s. 972.11 (5). The laboratories shall destroy
5 specimens obtained under this subsection after analysis has been completed and the
6 applicable court proceedings have concluded.

7 **SECTION 489.** 175.35 (1) (ag) of the statutes is amended to read:

8 175.35 (1) (ag) "Criminal history record" includes information reported to the
9 department under s. ~~48.396~~ 938.396 (8) that indicates a person was adjudicated
10 delinquent for an act that if committed by an adult in this state would be a felony.

11 **SECTION 490.** 175.45 (1) (b) of the statutes is amended to read:

12 175.45 (1) (b) Is in prison or, a secured correctional facility, as defined in s.
13 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or
14 on probation, parole, supervision or aftercare supervision on or after December 25,
15 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

16 **SECTION 491.** 175.45 (1) (e) of the statutes is amended to read:

17 175.45 (1) (e) Is ordered by a court under s. ~~48.34 (15)~~, 51.20 (13) (cr), 938.34
18 (15) or 973.047 to comply with the reporting requirements under this section.

19 **SECTION 492.** 175.45 (3) (a) 2. of the statutes is amended to read:

20 175.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured
21 correctional facility or a secured child caring institution, he or she is subject to this
22 subsection after he or she is discharged from parole or aftercare supervision.

23 **SECTION 493.** 175.45 (5) (b) of the statutes is amended to read:

1 175.45 (5) (b) If the person has been sentenced to prison or placed in a secured
2 correctional facility or a secured child caring institution, 15 years after discharge
3 from parole or aftercare supervision.

4 **SECTION 494m.** 227.03 (4) of the statutes, as affected by 1993 Wisconsin Act
5 377, is amended to read:

6 227.03 (4) The provisions of this chapter relating to contested cases do not
7 apply to proceedings involving the revocation of aftercare supervision under s.
8 48.357 (5) or 48.366 (5) or corrective sanctions supervision under s. 48.357 (5) ~~or~~
9 ~~youthful offender supervision under s. 48.537 (4)~~, the revocation of parole or
10 probation, the grant of probation, prison discipline, mandatory release under s.
11 302.11 or any other proceeding involving the care and treatment of a resident or an
12 inmate of a correctional institution.

13 **SECTION 494p.** 227.03 (4) of the statutes, as affected by 1993 Wisconsin Act 377
14 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

15 227.03 (4) The provisions of this chapter relating to contested cases do not
16 apply to proceedings involving the revocation of aftercare supervision under s.
17 48.366 (5) or 938.357 (5) or corrective sanctions supervision under s. 938.357 (5) or
18 serious juvenile offender supervision under s. 938.538 (4), the revocation of parole
19 or probation, the grant of probation, prison discipline, mandatory release under s.
20 302.11 or any other proceeding involving the care and treatment of a resident or an
21 inmate of a correctional institution.

22 **SECTION 495.** 230.36 (1) of the statutes is amended to read:

23 230.36 (1) If a conservation warden, conservation patrol boat captain,
24 conservation patrol boat engineer, state forest ranger, conservation field employe of
25 the department of natural resources who is subject to call for fire control duty,

1 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax
2 investigator employed by the department of revenue, special criminal investigation
3 agent employed by the department of justice, special tax agent, state drivers' license
4 examiner, state fair park police officer, university of Wisconsin system police officer
5 and other state facilities police officer and patrol officer, security officer, watcher,
6 engineer, engineering aide, building construction superintendent, fire fighter
7 employed at the Wisconsin veterans home, or guard or institutional aide or a state
8 probation and parole officer or any other employe whose duties include supervision
9 and discipline of inmates or wards of the state at a state penal institution, including
10 a secured correctional facility, as defined in s. ~~48.02~~ 938.02 (15m), or while on parole
11 supervision outside of the confines of the institutions, or supervision of persons
12 placed on probation by a court of record, or supervision and care of patients at a state
13 mental institution, and university of Wisconsin hospital and clinics suffers injury
14 while in the performance of his or her duties, as defined in subs. (2) and (3); or any
15 other state employe who is ordered by his or her appointing authority to accompany
16 any employe listed in this subsection while the listed employe is engaged in the
17 duties defined in sub. (3), or any other state employe who is ordered by his or her
18 appointing authority to perform the duties, when permitted, in lieu of the listed
19 employe and while so engaged in the duties defined in sub. (3), suffers injury as
20 defined in sub. (2) the employe shall continue to be fully paid by the employing
21 agency upon the same basis as paid prior to the injury, with no reduction in sick leave
22 credits, compensatory time for overtime accumulations or vacation and no reduction
23 in the rate of earning sick leave credit or vacation. The full pay shall continue while
24 the employe is unable to return to work as the result of the injury or until the
25 termination of his or her employment upon recommendation of the appointing

1 authority. At any time during the employe's period of disability the appointing
2 authority may order physical or medical examinations to determine the degree of
3 disability at the expense of the employing agency.

4 **SECTION 496.** 230.36 (3) (c) (intro.) of the statutes is amended to read:

5 230.36 (3) (c) (intro.) A guard, institution aide, or other employe at the
6 university of Wisconsin hospital and clinics or at a state penal or mental institution,
7 including a secured correctional facility, as defined in s. ~~48.02~~ 938.02 (15m), and a
8 state probation and parole officer, at all times while:

9 **SECTION 497.** 252.04 (6) of the statutes is amended to read:

10 252.04 (6) The school, day care center or nursery school shall notify the district
11 attorney of the county in which the student resides of any minor student who fails
12 to present written evidence of completed immunizations or a written waiver under
13 sub. (3) within 60 school days after being admitted to the school, day care center or
14 nursery school. The district attorney shall petition the court exercising jurisdiction
15 under ~~ch. chs. 48 and 938~~ for an order directing that the student be in compliance
16 with the requirements of this section. If the court grants the petition, the court may
17 specify the date by which a written waiver shall be submitted under sub. (3) or may
18 specify the terms of the immunization schedule. The court may require an adult
19 student or the parent, guardian or legal custodian of a minor student who refuses to
20 submit a written waiver by the specified date or meet the terms of the immunization
21 schedule to forfeit not more than \$25 per day of violation.

22 **SECTION 498.** 252.11 (5m) of the statutes is amended to read:

23 252.11 (5m) A health care professional, ~~as defined in s. 48.296 (1) (a), or a~~
24 ~~health care professional,~~ as defined in s. 968.38 (1) (a), acting under an order of a
25 court under s. ~~48.296~~ 938.296 (4) or 968.38 (4) may, without first obtaining informed

1 consent to the testing, subject an individual to a test or a series of tests to ascertain
2 whether that individual is infected with a sexually transmitted disease. No sample
3 used for performance of a test under this subsection may disclose the name of the test
4 subject.

5 **SECTION 499.** 252.11 (7) of the statutes is amended to read:

6 252.11 (7) Reports, examinations and inspections and all records concerning
7 sexually transmitted diseases are confidential and not open to public inspection, and
8 shall not be divulged except as may be necessary for the preservation of the public
9 health, in the course of commitment proceedings under sub. (5) or as provided under
10 s. ~~48.296~~ 938.296 (4) or 968.38 (4). If a physician has reported a case of sexually
11 transmitted disease to the department under sub. (4), information regarding the
12 presence of the disease and treatment is not privileged when the patient or physician
13 is called upon to testify to the facts before any court of record.

14 **SECTION 500.** 252.15 (1) (ab) of the statutes is amended to read:

15 252.15 (1) (ab) "Affected person" means an emergency medical technician, first
16 responder, fire fighter, peace officer, correctional officer, person who is employed at
17 a secured correctional facility, as defined in s. ~~48.02~~ 938.02 (15m), or at a secured
18 child caring institution, as defined in s. 938.02 (15g), state patrol officer, jailer or
19 keeper of a jail or person designated with custodial authority by the jailer or keeper,
20 health care provider, employe of a health care provider or staff member of a state
21 crime laboratory.

22 **SECTION 501.** 252.15 (2) (a) 6. of the statutes is amended to read:

23 252.15 (2) (a) 6. A health care professional acting under an order of the court
24 under subd. 7. or s. ~~48.296~~ 938.296 (4) or 968.38 (4) may, without first obtaining
25 consent to the testing, subject an individual to a test or a series of tests to detect the

1 presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV. No
2 sample used for laboratory test purposes under this subdivision may disclose the
3 name of the test subject, and, notwithstanding sub. (4) (c), the test results may not
4 be made part of the individual's permanent medical record.

5 **SECTION 502.** 252.15 (2) (a) 7. a. of the statutes is amended to read:

6 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an
7 emergency medical technician, first responder, fire fighter, peace officer, correctional
8 officer, person who is employed at a secured correctional facility, as defined in s. 48.02
9 938.02 (15m), or at a secured child caring institution, as defined in s. 938.02 (15g),
10 state patrol officer, jailer or keeper of a jail or person designated with custodial
11 authority by the jailer or keeper who, during the course of providing care or services
12 to an individual; or a peace officer, correctional officer, state patrol officer, jailer or
13 keeper of a jail or person designated with custodial authority by the jailer or keeper
14 who, while searching or arresting an individual or while controlling or transferring
15 an individual in custody; or a health care provider or an employe of a health care
16 provider who, during the course of providing care or treatment to an individual or
17 handling or processing specimens of body fluids or tissues of an individual; or a staff
18 member of a state crime laboratory who, during the course of handling or processing
19 specimens of body fluids or tissues of an individual; is significantly exposed to the
20 individual may subject the individual's blood to a test or a series of tests for the
21 presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV and
22 may receive disclosure of the results.

23 **SECTION 503.** 252.15 (5) (a) 17. of the statutes is amended to read:

24 252.15 (5) (a) 17. To an alleged victim or victim, to a health care professional,
25 upon request as specified in s. ~~48.296~~ 938.296 (4) (e) or 968.38 (4) (c), who provides

1 care to the alleged victim or victim and, if the alleged victim or victim is a minor, to
2 the parent or guardian of the alleged victim or victim, under s. ~~48.296~~ 938.296 (4) or
3 968.38 (4).

4 **SECTION 504.** 252.15 (5) (a) 19. of the statutes is amended to read:

5 252.15 (5) (a) 19. If the test was administered to a child for whom placement
6 in a foster home, group home or child caring institution is recommended under s.
7 48.33 (4) or 938.33 (3) or (4), to an agency directed by a court to prepare a court report
8 under s. 48.33 (1) or 938.33 (1) or a permanency plan under s. 48.38 or 938.38
9 regarding the child and, by that agency, to the child's foster parent or the operator
10 of the group home or child caring institution in which the child is placed, as provided
11 in s. 48.371 or 938.371.

12 **SECTION 505.** 301.01 (2) (b) of the statutes is amended to read:

13 301.01 (2) (b) Any resident of a secured correctional facility, as defined in s.
14 ~~48.02~~ 938.02 (15m), operated by the department of health and social services, or any
15 resident of a secured child caring institution, as defined in s. 938.02 (15g).

16 **SECTION 506.** 301.02 of the statutes is amended to read:

17 **301.02 Institutions governed.** The department shall maintain and govern
18 the state correctional institutions and the secured correctional facilities, as defined
19 in s. 938.02 (15m), that are operated by the department.

20 **SECTION 507.** 301.03 (9) of the statutes is amended to read:

21 301.03 (9) Supervise all persons placed under s. 48.366 (8) or 938.183 in a state
22 prison.

23 **SECTION 508m.** 301.03 (9m) of the statutes, as created by 1993 Wisconsin Act
24 377, is repealed.

25 **SECTION 508p.** 301.03 (9r) of the statutes is created to read:

1 301.03 **(9r)** Supervise all persons placed in the serious juvenile offender
2 program under s. 938.538.

3 **SECTION 509.** 301.035 (2) of the statutes is amended to read:

4 301.035 **(2)** Assign hearing examiners from the division to preside over
5 hearings under ss. ~~48.357 (5)~~, 302.11 (7), 938.357 (5), 973.10 and 975.10 (2) and ch.
6 304.

7 **SECTION 510.** 301.035 (4) of the statutes is amended to read:

8 301.035 **(4)** Supervise employes in the conduct of the activities of the division
9 and be the administrative reviewing authority for decisions of the division under ss.
10 ~~48.357 (5)~~, 302.11 (7), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and ch. 304.

11 **SECTION 511.** 301.135 (1) of the statutes is amended to read:

12 301.135 **(1)** The department may contract with counties to provide electronic
13 monitoring services relating to criminal offenders and to children who are placed on
14 electronic monitoring under s. ~~48.21 (4m)~~, ~~48.34~~ 938.17 (2) (h) 1., ~~938.21 (4m)~~, ~~938.34~~
15 ~~(3g)~~ or ~~48.355~~ 938.355 (6) (d) 3. The department shall charge a fee to counties for
16 providing these services.

17 **SECTION 512.** 301.135 (3m) of the statutes is amended to read:

18 301.135 **(3m)** The department may not charge a fee to a child who is placed on
19 electronic monitoring under s. ~~48.21 (4m)~~, ~~48.34~~ 938.17 (2) (h) 1., ~~938.21 (4m)~~, ~~938.34~~
20 ~~(3g)~~ or ~~48.355~~ 938.355 (6) (d) 3. to cover the cost of electronic monitoring of that child.

21 **SECTION 513m.** 301.28 (1) of the statutes, as affected by 1993 Wisconsin Act
22 377, is amended to read:

23 301.28 **(1)** In this section, "correctional officer" means any person classified as
24 a correctional officer employed by the state whose principal duty is the supervision
25 of inmates at a prison, as defined in s. 302.01, ~~or the supervision of children at a~~

SECTION 513m

1 ~~secured correctional facility, as defined in s. 48.02 (15m), operated by the~~
2 ~~department.~~

3 **SECTION 513p.** 301.28 (1) of the statutes, as affected by 1993 Wisconsin Act 377
4 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

5 301.28 (1) In this section, "correctional officer" means any person classified as
6 a correctional officer employed by the state whose principal duty is the supervision
7 of inmates at a prison, as defined in s. 302.01, or the supervision of children at a
8 secured correctional facility, as defined in s. 48.02 (15m).

9 **SECTION 514.** 301.35 (2) (e) of the statutes is created to read:

10 301.35 (2) (e) A participant in the serious juvenile offender program under s.
11 938.538.

12 **SECTION 515.** 301.36 (1) of the statutes is amended to read:

13 301.36 (1) GENERAL AUTHORITY. The department shall investigate and
14 supervise all of the state correctional institutions, all Type 1 secured correctional
15 facilities, as defined in s. 938.02 (19), that are operated by the department and all
16 secure detention facilities and familiarize itself with all of the circumstances
17 affecting their management and usefulness. The department may take enforcement
18 action as to a secure detention facility or the juvenile portion of a county jail only after
19 consultation with the department of health and social services.

20 **SECTION 516.** 302.11 (10) of the statutes is amended to read:

21 302.11 (10) An inmate subject to an order under s. 48.366 or 938.34 (4h) is not
22 entitled to mandatory release and may be released or discharged only as provided
23 under s. 48.366 or 938.538.

24 **SECTION 519.** 302.18 (7) of the statutes is amended to read:

1 302.18 (7) Except as provided in s. 973.013 (3m), the department of corrections
2 shall keep all prisoners under ~~16~~ 15 years of age in secured juvenile correctional
3 facilities and all prisoners under 12 years of age in secured child caring institutions,
4 as defined in s. 938.02 (15g), but the department of health and social services, with
5 the concurrence of the department of corrections, may transfer them to adult
6 correctional institutions after they attain ~~16~~ 15 years of age.

7 **SECTION 520.** 302.255 of the statutes is amended to read:

8 **302.255 Interstate corrections compact; additional applicability.**

9 “Inmate”, as defined under s. 302.25 (2) (a), includes persons subject to an order
10 under s. 48.366 who are confined to a state prison under s. 302.01 and persons subject
11 to an order under s. 938.34 (4h) who are 17 years of age or older.

12 **SECTION 521m.** 302.31 of the statutes, as affected by 1993 Wisconsin Act 385,
13 is amended to read:

14 **302.31 USE OF JAILS.** The county jail may be used for the detention of persons
15 charged with crime and committed for trial; for the detention of persons committed
16 to secure their attendance as witnesses; to imprison persons committed pursuant to
17 a sentence or held in custody by the sheriff for any cause authorized by law; for the
18 detention of persons sentenced to imprisonment in state penal institutions or a
19 county house of correction, until they are removed to those institutions; for the
20 detention of persons participating in the intensive sanctions program; for the
21 temporary detention of persons in the custody of the department; and for other
22 detentions authorized by law. The county jail may be used for the temporary
23 placement of persons in the custody of the department, and persons who have
24 attained the age of ~~18~~ 17 years but have not attained the age of 25 years who are
25 under the supervision of the department of health and social services under s. 48.355

1 (4) or 48.366 and who have been taken into custody pending revocation of aftercare
2 supervision under s. 48.357 (5) (e) or 48.366 (5) or corrective sanctions supervision
3 under s. 48.357 (5) (e).

4 **SECTION 521p.** 302.31 of the statutes, as affected by 1993 Wisconsin Act 385
5 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

6 **302.31** USE OF JAILS. The county jail may be used for the detention of persons
7 charged with crime and committed for trial; for the detention of persons committed
8 to secure their attendance as witnesses; to imprison persons committed pursuant to
9 a sentence or held in custody by the sheriff for any cause authorized by law; for the
10 detention of persons sentenced to imprisonment in state penal institutions or a
11 county house of correction, until they are removed to those institutions; for the
12 detention of persons participating in the intensive sanctions program; for the
13 temporary detention of persons in the custody of the department; and for other
14 detentions authorized by law. The county jail may be used for the temporary
15 placement of persons in the custody of the department, other than persons under 17
16 years of age, and persons who have attained the age of 17 years but have not attained
17 the age of 25 years who are under the supervision of the department of health and
18 social services under s. 48.366 or 938.355 (4) and who have been taken into custody
19 pending revocation of aftercare supervision under s. 48.366 (5) or 938.357 (5) (e).

20 **SECTION 522.** 302.386 (1) of the statutes is amended to read:

21 302.386 (1) Except as provided in sub. (5), liability for medical and dental
22 services furnished to residents housed in prisons identified in s. 302.01 or in a
23 secured correctional facility as defined in s. ~~48.02~~ 938.02 (15m), or in a secured child
24 caring institution, as defined in s. 938.02 (15g), or to forensic patients in state
25 institutions for those services which are not provided by employes of the department

1 shall be limited to the amounts payable under ss. 49.43 to 49.47, except s. 49.468, for
2 similar services. The department may waive any such limit if it determines that
3 needed services cannot be obtained for the applicable amount. No provider of
4 services may bill the resident or patient for the cost of services exceeding the amount
5 of the liability under this subsection.

6 **SECTION 523.** 302.386 (2) (intro.) of the statutes is amended to read:

7 302.386 (2) (intro.) The liability of the state for medical and dental services
8 under sub. (1) does not extend to that part of the medical or dental services of a
9 resident housed in a prison identified in s. 302.01 ~~or in~~, a secured correctional facility
10 as defined in s. ~~48.02~~ 938.02 (15m), or a secured child caring institution, as defined
11 in s. 938.02 (15g), for which any of the following applies:

12 **SECTION 524.** 302.386 (3) of the statutes is amended to read:

13 302.386 (3) The department may require a resident housed in a prison
14 identified in s. 302.01 ~~or in~~, a secured correctional facility as defined in s. ~~48.02~~
15 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), who
16 earns wages during residency and who receives medical or dental services to pay a
17 deductible, coinsurance, copayment or similar charge upon the medical or dental
18 service that he or she receives. The department shall collect the allowable
19 deductible, coinsurance, copayment or similar charge. No provider of services may
20 deny care or services because the resident is unable to pay the applicable deductible,
21 coinsurance, copayment or similar charge, but an inability to pay these charges does
22 not relieve the resident of liability for the charges unless the department excepts or
23 waives the liability under criteria that the department shall establish by rule.

24 **SECTION 525.** 302.386 (5) (c) of the statutes is created to read:

1 302.386 (5) (c) Any participant in the corrective sanctions program under s.
2 938.533 unless he or she is placed in a Type 1 secured correctional facility, as defined
3 in s. 938.02 (19).

4 **SECTION 526.** 302.386 (5) (d) of the statutes is created to read:

5 302.386 (5) (d) Any participant in the serious juvenile offender program under
6 s. 938.538 unless he or she is placed in a Type 1 secured correctional facility, as
7 defined in s. 938.02 (19), or in a Type 1 prison other than the institution authorized
8 under s. 301.046 (1).

9 **SECTION 527m.** 304.06 (1) (b) of the statutes, as affected by 1993 Wisconsin Act
10 377, is amended to read:

11 304.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2), 302.045 (3) or
12 973.0135, the parole commission may parole an inmate of the Wisconsin state
13 prisons or any felon or any person serving at least one year or more in a county house
14 of correction or a county reforestation camp organized under s. 303.07, when he or
15 she has served 25% of the sentence imposed for the offense, or 6 months, whichever
16 is greater. ~~The parole commission may parole a participant in the youthful offender~~
17 ~~program under s. 48.537 when he or she has participated in that program for 2 years.~~
18 Except as provided in s. 939.62 (2m) or 973.014, the parole commission may parole
19 an inmate serving a life term when he or she has served 20 years, as modified by the
20 formula under s. 302.11 (1) and subject to extension using the formulas under s.
21 302.11 (2). The person serving the life term shall be given credit for time served prior
22 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
23 secretary may grant special action parole releases under s. 304.02. The department
24 or the parole commission shall not provide any convicted offender or other person

1 sentenced to the department's custody any parole eligibility or evaluation until the
2 person has been confined at least 60 days following sentencing.

3 **SECTION 527p.** 304.06 (1) (b) of the statutes, as affected by 1993 Wisconsin Act
4 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

5 304.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2), 302.045 (3) or
6 973.0135, the parole commission may parole an inmate of the Wisconsin state
7 prisons or any felon or any person serving at least one year or more in a county house
8 of correction or a county reforestation camp organized under s. 303.07, when he or
9 she has served 25% of the sentence imposed for the offense, or 6 months, whichever
10 is greater. The parole commission may parole a participant in the serious juvenile
11 offender program under s. 938.538 when he or she has participated in that program
12 for 2 years. Except as provided in s. 939.62 (2m) or 973.014, the parole commission
13 may parole an inmate serving a life term when he or she has served 20 years, as
14 modified by the formula under s. 302.11 (1) and subject to extension using the
15 formulas under s. 302.11 (2). The person serving the life term shall be given credit
16 for time served prior to sentencing under s. 973.155, including good time under s.
17 973.155 (4). The secretary may grant special action parole releases under s. 304.02.
18 The department or the parole commission shall not provide any convicted offender
19 or other person sentenced to the department's custody any parole eligibility or
20 evaluation until the person has been confined at least 60 days following sentencing.

21 **SECTION 528.** 304.06 (1z) of the statutes is created to read:

22 304.06 (1z) If a person is placed in the youthful offender program under s.
23 938.34 (4g), he or she is eligible for a release to parole supervision under this section
24 and remains in the youthful offender program unless discharged by the department
25 under s. 938.537 (5) (b).

1 **SECTION 529.** 304.07 of the statutes, as affected by 1993 Wisconsin Act 385, is
2 repealed.

3 **SECTION 531.** 340.01 (9r) (d) of the statutes is amended to read:

4 340.01 **(9r)** (d) A finding by a court assigned to exercise jurisdiction under ~~chs.~~
5 chs. 48 and 938 of a violation of chs. 341 to 349 and 351 or a local ordinance enacted
6 under ch. 349.

7 **SECTION 532.** 343.06 (1) (i) of the statutes is amended to read:

8 343.06 **(1)** (i) To any person who has been convicted of any offense specified
9 under ss. 940.225, 948.02, 948.025 and 948.07 or adjudged delinquent under ch. 48
10 938 for a like or similar offense, when the sentencing court makes a finding that
11 issuance of a license will be inimical to the public safety and welfare. The prohibition
12 against issuance of a license to the offenders shall apply immediately upon receipt
13 of a record of the conviction and the court finding by the secretary, for a period of one
14 year or until discharge from any jail or prison sentence or any period of probation or
15 parole with respect to the offenses specified, whichever date is the later. Receipt by
16 the offender of a certificate of discharge from the department of corrections or other
17 responsible supervising agency, after one year has elapsed since the prohibition
18 began, entitles the holder to apply for an operator's license. The applicant may be
19 required to present the certificate of discharge to the secretary if the latter deems it
20 necessary.

21 **SECTION 533.** 343.30 (5) of the statutes is amended to read:

22 343.30 **(5)** No court may suspend or revoke an operating privilege except as
23 authorized by this chapter or ch. 48, 345 ~~or~~, 351 or 938 or s. 161.50. When a court
24 revokes, suspends or restricts a child's operating privilege under ch. 48 938, the
25 department of transportation shall not disclose information concerning or relating

1 to the revocation, suspension or restriction to any person other than a court, district
2 attorney, county corporation counsel, city, village or town attorney, law enforcement
3 agency, or the minor whose operating privilege is revoked, suspended or restricted,
4 or his or her parent or guardian. Persons entitled to receive this information shall
5 not disclose the information to other persons or agencies.

6 **SECTION 534.** 343.30 (6) (b) (intro.) of the statutes is amended to read:

7 343.30 (6) (b) (intro.) If a court imposes suspension or revocation of a person's
8 operating privilege under s. ~~48.344 (2), (2b) or (2d) or~~ 125.07 (4) (c) or 938.344 (2), (2b)
9 or (2d), the suspension or revocation imposed shall be one of the following:

10 **SECTION 535.** 752.31 (2) (e) of the statutes is amended to read:

11 752.31 (2) (e) Cases under ~~ch.~~ chs. 48 and 938.

12 **SECTION 535r.** 757.69 (1) (intro.) of the statutes is amended to read:

13 757.69 (1) (intro.) On authority delegated by a judge, which may be by a
14 standard order, and with the approval of the chief judge of the judicial administrative
15 district, a court commissioner appointed under s. 48.065, 757.68, 757.72 ~~or~~, 767.13
16 or 938.065 may:

17 **SECTION 536.** 757.69 (1) (g) of the statutes is amended to read:

18 757.69 (1) (g) When assigned to the court assigned jurisdiction under ~~ch.~~ chs.
19 48 and 938, a court commissioner may, under ch. 48 or 938, issue summonses and
20 warrants, order the release or detention of children apprehended, conduct detention
21 and shelter care hearings, conduct preliminary appearances, conduct uncontested
22 proceedings under ~~ss. 48.12 and 48.13,~~ 938.12, 938.13 and 938.18, enter into consent
23 decrees and exercise the powers and perform the duties specified in par. (j) or (m),
24 whichever is applicable, in proceedings under s. 813.122 or 813.125 in which the
25 respondent is a child. ~~Waiver~~ Contested waiver hearings under s. ~~48.18~~ 938.18 and

1 dispositional hearings under ss. ~~48.33 to 48.35~~ 48.335 and 938.335 shall be
2 conducted by a judge. When acting in an official capacity and assigned to the
3 children's court center, a court commissioner shall sit at the children's court center
4 or such other facility designated by the chief judge. Any decision by the
5 commissioner shall be reviewed by the judge of the branch of court to which the case
6 has been assigned, upon motion of any party. Any determination, order or ruling by
7 the commissioner may be certified to the branch of court to which such case has been
8 assigned upon a motion of any party for a hearing de novo.

9 **SECTION 536d.** 757.69 (1) (k) of the statutes is amended to read:

10 757.69 (1) (k) Exercise the power of a juvenile court commissioner appointed
11 under s. 48.065 or 938.065, a probate court commissioner appointed under s. 757.72
12 or a family court commissioner appointed under s. 767.13.

13 **SECTION 536g.** 757.69 (2) (intro.) of the statutes is amended to read:

14 757.69 (2) (intro.) A judge may refer to a court commissioner appointed under
15 s. 48.065, 757.68, 757.72 or, 767.13 or 938.065 cases in which:

16 **SECTION 536m.** 757.69 (3) (intro.) of the statutes is amended to read:

17 757.69 (3) (intro.) Court commissioners appointed under s. 48.065, 757.68,
18 757.72 or, 767.13 or 938.065 may under their own authority:

19 **SECTION 536p.** 757.81 (2) of the statutes is amended to read:

20 757.81 (2) "Court commissioner" means a court commissioner under s. 757.68,
21 a family court commissioner under s. 767.13, a juvenile court commissioner under
22 s. 48.065 or 938.065 and a probate court commissioner under s. 757.72.

23 **SECTION 537.** 758.19 (6) of the statutes is amended to read:

24 758.19 (6) The director of state courts shall reimburse each county for the costs
25 of guardian ad litem compensation incurred after May 10, 1994, under ss. 48.235 (8),

1 ~~48.996~~, 55.06 (6) and (9) (b), 767.045 (6), 880.33 (2) (a) 2., 880.331 (8) ~~and~~, 891.39 (1)
2 (b), 938.235 (8) and 938.996 from the appropriation under s. 20.625 (1) (e). No
3 reimbursement under this subsection may exceed the per hour rate established for
4 time spent in court by private attorneys under s. 977.08 (4m). The costs
5 reimbursable under this subsection shall be paid pursuant to a voucher submitted
6 by the clerk of circuit court to the director of state courts. The voucher shall include
7 the number of hours charged by the guardians ad litem. If the moneys available
8 under s. 20.625 (1) (e) are insufficient to reimburse all eligible claims submitted by
9 counties for payment under this subsection, the moneys shall be prorated.

10 **SECTION 538.** 767.02 (1) (m) of the statutes is amended to read:

11 767.02 (1) (m) To enforce or revise an order for support entered under s. 48.355
12 (2) (b) 4., 48.357 (5m) ~~or~~, 48.363 (2), 938.183 (2), 938.355 (2) (b) 4., 938.357 (5m) or
13 938.363 (2).

14 **SECTION 539.** 767.24 (3) (e) of the statutes is amended to read:

15 767.24 (3) (e) The charges for care furnished to a child whose custody is
16 transferred under this subsection shall be pursuant to the procedure under s. 48.36
17 (1) ~~or~~ 938.36 (1) except as provided in s. 767.29 (3).

18 **SECTION 540.** 767.29 (3) of the statutes is amended to read:

19 767.29 (3) If maintenance payments or support money, or both, is ordered to
20 be paid for the benefit of any person, who is committed by court order to an institution
21 or is in confinement, or whose legal custody is vested by court order under ch. 48 ~~or~~
22 938 in an agency, department or relative, the court or family court commissioner may
23 order such maintenance payments or support money to be paid to the relative or
24 agency, institution, welfare department or other entity having the legal or actual

1 custody of said person, and to be used for the latter's care and maintenance, without
2 the appointment of a guardian under ch. 880.

3 **SECTION 541.** 767.30 (1) of the statutes is amended to read:

4 767.30 (1) If the court orders any payment for support under s. 48.355 (2) (b)
5 4., 48.357 (5m) ~~or~~, 48.363 (2), 938.183 (2), 938.355 (2) (b) 4., 938.357 (5m) or 938.363
6 (2), support or maintenance under s. 767.08, child support, family support or
7 maintenance under s. 767.23, child support under s. 767.25, maintenance under s.
8 767.26, family support under s. 767.261, attorney fees under s. 767.262, paternity
9 obligations under s. 767.51, support arrearages under s. 767.293 or child or spousal
10 support under s. 948.22 (7), the court may provide that any payment be paid in the
11 amounts and at the times as that it considers expedient.

12 **SECTION 542.** 767.305 of the statutes is amended to read:

13 **767.305 Enforcement; contempt proceedings.** In all cases where a party
14 has incurred a financial obligation under s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2),
15 767.23, 767.25, 767.255, 767.26, 767.261, 767.262 ~~or~~, 767.293, 938.183 (2), 938.355
16 (2) (b) 4., 938.357 (5m) or 938.363 (2) and has failed within a reasonable time or as
17 ordered by the court to satisfy such obligation, and where the wage assignment
18 proceeding under s. 767.265 and the account transfer under s. 767.267 are
19 inapplicable, impractical or unfeasible, the court may on its own initiative, and shall
20 on the application of the receiving party, issue an order requiring the payer to show
21 cause at some reasonable time therein specified why he or she should not be punished
22 for such misconduct as provided in ch. 785.

23 **SECTION 543.** 767.32 (1) (a) of the statutes is amended to read:

24 767.32 (1) (a) After a judgment or order providing for child support under this
25 chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (2), 938.355 (2) (b) 4.,

1 938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or
2 family support payments under this chapter, or for the appointment of trustees
3 under s. 767.31, the court may, from time to time, on the petition, motion or order to
4 show cause of either of the parties, or upon the petition, motion or order to show cause
5 of the department of health and social services, a county department under s. 46.215,
6 46.22 or 46.23 or a child support program designee under s. 59.07 (97) if an
7 assignment has been made under s. 49.19 (4) (h) or 49.45 (19) or if either party or
8 their minor children receive aid under ch. 49, and upon notice to the family court
9 commissioner, revise and alter such judgment or order respecting the amount of such
10 maintenance or child support and the payment thereof, and also respecting the
11 appropriation and payment of the principal and income of the property so held in
12 trust, and may make any judgment or order respecting any of the matters that such
13 court might have made in the original action, except that a judgment or order that
14 waives maintenance payments for either party shall not thereafter be revised or
15 altered in that respect nor shall the provisions of a judgment or order with respect
16 to final division of property be subject to revision or modification. A revision, under
17 this section, of a judgment or order with respect to an amount of child or family
18 support may be made only upon a finding of a substantial change in circumstances.
19 In any action under this section to revise a judgment or order with respect to
20 maintenance payments, a substantial change in the cost of living by either party or
21 as measured by the federal bureau of labor statistics may be sufficient to justify a
22 revision of judgment or order with respect to the amount of maintenance, except that
23 a change in an obligor's cost of living is not in itself sufficient if payments are
24 expressed as a percentage of income.

25 **SECTION 544.** 767.32 (2r) of the statutes is amended to read:

1 767.32 (2r) If the court revises a judgment or order providing for child support
2 that was entered under s. 448.355 (2) (b) 4., 48.357 (5m) ~~or~~, 48.363 (2), 938.183 (2),
3 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2), the court shall determine child support
4 in the manner provided in s. 46.10 (14).

5 **SECTION 545.** 767.47 (10) of the statutes is amended to read:

6 767.47 (10) A record of the testimony of the child's mother relating to the child's
7 paternity, made as provided under s. 48.299 (6) or 938.299 (6), is admissible in
8 evidence on the issue of paternity.

9 **SECTION 546.** 778.25 (1) (a) 1. of the statutes is amended to read:

10 778.25 (1) (a) 1. Under s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 161.573
11 (2), 161.574 (2) or 161.575 (2) or under a local ordinance strictly conforming to one
12 of those statutes brought against an adult in circuit court or against a minor in the
13 court assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938.

14 **SECTION 547.** 778.25 (1) (a) 4. of the statutes is amended to read:

15 778.25 (1) (a) 4. Under s. 48.983 brought against a minor in the court assigned
16 to exercise jurisdiction under ~~ch.~~ chs. 48 and 938.

17 **SECTION 548.** 778.25 (1) (a) 5. of the statutes is amended to read:

18 778.25 (1) (a) 5. Under administrative rules promulgated by the board of
19 regents under s. 36.11 (1) (c) brought against an adult in circuit court or against a
20 minor in the court assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938.

21 **SECTION 549.** 778.25 (8) (a) of the statutes is amended to read:

22 778.25 (8) (a) If the defendant has not made a deposit, the court may issue a
23 summons or an arrest warrant, except if the defendant is a minor the court shall
24 proceed under s. ~~48.28~~ 938.28. Chapter 48 938 governs taking and holding a minor
25 in custody.

1 **SECTION 550.** 778.25 (8) (b) of the statutes is amended to read:

2 778.25 (8) (b) If the defendant has made a deposit, the citation may serve as
3 the initial pleading and the defendant shall be considered to have tendered a plea
4 of no contest and submitted to a forfeiture, penalty assessment and jail assessment
5 plus costs, including any applicable fees prescribed in ch. 814, not exceeding the
6 amount of the deposit. The court may either accept the plea of no contest and enter
7 judgment accordingly, or reject the plea and issue a summons or arrest warrant,
8 except if the defendant is a minor the court shall proceed under s. ~~48.28~~ 938.28.
9 Chapter 48 938 governs taking and holding a minor in custody. If the court accepts
10 the plea of no contest, the defendant may move within 90 days after the date set for
11 appearance to withdraw the plea of no contest, open the judgment and enter a plea
12 of not guilty if the defendant shows to the satisfaction of the court that failure to
13 appear was due to mistake, inadvertence, surprise or excusable neglect. If a party
14 is relieved from the plea of no contest, the court or judge may order a written
15 complaint or petition to be filed. If on reopening the defendant is found not guilty,
16 the court shall delete the record of conviction and shall order the defendant's deposit
17 returned.

18 **SECTION 551.** 778.25 (8) (c) of the statutes is amended to read:

19 778.25 (8) (c) If the defendant has made a deposit and stipulation of no contest,
20 the citation serves as the initial pleading and the defendant shall be considered to
21 have tendered a plea of no contest and submitted to a forfeiture, penalty assessment
22 and jail assessment plus costs, including any applicable fees prescribed in ch. 814,
23 not exceeding the amount of the deposit. The court may either accept the plea of no
24 contest and enter judgment accordingly, or reject the plea and issue a summons or
25 arrest warrant, except if the defendant is a minor the court shall proceed under s.

1 ~~48.28~~ 938.28. Chapter 48 938 governs taking and holding a minor in custody. After
2 signing a stipulation of no contest, the defendant may, at any time prior to or at the
3 time of the court appearance date, move the court for relief from the effect of the
4 stipulation. The court may act on the motion, with or without notice, for cause shown
5 by affidavit and upon just terms, and relieve the defendant from the stipulation and
6 the effects of the stipulation.

7 **SECTION 552.** 808.04 (3) of the statutes is amended to read:

8 808.04 (3) Except as provided in subs. (4) and (7), an appeal in a criminal case
9 or a case under ch. 48, 51 ~~or~~ 55 or 938 shall be initiated within the time period
10 specified in s. 809.30.

11 **SECTION 553.** 808.04 (4) of the statutes is amended to read:

12 808.04 (4) Except as provided in sub. (7m), an appeal by the state in either a
13 criminal case under s. 974.05 or a case under ch. 48 or 938 shall be initiated within
14 45 days of entry of the judgment or order appealed from.

15 **SECTION 554.** 808.075 (4) (fn) of the statutes is created to read:

16 808.075 (4) (fn) In a case under ch. 938:

17 2. Review of nonsecure custody orders under s. 938.207.

18 3. Review of secure detention orders under s. 938.208 and secure detention
19 status reviews under s. 938.209 (1) (e).

20 4. Hearing for child held in custody under s. 938.21.

21 5. Hearing upon involuntary removal under s. 938.305.

22 6. Revision of dispositional order under s. 938.363.

23 7. Extension of dispositional order under s. 938.365, unless s. 938.368 applies.

24 8. Review of permanency plan under s. 938.38 (5).

25 9. Release of confidential information under s. 938.396 or 938.78.

1 **SECTION 555.** 809.30 (1) (a) of the statutes is amended to read:

2 809.30 (1) (a) “Postconviction relief” means, in a felony or misdemeanor case,
3 an appeal or a motion for postconviction relief other than a motion under s. 973.19
4 or 974.06. In a ch. 48, 51 ~~or~~ 55 or 938 case, other than a termination of parental rights
5 case under s. 48.43, it means an appeal or a motion for reconsideration by the trial
6 court of its final judgment or order; in such cases a notice of intent to pursue such
7 relief or a motion for such relief need not be styled as seeking “postconviction” relief.

8 **SECTION 556.** 809.30 (1) (b) of the statutes is amended to read:

9 809.30 (1) (b) “Sentencing” means, in a felony or misdemeanor case, the
10 imposition of a sentence, fine or probation. In a ch. 48, 51 ~~or~~ 55 or 938 case, other
11 than a termination of parental rights case under s. 48.43, it means the entry of the
12 trial court’s final judgment or order.

13 **SECTION 557.** 809.30 (2) (d) of the statutes is amended to read:

14 809.30 (2) (d) Except as provided in this paragraph, whenever a defendant
15 whose trial counsel is appointed by the state public defender files a notice under par.
16 (b) requesting public defender representation for purposes of postconviction relief,
17 the district attorney may, within 5 days after the notice is served and filed, file in the
18 trial court and serve upon the state public defender a request that the defendant’s
19 indigency be redetermined before counsel is appointed or transcripts are ordered.
20 This paragraph does not apply to a child who is entitled to be represented by counsel
21 under s. 48.23 or 938.23.

22 **SECTION 558.** 809.30 (2) (fm) of the statutes is amended to read:

23 809.30 (2) (fm) A child who has filed a notice of intent to pursue relief from a
24 judgment or order entered in a ch. 48 or 938 proceeding shall be furnished at no cost
25 a transcript of the proceedings or as much of it as is requested. To obtain the

1 transcript at no cost, an affidavit must be filed stating that the person who is legally
2 responsible for the child's care and support is financially unable or unwilling to
3 purchase the transcript.

4 **SECTION 559.** 809.40 (1) of the statutes is amended to read:

5 809.40 (1) An appeal to the court of appeals from a judgment or order in a
6 misdemeanor case or a ch. 48, 51 ~~or~~, 55 or 938 case, or a motion for postconviction
7 relief in a misdemeanor case must be initiated within the time periods specified in
8 s. 808.04 and is governed by the procedures specified in ss. 809.30 to 809.32.

9 **SECTION 560.** 851.72 (7) of the statutes is amended to read:

10 851.72 (7) Except in counties having a population of 500,000 or more, perform
11 the duties of clerk of the court assigned to exercise jurisdiction under ~~ch. 48 and~~
12 938 unless these duties are performed by a person appointed under s. 48.04.

13 **SECTION 561.** 859.07 (2) of the statutes is amended to read:

14 859.07 (2) If the decedent was at the time of death or at any time prior thereto
15 a patient or inmate of any state or county hospital or institution or any person
16 responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10
17 ~~or~~, 48.36 or 938.36 or if the decedent or the spouse of the decedent ever received
18 medical assistance under ss. 49.45 to 49.47, the personal representative shall send
19 notice in writing of the date set under s. 859.01 by registered or certified mail to the
20 department of health and social services or the department of corrections, as
21 applicable, and the county clerk of the applicable county not less than 30 days before
22 the date set under s. 859.01, upon such blanks and containing such information as
23 the applicable department or county clerk may provide. The applicable county is the
24 county of residence, as defined in s. 49.01 (8g).

25 **SECTION 562.** 880.15 (1) of the statutes is amended to read:

1 880.15 (1) APPOINTMENT. If, after consideration of a petition for temporary
2 guardianship, the court finds that the welfare of a minor, spendthrift or an alleged
3 incompetent requires the immediate appointment of a guardian of the person or of
4 the estate, or of both, it may appoint a temporary guardian for a period not to exceed
5 60 days unless further extended for 60 days by order of the court. The court may
6 extend the period only once. The authority of the temporary guardian shall be
7 limited to the performance of duties respecting specific property, or to the
8 performance of particular acts, as stated in the order of appointment. All provisions
9 of the statutes concerning the powers and duties of guardians shall apply to
10 temporary guardians except as limited by the order of appointment. The temporary
11 guardian shall make the reports the court directs and shall account to the court upon
12 termination of authority. The court assigned to exercise jurisdiction under ~~ch.~~ chs.
13 48 and 938 has exclusive jurisdiction over the appointment of a temporary guardian
14 of a minor for medical purposes but shall proceed in accordance with this section.

15 **SECTION 563.** 885.37 (1) (a) 2. of the statutes is amended to read:

16 885.37 (1) (a) 2. The person is a child or parent subject to ch. 48 or 938.

17 **SECTION 564m.** 895.035 (2m) of the statutes is created to read:

18 895.035 (2m) (a) If a child fails to pay restitution under s. 938.245, 938.32,
19 938.34 (5) or 938.343 (4) as ordered by a court assigned to exercise jurisdiction under
20 chs. 48 and 938 or a municipal court or as agreed to in a deferred prosecution
21 agreement or if it appears likely that the child will not pay restitution as ordered or
22 agreed to, the victim, the victim's insurer, the representative of the public interest
23 under s. 938.09 or the agency, as defined in s. 938.38 (1) (a), supervising the child may
24 petition the court assigned to exercise jurisdiction under chs. 48 and 938 to order that
25 the amount of restitution unpaid by the child be entered and docketed as a judgment

1 against the child and the parent with custody of the child. A petition under this
2 paragraph may be filed after the expiration of the deferred prosecution agreement,
3 consent decree, dispositional order or sentence under which the restitution is
4 payable, but no later than one year after the expiration of the deferred prosecution
5 agreement, consent decree, dispositional order or sentence or any extension of the
6 consent decree, dispositional order or sentence.

7 (b) If a child fails to pay a forfeiture as ordered by a court assigned to exercise
8 jurisdiction under chs. 48 and 938 or a municipal court or if it appears likely that the
9 child will not pay the forfeiture as ordered, the representative of the public interest
10 under s. 938.09, the agency, as defined in s. 938.38 (1) (a), supervising the child or
11 the law enforcement agency that issued the citation to the child may petition the
12 court assigned to exercise jurisdiction under chs. 48 and 938 to order that the amount
13 of the forfeiture unpaid by the child be entered and docketed as a judgment against
14 the child and the parent with custody of the child. A petition under this paragraph
15 may be filed after the expiration of the dispositional order or sentence under which
16 the forfeiture is payable, but no later than one year after the expiration of the
17 dispositional order or sentence or any extension of the dispositional order or
18 sentence.

19 (bm) 1. Before issuing an order under par. (a) or (b), the court assigned to
20 exercise jurisdiction under chs. 48 and 938 shall give the child and the parent notice
21 of the intent to issue the order and an opportunity to be heard regarding the order.
22 The court shall give the child and the parent an opportunity to present evidence as
23 to the amount of the restitution or forfeiture unpaid, but not as to the amount of the
24 restitution or forfeiture originally ordered. The court shall also give the child and
25 the parent an opportunity to present evidence as to the reason for the failure to pay

1 the restitution or forfeiture and the ability of the child or the parent to pay the
2 restitution or forfeiture. In considering the ability of the child or the parent to pay
3 the restitution or forfeiture, the court may consider the assets, as well as the income,
4 of the child or the parent and may consider the future ability of the child or parent
5 to pay the restitution or forfeiture within the time specified in s. 893.40.

6 2. In proceedings under this subsection, the court assigned to exercise
7 jurisdiction under chs. 48 and 938 may take judicial notice of any deferred
8 prosecution agreement, consent decree, dispositional order, sentence, extension of a
9 consent decree, dispositional order or sentence or any other finding or order in the
10 records of the child maintained by that court or the municipal court.

11 3. In proceedings under this subsection, the child and the parent may retain
12 counsel of their own choosing at their own expense, but a child or a parent has no
13 right to be represented by appointed counsel in a proceeding under this subsection.

14 (c) The court assigned to exercise jurisdiction under chs. 48 and 938 may order
15 that the child perform community service work for a public agency or nonprofit
16 charitable organization that is designated by the court in lieu of making restitution
17 or paying the forfeiture. If the parent agrees to perform community service work in
18 lieu of making restitution or paying the forfeiture, the court may order that the
19 parent perform community service work for a public agency or a nonprofit charitable
20 organization that is designated by the court. Community service work may be in lieu
21 of restitution only if also agreed to by the public agency or nonprofit charitable
22 organization and by the person to whom restitution is owed. The court may utilize
23 any available resources, including any community service work program, in ordering
24 the child or parent to perform community service work. The number of hours of
25 community service work required may not exceed the number determined by

1 dividing the amount owed on the restitution or forfeiture by the minimum wage
2 established under ch. 104 for adults in nonagriculture, nontipped employment. The
3 court shall ensure that the child or parent is provided with a written statement of
4 the terms of the community service order and that the community service order is
5 monitored.

6 **SECTION 565.** 895.035 (3) of the statutes is amended to read:

7 895.035 (3) An adjudication under s. ~~48.31~~ 938.31 that the child violated a civil
8 law or ordinance, is delinquent or is in need of protection and services under s. ~~48.13~~
9 938.13 (12), based on proof that the child committed the act, subject to its
10 admissibility under s. 904.10, shall, in an action under sub. (1), stop a child's parent
11 or parents from denying that the child committed the act that resulted in the injury,
12 damage or loss.

13 **SECTION 566.** 895.035 (4) of the statutes is amended to read:

14 895.035 (4) Except for recovery for retail theft under s. 943.51, the maximum
15 recovery from any parent or parents may not exceed ~~\$2,500~~ the amount specified in
16 s. 799.01 (1) (d) for damages resulting from any one act of a child in addition to
17 taxable costs and disbursements and reasonable attorney fees, as determined by the
18 court. If 2 or more children in the custody of the same parent or parents commit the
19 same act the total recovery may not exceed ~~\$2,500~~ the amount specified in s. 799.01
20 (1) (d), in addition to taxable costs and disbursements. The maximum recovery from
21 any parent or parents for retail theft by their minor child is established under s.
22 943.51.

23 **SECTION 567.** 895.035 (6) of the statutes is amended to read:

1 895.035 (6) Any recovery under this section shall be reduced by the amount
2 recovered as restitution for the same act under s. ~~48.245, 48.32, 48.34 (5) or 48.343~~
3 ~~(4) 938.245, 938.32, 938.34 (5) or 938.343 (4)~~.

4 **SECTION 568.** 901.05 (2) (intro.) of the statutes is amended to read:

5 901.05 (2) (intro.) Except as provided in sub. (3), the results of a test or tests
6 for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to
7 HIV and the fact that a person has been ordered or required to submit to such a test
8 or tests under s. ~~48.296~~ 938.296 (4) or 968.38 (4) are not admissible during the course
9 of a civil or criminal action or proceeding or an administrative proceeding, as
10 evidence of a person's character or a trait of his or her character for the purpose of
11 proving that he or she acted in conformity with that character on a particular
12 occasion unless the evidence is admissible under s. 904.04 (1) or 904.05 (2) and unless
13 the following procedures are used:

14 **SECTION 569.** 901.05 (3) of the statutes is amended to read:

15 901.05 (3) The results of a test or tests under s. ~~48.296~~ 938.296 (4) or 968.38
16 (4) and the fact that a person has been ordered to submit to such a test or tests under
17 s. ~~48.296~~ 938.296 (4) or 968.38 (4) are not admissible during the course of a civil or
18 criminal action or proceeding or an administrative proceeding.

19 **SECTION 570.** 904.13 (2) of the statutes is amended to read:

20 904.13 (2) In any action or proceeding under ch. 48 938 or chs. 967 to 979,
21 evidence of the address of an alleged crime victim or any family member of an alleged
22 crime victim or evidence of the name and address of any place of employment of an
23 alleged crime victim or any family member of an alleged crime victim is relevant only
24 if it meets the criteria under s. 904.01. District attorneys shall make appropriate

1 objections if they believe that evidence of this information, which is being elicited by
2 any party, is not relevant in the action or proceeding.

3 **SECTION 571.** 905.04 (4) (i) of the statutes is amended to read:

4 905.04 (4) (i) *Providing services to court in juvenile matters.* There is no
5 privilege regarding information obtained by an intake worker or dispositional staff
6 in the provision of services under s. 48.067 ~~or~~, 48.069, 938.067 or 938.069. An intake
7 worker or dispositional staff member may disclose information obtained while
8 providing services under s. 48.067 or 48.069 only as provided in s. 48.78 and may
9 disclose information obtained while providing services under s. 938.067 or 938.069
10 only as provided in s. 938.78.

11 **SECTION 572.** 906.08 (2) of the statutes is amended to read:

12 906.08 (2) SPECIFIC INSTANCES OF CONDUCT. Specific instances of the conduct of
13 a witness, for the purpose of attacking or supporting the witness's credibility, other
14 than a conviction of crimes a crime or an adjudication of delinquency as provided in
15 s. 906.09, may not be proved by extrinsic evidence. They may, however, subject to s.
16 972.11 (2), if probative of truthfulness or untruthfulness and not remote in time, be
17 inquired into on cross-examination of the witness or on cross-examination of a
18 witness who testifies to his or her character for truthfulness or untruthfulness.

19 **SECTION 573.** 906.09 (title) of the statutes is amended to read:

20 **906.09** (title) **Impeachment by evidence of conviction of crime or**
21 **adjudication of delinquency.**

22 **SECTION 574.** 906.09 (1) of the statutes is amended to read:

23 906.09 (1) GENERAL RULE. For the purpose of attacking the credibility of a
24 witness, evidence that the witness has been convicted of a crime or adjudicated

1 delinquent is admissible. The party cross-examining the witness is not concluded
2 by the witness's answer.

3 **SECTION 575.** 906.09 (2) of the statutes is amended to read:

4 906.09 (2) EXCLUSION. Evidence of a conviction of a crime or an adjudication of
5 delinquency may be excluded if its probative value is substantially outweighed by
6 the danger of unfair prejudice.

7 **SECTION 576.** 906.09 (3) of the statutes is amended to read:

8 906.09 (3) (title) ADMISSIBILITY OF CONVICTION OR ADJUDICATION. No question
9 inquiring with respect to a conviction of a crime or an adjudication of delinquency,
10 nor introduction of evidence with respect thereto, shall be permitted until the judge
11 determines pursuant to s. 901.04 whether the evidence should be excluded.

12 **SECTION 577.** 906.09 (4) of the statutes is repealed.

13 **SECTION 578.** 906.09 (5) of the statutes is amended to read:

14 906.09 (5) PENDENCY OF APPEAL. The pendency of an appeal therefrom does not
15 render evidence of a conviction or a delinquency adjudication inadmissible.
16 Evidence of the pendency of an appeal is admissible.

17 **SECTION 579.** 908.08 (1) of the statutes is amended to read:

18 908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under
19 s. 48.31 or 938.31 or revocation hearing under s. 304.06 (3) or 973.10 (2), the court
20 or hearing examiner may admit into evidence the videotaped oral statement of a
21 child who is available to testify, as provided in this section.

22 **SECTION 580.** Chapter 938 of the statutes is created to read:

23 **CHAPTER 938**

24 **JUVENILE JUSTICE CODE**

1 SUBCHAPTER I

2 GENERAL PROVISIONS

3 **938.01 Title, legislative intent and purposes.** (1) This chapter may be
4 cited as "The Juvenile Justice Code", and shall be liberally construed in accordance
5 with the objectives expressed in this section.

6 (2) It is the intent of the legislature to promote a juvenile justice system capable
7 of dealing with the problem of juvenile delinquency, a system which will protect the
8 community, impose accountability for violations of law and equip juvenile offenders
9 with competencies to live responsibly and productively. To effectuate this intent, the
10 legislature declares the following to be equally important purposes of this chapter:

11 (a) To protect citizens from juvenile crime.

12 (b) To hold each juvenile offender directly accountable for his or her acts.

13 (c) To provide an individualized assessment of each alleged and adjudicated
14 delinquent juvenile, in order to prevent further delinquent behavior through the
15 development of competency in the juvenile offender, so that he or she is more capable
16 of living productively and responsibly in the community.

17 (d) To provide due process through which each juvenile offender and all other
18 interested parties are assured fair hearings, during which constitutional and other
19 legal rights are recognized and enforced.

20 (e) To divert juveniles from the juvenile justice system through early
21 intervention as warranted, when consistent with the protection of the public.

22 (f) To respond to a juvenile offender's needs for care and treatment, consistent
23 with the prevention of delinquency, each juvenile's best interest and protection of the
24 public, by allowing the judge to utilize the most effective dispositional option.

1 (g) To ensure that victims and witnesses of acts committed by juveniles that
2 result in proceedings under this chapter are, consistent with the provisions of this
3 chapter and the Wisconsin constitution, afforded the same rights as victims and
4 witnesses of crimes committed by adults, and are treated with dignity, respect,
5 courtesy and sensitivity throughout such proceedings.

6 **938.02 Definitions.** In this chapter:

7 (1) "Adult" means a person who is 18 years of age or older, except that for
8 purposes of prosecuting a person who is alleged to have violated any state or federal
9 criminal law or any civil law or municipal ordinance, "adult" means a person who has
10 attained 17 years of age.

11 (1m) "Alcoholism" has the meaning given in s. 51.01 (1m).

12 (1p) "Alcohol or other drug abuse impairment" means a condition of a person
13 which is exhibited by characteristics of habitual lack of self-control in the use of
14 alcohol beverages or controlled substances to the extent that the person's health is
15 substantially affected or endangered or the person's social or economic functioning
16 is substantially disrupted.

17 (1s) "Approved treatment facility" has the meaning given in s. 51.01 (2).

18 (2c) "Child caring institution" means a facility operated by a child welfare
19 agency licensed under s. 48.60 for the care and maintenance of persons residing in
20 that facility.

21 (2d) "Controlled substance" has the meaning given in s. 161.01 (4).

22 (2g) "County department" means a county department under s. 46.215, 46.22
23 or 46.23, unless the context requires otherwise.

1 **(2m)** “Court”, when used without further qualification, means the court
2 assigned to exercise jurisdiction under this chapter and ch. 48 or, when used with
3 reference to a juvenile who is subject to s. 938.183 (2), a court of criminal jurisdiction.

4 **(3)** “Court intake worker” means any person designated to provide intake
5 services under s. 938.067.

6 **(3m)** “Delinquent” means a juvenile who is 10 years of age or older who has
7 violated any state or federal criminal law, except as provided in ss. 938.17, 938.18
8 and 938.183, or who has committed a contempt of court, as defined in s. 785.01 (1),
9 as specified in s. 938.355 (6g).

10 **(4)** “Department” means the department of health and social services.

11 **(5)** “Developmentally disabled” means having a developmental disability, as
12 defined in s. 51.01 (5).

13 **(5g)** “Drug dependent” has the meaning given in s. 51.01 (8).

14 **(6)** “Foster home” means any facility that is operated by a person required to
15 be licensed by s. 48.62 (1) (a) and that provides care and maintenance for no more
16 than 4 children unless all of the children are siblings.

17 **(7)** “Group home” means any facility operated by a person required to be
18 licensed by the department under s. 48.625 for the care and maintenance of 5 to 8
19 children.

20 **(8)** “Guardian” means the person named by the court having the duty and
21 authority of guardianship.

22 **(9m)** “Habitual truant” has the meaning given in s. 118.16 (1) (a).

23 **(9s)** “Integrated service plan” has the meaning given in s. 46.56 (1) (g).

24 **(10)** “Judge”, if used without further qualification, means the judge of the court
25 assigned to exercise jurisdiction under this chapter and ch. 48 or, if used with

1 reference to a juvenile who is subject to s. 938.183 (2), the judge of the court of
2 criminal jurisdiction.

3 **(10m)** “Juvenile” means a person who is less than 18 years of age, except that
4 for purposes of prosecuting a person who is alleged to have violated a state or federal
5 criminal law or any civil law or municipal ordinance, “juvenile” does not include a
6 person who has attained 17 years of age.

7 **(11)** “Legal custodian” means a person, other than a parent or guardian, or an
8 agency to whom legal custody of the juvenile has been transferred by a court, but does
9 not include a person who has only physical custody of the juvenile.

10 **(12)** “Legal custody” means a legal status created by the order of a court, which
11 confers the right and duty to protect, train and discipline the juvenile, and to provide
12 food, shelter, legal services, education and ordinary medical and dental care, subject
13 to the rights, duties and responsibilities of the guardian of the juvenile and subject
14 to any residual parental rights and responsibilities and the provisions of any court
15 order.

16 **(13)** “Parent” means either a biological parent, a husband who has consented
17 to the artificial insemination of his wife under s. 891.40, or a parent by adoption. If
18 the juvenile is a nonmarital child who is not adopted or whose parents do not
19 subsequently intermarry under s. 767.60, “parent” includes a person adjudged in a
20 judicial proceeding to be the biological father. “Parent” does not include any person
21 whose parental rights have been terminated.

22 **(14)** “Physical custody” means actual custody of the person in the absence of
23 a court order granting legal custody to the physical custodian.

1 **(14m)** “Pupil assistance program” means a program provided by a school board
2 under s. 115.362 (4) (b) 2. to intervene in the abuse of alcohol and other drugs by
3 pupils.

4 **(15)** “Relative” means a parent, grandparent, stepparent, brother, sister, first
5 cousin, nephew, niece, uncle or aunt. This relationship may be by consanguinity or
6 direct affinity.

7 **(15g)** “Secured child caring institution” means a child caring institution
8 operated by a child welfare agency that is licensed under s. 48.66 (1) to hold in secure
9 custody persons adjudged delinquent.

10 **(15m)** “Secured correctional facility” means a correctional institution operated
11 or contracted for by the department of health and social services or the department
12 of corrections for holding in secure custody persons adjudged delinquent. “Secured
13 correctional facility” includes the facility at which the juvenile boot camp program
14 under s. 938.532 is operated, a facility authorized under s. 938.533 (3) (b) and a
15 facility authorized under s. 938.538 (4) (b).

16 **(16)** “Secure detention facility” means a locked facility approved by the
17 department of corrections under s. 301.36 for the secure, temporary holding in
18 custody of children.

19 **(17)** “Shelter care facility” means a nonsecure place of temporary care and
20 physical custody for children, including a holdover room, licensed by the department
21 under s. 48.66 (1).

22 **(17m)** “Special treatment or care” means professional services which need to
23 be provided to a juvenile or his or her family to protect the well-being of the juvenile,
24 prevent placement of the juvenile outside the home or meet the special needs of the
25 juvenile. This term includes medical, psychological or psychiatric treatment, alcohol

1 or other drug abuse treatment or other services which the court finds to be necessary
2 and appropriate.

3 **(17q)** “Treatment foster home” means any facility that is operated by a person
4 required to be licensed under s. 48.62 (1) (b), that is operated under the supervision
5 of the department, a county department or a licensed child welfare agency, and that
6 provides to no more than 4 children care, maintenance and structured, professional
7 treatment by trained individuals, including the treatment foster parents.

8 **(18)** “Trial” means a fact-finding hearing to determine jurisdiction.

9 **(18m)** “Truancy” has the meaning given in s. 118.16 (1) (c).

10 **(19)** “Type 1 secured correctional facility” means a secured correctional facility,
11 but excludes any correctional institution that meets the criteria under sub. (15m)
12 solely because of its status under s. 938.533 (3) (b) or 938.538 (4) (b).

13 **(20)** “Type 2 secured correctional facility” means a secured correctional facility
14 that meets the criteria under sub. (15m) solely because of its status under s. 938.533
15 (3) (b) or 938.538 (4) (b).

16 **(21)** “Victim-witness coordinator” means a person employed or contracted by
17 the county board of supervisors under s. 950.06 to enforce the rights of victims and
18 witnesses of crimes and to provide services for those victims and witnesses or a
19 person employed or contracted by the department of justice to provide the services
20 specified in s. 950.08.

21 SUBCHAPTER II

22 ORGANIZATION OF COURT

23 **938.03 Time and place of court; absence or disability of judge; court of**
24 **record.** (1) The judge shall set apart a time and place to hold court on juvenile
25 matters.

1 (2) In the case of the absence or disability of the judge of a court assigned to
2 exercise jurisdiction under this chapter and ch. 48, another judge shall be assigned
3 under s. 751.03 to act temporarily in the judge's place. If the judge assigned
4 temporarily is from a circuit other than the one for which elected, the judge shall
5 receive expenses as provided under s. 753.073.

6 **938.06 Services for court.** (1) COUNTIES WITH A POPULATION OF 500,000 OR
7 MORE. (a) 1. In counties with a population of 500,000 or more, the county board of
8 supervisors shall provide the court with the services necessary for investigating and
9 supervising cases by operating a children's court center under the supervision of a
10 director who is appointed as provided in s. 46.21 (1m) (a). The director is the chief
11 administrative officer of the center and of the intake and probation sections and
12 secure detention facilities of the center except as otherwise provided in this
13 subsection. The director is charged with administration of the personnel and
14 services of the sections and of the secure detention facilities, and is responsible for
15 supervising both the operation of the physical plant and the maintenance and
16 improvement of the buildings and grounds of the center. The center shall include
17 investigative services for all juveniles alleged to be in need of protection or services
18 to be provided by the county department, and the services of an assistant district
19 attorney or assistant corporation counsel or both, who shall be assigned to the center
20 to provide investigative as well as legal work in the cases.

21 2. The chief judge of the judicial administrative district shall formulate written
22 judicial policy governing intake and court services for juvenile matters and the
23 director shall be charged with executing the judicial policy. The chief judge shall
24 direct and supervise the work of all personnel of the court, except the work of the

1 district attorney or corporation counsel assigned to the court. The chief judge may
2 delegate his or her supervisory functions under s. 938.065 (1).

3 3. The county board of supervisors shall develop policies and establish
4 necessary rules for the management and administration of the nonjudicial
5 operations of the children's court center. The director of the center shall report and
6 is responsible to the director of the county department for the execution of all
7 nonjudicial operational policies and rules governing the center, including activities
8 of probation officers whenever they are not performing services for the court. The
9 director of the center is also responsible for the preparation and submission to the
10 county board of supervisors of the annual budget for the center except for the judicial
11 functions or responsibilities which are delegated by law to the judge or judges and
12 clerk of circuit court. The county board of supervisors shall make provision in the
13 organization of the office of director for the devolution of the director's authority in
14 the case of temporary absence, illness, disability to act or a vacancy in position and
15 shall establish the general qualifications for the position. The county board of
16 supervisors also has the authority to investigate, arbitrate and resolve any conflict
17 in the administration of the center as between judicial and nonjudicial operational
18 policy and rules. The county board of supervisors does not have authority and may
19 not assert jurisdiction over the disposition of any case or juvenile after a written
20 order is made under s. 938.21 or if a petition is filed under s. 938.25. All personnel
21 of the intake and probation sections and of the secure detention facilities shall be
22 appointed under civil service by the director except that existing court service
23 personnel having permanent civil service status may be reassigned to any of the
24 respective sections within the center specified in this paragraph.

1 (am) 1. All intake workers beginning employment after May 15, 1980, shall
2 have the qualifications required to perform entry level social work in a county
3 department and shall have successfully completed 30 hours of intake training
4 approved or provided by the department prior to the completion of the first 6 months
5 of employment in the position. The department shall monitor compliance with this
6 subdivision according to rules promulgated by the department.

7 2. The department shall make training programs available annually that
8 permit intake workers to satisfy the requirements specified under subd. 1.

9 (b) Notwithstanding par. (a), the county board of supervisors may institute
10 changes in the administration of services to the children's court center in order to
11 qualify for the maximum amount of federal and state aid as provided in sub. (4) and
12 s. 49.52.

13 **(2) COUNTIES WITH A POPULATION UNDER 500,000.** (a) In counties having less than
14 500,000 population, the county board of supervisors shall authorize the county
15 department or court or both to provide intake services required by s. 938.067 and the
16 staff needed to carry out the objectives and provisions of this chapter under s.
17 938.069. Intake services shall be provided by employes of the court or county
18 department and may not be subcontracted to other individuals or agencies, except
19 as provided in par. (am). Intake workers shall be governed in their intake work,
20 including their responsibilities for recommending the filing of a petition and entering
21 into a deferred prosecution agreement, by general written policies which shall be
22 formulated by the circuit judges for the county, subject to the approval of the chief
23 judge of the judicial administrative district.

1 (am) 1. Notwithstanding par. (a), any county which had intake services
2 subcontracted from the county sheriff's department on April 1, 1980, may continue
3 to subcontract intake services from the county sheriff's department.

4 2. Notwithstanding par. (a), any county in which the county sheriff's
5 department operates a secure detention facility may subcontract intake services
6 from the county sheriff's department as provided in this subdivision. If a county
7 subcontracts intake services from the county sheriff's department, employes of the
8 county sheriff's department who staff the secure detention facility may make secure
9 custody determinations under s. 938.208 between the hours of 6 p.m. and 6 a.m. and
10 any determination under s. 938.208 made by an employe of the county sheriff's
11 department shall be reviewed by an intake worker employed by the court or county
12 department within 24 hours after that determination is made.

13 (b) 1. All intake workers beginning employment after May 15, 1980, excluding
14 county sheriff's department employes who provide intake services under par. (am)
15 2., shall have the qualifications required to perform entry level social work in a
16 county department. All intake workers beginning employment after May 15, 1980,
17 including county sheriff's department employes who provide intake services under
18 par. (am) 2., shall have successfully completed 30 hours of intake training approved
19 or provided by the department prior to the completion of the first 6 months of
20 employment in the position. The department shall monitor compliance with this
21 subdivision according to rules promulgated by the department.

22 2. The department shall make training programs available annually that
23 permit intake workers to satisfy the requirements specified under subd. 1.

24 **(3) INTAKE SERVICES.** The court or county department responsible for providing
25 intake services under s. 938.067 shall specify one or more persons to provide intake

1 services. If there is more than one such worker, one of the workers shall be
2 designated as chief worker and shall supervise other workers.

3 (4) STATE AID. State aid to any county for juvenile delinquency-related court
4 services under this section shall be at the same net effective rate that each county
5 is reimbursed for county administration under s. 49.52, except as provided in s.
6 46.26. Counties having a population of less than 500,000 may use funds received
7 under ss. 46.26 and 49.52 (1) (d), including county or federal revenue sharing funds
8 allocated to match funds received under s. 49.52 (1) (d), for the cost of providing court
9 attached intake services in amounts not to exceed 50% of the cost of providing court
10 attached intake services or \$30,000 per county per calendar year, whichever is less.

11 (5) SHORT-TERM DETENTION AS A DISPOSITION. The county board of supervisors
12 of any county may, by resolution, authorize the court to use placement in a secure
13 detention facility or juvenile portion of the county jail as a disposition under s. 938.34
14 (3) (f) or to use commitment to a county department under s. 51.42 or 51.437 for
15 special treatment or care in an inpatient facility, as defined in s. 51.01 (10), as a
16 disposition under s. 938.34 (6) (am). The use by the court of those dispositions is
17 subject to any resolution adopted under this subsection.

18 **938.065 Juvenile court commissioners.** (1) The board of supervisors of any
19 county may authorize the chief judge of the judicial administrative district to appoint
20 one or more part-time or full-time juvenile court commissioners who shall serve at
21 the discretion of the chief judge. A juvenile court commissioner shall be licensed to
22 practice law in this state and shall have been so licensed for at least 2 years
23 immediately prior to appointment and shall have a demonstrated interest in the
24 welfare of juveniles. The chief judge may assign law clerks, bailiffs and deputies to
25 the court commissioner. The chief judge shall supervise juvenile court

1 commissioners, law clerks, bailiffs and deputies, except that the chief judge may
2 delegate any of those duties.

3 **(2)** Under this chapter a juvenile court commissioner appointed under s.
4 48.065, if authorized to do so by a judge, may do any of the following:

5 (a) Issue summonses.

6 (b) Conduct hearings under s. 938.21 and thereafter order a juvenile held in or
7 released from custody.

8 (d) Conduct plea hearings.

9 (dm) Issue orders requiring compliance with deferred prosecution agreements.

10 (e) Enter into consent decrees.

11 (f) Conduct prehearing conferences.

12 (g) Conduct all proceedings on petitions or citations under s. 938.125.

13 (gm) Conduct uncontested proceedings under s. 938.12, 938.13 or 938.18.

14 (h) Perform such other duties, not in conflict with this chapter, as the judge may
15 direct.

16 **(3)** The juvenile court commissioner may not do any of the following:

17 (a) Conduct waiver hearings under s. 938.18 except as provided in sub. (2) (g).

18 (b) Conduct fact-finding or dispositional hearings except petitions or citations
19 under s. 938.125 and except as provided in sub. (2) (gm).

20 (c) Make dispositions other than ordering compliance with deferred
21 prosecution agreements and approving consent decrees and other than dispositions
22 in uncontested proceedings under s. 938.12 or 938.13.

23 (e) Make changes in placements of juveniles, or revisions or extensions of
24 dispositional orders, except pursuant to petitions or citations under s. 938.125 and
25 except in uncontested proceedings under s. 938.12 or 938.13.

1 (f) Make any dispositional order under s. 938.34 (4h) or (4m).

2 (4) When acting officially, the juvenile court commissioner shall sit at the
3 courthouse or the usual court facility for juvenile delinquency matters. Any decision
4 of the juvenile court commissioner shall be reviewed by the judge upon the request
5 of any interested party.

6 **938.067 Powers and duties of intake workers.** To carry out the objectives
7 and provisions of this chapter but subject to its limitations, intake workers shall do
8 all of the following:

9 (1) Provide intake services 24 hours a day, 7 days a week, for the purpose of
10 screening juveniles taken into custody and not released under s. 938.20 (2).

11 (2) Interview, unless impossible, any juvenile who is taken into physical
12 custody and not released, and where appropriate interview other available
13 concerned parties. If the juvenile cannot be interviewed, the intake worker shall
14 consult with the juvenile's parent or a responsible adult. No juvenile may be placed
15 in a secure detention facility unless the juvenile has been interviewed in person by
16 an intake worker, except that if the intake worker is in a place which is distant from
17 the place where the juvenile is or the hour is unreasonable, as defined by written
18 court intake rules, and if the juvenile meets the criteria under s. 938.208, the intake
19 worker, after consulting by telephone with the law enforcement officer who took the
20 juvenile into custody, may authorize the secure holding of the juvenile while the
21 intake worker is en route to the in-person interview or until 8 a.m. of the morning
22 after the night on which the juvenile was taken into custody.

23 (3) Determine whether the juvenile shall be held under s. 938.205 and such
24 policies as the judge shall promulgate under s. 938.06 (1) or (2).

25 (4) If the juvenile is not released, determine where the juvenile shall be held.

1 **(5)** Provide crisis counseling during the intake process when such counseling
2 appears to be necessary.

3 **(6)** Receive referral information, conduct intake inquiries, make
4 recommendations as to whether a petition should be filed, and enter into deferred
5 prosecution agreements under policies promulgated under s. 938.06 (1) or (2).

6 **(6m)** Conduct the multidisciplinary screen in counties that have a pilot
7 program under s. 938.547.

8 **(7)** Make referrals of cases to other agencies if their assistance appears to be
9 needed or desirable.

10 **(8)** Make interim recommendations to the court concerning juveniles awaiting
11 final disposition under s. 938.355.

12 **(9)** Perform any other functions ordered by the court, and assist the court or
13 chief judge of the judicial administrative district in developing written policies or
14 carrying out its other duties when the court or chief judge so requests.

15 **938.069 Powers and duties of disposition staff.** **(1)** The staff of the
16 department, the court, a county department or a licensed child welfare agency
17 designated by the court to carry out the objectives and provisions of this chapter
18 shall:

19 (a) Supervise and assist a juvenile under a deferred prosecution agreement, a
20 consent decree or an order of the court.

21 (b) Offer individual and family counseling.

22 (c) Make an affirmative effort to obtain necessary or desired services for the
23 juvenile and the juvenile's family and investigate and develop resources toward that
24 end.

1 (d) Prepare reports for the court recommending a plan of rehabilitation,
2 treatment and care.

3 (dj) Provide aftercare services for a juvenile who has been released from a
4 secured correctional facility or a secured child caring institution.

5 (e) Perform any other functions consistent with this chapter which are ordered
6 by the court.

7 (2) Licensed child welfare agencies and the department shall provide services
8 under this section only upon the approval of the agency from whom services are
9 requested.

10 (3) A court or county department responsible for disposition staff may agree
11 with the court or county department responsible for providing intake services that
12 the disposition staff may be designated to provide some or all of the intake services.

13 (4) Disposition staff employed to perform the duties specified in sub. (1) after
14 November 18, 1978, shall have the qualifications required under the county merit
15 system.

16 **938.07 Additional sources of court services.** If the county board of
17 supervisors has complied with s. 938.06, the court may obtain supplementary
18 services for investigating cases and providing supervision of cases from one or more
19 of the following sources:

20 (1) DEPARTMENT OF HEALTH AND SOCIAL SERVICES. The court may request the
21 services of the department for cases with special needs that cannot adequately be
22 provided by the county department. The department may furnish the requested
23 services, subject to s. 46.03 (18). The department shall provide, from the
24 appropriation under s. 20.435 (6) (km), the services only to the extent that the county

1 provides funds to the department equal to the net cost the department will incur as
2 a result of providing the services requested and only if s. 46.26 does not apply.

3 (2) LICENSED CHILD WELFARE AGENCY. The court may request the services of a
4 child welfare agency licensed under s. 48.60 in accordance with procedures
5 established by that agency. The child welfare agency shall receive no compensation
6 for these services but may be reimbursed out of funds made available to the court for
7 the actual and necessary expenses incurred in the performance of duties for the
8 court.

9 (3) COUNTY DEPARTMENT IN POPULOUS COUNTIES. In counties having a population
10 of 500,000 or more, the director of the county department may be ordered by the court
11 to provide services for furnishing emergency shelter care to any juvenile whose need
12 therefor, either by reason of need of protection and services or delinquency, is
13 determined by the intake worker under s. 938.205. The court may authorize the
14 director to appoint members of the county department to furnish emergency shelter
15 care services for the juvenile. The emergency shelter care may be provided as
16 specified in s. 938.207.

17 (4) COUNTY DEPARTMENTS THAT PROVIDE DEVELOPMENTAL DISABILITIES, MENTAL
18 HEALTH OR ALCOHOL AND OTHER DRUG ABUSE SERVICES. Within the limits of available
19 state and federal funds and of county funds appropriated to match state funds, the
20 court may order county departments established under s. 51.42 or 51.437 to provide
21 special treatment or care to a juvenile if special treatment or care has been ordered
22 under s. 938.34 (6) and if s. 938.362 (4) applies.

23 **938.08 Duties of person furnishing services to court.** (1) It is the duty
24 of each person appointed to furnish services to the court as provided in ss. 938.06 and
25 938.07 to make such investigations and exercise such discretionary powers as the

1 judge may direct, to keep a written record of such investigations and to submit a
2 report to the judge. The person shall keep informed concerning the conduct and
3 condition of the juvenile under the person's supervision and shall report thereon as
4 the judge directs.

5 (2) Except as provided in sub. (3), any person authorized to provide or providing
6 intake or dispositional services for the court under ss. 938.067 and 938.069 and any
7 department of corrections staff member designated by the department of corrections
8 has the power of police officers and deputy sheriffs only for the purpose of taking a
9 juvenile into physical custody when the juvenile comes voluntarily or is suffering
10 from illness or injury or is in immediate danger from his or her surroundings and
11 removal from the surroundings is necessary.

12 (3) (a) In addition to the law enforcement authority specified in sub. (2),
13 department of health and social services personnel designated by that department,
14 personnel of a secured child caring institution designated by agreement between
15 that secured child caring institution and the department of health and social
16 services, and department of corrections personnel designated by the department of
17 corrections have the power of law enforcement authorities to take a juvenile into
18 physical custody under the following conditions:

19 1. If they are in prompt pursuit of a juvenile who has run away from a secured
20 correctional facility or secured child caring institution.

21 2. If the juvenile has failed to return to a secured correctional facility or secured
22 child caring institution after any authorized absence.

23 (b) A juvenile taken into custody under par. (a) may be returned directly to the
24 secured correctional facility or secured child caring institution and shall have a

1 hearing regarding placement in a disciplinary cottage or in disciplinary status in
2 accordance with ch. 227.

3 **938.09 Representation of the interests of the public.** The interests of the
4 public shall be represented in proceedings under this chapter as follows:

5 (1) By the district attorney, in any matter arising under s. 938.12.

6 (2) By the district attorney or, if designated by the county board of supervisors,
7 by the corporation counsel, in any matter concerning a civil law violation arising
8 under s. 938.125. If the county board transfers this authority to or from the district
9 attorney on or after May 11, 1990, the board may do so only if the action is effective
10 on September 1 of an odd-numbered year and the board notifies the department of
11 administration of that change by January 1 of that odd-numbered year.

12 (3) By the city, village or town attorney, in any matter concerning a city, village
13 or town ordinance violation, respectively, arising under s. 938.125.

14 (4) By any appropriate person designated by the county board of supervisors
15 in any matter concerning a noncity ordinance violation arising under s. 938.125.

16 (5) By the district attorney or, if designated by the county board of supervisors,
17 by the corporation counsel, in any matter arising under s. 938.13. If the county board
18 transfers this authority to or from the district attorney on or after May 11, 1990, the
19 board may do so only if the action is effective on September 1 of an odd-numbered
20 year and the board notifies the department of administration of that change by
21 January 1 of that odd-numbered year.

22 (6) By any appropriate person designated by the county board of supervisors
23 in any matter arising under s. 938.14.

24 **938.10 Power of the judge to act as intake worker.** The duties of the intake
25 worker may be carried out from time to time by the judge at his or her discretion, but

1 if a recommendation to file a petition is made, a citation is issued or a deferred
2 prosecution agreement is entered into, the judge shall be disqualified from
3 participating further in the proceedings.

4 SUBCHAPTER III

5 JURISDICTION

6 **938.12 Jurisdiction over juveniles alleged to be delinquent.** (1) The
7 court has exclusive jurisdiction, except as provided in ss. 938.17, 938.18 and 938.183,
8 over any juvenile 10 years of age or over who is alleged to be delinquent.

9 (2) If a court proceeding has been commenced under this section before a
10 juvenile is 17 years of age, but the juvenile becomes 17 years of age before admitting
11 the facts of the petition at the plea hearing or if the juvenile denies the facts, before
12 an adjudication, the court retains jurisdiction over the case.

13 **938.125 Jurisdiction over juveniles alleged to have violated civil laws
14 or ordinances.** The court has exclusive jurisdiction over any juvenile alleged to
15 have violated a law punishable by forfeiture or a county, town or other municipal
16 ordinance, except as follows:

17 (1) As provided under s. 938.17.

18 (2) That the court has exclusive jurisdiction over any juvenile alleged to have
19 violated an ordinance enacted under s. 118.163 (2) only after evidence is provided by
20 the school attendance officer that the activities under s. 118.16 (5) have been
21 completed or were not completed due to the child's absence from school as provided
22 in s. 118.16 (5m).

23 **938.13 Jurisdiction over juveniles alleged to be in need of protection
24 or services.** The court has exclusive original jurisdiction over a juvenile alleged to
25 be in need of protection or services which can be ordered by the court, and:

1 (4) Whose parent or guardian signs the petition requesting jurisdiction and
2 states that he or she is unable to control the juvenile.

3 (6) Who is habitually truant from school, after evidence is provided by the
4 school attendance officer that the activities under s. 118.16 (5) have been completed
5 or were not completed due to the child's absence from school as provided in s. 118.16
6 (5m), except as provided under s. 938.17 (2).

7 (6m) Who is a school dropout, as defined in s. 118.153 (1) (b).

8 (7) Who is habitually truant from home and either the juvenile or a parent,
9 guardian or a relative in whose home the juvenile resides signs the petition
10 requesting jurisdiction and attests in court that reconciliation efforts have been
11 attempted and have failed.

12 (12) Who, being under 10 years of age, has committed a delinquent act as
13 defined in s. 938.12.

14 (14) Who has been determined, under s. 938.30 (5) (c), to be not responsible for
15 a delinquent act by reason of mental disease or defect or who has been determined,
16 under s. 938.30 (5) (d), to be not competent to proceed.

17 **938.135 Referral of juveniles to proceedings under ch. 51 or 55.** (1) If
18 a juvenile alleged to be delinquent or in need of protection or services is before the
19 court and it appears that the juvenile is developmentally disabled, mentally ill or
20 drug dependent or suffers from alcoholism, the court may proceed under ch. 51 or 55.

21 (2) Any voluntary or involuntary admissions, placements or commitments of
22 a juvenile made in or to an inpatient facility, as defined in s. 51.01 (10), other than
23 a commitment under s. 938.34 (6) (am) shall be governed by ch. 51 or 55.

1 **938.14 Jurisdiction over interstate compact proceedings.** The court has
2 exclusive jurisdiction over proceedings under the interstate compact for juveniles
3 under s. 938.991.

4 **938.15 Jurisdiction of other courts to determine legal custody.** Nothing
5 contained in s. 938.12, 938.13 or 938.14 deprives other courts of the right to
6 determine the legal custody of juveniles by habeas corpus or to determine the legal
7 custody or guardianship of juveniles if the legal custody or guardianship is incidental
8 to the determination of causes pending in the other courts. But the jurisdiction of
9 the court assigned to exercise jurisdiction under this chapter and ch. 48 is paramount
10 in all cases involving juveniles alleged to come within the provisions of s. 938.12 or
11 938.13.

12 **938.17 Jurisdiction over traffic, boating, snowmobile and all-terrain**
13 **vehicle violations and over civil law and ordinance violations. (1) TRAFFIC,**
14 **BOATING, SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.** Except for ss. 342.06 (2)
15 and 344.48 (1), and ss. 30.67 (1) and 346.67 when death or injury occurs, courts of
16 criminal and civil jurisdiction shall have exclusive jurisdiction in proceedings
17 against juveniles 16 or older for violations of s. 23.33, of ss. 30.50 to 30.80, of chs. 341
18 to 351, and of traffic regulations as defined in s. 345.20 and nonmoving traffic
19 violations as defined in s. 345.28 (1). A juvenile charged with a traffic, boating,
20 snowmobile or all-terrain vehicle offense in a court of criminal or civil jurisdiction
21 shall be treated as an adult before the trial of the proceeding except that the juvenile
22 may be held in secure custody only in a secure detention facility. A juvenile convicted
23 of a traffic, boating, snowmobile or all-terrain vehicle offense in a court of criminal
24 or civil jurisdiction shall be treated as an adult for sentencing purposes except as
25 follows:

1 (a) The court may disregard any minimum period of incarceration specified for
2 the offense.

3 (b) If the court orders the juvenile to serve a period of incarceration of less than
4 6 months, the juvenile may serve that period of incarceration only in a secure
5 detention facility.

6 (c) If the court of civil or criminal jurisdiction orders the juvenile to serve a
7 period of incarceration of 6 months or more, that court shall petition the court
8 assigned to exercise jurisdiction under this chapter and ch. 48 to order one or more
9 of the dispositions provided in s. 938.34, including placement of the juvenile in a
10 secured correctional facility under s. 938.34 (4m), if appropriate.

11 **(2) CIVIL LAW AND ORDINANCE VIOLATIONS.** (a) 1. Except as provided in sub. (1),
12 municipal courts have concurrent jurisdiction with the court assigned to exercise
13 jurisdiction under this chapter and ch. 48 in proceedings against juveniles aged 12
14 or older for violations of county, town or other municipal ordinances. If evidence is
15 provided by the school attendance officer that the activities under s. 118.16 (5) have
16 been completed or were not completed due to the juvenile's absence from school as
17 provided in s. 118.16 (5m), the municipal court specified in subd. 2. may exercise
18 jurisdiction in proceedings against a juvenile for a violation of an ordinance enacted
19 under s. 118.163 (2) regardless of the juvenile's age and regardless of whether the
20 court assigned to exercise jurisdiction under this chapter and ch. 48 has jurisdiction
21 under s. 938.13 (6).

22 2. a. In this subdivision, "administrative center" means the main
23 administrative offices of a school district.

24 b. The municipal court that may exercise jurisdiction under subd. 1. is the
25 municipal court that is located in the same municipality as the administrative center

1 of the school district in which the juvenile is enrolled, if that municipality has
2 adopted an ordinance under s. 118.163.

3 c. If the municipality specified under subd. 2. b. has not adopted an ordinance
4 under s. 118.163, the municipal court that may exercise jurisdiction under subd. 1.
5 is the municipal court that is located in the municipality where the school in which
6 the juvenile is enrolled is located, if that municipality has adopted an ordinance
7 under s. 118.163.

8 d. If the municipality specified under subd. 2. c. has not adopted an ordinance
9 under s. 118.163, the municipal court that may exercise jurisdiction under subd. 1.
10 is the municipal court that is located in the municipality where the juvenile resides,
11 if that municipality has adopted an ordinance under s. 118.163.

12 3. When a juvenile is alleged to have violated a municipal ordinance, the
13 juvenile may be:

14 a. Issued a citation directing the juvenile to appear in municipal court or make
15 a deposit or stipulation and deposit in lieu of appearance;

16 b. Issued a citation directing the juvenile to appear in the court assigned to
17 exercise jurisdiction under this chapter and ch. 48 or make a deposit or stipulation
18 and deposit in lieu of appearance as provided in s. 938.237; or

19 c. Referred to intake for a determination whether a petition should be filed in
20 the court assigned to exercise jurisdiction under this chapter and ch. 48 pursuant to
21 s. 938.125.

22 (b) When a juvenile 12 years of age or older is alleged to have violated a civil
23 law punishable by a forfeiture or where a juvenile is alleged to have violated a
24 municipal ordinance but there is no municipal court in the municipality, the juvenile
25 may be:

1 1. Issued a citation directing the juvenile to appear in the court assigned to
2 exercise jurisdiction under this chapter and ch. 48 or make a deposit or stipulation
3 and deposit in lieu of appearance as provided in s. 938.237; or

4 2. Referred to intake for a determination whether a petition should be filed in
5 the court assigned to exercise jurisdiction under this chapter and ch. 48 pursuant to
6 s. 938.125.

7 (c) The citation procedures described in ch. 800 shall govern proceedings
8 involving juveniles in municipal court, except that this chapter shall govern the
9 taking and holding of a juvenile in custody. When a juvenile is before the court
10 assigned to exercise jurisdiction under this chapter and ch. 48 upon a citation
11 alleging the juvenile to have violated a civil law or municipal ordinance, the
12 procedures specified in s. 938.237 shall apply. If a citation is issued to a juvenile, the
13 issuing agency shall notify the juvenile's parent or guardian within 7 days. The
14 agency issuing a citation to a juvenile who is 12 to 15 years of age for a violation of
15 s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 161.573 (2), 161.574 (2) or 161.575
16 (2) or an ordinance conforming to one of those statutes shall send a copy to an intake
17 worker under s. 938.24 for informational purposes only.

18 (cm) A city, village or town may adopt an ordinance or bylaw specifying which
19 of the dispositions under ss. 938.343 and 938.344 and sanctions under s. 938.355 (6)
20 (d) 2. to 4. the municipal court of that city, village or town is authorized to impose.
21 The use by the court of those dispositions and sanctions is subject to any ordinance
22 or bylaw adopted under this paragraph.

23 (d) If a municipal court finds that the juvenile violated a municipal ordinance
24 other than an ordinance enacted under s. 118.163 or an ordinance that conforms to
25 s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 161.573 (2), 161.574 (2) or 161.575

1 (2), the court shall enter any of the dispositional orders permitted under s. 938.343
2 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture imposed
3 by the municipal court, the court may not impose a jail sentence but may suspend
4 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or
5 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less
6 than 30 days nor more than 5 years. If a court suspends a license or privilege under
7 this section, the court shall immediately take possession of the applicable license and
8 forward it to the department that issued the license, together with the notice of
9 suspension clearly stating that the suspension is for failure to pay a forfeiture
10 imposed by the court. If the forfeiture is paid during the period of suspension, the
11 court shall immediately notify the department, which shall thereupon return the
12 license to the person.

13 (e) If a municipal court finds that a juvenile violated a municipal ordinance that
14 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 161.573 (2), 161.574 (2)
15 or 161.575 (2), the court shall enter a dispositional order under s. 938.344 that is
16 authorized under par. (cm).

17 (f) If the act the juvenile committed resulted in personal injury or damage to
18 or loss of the property of another, the municipal court shall, to the extent possible,
19 provide each known victim of the act with the information contained in the notice
20 required under s. 938.346.

21 (g) If a municipal court finds that a juvenile violated a municipal ordinance
22 enacted under s. 118.163 (2), it shall enter a dispositional order under s. 938.342 (1)
23 that is consistent with the municipal ordinance.

24 (h) 1. If a juvenile who has violated a municipal ordinance violates a condition
25 of his or her dispositional order, the municipal court may impose on the juvenile any

1 of the sanctions specified in s. 938.355 (6) (d) 2. to 4. that are authorized under par.
2 (cm) if at the time of judgment the court explained the conditions to the juvenile and
3 informed the juvenile of the possible sanctions under s. 938.355 (6) (d) 2. to 4. that
4 are authorized under par. (cm) for a violation.

5 2. A motion for imposition of a sanction may be brought by the person or agency
6 primarily responsible for the provision of dispositional services, the municipal
7 attorney or the court that entered the dispositional order. If the court initiates the
8 motion, that court is disqualified from holding a hearing on the motion. Notice of the
9 motion shall be given to the juvenile and the juvenile's parent, guardian or legal
10 custodian.

11 3. Before imposing any sanction, the court shall hold a hearing, at which the
12 juvenile may present evidence.

13 **(3) SAFETY AT SPORTING EVENTS.** Notwithstanding sub. (2), courts of criminal or
14 civil jurisdiction have exclusive jurisdiction in proceedings against juveniles under
15 s. 167.32 or under a local ordinance strictly conforming to s. 167.32. A juvenile
16 convicted of a violation under s. 167.32 or under a local ordinance strictly conforming
17 to s. 167.32 shall be treated as an adult for sentencing purposes.

18 **938.18 Jurisdiction for criminal proceedings for juveniles 14 or older;**
19 **waiver hearing. (1) (a)** Subject to s. 938.183, a juvenile or district attorney may
20 apply to the court to waive its jurisdiction under this chapter in any of the following
21 situations:

22 1. If the juvenile is alleged to have violated s. 161.41 (1), 940.06, 940.225 (1) or
23 (2), 940.305, 940.31, 943.10 (2) or 943.32 (2) on or after the juvenile's 14th birthday.

24 2. If the juvenile is alleged to have committed, on or after the juvenile's 14th
25 birthday, a violation, at the request of or for the benefit of a criminal gang, as defined

1 in s. 939.22 (9), that would constitute a felony under ch. 161 or under chs. 939 to 948
2 if committed by an adult.

3 3. If the juvenile is alleged to have violated any state criminal law on or after
4 the juvenile's 15th birthday.

5 (b) The judge may also initiate a petition for waiver in any of the situations
6 described in par. (a) if the judge disqualifies himself or herself from any future
7 proceedings on the case.

8 (2) The waiver hearing shall be brought on by filing a petition alleging
9 delinquency drafted under s. 938.255 and a petition for waiver of jurisdiction which
10 shall contain a brief statement of the facts supporting the request for waiver. The
11 petition for waiver of jurisdiction shall be filed prior to the plea hearing.

12 (2r) If it appears that the juvenile may be suitable for participation in the
13 serious juvenile offender program under s. 938.538 or the adult intensive sanctions
14 program under s. 301.048, the judge shall order the department of corrections to
15 submit a written report analyzing the juvenile's suitability for participation in those
16 programs and recommending whether the juvenile should be placed in either of those
17 programs.

18 (3) (a) The juvenile shall be represented by counsel at the waiver hearing.
19 Written notice of the time, place and purpose of the hearing shall be given to the
20 juvenile, any parent, guardian or legal custodian, and counsel at least 3 days prior
21 to the hearing. The notice shall contain a statement of the requirements of s. 938.29
22 (2) with regard to substitution of the judge. Where parents entitled to notice have
23 the same address, notice to one constitutes notice to the other. Counsel for the
24 juvenile shall have access to the social records and other reports consistent with s.
25 938.293.

1 (b) The juvenile has the right to present testimony on his or her own behalf
2 including expert testimony and has the right to cross-examine witnesses at the
3 hearing.

4 (c) The juvenile does not have the right to a jury at a hearing under this section.

5 (4) (a) The court shall determine whether the matter has prosecutive merit
6 before proceeding to determine if it should waive jurisdiction.

7 (b) If a petition for waiver of jurisdiction initiated by the district attorney or a
8 judge is contested, the court, after taking relevant testimony which the district
9 attorney shall present and considering other relevant evidence, shall base its
10 decision whether to waive jurisdiction on the criteria specified in sub. (5).

11 (c) If a petition for waiver of jurisdiction initiated by the district attorney or a
12 judge is uncontested, the court shall inquire into the capacity of the juvenile to
13 knowingly, intelligently and voluntarily decide not to contest the waiver of
14 jurisdiction. If the court is satisfied that the decision not to contest the waiver of
15 jurisdiction is knowingly, intelligently and voluntarily made, no testimony need be
16 taken and the court, after considering the petition for waiver of jurisdiction and other
17 relevant evidence in the record before the court, shall base its decision whether to
18 waive jurisdiction on the criteria specified in sub. (5).

19 (d) If the petition for waiver of jurisdiction is initiated by the juvenile, the court
20 shall inquire into the capacity of the juvenile to knowingly, intelligently and
21 voluntarily petition for waiver of jurisdiction. If the court is satisfied that the
22 decision to petition for waiver of jurisdiction is knowingly, intelligently and
23 voluntarily made and that waiver of jurisdiction would be in the best interest of the
24 juvenile, no testimony need be taken and the court shall enter an order waiving
25 jurisdiction and referring the matter to the district attorney for appropriate

1 proceedings in the court of criminal jurisdiction, and the court of criminal
2 jurisdiction thereafter has exclusive jurisdiction.

3 (5) If prosecutive merit is found on a petition for waiver of jurisdiction initiated
4 by the district attorney or a judge, the court shall base its decision whether to waive
5 jurisdiction on the following criteria:

6 (a) The personality and prior record of the juvenile, including whether the
7 juvenile is mentally ill or developmentally disabled, whether the court has
8 previously waived its jurisdiction over the juvenile, whether the juvenile has been
9 previously convicted following a waiver of the court's jurisdiction or has been
10 previously found delinquent, whether such conviction or delinquency involved the
11 infliction of serious bodily injury, the juvenile's motives and attitudes, the juvenile's
12 physical and mental maturity, the juvenile's pattern of living, prior offenses, prior
13 treatment history and apparent potential for responding to future treatment.

14 (b) The type and seriousness of the offense, including whether it was against
15 persons or property, the extent to which it was committed in a violent, aggressive,
16 premeditated or wilful manner, and its prosecutive merit.

17 (c) The adequacy and suitability of facilities, services and procedures available
18 for treatment of the juvenile and protection of the public within the juvenile justice
19 system, and, where applicable, the mental health system and the suitability of the
20 juvenile for placement in the serious juvenile offender program under s. 938.538 or
21 the adult intensive sanctions program under s. 301.048.

22 (d) The desirability of trial and disposition of the entire offense in one court if
23 the juvenile was allegedly associated in the offense with persons who will be charged
24 with a crime in circuit court.

1 **(6)** After considering the criteria under sub. (5) on a petition for waiver of
2 jurisdiction initiated by the district attorney or a judge, the court shall state its
3 finding with respect to the criteria on the record, and, if the court determines on the
4 record that it is established by clear and convincing evidence that it would be
5 contrary to the best interests of the juvenile or of the public to hear the case, the court
6 shall enter an order waiving jurisdiction and referring the matter to the district
7 attorney for appropriate proceedings in the court of criminal jurisdiction, and the
8 court of criminal jurisdiction thereafter has exclusive jurisdiction.

9 **(7)** If the juvenile absconds and does not appear at the waiver hearing, the court
10 may proceed with the waiver hearing as provided in subs. (4) to (6) in the juvenile's
11 absence. If the waiver is granted, the juvenile may contest that waiver when the
12 juvenile is apprehended.

13 **(8)** When waiver is granted, the juvenile, if held in secure custody, shall be
14 transferred to an appropriate officer or adult facility and shall be eligible for bail in
15 accordance with chs. 968 and 969.

16 **(9)** If waiver is granted, sub. (1) does not restrict the authority of the district
17 attorney to charge the offense he or she deems is appropriate and does not restrict
18 the authority of any court or jury to convict the juvenile in regard to any offense.

19 **938.183 Original adult court jurisdiction for criminal proceedings. (1)**
20 Notwithstanding ss. 938.12 (1) and 938.18, courts of criminal jurisdiction have
21 exclusive original jurisdiction over all of the following:

22 (a) A juvenile who has been adjudicated delinquent and is alleged to have
23 violated s. 940.20 (1) or 946.43 while placed in a secured correctional facility, a secure
24 detention facility or a secured child caring institution.

1 (b) A juvenile who is alleged to have violated any state criminal law if the
2 juvenile has been convicted of a previous violation following waiver of jurisdiction
3 under s. 938.18 by the court assigned to exercise jurisdiction under this chapter and
4 ch. 48 or if the court assigned to exercise jurisdiction under this chapter and ch. 48
5 has waived its jurisdiction over the juvenile for a previous violation and criminal
6 proceedings on that previous violation are still pending.

7 (c) A juvenile who is alleged to have violated any state criminal law if the
8 juvenile has been convicted of a previous violation over which the court of criminal
9 jurisdiction had original jurisdiction under this section or if proceedings on a
10 previous violation over which the court of criminal jurisdiction has original
11 jurisdiction under this section are still pending.

12 **(1m)** Notwithstanding subchs. IV to VI, a juvenile described in sub. (1) is
13 subject to the procedures specified in chs. 967 to 979 and the criminal penalties
14 provided for the crime that the juvenile is alleged to have committed, unless a court
15 of criminal jurisdiction transfers jurisdiction under s. 970.032 to a court assigned to
16 exercise jurisdiction under this chapter and ch. 48.

17 **(2)** (a) Notwithstanding ss. 938.12 (1) and 938.18, courts of criminal
18 jurisdiction have exclusive original jurisdiction over a juvenile who is alleged to have
19 attempted or committed a violation of s. 940.01 or to have committed a violation of
20 s. 940.02 or 940.05 on or after the juvenile's 10th birthday. Notwithstanding subchs.
21 IV to VI, a juvenile who is alleged to have attempted or committed a violation of s.
22 940.01 or to have committed a violation of s. 940.02 or 940.05 on or after the juvenile's
23 10th birthday is subject to the procedures specified in chs. 967 to 979 and the
24 criminal penalties provided for the crime that the juvenile is alleged to have

1 committed, except that the court of criminal jurisdiction shall impose a disposition
2 specified in s. 938.34 if any of the following conditions applies:

3 1. The court of criminal jurisdiction convicts the juvenile of a lesser offense that
4 is not an offense for which the court assigned to exercise jurisdiction under this
5 chapter and ch. 48 may waive its jurisdiction over the juvenile under s. 938.18.

6 2. The court of criminal jurisdiction convicts the juvenile of a lesser offense that
7 is an offense for which the court assigned to exercise jurisdiction under this chapter
8 and ch. 48 may waive its jurisdiction over the juvenile under s. 938.18 and the court
9 of criminal jurisdiction, after considering the criteria specified in s. 938.18 (5),
10 determines by clear and convincing evidence that it would be in the best interests of
11 the juvenile and of the public to impose a disposition specified in s. 938.34.

12 (b) A juvenile who is subject to this paragraph shall remain under the
13 supervision of the department of health and social services until the juvenile's 17th
14 birthday. When the juvenile attains the age of 17 years, the court of criminal
15 jurisdiction shall transfer supervision of the juvenile from the department of health
16 and social services to the department of corrections, and the department of
17 corrections may place the juvenile in a state prison named in s. 302.01. A juvenile
18 who is placed with the department of corrections under this paragraph is eligible for
19 parole under s. 304.06.

20 (c) If the juvenile is placed outside the juvenile's home under this subsection,
21 the order shall contain, a designation of the amount of support, if any, to be paid by
22 the juvenile's parent, guardian or trustee, specifying that the support obligation
23 begins on the date of the placement, or a referral to the county designee under s. 59.07
24 (97) for establishment of child support.

1 (b) A *capias* issued by a judge under s. 938.28.

2 (c) An order of the judge if made upon a showing satisfactory to the judge that
3 the welfare of the juvenile demands that the juvenile be immediately removed from
4 his or her present custody. The order shall specify that the juvenile be held in custody
5 under s. 938.207.

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

8 1. A *capias* or a warrant for the juvenile's apprehension has been issued in this
9 state, or that the juvenile is a fugitive from justice.

10 2. A *capias* or a warrant for the juvenile's apprehension has been issued in
11 another state.

12 3. The juvenile is committing or has committed an act which is a violation of
13 a state or federal criminal law.

14 4. The juvenile has run away from his or her parents, guardian or legal or
15 physical custodian.

16 5. The juvenile is suffering from illness or injury or is in immediate danger from
17 his or her surroundings and removal from those surroundings is necessary.

18 6. The juvenile has violated the terms of court-ordered supervision or aftercare
19 supervision administered by the department of health and social services, the
20 department of corrections or a county department.

21 7. The juvenile has violated the conditions of an order under s. 938.21 (4) or the
22 conditions of an order for temporary physical custody by an intake worker.

23 8. The juvenile has violated a civil law or a local ordinance punishable by a
24 forfeiture, except that in that case the juvenile shall be released immediately under
25 s. 938.20 (2) (ag) or as soon as reasonably possible under s. 938.20 (2) (b) to (g).

1 10. The juvenile is absent from school without an acceptable excuse under s.
2 118.15.

3 **(1m)** A juvenile who is absent from school without an acceptable excuse under
4 s. 118.15 may be taken into custody by an individual designated under s. 118.16 (2m)
5 (a) if the school attendance officer of the school district in which the juvenile resides
6 or the juvenile's parent, guardian or legal custodian requests that the juvenile be
7 taken into custody. The request shall specifically identify the juvenile.

8 **(2)** When a juvenile is taken into physical custody as provided in this section,
9 the person taking the juvenile into custody shall immediately attempt to notify the
10 parent, guardian and legal custodian of the juvenile by the most practical means.
11 The person taking the juvenile into custody shall continue such attempt until the
12 parent, guardian and legal custodian of the juvenile are notified, or the juvenile is
13 delivered to an intake worker under s. 938.20 (3), whichever occurs first. If the
14 juvenile is delivered to the intake worker before the parent, guardian and legal
15 custodian are notified, the intake worker, or another person at his or her direction,
16 shall continue the attempt to notify until the parent, guardian and legal custodian
17 of the juvenile are notified.

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

20 **938.20 Release or delivery from custody. (2)** (ag) Except as provided in
21 pars. (b) to (g), a person taking a juvenile into custody shall make every effort to
22 release the juvenile immediately to the juvenile's parent, guardian or legal
23 custodian.

24 (b) If the juvenile's parent, guardian or legal custodian is unavailable,
25 unwilling or unable to provide supervision for the juvenile, the person who took the

1 juvenile into custody may release the juvenile to a responsible adult after counseling
2 or warning the juvenile as may be appropriate.

3 (c) If the juvenile is 15 years of age or older, the person who took the juvenile
4 into custody may release the juvenile without immediate adult supervision after
5 counseling or warning the juvenile as may be appropriate.

6 (cm) If the juvenile has violated the terms of aftercare supervision
7 administered by the department or a county department, the person who took the
8 juvenile into custody may release the juvenile to the department or county
9 department, whichever has aftercare supervision over the juvenile.

10 (d) If the child is a runaway, the person who took the child into custody may
11 release the child to a home authorized under s. 48.227.

12 (e) If a juvenile is taken into custody under s. 938.19 (1) (d) 10., the law
13 enforcement officer who took the juvenile into custody may release the juvenile
14 under par. (ag) or (b) or, if the school board of the school district in which the juvenile
15 resides has established a youth service center under s. 118.16 (4) (e), may deliver that
16 juvenile to that youth service center. If the juvenile is delivered to a youth service
17 center, personnel of the youth service center may release the juvenile to the juvenile's
18 parent, guardian or legal custodian, or release the juvenile to the juvenile's school,
19 after counseling the juvenile as may be appropriate. If the juvenile is released to the
20 juvenile's school, personnel of the youth service center shall immediately notify the
21 juvenile's parent, guardian and legal custodian that the juvenile was taken into
22 custody under s. 938.19 (1) (d) 10. and released to the juvenile's school.

23 (f) If a juvenile is taken into custody under s. 938. 19 (1m), the person who took
24 the juvenile into custody may release the juvenile under par. (ag), (b) or (e) or to the
25 juvenile's school administrator, as defined in s. 125.09 (2) (a) 3., or a school employe

1 designated by the school administrator. If a juvenile is released to a school
2 administrator or the school administrator's designee under this paragraph, the
3 school administrator or designee shall do all of the following:

4 1. Immediately notify the juvenile's parent, guardian or legal custodian that
5 the juvenile was taken into custody under s. 938.19 (1m) and released to the school
6 administrator or his or her designee.

7 2. Make a determination of whether the juvenile is a child at risk, as defined
8 in s. 118.153 (1) (a), unless that determination has been made within the current
9 school semester. If a juvenile is determined to be a child at risk under this
10 subdivision, the school administrator shall provide a program for the juvenile
11 according to the plan developed under s. 118.153 (2) (a).

12 3. Provide the juvenile and his or her parent or guardian with an opportunity
13 for educational counseling to determine whether a change in the juvenile's program
14 or curriculum, including any of the modifications specified in s. 118.15 (1) (d), would
15 resolve the juvenile's truancy problem, unless the juvenile and his or her parent or
16 guardian have been provided with an opportunity for educational counseling within
17 the current school semester.

18 (g) If a juvenile is taken into custody under s. 938.19 (1) (d) 10. and is not
19 released under par. (ag), (b) or (e) or if a juvenile is taken into custody under s. 938.19
20 (1m) and is not released under par. (ag), (b), (e) or (f), the person who took the juvenile
21 into custody shall release the juvenile without immediate adult supervision after
22 counseling or warning the juvenile as may be appropriate.

23 **(3)** If the juvenile is released under sub. (2) (b) to (d) or (g), the person who took
24 the juvenile into custody shall immediately notify the juvenile's parent, guardian
25 and legal custodian of the time and circumstances of the release and the person, if

1 any, to whom the juvenile was released. If the juvenile is not released under sub. (2),
2 the person who took the juvenile into custody shall arrange in a manner determined
3 by the court and law enforcement agencies for the juvenile to be interviewed by the
4 intake worker under s. 938.067 (2), and shall make a statement in writing with
5 supporting facts of the reasons why the juvenile was taken into physical custody and
6 shall give any juvenile 10 years of age or older a copy of the statement in addition to
7 giving a copy to the intake worker. When the intake interview is not done in person,
8 the report may be read to the intake worker.

9 (4) If the juvenile is believed to be suffering from a serious physical condition
10 which requires either prompt diagnosis or prompt treatment, the person taking the
11 juvenile into physical custody, the intake worker or other appropriate person shall
12 deliver the juvenile to a hospital as defined in s. 50.33 (2) (a) and (c) or physician's
13 office.

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

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

1 **(7)** (a) When a juvenile is interviewed by an intake worker, the intake worker
2 shall inform any juvenile possibly involved in a delinquent act of his or her right to
3 counsel and the right against self-incrimination.

4 (b) The intake worker shall review the need to hold the juvenile in custody and
5 shall make every effort to release the juvenile from custody as provided in par. (c).
6 The intake worker shall base his or her decision as to whether to release the juvenile
7 or to continue to hold the juvenile in custody on the criteria specified in s. 938.205
8 and criteria established under s. 938.06 (1) or (2).

9 (c) The intake worker may release the juvenile as follows:

10 1. To a parent, guardian or legal custodian, or, if the parent, guardian or legal
11 custodian is unavailable, unwilling or unable to provide supervision for the juvenile,
12 release the juvenile to a responsible adult, counseling or warning the juvenile as may
13 be appropriate, or, if the juvenile is 15 years of age or older, release the juvenile
14 without immediate adult supervision, counseling or warning the juvenile as may be
15 appropriate.

16 1m. In the case of a juvenile who has violated the terms of aftercare supervision
17 administered by the department or a county department, to the department or
18 county department, whichever has aftercare supervision of the juvenile.

19 2. In the case of a runaway juvenile, to a home authorized under s. 48.227.

20 (d) If the juvenile is released from custody, the intake worker shall immediately
21 notify the juvenile's parent, guardian and legal custodian of the time and
22 circumstances of the release and the person, if any, to whom the juvenile was
23 released.

24 **(8)** If a juvenile is held in custody, the intake worker shall notify the juvenile's
25 parent, guardian and legal custodian of the reasons for holding the juvenile in

1 custody and of the juvenile's whereabouts unless there is reason to believe that notice
2 would present imminent danger to the juvenile. If a juvenile who has violated the
3 terms of aftercare supervision administered by the department or a county
4 department is held in custody, the intake worker shall also notify the department or
5 county department, whichever has supervision over the juvenile, of the reasons for
6 holding the juvenile in custody, of the juvenile's whereabouts and of the time and
7 place of the detention hearing required under s. 938.21. The parent, guardian and
8 legal custodian shall also be notified of the time and place of the detention hearing
9 required under s. 938.21, the nature and possible consequences of that hearing, the
10 right to counsel under s. 938.23 regardless of ability to pay, and the right to present
11 and cross-examine witnesses at the hearing. If the parent, guardian or legal
12 custodian is not immediately available, the intake worker or another person
13 designated by the court shall provide notice as soon as possible. When the juvenile
14 is alleged to have committed a delinquent act, the juvenile shall receive the same
15 notice about the detention hearing as the parent, guardian or legal custodian. The
16 intake worker shall notify both the juvenile and the juvenile's parent, guardian or
17 legal custodian.

18 **938.205 Criteria for holding a juvenile in physical custody.** (1) A
19 juvenile may be held under s. 938.207, 938.208 or 938.209 if the intake worker
20 determines that there is probable cause to believe the juvenile is within the
21 jurisdiction of the court and if probable cause exists to believe one of the following:

22 (a) That if the juvenile is not held he or she will commit injury to the person
23 or property of others.

24 (b) That the parent, guardian or legal custodian of the juvenile or other
25 responsible adult is unavailable, unwilling or unable to provide adequate

1 supervision and care and that services to ensure the juvenile's safety and well-being
2 are not available or would be inadequate.

3 (c) That the juvenile will run away or be taken away so as to be unavailable for
4 proceedings of the court or its officers or proceedings of the division of hearings and
5 appeals in the department of administration for revocation of aftercare supervision.

6 (2) The criteria for holding a juvenile in custody specified in this section shall
7 govern the decision of all persons responsible for determining whether the action is
8 appropriate.

9 **938.207 Places where a juvenile may be held in nonsecure custody.**

10 (1) A juvenile held in physical custody under s. 938.205 may be held in any of the
11 following places:

12 (a) The home of a parent or guardian.

13 (b) The home of a relative.

14 (c) A licensed foster home or a licensed treatment foster home provided the
15 placement does not violate the conditions of the license.

16 (cm) A licensed group home provided that the placement does not violate the
17 conditions of the license.

18 (d) A nonsecure facility operated by a licensed child welfare agency.

19 (e) A licensed private or public shelter care facility.

20 (f) The home of a person not a relative, if the placement does not exceed 30 days,
21 though the placement may be extended for an additional 30 days for cause by the
22 court, and if the person has not had a foster home or treatment foster home license
23 refused, revoked or suspended within the last 2 years.

24 (g) A hospital as defined in s. 50.33 (2) (a) and (c) or physician's office if the
25 juvenile is held under s. 938.20 (4).

1 (h) A place listed in s. 51.15 (2) if the juvenile is held under s. 938.20 (5).

2 (i) An approved public treatment facility for emergency treatment if the
3 juvenile is held under s. 938.20 (6).

4 (k) A facility under s. 48.58.

5 **(2)** If a facility listed in sub. (1) (b) to (k) is used to hold juveniles in custody,
6 or if supervisory services of a home detention program are provided to juveniles held
7 under sub. (1) (a), its authorized rate shall be paid by the county for the care of the
8 juvenile. If no authorized rate has been established, a reasonable sum to be fixed by
9 the court shall be paid by the county for the supervision or care of the juvenile.

10 **938.208 Criteria for holding a juvenile in a secure detention facility.**

11 A juvenile may be held in a secure detention facility if the intake worker determines
12 that one of the following conditions applies:

13 **(1)** Probable cause exists to believe that the juvenile has committed a
14 delinquent act and either presents a substantial risk of physical harm to another
15 person or a substantial risk of running away so as to be unavailable for a court
16 hearing or a revocation hearing for juveniles on aftercare supervision. For juveniles
17 on aftercare supervision, the delinquent act referred to in this section may be the act
18 for which the juvenile was adjudged delinquent. If the intake worker determines
19 that any of the following conditions applies, the juvenile is considered to present a
20 substantial risk of physical harm to another person:

21 (a) Probable cause exists to believe that the juvenile has committed a
22 delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19
23 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), (1m) or (1r),
24 943.32 (2), 947.013 (1t), (1r) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed
25 by an adult.

1 (b) Probable cause exists to believe that the juvenile possessed, used or
2 threatened to use a handgun, as defined in s. 175.35 (1) (b), short-barreled rifle, as
3 defined in s. 941.28 (1) (b), or short-barreled shotgun, as defined in s. 941.28 (1) (c),
4 while committing a delinquent act that would be a felony under ch. 940 if committed
5 by an adult.

6 (c) Probable cause exists to believe that the juvenile has possessed or gone
7 armed with a short-barreled rifle or a short-barreled shotgun in violation of s.
8 941.28, or has possessed or gone armed with a handgun in violation of s. 948.60.

9 **(2)** Probable cause exists to believe that the juvenile is a fugitive from another
10 state or has run away from a secured correctional facility and there has been no
11 reasonable opportunity to return the juvenile.

12 **(3)** The juvenile consents in writing to being held in order to protect him or her
13 from an imminent physical threat from another and such secure custody is ordered
14 by the judge in a protective order.

15 **(4)** Probable cause exists to believe that the juvenile, having been placed in
16 nonsecure custody by an intake worker under s. 938.207 or by the judge or juvenile
17 court commissioner under s. 938.21 (4), has run away or committed a delinquent act
18 and no other suitable alternative exists.

19 **(5)** Probable cause exists to believe that the juvenile has been adjudged or
20 alleged to be delinquent and has run away from another county and would run away
21 from nonsecure custody pending his or her return. A juvenile may be held in secure
22 custody under this subsection for no more than 24 hours after the end of the day that
23 the decision to hold the juvenile was made unless an extension of those 24 hours is
24 ordered by the judge for good cause shown. Only one extension may be ordered by
25 the judge.

1 **938.209 Criteria for holding a juvenile in a county jail.** Subject to the
2 provisions of s. 938.208, a county jail may be used as a secure detention facility if the
3 criteria under either sub. (1) or (2) are met:

4 **(1)** There is no other secure detention facility approved by the department of
5 corrections or a county which is available and all of the following conditions are met:

6 (a) The jail meets the standards for secure detention facilities established by
7 the department of corrections.

8 (b) The juvenile is held in a room separated and removed from incarcerated
9 adults.

10 (c) The juvenile is not held in a cell designed for the administrative or
11 disciplinary segregation of adults.

12 (d) Adequate supervision is provided.

13 (e) The judge reviews the status of the juvenile every 3 days.

14 **(2)** The juvenile presents a substantial risk of physical harm to other persons
15 in the secure detention facility, as evidenced by previous acts or attempts, which can
16 only be avoided by transfer to the jail. The provisions of sub. (1) (a) to (e) shall be met.
17 The juvenile shall be given a hearing and transferred only upon order of the judge.

18 **(3)** The restrictions of this section do not apply to the use of jail for a juvenile
19 who has been waived to adult court under s. 938.18 or who is under the jurisdiction
20 of an adult court under s. 938.183.

21 **938.21 Hearing for juvenile in custody.** **(1) HEARING; WHEN HELD.** (a) If
22 a juvenile who has been taken into custody is not released under s. 938.20, a hearing
23 to determine whether the juvenile shall continue to be held in custody under the
24 criteria of ss. 938.205 to 938.209 shall be conducted by the judge or juvenile court
25 commissioner within 24 hours after the end of the day that the decision to hold the

1 juvenile was made, excluding Saturdays, Sundays and legal holidays. By the time
2 of the hearing a petition under s. 938.25 shall be filed, except that no petition need
3 be filed where a juvenile is taken into custody under s. 938.19 (1) (b) or (d) 2., 6. or
4 7. or where the juvenile is a runaway from another state, in which case a written
5 statement of the reasons for holding a juvenile in custody shall be substituted if the
6 petition is not filed. If no hearing has been held within 24 hours or if no petition or
7 statement has been filed at the time of the hearing, the juvenile shall be released
8 except as provided in par. (b). A parent not present at the hearing shall be granted
9 a rehearing upon request.

10 (b) If no petition has been filed by the time of the hearing, a juvenile may be
11 held in custody with the approval of the judge or juvenile court commissioner for an
12 additional 48 hours from the time of the hearing 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 the juvenile is an imminent danger to
15 himself or herself or to others, or that probable cause exists to believe that the parent,
16 guardian or legal custodian of the juvenile or other responsible adult is unwilling or
17 unavailable to provide adequate supervision and care. The extension may be
18 granted only once for any petition. In the event of failure to file a petition within the
19 48-hour extension period provided for in this paragraph, the judge or juvenile court
20 commissioner shall order the juvenile's immediate release from custody.

21 **(2) PROCEEDINGS CONCERNING RUNAWAY OR DELINQUENT JUVENILES.** Proceedings
22 concerning a juvenile who comes within the jurisdiction of the court under s. 938.12
23 or 938.13 (7) or (12) shall be conducted according to this subsection.

24 (a) A juvenile held in a nonsecure place of custody may waive in writing the
25 hearing under this section. After any waiver, a hearing shall be granted upon the

1 request of the juvenile or any other interested party. Any juvenile transferred to a
2 secure detention facility shall thereafter have a hearing under this section.

3 (b) A copy of the petition shall be given to the juvenile at or prior to the time
4 of the hearing. Prior notice of the hearing shall be given to the juvenile's parent,
5 guardian and legal custodian and to the juvenile in accordance with s. 938.20 (8).

6 (c) Prior to the commencement of the hearing, the juvenile shall be informed
7 by the judge or juvenile court commissioner of the allegations that have been or may
8 be made, the nature and possible consequences of this hearing as compared to
9 possible future hearings, the provisions of s. 938.18 if applicable, the right to counsel
10 under s. 938.23 regardless of ability to pay if the juvenile is not yet represented by
11 counsel, the right to remain silent, the fact that the silence may not be adversely
12 considered by the judge or juvenile court commissioner, the right to confront and
13 cross-examine witnesses and the right to present witnesses.

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

20 **(3) PROCEEDINGS CONCERNING JUVENILES IN NEED OF PROTECTION OR SERVICES.**
21 Proceedings concerning a juvenile who comes within the jurisdiction of the court
22 under s. 938.13 (4), (6), (6m) or (14) shall be conducted according to this subsection.

23 (a) The parent, guardian or legal custodian may waive the hearing under this
24 section. Agreement in writing of the juvenile is required if he or she is over 12. After
25 any waiver, a hearing shall be granted at the request of any interested party.

1 (b) If present at the hearing, a copy of the petition shall be given to the parent,
2 guardian or legal custodian, and to the juvenile if he or she is 12 years of age or older,
3 before the hearing begins. Prior notice of the hearing shall be given to the juvenile's
4 parent, guardian and legal custodian and to the juvenile if he or she is 12 years of
5 age or older in accordance with s. 938.20 (8).

6 (d) Prior to the commencement of the hearing, the parent, guardian or legal
7 custodian shall be informed by the court of the allegations that have been made or
8 may be made, the nature and possible consequences of this hearing as compared to
9 possible future hearings, the right to counsel under s. 938.23 regardless of ability to
10 pay, the right to confront and cross-examine witnesses and the right to present
11 witnesses.

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

19 **(3m)** PARENTAL NOTICE REQUIRED. If the juvenile has been taken into custody
20 because he or she committed an act which resulted in personal injury or damage to
21 or loss of the property of another, the court, prior to the commencement of any
22 hearing under this section, shall attempt to notify the juvenile's parents of the
23 possibility of disclosure of the identity of the juvenile and the parents, of the
24 juvenile's police records and of the outcome of proceedings against the juvenile for
25 use in civil actions for damages against the juvenile or the parents and of the parents'

1 potential liability for acts of their juveniles. If the court is unable to provide the
2 notice before commencement of the hearing, it shall provide the juvenile's parents
3 with the specified information in writing as soon as possible after the hearing.

4 **(4) CONTINUATION OF CUSTODY.** If the judge or juvenile court commissioner finds
5 that the juvenile should be continued in custody under the criteria of s. 938.205, he
6 or she shall enter one of the following orders:

7 (a) Place the juvenile with a parent, guardian, legal custodian or other
8 responsible person and may impose reasonable restrictions on the juvenile's travel,
9 association with other persons or places of abode during the period of placement,
10 including a condition requiring the juvenile to return to other custody as requested;
11 or subject the juvenile to the supervision of an agency agreeing to supervise the
12 juvenile. Reasonable restrictions may be placed upon the conduct of the parent,
13 guardian, legal custodian or other responsible person which may be necessary to
14 ensure the safety of the juvenile.

15 (b) Order the juvenile held in an appropriate manner under s. 938.207, 938.208
16 or 938.209.

17 **(4m) ELECTRONIC MONITORING.** The judge or juvenile court commissioner may
18 include in an order under sub. (4) (a) or (b) a condition that the juvenile be monitored
19 by an electronic monitoring system.

20 **(5) ORDERS IN WRITING.** (a) All orders to hold in custody shall be in writing,
21 listing the reasons and criteria forming the basis for the decision.

22 (b) An order relating to a juvenile held in custody outside of his or her home
23 shall also describe any efforts that were made to permit the juvenile to remain at
24 home and the services that are needed to ensure the juvenile's well-being, to enable

1 the juvenile to return to his or her home and to involve the parents in planning for
2 the juvenile.

3 (6) AMENDMENT OF ORDER. An order placing a juvenile under sub. (4) (a) on
4 conditions specified in this section may at any time be amended, with notice, so as
5 to return the juvenile to another form of custody for failure to conform to the
6 conditions originally imposed. A juvenile may be transferred to secure custody if he
7 or she meets the criteria of s. 938.208.

8 (7) DEFERRED PROSECUTION. If the judge or juvenile court commissioner
9 determines that the best interests of the juvenile and the public are served, he or she
10 may enter a consent decree under s. 938.32 or order the petition dismissed and refer
11 the matter to the intake worker for deferred prosecution in accordance with s.
12 938.245.

13 **938.22 Establishment of secure detention facilities and shelter care**
14 **facilities.** (1) (a) The county board of supervisors may establish a secure detention
15 facility or a shelter care facility or both or the county boards of supervisors for 2 or
16 more counties may jointly establish a secure detention facility or a shelter care
17 facility or both in accordance with ss. 46.16, 46.20 and 301.36.

18 (b) Subject to sub. (3) (ar), in counties having a population of less than 500,000,
19 the policies of the secure detention facility or shelter care facility shall be determined
20 by the judge of the court assigned to exercise jurisdiction under this chapter and ch.
21 48 with the approval of the chief judge of the judicial administrative district or, in the
22 case of a secure detention facility or shelter care facility established by 2 or more
23 counties, by a committee of the judges of the courts in the participating counties
24 assigned to exercise jurisdiction under this chapter and ch. 48 with the approval of
25 the chief judge of the judicial administrative district.

1 (c) In counties having a population of 500,000 or more, the nonjudicial
2 operational policies of the secure detention facility and the detention section of the
3 juvenile delinquency court center shall be established by the county board of
4 supervisors, and the execution thereof shall be the responsibility of the director of
5 the children's court center.

6 **(2)** (a) Counties shall submit plans for the secure detention facility or juvenile
7 portion of the county jail to the department of corrections and submit plans for the
8 shelter care facility to the department of health and social services. The applicable
9 department shall review the submitted plans. The counties may not implement any
10 such plan unless the applicable department has approved the plan. After
11 consultation with the department of health and social services, the department of
12 corrections shall promulgate rules establishing minimum requirements for the
13 approval of the operation of secure detention facilities and the juvenile portion of
14 county jails. The plans and rules shall be designed to protect the health, safety and
15 welfare of the juveniles in these facilities.

16 (b) If the department of corrections approves, a secure detention facility or a
17 holdover room may be a part of a public building in which there is a jail or other
18 facility for the detention of adults if the secure detention facility or holdover room is
19 so physically segregated from the jail or other facility that the secure detention
20 facility or holdover room may be entered without passing through areas where adults
21 are confined and that juveniles detained in the secure detention facility or holdover
22 room cannot communicate with or view adults confined therein.

23 (c) A shelter care facility shall be used for the temporary care of juveniles. A
24 shelter care facility, other than a holdover room, may not be in the same building as
25 a facility for the detention of adults.

1 **(3)** (a) In counties having a population of less than 500,000, public secure
2 detention facilities and public shelter care facilities shall be in the charge of a
3 superintendent. The judge of the court assigned to exercise jurisdiction under this
4 chapter and ch. 48 with the approval of the chief judge of the judicial administrative
5 district or, where 2 or more counties operate joint public secure detention facilities
6 or public shelter care facilities, the committee of judges of the courts assigned to
7 exercise jurisdiction under this chapter and ch. 48 with the approval of the chief
8 judge of the judicial administrative district shall appoint the superintendent and
9 other necessary personnel for the care and education of the juveniles in secure
10 detention or shelter care facilities, subject to par. (am) and to civil service regulations
11 in counties having civil service.

12 (am) If a secure detention facility or holdover room is part of a public building
13 in which there is a jail or other facility for the detention of adults, the sheriff or other
14 keeper of the jail or other facility for the detention of adults may nominate persons
15 to be considered under par. (a) for the position of superintendent of the secure
16 detention facility or holdover room. Nominees under this paragraph shall have
17 demonstrated administrative abilities and a demonstrated interest in the problems
18 of juvenile justice and the welfare of juveniles.

19 (ar) Notwithstanding sub. (1) (b), if a secure detention facility or holdover room
20 is part of a public building in which there is a jail or other facility for the detention
21 of adults, the sheriff or other keeper of the jail or other facility for the detention of
22 adults shall determine the policies of that secure detention facility or holdover room
23 relating to security and emergency response and shall determine the procedures for
24 implementing those policies.

1 (b) In counties having a population of 500,000 or more, the director of the
2 children's court center shall be in charge of and responsible for public secure
3 detention facilities, the secure detention section of the center and the personnel
4 assigned to this section, including a detention supervisor or superintendent. The
5 director of the children's court center may also serve as superintendent of detention
6 if the county board of supervisors so determines.

7 (c) All superintendents appointed under par. (a) or (b) after May 1, 1992, shall,
8 within one year after that appointment, successfully complete an administrative
9 training program approved or provided by the department of justice.

10 **(5)** A county board of supervisors, or 2 or more county boards of supervisors
11 jointly, may contract with privately operated shelter care facilities or home detention
12 programs for purchase of services. A county board of supervisors may delegate this
13 authority to its county department.

14 **(7)** No person may establish a shelter care facility without first obtaining a
15 license under s. 48.66 (1).

16 **938.225 Statewide plan for secure detention facilities.** The department
17 shall assist counties in establishing secure detention facilities under s. 938.22 by
18 developing and promulgating a statewide plan for the establishment and
19 maintenance of suitable secure detention facilities reasonably accessible to each
20 court.

21 **938.23 Right to counsel. (1) RIGHT OF JUVENILES TO LEGAL REPRESENTATION.**
22 Juveniles subject to proceedings under this chapter shall be afforded legal
23 representation as follows:

24 (a) Any juvenile alleged to be delinquent under s. 938.12 or held in a secure
25 detention facility shall be represented by counsel at all stages of the proceedings, but

1 a juvenile 15 years of age or older may waive counsel if the court is satisfied that the
2 waiver is knowingly and voluntarily made and the court accepts the waiver. If the
3 waiver is accepted, the court may not place the juvenile in a secured correctional
4 facility, transfer supervision of the juvenile to the department of corrections for
5 participation in the serious juvenile offender program or transfer jurisdiction over
6 the juvenile to adult court.

7 (am) A juvenile subject to a sanction under s. 938.355 (6) (a) shall be entitled
8 to representation by counsel at the hearing under s. 938.355 (6) (c).

9 (ar) A juvenile subject to proceedings under s. 938.357 (3) or (5) shall be
10 afforded legal representation as provided in those subsections.

11 (b) 1. If a juvenile is alleged to be in need of protection or services under s.
12 938.13, the juvenile may be represented by counsel at the discretion of the court.
13 Except as provided in subd. 2., a juvenile 15 years of age or older may waive counsel
14 if the court is satisfied such waiver is knowingly and voluntarily made and the court
15 accepts the waiver.

16 2. If the petition is contested, the court may not place the juvenile outside his
17 or her home unless the juvenile is represented by counsel at the fact-finding hearing
18 and subsequent proceedings. If the petition is not contested, the court may not place
19 the juvenile outside his or her home unless the juvenile is represented by counsel at
20 the hearing at which the placement is made. For a juvenile under 12 years of age,
21 the judge may appoint a guardian ad litem instead of counsel.

22 **(3) POWER OF THE COURT TO APPOINT COUNSEL.** At any time, upon request or on
23 its own motion, the court may appoint counsel for the juvenile or any party, unless
24 the juvenile or the party has or wishes to retain counsel of his or her own choosing.

1 (4) PROVIDING COUNSEL. In any situation under this section in which a person
2 has a right to be represented by counsel or is provided counsel at the discretion of the
3 court and counsel is not knowingly and voluntarily waived, the court shall refer the
4 person to the state public defender and counsel shall be appointed by the state public
5 defender under s. 977.08 without a determination of indigency. In any other
6 situation under this section in which a person has a right to be represented by
7 counsel or is provided counsel at the discretion of the court, competent and
8 independent counsel shall be provided and reimbursed in any manner suitable to the
9 court regardless of the person's ability to pay, except that the court may not order a
10 person who files a petition under s. 813.122 or 813.125 to reimburse counsel for the
11 juvenile who is named as the respondent in that petition.

12 (5) COUNSEL OF OWN CHOOSING. Regardless of any provision of this section, any
13 party is entitled to retain counsel of his or her own choosing at his or her own expense
14 in any proceeding under this chapter.

15 (6) DEFINITION. For the purposes of this section, "counsel" means an attorney
16 acting as adversary counsel who shall advance and protect the legal rights of the
17 party represented, and who may not act as guardian ad litem for any party in the
18 same proceeding.

19 **938.235 Guardian ad litem.** (1) APPOINTMENT. (a) The court may appoint
20 a guardian ad litem in any appropriate matter under this chapter.

21 (e) The court shall appoint a guardian ad litem, or extend the appointment of
22 a guardian ad litem previously appointed under par. (a), for any juvenile alleged or
23 found to be in need of protection or services, if the court has ordered, or if a request
24 or recommendation has been made that the court order, the juvenile to be placed out
25 of his or her home under s. 938.345 or 938.357.

1 **(2) QUALIFICATIONS.** The guardian ad litem shall be an attorney admitted to
2 practice in this state. No person who is an interested party in a proceeding, who
3 appears as counsel in a proceeding on behalf of any party or who is a relative or
4 representative of an interested party may be appointed guardian ad litem in that
5 proceeding.

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

15 **(4) MATTERS INVOLVING JUVENILE IN NEED OF PROTECTION OR SERVICES.** (a) In any
16 matter involving a juvenile found to be in need of protection or services, the guardian
17 ad litem may, if reappointed or if the appointment is continued under sub. (7), do any
18 of the following:

- 19 1. Participate in permanency planning under ss. 48.43 (5) and 938.38.
- 20 2. Petition for a change in placement under s. 938.357.
- 21 3. Petition for termination of parental rights or any other matter specified
22 under s. 48.14 or 938.14.
- 23 4. Petition for revision of dispositional orders under s. 938.363.
- 24 5. Petition for extension of dispositional orders under s. 938.365.

1 6. Petition for a temporary restraining order and injunction under s. 813.122
2 or 813.125.

3 7. Petition for relief from a judgment terminating parental rights under s.
4 48.46.

5 8. Perform any other duties consistent with this chapter and ch. 48.

6 (b) The court shall order the agency identified under s. 938.355 (2) (b) 1. as
7 primarily responsible for the provision of services to notify the guardian ad litem, if
8 any, regarding actions to be taken under par. (a).

9 **(7) TERMINATION AND EXTENSION OF APPOINTMENT.** The appointment of a
10 guardian ad litem under sub. (1) terminates upon the entry of the court's final order
11 or upon the termination of any appeal in which the guardian ad litem participates.
12 The guardian ad litem may appeal, may participate in an appeal or may do neither.
13 If an appeal is taken by any party and the guardian ad litem chooses not to
14 participate in that appeal, he or she shall file with the appellate court a statement
15 of reasons for not participating. Irrespective of the guardian ad litem's decision not
16 to participate in an appeal, the appellate court may order the guardian ad litem to
17 participate in the appeal. At any time, the guardian ad litem, any party or the person
18 for whom the appointment is made may request in writing or on the record that the
19 court extend or terminate the appointment or reappointment. The court may extend
20 that appointment, or reappoint a guardian ad litem appointed under this section,
21 after the entry of the final order or after the termination of the appeal, but the court
22 shall specifically state the scope of the responsibilities of the guardian ad litem
23 during the period of that extension or reappointment.

24 **(8) COMPENSATION.** On order of the court, the guardian ad litem appointed
25 under this chapter shall be allowed reasonable compensation to be paid by the county

1 of venue. If the court orders a county to pay the compensation of the guardian ad
2 litem, the amount ordered may not exceed the compensation paid to private
3 attorneys under s. 977.08 (4m).

4 **938.237 Civil law and ordinance proceedings initiated by citation in**
5 **the court assigned to exercise jurisdiction under this chapter and ch. 48.**

6 (1) The citation forms under s. 23.54, 66.119, 778.25, 778.26 or 800.02 may be used
7 to commence an action for a violation of civil laws and ordinances in the court.

8 (2) The procedures for issuance and filing of a citation, and for forfeitures,
9 stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), 66.119, 778.25,
10 778.26 and 800.01 to 800.04 except s. 800.04 (2) (b), when the citation is issued by
11 a law enforcement officer, shall be used as appropriate, except that this chapter shall
12 govern taking and holding a juvenile in custody, s. 938.37 shall govern costs, penalty
13 assessments and jail assessments, and a *capias* shall be substituted for an arrest
14 warrant. Sections 66.119 (3) (c) and (d), 66.12 (1) and 778.10 as they relate to
15 collection of forfeitures do not apply.

16 (3) If a juvenile to whom a citation has been issued does not submit a deposit
17 or a stipulation and deposit, the juvenile shall appear in the court for a plea hearing
18 under s. 938.30 at the date, time and place for the court appearance specified on the
19 citation. If the juvenile does not submit a stipulation and deposit or if the court
20 refuses to accept a deposit unaccompanied by a stipulation, the juvenile may be
21 summoned to appear and the procedures that govern petitions for civil law or
22 ordinance violations under s. 938.125 shall govern all proceedings initiated by a
23 citation, except that the citation shall not be referred to the court intake worker for
24 an intake inquiry. If the court finds that a juvenile violated a municipal ordinance
25 or a civil law punishable by a forfeiture under this section, the court shall enter a

1 dispositional order under s. 938.344, if applicable, or if s. 938.344 does not apply, the
2 court may enter any of the dispositional orders under s. 938.343.

3 SUBCHAPTER V

4 PROCEDURE

5 **938.24 Receipt of jurisdictional information; intake inquiry.** (1) Except
6 when a citation has been issued under s. 938.17 (2), information indicating that a
7 juvenile should be referred to the court as delinquent, in need of protection or
8 services or in violation of a civil law or a county, town or municipal ordinance shall
9 be referred to the intake worker, who shall conduct an intake inquiry on behalf of the
10 court to determine whether the available facts establish prima facie jurisdiction and
11 to determine the best interests of the juvenile and of the public with regard to any
12 action to be taken.

13 (1m) As part of the intake inquiry, the intake worker shall inform the juvenile
14 and the juvenile's parent, guardian and legal custodian that they may request
15 counseling from a person designated by the court to provide dispositional services
16 under s. 938.069.

17 (2) (a) As part of the intake inquiry the intake worker may conduct
18 multidisciplinary screens and intake conferences with notice to the juvenile, parent,
19 guardian and legal custodian. If sub. (2m) applies, the intake worker shall conduct
20 a multidisciplinary screen under s. 938.547 if the juvenile has not refused to
21 participate under par. (b).

22 (b) No juvenile or other person may be compelled to appear at any conference,
23 participate in a multidisciplinary screen, produce any papers or visit any place by an
24 intake worker.

1 **(2m)** (a) In counties that have a pilot program under s. 938.547, a
2 multidisciplinary screen shall be conducted for:

3 1. Any juvenile alleged to have committed a violation specified under ch. 161.

4 2. Any juvenile alleged to be delinquent or in need of protection and services
5 who has at least 2 prior adjudications for a violation of s. 125.07 (4) (a) or (b), 125.085
6 (3) (b) or 125.09 (2) or a local ordinance that strictly conforms to any of those sections.

7 3. Any juvenile alleged to have committed any offense which appears to the
8 intake worker to be directly motivated by the juvenile's need to purchase or otherwise
9 obtain alcohol beverages or controlled substances.

10 4. Any juvenile 12 years of age or older who requests and consents to a
11 multidisciplinary screen.

12 5. Any juvenile who consents to a multidisciplinary screen requested by his or
13 her parents.

14 (b) The multidisciplinary screen may be conducted by an intake worker for any
15 reason other than those specified in the criteria under par. (a).

16 **(3)** If the intake worker determines as a result of the intake inquiry that the
17 juvenile should be referred to the court, the intake worker shall request that the
18 district attorney, corporation counsel or other official specified in s. 938.09 file a
19 petition.

20 **(4)** If the intake worker determines as a result of the intake inquiry that the
21 case should be subject to a deferred prosecution agreement, or should be closed, the
22 intake worker shall so proceed. If a petition has been filed, a deferred prosecution
23 agreement may not be entered into or a case may not be closed unless the petition
24 is withdrawn by the district attorney, corporation counsel or other official specified
25 in s. 938.09, or is dismissed by the judge.

1 **(5)** The intake worker shall recommend that a petition be filed, enter into a
2 deferred prosecution agreement or close the case within 40 days or sooner of receipt
3 of referral information. If the case is closed or a deferred prosecution agreement is
4 entered into, the district attorney, corporation counsel or other official under s.
5 938.09 shall receive written notice of such action. In addition, if a deferred
6 prosecution agreement is entered into, the judge or juvenile court commissioner shall
7 receive written notice of such action and, on receipt of that notice, shall enter an order
8 requiring compliance with that agreement. A notice of deferred prosecution of an
9 alleged delinquency case shall include a summary of the facts surrounding the
10 allegation and a list of prior intake referrals and dispositions. If a law enforcement
11 officer has made a recommendation concerning the juvenile, the intake worker shall
12 forward this recommendation to the district attorney under s. 938.09.
13 Notwithstanding the requirements of this section, the district attorney may initiate
14 a delinquency petition under s. 938.25 within 20 days after notice that the case has
15 been closed or that a deferred prosecution agreement has been entered into. The
16 judge shall grant appropriate relief as provided in s. 938.315 (3) with respect to any
17 such petition which is not referred or filed within the time limits specified within this
18 subsection.

19 **(6)** The intake worker shall perform his or her responsibilities under this
20 section under general written policies which the judge shall promulgate under s.
21 938.06 (1) or (2).

22 **(7)** If a citation is issued to a juvenile, the citation shall not be the subject of
23 an intake inquiry or a review by an intake worker for the purpose of recommending
24 deferred prosecution.

1 **938.243 Basic rights: duty of intake worker. (1)** Before conferring with
2 the parent or juvenile during the intake inquiry, the intake worker shall personally
3 inform a juvenile alleged to have committed a delinquent act, and parents and
4 juveniles 10 years of age or over who are the focus of an inquiry regarding the need
5 for protection or services under s. 938.13 (4), (6), (6m) or (7), of all of the following:

6 (ag) That the referral may result in a petition to the court.

7 (am) What allegations could be in the petition to the court.

8 (b) The nature and possible consequences of the proceedings including the
9 provisions of ss. 938.17 and 938.18 if applicable.

10 (c) The right to remain silent and the fact that in a delinquency proceeding the
11 silence of the juvenile shall not be adversely considered by the court although the
12 silence of any party may be relevant in any nondelinquency proceeding.

13 (d) The right to confront and cross-examine those appearing against them.

14 (e) The right to counsel under s. 938.23.

15 (f) The right to present and subpoena witnesses.

16 (h) The right to have the allegations of the petition proved by clear and
17 convincing evidence unless the juvenile comes within the court's jurisdiction under
18 s. 938.12 or 938.13 (12), in which case the standard of proof shall be beyond a
19 reasonable doubt.

20 **(1m)** If the juvenile who is the subject of the intake inquiry is alleged to have
21 committed an act which resulted in personal injury or damage to or loss of the
22 property of another, the intake worker shall inform the juvenile's parents in writing
23 of the possibility of disclosure of the identity of the juvenile and the parents, of the
24 juvenile's police records and of the outcome of proceedings against the juvenile for

1 use in civil actions for damages against the juvenile or the parents and of the parents'
2 potential liability for acts of their juveniles.

3 (2) This section does not apply if the juvenile was present at a hearing under
4 s. 938.21.

5 (3) If the juvenile has not had a hearing under s. 938.21 and was not present
6 at an intake conference under s. 938.24, the intake worker shall inform the juvenile,
7 parent, guardian and legal custodian as appropriate of their basic rights under this
8 section. This notice shall be given verbally, either in person or by telephone, and in
9 writing. This notice shall be given so as to allow the juvenile, parent, guardian or
10 legal custodian sufficient time to prepare for the plea hearing. This subsection does
11 not apply to cases of deferred prosecution under s. 938.245.

12 **938.245 Deferred prosecution.** (1) The intake worker may enter into a
13 written deferred prosecution agreement with all parties as provided in this section
14 if the intake worker has determined that neither the interests of the juvenile nor of
15 the public require filing of a petition for circumstances relating to s. 938.12, 938.125,
16 938.13 or 938.14. Deferred prosecution shall be available only if the facts persuade
17 the intake worker that the jurisdiction of the court, if sought, would exist and upon
18 consent of the juvenile, parent, guardian and legal custodian.

19 (2) (a) A deferred prosecution agreement may provide for any one or more of
20 the following:

21 1. That the juvenile and the juvenile's parent, guardian or legal custodian
22 participate in individual, family or group counseling and that the parent, guardian
23 or legal custodian participate in parenting skills training.

1 2. That the juvenile and a parent, guardian and legal custodian abide by such
2 obligations, including supervision, curfews and school attendance requirements, as
3 will tend to ensure the juvenile's rehabilitation, protection or care.

4 3. That the juvenile submit to an alcohol and other drug abuse assessment that
5 conforms to the criteria specified under s. 938.547 (4) and that is conducted by an
6 approved treatment facility for an examination of the juvenile's use of alcohol
7 beverages or controlled substances and any medical, personal, family or social effects
8 caused by its use, if the multidisciplinary screen conducted under s. 938.24 (2) shows
9 that the juvenile is at risk of having needs and problems related to the use of alcohol
10 beverages or controlled substances and its medical, personal, family or social effects.

11 4. That the juvenile participate in an alcohol and other drug abuse outpatient
12 treatment program, a court-approved pupil assistance program provided by the
13 juvenile's school board or a court-approved alcohol or other drug abuse education
14 program, if an alcohol and other drug abuse assessment conducted under subd. 3.
15 recommends outpatient treatment, intervention or education. The juvenile's
16 participation in a court-approved pupil assistance program under this subdivision
17 is subject to the approval of the juvenile's school board.

18 5. a. That the juvenile participate in a restitution project if the juvenile has
19 attained the age of 10 and the act for which the deferred prosecution agreement is
20 being entered into has resulted in damage to the property of another, or in actual
21 physical injury to another excluding pain and suffering. Subject to subd. 5. c., the
22 deferred prosecution agreement may require the juvenile to repair the damage to
23 property or to make reasonable restitution for the damage or injury if the intake
24 worker, after taking into consideration the well-being and needs of the victim,
25 considers it beneficial to the well-being and behavior of the juvenile. Any such

1 deferred prosecution agreement shall include a determination that the juvenile
2 alone is financially able to pay and may allow up to the date of the expiration of the
3 deferred prosecution agreement for the payment.

4 b. In addition to any other employment or duties permitted under ch. 103 or
5 any rule or order under ch. 103, a juvenile who is 10 to 13 years of age who is
6 participating in a restitution project provided by the county may, for the purpose of
7 making restitution, be employed or perform any duties under any circumstances in
8 which a juvenile 14 or 15 years of age is permitted to be employed or to perform duties
9 under ch. 103 or any rule or order under ch. 103.

10 c. Under this subdivision, a deferred prosecution agreement may not require
11 a juvenile who is 10 to 13 years of age to make more than \$250 in restitution.

12 6. If the juvenile has attained the age of 10, that the juvenile participate in a
13 supervised work program or other community service work in accordance with s.
14 938.34 (5g).

15 7. That the juvenile be placed with a volunteers in probation program under
16 such conditions as the intake worker determines are reasonable and appropriate, if
17 the juvenile is alleged to have committed an act that would constitute a misdemeanor
18 if committed by an adult, if the chief judge of the judicial administrative district has
19 approved under s. 973.11 (2) a volunteers in probation program established in the
20 juvenile's county of residence and if the intake worker determines that volunteer
21 supervision under that volunteers in probation program will likely benefit the
22 juvenile and the community. The conditions that the intake worker may establish
23 under this subdivision may include, but need not be limited to, a request to a
24 volunteer to provide for the juvenile a role model, informal counseling, general
25 monitoring and monitoring of the conditions established by the intake worker, or any

1 combination of these functions, and any other deferred prosecution condition that
2 the intake worker may establish under this paragraph.

3 (b) A deferred prosecution agreement may not include any form of residential
4 placement and may not exceed one year.

5 (c) If the deferred prosecution agreement provides for alcohol and other drug
6 abuse outpatient treatment under par. (a) 4., the juvenile and the juvenile's parent,
7 guardian or legal custodian shall execute an informed consent form that indicates
8 that they are voluntarily and knowingly entering into a deferred prosecution
9 agreement for the provision of alcohol and other drug abuse outpatient treatment.

10 **(3)** The obligations imposed under a deferred prosecution agreement and its
11 effective date shall be set forth in writing. The judge or juvenile court commissioner
12 shall receive written notice that a deferred prosecution agreement has been entered
13 into and, on receipt of that notice, shall enter an order requiring compliance with that
14 agreement. The juvenile and a parent, guardian and legal custodian shall receive
15 a copy of the agreement and order, as shall any agency providing services under the
16 agreement.

17 **(4)** The intake worker shall inform the juvenile and the juvenile's parent,
18 guardian and legal custodian in writing of their right to request the court to
19 terminate the deferred prosecution agreement at any time or object at any time to
20 the fact or terms of the deferred prosecution agreement. If an objection arises the
21 intake worker may alter the terms of the agreement or recommend to the district
22 attorney or corporation counsel that a petition be filed. If the deferred prosecution
23 agreement is terminated the intake worker may recommend to the district attorney
24 or corporation counsel that a petition be filed.

1 **(5)** A deferred prosecution agreement may be terminated by the court upon the
2 request of the juvenile, parent, guardian or legal custodian.

3 **(6)** A deferred prosecution agreement arising out of an alleged delinquent act
4 is terminated if the district attorney files a delinquency petition within 20 days after
5 receipt of notice of the deferred prosecution agreement under s. 938.24 (5). In such
6 case statements made to the intake worker during the intake inquiry are
7 inadmissible.

8 **(7) (a)** If at any time during the period of a deferred prosecution agreement the
9 intake worker determines that the obligations imposed under it are not being met,
10 the intake worker may cancel the deferred prosecution agreement. Within 10 days
11 after the cancellation of the deferred prosecution agreement, the intake worker shall
12 notify the district attorney, corporation counsel or other official under s. 938.09 of the
13 cancellation and recommend whether or not a petition should be filed. In
14 delinquency cases, the district attorney may initiate a petition within 20 days after
15 the date of the notice regardless of whether the intake worker has recommended that
16 a petition be filed. The judge shall grant appropriate relief as provided in s. 938.315
17 (3) with respect to any petition which is not filed within the time limit specified in
18 this subsection.

19 **(b)** In addition to the action taken under par. (a), if the intake worker cancels
20 a deferred prosecution agreement based on a determination that the juvenile's
21 parent, guardian or legal custodian is not meeting the obligations imposed under the
22 agreement, the intake worker shall recommend to the district attorney, corporation
23 counsel or other official under s. 938.09 whether or not a petition should be filed
24 requesting the court to order the juvenile's parent, guardian or legal custodian to
25 show good cause for not meeting the obligations imposed under the agreement. If the

1 district attorney, corporation counsel or other official under s. 938.09 files a petition
2 under this paragraph and if the court finds prosecutive merit for the petition, the
3 court shall grant an order directing the parent, guardian or legal custodian to show
4 good cause, at a time and place fixed by the court, for not meeting the obligations
5 imposed under the agreement. If the parent, guardian or legal custodian does not
6 show good cause for not meeting the obligations imposed under the agreement, the
7 court may impose a forfeiture not to exceed \$1,000.

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

13 (9) The intake worker shall perform his or her responsibilities under this
14 section under general written policies which the judge shall promulgate under s.
15 938.06 (1) or (2).

16 **938.25 Petition: authorization to file.** (1) A petition initiating proceedings
17 under this chapter shall be signed by a person who has knowledge of the facts alleged
18 or is informed of them and believes them to be true. If a petition under s. 938.12 is
19 to be filed, it shall be prepared, signed and filed by the district attorney. The district
20 attorney, corporation counsel or other appropriate official specified under s. 938.09
21 may file the petition if the proceeding is under s. 938.125 or 938.13. The counsel or
22 guardian ad litem for a parent, relative, guardian or juvenile may file a petition
23 under s. 938.13 or 938.14. The district attorney, corporation counsel or other
24 appropriate person designated by the court may initiate proceedings under s. 938.14
25 in a manner specified by the court.

1 **(2)** (a) The district attorney, corporation counsel or other appropriate official
2 shall file the petition, close the case, or refer the case back to intake within 20 days
3 after the date that the intake worker's recommendation was filed. A referral back
4 to intake may be made only when the district attorney, corporation counsel or other
5 appropriate official decides not to file a petition or determines that further
6 investigation is necessary. If the case is referred back to intake upon a decision not
7 to file a petition, the intake worker shall close the case or enter into a deferred
8 prosecution agreement within 20 days. If the case is referred back to intake for
9 further investigation, the appropriate agency or person shall complete the
10 investigation within 20 days. If another referral is made to the district attorney,
11 corporation counsel or other appropriate official, it shall be considered a new referral
12 to which the time limits of this subsection shall apply. The time limits in this
13 subsection may only be extended by a judge upon a showing of good cause under s.
14 938.315. If a petition is not filed within the time limitations set forth in this
15 subsection and the court has not granted an extension, the petition shall be
16 accompanied by a statement of reasons for the delay. The court shall grant
17 appropriate relief as provided in s. 938.315 (3) with respect to a petition which is not
18 filed within the time limits specified in this paragraph.

19 (b) In delinquency cases where there has been a case closure or deferred
20 prosecution agreement, the petition shall be filed within 20 days of receipt of the
21 notice of closure or deferred prosecution. Failure to file within 20 days invalidates
22 the petition and affirms the case closure or deferred prosecution agreement, except
23 that the court shall grant appropriate relief as provided in s. 938.315 (3) with respect
24 to a petition that is not filed within the time limit specified in this paragraph. If a
25 petition is filed within 20 days or the time permitted by the court under s. 938.315

1 (3), whichever is later, the district attorney shall notify the parties to the agreement
2 and the intake worker as soon as possible.

3 (3) If the district attorney, corporation counsel or other appropriate official
4 under s. 938.09 refuses to file a petition, any person may request the judge to order
5 that the petition be filed and a hearing shall be held on the request. The judge may
6 order the filing of the petition on his or her own motion. The matter may not be heard
7 by the judge who orders the filing of a petition.

8 (4) Section 939.74 applies to delinquency petitions filed under this subchapter.

9 (5) A citation issued under s. 938.17 (2) may serve as the initial pleading and
10 is sufficient to confer the court with jurisdiction over the juvenile when the citation
11 is filed with the court.

12 (6) If a proceeding is brought under s. 938.13, any party to or any governmental
13 or social agency involved in the proceeding may petition the court to issue a
14 temporary restraining order and injunction as provided in s. 813.122 or 813.125. The
15 court shall follow the procedure under s. 813.122 or 813.125 except that the court
16 may combine hearings authorized under s. 813.122 or 813.125 and this chapter, the
17 petitioner for the temporary restraining order and injunction is not subject to the
18 limitations under s. 813.122 (2) or 813.125 (2) and no fee is required regarding the
19 filing of the petition under s. 813.122 or 813.125.

20 **938.255 Petition; form and content.** (1) A petition initiating proceedings
21 under this chapter, other than a petition initiating proceedings under s. 938.12 or
22 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a person under the
23 age of 18". A petition initiating proceedings under s. 938.12 or 938.13 (12) shall be
24 entitled, "In the interest of (juvenile's name), a person under the age of 17". A petition

1 initiating proceedings under this chapter shall set forth with specificity all of the
2 following:

3 (a) The name, birth date and address of the juvenile.

4 (b) The names and addresses of the juvenile's parent, guardian, legal custodian
5 or spouse, if any; or if no such person can be identified, the name and address of the
6 nearest relative.

7 (c) Whether the juvenile is in custody, and, if so, the place where the juvenile
8 is being held and the time he or she was taken into custody unless there is reasonable
9 cause to believe that such disclosure would result in imminent danger to the juvenile
10 or physical custodian.

11 (d) If violation of a criminal statute, an ordinance or another law is alleged, the
12 citation to the appropriate law or ordinance as well as facts sufficient to establish
13 probable cause that an offense has been committed and that the juvenile named in
14 the petition committed the offense.

15 (e) If the juvenile is alleged to come within the provisions of s. 938.13 (4), (6),
16 (6m), (7) or (14) or 938.14, reliable and credible information which forms the basis
17 of the allegations necessary to invoke the jurisdiction of the court and to provide
18 reasonable notice of the conduct or circumstances to be considered by the court
19 together with a statement that the juvenile is in need of supervision, services, care
20 or rehabilitation.

21 **(2)** If any of the facts in sub. (1) (a), (b) or (c) are not known or cannot be
22 ascertained by the petitioner, the petition shall so state.

23 **(3)** If the information required under sub. (1) (d) or (e) is not stated the petition
24 shall be dismissed or amended under s. 938.263 (2).

1 (4) A copy of the petition shall be given to the juvenile and to the parents,
2 guardian, legal custodian and physical custodian.

3 **938.263 Amendment of petition.** (1) Except as provided in s. 938.255 (3),
4 no petition, process or other proceeding may be dismissed or reversed for any error
5 or mistake if the case and the identity of the juvenile named in the petition may be
6 readily understood by the court; and the court may order an amendment curing the
7 defects.

8 (2) With reasonable notification to the interested parties and prior to the
9 taking of a plea under s. 938.30, the petition may be amended at the discretion of the
10 court or person who filed the petition. After the taking of a plea, the court may allow
11 amendment of the petition to conform to the proof if the amendment is not prejudicial
12 to the juvenile.

13 **938.27 Notice; summons.** (1) After a citation is issued or a petition has been
14 filed relating to facts concerning a situation specified under s. 938.12, 938.125 or
15 938.13, unless the parties under sub. (3) voluntarily appear, the court may issue a
16 summons requiring the parent, guardian and legal custodian of the juvenile to
17 appear personally at any hearing involving the juvenile, and, if the court so orders,
18 to bring the juvenile before the court at a time and place stated.

19 (2) Summons may be issued requiring the appearance of any other person
20 whose presence, in the opinion of the court, is necessary.

21 (3) (a) The court shall also notify, under s. 938.273, the juvenile and any parent,
22 guardian and legal custodian of the juvenile of all hearings involving the juvenile
23 under this subchapter, except hearings on motions for which notice need only be
24 provided to the juvenile and his or her counsel. Where parents entitled to notice have
25 the same place of residence, notice to one shall constitute notice to the other. The first

1 notice to any interested party shall be written and have a copy of the petition
2 attached to it. Thereafter, notice of hearings may be given by telephone at least 72
3 hours before the time of the hearing. The person giving telephone notice shall place
4 in the case file a signed statement of the time notice was given and the person to
5 whom he or she spoke.

6 (b) 1. Except as provided in subd. 2., if the petition that was filed relates to facts
7 concerning a situation under s. 938.13 and if the juvenile is a nonmarital child who
8 is not adopted or whose parents do not subsequently intermarry as provided under
9 s. 767.60 and if paternity has not been established, the court shall notify, under s.
10 938.273, all of the following persons:

11 a. A person who has filed a declaration of interest under s. 48.025.

12 b. A person alleged to the court to be the father of the juvenile or who may, based
13 on the statements of the mother or other information presented to the court, be the
14 father of the juvenile.

15 2. A court is not required to provide notice, under subd. 1., to any person who
16 may be the father of a juvenile conceived as a result of a sexual assault if a physician
17 attests to his or her belief that there was a sexual assault of the juvenile's mother that
18 may have resulted in the juvenile's conception.

19 **(4)** The notice shall:

20 (a) Contain the name of the juvenile, and the nature, location, date and time
21 of the hearing.

22 (b) Advise the juvenile and any other party, if applicable, of his or her right to
23 legal counsel regardless of ability to pay.

24 **(4m)** The district attorney or corporation counsel shall attempt to contact any
25 known victim or alleged victim of a juvenile's act or alleged act and any known family

1 member of a homicide victim or alleged homicide victim to inform them of the right
2 to receive notice of any hearing under this chapter involving the juvenile. If a victim,
3 alleged victim or family member of a homicide victim or of an alleged homicide victim
4 indicates that he or she wishes to receive notice of any hearing under this chapter
5 involving the juvenile, the district attorney or corporation counsel shall notify, under
6 s. 938.273, that victim, alleged victim or family member of any hearing under this
7 chapter involving the juvenile. Any failure to comply with this subsection is not a
8 ground for an appeal of a judgment or dispositional order or for any court to reverse
9 or modify a judgment or dispositional order.

10 (5) The court shall make every reasonable effort to identify and notify any
11 person who has filed a declaration of interest under s. 48.025 and any person who has
12 been adjudged to be the biological father of the juvenile in a judicial proceeding
13 unless the biological father's rights have been terminated.

14 (6) When a proceeding is initiated under s. 938.14, all interested parties shall
15 receive notice and appropriate summons shall be issued in a manner specified by the
16 court, consistent with applicable governing statutes.

17 (7) When a citation has been issued under s. 938.17 (2) and the juvenile's parent
18 or guardian has been notified of the citation, subs. (3) and (4) do not apply.

19 (8) When a petition is filed under s. 938.12 or 938.13, the court shall notify, in
20 writing, the juvenile's parents or guardian that they may be ordered to reimburse
21 this state or the county for the costs of legal counsel provided for the juvenile, as
22 provided under s. 938.275 (2).

23 **938.273 Service of summons or notice; expense.** (1) Service of summons
24 or notice required by s. 938.27 may be made by mailing a copy thereof to the persons
25 summoned or notified. If the persons, other than a person specified in s. 938.27 (4m),

1 fail to appear at the hearing or otherwise to acknowledge service, a continuance shall
2 be granted, except where the court determines otherwise because the juvenile is in
3 secure custody, and service shall be made personally by delivering to the persons a
4 copy of the summons or notice; except that if the court is satisfied that it is
5 impracticable to serve the summons or notice personally, it may make an order
6 providing for the service of the summons or notice by certified mail addressed to the
7 last-known addresses of the persons. The court may refuse to grant a continuance
8 when the juvenile is being held in secure custody, but in such a case the court shall
9 order that service of notice of the next hearing be made personally or by certified mail
10 to the last-known address of the person who failed to appear at the hearing.
11 Personal service shall be made at least 72 hours before the time of the hearing. Mail
12 shall be sent at least 7 days before the time of the hearing, except where the petition
13 is filed under s. 938.13 and the person to be notified lives outside the state, in which
14 case the mail shall be sent at least 14 days before the time of the hearing.

15 (2) Service of summons or notice required by this subchapter may be made by
16 any suitable person under the direction of the court. Notification of the victim or
17 alleged victim of a juvenile's act or of a family member of a homicide victim or of an
18 alleged homicide victim under s. 938.27 (4m) shall be made by the district attorney
19 or corporation counsel.

20 (3) The expenses of service of summons or notice or of the publication of
21 summons or notice and the traveling expenses and fees as allowed in ch. 885 incurred
22 by any person summoned or required to appear at the hearing of any case coming
23 within the jurisdiction of the court under s. 938.12, 938.125, 938.13 or 938.14 shall
24 be a charge on the county when approved by the court.

938.275 Parents' contribution to cost of court and legal services. (1)

If the court finds a juvenile to be delinquent under s. 938.12, in violation of a civil law or ordinance under s. 938.125 or in need of protection or services under s. 938.13, the court shall order the parents of the juvenile to contribute toward the expense of post-adjudication services to the juvenile the proportion of the total amount which the court finds the parents are able to pay.

(2) (a) If this state or a county provides legal counsel to a juvenile subject to a proceeding under s. 938.12 or 938.13, the court shall order the juvenile's parent to reimburse the state or county in accordance with par. (b) or (c). The court may not order reimbursement if a parent is the complaining or petitioning party or if the court finds that the interests of the parent and the interests of the juvenile in the proceeding are substantially and directly adverse and that reimbursement would be unfair to the parent. The court may not order reimbursement until the completion of the proceeding or until the state or county is no longer providing the juvenile with legal counsel in the proceeding.

(b) If this state provides the juvenile with legal counsel and the court orders reimbursement under par. (a), the juvenile's parent may request the state public defender to determine whether the parent is indigent as provided under s. 977.07 and shall determine the amount of reimbursement. If the parent is found not to be indigent, the amount of reimbursement shall be the maximum amount established by the public defender board. If the parent is found to be indigent in part, the amount of reimbursement shall be the amount of partial payment determined in accordance with the rules of the public defender board under s. 977.02 (3).

(c) If the county provides the juvenile with legal counsel and the court orders reimbursement under par. (a), the court shall either make a determination of

1 indigency or shall appoint the county department to make the determination. If the
2 court or the county department finds that the parent is not indigent or is indigent
3 in part, the court shall establish the amount of reimbursement and shall order the
4 parent to pay it.

5 (cg) The court shall, upon motion by a parent, hold a hearing to review any of
6 the following:

- 7 1. An indigency determination made under par. (b) or (c).
- 8 2. The amount of reimbursement ordered.
- 9 3. The court's finding, under par. (a), that the interests of the parent and the
10 juvenile are not substantially and directly adverse and that ordering the payment
11 of reimbursement would not be unfair to the parent.

12 (cr) Following a hearing under par. (cg), the court may affirm, rescind or modify
13 the reimbursement order.

14 (d) Reimbursement payments shall be made to the clerk of court of the county
15 where the proceedings took place. Each payment shall be transmitted to the county
16 treasurer, who shall deposit 50% of the amount paid for state-provided counsel in the
17 county treasury and transmit the remainder to the state treasurer for deposit in the
18 general fund. The county treasurer shall deposit 100% of the amount paid for
19 county-provided counsel in the county treasury.

20 (dm) Within 30 days after each calendar quarter, the clerk of court for each
21 county shall report to the state public defender all of the following:

22 1. The total amount of reimbursement determined or ordered under par. (b) or
23 (cr) for state-provided counsel during the previous calendar quarter.

24 2. The total amount collected under par. (d) for state-provided counsel during
25 the previous calendar quarter.

1 (e) A person who fails to comply with an order under par. (b) or (c) may be
2 proceeded against for contempt of court under ch. 785.

3 **938.28 Failure to obey summons; capias.** If any person summoned under
4 this subchapter fails without reasonable cause to appear, he or she may be proceeded
5 against for contempt of court. In case the summons cannot be served or the parties
6 served fail to obey the same, or in any case when it appears to the court that the
7 service will be ineffectual a capias may be issued for the parent or guardian or for the
8 juvenile. Subchapter IV governs the taking and holding of a juvenile in custody.

9 **938.29 Substitution of judge. (1)** Except as provided in sub. (1g), the
10 juvenile, either before or during the plea hearing, may file a written request with the
11 clerk of the court or other person acting as the clerk for a substitution of the judge
12 assigned to the proceeding. Upon filing the written request, the juvenile shall
13 immediately mail or deliver a copy of the request to the judge named therein. In a
14 proceeding under s. 938.12 or 938.13 (12), only the juvenile may request a
15 substitution of the judge. Whenever the juvenile has the right to request a
16 substitution of judge, the juvenile's counsel or guardian ad litem may file the request.
17 Not more than one such written request may be filed in any one proceeding, nor may
18 any single request name more than one judge. This section shall not apply to
19 proceedings under s. 938.21.

20 **(1g)** The juvenile may not request the substitution of a judge in a proceeding
21 under s. 938.12 or 938.13 (12), and the juvenile and the juvenile's parent, guardian
22 or legal custodian may not request the substitution of a judge in a proceeding under
23 s. 938.13 (4), (6), (6m) or (7), if the judge assigned to the proceeding has entered a
24 dispositional order with respect to the child in a previous proceeding under s. 938.12
25 or 938.13 (4), (6), (6m), (7) or (12).

1 **(1m)** When the clerk receives a request for substitution, the clerk shall
2 immediately contact the judge whose substitution has been requested for a
3 determination of whether the request was made timely and in proper form. Except
4 as provided in sub. (2), if the request is found to be timely and in proper form, the
5 judge named in the request has no further jurisdiction and the clerk shall request
6 the assignment of another judge under s. 751.03. If no determination is made within
7 7 days, the clerk shall refer the matter to the chief judge of the judicial administrative
8 district for determination of whether the request was made timely and in proper form
9 and reassignment as necessary.

10 **(2)** If the request for substitution of a judge is made for the judge scheduled to
11 conduct a waiver hearing under s. 938.18, the request shall be filed before the close
12 of the working day preceding the day that the waiver hearing is scheduled. Except
13 as provided in sub. (1g), the judge may allow an authorized party to make a request
14 for substitution on the day of the waiver hearing. If the request for substitution is
15 made subsequent to the waiver hearing, the judge who conducted the waiver hearing
16 may also conduct the plea hearing.

17 **938.293 Discovery.** **(1)** Copies of all law enforcement officer reports,
18 including but not limited to the officer's memorandum and witnesses' statements,
19 shall be made available upon request to counsel or guardian ad litem prior to a plea
20 hearing. The reports shall be available through the representative of the public
21 designated under s. 938.09. The juvenile, through counsel or guardian ad litem, is
22 the only party who shall have access to the reports in proceedings under s. 938.12,
23 938.125 or 938.13 (12). The identity of a confidential informant may be withheld
24 pursuant to s. 905.10.

1 (2) All records relating to a juvenile which are relevant to the subject matter
2 of a proceeding under this subchapter shall be open to inspection by a guardian ad
3 litem or counsel for any party, upon demand and upon presentation of releases where
4 necessary, at least 48 hours before the proceeding. Persons entitled to inspect the
5 records may obtain copies of the records with the permission of the custodian of the
6 records or with the permission of the court. The court may instruct counsel not to
7 disclose specified items in the materials to the juvenile or the parent if the court
8 reasonably believes that the disclosure would be harmful to the interests of the
9 juvenile. Sections 971.23 to 971.25 and 972.11 (5) shall be applicable in all
10 delinquency proceedings under this subchapter, except that the court shall establish
11 the timetable for ss. 971.23 (3), (8) and (9) and 972.11 (5).

12 (3) Upon request prior to the fact-finding hearing, the district attorney shall
13 disclose to the juvenile, and to the juvenile's counsel or guardian ad litem, the
14 existence of any videotaped oral statement of a juvenile under s. 908.08 which is
15 within the possession, custody or control of the state and shall make reasonable
16 arrangements for the requesting person to view the videotaped oral statement. If,
17 subsequent to compliance with this subsection, the state obtains possession, custody
18 or control of such a videotaped statement, the district attorney shall promptly notify
19 the requesting person of that fact and make reasonable arrangements for the
20 requesting person to view the videotaped oral statement.

21 **938.295 Physical, psychological, mental or developmental**
22 **examination.** (1) After the filing of a petition and upon a finding by the court that
23 reasonable cause exists to warrant an examination or an alcohol and other drug
24 abuse assessment that conforms to the criteria specified under s. 938.547 (4), the
25 court may order any juvenile coming within its jurisdiction to be examined as an

1 outpatient by personnel in an approved treatment facility for alcohol and other drug
2 abuse, by a physician, psychiatrist or licensed psychologist, or by another expert
3 appointed by the court holding at least a master's degree in social work or another
4 related field of child development, in order that the juvenile's physical, psychological,
5 alcohol or other drug dependency, mental or developmental condition may be
6 considered. The court may also order an examination or an alcohol and other drug
7 abuse assessment that conforms to the criteria specified under s. 938.547 (4) of a
8 parent, guardian or legal custodian whose ability to care for a juvenile is at issue
9 before the court. The court shall hear any objections by the juvenile and the juvenile's
10 parents, guardian or legal custodian to the request for such an examination or
11 assessment before ordering the examination or assessment. The expenses of an
12 examination, if approved by the court, shall be paid by the county of the court
13 ordering the examination. The payment for an alcohol and other drug abuse
14 assessment shall be in accordance with s. 938.361.

15 **(1c)** Reasonable cause is considered to exist to warrant an alcohol and other
16 drug abuse assessment under sub. (1) if any of the following applies:

17 (a) The multidisciplinary screen procedure conducted under s. 938.24 (2)
18 indicates that the juvenile is at risk of having needs and problems related to alcohol
19 or other drug abuse.

20 (b) The juvenile was adjudicated delinquent on the basis of an offense specified
21 in ch. 161.

22 (c) The greater weight of the evidence at the fact-finding hearing indicates that
23 any offense which formed the basis for the adjudication was motivated by the
24 juvenile's need to purchase or otherwise obtain alcohol beverages or controlled
25 substances.

1 **(1g)** If the court orders an alcohol or other drug abuse assessment under sub.
2 (1), the approved treatment facility shall, within 14 days after the court order, report
3 the results of the assessment to the court, except that, upon request by the approved
4 treatment facility and if the juvenile is not held in secure or nonsecure custody, the
5 court may extend the period for assessment for not more than 20 additional working
6 days. The report shall include a recommendation as to whether the juvenile is in
7 need of treatment, intervention or education relating to the use or abuse of alcohol
8 beverages or controlled substances and, if so, shall recommend a service plan and
9 appropriate treatment from an approved treatment facility, intervention from a
10 court-approved pupil assistance program or education from a court-approved
11 alcohol or other drug abuse education program.

12 **(2)** (a) If there is probable cause to believe that the juvenile has committed the
13 alleged offense and if there is reason to doubt the juvenile's competency to proceed,
14 or upon entry of a plea under s. 938.30 (4) (c) the court shall order the juvenile to be
15 examined by a psychiatrist or licensed psychologist. The expenses of an
16 examination, if approved by the court, shall be paid by the county of the court
17 ordering the examination. Evaluation shall be made on an outpatient basis unless
18 the juvenile presents a substantial risk of physical harm to the juvenile or others; or
19 the juvenile, parent or guardian, and legal counsel or guardian ad litem consent to
20 an inpatient evaluation. Any inpatient evaluation shall be for a specified period that
21 is no longer than is necessary to complete the evaluation.

22 (b) The examiner shall file a report of the examination with the court by the
23 date specified in the order. The court shall cause copies to be transmitted to the
24 district attorney or corporation counsel and to the juvenile's counsel or guardian ad
25 litem. The report shall describe the nature of the examination and identify the

1 persons interviewed, the particular records reviewed and any tests administered to
2 the juvenile. If the examination is ordered following a plea under s. 938.30 (4) (c),
3 the report shall also contain an opinion regarding whether the juvenile suffered from
4 mental disease or defect at the time of the commission of the act alleged in the
5 petition and, if so, whether this caused the juvenile to lack substantial capacity to
6 appreciate the wrongfulness of his or her conduct or to conform his or her conduct to
7 the requirements of the law. If the examination is ordered following a finding that
8 there is probable cause to believe that the juvenile has committed the alleged offense
9 and that there is reason to doubt the juvenile's competency to proceed, the report
10 shall also contain an opinion regarding the juvenile's present mental capacity to
11 understand the proceedings and assist in his or her defense and, if the examiner
12 reports that the juvenile lacks competency to proceed, the examiner's opinion
13 regarding the likelihood that the juvenile, if provided treatment, may be restored to
14 competency within the time specified in s. 938.30 (5) (e) 1. The report shall also state
15 in reasonable detail the facts and reasoning upon which the examiner's opinions are
16 based.

17 (3) If the juvenile or a parent objects to a particular physician, psychiatrist,
18 licensed psychologist or other expert as required under this section, the court shall
19 appoint a different physician, psychiatrist, psychologist or other expert as required
20 under this section.

21 (4) Motions or objections under this section may be heard under s. 807.13.

22 **938.296 Testing for HIV infection and certain diseases.** (1) In this
23 section:

24 (a) "Health care professional" has the meaning given in s. 252.15 (1) (am).

25 (b) "HIV" has the meaning given in s. 252.01 (1m).

1 (c) "Sexually transmitted disease" has the meaning given in s. 252.11 (1).

2 (d) "Significantly exposed" has the meaning given in s. 252.15 (1) (em).

3 **(2)** In a proceeding under s. 938.12 or 938.13 (12) in which the juvenile is
4 alleged to have violated s. 940.225, 948.02, 948.025, 948.05 or 948.06, the district
5 attorney or corporation counsel shall apply to the court for an order requiring the
6 juvenile to submit to a test or a series of tests administered by a health care
7 professional to detect the presence of HIV, antigen or nonantigenic products of HIV,
8 an antibody to HIV or a sexually transmitted disease and to disclose the results of
9 that test or series of tests as specified in sub. (4) (a) to (e), if all of the following apply:

10 (a) The victim or alleged victim, if an adult, or the parent, guardian or legal
11 custodian of the victim or alleged victim, if the victim or alleged victim is a child,
12 requests the district attorney or corporation counsel to apply for that order.

13 (b) The district attorney or corporation counsel has probable cause to believe
14 that the juvenile has significantly exposed the victim or alleged victim. If the
15 juvenile is adjudicated delinquent or found to be in need of protection or services, this
16 paragraph does not apply.

17 **(3)** The district attorney or corporation counsel may apply for an order under
18 sub. (2) at any of the following times:

19 (a) At or after the plea hearing and before a dispositional order is entered.

20 (b) At any time after the juvenile is adjudicated delinquent or found to be in
21 need of protection or services.

22 **(4)** On receipt of an application for an order under sub. (2), the court shall set
23 a time for a hearing on the application. If, after hearing, the court finds probable
24 cause to believe that the juvenile has significantly exposed the victim or alleged
25 victim, the court shall order the juvenile to submit to a test or a series of tests

1 administered by a health care professional to detect the presence of HIV, antigen or
2 nonantigenic products of HIV, an antibody to HIV or a sexually transmitted disease.
3 The court shall require the health care professional who performs the test or series
4 of tests to refrain, notwithstanding s. 252.15 (4) (c), from making the test results part
5 of the juvenile's permanent medical record and to disclose the results of the test to
6 any of the following:

7 (a) The parent, guardian or legal custodian of the juvenile.

8 (b) The victim or alleged victim, if the victim or alleged victim is an adult.

9 (c) The parent, guardian or legal custodian of the victim or alleged victim, if the
10 victim or alleged victim is a child.

11 (d) The health care professional that provides care for the juvenile, upon
12 request by the parent, guardian or legal custodian of the juvenile.

13 (e) The health care professional that provides care for the victim or alleged
14 victim, upon request by the victim or alleged victim or, if the victim or alleged victim
15 is a child, upon request by the parent, guardian or legal custodian of the victim or
16 alleged victim.

17 **(6)** The court may order the county to pay for the cost of a test or series of tests
18 ordered under sub. (4). This subsection does not prevent recovery of reasonable
19 contribution toward the cost of that test or series of tests from the parent or guardian
20 of the juvenile as the court may order based on the ability of the parent or guardian
21 to pay. This subsection is subject to s. 46.03 (18).

22 **938.297 Motions before trial.** (1) Any motion which is capable of
23 determination without trial of the general issue may be made before trial.

24 (2) Defenses and objections based on defects in the institution of proceedings,
25 lack of probable cause on the face of the petition or citation, insufficiency of the

1 petition or citation or invalidity in whole or in part of the statute on which the
2 petition or citation is founded shall be raised not later than 10 days after the plea
3 hearing or be deemed waived. Other motions capable of determination without trial
4 may be brought any time before trial.

5 (3) Motions to suppress evidence as having been illegally seized or statements
6 illegally obtained shall be made before fact-finding on the issues. The court may
7 entertain the motion at the fact-finding hearing if it appears that a party is surprised
8 by the attempt to introduce such evidence and that party waives jeopardy. Only the
9 juvenile may waive jeopardy in cases under s. 938.12, 938.125 or 938.13 (12).

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

15 (5) If the juvenile is in custody and the court grants a motion to dismiss based
16 upon a defect in the petition or citation or in the institution of the proceedings, the
17 court may order the juvenile continued in custody for not more than 48 hours pending
18 the filing of a new petition or citation.

19 (6) A motion required to be served on a juvenile may be served upon his or her
20 attorney of record.

21 (7) Oral argument permitted on motions under this section may be heard by
22 telephone under s. 807.13 (1).

23 **938.299 Procedures at hearings.** (1) (a) Except as provided in par. (ar), the
24 general public shall be excluded from hearings under this chapter unless a public
25 fact-finding hearing is demanded by a juvenile through his or her counsel. The court

1 shall refuse to grant the public hearing, however, if the victim of an alleged sexual
2 assault objects or, in a nondelinquency proceeding, if a parent or guardian objects.
3 If a public hearing is not held, only the parties, their counsel, witnesses, a
4 representative of the news media who wishes to attend the hearing for the purpose
5 of reporting news without revealing the identity of the child involved and other
6 persons requested by a party and approved by the court may be present. Any other
7 person the court finds to have a proper interest in the case or in the work of the court,
8 including a member of the bar, may be admitted by the court.

9 (am) Subject to s. 906.15, if a public hearing is not held, in addition to persons
10 permitted to attend under par. (a), a victim of a juvenile's act or alleged act may
11 attend any hearing under this chapter based upon the act or alleged act, except that
12 a judge may exclude a victim from any portion of a hearing which deals with sensitive
13 personal matters of the juvenile or the juvenile's family and which does not directly
14 relate to the act or alleged act committed against the victim. A member of the victim's
15 family and, at the request of the victim, a representative of an organization providing
16 support services to the victim, may attend the hearing under this subsection.

17 (ar) Notwithstanding par. (a), the general public may attend any hearing under
18 this chapter relating to a juvenile who has been alleged to be delinquent for
19 committing a violation that would be a felony if committed by an adult if the juvenile
20 has been adjudicated delinquent previously and that previous adjudication remains
21 of record and unreversed or relating to a juvenile who has been alleged to be
22 delinquent for committing a violation specified in s. 939.62 (2m) (a) 1., 2. or 3., except
23 that the court shall exclude the general public from a hearing if the victim of a sexual
24 assault objects and may, in its discretion, exclude the general public from any portion
25 of a hearing which deals with sensitive personal matters of the juvenile or the

1 juvenile's family and which does not relate to the act or alleged act committed by the
2 juvenile or from any other hearing described in this paragraph. If the court excludes
3 the general public from a hearing described in this paragraph, only those persons
4 who are permitted under par. (a) or (am) to attend a hearing from which the general
5 public is excluded may attend.

6 (b) Except as provided in s. 938.396, any person who divulges any information
7 which would identify the juvenile or the family involved in any proceeding under this
8 subchapter is subject to ch. 785. This paragraph does not preclude a victim of the
9 juvenile's act from commencing a civil action based upon the juvenile's act.

10 (4) (a) Chapters 901 to 911 govern the presentation of evidence at the
11 fact-finding hearing under s. 938.31. Section 972.11 (5) applies at fact-finding
12 proceedings in all delinquency proceedings under this chapter.

13 (b) Except as provided in s. 901.05, neither common law nor statutory rules of
14 evidence are binding at a waiver hearing under s. 938.18, a hearing for a juvenile
15 held in custody under s. 938.21, a hearing under s. 938.296 (4) for a juvenile who is
16 alleged to have violated s. 940.225, 948.02, 948.025, 948.05 or 948.06, a dispositional
17 hearing, or a hearing about changes in placement, revision of dispositional orders or
18 extension of dispositional orders. At those hearings, the court shall admit all
19 testimony having reasonable probative value, but shall exclude immaterial,
20 irrelevant or unduly repetitious testimony or evidence that is inadmissible under s.
21 901.05. Hearsay evidence may be admitted if it has demonstrable circumstantial
22 guarantees of trustworthiness. The court shall give effect to the rules of privilege
23 recognized by law. The court shall apply the basic principles of relevancy, materiality
24 and probative value to proof of all questions of fact. Objections to evidentiary offers

1 and offers of proof of evidence not admitted may be made and shall be noted in the
2 record.

3 (5) On request of any party, unless good cause to the contrary is shown, any
4 hearing under s. 938.209 (1) (e) or 938.21 (1) may be held on the record by telephone
5 or live audio-visual means or testimony may be received by telephone or live
6 audio-visual means as prescribed in s. 807.13 (2). The request and the showing of
7 good cause for not conducting the hearing or admitting testimony by telephone or live
8 audio-visual means may be made by telephone.

9 (6) If a man who has been given notice under s. 938.27 (3) (b) 1. appears at any
10 hearing for which he received the notice, alleges that he is the father of the juvenile
11 and states that he wishes to establish the paternity of the juvenile, the court shall
12 refer the matter to the state or to the attorney responsible for support enforcement
13 under s. 59.458 (1) for a determination, under s. 767.45, of whether an action should
14 be brought for the purpose of determining the paternity of the juvenile. The court
15 may stay the proceedings under this chapter pending the outcome of the paternity
16 proceedings under ss. 767.45 to 767.60 if the court determines that the paternity
17 proceedings will not unduly delay the proceedings under this chapter and the
18 determination of paternity is necessary to the court's disposition of the juvenile if the
19 juvenile is found to be in need of protection or services. As part of the proceedings
20 under this chapter, the court may order that a record be made of any testimony of the
21 juvenile's mother relating to the juvenile's paternity. A record made under this
22 subsection is admissible in a proceeding to determine the juvenile's paternity under
23 ss. 767.45 to 767.60.

24 **938.30 Plea hearing.** (1) Except as provided in this subsection, the hearing
25 to determine the juvenile's plea to a citation or a petition under s. 938.12, 938.125

1 or 938.13 (12), or to determine whether any party wishes to contest an allegation that
2 the child is in need of protection or services under s. 938.13 (4), (6), (6m), (7) or (14)
3 shall take place on a date which allows reasonable time for the parties to prepare but
4 is within 30 days after the filing of a petition or issuance of a citation for a juvenile
5 who is not being held in secure custody or within 10 days after the filing of a petition
6 or issuance of a citation for a juvenile who is being held in secure custody. In a
7 municipal court operated jointly by 2 or more cities, towns or villages under s. 755.01
8 (4), the hearing to determine the juvenile's plea shall take place within 45 days after
9 the filing of a petition or issuance of a citation for a juvenile who is not being held in
10 secure custody.

11 (2) At or before the commencement of the hearing under this section the
12 juvenile and the parent, guardian or legal custodian shall be advised of their rights
13 as specified in s. 938.243 and shall be informed that the hearing shall be to the court
14 and that a request for a substitution of judge under s. 938.29 must be made before
15 the end of the plea hearing or be waived. Nonpetitioning parties, including the
16 juvenile, shall be granted a continuance of the plea hearing if they wish to consult
17 with an attorney on the request for a substitution of a judge.

18 (3) If a petition alleges that a juvenile is in need of protection or services under
19 s. 938.13 (4), (6), (6m), (7) or (14), the nonpetitioning parties and the juvenile, if he
20 or she is 12 years of age or older or is otherwise competent to do so, shall state
21 whether they desire to contest the petition.

22 (4) If a delinquency petition under s. 938.12, a civil law or ordinance violation
23 petition or citation under s. 938.125, or a petition alleging that the juvenile is in need
24 of protection or services under s. 938.13 (12) is filed, the juvenile may submit any of
25 the following pleas:

1 (a) Admit some or all of the facts alleged in the petition or citation, however,
2 such a plea is an admission only of the commission of the acts and does not constitute
3 an admission of delinquency.

4 (b) Deny the facts alleged in the petition or citation. If the juvenile stands mute
5 or refuses to plead, the court shall direct entry of a denial of the facts alleged in the
6 petition or citation on the juvenile's behalf.

7 (bm) Plead no contest to the allegations, but only if the court permits the child
8 to enter that plea.

9 (c) Except pursuant to a petition or citation under s. 938.125, state that he or
10 she is not responsible for the acts alleged in the petition by reason of mental disease
11 or defect. This plea shall be joined with an admission under par. (a), a denial under
12 par. (b) or a plea of no contest under par. (bm).

13 **(5)** (a) If there is probable cause to believe that the juvenile has committed the
14 alleged offense and if there is reason to doubt the juvenile's competency to proceed,
15 or if the juvenile enters a plea of not responsible by reason of mental disease or defect,
16 the court shall order an examination under s. 938.295 and shall specify the date by
17 which the report must be filed in order to give the district attorney or corporation
18 counsel and the juvenile's counsel a reasonable opportunity to review the report. The
19 court shall set a date for hearing as follows:

20 1. If the juvenile admits or pleads no contest to the allegations in the petition,
21 the hearing to determine whether the juvenile was not responsible by reason of
22 mental disease or defect shall be held no more than 10 days from the plea hearing
23 for a juvenile held in secure custody and no more than 30 days from the plea hearing
24 for a juvenile who is not held in secure custody.

1 2. If the juvenile denies the allegations in the petition or citation, the court shall
2 hold a fact-finding hearing on the allegations in the petition or citation as provided
3 under s. 938.31. If, at the end of the fact-finding hearing, the court finds that the
4 allegations in the petition have been proven, the court shall immediately hold a
5 hearing to determine whether the juvenile was not responsible by reason of mental
6 disease or defect.

7 3. If the court has found probable cause to believe that the juvenile has
8 committed the alleged offense and reason to doubt the juvenile's competency to
9 proceed, the hearing to determine whether the juvenile is competent to proceed shall
10 be held no more than 10 days after the plea hearing for a juvenile who is held in
11 secure custody and no more than 30 days after the plea hearing for a juvenile who
12 is not held in secure custody.

13 (b) If the court, after a hearing under par. (a) 1. or 2., finds that the juvenile was
14 responsible, the court shall proceed to a dispositional hearing.

15 (bm) If the court, after a hearing under par. (a) 3., finds that the juvenile is
16 competent to proceed, the court shall resume the delinquency proceeding.

17 (c) If the court finds that the juvenile was not responsible by reason of mental
18 disease or defect, as described under s. 971.15 (1) and (2), the court shall dismiss the
19 petition with prejudice and shall also do one of the following:

20 1. If the court finds that there is probable cause to believe that the juvenile
21 meets the conditions specified under s. 51.20 (1) (a) 1. and 2., order the county
22 department under s. 46.22, 46.23 or 46.215 in the county of the juvenile's residence
23 or the district attorney or corporation counsel who filed the petition under s. 938.12
24 or 938.13 (12) to file a petition under s. 51.20 (1).

1 2. Order the district attorney or corporation counsel who filed the petition
2 under s. 938.12 or 938.13 (12) to file a petition alleging that the juvenile is in need
3 of protection or services under s. 938.13 (14).

4 (d) If the court finds that the juvenile is not competent to proceed, as described
5 in s. 971.13 (1) and (2), the court shall suspend proceedings on the petition and shall
6 also do one of the following:

7 1. If the court finds that there is probable cause to believe that the juvenile
8 meets the conditions specified under s. 51.20 (1) (a) 1. and 2., order the county
9 department under s. 46.22, 46.23 or 46.215 in the county of the juvenile's residence
10 or the district attorney or corporation counsel who filed the petition under s. 938.12
11 or 938.13 (12) to file a petition under s. 51.20 (1).

12 2. Order the district attorney or corporation counsel who filed the petition
13 under s. 938.12 or 938.13 (12) to file a petition alleging that the juvenile is in need
14 of protection or services under s. 938.13 (14).

15 (e) 1. A juvenile who is not competent to proceed, as described in s. 971.13 (1)
16 and (2), but who is likely to become competent to proceed within 12 months or the
17 maximum sentence that may be imposed on an adult for the most serious delinquent
18 act with which the juvenile is charged, whichever is less, and who is committed under
19 s. 51.20 following an order under par. (d) 1. or who is placed under a dispositional
20 order following an order under par. (d) 2., shall be periodically reexamined with
21 written reports of those reexaminations to be submitted to the court every 3 months
22 and within 30 days before the expiration of the juvenile's commitment or
23 dispositional order. Each report shall indicate either that the juvenile has become
24 competent, that the juvenile remains incompetent but that attainment of
25 competence is likely within the remaining period of the commitment or dispositional

1 order or that the juvenile has not made such progress that attainment of competency
2 is likely within the remaining period of the commitment or dispositional order.

3 2. The court shall cause copies of the reports under subd. 1. to be transmitted
4 to the district attorney or corporation counsel and the juvenile's counsel. If a report
5 under subd. 1. indicates that the juvenile has become competent, the court shall hold
6 a hearing within 10 days after the court receives the report to determine whether the
7 juvenile is competent. If the court determines that the juvenile is competent, the
8 court shall terminate the juvenile's commitment or dispositional order and resume
9 the delinquency proceeding.

10 3. If the juvenile is receiving psychotropic medication, the court may make
11 appropriate orders for the continued administration of the psychotropic medication
12 in order to maintain the competence of the juvenile for the duration of the proceeding.

13 **(6)** If a petition is not contested, the court shall set a date for the dispositional
14 hearing which allows reasonable time for the parties to prepare but is no more than
15 10 days from the plea hearing for a juvenile who is held in secure custody and no more
16 than 30 days from the plea hearing for a juvenile who is not held in secure custody.
17 If it appears to the court that disposition of the case may include placement of the
18 juvenile outside the juvenile's home, the court shall order the juvenile's parent to
19 provide a statement of income, assets, debts and living expenses to the court or the
20 designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the
21 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
22 provide, without charge, to any parent ordered to provide a statement of income,
23 assets, debts and living expenses a document setting forth the percentage standard
24 established by the department under s. 46.25 (9) and listing the factors that a court
25 may consider under s. 46.10 (14) (c). If all parties consent the court may proceed

1 immediately with the dispositional hearing. If a citation is not contested, the court
2 may proceed immediately to enter a dispositional order.

3 **(7)** If the petition or citation is contested, the court shall set a date for the
4 fact-finding hearing which allows a reasonable time for the parties to prepare but
5 is no more than 20 days from the plea hearing for a juvenile who is held in secure
6 custody and no more than 30 days from the plea hearing for a juvenile who is not held
7 in secure custody.

8 **(8)** Except when a juvenile fails to appear in response or stipulates to a citation
9 before accepting an admission or plea of no contest of the alleged facts in a petition
10 or citation, the court shall do all of the following:

11 (a) Address the parties present including the juvenile personally and
12 determine that the plea or admission is made voluntarily with understanding of the
13 nature of the acts alleged in the petition or citation and the potential dispositions.

14 (b) Establish whether any promises or threats were made to elicit a plea and
15 alert unrepresented parties to the possibility that a lawyer may discover defenses or
16 mitigating circumstances which would not be apparent to them.

17 (c) Make such inquiries as satisfactorily establish that there is a factual basis
18 for the juvenile's plea or the parent's and juvenile's admission.

19 **(9)** If a court commissioner conducts the plea hearing and accepts an admission
20 of the alleged facts in a petition brought under s. 938.12 or 938.13, the judge shall
21 review the admission at the beginning of the dispositional hearing by addressing the
22 parties and making the inquiries set forth in sub. (8).

23 **(10)** The court may permit any party to participate in hearings under this
24 section by telephone or live audio-visual means except a juvenile who intends to
25 admit the facts of the delinquency petition.

938.305 Hearing upon the involuntary removal of a juvenile.

Notwithstanding other time periods for hearings under this chapter, if a juvenile is removed from the physical custody of the juvenile's parent or guardian under s. 938.19 (1) (c) or (d) 5. without the consent of the parent or guardian, the court shall schedule a plea hearing and fact-finding hearing within 30 days after a request from the parent or guardian from whom custody was removed. The plea hearing and fact-finding hearing may be combined. This time period may be extended only with the consent of the requesting parent or guardian.

938.31 Fact-finding hearing. (1) In this section, "fact-finding hearing" means a hearing to determine if the allegations of a petition under s. 938.12 or 938.13 (12) are supported beyond a reasonable doubt or a hearing to determine if the allegations in a petition or citation under s. 938.125 or 938.13 (4), (6), (6m), (7) or (14) are proved by clear and convincing evidence.

(2) The hearing shall be to the court. If the hearing involves a child victim or witness, as defined in s. 950.02, the court may order the taking and allow the use of a videotaped deposition under s. 967.04 (7) to (10) and, with the district attorney, shall comply with s. 971.105. At the conclusion of the hearing, the court shall make a determination of the facts. If the court finds that the juvenile is not within the jurisdiction of the court or the court finds that the facts alleged in the petition or citation have not been proved, the court shall dismiss the petition or citation with prejudice.

(4) The court shall make findings of fact and conclusions of law relating to the allegations of a petition under s. 938.12, 938.125 or 938.13. In cases alleging a juvenile to be delinquent or in need of protection or services under s. 938.13 (12), the

1 court shall make findings relating to the proof of the violation of law and to the proof
2 that the juvenile named in the petition committed the violation alleged.

3 (7) At the close of the fact-finding hearing, the court shall set a date for the
4 dispositional hearing which allows a reasonable time for the parties to prepare but
5 is no more than 10 days after the fact-finding hearing for a juvenile in secure custody
6 and no more than 30 days after the fact-finding hearing for a juvenile not held in
7 secure custody. If it appears to the court that disposition of the case may include
8 placement of the juvenile outside the juvenile's home, the court shall order the
9 juvenile's parent to provide a statement of income, assets, debts and living expenses
10 to the court or the designated agency under s. 938.33 (1) at least 5 days before the
11 scheduled date of the dispositional hearing or as otherwise ordered by the court. The
12 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 under s. 46.25 (9) and listing the
15 factors that a court may consider under s. 46.10 (14) (c). If all parties consent, the
16 court may immediately proceed with a dispositional hearing.

17 **938.315 Delays, continuances and extensions.** (1) The following time
18 periods shall be excluded in computing time requirements within this chapter:

19 (a) Any period of delay resulting from other legal actions concerning the
20 juvenile, including an examination under s. 938.295 or a hearing related to the
21 juvenile's mental condition, prehearing motions, waiver motions and hearings on
22 other matters.

23 (b) Any period of delay resulting from a continuance granted at the request of
24 or with the consent of the juvenile and counsel.

1 (c) Any period of delay caused by the disqualification or substitution of a judge
2 or by any other transfer of the case or intake inquiry to a different judge, intake
3 worker or county.

4 (d) Any period of delay resulting from a continuance granted at the request of
5 the representative of the public under s. 938.09 if the continuance is granted because
6 of the unavailability of evidence material to the case when he or she has exercised
7 due diligence to obtain the evidence and there are reasonable grounds to believe that
8 the evidence will be available at the later date, or to allow him or her additional time
9 to prepare the case and additional time is justified because of the exceptional
10 circumstances of the case.

11 (e) Any period of delay resulting from the imposition of a consent decree.

12 (f) Any period of delay resulting from the absence or unavailability of the
13 juvenile.

14 (fm) Any period of delay resulting from the inability of the court to provide the
15 juvenile with notice of an extension hearing under s. 938.365 due to the juvenile
16 having run away or otherwise having made himself or herself unavailable to receive
17 that notice.

18 (g) A reasonable period of delay when the juvenile is joined in a hearing with
19 another juvenile as to whom the time for a hearing has not expired under this section
20 if there is good cause for not hearing the cases separately.

21 **(2)** A continuance may be granted by the court only upon a showing of good
22 cause in open court or during a telephone conference under s. 807.13 on the record
23 and only for so long as is necessary, taking into account the request or consent of the
24 representative of the public under s. 938.09 or the parties and the interest of the
25 public in the prompt disposition of cases.

1 **(3)** Failure to comply with any time limit specified in this chapter does not
2 deprive the court of personal or subject matter jurisdiction or of competency to
3 exercise that jurisdiction. If a party does not comply with a time limit specified in
4 this chapter, the court may grant a continuance under sub. (2), dismiss the petition
5 with or without prejudice, release the juvenile from secure or nonsecure custody or
6 from the terms of a custody order or grant any other relief that the court considers
7 appropriate.

8 **938.317 Jeopardy.** Jeopardy attaches when a witness is sworn.

9 **938.32 Consent decree. (1)** (a) At any time after the filing of a petition for
10 a proceeding relating to s. 938.12 or 938.13 and before the entry of judgment, the
11 judge or juvenile court commissioner may suspend the proceedings and place the
12 juvenile under supervision in the juvenile's own home or present placement. The
13 court may establish terms and conditions applicable to the parent, guardian or legal
14 custodian, and to the juvenile, including any of the conditions specified in subs. (1d),
15 (1g) and (1t). The order under this section shall be known as a consent decree and
16 must be agreed to by the juvenile if 10 years of age or older; the parent, guardian or
17 legal custodian; and the person filing the petition under s. 938.25. If the consent
18 decree includes any conditions specified in sub. (1g), the consent decree shall include
19 provisions for payment of the services as specified in s. 938.361. The consent decree
20 shall be reduced to writing and given to the parties.

21 (b) 1. Before entering into a consent decree in a proceeding in which a juvenile
22 is alleged to be delinquent under s. 938.12 or to be in need of protection or services
23 under s. 938.13 (12), the court shall allow a victim or a family member of a homicide
24 victim to make a statement or to submit a written statement to be read to the court.
25 The court may allow any other person to make or submit a statement under this

1 subdivision. Any statement made under this subdivision must be relevant to the
2 consent decree.

3 2. Before entering into a consent decree in a proceeding in which a juvenile is
4 alleged to be delinquent under s. 938.12 or to be in need of protection or services
5 under s. 938.13 (12), the district attorney or corporation counsel shall attempt to
6 contact any known victim or family member of a homicide victim to inform that
7 person of the right to make a statement under subd. 1. Any failure to comply with
8 this subdivision is not a ground for discharge of the juvenile, parent, guardian or
9 legal custodian from fulfilling the terms and conditions of the consent decree.

10 **(1d)** If the petition alleges that the juvenile has committed an act that would
11 constitute a misdemeanor if committed by an adult, if the chief judge of the judicial
12 administrative district has approved under s. 973.11 (2) a volunteers in probation
13 program established in the juvenile's county of residence and if the judge or juvenile
14 court commissioner determines that volunteer supervision under that volunteers in
15 probation program will likely benefit the juvenile and the community, the judge or
16 juvenile court commissioner may establish as a condition under sub. (1) that the
17 juvenile be placed with that volunteers in probation program under such conditions
18 as the judge or juvenile court commissioner determines are reasonable and
19 appropriate. These conditions may include, but need not be limited to, any of the
20 following:

21 (a) A directive to a volunteer to provide for the juvenile a role model, informal
22 counseling, general monitoring and monitoring of the conditions established by the
23 judge or juvenile court commissioner, or any combination of these functions.

24 (b) Any other conditions that the judge or juvenile court commissioner may
25 establish under this section.

1 **(1g)** If the petition alleges that the juvenile committed a violation specified
2 under ch. 161 and if the multidisciplinary screen conducted under s. 938.24 (2) shows
3 that the juvenile is at risk of having needs and problems related to the use of alcohol
4 beverages or controlled substances and its medical, personal, family and social
5 effects, the judge or juvenile court commissioner may establish as a condition under
6 sub. (1) any of the following:

7 (a) That the juvenile participate in outpatient treatment from an approved
8 treatment facility for alcohol and other drug abuse, if an alcohol and other drug abuse
9 assessment that conforms to the criteria specified under s. 938.547 (4) was completed
10 under s. 938.295 (1).

11 (b) That the juvenile participate in a court-approved pupil assistance program
12 provided by the juvenile's school board or a court-approved alcohol or other drug
13 abuse education program. The juvenile's participation in a court-approved pupil
14 assistance program under this paragraph is subject to the approval of the juvenile's
15 school board.

16 **(1r)** If the conditions of the consent decree provide for an alcohol and other drug
17 abuse outpatient treatment program under sub. (1g) (a), the juvenile or, if the
18 juvenile has not attained the age of 12, the juvenile's parent, guardian or legal
19 custodian shall execute an informed consent form that indicates that they are
20 voluntarily and knowingly entering into a consent decree for the provision of alcohol
21 and other drug abuse outpatient treatment.

22 **(1t)** (a) 1. Subject to subd. 3., if the petition alleges that the juvenile committed
23 a delinquent act that has resulted in damage to the property of another, or in actual
24 physical injury to another excluding pain and suffering, the judge or juvenile court
25 commissioner may require the juvenile, if the juvenile is 10 years of age or older, as

1 a condition of the consent decree, to repair the damage to property or to make
2 reasonable restitution for the damage or injury if the judge or juvenile court
3 commissioner, after taking into consideration the well-being and needs of the victim,
4 considers it beneficial to the well-being and behavior of the juvenile. Any consent
5 decree that includes a condition of restitution shall include a finding that the juvenile
6 alone is financially able to pay and may allow up to the date of the expiration of the
7 consent decree for the payment. Objection by the juvenile to the amount of damages
8 claimed shall entitle the juvenile to a hearing on the question of damages before the
9 amount of restitution is made part of the consent decree.

10 2. In addition to any other employment or duties permitted under ch. 103 or
11 any rule or order under ch. 103, a juvenile who is 10 to 13 years of age who is
12 participating in a restitution project provided by the county may, for the purpose of
13 making restitution under the consent decree, be employed or perform any duties
14 under any circumstances in which a juvenile 14 or 15 years of age is permitted to be
15 employed or to perform duties under ch. 103 or any rule or order under ch. 103.

16 3. Under this paragraph, a judge or juvenile court commissioner may not order
17 a juvenile who is 10 to 13 years of age to make more than \$250 in restitution.

18 (b) If the juvenile has attained the age of 10, the judge may require the juvenile
19 to participate in a supervised work program or other community service work under
20 s. 938.34 (5g) as a condition of the consent decree.

21 **(2)** (a) A consent decree shall remain in effect for up to one year unless the
22 juvenile, parent, guardian or legal custodian is discharged sooner by the judge or
23 juvenile court commissioner.

24 (c) Upon the motion of the court or the application of the juvenile, parent,
25 guardian, legal custodian, intake worker or any agency supervising the juvenile

1 under the consent decree, the court may, after giving notice to the parties to the
2 consent decree and their counsel, if any, extend the decree for up to an additional 6
3 months in the absence of objection to extension by the parties to the initial consent
4 decree. If the parent, guardian or legal custodian objects to the extension, the court
5 shall schedule a hearing and make a determination on the issue of extension.

6 (3) If, prior to discharge by the court, or the expiration of the consent decree,
7 the court finds that the juvenile or parent, legal guardian or legal custodian has
8 failed to fulfill the express terms and conditions of the consent decree or that the
9 juvenile objects to the continuation of the consent decree, the hearing under which
10 the juvenile was placed on supervision may be continued to conclusion as if the
11 consent decree had never been entered.

12 (4) No juvenile who is discharged by the court or who completes the period of
13 supervision without reinstatement of the original petition may again be proceeded
14 against in any court for the same offense alleged in the petition or an offense based
15 on the same conduct, and the original petition shall be dismissed with prejudice.
16 Nothing in this subsection precludes a civil suit against the juvenile or parent for
17 damages arising from the juvenile's conduct.

18 (5) A court which, under this section, elicits or examines information or
19 material about a juvenile which would be inadmissible in a hearing on the
20 allegations of the petition may not, over objections of one of the parties, participate
21 in any subsequent proceedings if any of the following applies:

22 (a) The court refuses to enter into a consent decree and the allegations in the
23 petition remain to be decided in a hearing where the juvenile denies the allegations
24 of delinquency.

1 (b) A consent decree is granted but the petition under s. 938.12 or 938.13 is
2 subsequently reinstated.

3 (6) The judge or juvenile court commissioner shall inform the juvenile and the
4 juvenile's parent, guardian or legal custodian, in writing, of the juvenile's right to
5 object to the continuation of the consent decree under sub. (3) and of the fact that the
6 hearing under which the juvenile was placed on supervision may be continued to
7 conclusion as if the consent decree had never been entered.

8 SUBCHAPTER VI

9 DISPOSITION

10 **938.33 Court reports.** (1) REPORT REQUIRED. Before the disposition of a
11 juvenile adjudged to be delinquent or in need of protection or services, the court shall
12 designate an agency, as defined in s. 938.38 (1) (a), to submit a report which shall
13 contain all of the following:

14 (a) The social history of the juvenile.

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

19 (c) A description of the specific services or continuum of services which the
20 agency is recommending that the court order for the juvenile or family, the persons
21 or agencies that would be primarily responsible for providing those services, and the
22 identity of the person or agency that would provide case management or coordination
23 of services if any or whether or not the juvenile should receive an integrated service
24 plan.

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

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

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

11 **(2) HOME PLACEMENT REPORTS.** A report recommending that the juvenile remain
12 in his or her home may be presented orally at the dispositional hearing if all parties
13 consent. A report that is presented orally shall be transcribed and made a part of the
14 court record.

15 **(3) CORRECTIONAL PLACEMENT REPORTS.** A report recommending placement of a
16 juvenile in a secured correctional facility under the supervision of the department
17 or a secured child caring institution shall be in writing, except that the report may
18 be presented orally at the dispositional hearing if the juvenile and the juvenile's
19 counsel consent. A report that is presented orally shall be transcribed and made a
20 part of the court record. In addition to the information specified under sub. (1) (a)
21 to (d), the report shall include all of the following:

22 (a) A description of any less restrictive alternatives that are available and that
23 have been considered, and why they have been determined to be inappropriate. If
24 the judge has found that any of the conditions specified in s. 938.34 (4m) (b) 1., 2. or
25 3. applies, the report shall indicate that a less restrictive alternative than placement

1 in a secured correctional facility or a secured child caring institution is not
2 appropriate.

3 (b) A recommendation for an amount of child support to be paid by either or
4 both of the juvenile's parents or for referral to the county designee under s. 59.07 (97)
5 for the establishment of child support.

6 **(3r)** SERIOUS JUVENILE OFFENDER REPORT. If a juvenile 14 years of age or over has
7 been adjudicated delinquent for committing a violation specified in s. 938.34 (4h) (a),
8 the report shall be in writing and, in addition to the information specified in sub. (1)
9 and in sub. (3) or (4), if applicable, shall include an analysis of the juvenile's
10 suitability for placement in a secured correctional facility, a placement specified in
11 s. 938.34 (3) or placement in the juvenile's home with supervision and
12 community-based programming and a recommendation as to the type of placement
13 for which the juvenile is best suited.

14 **(4)** OTHER OUT-OF-HOME PLACEMENTS. A report recommending placement in a
15 foster home, treatment foster home, group home or nonsecured child caring
16 institution shall be in writing, except that the report may be presented orally at the
17 dispositional hearing if all parties consent. A report that is presented orally shall be
18 transcribed and made a part of the court record. The report shall include all of the
19 following:

20 (a) A permanency plan prepared under s. 938.38.

21 (b) A recommendation for an amount of child support to be paid by either or
22 both of the juvenile's parents or for referral to the county designee under s. 59.07 (97)
23 for the establishment of child support.

24 **(4m)** SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. In making a
25 recommendation for an amount of child support under sub. (3) or (4), the agency shall

1 consider the factors that the court considers under s. 46.10 (14) (c) for deviation from
2 the percentage standard. At or before the dispositional hearing under s. 938.335, the
3 agency shall provide the juvenile's parent with all of the following:

4 (a) Its recommendation for juvenile support.

5 (b) A written explanation of how the parent may request that the court modify
6 the amount of child support under s. 46.10 (14) (c).

7 (c) A written explanation of how the parent may request a revision under s.
8 938.363 in the amount of child support ordered by the court under s. 938.335 (2) (b)
9 4.

10 **(5) IDENTITY OF FOSTER PARENT OR TREATMENT FOSTER PARENT; CONFIDENTIALITY.**

11 If the report recommends placement in a foster home or a treatment foster home, and
12 the name of the foster parent or treatment foster parent is not available at the time
13 the report is filed, the agency shall provide the court and the juvenile's parent or
14 guardian with the name and address of the foster parent or treatment foster parent
15 within 21 days after the dispositional order is entered, except that the court may
16 order the information withheld from the juvenile's parent or guardian if the court
17 finds that disclosure would result in imminent danger to the juvenile or to the foster
18 parent or treatment foster parent. After notifying the juvenile's parent or guardian,
19 the court shall hold a hearing prior to ordering the information withheld.

20 **938.331 Court reports; effect on victim.** If the delinquent act would
21 constitute a felony if committed by an adult, the person preparing the report under
22 s. 938.33 (1) shall attempt to determine the economic, physical and psychological
23 effect of the delinquent act on the victim. The person preparing the report may ask
24 any appropriate person for information. This section does not preclude the person
25 who prepares the report from including any information for the court concerning the

1 impact of a delinquent act on the victim. If the delinquent act would not constitute
2 a felony but a victim has suffered bodily harm or the act involved theft or damage to
3 property, the person preparing the report is encouraged to seek the information
4 described in this section.

5 **938.335 Dispositional hearings.** (1) The court shall conduct a hearing to
6 determine the disposition of a case in which a juvenile is adjudged to be delinquent
7 under s. 938.12, to have violated a civil law or ordinance under s. 938.125 or to be in
8 need of protection or services under s. 938.13, except that the court shall proceed as
9 provided in s. 938.237 (2) if a citation is issued and the juvenile fails to contest the
10 citation.

11 (3) At hearings under this section, any party may present evidence relevant
12 to the issue of disposition, including expert testimony, and may make alternative
13 dispositional recommendations.

14 (3m) (a) Before imposing a disposition in a proceeding in which a juvenile is
15 adjudged to be delinquent under s. 938.12 or is found to be in need of protection or
16 services under s. 938.13 (12), the court shall allow a victim or a family member of a
17 homicide victim to make a statement or to submit a written statement to be read to
18 the court. The court may allow any other person to make or submit a statement
19 under this paragraph. Any statement made under this paragraph must be relevant
20 to the disposition.

21 (b) After a finding that a juvenile is delinquent under s. 938.12 or is found to
22 be in need of protection or services under s. 938.13 (12), the district attorney or
23 corporation counsel shall attempt to contact any known victim or family member of
24 a homicide victim to inform that person of the right to make a statement under par.

1 (a). Any failure to comply with this paragraph is not a ground for an appeal of a
2 dispositional order or for any court to reverse or modify a dispositional order.

3 (3r) At hearings under this section, a parent of the juvenile may present
4 evidence relevant to the amount of child support to be paid by either or both parents.

5 (4) At hearings under this section, s. 938.357, 938.363 or 938.365, on the
6 request of any party, unless good cause to the contrary is shown, the court may admit
7 testimony on the record by telephone or live audio-visual means, if available, under
8 s. 807.13 (2). The request and the showing of good cause may be made by telephone.

9 (5) At the conclusion of the hearing, the court shall make a dispositional order
10 in accordance with s. 938.355.

11 **938.34 Disposition of juvenile adjudged delinquent.** If the court adjudges
12 a juvenile delinquent, the court shall enter an order deciding one or more of the
13 dispositions of the case as provided in this section under a care and treatment plan.
14 A disposition under sub. (4m) must be combined with a disposition under sub. (4n).
15 The dispositions under this section are:

16 (1) COUNSELING. Counsel the juvenile or the parent, guardian or legal
17 custodian.

18 (2) SUPERVISION. (a) Place the juvenile under the supervision of an agency, the
19 department, if the department approves, or a suitable adult, including a friend of the
20 juvenile, under conditions prescribed by the court including reasonable rules for the
21 juvenile's conduct, designed for the physical, mental and moral well-being and
22 behavior of the juvenile.

23 (b) If the juvenile is placed in the juvenile's home under the supervision of an
24 agency, as defined under s. 938.38 (1) (a), order the agency to provide specified
25 services to the juvenile and the juvenile's family, which may include but are not

1 limited to individual, family or group counseling, homemaker or parent aide
2 services, respite care, housing assistance, day care or parent skills training.

3 (c) Order the juvenile to remain at his or her home or other placement for a
4 period of not more than 20 days under rules of supervision specified in the order.

5 **(2g) VOLUNTEERS IN PROBATION PROGRAM.** If the juvenile is adjudicated
6 delinquent for the commission of an act that would constitute a misdemeanor if
7 committed by an adult, if the chief judge of the judicial administrative district has
8 approved under s. 973.11 (2) a volunteers in probation program established in the
9 juvenile's county of residence and if the court determines that volunteer supervision
10 under that volunteers in probation program will likely benefit the juvenile and the
11 community, placement of the juvenile with that volunteers in probation program
12 under such conditions as the court determines are reasonable and appropriate.
13 These conditions may include, but need not be limited to, any of the following:

14 (a) A directive to a volunteer to provide for the juvenile a role model, informal
15 counseling, general monitoring and monitoring of the conditions established by the
16 court, or any combination of these functions.

17 (b) Any other disposition that the court may impose under this section.

18 **(2r) INTENSIVE SUPERVISION.** Order the juvenile to participate in an intensive
19 supervision program under s. 938.534.

20 **(3) PLACEMENT.** Designate one of the following as the placement for the juvenile:

21 (a) The home of a parent or other relative of the juvenile.

22 (b) A home which need not be licensed if placement is for less than 30 days.

23 (c) A foster home or treatment foster home licensed under s. 48.62 or a group
24 home licensed under s. 48.625.

25 (d) A child caring institution licensed under s. 48.60.

1 (e) An independent living situation effective on or after the juvenile's 17th
2 birthday, either alone or with friends, under such supervision as the court considers
3 appropriate, but only if the juvenile is of sufficient maturity and judgment to live
4 independently and only upon proof of a reasonable plan for supervision by an
5 appropriate person or agency.

6 (f) A secure detention facility or juvenile portion of a county jail that meets the
7 standards promulgated by the department of corrections by rule, or in a place of
8 nonsecure custody designated by the court, subject to all of the following:

9 1. The placement may be for any combination of single or consecutive days
10 totalling not more than 30. The juvenile shall be given credit against the period of
11 detention or nonsecure custody imposed under this paragraph for all time spent in
12 secure detention in connection with the course of conduct for which the detention or
13 nonsecure custody was imposed.

14 2. The order may provide that the juvenile may be released from the secure
15 detention facility, juvenile portion of the jail or place of nonsecure custody during
16 specified hours to attend school, to work at the juvenile's place of employment or to
17 attend or participate in any activity which the court considers beneficial to the
18 juvenile.

19 3. The use of placement in a secure detention facility or in a juvenile portion
20 of a county jail as a disposition under this paragraph is subject to the adoption of a
21 resolution by the county board of supervisors under s. 938.06 (5) authorizing the use
22 of those placements as a disposition.

23 **(3g)** Monitoring by an electronic monitoring system for a juvenile subject to an
24 order under sub. (2r), (3) (a) to (e), (4h) or (4n) who is placed in the community.

1 **(4)** TRANSFER OF LEGAL CUSTODY. If it is shown that the rehabilitation or the
2 treatment and care of the juvenile cannot be accomplished by means of voluntary
3 consent of the parent or guardian, transfer legal custody to any of the following:

- 4 (a) A relative of the juvenile.
5 (b) A county department.
6 (c) A licensed child welfare agency.

7 **(4h)** SERIOUS JUVENILE OFFENDER PROGRAM. Place the juvenile in the serious
8 juvenile offender program under s. 938.538, but only if all of the following apply:

9 (a) The juvenile is 14 years of age or over and has been adjudicated delinquent
10 for committing a violation of s. 939.31, 939.32 (1) (a), 940.01, 940.02, 940.03, 940.05,
11 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
12 (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30, 948.35 (1) (b) or 948.36.

13 (b) The judge finds that the only other disposition that would be appropriate
14 for the juvenile would be placement of the juvenile in a secured correctional facility
15 under sub. (4m).

16 **(4m)** CORRECTIONAL PLACEMENT. Place the juvenile in a secured correctional
17 facility under the supervision of the department if the juvenile is 12 years of age or
18 over or, if the juvenile is under 12 years of age, in a secured child caring institution
19 under the supervision of the department, unless the department, after an
20 examination under s. 938.50, determines that placement in a secured correctional
21 facility is more appropriate, but only if all of the following apply:

22 (a) The juvenile has been found to be delinquent for the commission of an act
23 which if committed by an adult would be punishable by a sentence of 6 months or
24 more.

1 (b) The juvenile has been found to be a danger to the public and to be in need
2 of restrictive custodial treatment. If the judge determines that any of the following
3 conditions applies, that determination shall be prima facie evidence that the juvenile
4 is a danger to the public and in need of restrictive custodial treatment:

5 1. The juvenile has committed a delinquent act that would be a felony under
6 s. 940.03, 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23
7 (1g), (1m) or (1r), 943.32 (2), 947.013 (1t), (1r) or (1x), 948.02 (1) or (2), 948.025 or
8 948.03 if committed by an adult.

9 2. The juvenile has possessed, used or threatened to use a handgun, as defined
10 in s. 175.35 (1) (b), short-barreled rifle, as defined in s. 941.28 (1) (b), or
11 short-barreled shotgun, as defined in s. 941.28 (1) (c), while committing a delinquent
12 act that would be a felony under ch. 940 if committed by an adult.

13 3. The juvenile has possessed or gone armed with a short-barreled rifle or a
14 short-barreled shotgun in violation of s. 941.28 or has possessed or gone armed with
15 a handgun in violation of s. 948.60.

16 **(4n) AFTERCARE SUPERVISION.** Subject to s. 48.532 (3) and to any arrangement
17 between the department and a county department regarding the provision of
18 aftercare supervision for juveniles who have been released from a secured
19 correctional facility that is operated by the department or a secured child caring
20 institution, designate one of the following to provide aftercare supervision for the
21 juvenile following the juvenile's release from the secured correctional facility or
22 secured child caring institution:

23 (a) The department.

24 (b) The county department of the county of the court that placed the juvenile
25 in the secured correctional facility or secured child caring institution.

1 (c) The county department of the juvenile's county of legal residence.

2 **(5) RESTITUTION.** (a) Subject to par. (c), if the juvenile is found to have
3 committed a delinquent act which has resulted in damage to the property of another,
4 or actual physical injury to another excluding pain and suffering, order the juvenile
5 to repair the damage to property or to make reasonable restitution for the damage
6 or injury if the court, after taking into consideration the well-being and needs of the
7 victim, considers it beneficial to the well-being and behavior of the juvenile. Any
8 such order shall include a finding that the juvenile alone is financially able to pay
9 and may allow up to the date of the expiration of the order for the payment. Objection
10 by the juvenile to the amount of damages claimed shall entitle the juvenile to a
11 hearing on the question of damages before the amount of restitution is ordered.

12 (am) Subject to par. (c), order a juvenile who owes restitution under par. (a) and
13 who is receiving income while placed in a secured correctional facility, residential
14 treatment center or other out-of-home placement to contribute a stated percentage
15 of that income towards that restitution.

16 (b) In addition to any other employment or duties permitted under ch. 103 or
17 any rule or order under ch. 103, a juvenile who is 10 to 13 years of age who is
18 participating in a restitution project provided by the county may, for the purpose of
19 making restitution ordered by the court under this subsection, be employed or
20 perform any duties under any circumstances in which a juvenile 14 or 15 years of age
21 is permitted to be employed or perform duties under ch. 103 or any rule or order
22 under ch. 103.

23 (c) Under this subsection, a court may not order a juvenile who is 10 to 13 years
24 of age to make more than \$250 in restitution.

1 **(5g)** SUPERVISED WORK PROGRAM OR OTHER COMMUNITY SERVICE WORK. (a) Order
2 the juvenile to participate in a supervised work program administered by the county
3 department or a community agency approved by the court or other community
4 service work administered by a public agency or nonprofit charitable organization
5 approved by the court.

6 (am) The court shall set standards for the supervised work program within the
7 budgetary limits established by the county board of supervisors. The supervised
8 work program may provide the juvenile reasonable compensation reflecting a
9 reasonable market value of the work performed or it may consist of uncompensated
10 community service work. Community service work may be in lieu of restitution only
11 if also agreed to by the county department, community agency, public agency or
12 nonprofit charitable organization and by the person to whom the restitution is owed.
13 The court may use any available resources, including any community service work
14 program, in ordering the juvenile to perform community service work.

15 (b) The supervised work program or other community service work shall be of
16 a constructive nature designed to promote the rehabilitation of the juvenile, shall be
17 appropriate to the age level and physical ability of the juvenile and shall be combined
18 with counseling from a member of the staff of the county department, community
19 agency, public agency or nonprofit charitable organization or other qualified person.
20 The supervised work program or other community service work may not conflict with
21 the juvenile's regular attendance at school. Subject to par. (d), the amount of work
22 required shall be reasonably related to the seriousness of the juvenile's offense.

23 (c) In addition to any other employment or duties permitted under ch. 103 or
24 any rule or order under ch. 103, a juvenile who is 10 to 13 years of age who is
25 participating in a supervised work program or other community service work may,

1 for purposes of performing the supervised work or other community service work, be
2 employed or perform any duties under any circumstances in which a juvenile 14 or
3 15 years of age is permitted to be employed or perform duties under ch. 103 or any
4 rule or order under ch. 103.

5 (d) Under this subsection, a juvenile who is 10 to 13 years of age may not be
6 required to perform more than 40 total hours of supervised work or other community
7 service work.

8 **(5m)** COMMUNITY SERVICE WORK PROGRAM. Order the juvenile to participate in
9 a youth corps program, as defined in s. 16.22 (1) (dm), a conservation work project
10 under s. 23.09 (22), a youth conservation camp under s. 23.09 (23) or another
11 community service work program, if the sponsor of the program approves the
12 juvenile's participation in the program.

13 **(5r)** VICTIM-OFFENDER MEDIATION PROGRAM. Order the juvenile to participate in
14 a victim-offender mediation program if the victim of the juvenile's delinquent act
15 agrees.

16 **(6)** SPECIAL TREATMENT OR CARE. (a) If the juvenile is in need of special treatment
17 or care, as identified in an evaluation under s. 938.295 and the report under s. 938.33
18 (1), order the juvenile's parent to provide the special treatment or care.

19 (am) An order of special treatment or care under this subsection may include
20 an order committing the juvenile to a county department under s. 51.42 or 51.437 for
21 special treatment or care in an inpatient facility, as defined in s. 51.01 (10), if the
22 evaluation under s. 938.295 and the report under s. 938.33 (1) indicate all of the
23 following:

24 1. That the juvenile has an alcohol or other drug abuse impairment.

1 2. That the juvenile is a proper subject for treatment and is in need of inpatient
2 treatment because appropriate treatment is not available on an outpatient basis.

3 (ap) An order under par. (am) is subject to all of the following:

4 1. The commitment may total not more than 30 days.

5 2. The use of commitment to a county department under s. 51.42 or 51.437 as
6 a disposition under par. (am) is subject to the adoption of a resolution by the county
7 board of supervisors under s. 938.06 (5) authorizing the use of that disposition.

8 (ar) If the parent fails or is financially unable to provide the special treatment
9 or care ordered under par. (a) or (am), the court may order an appropriate agency to
10 provide the special treatment or care whether or not legal custody has been taken
11 from the parents. If the court orders a county department under s. 51.42 or 51.437
12 to provide special treatment or care under par. (a) or (am), the provision of that
13 special treatment or care shall be subject to conditions specified in ch. 51, except that
14 an order under par. (am) may not be extended. An order of special treatment or care
15 under this subsection may not include an order for the administration of
16 psychotropic medication.

17 (b) Payment for alcohol and other drug abuse services ordered under par. (a)
18 shall be in accordance with s. 938.361.

19 (c) Payment for services provided under ch. 51 that are ordered under par. (a),
20 other than alcohol and other drug abuse services, shall be in accordance with s.
21 938.362.

22 **(6m)** INTEGRATED SERVICE PLAN. If the report prepared under s. 938.33 (1)
23 recommends that the juvenile is in need of an integrated service plan and if an
24 integrated service program under s. 46.56 has been established in the county, order
25 that an integrated service plan be developed and implemented.

1 **(6r)** ALCOHOL OR DRUG TREATMENT OR EDUCATION. (a) If the report prepared
2 under s. 938.33 (1) recommends that the juvenile is in need of treatment for the use
3 or abuse of alcohol beverages or controlled substances and its medical, personal,
4 family or social effects, the court may order the juvenile to enter an outpatient alcohol
5 and other drug abuse treatment program at an approved treatment facility. The
6 approved treatment facility shall, under the terms of a service agreement between
7 the county and the approved treatment facility, or with the written informed consent
8 of the juvenile or the juvenile's parent if the juvenile has not attained the age of 12,
9 report to the agency primarily responsible for providing services to the juvenile as
10 to whether the juvenile is cooperating with the treatment and whether the treatment
11 appears to be effective.

12 (b) If the report prepared under s. 938.33 (1) recommends that the juvenile is
13 in need of education relating to the use of alcohol beverages or controlled substances,
14 the court may order the juvenile to participate in an alcohol or other drug abuse
15 education program approved by the court. The person or agency that provides the
16 education program shall, under the terms of a service agreement between the county
17 and the education program, or with the written informed consent of the juvenile or
18 the juvenile's parent if the juvenile has not attained the age of 12, report to the agency
19 primarily responsible for providing services to the juvenile about the juvenile's
20 attendance at the program.

21 (c) Payment for the court-ordered treatment or education under this
22 subsection in counties that have a pilot program under s. 938.547 shall be in
23 accordance with s. 938.361.

24 **(6s)** DRUG TESTING. If the report under s. 938.33 (1) indicate that the juvenile
25 is in need of treatment for the use or abuse of controlled substances, order the

1 juvenile to submit to drug testing under a drug testing program that the department
2 shall promulgate by rule.

3 **(7d) EDUCATION PROGRAM.** (a) Except as provided in par. (d), order the juvenile
4 to attend any of the following:

5 1. A nonresidential educational program, including a program for juveniles at
6 risk under s. 118.153, provided by the school district in which the juvenile resides.

7 2. Pursuant to a contractual agreement with the school district in which the
8 juvenile resides, a nonresidential educational program provided by a licensed child
9 welfare agency.

10 3. Pursuant to a contractual agreement with the school district in which the
11 juvenile resides, an educational program provided by a private, nonprofit,
12 nonsectarian agency that is located in the school district in which the juvenile resides
13 and that complies with 42 USC 2000d.

14 4. Pursuant to a contractual agreement with the school district in which the
15 juvenile resides, an educational program provided by a technical college district
16 located in the school district in which the juvenile resides.

17 (b) The court shall order the school board to disclose the juvenile's pupil records,
18 as defined under s. 118.125 (1) (d), to the county department or licensed child welfare
19 agency responsible for supervising the juvenile, as necessary to determine the
20 juvenile's compliance with the order under par. (a).

21 (c) The court shall order the county department or licensed child welfare agency
22 responsible for supervising the juvenile to disclose to the school board, technical
23 college district board or private, nonprofit, nonsectarian agency which is providing
24 an educational program under par. (a) 3. records or information about the juvenile,

1 as necessary to assure the provision of appropriate educational services under par.
2 (a).

3 (d) This subsection does not apply to a juvenile with exceptional educational
4 needs, as defined under s. 115.76 (3).

5 **(7g) EXPERIENTIAL EDUCATION.** Order the juvenile to participate in a wilderness
6 challenge program or other experiential education program.

7 **(7n) JUVENILE OFFENDER EDUCATION PROGRAM.** Order the juvenile to participate
8 in an educational program that is designed to deter future delinquent behavior by
9 focusing on such issues as decision making, assertiveness instead of aggression,
10 family and peer relationships, self-esteem, identification and expression of feelings,
11 alcohol and other drug abuse recognition and errors in thinking and judgment.

12 **(7r) VOCATIONAL TRAINING.** If the report under s. 938.33 (1) recommends that
13 the juvenile is in need of vocational assessment, counseling and training, order the
14 juvenile to participate in that assessment, counseling and training.

15 **(7w) DAY TREATMENT PROGRAM.** If the report under s. 938.33 (1) indicates that
16 the juvenile has specialized educational needs, order the juvenile to participate in
17 a day treatment program.

18 **(8) FORFEITURE.** Impose a forfeiture based upon a determination that this
19 disposition is in the best interest of the juvenile and in aid of rehabilitation. The
20 maximum forfeiture that the court may impose under this subsection for a violation
21 by a juvenile is the maximum amount of the fine that may be imposed on an adult
22 for committing that violation or, if the violation is applicable only to a juvenile, \$100.
23 Any such order shall include a finding that the juvenile alone is financially able to
24 pay the forfeiture and shall allow up to 12 months for payment. If the juvenile fails
25 to pay the forfeiture, the court may vacate the forfeiture and order other alternatives

1 under this section, in accordance with the conditions specified in this subchapter; or
2 the court may suspend any license issued under ch. 29 for not less than 30 days nor
3 more than 5 years, or suspend the juvenile's operating privilege as defined in s.
4 340.01 (40) for not less than 30 days nor more than 5 years. If the court suspends
5 any license under this subsection, the clerk of the court shall immediately take
6 possession of the suspended license and forward it to the department which issued
7 the license, together with a notice of suspension clearly stating that the suspension
8 is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during
9 the period of suspension, the suspension shall be reduced to the time period which
10 has already elapsed and the court shall immediately notify the department which
11 shall then return the license to the juvenile.

12 **(11)** TRANSFER TO FOREIGN COUNTRIES UNDER TREATY. If a treaty is in effect
13 between the United States and a foreign country, allowing a juvenile adjudged
14 delinquent who is a citizen or national of the foreign country to be transferred to the
15 foreign country and if the juvenile and the juvenile's parent, guardian and legal
16 custodian agree, request the governor to commence a transfer of the juvenile to the
17 juvenile's country.

18 **(14m)** VIOLATION INVOLVING A MOTOR VEHICLE. Restrict, suspend or revoke the
19 operating privilege, as defined in s. 340.01 (40), of a juvenile who is adjudicated
20 delinquent under a violation of any law in which a motor vehicle is involved. Any
21 limitation of the operating privilege shall be endorsed upon the operator's license
22 and notice of the limitation forwarded to the department of transportation.

23 **(14p)** COMPUTER VIOLATION. If the juvenile is found to have violated s. 943.70,
24 place restrictions on the juvenile's use of computers.

1 **(14r)** CONTROLLED SUBSTANCE VIOLATION. (a) In addition to any other
2 dispositions imposed under this section, if the juvenile is found to have violated ch.
3 161, the court shall suspend or revoke the juvenile's operating privilege, as defined
4 in s. 340.01 (40), for not less than 6 months nor more than 5 years. The court shall
5 immediately take possession of any suspended or revoked license and forward it to
6 the department of transportation together with the notice of suspension or
7 revocation clearly stating that the suspension or revocation is for a violation of ch.
8 161.

9 (b) This subsection does not apply to violations under s. 161.573 (2), 161.574
10 (2) or 161.575 (2) or a local ordinance that strictly conforms to one of those statutes.

11 (c) If the juvenile's license or operating privilege is currently suspended or
12 revoked or if the juvenile does not currently possess a valid operator's license issued
13 under ch. 343, the suspension or revocation under this subsection is effective on the
14 date on which the juvenile is first eligible and applies for issuance, renewal or
15 reinstatement of an operator's license under ch. 343.

16 **(14s)** CONTROLLED SUBSTANCE POSSESSION. (a) In addition to any other
17 dispositions imposed under this section, if the juvenile is found to have violated s.
18 161.41 (2r), (3), (3m), (3n), (3p) or (3r), the court shall order one of the following
19 penalties:

20 1. For a first violation, a forfeiture of not more than \$50.

21 2. For a violation committed within 12 months of a previous violation, a
22 forfeiture of not more than \$100.

23 3. For a violation committed within 12 months of 2 or more previous violations,
24 a forfeiture of not more than \$500.

1 (am) In addition to any other dispositions imposed under this section, if the
2 juvenile is found to have violated s. 161.41 (1) or (1m), the court shall order one of
3 the following penalties:

4 1. For a first violation, a forfeiture of not less than \$250 nor more than \$500.

5 2. For a violation committed within 12 months of a previous violation, a
6 forfeiture of not less than \$300.

7 3. For a violation committed within 12 months of 2 or more previous violations,
8 a forfeiture of \$500.

9 (b) After ordering a disposition under par. (a) or (am), the court, with the
10 agreement of the juvenile, may enter an additional order staying the execution of the
11 dispositional order. If the court stays a dispositional order under this paragraph, the
12 court shall enter an additional order requiring the juvenile to do any of the following:

13 1. Submit to an alcohol and other drug abuse assessment that conforms to the
14 criteria specified under s. 938.547 (4) and that is conducted by an approved
15 treatment facility. The order shall designate an approved treatment facility to
16 conduct the alcohol and other drug abuse assessment and shall specify the date by
17 which the assessment must be completed.

18 2. Participate in an outpatient alcohol or other drug abuse treatment program
19 at an approved treatment facility, if an assessment conducted under subd. 1. or s.
20 938.295 (1) recommends treatment.

21 3. Participate in a court-approved pupil assistance program provided by the
22 juvenile's school board or an alcohol or other drug abuse education program. The
23 juvenile's participation in a court-approved pupil assistance program under this
24 subdivision is subject to the approval of the juvenile's school board.

1 (c) If the approved treatment facility, with the written informed consent of the
2 juvenile or, if the juvenile has not attained the age of 12, the written informed consent
3 of the juvenile's parent, notifies the agency primarily responsible for providing
4 services to the juvenile that the juvenile has submitted to an assessment under this
5 subsection and that the juvenile does not need treatment, intervention or education,
6 the court shall notify the juvenile of whether or not the original dispositional order
7 will be reinstated.

8 (d) If the juvenile completes the alcohol or other drug abuse treatment
9 program, court-approved pupil assistance program or court-approved alcohol or
10 other drug abuse education program, the approved treatment facility,
11 court-approved pupil assistance program or court-approved alcohol or other drug
12 abuse education program shall, with the written informed consent of the juvenile or,
13 if the juvenile has not attained the age of 12, the written informed consent of the
14 juvenile's parent, notify the agency primarily responsible for providing services to
15 the juvenile that the juvenile has complied with the order and the court shall notify
16 the juvenile of whether or not the original dispositional order will be reinstated.

17 (e) If an approved treatment facility, court-approved pupil assistance program
18 or court-approved alcohol or other drug abuse education program, with the written
19 informed consent of the juvenile or, if the juvenile has not attained the age of 12, the
20 written informed consent of the juvenile's parent, notifies the agency primarily
21 responsible for providing services to the juvenile that a juvenile is not participating
22 in, or has not satisfactorily completed, a recommended alcohol or other drug abuse
23 treatment program, a court-approved pupil assistance program or a court-approved
24 alcohol or other drug abuse education program, the court shall impose the original
25 disposition under par. (a) or (am).

1 **(14t)** CONTROLLED SUBSTANCE POSSESSION ON OR NEAR CERTAIN PREMISES. If the
2 juvenile is adjudicated delinquent under a violation of s. 161.41 (2r), (3), (3m), (3n),
3 (3p) or (3r) by possessing or attempting to possess a controlled substance listed in
4 schedule I or II under ch. 161 while in or on the premises of a scattered-site public
5 housing project, as defined in s. 161.01 (20i), while in or otherwise within 1,000 feet
6 of a state, county, city, village or town park, a jail or correctional facility, as defined
7 in s. 161.01 (12m), a multiunit public housing project, as defined in s. 161.01 (14m),
8 a swimming pool open to members of the public, a youth center, as defined in s. 161.01
9 (22), or a community center, while on or otherwise within 1,000 feet of any private
10 or public school premises or while on or otherwise within 1,000 feet of a school bus,
11 as defined in s. 340.01 (56), the court shall require that the juvenile participate for
12 100 hours in a supervised work program or other community service work under sub.
13 (5g).

14 **(15)** DEOXYRIBONUCLEIC ACID ANALYSIS AND REPORTING REQUIREMENTS. (a) 1. If the
15 juvenile is adjudicated delinquent on the basis of a violation of s. 940.225, 948.02 (1)
16 or (2) or 948.025, the court shall require the juvenile to provide a biological specimen
17 to the state crime laboratories for deoxyribonucleic acid analysis. If the violation is
18 of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the court shall require the juvenile
19 to comply with the reporting requirements under s. 175.45. If the violation is of s.
20 940.225 (3) or (3m), the court may require the juvenile to comply with the reporting
21 requirements under s. 175.45 if the court determines that the underlying conduct
22 was seriously sexually assaultive in nature and that it would be in the interest of
23 public protection to have the juvenile report under s. 175.45.

24 2. Except as provided in subd. 1., if the juvenile is adjudicated delinquent on
25 the basis of any violation under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court

1 may require the juvenile to provide a biological specimen to the state crime
2 laboratories for deoxyribonucleic acid analysis. The court may require the juvenile
3 to comply with the reporting requirements under s. 175.45 if the court determines
4 that the underlying conduct was seriously sexually assaultive in nature and that it
5 would be in the interest of public protection to have the juvenile report under s.
6 175.45.

7 3. The results from deoxyribonucleic acid analysis of a specimen under subd.
8 1. or 2. may be used only as authorized under s. 165.77 (3). The state crime
9 laboratories shall destroy any such specimen in accordance with s. 165.77 (3).

10 (b) The department of justice shall promulgate rules providing procedures for
11 juveniles to provide specimens under par. (a) and for the transportation of those
12 specimens to the state crime laboratories under s. 165.77.

13 **(16) STAY OF ORDER.** After ordering a disposition under this section, enter an
14 additional order staying the execution of the dispositional order contingent on the
15 juvenile's satisfactory compliance with any conditions that are specified in the
16 dispositional order and explained to the juvenile by the court. If the juvenile violates
17 a condition of his or her dispositional order, the agency supervising the juvenile shall
18 notify the court and the court shall hold a hearing within 30 days after the filing of
19 the notice to determine whether the original disposition order should be imposed,
20 unless the juvenile signs a written waiver of any objections to imposing the original
21 dispositional order and the court approves the waiver. If a hearing is held, the court
22 shall notify the parent, juvenile, guardian and legal custodian, all parties bound by
23 the original dispositional order and the district attorney or corporation counsel in the
24 county in which the dispositional order was entered at the time and place of the
25 hearing at least 3 days before the hearing. If all parties consent, the court may

1 proceed immediately with the hearing. The court may not impose the original
2 dispositional order unless the court finds to a reasonable certainty by the greater
3 weight of the credible evidence that the juvenile has violated a condition of his or her
4 dispositional order.

5 **938.341 Delinquency adjudication; restriction on firearm possession.**

6 Whenever a court adjudicates a juvenile delinquent for an act that if committed by
7 an adult in this state would be a felony, the court shall inform the juvenile of the
8 requirements and penalties under s. 941.29.

9 **938.342 Disposition; truancy and school dropout ordinance violations.**

10 (1) If the court finds that the juvenile violated a municipal ordinance enacted under
11 s. 118.163 (2), the court shall enter an order making one or more of the following
12 dispositions if such a disposition is authorized by the municipal ordinance:

13 (a) Suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for
14 not less than 30 days nor more than 90 days. The court shall immediately take
15 possession of the suspended license and forward it to the department of
16 transportation together with a notice stating the reason for and duration of the
17 suspension.

18 (b) Order the juvenile to participate in counseling or a supervised work
19 program or other community service work under s. 938.34 (5g).

20 (c) Order the juvenile to remain at home except during hours in which the
21 juvenile is attending religious worship or a school program, including travel time
22 required to get to and from the school program or place of worship. The order may
23 permit a juvenile to leave his or her home if the juvenile is accompanied by a parent
24 or guardian.

25 (d) Order the juvenile to attend an educational program under s. 938.34 (7d).

1 (e) Order the department of industry, labor and human relations to revoke or
2 refuse to issue, under s. 103.72, a permit under s. 103.70 authorizing the employment
3 of the juvenile.

4 **(1m)** (a) If the court finds that the juvenile violated a municipal ordinance
5 enacted under s. 118.163 (2), the court may, in addition to or instead of the
6 dispositions under sub. (1), order the juvenile's parent, guardian or legal custodian
7 to participate in counseling at the parent's, guardian's or legal custodian's own
8 expense.

9 (b) No order to any person under par. (a) may be entered until the person is
10 given an opportunity to be heard on the contemplated order of the court. The court
11 shall cause notice of the time, place and purpose of the hearing to be served on the
12 person personally at least 10 days before the date of the hearing. The procedure in
13 these cases shall, as far as practicable, be the same as in other cases to the court. At
14 the hearing, the person may be represented by counsel and may produce and
15 cross-examine witnesses. Any person who fails to comply with any order issued by
16 a court under par. (a) may be proceeded against for contempt of court.

17 **(2)** (a) Except as provided in par. (b), if the court finds that the juvenile is
18 subject to a municipal ordinance enacted under s. 118.163 (2m), the court shall enter
19 an order suspending the juvenile's operating privilege, as defined in s. 340.01 (40),
20 until the juvenile reaches the age of 18.

21 (b) The court may enter an order making any of the dispositions specified under
22 sub. (1) if the court finds that suspension of the juvenile's operating privilege, as
23 defined in s. 340.01 (40), until the juvenile reaches the age of 18 would cause an
24 undue hardship to the juvenile or the juvenile's family.

1 **938.343 Disposition of juvenile adjudged to have violated a civil law or**
2 **an ordinance.** Except as provided by ss. 938.342 and 938.344, if the court finds that
3 the juvenile violated a civil law or an ordinance, the court shall enter an order
4 making one or more of the following dispositions:

5 (1) Counsel the juvenile or the parent or guardian.

6 (2) Impose a forfeiture not to exceed the maximum forfeiture that may be
7 imposed on an adult for committing that violation or, if the violation is only
8 applicable to a juvenile, \$50. Any such order shall include a finding that the juvenile
9 alone is financially able to pay and shall allow up to 12 months for the payment. If
10 a juvenile fails to pay the forfeiture, the court may suspend any license issued under
11 ch. 29 or suspend the juvenile's operating privilege as defined in s. 340.01 (40), for
12 not less than 30 days nor more than 5 years. The court shall immediately take
13 possession of the suspended license and forward it to the department which issued
14 the license, together with the notice of suspension clearly stating that the suspension
15 is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during
16 the period of suspension, the court shall immediately notify the department, which
17 will thereupon return the license to the person.

18 (3) Order the juvenile to participate in a supervised work program or other
19 community service work under s. 938.34 (5g).

20 (4) If the violation has resulted in damage to the property of another, or in
21 actual physical injury to another excluding pain and suffering, the court may order
22 the juvenile to make repairs of the damage to property or reasonable restitution for
23 the damage or injury if the court, after taking into consideration the well-being and
24 needs of the victim, considers it beneficial to the well-being and behavior of the
25 juvenile. Any such order requiring payment for repairs or restitution shall include

1 a finding that the juvenile alone is financially able to pay and may allow up to the
2 date of the expiration of the order for the payment. Objection by the juvenile to the
3 amount of damages claimed shall entitle the juvenile to a hearing on the question of
4 damages before the amount of restitution is ordered.

5 (5) If the violation is related to unsafe use of a boat, order the juvenile to attend
6 a safety course under s. 30.74 (1).

7 (6) If the violation is of ch. 29, suspension of the license or licenses of the
8 juvenile issued under that chapter for not more than one year or until the juvenile
9 is 18 years of age, whichever occurs first.

10 (7) If the violation is related to the unsafe use of firearms, order the juvenile
11 to attend a course under the hunter education and firearm safety program under s.
12 29.225.

13 (8) If the violation is one under ch. 350 concerning the use of snowmobiles,
14 order the juvenile to attend a safety course under s. 350.055.

15 (9) If the violation is one under s. 23.33 or under an ordinance enacted in
16 conformity with s. 23.33 concerning the use of all-terrain vehicles, order the juvenile
17 to enroll and participate in an all-terrain vehicle safety course.

18 (10) If the violation is related to the use or abuse of alcohol beverages or
19 controlled substances, order the juvenile to do any of the following:

20 (a) Submit to an alcohol and other drug abuse assessment that conforms to the
21 criteria specified under s. 938.547 (4) and that is conducted by an approved
22 treatment facility. The order shall designate an approved treatment facility to
23 perform the assessment and shall specify the date by which the assessment must be
24 completed.

1 (b) Participate in an outpatient alcohol and other drug abuse treatment
2 program if an assessment conducted under par. (a) or s. 938.295 (1) recommends
3 treatment.

4 (c) Participate in a court-approved pupil assistance program provided by the
5 juvenile's school board or in a court-approved alcohol or other drug abuse education
6 program. The juvenile's participation in a court-approved pupil assistance program
7 under this paragraph is subject to the approval of the juvenile's school board.

8 **938.344 Disposition; certain intoxicating liquor, beer and drug**
9 **violations.**

10 (2) If a court finds a juvenile committed a violation under s. 125.07 (4) (b) or
11 125.09 (2), or a local ordinance that strictly conforms to one of those statutes, the
12 court shall order one or any combination of the following penalties:

13 (a) For a first violation, a forfeiture of not more than \$50, suspension of the
14 juvenile's operating privilege as provided under s. 343.30 (6) (b) 1. or the juvenile's
15 participation in a supervised work program or other community service work under
16 s. 938.34 (5g).

17 (b) For a violation committed within 12 months of a previous violation, a
18 forfeiture of not more than \$100, suspension of the juvenile's operating privilege as
19 provided under s. 343.30 (6) (b) 2. or the juvenile's participation in a supervised work
20 program or other community service work under s. 938.34 (5g).

21 (c) For a violation committed within 12 months of 2 or more previous violations,
22 a forfeiture of not more than \$500, revocation of the juvenile's operating privilege as
23 provided under s. 343.30 (6) (b) 3. or the juvenile's participation in a supervised work
24 program or other community service work under s. 938.34 (5g).

1 **(2b)** If a court finds a juvenile committed a violation under s. 125.07 (4) (a), or
2 a local ordinance which strictly conforms to s. 125.07 (4) (a), the court shall order one
3 or any combination of the following penalties:

4 (a) For a first violation, a forfeiture of not less than \$250 nor more than \$500,
5 suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 1.
6 or the juvenile's participation in a supervised work program or other community
7 service work under s. 938.34 (5g).

8 (b) For a violation committed within 12 months of a previous violation, a
9 forfeiture of not less than \$300 nor more than \$500, suspension of the juvenile's
10 operating privilege as provided under s. 343.30 (6) (b) 2. or the juvenile's
11 participation in a supervised work program or other community service work under
12 s. 938.34 (5g).

13 (c) For a violation committed within 12 months of 2 or more previous violations,
14 a forfeiture of \$500, revocation of the juvenile's operating privilege as provided under
15 s. 343.30 (6) (b) 3. or the juvenile's participation in a supervised work program or
16 other community service work under s. 938.34 (5g).

17 **(2d)** If a court finds a juvenile committed a violation under s. 125.085 (3) (b),
18 or a local ordinance which strictly conforms to s. 125.085 (3) (b), the court shall order
19 one or any combination of the following penalties:

20 (a) For a first violation, a forfeiture of not less than \$100 nor more than \$500,
21 suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 1.
22 or the juvenile's participation in a supervised work program or other community
23 service work under s. 938.34 (5g).

24 (b) For a violation committed within 12 months of a previous violation, a
25 forfeiture of not less than \$300 nor more than \$500, suspension of the juvenile's

1 operating privilege as provided under s. 343.30 (6) (b) 2. or the juvenile's
2 participation in a supervised work program or other community service work under
3 s. 938.34 (5g).

4 (c) For a violation committed within 12 months of 2 or more previous violations,
5 a forfeiture of \$500, revocation of the juvenile's operating privilege as provided under
6 s. 343.30 (6) (b) 3. or the juvenile's participation in a supervised work program or
7 other community service work under s. 938.34 (5g).

8 **(2e)** (a) If a court finds a juvenile committed a violation under s. 161.573 (2),
9 161.574 (2) or 161.575 (2), or a local ordinance that strictly conforms to one of those
10 statutes, the court shall suspend or revoke the juvenile's operating privilege, as
11 defined in s. 340.01 (40), for not less than 6 months nor more than 5 years and, in
12 addition, shall order one of the following penalties:

13 1. For a first violation, a forfeiture of not more than \$50 or the juvenile's
14 participation in a supervised work program or other community service work under
15 s. 938.34 (5g) or both.

16 2. For a violation committed within 12 months of a previous violation, a
17 forfeiture of not more than \$100 or the juvenile's participation in a supervised work
18 program or other community service work under s. 938.34 (5g) or both.

19 3. For a violation committed within 12 months of 2 or more previous violations,
20 a forfeiture of not more than \$500 or the juvenile's participation in a supervised work
21 program or other community service work under s. 938.34 (5g) or both.

22 (b) Whenever a court suspends or revokes a juvenile's operating privilege under
23 this subsection, the court shall immediately take possession of any suspended or
24 revoked license and forward it to the department of transportation, together with the
25 notice of suspension or revocation clearly stating that the suspension or revocation

1 is for a violation under s. 161.573 (2), 161.574 (2) or 161.575 (2), or a local ordinance
2 that strictly conforms to one of those statutes.

3 (c) If the juvenile's license or operating privilege is currently suspended or
4 revoked or the juvenile does not currently possess a valid operator's license issued
5 under ch. 343, the suspension or revocation under this subsection is effective on the
6 date on which the juvenile is first eligible and applies for issuance, renewal or
7 reinstatement of an operator's license under ch. 343.

8 **(2g)** (a) After ordering a penalty under sub. (2), (2b), (2d) or (2e), the court, with
9 the agreement of the juvenile, may enter an additional order staying the execution
10 of the penalty order and suspending or modifying the penalty imposed. The order
11 under this paragraph shall require the juvenile to do any of the following:

12 1. Submit to an alcohol and other drug abuse assessment that conforms to the
13 criteria specified under s. 938.547 (4) and that is conducted by an approved
14 treatment facility. The order shall designate an approved treatment facility to
15 conduct the alcohol and other drug abuse assessment and shall specify the date by
16 which the assessment must be completed.

17 2. Participate in an outpatient alcohol or other drug abuse treatment program
18 at an approved treatment facility, if an alcohol or other drug abuse assessment
19 conducted under subd. 1. or s. 938.295 (1) recommends treatment.

20 3. Participate in a court-approved pupil assistance program provided by the
21 juvenile's school board or in a court-approved alcohol or other drug abuse education
22 program. The juvenile's participation in a court-approved pupil assistance program
23 under this subdivision is subject to the approval of the juvenile's school board.

24 (b) If the approved treatment facility, with the written informed consent of the
25 juvenile or, if the juvenile has not attained the age of 12, the written informed consent

1 of the juvenile's parent, notifies the agency primarily responsible for providing
2 services to the juvenile that the juvenile has submitted to an assessment under par.
3 (a) and that the juvenile does not need treatment, intervention or education, the
4 court shall notify the juvenile of whether or not the penalty will be reinstated.

5 (c) If the juvenile completes the alcohol or other drug abuse treatment program,
6 court-approved pupil assistance program or court-approved alcohol or other drug
7 abuse education program, the approved treatment facility, court-approved pupil
8 assistance program or court-approved alcohol or other drug abuse education
9 program shall, with the written informed consent of the juvenile or, if the juvenile
10 has not attained the age of 12, the written informed consent of the juvenile's parent,
11 notify the agency primarily responsible for providing services to the juvenile that the
12 juvenile has complied with the order and the court shall notify the juvenile of
13 whether or not the penalty will be reinstated.

14 (d) If an approved treatment facility, court-approved pupil assistance program
15 or court-approved alcohol or other drug abuse education program, with the written
16 informed consent of the juvenile or, if the juvenile has not attained the age of 12, the
17 written informed consent of the juvenile's parent, notifies the agency primarily
18 responsible for providing services to the juvenile that a juvenile is not participating,
19 or has not satisfactorily completed, a recommended alcohol or other drug abuse
20 treatment program, a court-approved pupil assistance program or a court-approved
21 alcohol or other drug abuse education program, the court shall hold a hearing to
22 determine whether the penalties under sub. (2), (2b), (2d) or (2e) should be imposed.

23 **(2m)** For purposes of subs. (2) to (2e), all violations arising out of the same
24 incident or occurrence shall be counted as a single violation.

1 **(3)** If the juvenile alleged to have committed the violation is within 3 months
2 of his or her 18th birthday, the court assigned to exercise jurisdiction under this
3 chapter and ch. 48 may, at the request of the district attorney or on its own motion,
4 dismiss the citation without prejudice and refer the matter to the district attorney
5 for prosecution under s. 125.07 (4). The juvenile is entitled to a hearing only on the
6 issue of his or her age. This subsection does not apply to violations under s. 161.573
7 (2), 161.574 (2) or 161.575 (2) or a local ordinance that strictly conforms to one of
8 those statutes.

9 **938.345 Disposition of juvenile adjudged in need of protection or**
10 **services.** **(1)** If the court finds that the juvenile is in need of protection or services,
11 the court shall enter an order deciding one or more of the dispositions of the case as
12 provided in s. 938.34 under a care and treatment plan except that the order may not
13 do any of the following:

14 (a) Place the juvenile in the serious juvenile offender program, a secured
15 correctional facility or a secured child caring institution.

16 (b) Order restitution.

17 (c) Order payment of a forfeiture.

18 (d) Restrict, suspend or revoke the driving privileges of the juvenile, except as
19 provided under sub. (2).

20 (e) Place any juvenile not specifically found under chs. 46, 49, 51, 115 and 880
21 to be developmentally disabled, mentally ill or to have exceptional educational needs
22 in facilities which exclusively treat those categories of juveniles.

23 (f) Order the juvenile to participate in a supervised work program or other
24 community service work under s. 938.34 (5g), except as provided under sub. (2).

1 (g) Order the juvenile into detention or nonsecure custody under s. 938.34 (3)
2 (f).

3 (2) If the court finds that a juvenile is in need of protection or services based on
4 the fact that the juvenile is a school dropout, as defined in s. 118.153 (1) (b), or based
5 on habitual truancy, and the court also finds that the reason the juvenile has dropped
6 out of school or is a habitual truant is a result of the juvenile's intentional refusal to
7 attend school rather than the failure of any other person to comply with s. 118.15 (1)
8 (a), the court, instead of or in addition to any other disposition imposed under sub.
9 (1), may enter an order permitted under s. 938.342.

10 **938.346 Notice to victims of juveniles' acts.** (1) Each known victim of a
11 juvenile's act shall receive timely notice of the following information:

12 (a) The procedure under s. 938.396 (1r) for obtaining the identity of the juvenile
13 and the juvenile's parents.

14 (b) The procedure under s. 938.396 (1r) for obtaining the juvenile's police
15 records.

16 (c) The potential liability of the juvenile's parents under s. 895.035.

17 (d) Either of the following:

18 1. Information regarding any deferred prosecution agreement under s.
19 938.245, any consent decree under s. 938.32 or any dispositional order under ss.
20 938.34 to 938.345. The information may not include reports under s. 938.295 or
21 938.33 or any other information that deals with sensitive personal matters of the
22 juvenile and the juvenile's family and that does not directly relate to the act or alleged
23 act committed against the victim. This subdivision does not affect the right of a
24 victim to attend any hearing that the victim is permitted to attend under s. 938.299
25 (1) (am).

1 2. The procedure the victim may follow for obtaining the information in subd.

2 1.

3 (e) The procedure under s. 938.296 under which the victim, if an adult, or the
4 parent, guardian or legal custodian of the victim, if the victim is a child, may request
5 an order requiring a juvenile who is alleged to have violated s. 940.225, 948.02,
6 948.025, 948.05 or 948.06 to submit to a test or a series of tests to detect the presence
7 of HIV, as defined in s. 252.01 (1m), antigen or nonantigenic products of HIV, an
8 antibody to HIV or a sexually transmitted disease, as defined in s. 252.11 (1), and to
9 have the results of that test or series of tests disclosed as provided in s. 938.296 (4)
10 (a) to (e).

11 (f) The right to request and receive notice of the time and place of any hearing
12 that the victim may attend under s. 938.299 (1) (am).

13 (g) The right to make a statement to the court as provided in ss. 938.32 (1) (b)
14 and 938.335 (3m).

15 **(1m)** The intake worker shall provide notice of the information specified in sub.
16 (1) (a), (b) and (c), the information specified in sub. (1) (d) relating to a deferred
17 prosecution agreement under s. 938.245 and the information specified in sub. (3) if
18 the inquiry is terminated without a deferred prosecution agreement before the filing
19 of a petition. The district attorney or corporation counsel shall provide notice of the
20 information specified in sub. (1) (e), (f) and (g), the information specified in sub. (1)
21 (d) relating to a consent decree under s. 938.32 or a dispositional order under ss.
22 938.34 to 938.345 and the information under sub. (3) if the proceeding is terminated
23 without a consent decree or dispositional order after the filing of a petition.

24 **(2)** The notice under sub. (1) shall include an explanation of the restrictions on
25 divulging information obtained under this chapter and the penalties for violations.

1 **(3)** If an inquiry or proceeding is closed, dismissed or otherwise does not result
2 in a deferred prosecution agreement, consent decree or dispositional order, a
3 reasonable attempt shall be made to inform each known victim of the juvenile's
4 alleged act that the inquiry or proceeding has been terminated.

5 **(4)** If the victim is a child, the notice under this section shall be given to the
6 child's parents, guardian or legal custodian.

7 **(5)** Chief judges and circuit judges shall establish by policy and rule procedures
8 for the implementation of this section. The policies and rules shall specify when, how
9 and by whom the notice under this section shall be provided to victims.

10 **938.35 Effect of judgment and disposition.** **(1)** The court shall enter a
11 judgment setting forth the court's findings and disposition in the proceeding. A
12 judgment in a proceeding on a petition under this subchapter is not a conviction of
13 a crime, does not impose any civil disabilities ordinarily resulting from the conviction
14 of a crime and does not operate to disqualify the juvenile in any civil service
15 application or appointment. The disposition of a juvenile, and any record of evidence
16 given in a hearing in court, is not admissible as evidence against the juvenile in any
17 case or proceeding in any other court except for the following:

18 **(a)** In sentencing proceedings after conviction of a felony or misdemeanor and
19 then only for the purpose of a presentence study and report.

20 **(b)** In a proceeding in any court assigned to exercise jurisdiction under this
21 chapter and ch. 48.

22 **(c)** In a court of civil or criminal jurisdiction while it is exercising the
23 jurisdiction of a family court and is considering the custody of juveniles.

24 **(cm)** In a court of civil or criminal jurisdiction for purposes of setting bail under
25 ch. 969 or impeaching a witness under s. 906.09.

1 (d) The fact that a juvenile has been adjudged delinquent on the basis of
2 unlawfully and intentionally killing a person is admissible for the purpose of s.
3 852.01 (2m) (bg).

4 (1m) Disposition by the court assigned to exercise jurisdiction under this
5 chapter and ch. 48 of any allegation under s. 938.12 or 938.13 (12) shall bar any
6 future proceeding on the same matter in criminal court when the juvenile reaches
7 the age of 17. This paragraph does not affect proceedings in criminal court which
8 have been transferred under s. 938.18.

9 (2) Except as specifically provided in sub. (1), this section does not preclude the
10 court from disclosing information to qualified persons if the court considers the
11 disclosure to be in the best interests of the juvenile or of the administration of justice.

12 **938.355 Dispositional orders. (1) INTENT.** In any order under s. 938.34 or
13 938.345, the court shall decide on a placement and treatment finding based on
14 evidence submitted to the court. The disposition shall employ those means necessary
15 to promote the objectives specified in s. 938.01. If the disposition places a juvenile
16 who has been adjudicated delinquent outside the home under s. 938.34 (3) (c) or (d),
17 the order shall include a finding that the juvenile's current residence will not
18 safeguard the welfare of the juvenile or the community due to the serious nature of
19 the act for which the juvenile was adjudicated delinquent. If the judge has
20 determined that any of the conditions specified in s. 938.34 (4m) (b) 1., 2. or 3. applies,
21 that determination shall be prima facie evidence that a less restrictive alternative
22 than placement in a secured correctional facility or a secured child caring institution
23 is not appropriate. If information under s. 938.331 has been provided in a court
24 report under s. 938.33 (1), the court shall consider that information when deciding
25 on a placement and treatment finding.

1 **(2) CONTENT OF ORDER; COPY TO PARENT.** (a) In addition to the order, the court
2 shall make written findings of fact and conclusions of law based on the evidence
3 presented to the court to support the disposition ordered, including findings as to the
4 juvenile's condition and need for special treatment or care if an examination or
5 assessment was conducted under s. 938.295. A finding may not include a finding that
6 a juvenile is in need of psychotropic medications.

7 (b) The court order shall be in writing and shall contain:

8 1. The specific services or continuum of services to be provided to the juvenile
9 and family, the identity of the agencies which are to be primarily responsible for the
10 provision of the services mandated by the court, the identity of the person or agency
11 who will provide case management or coordination of services, if any, and, if custody
12 is to be transferred to effect the treatment plan, the identity of the legal custodian.

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

24 3. The date of the expiration of the court's order.

1 4. If the juvenile is placed outside the juvenile's home, a designation of the
2 amount of support, if any, to be paid by the juvenile's parent, guardian or trustee,
3 specifying that the support obligation begins on the date of the placement, or a
4 referral to the county designee under s. 59.07 (97) for establishment of child support.

5 5. For a juvenile placed outside his or her home pursuant to an order under s.
6 938.34 (3) or 938.345, a permanency plan under s. 938.38 if one has been prepared.

7 6. If the juvenile is placed outside the home, the court's finding as to whether
8 a county department which provides social services or the agency primarily
9 responsible for the provision of services under a court order has made reasonable
10 efforts to prevent the removal of the juvenile from the home or, if applicable, that the
11 agency primarily responsible for the provision of services under a court order has
12 made reasonable efforts to make it possible for the juvenile to return to his or her
13 home.

14 7. A statement of the conditions with which the juvenile is required to comply.

15 (c) If school attendance is a condition of an order under par. (b) 7., the order shall
16 specify what constitutes a violation of the condition and shall direct the school board
17 of the school district in which the juvenile is enrolled to notify the county department
18 that is responsible for supervising the juvenile within 5 days after any violation of
19 the condition by the juvenile.

20 (d) The court shall provide a copy of the dispositional order to the juvenile's
21 parent, guardian or trustee.

22 **(2c) REASONABLE EFFORTS STANDARDS.** (a) When a court makes a finding under
23 sub. (2) (b) 6. as to whether a county department which provides social services or
24 the agency primarily responsible for providing services to the juvenile under a court
25 order has made reasonable efforts to prevent the removal of the juvenile from his or

1 her home, the court's consideration of reasonable efforts shall include, but not be
2 limited to, whether:

3 1. A comprehensive assessment of the family's situation was completed,
4 including a determination of the likelihood of protecting the juvenile's welfare
5 effectively in the home.

6 2. Financial assistance, if applicable, was provided to the family.

7 3. Services were offered or provided to the family, if applicable, and whether
8 any assistance was provided to the family to enable the family to utilize the services.

9 Examples of the types of services that may have been offered include:

10 a. In-home support services, such as homemakers and parent aides.

11 b. In-home intensive treatment services.

12 c. Community support services, such as day care, parenting skills training,
13 housing assistance, employment training and emergency mental health services.

14 d. Specialized services for family members with special needs.

15 4. Monitoring of client progress and client participation in services was
16 provided.

17 5. A consideration of alternative ways of addressing the family's needs was
18 provided, if services did not exist or existing services were not available to the family.

19 (b) When a court makes a finding under sub. (2) (b) 6. as to whether the agency
20 primarily responsible for providing services to the juvenile under a court order has
21 made reasonable efforts to make it possible for the juvenile to return to his or her
22 home, the court's consideration of reasonable efforts shall include, but not be limited
23 to, the considerations listed under par. (a) 1. to 5. and whether visitation schedules
24 between the juvenile and his or her parents were implemented, unless visitation was
25 denied or limited by the court.

1 **(2e)** PERMANENCY PLANS; FILING; AMENDED ORDERS; COPIES. (a) If a permanency
2 plan has not been prepared at the time the dispositional order is entered, or if the
3 court orders a disposition that is not consistent with the permanency plan, the
4 agency responsible for preparing the plan shall prepare a permanency plan that is
5 consistent with the order or revise the permanency plan to conform to the order and
6 shall file the plan with the court within the time specified in s. 938.38 (3). A
7 permanency plan filed under this paragraph shall be made a part of the dispositional
8 order.

9 (b) Each time a juvenile's placement is changed under s. 938.357 or a
10 dispositional order is revised under s. 938.363 or extended under s. 938.365, the
11 agency that prepared the permanency plan shall revise the plan to conform to the
12 order and shall file a copy of the revised plan with the court. Each plan filed under
13 this paragraph shall be made a part of the court order.

14 (c) Either the court or the agency that prepared the permanency plan shall
15 furnish a copy of the original plan and each revised plan to the juvenile's parent or
16 guardian, to the juvenile or the juvenile's counsel or guardian ad litem and to the
17 person representing the interests of the public.

18 **(2m)** TRANSITIONAL PLACEMENTS. The court order may include the name of
19 transitional placements, but may not designate a specific time when transitions are
20 to take place. The procedures of ss. 938.357 and 938.363 shall govern when such
21 transitions take place. The court, however, may place specific time limitations on
22 interim arrangements made for the care of the juvenile pending the availability of
23 the dispositional placement.

1 **(3) PARENTAL VISITATION.** If, after a hearing on the issue with due notice to the
2 parent or guardian, the court finds that it would be in the best interest of the juvenile,
3 the court may set reasonable rules of parental visitation.

4 **(3m) ORDERS BASED ON EVIDENCE.** Dispositional orders under s. 938.343 or
5 938.344 shall be based upon the evidence except that this subsection does not require
6 a dispositional hearing for the disposition of an uncontested citation.

7 **(4) TERMINATION OF ORDERS.** (a) Except as provided under par. (b) or s. 938.368,
8 all orders under this section shall terminate at the end of one year unless the court
9 specifies a shorter period of time. Except if s. 938.368 applies, extensions or revisions
10 shall terminate at the end of one year unless the court specifies a shorter period of
11 time. No extension under s. 938.365 of an original dispositional order may be granted
12 for a juvenile who is subject to an order under s. 938.34 (4h), (4m) or (4n) if the
13 juvenile is 17 years of age or older when the original dispositional order terminates.
14 Any order made before the juvenile reaches the age of majority shall be effective for
15 a time up to one year after its entry unless the court specifies a shorter period of time.

16 (b) An order under s. 938.34 (4h) or (4m) for which a juvenile has been
17 adjudicated delinquent is subject to par. (a), except that the judge may make an order
18 under s. 938.34 (4m) apply for up to 2 years or until the juvenile's 18th birthdate,
19 whichever is earlier and the judge shall make an order under s. 938.34 (4h) apply for
20 5 years, if the juvenile is adjudicated delinquent for committing an act that would
21 be punishable as a Class B felony if committed by an adult, or until the juvenile
22 reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an
23 act that would be punishable as a Class A felony if committed by an adult.

24 **(4m) EXPUNGEMENT OF RECORD.** A juvenile who has been adjudged delinquent
25 may, on attaining 17 years of age, petition the court to expunge the court's record of

1 the juvenile's adjudication. The court may expunge the court's record of the juvenile's
2 adjudication if the court determines that the juvenile has satisfactorily complied
3 with the conditions of his or her dispositional order and that the juvenile will benefit
4 and society will not be harmed by the expungement.

5 (5) EFFECT OF COURT ORDER. Any party, person or agency who provides services
6 for the juvenile under this section shall be bound by the court order.

7 (6) SANCTIONS FOR VIOLATION OF ORDER; DELINQUENCY OR CIVIL LAW OR ORDINANCE
8 VIOLATION. (a) If a juvenile who has been adjudged delinquent violates a condition
9 specified in sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions
10 specified in par. (d) if, at the dispositional hearing under s. 938.335, the court
11 explained the conditions to the juvenile and informed the juvenile of those possible
12 sanctions. Subject to sub. (6m), if a juvenile who has been found to be in need of
13 protection or services under s. 938.13 violates a condition specified in sub. (2) (b) 7.,
14 the court may impose on the juvenile any of the sanctions specified in par. (d), other
15 than placement in a secure detention facility or juvenile portion of a county jail, if,
16 at the dispositional hearing under s. 938.335, the court explained the conditions to
17 the juvenile and informed the juvenile of those possible sanctions. The court may not
18 order the sanction of placement in a place of nonsecure custody specified in par. (d)
19 1. unless the court finds that the agency primarily responsible for providing services
20 for the juvenile has made reasonable efforts to prevent the removal of the juvenile
21 from his or her home and that continued placement of the juvenile in his or her home
22 is contrary to the welfare of the juvenile.

23 (am) If a juvenile who has violated a civil law or ordinance violates a condition
24 specified in sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions
25 specified in par. (d) 2. to 4. if, at the dispositional hearing under s. 938.355, the court

1 explained the conditions to the juvenile and informed the juvenile of the possible
2 sanctions under par. (d) for a violation.

3 (b) A motion for imposition of a sanction may be brought by the person or agency
4 primarily responsible for the provision of dispositional services, the district attorney
5 or corporation counsel or the court that entered the dispositional order. If the court
6 initiates the motion, that court is disqualified from holding a hearing on the motion.
7 Notice of the motion shall be given to the juvenile, guardian ad litem, counsel, parent,
8 guardian, legal custodian and all parties present at the original dispositional
9 hearing.

10 (c) Before imposing any sanction, the court shall hold a hearing, at which the
11 juvenile is entitled to be represented by legal counsel and to present evidence.

12 (d) The court may order any of the following sanctions as a consequence for any
13 incident in which the juvenile has violated one or more conditions of his or her
14 dispositional order:

15 1. Placement of the juvenile in a secure detention facility or juvenile portion
16 of a county jail that meets the standards promulgated by the department of
17 corrections by rule or in a place of nonsecure custody, for not more than 10 days and
18 the provision of educational services consistent with his or her current course of
19 study during the period of placement. The juvenile shall be given credit against the
20 period of detention or nonsecure custody imposed under this subdivision for all time
21 spent in secure detention in connection with the course of conduct for which the
22 detention or nonsecure custody was imposed.

23 2. Suspension of or limitation on the use of the juvenile's operating privilege,
24 as defined under s. 340.01 (40), or of any approval issued under ch. 29 for a period
25 of not more than 90 days. If the court suspends the juvenile's operating privileges

1 or an approval issued under ch. 29, the court shall immediately take possession of
2 the suspended license or approval and forward it to the department that issued it,
3 together with the notice of suspension.

4 3. Detention in the juvenile's home or current residence for a period of not more
5 than 20 days under rules of supervision specified in the order. An order under this
6 subdivision may require the juvenile to be monitored by an electronic monitoring
7 system.

8 4. Not more than 25 hours of uncompensated participation in a supervised
9 work program or other community service work under s. 938.34 (5g).

10 **(6d) SHORT-TERM DETENTION FOR VIOLATION OF ORDER.** Notwithstanding ss.
11 938.19 to 938.21, but subject to any general written policies adopted by the court
12 under s. 938.06 (1) or (2) and to any policies adopted by the county board relating to
13 the taking into custody and placement of a juvenile under this subsection, if a
14 juvenile who has been adjudged delinquent violates a condition specified in sub. (2)
15 (b) 7., the juvenile's caseworker may, without a hearing, take the juvenile into
16 custody and place the juvenile in a secure detention facility or juvenile portion of a
17 county jail that meets the standards promulgated by the department of corrections
18 by rule or in a place of nonsecure custody designated by the caseworker for not more
19 than 72 hours as a sanction, if at the dispositional hearing the court explained those
20 conditions to the juvenile and informed the juvenile of the possibility of that sanction.
21 Notwithstanding ss. 938.19 to 938.21, but subject to any general written policies
22 adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by the
23 county board relating to the taking into custody and placement of a juvenile under
24 this subsection, if a juvenile who has been found to be in need of protection or services
25 under s. 938.13 violates a condition specified in sub. (2) (b) 7., the juvenile's

1 caseworker may, without a hearing, take the juvenile into custody and place the
2 juvenile in a place of nonsecure custody designated by the caseworker for not more
3 than 72 hours as a sanction, if at the dispositional hearing the court explained those
4 conditions to the juvenile and informed the juvenile of the possibility of that sanction.
5 If a juvenile is held in a secure detention facility, juvenile portion of a county jail or
6 place of nonsecure custody for longer than 72 hours, the juvenile is entitled to a
7 hearing under sub. (6) (c) or s. 938.21. The hearing shall be conducted in the manner
8 provided in sub. (6) or s. 938.21, except that for a hearing under s. 938.21 the hearing
9 shall be conducted within 72 hours, rather than 24 hours, after the time that the
10 decision to hold the juvenile was made and a written statement of the reasons for
11 continuing to hold the juvenile in custody may be filed rather than a petition under
12 s. 938.25.

13 **(6g) CONTEMPT FOR CONTINUED VIOLATION OF ORDER.** (a) If a juvenile upon whom
14 the court has imposed a sanction under sub. (6) (a) commits a 2nd or subsequent
15 violation of a condition specified in sub. (2) (b) 7., the district attorney may file a
16 petition under s. 938.12 charging the juvenile with contempt of court, as defined in
17 s. 785.01 (1), and reciting the disposition under s. 938.34 sought to be imposed. The
18 district attorney may bring the motion on his or her own initiative or on the request
19 of the court that imposed the condition specified in sub. (2) (b) 7. or that imposed the
20 sanction under sub. (6) (a). If the district attorney brings the motion on the request
21 of the court that imposed the condition specified in sub. (2) (b) 7. or that imposed the
22 sanction under sub. (6) (a), that court is disqualified from holding any hearing on the
23 contempt petition.

1 (b) The court may find a juvenile in contempt of court, as defined in s. 785.01
2 (1), and order a disposition under s. 938.34 only if the court makes all of the following
3 findings:

4 1. That the juvenile has previously been sanctioned under sub. (6) (a) for
5 violating a condition specified in sub. (2) (b) 7. and, subsequent to that sanction, has
6 committed another violation of a condition specified in sub. (2) (b) 7.

7 2. That at the sanction hearing the court explained the conditions to the
8 juvenile and informed the juvenile of a possible finding of contempt for a violation
9 and the possible consequences of that contempt.

10 3. That the violation is egregious.

11 4. That the court has considered less restrictive alternatives and found them
12 to be ineffective.

13 **(6m)** SANCTIONS FOR VIOLATION OF ORDER: HABITUAL TRUANCY. (a) If a juvenile
14 who has been found in need of protection or services based on habitual truancy from
15 school violates a condition specified under sub. (2) (b) 7., the court may order as a
16 sanction any combination of the operating privilege suspension specified in this
17 paragraph and the dispositions specified in s. 938.342 (1) (b) to (e) and (1m),
18 regardless of whether the disposition was imposed in the order violated by the
19 juvenile, if at the dispositional hearing under s. 938.335 the court explained that
20 condition to the juvenile and informed the juvenile of the possible sanctions under
21 this paragraph for a violation. The court may order as a sanction suspension of the
22 juvenile's operating privilege, as defined under s. 340.01 (40), for not more than one
23 year. If the juvenile does not hold a valid operator's license under ch. 343, other than
24 an instruction permit under s. 343.07 or a restricted license under s. 343.08, on the
25 date of the order issued under this paragraph, the court may order the suspension

1 to begin on the date that the operator's license would otherwise be reinstated or
2 issued after the juvenile applies and qualifies for issuance or 2 years after the date
3 of the order issued under this paragraph, whichever occurs first. If the court
4 suspends an operating privilege under this paragraph, the court shall immediately
5 take possession of the suspended license and forward it to the department of
6 transportation with a notice stating the reason for and the duration of the
7 suspension.

8 (b) A motion for the imposition of a sanction under par. (a) may be brought by
9 the person or agency primarily responsible for providing dispositional services to the
10 juvenile, the administrator of the school district in which the juvenile is enrolled or
11 resides, the district attorney, the corporation counsel or the court that entered the
12 dispositional order. If the court initiates the motion, that court is disqualified from
13 holding a hearing on the motion. Notice of the motion shall be given to the juvenile,
14 guardian ad litem, counsel, parent, guardian, legal custodian and all parties present
15 at the original dispositional hearing.

16 (c) Before imposing a sanction under par. (a), the court shall hold a hearing at
17 which the juvenile is entitled to be represented by legal counsel and to present
18 evidence. The hearing shall be held within 15 days after the filing of a motion under
19 par. (b).

20 **(7) ORDERS APPLICABLE TO PARENTS, GUARDIANS, LEGAL CUSTODIANS AND OTHER**
21 **ADULTS.** In addition to any dispositional order entered under s. 938.34 or 938.345, the
22 court may enter an order applicable to a juvenile's parent, guardian or legal
23 custodian or to another adult, as provided under s. 938.45.

24 **938.356 Duty of court to warn. (1)** Whenever the court orders a juvenile
25 to be placed outside his or her home because the juvenile has been adjudged to be in

1 need of protection or services under s. 938.345, 938.357, 938.363 or 938.365, the court
2 shall orally inform the parent or parents who appear in court of any grounds for
3 termination of parental rights under s. 48.415 which may be applicable and of the
4 conditions necessary for the juvenile to be returned to the home.

5 (2) In addition to the notice required under sub. (1), any written order which
6 places a juvenile outside the home under sub. (1) shall notify the parent or parents
7 of the information specified under sub. (1).

8 **938.357 Change in placement.** (1) The person or agency primarily
9 responsible for implementing the dispositional order may request a change in the
10 placement of the juvenile, whether or not the change requested is authorized in the
11 dispositional order and shall cause written notice to be sent to the juvenile or the
12 juvenile's counsel or guardian ad litem, parent, foster parent, guardian and legal
13 custodian. The notice shall contain the name and address of the new placement, the
14 reasons for the change in placement, a statement describing why the new placement
15 is preferable to the present placement and a statement of how the new placement
16 satisfies objectives of the treatment plan ordered by the court. Any person receiving
17 the notice under this subsection or notice of the specific foster or treatment foster
18 placement under s. 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an
19 objection with the court within 10 days after receipt of the notice. Placements shall
20 not be changed until 10 days after such notice is sent to the court unless the parent,
21 guardian or legal custodian and the juvenile, if 12 or more years of age, sign written
22 waivers of objection, except that placement changes which were authorized in the
23 dispositional order may be made immediately if notice is given as required in this
24 subsection. In addition, a hearing is not required for placement changes authorized
25 in the dispositional order except where an objection filed by a person who received

1 notice alleges that new information is available which affects the advisability of the
2 court's dispositional order. If a hearing is held under this subsection and the change
3 in placement would remove a juvenile from a foster home, the foster parent may
4 submit a written statement prior to the hearing.

5 (2) If emergency conditions necessitate an immediate change in the placement
6 of a juvenile placed outside the home, the person or agency primarily responsible for
7 implementing the dispositional order may remove the juvenile to a new placement,
8 whether or not authorized by the existing dispositional order, without the prior
9 notice provided in sub. (1). The notice shall, however, be sent within 48 hours after
10 the emergency change in placement. Any party receiving notice may demand a
11 hearing under sub. (1). In emergency situations, the juvenile may be placed in a
12 licensed public or private shelter care facility as a transitional placement for not
13 more than 20 days, as well as in any placement authorized under s. 938.34 (3).

14 (2m) The juvenile, parent, guardian, legal custodian or any person or agency
15 primarily bound by the dispositional order, other than the person or agency
16 responsible for implementing the order, may request a change in placement under
17 this subsection. The request shall contain the name and address of the place of the
18 new placement requested and shall state what new information is available which
19 affects the advisability of the current placement. This request shall be submitted to
20 the court. In addition, the court may propose a change in placement on its own
21 motion. The court shall hold a hearing on the matter prior to ordering any change
22 in placement under this subsection if the request states that new information is
23 available which affects the advisability of the current placement, unless written
24 waivers of objection to the proposed change in placement are signed by all parties
25 entitled to receive notice under sub. (1) and the court approves. If a hearing is

1 scheduled, the court shall notify the juvenile, parent, foster parent, guardian, legal
2 custodian and all parties who are bound by the dispositional order at least 3 days
3 prior to the hearing. A copy of the request or proposal for the change in placement
4 shall be attached to the notice. If all the parties consent, the court may proceed
5 immediately with the hearing. If a hearing is held under this subsection and the
6 change in placement would remove a juvenile from a foster home, the foster parent
7 may submit a written statement prior to the hearing.

8 (3) If the proposed change in placement would involve placing a juvenile, other
9 than a juvenile on aftercare, in a secured correctional facility under the supervision
10 of the department or in a secured child caring institution, notice shall be given as
11 provided in sub. (1). A hearing shall be held, unless waived by the juvenile, parent,
12 guardian and legal custodian, before the judge makes a decision on the request. The
13 juvenile shall be entitled to counsel at the hearing, and any party opposing or
14 favoring the proposed new placement may present relevant evidence and
15 cross-examine witnesses. The proposed new placement may be approved only if the
16 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been
17 met.

18 (4) (a) When the juvenile is placed with the department, the department may,
19 after an examination under s. 938.50, place the juvenile in a secured correctional
20 facility or a secured child caring institution or on aftercare supervision, either
21 immediately or after a period of placement in a secured correctional facility or a
22 secured child caring institution. The department shall send written notice of the
23 change to the parent, guardian, legal custodian, county department designated
24 under s. 938.34 (4n), if any, and committing court. A juvenile who is placed in a
25 secured child caring institution remains under the supervision of the department,

1 remains subject to the rules and discipline of that department and is considered to
2 be in custody, as defined in s. 946.42 (1) (a).

3 (b) If a juvenile who is placed in a secured child caring institution violates a
4 condition of his or her placement in the secured child caring institution, the child
5 welfare agency operating the secured child caring institution shall notify the
6 department, and the department, without a hearing under sub. (1), may return the
7 juvenile to a secured correctional facility or place the juvenile in a secure detention
8 facility for not more than 30 days as a sanction for that violation. The department
9 shall send written notice of the change to the parent, guardian, legal custodian and
10 committing court. If a juvenile is returned to a secured correctional facility or placed
11 in a secure detention facility under this paragraph, the child welfare agency
12 operating the secured child caring institution in which the juvenile was placed shall
13 reimburse the department or county for the cost of the juvenile's care while placed
14 in the secured correctional facility or secure detention facility under this paragraph.

15 (c) The child welfare agency that is operating a secured child caring institution
16 in which a juvenile has been placed under par. (a) may place the juvenile in a less
17 restrictive placement, and may replace in the secured child caring institution that
18 juvenile, without a hearing under sub. (1). The child welfare agency shall establish
19 a rate for each type of placement in the manner provided in s. 46.037.

20 **(4g)** (a) Not later than 120 days after the date on which the juvenile is placed
21 in a secured correctional facility under the supervision of the department or in a
22 secured child caring institution, or not less than 30 days before the date on which the
23 department determines that the juvenile is eligible for release to aftercare
24 supervision, whichever is earlier, the aftercare provider designated under s. 938.34
25 (4n) shall prepare an aftercare plan for the juvenile. If the aftercare provider

1 designated under s. 938.34 (4n) is a county department, that county department
2 shall submit the aftercare plan to the department within the time limits specified in
3 this paragraph, unless the department waives those time limits under par. (b).

4 (b) The department may waive the time period within which an aftercare plan
5 must be prepared and submitted under par. (a) if the department anticipates that the
6 juvenile will remain in the secured correctional facility or secured child caring
7 institution for a period exceeding 8 months or if the juvenile is subject to s. 938.183
8 (2). If the department has waived the time period within which an aftercare plan
9 must be prepared and submitted and if there will be a reasonable time period after
10 release from the secured correctional facility or secured child caring institution
11 during which the juvenile may remain subject to court jurisdiction, the department
12 shall notify the county department providing aftercare supervision of the anticipated
13 release date not less than 60 days before the date on which the juvenile will be eligible
14 for release. If the department waives the time limits specified under par. (a), the
15 aftercare plan shall be prepared by the department or prepared and submitted by the
16 county department providing aftercare supervision on or before the date on which
17 the juvenile becomes eligible for release.

18 (c) An aftercare plan prepared under par. (a) or (b) shall include all of the
19 following:

- 20 1. The minimum number of supervisory contacts per week.
- 21 2. The conditions, if any, under which the juvenile's aftercare status may be
22 revoked.
- 23 3. Services or programming to be provided to the juvenile while on aftercare.
- 24 4. The estimated length of time that aftercare supervision and services shall
25 be provided to the juvenile.

1 (d) A juvenile may be released from a secured correctional facility or a secured
2 child caring institution whether or not an aftercare plan has been prepared under
3 this subsection.

4 (4m) The department shall try to release a juvenile to aftercare supervision
5 under sub. (4) within 30 days after the date the department determines the juvenile
6 is eligible for the release.

7 (5) (a) The department or a county department, whichever has been designated
8 as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the aftercare
9 status of that juvenile. Revocation of aftercare supervision shall not require prior
10 notice under sub. (1).

11 (b) A juvenile on aftercare status may be taken into custody only as provided
12 in ss. 938.19 to 938.21.

13 (c) The juvenile shall be entitled to representation by counsel at all stages of
14 the revocation proceeding.

15 (d) A hearing on the revocation shall be conducted by the division of hearings
16 and appeals in the department of administration within 30 days after the juvenile
17 is taken into custody for an alleged violation of the conditions of the juvenile's
18 aftercare supervision. This time limit may be waived only upon the agreement of the
19 aftercare provider, the juvenile and the juvenile's counsel.

20 (e) If the hearing examiner finds that the juvenile has violated a condition of
21 aftercare supervision, the hearing examiner shall determine whether confinement
22 in a secured correctional facility or a secured child caring institution is necessary to
23 protect the public or to provide for the juvenile's rehabilitation.

1 (f) Review of a revocation decision shall be by certiorari to the court by whose
2 order the juvenile was placed in a secured correctional facility or a secured child
3 caring institution.

4 (g) The department shall promulgate rules setting standards to be used by a
5 hearing examiner to determine whether to revoke a juvenile's aftercare status. The
6 standards shall specify that the burden is on the department or county department
7 seeking revocation to show to a reasonable certainty by the greater weight of the
8 credible evidence that the juvenile violated a condition of aftercare supervision.

9 **(5m)** If a proposed change in placement changes a juvenile's placement from
10 a placement in the juvenile's home to a placement outside the juvenile's home, the
11 court shall order the juvenile's parent to provide a statement of income, assets, debts
12 and living expenses to the court or the person or agency primarily responsible for
13 implementing the dispositional order by a date specified by the court. The clerk of
14 court shall provide, without charge, to any parent ordered to provide a statement of
15 income, assets, debts and living expenses a document setting forth the percentage
16 standard established by the department under s. 46.25 (9) and listing the factors that
17 a court may consider under s. 46.10 (14) (c). If the juvenile is placed outside the
18 juvenile's home, the court shall determine the liability of the parent in the manner
19 provided in s. 46.10 (14).

20 **(6)** No change in placement may extend the expiration date of the original
21 order.

22 **938.36 Payment for services.** **(1)** (a) If legal custody is transferred from the
23 parent or guardian or the court otherwise designates an alternative placement for
24 the juvenile by a disposition made under s. 938.183 (2), 938.34 or 938.345 or by a
25 change in placement under s. 938.357, the duty of the parent or guardian to provide

1 support shall continue even though the legal custodian or the placement designee
2 may provide the support. A copy of the order transferring custody or designating
3 alternative placement for the juvenile shall be submitted to the agency or person
4 receiving custody or placement and the agency or person may apply to the court for
5 an order to compel the parent or guardian to provide the support. Support payments
6 for residential services, when purchased or otherwise funded or provided by the
7 department, or a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437,
8 shall be determined under s. 46.10 (14).

9 (b) In determining the amount of support under par. (a), the court may consider
10 all relevant financial information or other information relevant to the parent's
11 earning capacity, including information reported to the department, or the county
12 child and spousal support agency, under s. 46.25 (2m). If the court has insufficient
13 information with which to determine the amount of support, the court shall order the
14 juvenile's parent to furnish a statement of income, assets, debts and living expenses,
15 if the parent has not already done so, to the court within 10 days after the court's
16 order transferring custody or designating an alternative placement is entered or at
17 such other time as ordered by the court.

18 (2) If a juvenile whose legal custody has not been taken from a parent or
19 guardian is given educational and social services, or medical, psychological or
20 psychiatric treatment by order of the court, the cost thereof, if ordered by the court,
21 shall be a charge upon the county. This section does not prevent recovery of the cost
22 of providing educational programming for a child who is placed in a secure detention
23 facility from the school district in which the child resides. This section does not
24 prevent recovery of reasonable contribution toward the costs from the parent or

1 guardian of the juvenile as the court may order based on the ability of the parent or
2 guardian to pay. This subsection is subject to s. 46.03 (18).

3 (3) In determining county liability, this section does not apply to services
4 specified in ch. 115.

5 **938.361 Payment for alcohol and other drug abuse services.** (1) In this
6 section:

7 (a) "Alcohol and other drug abuse services" means all of the following:

8 1. Any alcohol or other drug abuse examination or assessment ordered under
9 s. 938.295 (1), 938.34 (14s) (b) 1., 938.343 (10) (a) or 938.344 (2g) (a) 1.

10 2. Any special treatment or care that relates to alcohol or other drug abuse
11 services ordered under s. 938.34 (6) (a) or (am).

12 3. Any alcohol or other drug abuse treatment or education ordered by a court
13 under s. 938.32 (1g) or 938.34 (6) (a) or (am), (6r) or (14s) (b) 1. or 2.

14 (b) "Municipality" means a city, village or town.

15 (2) (a) 1. If a juvenile's parent is unable to provide or refuses to provide
16 court-ordered alcohol and other drug abuse services for the juvenile through his or
17 her health insurance or other 3rd-party payments, notwithstanding s. 938.36 (3) the
18 court assigned to exercise jurisdiction under this chapter and ch. 48 or municipal
19 court may order the parent to pay for the alcohol and drug abuse services. If the
20 parent consents to provide alcohol and other drug abuse services for a juvenile
21 through his or her health insurance or other 3rd-party payments but the health
22 insurance provider or other 3rd-party payer refuses to provide the alcohol and other
23 drug abuse services the court assigned to exercise jurisdiction under this chapter and
24 ch. 48 or municipal court may order the health insurance provider or 3rd-party payer

1 to pay for the alcohol and other drug abuse services in accordance with the terms of
2 the parent's health insurance policy or other 3rd-party payment plan.

3 2. This paragraph applies to payment for alcohol and other drug abuse services
4 in any county, regardless of whether the county is a pilot county under s. 938.547.

5 (am) 1. If a court assigned to exercise jurisdiction under this chapter and ch.
6 48 in a county that has a pilot program under s. 938.547 finds that payment is not
7 attainable under par. (a), the court may order payment in accordance with par. (b).

8 2. If a court assigned to exercise jurisdiction under this chapter and ch. 48 in
9 a county that does not have a pilot program under s. 938.547 finds that payment is
10 not attainable under par. (a), the court may order payment in accordance with s.
11 938.34 (6) (ar) or 938.36.

12 3. If a municipal court finds that payment is not attainable under par. (a), the
13 municipal court may order the municipality over which the municipal court has
14 jurisdiction to pay for any alcohol and other drug abuse services ordered by the
15 municipal court.

16 (b) 1. In counties that have a pilot program under s. 938.547, in addition to
17 using the alternative provided for under par. (a), the court assigned to exercise
18 jurisdiction under this chapter and ch. 48 may order a county department of human
19 services established under s. 46.23 or a county department established under s. 51.42
20 or 51.437 in the juvenile's county of legal residence to pay for the alcohol and other
21 drug abuse services whether or not custody has been taken from the parent.

22 2. If a judge orders a county department established under s. 51.42 or 51.437
23 to provide alcohol and other drug abuse services under this paragraph, the provision
24 of the alcohol and other drug abuse services shall be subject to conditions specified
25 in ch. 51.

1 (c) Payment for alcohol and other drug abuse services by a county department
2 or municipality under this section does not prohibit the county department or
3 municipality from contracting with another county department, municipality, school
4 district or approved treatment facility for the provision of alcohol and other drug
5 abuse services. Payment by the county or municipality under this section does not
6 prevent recovery of reasonable contribution toward the costs of the court-ordered
7 alcohol and other drug abuse services from the parent which is based upon the ability
8 of the parent to pay. This subsection is subject to s. 46.03 (18).

9 **938.362 Payment for certain special treatment or care services. (1)** In
10 this section, "special treatment or care" has the meaning given in s. 938.02 (17m),
11 except that it does not include alcohol and other drug abuse services.

12 **(2)** This section applies to the payment of court-ordered special treatment or
13 care under s. 938.34 (6) (a) or (am), whether or not custody has been taken from the
14 parent.

15 **(3)** If a juvenile's parent is unable to provide or refuses to provide court-ordered
16 special treatment or care for the juvenile through his or her health insurance or other
17 3rd-party payments, notwithstanding s. 938.36 (3), the court may order the parent
18 to pay for the court-ordered special treatment or care. If the parent consents to
19 provide court-ordered special treatment or care for a juvenile through his or her
20 health insurance or other 3rd-party payments but the health insurance provider or
21 other 3rd-party payer refuses to provide the court-ordered special treatment or care,
22 the court may order the health insurance provider or 3rd-party payer to pay for the
23 court-ordered special treatment or care in accordance with the terms of the parent's
24 health insurance policy or other 3rd-party payment plan.

1 (4) (a) If the court finds that payment is not attainable under sub. (3), the court
2 may order the county department under s. 51.42 or 51.437 of the juvenile's county
3 of legal residence to pay the cost of any court-ordered special treatment or care that
4 is provided by or under contract with that county department.

5 (b) Payment for special treatment or care by a county department under par.
6 (a) does not prohibit the county department from contracting with another county
7 department or approved treatment facility for the provision of special treatment or
8 care.

9 (c) A county department that pays for court-ordered special treatment or care
10 under par. (a) may recover from the parent, based on the parent's ability to pay, a
11 reasonable contribution toward the costs of court-ordered special treatment or care.
12 This paragraph is subject to s. 46.03 (18).

13 **938.363 Revision of dispositional orders.** (1) A juvenile, the juvenile's
14 parent, guardian or legal custodian, any person or agency bound by a dispositional
15 order or the district attorney or corporation counsel in the county in which the
16 dispositional order was entered may request a revision in the order that does not
17 involve a change in placement, including a revision with respect to the amount of
18 child support to be paid by a parent, or the court may on its own motion propose such
19 a revision. The request or court proposal shall set forth in detail the nature of the
20 proposed revision and what new information is available that affects the advisability
21 of the court's disposition. The request or court proposal shall be submitted to the
22 court. The court shall hold a hearing on the matter if the request or court proposal
23 indicates that new information is available which affects the advisability of the
24 court's dispositional order and prior to any revision of the dispositional order, unless
25 written waivers of objections to the revision are signed by all parties entitled to

1 receive notice and the court approves. If a hearing is held, the court shall notify the
2 parent, juvenile, guardian and legal custodian, all parties bound by the dispositional
3 order and the district attorney or corporation counsel in the county in which the
4 dispositional order was entered at least 3 days prior to the hearing. A copy of the
5 request or proposal shall be attached to the notice. If the proposed revision is for a
6 change in the amount of child support to be paid by a parent, the court shall order
7 the juvenile's parent to provide a statement of income, assets, debts and living
8 expenses to the court and the person or agency primarily responsible for
9 implementing the dispositional order by a date specified by the court. The clerk of
10 court shall provide, without charge, to any parent ordered to provide a statement of
11 income, assets, debts and living expenses a document setting forth the percentage
12 standard established by the department under s. 46.25 (9) and listing the factors that
13 a court may consider under s. 46.10 (14) (c). If all parties consent, the court may
14 proceed immediately with the hearing. No revision may extend the effective period
15 of the original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to
16 impose more than 30 days of detention, nonsecure custody or inpatient treatment on
17 a child.

18 (2) If the court revises a dispositional order under sub. (1) with respect to the
19 amount of child support to be paid by a parent for the care and maintenance of the
20 parent's minor juvenile who has been placed by a court order under this chapter in
21 a residential, nonmedical facility, the court shall determine the liability of the parent
22 in the manner provided in s. 46.10 (14).

23 **938.364 Dismissal of certain dispositional orders.** A juvenile, the
24 juvenile's parent, guardian or legal custodian or the district attorney or corporation
25 counsel in the county in which the dispositional order was entered may request a

1 judge to dismiss an order made under s. 938.342 (2) if the juvenile shows
2 documentary proof that he or she is enrolled in a school program or a high school
3 equivalency program, or the court may on its own motion propose such a dismissal.

4 **938.365 Extension of orders. (1)** In this section, "2 or more years" means
5 a period of time that begins with the first placement of the juvenile outside of his or
6 her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363
7 and includes any period of time in which the juvenile returned home, unless the
8 periods of time at home account for the majority of the time since the first placement.

9 **(1m)** The parent, juvenile, guardian, legal custodian, any person or agency
10 bound by the dispositional order, the district attorney or corporation counsel in the
11 county in which the dispositional order was entered or the court on its own motion,
12 may request an extension of an order under s. 938.355. The request shall be
13 submitted to the court which entered the order. No order under s. 938.355 that
14 placed a child in detention, nonsecure custody or inpatient treatment under s. 938.34
15 (3) (f) or (6) (am) may be extended. No other order under s. 938.355 may be extended
16 except as provided in this section.

17 **(2)** No order may be extended without a hearing. The court shall notify the
18 juvenile or the juvenile's guardian ad litem or counsel, the juvenile's parent,
19 guardian, legal custodian, all of the parties present at the original hearing and the
20 district attorney or corporation counsel in the county in which the dispositional order
21 was entered of the time and place of the hearing.

22 **(2g)** (a) At the hearing the person or agency primarily responsible for providing
23 services to the juvenile shall file with the court a written report stating to what
24 extent the dispositional order has been meeting the objectives of the plan for the

1 juvenile's rehabilitation or care and treatment. The juvenile offender review
2 program may file a written report regarding any juvenile examined by the program.

3 (b) If the juvenile is placed outside of his or her home, the report shall include
4 all of the following:

5 1. A copy of the report of the review panel under s. 938.38 (5), if any, and a
6 response to the report from the agency primarily responsible for providing services
7 to the juvenile.

8 2. An evaluation of the juvenile's adjustment to the placement and of any
9 progress the juvenile has made, suggestions for amendment of the permanency plan,
10 a description of efforts to return the juvenile to his or her home, including efforts of
11 the parents to remedy factors which contributed to the juvenile's placement and, if
12 continued placement outside of the juvenile's home is recommended, an explanation
13 of why returning the juvenile to his or her home is not feasible.

14 3. If the juvenile has been placed outside of his or her home for 2 or more years,
15 a statement of whether or not a recommendation has been made to terminate the
16 parental rights of the parents of the juvenile. If a recommendation for a termination
17 of parental rights has been made, the statement shall indicate the date on which the
18 recommendation was made, any previous progress made to accomplish the
19 termination of parental rights, any barriers to the termination of parental rights,
20 specific steps to overcome the barriers and when the steps will be completed, reasons
21 why adoption would be in the best interest of the juvenile and whether or not the
22 juvenile should be registered with the adoption information exchange. If a
23 recommendation for termination of parental rights has not been made, the
24 statement shall include an explanation of the reasons why a recommendation for
25 termination of parental rights has not been made. If the lack of appropriate adoptive

1 resources is the primary reason for not recommending a termination of parental
2 rights, the agency shall recommend that the juvenile be registered with the adoption
3 information exchange or report the reason why registering the juvenile is contrary
4 to the best interest of the juvenile.

5 (c) In cases where the juvenile has not been placed outside the home, the report
6 shall contain a description of efforts that have been made by all parties concerned
7 toward meeting the objectives of treatment, care or rehabilitation, an explanation of
8 why these efforts have not yet succeeded in meeting the objective, and anticipated
9 future planning for the juvenile.

10 **(2m)** (a) Any party may present evidence relevant to the issue of extension.
11 The court shall make findings of fact and conclusions of law based on the evidence,
12 including a finding as to whether reasonable efforts were made by the agency
13 primarily responsible for providing services to the juvenile to make it possible for the
14 juvenile to return to his or her home. An order shall be issued under s. 938.355.

15 (b) If a juvenile has been placed outside the home under s. 938.345 and an
16 extension is ordered under this subsection, the court shall state in the record the
17 reason for the extension.

18 **(3)** The appearance of any juvenile may be waived by consent of the juvenile,
19 counsel or guardian ad litem.

20 **(4)** The court shall determine which dispositions are to be considered for
21 extensions.

22 **(5)** Except as provided in s. 938.368, all orders shall be for a specified length
23 of time not to exceed one year.

24 **(6)** If a request to extend a dispositional order is made prior to the termination
25 of the order, but the court is unable to conduct a hearing on the request prior to the

1 termination date, the court may extend the order for a period of not more than 30
2 days, not including any period of delay resulting from any of the circumstances
3 specified in s. 938.315 (1). The court shall grant appropriate relief as provided in s.
4 938.315 (3) with respect to any request to extend a dispositional order on which a
5 hearing is not held within the time limit specified in this subsection.

6 (7) Nothing in this section may be construed to allow any changes in placement
7 or revocation of aftercare supervision. Revocation and other changes in placement
8 may take place only under s. 938.357.

9 **938.368 Continuation of dispositional orders.** If a petition for termination
10 of parental rights is filed under s. 48.41 or 48.415 or an appeal from a judgment
11 terminating or denying termination of parental rights is filed during the year in
12 which a dispositional order under s. 938.355 or an extension order under s. 938.365
13 is in effect, the dispositional or extension order shall remain in effect until all
14 proceedings related to the filing of the petition or an appeal are concluded.

15 **938.37 Costs. (1)** A court assigned to exercise jurisdiction under this chapter
16 and ch. 48 may not assess costs or assessments against a juvenile under 14 years of
17 age but may assess costs against a juvenile 14 years of age or older.

18 (3) Notwithstanding sub. (1), courts of civil and criminal jurisdiction exercising
19 jurisdiction under s. 938.17 may assess the same costs, penalty assessments and jail
20 assessments against juveniles as they may assess against adults, except that witness
21 fees may not be charged to the juvenile.

22 **938.371 Access to certain information by substitute care provider.** At
23 the time of placement of a juvenile in a foster home, group home or child caring
24 institution under s. 938.183 (2), 938.34, 938.345 or 938.357, or, if the information
25 specified in this section is not available at that time, within 30 days after the date

1 of the placement, the agency that prepared the juvenile's permanency plan shall
2 provide the foster parent or operator of the group home or child caring institution
3 with any information contained in the court report submitted under s. 938.33 or
4 permanency plan submitted under s. 938.38, relating to any of the following:

5 (1) Results of a test or a series of tests of the juvenile to determine the presence
6 of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an
7 antibody to HIV, if the juvenile's parent or a temporary or permanent guardian
8 appointed by the court has consented to the test under s. 252.15 (2) (a) 4. b. and
9 release of the test results under s. 252.15 (5) (a) 19. and the agency directed to
10 prepare the permanency plan notifies the foster parent or operator of the group home
11 or child caring institution of the confidentiality requirements under s. 252.15 (6).

12 (2) Results of any tests of the juvenile to determine the presence of viral
13 hepatitis, type B. The foster parent or operator of a group home or child caring
14 institution receiving information under this subsection shall keep the information
15 confidential.

16 (3) Findings or opinions of the court or agency that prepared the court report
17 or permanency plan relating to any mental, emotional, cognitive, developmental or
18 behavioral disability of the juvenile. The foster parent or operator of a group home
19 or child caring institution receiving information under this subsection shall keep the
20 information confidential.

21 **938.373 Medical authorization.** (1) The court assigned to exercise
22 jurisdiction under this chapter and ch. 48 may authorize medical services including
23 surgical procedures when needed if the court assigned to exercise jurisdiction under
24 this chapter and ch. 48 determines that reasonable cause exists for the services and
25 that the juvenile is within the jurisdiction of the court assigned to exercise

1 jurisdiction under this chapter and ch. 48 and, except as provided in s. 938.296 (4),
2 consents.

3 (2) Section 48.375 (7) applies if the medical service authorized under sub. (1)
4 is an abortion.

5 SUBCHAPTER VII

6 PERMANENCY PLANNING; RECORDS

7 **938.38 Permanency planning. (1) DEFINITIONS.** In this section:

8 (a) "Agency" means the department of health and social services, the
9 department of corrections, a county department or a licensed child welfare agency.

10 (am) "Independent agency" means a private, nonprofit organization, but does
11 not include a licensed child welfare agency that is authorized to prepare permanency
12 plans or that is assigned the primary responsibility of providing services under a
13 permanency plan.

14 (b) "Permanency plan" means a plan designed to ensure that a juvenile is
15 reunified with his or her family whenever possible, or that the juvenile quickly
16 attains a placement or home providing long-term stability.

17 (2) PERMANENCY PLAN REQUIRED. Except as provided in sub. (3), for each
18 juvenile living in a foster home, treatment foster home, group home, child caring
19 institution, secure detention facility or shelter care facility, the agency that placed
20 the juvenile or arranged the placement or the agency assigned primary
21 responsibility for providing services to the juvenile under s. 938.355 shall prepare
22 a written permanency plan, if any of the following conditions exists:

23 (a) The juvenile is being held in physical custody under s. 938.207, 938.208 or
24 938.209.

25 (b) The juvenile is in the legal custody of the agency.

1 (c) The juvenile is under supervision of an agency under s. 48.64 (2) or pursuant
2 to a court order under s. 938.355.

3 (d) The juvenile was placed under a voluntary agreement between the agency
4 and the juvenile's parent under s. 48.63 (1).

5 (e) The juvenile is under the guardianship of the agency.

6 (f) The juvenile's care is paid under s. 49.19.

7 **(3) TIME.** The agency shall file the permanency plan with the court within 60
8 days after the date on which the juvenile was first held in physical custody or placed
9 outside of his or her home under a court order, except under either of the following
10 conditions:

11 (a) If the juvenile is alleged to be delinquent and is being held in a secure
12 detention facility, juvenile portion of a county jail or shelter care facility, and the
13 agency intends to recommend that the juvenile be placed in a secured correctional
14 facility or a secured child caring institution, the agency is not required to submit the
15 permanency plan unless the court does not accept the recommendation of the agency
16 or the department of corrections. If the court places the juvenile in any facility
17 outside of the juvenile's home other than a secured correctional facility or a secured
18 child caring institution, the agency shall file the permanency plan with the court
19 within 60 days after the date of disposition.

20 (b) If the juvenile is held for less than 60 days in a secure detention facility,
21 juvenile portion of a county jail or a shelter care facility, no permanency plan is
22 required if the juvenile is returned to his or her home within that period.

23 **(4) CONTENTS OF PLAN.** The permanency plan shall include a description of all
24 of the following:

1 (a) The services offered and any service provided in an effort to prevent holding
2 or placing the juvenile outside of his or her home, and to make it possible for the
3 juvenile to return home.

4 (b) The basis for the decision to hold the juvenile in custody or to place the
5 juvenile outside of his or her home.

6 (c) The location and type of facility in which the juvenile is currently held or
7 placed, and the location and type of facility in which the juvenile will be placed.

8 (d) If the juvenile is living more than 60 miles from his or her home,
9 documentation that placement within 60 miles of the juvenile's home is either
10 unavailable or inappropriate.

11 (e) The appropriateness of the placement and of the services provided to meet
12 the needs of the juvenile and family, including a discussion of services that have been
13 investigated and considered and are not available or likely to become available
14 within a reasonable time to meet the needs of the juvenile or, if available, why such
15 services are not appropriate.

16 (f) The services that will be provided to the juvenile, the juvenile's family and
17 the juvenile's foster parent, the juvenile's treatment foster parent or the operator of
18 the facility where the juvenile is living to carry out the dispositional order, including
19 services planned to accomplish all of the following:

20 1. Ensure proper care and treatment of the juvenile and promote stability in
21 the placement.

22 2. Meet the juvenile's physical, emotional, social, educational and vocational
23 needs.

1 3. Improve the conditions of the parents' home to facilitate the return of the
2 juvenile to his or her home, or, if appropriate, obtain an alternative permanent
3 placement for the juvenile.

4 (g) The conditions, if any, upon which the juvenile will be returned to his or her
5 home, including any changes required in the parents' conduct, the juvenile's conduct
6 or the nature of the home.

7 **(5) PLAN REVIEW.** (a) The court or a panel appointed under this paragraph shall
8 review the permanency plan every 6 months from the date on which the juvenile was
9 first held in physical custody or placed outside of his or her home. If the court elects
10 not to review the permanency plan, the court shall appoint a panel to review the
11 permanency plan. The panel shall consist of 3 persons who are either designated by
12 an independent agency that has been approved by the chief judge of the judicial
13 administrative district or designated by the agency that prepared the permanency
14 plan. A voting majority of persons on each panel shall be persons who are not
15 employed by the agency that prepared the permanency plan and who are not
16 responsible for providing services to the juvenile or the parents of the juvenile whose
17 permanency plan is the subject of the review.

18 (am) The court may appoint an independent agency to designate a panel to
19 conduct a permanency plan review under par. (a). If the court appoints an
20 independent agency under this paragraph, the county department of the county of
21 the court shall authorize and contract for the purchase of services from the
22 independent agency.

23 (b) The court or the agency shall notify the parents of the juvenile, the juvenile
24 if he or she is 10 years of age or older and the juvenile's foster parent, the juvenile's
25 treatment foster parent or the operator of the facility in which the juvenile is living

1 of the date, time and place of the review, of the issues to be determined as part of the
2 review, of the fact that they may submit written comments not less than 10 working
3 days before the review and of the fact that they may participate in the review. The
4 court or agency shall notify the person representing the interests of the public, the
5 juvenile’s counsel and the juvenile’s guardian ad litem of the date of the review, of
6 the issues to be determined as part of the review and of the fact that they may submit
7 written comments not less than 10 working days before the review. The notices
8 under this paragraph shall be provided in writing not less than 30 days before the
9 review and copies of the notices shall be filed in the juvenile’s case record.

10 (c) The court or the panel shall determine each of the following:

11 1. The continuing necessity for and the appropriateness of the placement.

12 2. The extent of compliance with the permanency plan by the agency and any
13 other service providers, the juvenile’s parents and the juvenile.

14 3. The extent of any efforts to involve appropriate service providers in addition
15 to the agency’s staff in planning to meet the special needs of the juvenile and the
16 juvenile’s parents.

17 4. The progress toward eliminating the causes for the juvenile’s placement
18 outside of his or her home and toward returning the juvenile to his or her home or
19 obtaining a permanent placement for the juvenile.

20 5. The date by which it is likely that the juvenile will be returned to his or her
21 home, placed for adoption, placed under legal guardianship or otherwise
22 permanently placed.

23 6. If the juvenile has been placed outside of his or her home for 2 years or more,
24 the appropriateness of the permanency plan and the circumstances which prevent
25 the juvenile from any of the following:

- 1 a. Being returned to his or her home.
- 2 b. Having a petition for the involuntary termination of parental rights filed on
3 behalf of the juvenile.
- 4 c. Being placed for adoption.
- 5 d. Being placed in sustaining care.
- 6 7. Whether reasonable efforts were made by the agency to make it possible for
7 the juvenile to return to his or her home.
- 8 (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the permanency
9 plan shall, at least 5 days before a review by a review panel, provide to each person
10 appointed to the review panel, the person representing the interests of the public, the
11 juvenile's counsel and the juvenile's guardian ad litem a copy of the permanency plan
12 and any written comments submitted under par. (b). Notwithstanding s. 938.78 (2)
13 (a), a person appointed to a review panel, the person representing the interests of the
14 public, the juvenile's counsel and the juvenile's guardian ad litem may have access
15 to any other records concerning the juvenile for the purpose of participating in the
16 review. A person permitted access to a juvenile's records under this paragraph may
17 not disclose any information from the records to any other person.
- 18 (e) Within 30 days, the agency shall prepare a written summary of the
19 determinations under par. (c) and shall provide a copy to the court that entered the
20 order, the juvenile or the juvenile's counsel or guardian ad litem, the person
21 representing the interests of the public, the juvenile's parent or guardian and the
22 juvenile's foster parent, the juvenile's treatment foster parent or the operator of the
23 facility where the juvenile is living.
- 24 (f) If the summary prepared under par. (e) indicates that the review panel made
25 recommendations that conflict with the court order or that provide for additional

1 services not specified in the court order, the agency primarily responsible for
2 providing services to the juvenile shall request a revision of the court order.

3 **(5m) ANNUAL REPORT.** Not later than March 1 annually, each county
4 department shall submit to the department a report identifying the membership of
5 the review panels appointed during the previous year, data on each of the
6 determinations of the review panels required under sub. (5) (c) and any other
7 information specified by the department by rule.

8 **(6) RULES.** The department of health and social services shall promulgate rules
9 establishing the following:

10 (a) Procedures for conducting permanency plan reviews.

11 (b) Requirements for training review panels.

12 (c) Standards for reasonable efforts to prevent placement of juveniles outside
13 of their homes and to make it possible for juveniles to return to their homes if they
14 have been placed outside of their homes.

15 (d) The format for permanency plans and review panel reports.

16 (e) Standards and guidelines for decisions regarding the placement of
17 juveniles.

18 **938.39 Disposition by court bars criminal proceeding.** Disposition by
19 the court of any violation of state law coming within its jurisdiction under s. 938.12
20 bars any future criminal proceeding on the same matter in circuit court when the
21 juvenile reaches the age of 17. This section does not affect criminal proceedings in
22 circuit court which were transferred under s. 938.18.

23 **938.396 Records. (1)** Law enforcement officers' records of juveniles shall be
24 kept separate from records of persons 17 or older. Law enforcement officers' records
25 of juveniles shall not be open to inspection or their contents disclosed except under

1 sub. (1b), (1d), (1g), (1m), (1r), (1t) or (1v) or s. 938.293 or by order of the court. This
2 subsection does not apply to representatives of the news media who wish to obtain
3 information for the purpose of reporting news without revealing the identity of the
4 juvenile involved, to victim-witness coordinators, to victims of a juvenile's act who
5 wish to obtain information for the purpose of recovering for any loss, damage or
6 injury suffered as a result of the juvenile's act, to insurance companies that wish to
7 obtain information for the purpose of investigating a claim involving the juvenile, to
8 the confidential exchange of information between the police and officials of the school
9 attended by the juvenile or other law enforcement or social welfare agencies or to
10 juveniles 10 years of age or older who are subject to the jurisdiction of the court of
11 criminal jurisdiction.

12 **(1b)** If requested by the parent, guardian or legal custodian of a juvenile who
13 is the subject of a law enforcement officer's report, or if requested by the juvenile, if
14 14 years of age or over, a law enforcement agency may, subject to official agency
15 policy, provide to the parent, guardian, legal custodian or juvenile a copy of that
16 report.

17 **(1d)** Upon the written permission of the parent, guardian or legal custodian
18 of a juvenile who is the subject of a law enforcement officer's report or upon the
19 written permission of the juvenile, if 14 years of age or over, a law enforcement
20 agency may, subject to official agency policy, make available to the person named in
21 the permission any reports specifically identified by the parent, guardian, legal
22 custodian or juvenile in the written permission.

23 **(1g)** If requested by the victim-witness coordinator, a law enforcement agency
24 shall disclose to the victim-witness coordinator any information in its records
25 relating to the enforcement of rights under the constitution, this chapter and s.

1 950.04 or the provision of services under s. 950.05. The victim-witness coordinator
2 may use the information only for the purpose of enforcing those rights and providing
3 those services and may make that information available only as necessary to ensure
4 that victims and witnesses of crimes, as defined in s. 950.02 (1m), receive the rights
5 and services to which they are entitled under the constitution, this chapter and ch.
6 950.

7 **(1m)** (a) If requested by the school district administrator of a public school
8 district, a law enforcement agency may provide to the school district administrator
9 any information in its records relating to the use, possession or distribution of alcohol
10 or a controlled substance by a pupil enrolled in the public school district. The
11 information shall be used by the school district as provided under s. 118.127 (2).

12 (b) If requested by the school district administrator of a public school district,
13 a law enforcement agency may disclose to the school district administrator any
14 information in its records relating to the act for which a juvenile enrolled in the public
15 school district was adjudged delinquent. The information shall be used by the school
16 district as provided in s. 118.127 (3).

17 (c) On petition of a law enforcement agency to review pupil records, as defined
18 in s. 118.125 (1) (d), other than pupil records that may be disclosed without a court
19 order under s. 118.125 (2) or (2m), for the purpose of investigating alleged delinquent
20 or criminal activity, the court may order the school board of the school district in
21 which a juvenile is enrolled to disclose to the law enforcement agency the pupil
22 records of that juvenile as necessary for the law enforcement agency to pursue its
23 investigation. The law enforcement agency may use the pupil records only for the
24 purpose of its investigation and may make the pupil records available only to
25 employes of the law enforcement agency who are working on the investigation.

1 **(1r)** If requested by a victim of a juvenile's act, a law enforcement agency may
2 disclose to the victim any information in its records relating to the injury, loss or
3 damage suffered by the victim, including the name and address of the juvenile and
4 the juvenile's parents. The victim may use and further disclose the information only
5 for the purpose of recovering for the injury, damage or loss suffered as a result of the
6 juvenile's act.

7 **(1t)** If a juvenile who has been ordered to make restitution for any injury, loss
8 or damage caused by the juvenile and if the juvenile has failed to make that
9 restitution within one year after the entry of the order, the victim's insurer may
10 request a law enforcement agency to disclose to the insurer any information in its
11 records relating to the injury, loss or damage suffered by the victim, including the
12 name and address of the juvenile and the juvenile's parents. The insurer may use
13 and further disclose the information only for the purpose of investigating a claim
14 arising out of the juvenile's act.

15 **(1v)** If a law enforcement agency discloses information in its records under sub.
16 (1), (1g), (1m) or (1r), the law enforcement agency shall immediately notify the
17 juvenile who is the subject of the record and the juvenile's parent, guardian or legal
18 custodian of that disclosure and shall immediately provide to the juvenile and the
19 parent, guardian or legal custodian the information disclosed.

20 **(2)** (a) Records of the court assigned to exercise jurisdiction under this chapter
21 and ch. 48 and of courts exercising jurisdiction under s. 938.17 (2) shall be entered
22 in books or deposited in files kept for that purpose only. They shall not be open to
23 inspection or their contents disclosed except by order of the court assigned to exercise
24 jurisdiction under this chapter or as permitted under this section. If a court opens
25 for inspection or discloses the contents of a record as permitted under this section,

1 the court shall immediately notify the juvenile who is the subject of the record and
2 the juvenile's parent, guardian or legal custodian of that inspection or disclosure and
3 shall immediately provide to the juvenile and the parent, guardian or legal custodian
4 the record inspected or the information disclosed.

5 (ag) Upon request of the parent, guardian or legal custodian of a juvenile who
6 is the subject of a record of a court specified in par. (a), or upon request of the juvenile,
7 if 14 years of age or over, the court shall open for inspection by the parent, guardian,
8 legal custodian or juvenile the records of the court relating to that juvenile.

9 (am) Upon the written permission of the parent, guardian or legal custodian
10 of a juvenile who is the subject of a record of a court specified in par. (a), or upon
11 request of the juvenile if 14 years of age or over, the court shall open for inspection
12 by the person named in the permission any records specifically identified by the
13 parent, guardian, legal custodian or juvenile in the written permission.

14 (b) Upon request of the department or a federal agency to review court records
15 for the purpose of monitoring and conducting periodic evaluations of activities as
16 required by and implemented under 45 CFR 1355, 1356 and 1357, the court shall
17 open those records for inspection by authorized representatives of the department
18 or federal agency.

19 (c) Upon request of a law enforcement agency to review court records for the
20 purpose of investigating a crime that might constitute criminal gang activity, as
21 defined in s. 941.38 (1) (b), the court shall open for inspection by authorized
22 representatives of the law enforcement agency the records of the court relating to any
23 juvenile who has been found to have committed a delinquent act at the request of or
24 for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been
25 a felony under ch. 161 or under chs. 939 to 948 if committed by an adult.

1 (d) Upon request of a court of criminal jurisdiction or a district attorney to
2 review court records for the purpose of investigating and determining whether a
3 person has possessed a firearm in violation of s. 941.29 (2), the court assigned to
4 exercise jurisdiction under this chapter and ch. 48 shall open for inspection by
5 authorized representatives of the requester the records of the court relating to any
6 juvenile who has been adjudicated delinquent for an act that would be a felony if
7 committed by an adult.

8 (dm) Upon request of a defense counsel to review court records for the purpose
9 of preparing his or her client's defense to an allegation of delinquent or criminal
10 activity, the court shall open for inspection by authorized representatives of the
11 requester the records of the court relating to that client.

12 (e) Upon request of the department of health and social services to review court
13 records for the purpose of providing, under s. 980.015 (3) (a), the department of
14 justice or a district attorney with a person's offense history, the court shall open for
15 inspection by authorized representatives of the department of health and social
16 services the records of the court relating to any juvenile who has been adjudicated
17 delinquent for a sexually violent offense, as defined in s. 980.01 (6).

18 (f) Upon request of the victim-witness coordinator to review court records for
19 the purpose of enforcing rights under the constitution, this chapter and s. 950.04 and
20 providing services under s. 950.05, the court shall open for inspection by the
21 victim-witness coordinator the records of the court relating to the enforcement of
22 those rights or the provision of those services. The victim-witness coordinator may
23 use any information obtained under this paragraph only for the purpose of enforcing
24 those rights and providing those services and may make that information available
25 only as necessary to ensure that victims and witnesses of crimes, as defined in s.

1 950.02 (1m), receive the rights and services to which they are entitled under the
2 constitution, this chapter and ch. 950.

3 (fm) Upon request of a victim's insurer, the court shall disclose to an authorized
4 representative of the requester the amount of restitution, if any, that the court has
5 ordered a juvenile to make to the victim.

6 **(2m)** (a) Notwithstanding sub. (2), upon request, a court shall open for
7 inspection by the requester the records of the court, other than reports under s.
8 938.295 or 938.33 or other records that deal with sensitive personal information of
9 the juvenile and the juvenile's family, relating to a juvenile who has been alleged to
10 be delinquent for committing a violation specified in s. 939.62 (2m) (a) 1., 2. or 3. The
11 requester may further disclose the information to anyone.

12 (b) Notwithstanding sub. (2), upon request, a court shall open for inspection by
13 the requester the records of the court, other than reports under s. 938.295 or 938.33
14 or other records that deal with sensitive personal information of the juvenile and the
15 juvenile's family, relating to a juvenile who has been alleged to be delinquent for
16 committing a violation that would be a felony if committed by an adult if the juvenile
17 has been adjudicated delinquent at any time preceding the present proceeding and
18 that previous adjudication remains of record and unreversed. The requester may
19 further disclose the information to anyone.

20 **(3)** This section does not apply to proceedings for violation of chs. 340 to 349
21 and 351 or any county or municipal ordinance enacted under ch. 349, except that this
22 section does apply to proceedings for violations of ss. 342.06 (2) and 344.48 (1), and
23 ss. 30.67 (1) and 346.67 when death or injury occurs.

24 **(4)** When a court revokes, suspends or restricts a juvenile's operating privilege
25 under this chapter, the department of transportation shall not disclose information

1 concerning or relating to the revocation, suspension or restriction to any person other
2 than a court, district attorney, county corporation counsel, city, village or town
3 attorney, law enforcement agency, or the minor whose operating privilege is revoked,
4 suspended or restricted, or his or her parent or guardian. Persons entitled to receive
5 this information may not disclose the information to other persons or agencies.

6 (7) (a) Notwithstanding sub. (2) (a), if a petition under s. 938.12 or 938.13 (12)
7 is filed alleging that a juvenile has committed a delinquent act that would be a felony
8 if committed by an adult, the court clerk shall notify the school board of the school
9 district in which the juvenile is enrolled or the school board's designee of the fact that
10 the petition has been filed and the nature of the delinquent act alleged in the petition.
11 Notwithstanding sub. (2) (a) and subject to par. (b), if a juvenile is adjudged
12 delinquent, within 5 days after the date on which the dispositional order is entered,
13 the court clerk shall notify the school board of the school district in which the juvenile
14 is enrolled or the school board's designee of the fact that the juvenile has been
15 adjudicated delinquent, the nature of the violation committed by the juvenile and the
16 disposition imposed on the juvenile under s. 938.34 as a result of that violation.
17 Notwithstanding sub. (2) (a), if school attendance is a condition of a dispositional
18 order under s. 938.355 (2) (b) 7., within 5 days after the date on which the
19 dispositional order is entered, the court clerk shall notify the school board of the
20 school district in which the juvenile is enrolled or the school board's designee of the
21 fact that the juvenile's school attendance is a condition of a dispositional order.

22 (b) If a juvenile is found to have committed a delinquent act at the request of
23 or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been
24 a felony under ch. 161 or under chs. 939 to 948 if committed by an adult and is
25 adjudged delinquent on that basis, within 5 days after the date on which the

1 dispositional order is entered the court clerk shall notify the school board of the
2 school district in which the juvenile is enrolled or the school board's designee of the
3 fact that the juvenile has been adjudicated delinquent on that basis, the nature of
4 the violation committed by the juvenile and the disposition imposed on the juvenile
5 under s. 938.34 as a result of that violation.

6 (bm) Notwithstanding sub. (2) (a), in addition to the disclosure made under par.
7 (a) or (b), if a juvenile is adjudicated delinquent and as a result of the dispositional
8 order is enrolled in a different school district from the school district in which the
9 juvenile is enrolled at the time of the dispositional order, the court clerk, within 5
10 days after the date on which the dispositional order is entered, shall provide the
11 school board of the juvenile's new school district or the school board's designee with
12 the information specified in par. (a) or (b), whichever is applicable, and, in addition,
13 shall notify that school board or designee of whether the juvenile has been
14 adjudicated delinquent previously by that court, the nature of any previous
15 violations committed by the juvenile and the dispositions imposed on the juvenile
16 under s. 938.34 as a result of those previous violations.

17 (c) No information from the juvenile's court records, other than information
18 disclosed under par. (a), (b) or (bm), may be disclosed to the school board of the school
19 district in which the juvenile is enrolled or the school board's designee except by order
20 of the court. Any information provided under this subsection to the school board of
21 the school district in which the juvenile is enrolled or the school board's designee
22 shall be disclosed by the school board or designee to employees of the school district
23 who work directly with the juvenile or who have been determined by the school board
24 or designee to have legitimate educational or safety interests in the information. A
25 school district employe to whom information is disclosed under this paragraph shall

1 not further disclose the information. A school board shall not use any information
2 provided under this subsection as the sole basis for expelling or suspending a
3 juvenile. A school board member or an employe of a school district may not be held
4 personally liable for any damages caused by the nondisclosure of any information
5 specified in this paragraph unless the member or employe acted with actual malice
6 in failing to disclose the information. A school district may not be held liable for any
7 damages caused by the nondisclosure of any information specified in this paragraph
8 unless the school district or its agent acted with gross negligence or with reckless,
9 wanton or intentional misconduct in failing to disclose the information.

10 (8) Notwithstanding sub. (2), if a juvenile is adjudged delinquent for an act
11 that would be a felony if committed by an adult, the court clerk shall notify the
12 department of justice of that fact. No other information from the juvenile's court
13 records may be disclosed to the department of justice except by order of the court.
14 The department of justice may disclose any information provided under this
15 subsection only as part of a criminal history record search under s. 175.35 (2g) (c).

16 SUBCHAPTER IX

17 JURISDICTION OVER

18 PERSONS 17 OR OLDER

19 **938.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
20 over persons 17years of age or over as provided under ss. 938.355 (4) and 938.45 and
21 as otherwise specifically provided in this chapter.

22 **938.45 Orders applicable to adults. (1)** (a) If in the hearing of a case of
23 a juvenile alleged to be delinquent under s. 938.12 or in need of protection or services
24 under s. 938.13 it appears that any person 17 years of age or over has been guilty of
25 contributing to, encouraging, or tending to cause by any act or omission, such

1 condition of the juvenile, the court may make orders with respect to the conduct of
2 such person in his or her relationship to the juvenile, including orders determining
3 the ability of the person to provide for the maintenance or care of the juvenile and
4 directing when, how and where funds for the maintenance or care shall be paid.

5 (b) An act or failure to act contributes to a condition of a juvenile as described
6 in s. 938.12 or 938.13, although the juvenile is not actually adjudicated to come
7 within the provisions of s. 938.12 or 938.13, if the natural and probable consequences
8 of that act or failure to act would be to cause the juvenile to come within the
9 provisions of s. 938.12 or 938.13.

10 **(1m)** (a) In a proceeding in which a juvenile has been adjudicated delinquent
11 or has been found to be in need of protection or services under s. 938.13, the court may
12 order the juvenile's parent, guardian or legal custodian to comply with any conditions
13 determined by the court to be necessary for the juvenile's welfare. An order under
14 this paragraph may include an order to participate in mental health treatment,
15 anger management, individual or family counseling or parent training and
16 education and to make a reasonable contribution, based on ability to pay, toward the
17 cost of those services.

18 (b) A court may not order inpatient treatment under par. (a) for a juvenile's
19 parent, guardian or legal custodian. All inpatient treatment commitments or
20 admissions must be conducted in accordance with ch. 51.

21 **(2)** No order under sub. (1) (a) or (1m) (a) may be entered until the person who
22 is the subject of the contemplated order is given an opportunity to be heard on the
23 contemplated order. The court shall cause notice of the time, place and purpose of
24 the hearing to be served on the person personally at least 10 days before the date of
25 hearing. The procedure in these cases shall, as far as practicable, be the same as in

1 other cases in the court. At the hearing the person may be represented by counsel
2 and may produce and cross-examine witnesses. Any person who fails to comply with
3 any order issued by a court under sub. (1) (a) or (1m) (a) may be proceeded against
4 for contempt of court. If the person's conduct involves a crime, the person may be
5 proceeded against under the criminal law.

6 **(3)** If it appears at a court hearing that any person 17 or older has violated s.
7 948.40, the court shall refer the record to the district attorney for criminal
8 proceedings as may be warranted in the district attorney's judgment. This
9 subsection does not prevent prosecution of violations of s. 948.40 without the prior
10 reference by the court to the district attorney, as in other criminal cases.

11 SUBCHAPTER X

12 REHEARING AND APPEAL

13 **938.46 New evidence.** A juvenile whose status is adjudicated by the court
14 under this chapter, or the juvenile's parent, guardian or legal custodian, may at any
15 time within one year after the entering of the court's order petition the court for a
16 rehearing on the ground that new evidence has been discovered affecting the
17 advisability of the court's original adjudication. Upon a showing that such evidence
18 does exist, the court shall order a new hearing.

19 SUBCHAPTER XI

20 AUTHORITY

21 **938.48 Authority of department.** The department may do all of the
22 following:

23 **(1)** Promote the enforcement of the laws relating to delinquent juveniles and
24 juveniles in need of protection or services and take the initiative in all matters
25 involving the interests of such juveniles where adequate provision therefor is not

1 made. This duty shall be discharged in cooperation with the courts, county
2 departments and licensed child welfare agencies and with parents and other
3 individuals interested in the welfare of juveniles.

4 (2) Assist in extending and strengthening juvenile welfare services with
5 appropriate federal agencies and in conformity with the federal social security act
6 and in cooperation with parents, other individuals and other agencies so that all
7 juveniles needing such services are reached.

8 (3) Accept supervision over juveniles transferred to it by the court under s.
9 938.355, and provide special treatment and care when directed by the court. Except
10 as provided in s. 938.505 (2), a court may not direct the department to administer
11 psychotropic medications to juveniles who receive special treatment or care under
12 this subsection.

13 (4) Provide appropriate care and training for juveniles under its supervision
14 under s. 938.183 or 938.34 (4m) or (4n); including serving those juveniles in their own
15 homes, placing them in licensed foster homes or licensed treatment foster homes in
16 accordance with s. 48.63 or licensed group homes, contracting for their care by
17 licensed child welfare agencies or replacing them in juvenile correctional institutions
18 or secured child caring institutions in accordance with rules promulgated under ch.
19 227, except that the department may not purchase the educational component of
20 private day treatment programs for juveniles in its custody unless the department,
21 the school board as defined in s. 115.001 (7) and the state superintendent of public
22 instruction all determine that an appropriate public education program is not
23 available. Disputes between the department and the school district shall be resolved
24 by the state superintendent of public instruction.

1 **(4m)** Continue to provide appropriate care, training and services to any person
2 who meets all of the following qualifications:

3 (a) Is at least 17 years of age.

4 (b) Was under the supervision of the department under s. 938.183 or 938.34
5 (4m) or (4n) when the person reached 17 years of age.

6 (c) Is less than 19 years of age.

7 (d) Is determined by the department to be in need of care and services designed
8 to fit such person for gainful employment and has requested and consented to receive
9 such aid.

10 **(5)** Provide for the moral and religious training of a juvenile under its
11 supervision under s. 938.183 or 938.34 (4m) or (4n) according to the religious belief
12 of the juvenile or of the juvenile's parents.

13 **(6)** Consent to emergency surgery under the direction of a licensed physician
14 or surgeon for any juvenile under its supervision under s. 938.183 or 938.34 (4m) or
15 (4n) upon notification by a licensed physician or surgeon of the need for such surgery
16 and if reasonable effort, compatible with the nature and time limitation of the
17 emergency, has been made to secure the consent of the juvenile's parent or guardian.

18 **(13)** Promulgate rules for the payment of an allowance to juveniles in its
19 institutions and a cash grant to a juvenile being discharged from its institutions or
20 released to aftercare supervision.

21 **(14)** Pay maintenance, tuition and related expenses from the appropriation
22 under s. 20.435 (3) (ho) for persons who when they reached 17 years of age were
23 students regularly attending a school, college or university or regularly attending a
24 course of vocational or technical training designed to fit them for gainful

1 employment, and who when reaching that age were under the supervision of the
2 department under s. 938.183 or 938.34 (4m) or (4n) as a result of a judicial decision.

3 (16) Establish and enforce standards for services provided under s. 938.183,
4 938.34 or 938.345. This authority does not apply to services provided by the
5 department of corrections under s. 938.183 or 938.537.

6 **938.49 Notification by court of transfer to department of corrections**
7 **or of placement with department of health and social services; information**
8 **for those departments.** (1) When the court places a juvenile in a secured
9 correctional facility or secured child caring institution under the supervision of the
10 department of health and social services or transfers supervision of a juvenile to the
11 department of corrections, the court shall immediately notify the department under
12 whose supervision the juvenile is placed of that action. The court shall, in accordance
13 with procedures established by the department under whose supervision the
14 juvenile is placed, provide transportation for the juvenile to a receiving center
15 designated by that department or deliver the juvenile to personnel of that
16 department.

17 (2) When the court places a juvenile in a secured correctional facility or a
18 secured child caring institution under the supervision of the department of health
19 and social services or the department of corrections, the court and all other public
20 agencies shall also immediately transfer to the department under whose supervision
21 the juvenile is placed a copy of the report submitted to the court under s. 938.33 or,
22 if the report was presented orally, a transcript of the report and all other pertinent
23 data in their possession and shall immediately notify the juvenile's last school
24 district in writing of its obligation under s. 118.125 (4).

1 **938.50 Examination of juveniles under supervision of department of**
2 **health and social services. (1)** The department shall examine every juvenile who
3 is placed under its supervision under s. 938.183 or 938.34 (4m) or (4n) to determine
4 the type of placement best suited to the juvenile and to the protection of the public.
5 This examination shall include an investigation of the personal and family history
6 of the juvenile and his or her environment, any physical or mental examinations
7 considered necessary to determine the type of placement that is necessary for the
8 juvenile and the evaluation under s. 938.533 (2) to determine whether the juvenile
9 is eligible for corrective sanctions supervision. A juvenile who is examined under this
10 subsection shall be screened to determine whether the juvenile is in need of special
11 treatment or care because of alcohol or other drug abuse, mental illness or severe
12 emotional disturbance.

13 **(2)** In making this examination the department may use any facilities, public
14 or private, that offer aid to it in the determination of the correct placement for the
15 juvenile.

16 **938.505 Juveniles placed under correctional supervision. (1)** When a
17 juvenile is placed under the supervision of the department of health and social
18 services or the department of corrections under s. 938.183 or 938.34 or under the
19 supervision of a county department under s. 938.34 (4n), the department or county
20 department having supervision over the juvenile shall have the right and duty to
21 protect, train, discipline, treat and confine the juvenile and to provide food, shelter,
22 legal services, education and ordinary medical and dental care for the juvenile,
23 subject to the rights, duties and responsibilities of the guardian of the juvenile and
24 subject to any residual parental rights and responsibilities and the provisions of any
25 court order.

1 (2) (a) If a juvenile 14 years of age or over who is under the supervision of the
2 department of health and social services, department of corrections or a county
3 department as described in sub. (1) and who is not residing in his or her home wishes
4 to be administered psychotropic medication but a parent with legal custody or the
5 guardian refuses to consent to the administration of psychotropic medication or
6 cannot be found, or if there is no parent with legal custody, the department of health
7 and social services, department of corrections or county department acting on the
8 juvenile's behalf may petition the court assigned to exercise jurisdiction under this
9 chapter and ch. 48 in the county in which the juvenile is located for permission to
10 administer psychotropic medication to the juvenile. A copy of the petition and a
11 notice of hearing shall be served upon the parent or guardian at his or her
12 last-known address. If, after hearing, the court determines all of the following, the
13 court shall grant permission for the department of health and social services,
14 department of corrections or county department to administer psychotropic
15 medication to the juvenile without the parent's or guardian's consent:

16 1. That the parent's or guardian's consent is unreasonably withheld or that the
17 parent or guardian cannot be found or that there is no parent with legal custody.

18 2. That the juvenile is 14 years of age or over and is competent to consent to the
19 administration of psychotropic medication and that the juvenile voluntarily
20 consents to the administration of psychotropic medication.

21 3. Based on the recommendation of a physician, that the juvenile is in need of
22 psychotropic medication, that psychotropic medication is appropriate for the
23 juvenile's needs and that psychotropic medication is the least restrictive treatment
24 consistent with the juvenile's needs.

1 (b) The court may, at the request of the department of health and social
2 services, department of corrections or county department, temporarily approve the
3 administration of psychotropic medication, for not more than 10 days after the date
4 of the request, pending the hearing on the petition, which shall be held within those
5 10 days.

6 **938.51 Notification of release or escape of juvenile from correctional**
7 **custody. (1)** At least 15 days prior to the date of release of a juvenile from a secured
8 correctional facility or a secured child caring institution and at least 15 days prior
9 to the release of a juvenile from the supervision of the department of health and social
10 services, the department of corrections or a county department, the department or
11 county department having supervision or legal custody over the juvenile shall do all
12 of the following:

13 (a) Notify all of the following local agencies in the community in which the
14 juvenile will reside of the juvenile's return to the community:

- 15 1. The law enforcement agencies.
- 16 2. The school district.
- 17 3. The county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437.

18 (b) Notify any known victim of an act for which the juvenile has been found
19 delinquent of the juvenile's release, if all of the following apply:

- 20 2. The victim can be found.
- 21 3. The victim has sent in a request card under sub. (2).

22 (c) Notify, if the victim died as a result of the juvenile's delinquent act and if the
23 criteria under par. (b) are met, an adult member of the victim's family or, if the victim
24 is younger than 18 years old and if the criteria under par. (b) are met, the victim's
25 parent or legal guardian.

1 **(1m)** The department or county department having supervision or legal
2 custody over a juvenile shall determine the local agencies that it will notify under
3 sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's
4 intended residence specified in the juvenile's aftercare supervision plan or, if those
5 methods do not indicate the community in which the juvenile will reside following
6 release from a secured correctional facility or from the supervision of the department
7 of health and social services, department of corrections or county department, the
8 community in which the juvenile states that he or she intends to reside.

9 **(1r)** The notification under sub. (1) shall include only the juvenile's name, the
10 date of the juvenile's release and the type of placement to which the juvenile is
11 released.

12 **(2)** The department of health and social services shall design and prepare cards
13 for victims specified in sub. (1) (b) and (c) to send to the department or county
14 department having supervision or legal custody over the juvenile. The cards shall
15 have space for these persons to provide their names and addresses and any other
16 information that the department of health and social services determines is
17 necessary. The department of health and social services shall provide the cards,
18 without charge, to district attorneys. District attorneys shall provide the cards,
19 without charge, to victims specified in sub. (1) (b) and (c). These persons may send
20 completed cards to the department or county department having supervision or legal
21 custody over the juvenile.

22 **(3)** Timely release of a juvenile shall not be prejudiced by the fact that the
23 department or county department having supervision or legal custody over the
24 juvenile did not notify the victims or the local agencies under sub. (1) within the 15
25 days.

1 (4) If a juvenile escapes in violation of s. 946.42 (3), as soon as possible after
2 the department or county department having supervision or legal custody over the
3 juvenile discovers that escape, that department or county department shall make a
4 reasonable effort to notify by telephone any known victim of the act for which the
5 juvenile was found delinquent, if the criteria under sub. (1) (b) are met; an adult
6 member of the victim's family, if the victim died as a result of the juvenile's delinquent
7 act and if the criteria under sub. (1) (b) are met; or the victim's parent or guardian,
8 if the victim is younger than 18 years old and if the criteria under sub. (1) (b) are met.

9 **938.52 Facilities for care of juveniles in care of department.**

10 (1) FACILITIES MAINTAINED OR USED FOR JUVENILES. The department may maintain or
11 use the following facilities for juveniles in its care:

12 (a) Receiving homes to be used for the temporary care of juveniles.

13 (b) Foster homes or treatment foster homes.

14 (c) Group homes.

15 (d) Institutions, facilities and services, including without limitation forestry or
16 conservation camps for the training and treatment of juveniles 10 years of age or
17 older who have been adjudged delinquent.

18 (f) Other facilities deemed by the department to be appropriate for the juvenile,
19 except that no state funds may be used for the maintenance of a juvenile in the home
20 of a parent or relative eligible for aid under s. 49.19 if such funds would reduce federal
21 funds to this state.

22 (2) USE OF OTHER FACILITIES. (a) In addition to the facilities and services
23 described in sub. (1), the department may use other facilities and services under its
24 jurisdiction. The department may also contract for and pay for the use of other public
25 facilities or private facilities for the care and treatment of juveniles in its care; but

1 placement of juveniles in private or public facilities not under its jurisdiction does
2 not terminate the supervision under s. 938.183 or 938.34 (4m) or (4n) of the
3 department. Placements in institutions for the mentally ill or developmentally
4 disabled shall be made in accordance with ss. 48.14 (5), 48.63 and 938.34 (6) (am) and
5 ch. 51.

6 (b) Public facilities are required to accept and care for persons placed with them
7 by the department in the same manner as they would be required to do had the legal
8 custody of these persons been transferred by a court of competent jurisdiction.
9 Nothing in this subsection shall be construed to require any public facility to serve
10 the department inconsistently with its functions or with the laws and regulations
11 governing their activities; or to give the department authority to use any private
12 facility without its consent.

13 (c) The department shall have the right to inspect all facilities it is using and
14 to examine and consult with persons under its supervision under s. 938.183 or 938.34
15 (4m) or (4n) who have been placed in that facility.

16 (4) COEDUCATIONAL PROGRAMS AND INSTITUTIONS. The department may institute
17 and maintain coeducational programs and institutions under this chapter.

18 **938.53 Duration of control of department over delinquents.** Except as
19 provided under ss. 48.366 and 938.183, all juveniles adjudged delinquent who have
20 been placed under the supervision of the department under s. 938.183 or 938.34 (4m)
21 or (4n) shall be discharged as soon as the department determines that there is a
22 reasonable probability that it is no longer necessary either for the rehabilitation and
23 treatment of the juvenile or for the protection of the public that the department
24 retain supervision.

1 **938.532 Juvenile boot camp program.** (1) PROGRAM. The department
2 shall provide a juvenile boot camp program for juveniles.

3 (2) PROGRAM ELIGIBILITY. The department may place in the juvenile boot camp
4 program any juvenile who has been placed in a secured correctional facility or a
5 secured child caring institution, under the supervision of the department.

6 (3) AFTERCARE SUPERVISION. Notwithstanding s. 938.34 (4n), a juvenile who has
7 completed the juvenile boot camp program and who is released from a secured
8 correctional facility shall be placed under aftercare supervision administered by the
9 department.

10 **938.533 Corrective sanctions.** (2) CORRECTIVE SANCTIONS PROGRAM. From
11 the appropriation under s. 20.435 (3) (hr), the department shall provide a corrective
12 sanctions program to serve an average daily population of 105 juveniles, or an
13 average daily population of more that 105 juveniles if the appropriation under s.
14 20.435 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions for the
15 program are increased under s. 13.101 or 16.505 (2), in not less than 3 counties,
16 including Milwaukee County. The juvenile offender review program in the
17 department shall evaluate and select for participation in the program juveniles who
18 have been placed in a secured correctional facility or a secured child caring
19 institution under the supervision of the department under s. 938.183 or 938.34 (4m).
20 The department shall place a program participant in the community, provide
21 intensive surveillance of that participant and provide an average of \$5,000 per year
22 per slot to purchase community-based treatment services for each participant. The
23 department shall make the intensive surveillance required under this subsection
24 available 24 hours a day, 7 days a week, and may purchase or provide electronic
25 monitoring for the intensive surveillance of program participants. The department

1 shall provide a report center in Milwaukee County to provide on-site programming
2 after school and in the evening for juveniles from Milwaukee County who are placed
3 in the corrective sanctions program. A contact worker providing services under the
4 program shall have a case load of approximately 10 juveniles and, during the initial
5 phase of placement in the community under the program of a juvenile who is
6 assigned to that contact worker, shall have not less than one face-to-face contact per
7 day with that juvenile. Case management services under the program shall be
8 provided by a corrective sanctions agent who shall have a case load of approximately
9 15 juveniles. The department shall promulgate rules to implement the program.

10 **(3) INSTITUTIONAL STATUS.** (a) A participant in the corrective sanctions program
11 remains under the supervision of the department, remains subject to the rules and
12 discipline of that department and is considered to be in custody, as defined in s.
13 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition
14 of that juvenile's participation in the corrective sanctions program the department
15 may, without a hearing, take the juvenile into custody and place the juvenile in a
16 secured detention facility or return the juvenile to placement in a Type 1 secured
17 correctional facility or a secured child caring institution.

18 (b) The department shall operate the corrective sanctions program as a Type
19 2 secured correctional facility. The secretary may allocate and reallocate existing
20 and future facilities as part of the Type 2 secured correctional facility. The Type 2
21 secured correctional facility is subject to s. 46.03 (1). Construction or establishment
22 of a Type 2 secured correctional facility shall be in compliance with all state laws
23 except s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13),
24 construction or establishment of a Type 2 secured correctional facility is not subject
25 to the ordinances or regulations relating to zoning, including zoning under ch. 91, of

1 the county and city, village or town in which the construction or establishment takes
2 place and is exempt from the investigations permitted under s. 46.22 (1) (c) 1. b.

3 **(3m) ESCAPE.** If a juvenile runs away from the juvenile's placement in the
4 community while participating in the corrective sanctions program, that juvenile is
5 considered to have escaped in violation of s. 946.42 (3) (c).

6 **938.534 Intensive supervision program. (1)** A county department may
7 provide an intensive supervision program for juveniles who have been adjudicated
8 delinquent and ordered to participate in an intensive supervision program under s.
9 938.34 (2r). A county department that provides an intensive supervision program
10 shall purchase or provide intensive surveillance and community-based treatment
11 services for participants in that program and may purchase or provide electronic
12 monitoring for the intensive surveillance of program participants. A caseworker
13 providing services under an intensive supervision program may have a case load of
14 no more than 10 juveniles and shall have not less than one face-to-face contact per
15 day with each juvenile who is assigned to that caseworker. Notwithstanding ss.
16 938.19 to 938.21, but subject to any general written policies adopted by the court
17 under s. 938.06 (1) or (2) and to any policies adopted by the county board relating to
18 the taking into custody and placement of a juvenile under this subsection, if a
19 juvenile violates a condition of the juvenile's participation in the program, the
20 juvenile's caseworker may, without a hearing, take the juvenile into custody and
21 place the juvenile in a secure detention facility for not more than 72 hours as a
22 sanction, if at the dispositional hearing the court explained those conditions to the
23 juvenile and informed the juvenile of the possibility of that sanction.
24 Notwithstanding ss. 938.19 to 938.21, but subject to any general written policies
25 adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by the

1 county board relating to the taking into custody and placement of a juvenile under
2 this subsection, the juvenile's caseworker may also, without a hearing, take the
3 juvenile into custody and place the juvenile in a place of nonsecure custody for not
4 more than 30 days as a sanction, if at the dispositional hearing the court informed
5 the juvenile of the possibility of that sanction. If the juvenile is held in a secure
6 detention facility for longer than 72 hours, the juvenile is entitled to a hearing under
7 s. 938.21. The hearing shall be conducted in the manner provided in s. 938.21, except
8 that the hearing shall be conducted within 72 hours, rather than 24 hours, after the
9 end of the day that the decision to hold the juvenile was made and a written
10 statement of the reasons for continuing to hold the juvenile in custody may be filed
11 rather than a petition under s. 938.25.

12 (2) The department shall promulgate rules specifying the requirements for an
13 intensive supervision program under this section. The rules shall include rules that
14 govern the use of placement in a secure detention facility for not more than 72 hours
15 and the use of placement in a place of nonsecure custody for not more than 30 days
16 as sanctions.

17 **938.535 Early release and intensive supervision program; limits.** The
18 department may establish a program for the early release and intensive supervision
19 of juveniles who have been placed in a secured correctional facility or a secured child
20 caring institution under s. 938.183 or 938.34 (4m). The program may not include any
21 juveniles who have been placed in a secured correctional facility or a secured caring
22 institution as a result of a delinquent act involving the commission of a violent crime
23 as defined in s. 969.035, but not including the crime specified in s. 948.02 (1).

24 **938.538 Serious juvenile offender program.** (1) DEFINITION. In this
25 section, "department" means the department of corrections.

1 **(2) PROGRAM ADMINISTRATION AND DESIGN.** The department shall administer a
2 serious juvenile offender program for juveniles who have been adjudicated
3 delinquent and ordered to participate in the program under s. 938.34 (4h). The
4 department shall design the program to provide all of the following:

5 (a) Supervision, care and rehabilitation that is less costly than ordinary
6 placement in a secured correctional facility under s. 938.34 (4m) and more restrictive
7 than ordinary supervision in the community.

8 (b) Component phases that are intensive and highly structured.

9 (c) A series of component phases for each participant that is based on public
10 safety considerations and the participant's need for supervision, care and
11 rehabilitation.

12 **(3) COMPONENT PHASES.** (a) The department shall provide each participant with
13 one or more of the following sanctions:

14 1. Subject to subd. 1m., placement in a Type 1 secured correctional facility or,
15 if the participant is 17 years of age or over, a Type 1 prison, as defined in s. 301.01
16 (5), for a period of not more than 3 years.

17 1m. If the participant has been adjudicated delinquent for committing an act
18 that would be a Class A felony if committed by an adult, placement in a Type 1
19 secured correctional facility or, if the participant is 17 years of age or over, a Type 1
20 prison, as defined in s. 301.01 (5), until the participant reaches 25 years of age, unless
21 the participant is released sooner, subject to a mandatory minimum period of
22 confinement of not less than one year.

23 2. Intensive or other field supervision.

24 3. Electronic monitoring.

25 4. Alcohol or other drug abuse outpatient treatment and services.

- 1 5. Mental health treatment and services.
- 2 6. Community service.
- 3 7. Restitution.
- 4 8. Transitional services for education and employment.
- 5 9. Other programs as prescribed by the department.

6 (b) The department may provide the sanctions under par. (a) in any order, may
7 provide more than one sanction at a time and may return to a sanction that was used
8 previously for a participant. Notwithstanding ss. 938.357 and 938.363, a participant
9 is not entitled to a hearing regarding the department's exercise of authority under
10 this subsection unless the department provides for a hearing by rule.

11 **(4) INSTITUTIONAL STATUS.** (a) A participant in the serious juvenile offender
12 program is under the supervision and control of the department and is subject to the
13 rules and discipline of the department. Notwithstanding ss. 938.19 to 938.21, if a
14 participant violates a condition of his or her participation in the program under sub.
15 (3) (a) 2. to 9. while placed in a Type 2 secured correctional facility the department
16 may, without a hearing, take the participant into custody and return him or her to
17 placement in a Type 1 secured correctional facility or, if the participant is 17 years
18 of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any intentional failure of
19 a participant to remain within the extended limits of his or her placement while
20 participating in the serious juvenile offender program or to return within the time
21 prescribed by the administrator of the division of intensive sanctions in the
22 department is considered an escape under s. 946.42 (3) (c).

23 (b) The department shall operate the component phases of the program
24 specified in sub. (3) (a) 2. to 9. as a Type 2 secured correctional facility. The secretary
25 of corrections may allocate and reallocate existing and future facilities as part of the

1 Type 2 secured correctional facility. The Type 2 secured correctional facility is subject
2 to s. 301.02. Construction or establishment of a Type 2 secured correctional facility
3 shall be in compliance with all state laws except s. 32.035 and ch. 91. In addition to
4 the exemptions under s. 13.48 (13), construction or establishment of a Type 2 secured
5 correctional facility is not subject to the ordinances or regulations relating to zoning,
6 including zoning under ch. 91, of the county and city, village or town in which the
7 construction or establishment takes place and is exempt from inspections required
8 under s. 301.36.

9 **(5) TRANSFERS AND DISCHARGE.** (a) The parole commission may grant a
10 participant parole under s. 304.06 at any time after the participant has completed
11 2 years of participation in the serious juvenile offender program. Parole supervision
12 of the participant shall be provided by the department.

13 (b) The department may discharge a participant from participation in the
14 serious juvenile offender program and from departmental supervision and control at
15 any time after the participant has completed 3 years of participation in the serious
16 juvenile offender program.

17 (c) Sections 938.357 and 938.363 do not apply to changes of placement and
18 revisions of orders for a juvenile who is a participant in the serious juvenile offender
19 program.

20 (dm) The department of corrections may not transfer supervision and control
21 over a participant in the serious juvenile offender program to the department of
22 health and social services.

23 **(6) PURCHASE OF SERVICES.** The department of corrections may contract with the
24 department of health and social services, a county department or any public or
25 private agency for the purchase of goods, care and services for participants in the

1 serious juvenile offender program. The department of corrections shall reimburse
2 a person from whom it purchases goods, care or services under this subsection from
3 the appropriation under s. 20.410 (1) (cg).

4 **(6m)** MINORITY HIRING. (a) In this subsection:

5 1. "American Indian" means a person who is enrolled as a member of a federally
6 recognized American Indian tribe or band or who possesses documentation of at least
7 one-fourth American Indian ancestry or documentation of tribal recognition as an
8 American Indian.

9 2. "Black" means a person whose ancestors originated in any of the black racial
10 groups of Africa.

11 3. "Hispanic" means a person of any race whose ancestors originated in Mexico,
12 Puerto Rico, Cuba, Central America or South America or whose culture or origin is
13 Spanish.

14 4. "Minority group member" means a Black, a Hispanic or an American Indian.

15 (b) In the selection of classified service employes for a secured correctional
16 facility operated by the department for the placement of program participants under
17 this section, the appointing authority shall make every effort to use the expanded
18 certification program under s. 230.25 (1n) or rules of the administrator of the division
19 of merit recruitment and selection in the department of employment relations to
20 ensure that the percentage of employes who are minority group members
21 approximates the percentage of the children placed at that secured correctional
22 facility who are minority group members. The administrator of the division of merit
23 recruitment and selection in the department of employment relations shall provide
24 guidelines for the administration of this selection procedure.

25 **(7)** RULES. The department shall promulgate rules to implement this section.

1 **938.54 Records.** The department shall keep a complete record on each
2 juvenile under its supervision under s. 938.183 or 938.34 (4m) or (4n). This record
3 shall include the information received from the court, the date of reception, all
4 available data on the personal and family history of the juvenile, the results of all
5 tests and examinations given the juvenile, and a complete history of all placements
6 of the juvenile while under the supervision of the department.

7 **938.547 Juvenile alcohol and other drug abuse pilot program.**

8 **(1) LEGISLATIVE FINDINGS AND PURPOSE.** The legislature finds that the use and abuse
9 of alcohol and other drugs by juveniles is a state responsibility of statewide
10 dimension. The legislature recognizes that there is a lack of adequate procedures to
11 screen, assess and treat juveniles for alcohol and other drug abuse. To reduce the
12 incidence of alcohol and other drug abuse by juveniles, the legislature deems it
13 necessary to experiment with solutions to the problems of the use and abuse of
14 alcohol and other drugs by juveniles by establishing a juvenile alcohol and other drug
15 abuse pilot program in a limited number of counties. The purpose of the program is
16 to develop intake and court procedures that screen, assess and give new dispositional
17 alternatives for juveniles with needs and problems related to the use of alcohol
18 beverages or controlled substances who come within the jurisdiction of a court
19 assigned to exercise jurisdiction under this chapter and ch. 48 in the pilot counties
20 selected by the department.

21 **(2) DEPARTMENT RESPONSIBILITIES.** Within the availability of funding under s.
22 20.435 (7) (mb) that is available for the pilot program, the department shall select
23 counties to participate in the pilot program. Unless a county department of human
24 services has been established under s. 46.23 in the county that is seeking to
25 implement a pilot program, the application submitted to the department shall be a

1 joint application by the county department that provides social services and the
2 county department established under s. 51.42 or 51.437. The department shall
3 select counties in accordance with the request-for-proposal procedures established
4 by the department. The department shall give a preference to county applications
5 that include a plan for case management.

6 **(3) MULTIDISCIPLINARY SCREEN.** The multidisciplinary screen developed for the
7 pilot program shall be used by an intake worker to determine whether or not a
8 juvenile is in need of an alcohol or other drug abuse assessment. The screen shall
9 also include indicators that screen juveniles for:

- 10 (a) Family dysfunction.
- 11 (b) School or truancy problems.
- 12 (c) Mental health problems.
- 13 (d) Delinquent behavior patterns.

14 **(4) ASSESSMENT CRITERIA.** The uniform alcohol and other drug abuse
15 assessment criteria that the department developed shall be used in the pilot program
16 under ss. 938.245 (2) (a) 3., 938.295 (1), 938.32 (1g), 938.343 (10) and 938.344 (2g).
17 An approved treatment facility that assesses a person under ss. 938.245 (2) (a) 3.,
18 938.295 (1), 938.32 (1g), 938.343 (10) and 938.344 (2g) may not also provide the
19 person with treatment unless the department permits the approved treatment
20 facility to do both in accordance with the criteria established by rule by the
21 department.

22 **938.548 Multidisciplinary screen and assessment criteria.** The
23 department shall make the multidisciplinary screen developed under s. 938.547 (3)
24 and the assessment criteria developed under s. 938.547 (4) available to all counties.

1 **938.57 Powers and duties of county departments providing juvenile**
2 **welfare services.** (1) Each county department shall administer and expend such
3 amounts as may be necessary out of any moneys which may be appropriated for
4 juvenile welfare purposes by the county board of supervisors or donated by
5 individuals or private organizations. A county department may do any of the
6 following:

7 (a) Investigate the conditions surrounding delinquent juveniles and juveniles
8 in need of protection or services within the county and take every reasonable action
9 within its power to secure for them the full benefit of all laws enacted for their benefit.
10 Unless provided by another agency, the county department shall offer social services
11 to the caretaker of any juvenile who is referred to it under the conditions specified
12 in this paragraph. This duty shall be discharged in cooperation with the court and
13 with the public officers or boards legally responsible for the administration and
14 enforcement of these laws.

15 (b) Accept legal custody or supervision of juveniles transferred to it by the court
16 under s. 938.355 and provide special treatment and care if ordered by the court.
17 Except as provided in s. 938.505 (2), a court may not order a county department to
18 administer psychotropic medications to juveniles who receive special treatment or
19 care under this paragraph.

20 (c) Provide appropriate protection and services for juveniles in its care,
21 including providing services for juveniles and their families in their own homes,
22 placing the juveniles in licensed foster homes, licensed treatment foster homes or
23 licensed group homes in this state or another state within a reasonable proximity to
24 the agency with legal custody or contracting for services for them by licensed child
25 welfare agencies or replacing them in juvenile correctional institutions or secured

1 child caring institutions in accordance with rules promulgated under ch. 227, except
2 that the county department may not purchase the educational component of private
3 day treatment programs unless the county department, the school board as defined
4 in s. 115.001 (7) and the state superintendent of public instruction all determine that
5 an appropriate public education program is not available. Disputes between the
6 county department and the school district shall be resolved by the state
7 superintendent of public instruction.

8 (cm) Provide appropriate services for juveniles who are referred to the county
9 department by a municipal court, except that if the funding, staffing or other
10 resources of the county department for juvenile welfare services are insufficient to
11 meet the needs of all juveniles who are eligible to receive services from the county
12 department, the county department shall give first priority to juveniles who are
13 referred to the county department by the court assigned to exercise jurisdiction
14 under this chapter and ch. 48.

15 (d) Provide for the moral and religious training of juveniles in its care according
16 to the religious belief of the juvenile or of his or her parents.

17 (f) Provide services to the court under s. 938.06.

18 (g) Upon request of the department, provide service for any juvenile in the care
19 of the department.

20 (h) Contract with any parent or guardian or other person for the care and
21 maintenance of any juvenile.

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

1 **(3)** (a) From the reimbursement received under s. 49.52 (1) (d), counties may
2 provide funding for the maintenance of any juvenile who meets all of the following
3 qualifications:

4 1. Is 17 years of age or older.

5 2. Is enrolled in and regularly attending a secondary education classroom
6 program leading to a high school diploma.

7 3. Received funding under s. 49.52 (1) (d) immediately prior to his or her 17th
8 birthday.

9 4. Is living in a foster home, treatment foster home, group home or child caring
10 institution.

11 (b) The funding provided for the maintenance of a juvenile under par. (a) shall
12 be in an amount equal to that to which the juvenile would receive under s. 49.52 (1)
13 (d) if the juvenile were 16 years of age.

14 **(4)** A county department may provide aftercare supervision under s. 48.34 (4n)
15 for juveniles who are released from secured correctional facilities or secured child
16 caring institutions operated by the department. If a county department intends to
17 change its policy regarding whether the county department or the department shall
18 provide aftercare supervision for juveniles released from secured correctional
19 facilities or secured child caring institutions operated by the department, the county
20 executive or county administrator, or, if the county has no county executive or county
21 administrator, the chairperson of the county board of supervisors, or, for multicounty
22 departments, the chairpersons of the county boards of supervisors jointly, shall
23 submit a letter to the department stating that intent before July 1 of the year
24 preceding the year in which the policy change will take effect.

1 **938.78 Confidentiality of records.** (1) In this section, unless otherwise
2 qualified, “agency” means the department, a county department or a licensed child
3 welfare agency.

4 (2) (a) No agency may make available for inspection or disclose the contents of
5 any record kept or information received about an individual in its care or legal
6 custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d) or 938.51
7 or by order of the court.

8 (ag) Paragraph (a) does not prohibit an agency from making available for
9 inspection or disclosing the contents of a record, upon the request of the parent,
10 guardian or legal custodian of the juvenile who is the subject of the record or upon
11 the request of the juvenile, if 14 years of age or over, to the parent, guardian, legal
12 custodian or juvenile.

13 (am) Paragraph (a) does not prohibit an agency from making available for
14 inspection or disclosing the contents of a record, upon the written permission of the
15 parent, guardian or legal custodian of the juvenile who is the subject of the record
16 or upon the written permission of the juvenile, if 14 years of age or over, to the person
17 named in the permission if the parent, guardian, legal custodian or juvenile
18 specifically identifies the record in the written permission.

19 (b) 1. Paragraph (a) does not apply to the confidential exchange of information
20 between an agency, another social welfare agency, a law enforcement agency, the
21 victim-witness coordinator or a public school district regarding an individual in the
22 care or legal custody of the agency.

23 2. On petition of an agency to review pupil records, as defined in s. 118.125 (1)
24 (d), other than pupil records that may be disclosed without court order under s.
25 118.125 (2) or (2m), for the purpose of providing treatment or care for an individual

1 in the care or legal custody of the agency, the court may order the school board of the
2 school district in which an individual is enrolled to disclose to the agency the pupil
3 records of the individual as necessary for the agency to provide that treatment or
4 care. The agency may use the pupil records only for the purpose of providing
5 treatment or care and may make the pupil records available only to employees of the
6 agency who are providing treatment or care for the individual.

7 (d) Paragraph (a) does not prohibit the department of health and social services
8 or a county department from disclosing information about an individual formerly in
9 the legal custody or under the supervision of that department under s. 48.34 (4m),
10 1993 stats., or formerly under the supervision of that department or county
11 department under s. 48.34 (4n), 1993 stats., to the department of corrections, if the
12 individual is at the time of disclosure any of the following:

- 13 1. The subject of a presentence investigation under s. 972.15.
- 14 2. Under sentence to the Wisconsin state prisons under s. 973.15.
- 15 3. Subject to an order under s. 938.183 or 938.366 and placed in a state prison
16 under s. 938.183 or 938.366 (8).
- 17 4. On probation to the department of corrections under s. 973.09.
- 18 5. On parole under s. 302.11 or ch. 304.

19 (e) Paragraph (a) does not prohibit the department of health and social services
20 from disclosing information about an individual adjudged delinquent under s. 938.31
21 for a sexually violent offense, as defined in s. 980.01 (6), to the department of justice,
22 or a district attorney or a judge acting under ch. 980 or to an attorney who represents
23 a person subject to a petition under ch. 980. The court in which the petition under
24 s. 980.02 is filed may issue any protective orders that it determines are appropriate
25 concerning information disclosed under this paragraph.

1 **(3)** If a juvenile adjudged delinquent on the basis of a violation of s. 941.10,
2 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295,
3 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a),
4 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60,
5 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
6 correctional facility or a secured child caring institution, has been allowed to leave
7 a secured correctional facility or a secured child caring institution for a specified time
8 period and is absent from the facility or institution for more than 12 hours after the
9 expiration of the specified period, the department of health and social services or the
10 department of corrections may release the juvenile's name and any information
11 about the juvenile that is necessary for the protection of the public or to secure the
12 juvenile's return to the facility, institution or placement. The department of health
13 and social services shall promulgate rules establishing guidelines for the release of
14 the juvenile's name or information about the juvenile to the public, except that the
15 department of corrections shall promulgate rules establishing guidelines for the
16 release to the public of the name of a juvenile, or information about a juvenile, who
17 is placed in a secured correctional facility operated by that department.

18 **SECTION 581.** 938.988 of the statutes is created to read:

19 **938.988 Interstate placement of juveniles.** Sections 48.988 and 48.989
20 apply to the interstate placement of juveniles.

21 **SECTION 582.** 939.62 (3) (a) of the statutes is amended to read:

22 939.62 **(3)** (a) In case of crimes committed in this state, the terms do not include
23 motor vehicle offenses under chs. 341 to 349 and offenses handled through court
24 proceedings in the court assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938,
25 but otherwise have the meanings designated in s. 939.60.

1 **SECTION 583.** 939.62 (3) (b) of the statutes is amended to read:

2 939.62 (3) (b) In case of crimes committed in other jurisdictions, the terms do
3 not include those crimes which are equivalent to motor vehicle offenses under chs.
4 341 to 349 or to offenses handled through court proceedings in the court assigned to
5 exercise jurisdiction under ~~ch.~~ chs. 48 and 938. Otherwise, felony means a crime
6 which under the laws of that jurisdiction carries a prescribed maximum penalty of
7 imprisonment in a prison or penitentiary for one year or more. Misdemeanor means
8 a crime which does not carry a prescribed maximum penalty sufficient to constitute
9 it a felony and includes crimes punishable only by a fine.

10 **SECTION 584.** 939.635 (1) of the statutes is amended to read:

11 939.635 (1) Except as provided in sub. (2), if a person who has been adjudicated
12 delinquent is convicted of violating s. 940.20 (1) while placed in a secured correctional
13 facility, as defined in s. ~~48.02~~ 938.02 (15m), a secure detention facility, as defined in
14 s. 938.02 (16), or a secured child caring institution, as defined in s. 938.02 (15g), the
15 court shall sentence the person to not less than 3 years of imprisonment. Except as
16 provided in sub. (2), if a person who has been adjudicated delinquent is convicted of
17 violating s. 946.43 while placed in a secured correctional facility, as defined in s. ~~48.02~~
18 938.02 (15m), a secure detention facility, as defined in s. 938.02 (16), or a secured
19 child caring institution, as defined in s. 938.02 (15g), the court shall sentence the
20 person to not less than 5 years of imprisonment.

21 **SECTION 585.** 939.635 (2) (b) of the statutes is amended to read:

22 939.635 (2) (b) That imposing the applicable presumptive minimum sentence
23 specified in sub. (1) is not necessary to deter the person or other persons or other
24 persons who have been adjudicated delinquent from committing violations of s.
25 940.20 (1) or 946.43 or other similar offenses while placed in a secured correctional

1 facility, as defined in s. 48.02 938.02 (15m), or a secured child caring institution, as
2 defined in s. 938.02 (15g).

3 **SECTION 586.** 941.29 (2) of the statutes is amended to read:

4 941.29 (2) Any person specified in sub. (1) who, subsequent to the conviction
5 for the felony or other crime, as specified in sub. (1), subsequent to the adjudication,
6 as specified in sub. (1) (bm), or subsequent to the finding of not guilty or not
7 responsible by reason of insanity or mental disease, defect or illness, possesses a
8 firearm is guilty of a Class E felony. Whoever violates this section after being
9 convicted under this section is guilty of a Class D felony.

10 **SECTION 587m.** 946.42 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
11 377 and 385, is amended to read:

12 946.42 (1) (a) "Custody" includes without limitation actual custody of an
13 institution, including a secured juvenile correctional facility, a secure detention
14 facility, as defined under s. 48.02 (16), or a juvenile portion of a county jail, or of a
15 peace officer or institution guard and constructive custody of prisoners and juveniles
16 subject to an order under s. 48.34 (4m), 48.357 (4) or (5) (e) or 48.366 temporarily
17 outside the institution whether for the purpose of work, school, medical care, a leave
18 granted under s. 303.068, a temporary leave or furlough granted to a juvenile or
19 otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the
20 county to which the prisoner was transferred after conviction. "Custody" also
21 includes the custody by the department of health and social services of a child who
22 is placed in the community under corrective sanctions supervision under s. 48.533
23 ~~and custody by the department of corrections of a person who is placed in the~~
24 ~~community under youthful offender supervision under s. 48.537.~~ It does not include
25 the custody of a probationer or parolee by the department of corrections or a

1 probation or parole officer or the custody of a person who has been released to
2 aftercare supervision under ch. 48 unless the person is in actual custody.

3 **SECTION 587p.** 946.42 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
4 377 and 385 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

5 946.42 (1) (a) "Custody" includes without limitation actual custody of an
6 institution, including a secured juvenile correctional facility, a secured child caring
7 institution, as defined in s. 938.02 (15g), a secure detention facility, as defined under
8 s. 938.02 (16), or a juvenile portion of a county jail, or of a peace officer or institution
9 guard and constructive custody of prisoners and juveniles subject to an order under
10 s. 48.366, 938.183, 938.34 (4h) or (4m) or 938.357 (4) or (5) (e) temporarily outside
11 the institution whether for the purpose of work, school, medical care, a leave granted
12 under s. 303.068, a temporary leave or furlough granted to a juvenile or otherwise.
13 Under s. 303.08 (6) it means, without limitation, that of the sheriff of the county to
14 which the prisoner was transferred after conviction. It does not include the custody
15 of a probationer or parolee by the department of corrections or a probation or parole
16 officer or the custody of a person who has been released to aftercare supervision
17 under ch. 48 unless the person is in actual custody.

18 **SECTION 588.** 946.42 (1) (c) of the statutes is amended to read:

19 946.42 (1) (c) "Legal arrest" includes without limitation an arrest pursuant to
20 process fair on its face notwithstanding insubstantial irregularities and also
21 includes taking a child into custody under s. ~~48.19~~ 938.19.

22 **SECTION 589.** 946.42 (2) (b) of the statutes is amended to read:

23 946.42 (2) (b) Lawfully taken into custody under s. ~~48.19~~ 938.19 for a violation
24 of or lawfully alleged or adjudged under ch. 48 938 to have violated a statutory traffic

1 regulation, a statutory provision for which the penalty is a forfeiture or a municipal
2 ordinance.

3 **SECTION 590.** 946.42 (3) (b) of the statutes is amended to read:

4 946.42 (3) (b) Lawfully taken into custody under s. ~~48.19~~ 938.19 for or lawfully
5 alleged or adjudged under ch. ~~48~~ 938 to be delinquent on the basis of a violation of
6 a criminal law.

7 **SECTION 591m.** 946.42 (3) (c) of the statutes, as affected by 1993 Wisconsin Acts
8 377 and 385, is amended to read:

9 946.42 (3) (c) Subject to a disposition under s. 48.34 ~~(4g)~~ or (4m), to a placement
10 under s. 48.357 (4) or to aftercare revocation under s. 48.357 (5) (e).

11 **SECTION 591p.** 946.42 (3) (c) of the statutes, as affected by 1993 Wisconsin Acts
12 377 and 385 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

13 946.42 (3) (c) Subject to a disposition under s. 938.34 (4h) or (4m), to a
14 placement under s. 938.357 (4) or to aftercare revocation under s. 938.357 (5) (e).

15 **SECTION 593m.** 946.44 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
16 377 and 486, is amended to read:

17 946.44 (1) (a) Any officer or employe of an institution where prisoners are
18 detained or any officer or employe providing corrective sanctions supervision under
19 s. 48.533 ~~or youthful offender supervision under s. 48.537~~ who intentionally permits
20 a prisoner in the officer's or employe's custody to escape; or

21 **SECTION 593p.** 946.44 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
22 377 and 486 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

23 946.44 (1) (a) Any officer or employe of an institution where prisoners are
24 detained who intentionally permits a prisoner in the officer's or employe's custody
25 to escape; or

1 **SECTION 594.** 946.44 (2) (c) of the statutes is amended to read:

2 946.44 (2) (c) “Institution” includes a secured juvenile correctional facility and
3 a secured child caring institution, as defined in s. 938.02 (15g).

4 **SECTION 595m.** 946.44 (2) (d) of the statutes, as affected by 1993 Wisconsin Acts
5 377, 385 and 491, is amended to read:

6 946.44 (2) (d) “Prisoner” includes a person who is ~~committed to the custody of~~
7 ~~the department of corrections under s. 48.34 (4g) or~~ placed in a secured correctional
8 facility under s. 48.34 (4m) or 48.357 (4) or (5) (e) or who is subject to an order under
9 s. 48.366.

10 **SECTION 595p.** 946.44 (2) (d) of the statutes, as affected by 1993 Wisconsin Acts
11 377, 385 and 491 and 1995 Wisconsin Act (this act), is repealed and recreated to
12 read:

13 946.44 (2) (d) “Prisoner” includes a person who is committed to the supervision
14 of the department of corrections under s. 938.34 (4h) or placed in a secured
15 correctional facility under s. 938.34 (4m) or 938.357 (4) or (5) (e) or who is subject to
16 an order under s. 48.366.

17 **SECTION 596m.** 946.45 (1) of the statutes, as affected by 1993 Wisconsin Act
18 377, is amended to read:

19 946.45 (1) Any officer or employe of an institution where prisoners are detained
20 or any officer or employe providing corrective sanctions supervision under s. 48.533
21 ~~or youthful offender supervision under s. 48.537~~ who, through his or her neglect of
22 duty, allows a prisoner in his or her custody to escape is guilty of a Class B
23 misdemeanor.

24 **SECTION 596p.** 946.45 (1) of the statutes, as affected by 1993 Wisconsin Act 377
25 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

1 946.45 (1) Any officer or employe of an institution where prisoners are detained
2 who, through his or her neglect of duty, allows a prisoner in his or her custody to
3 escape is guilty of a Class B misdemeanor.

4 **SECTION 597.** 946.45 (2) (c) of the statutes is amended to read:

5 946.45 (2) (c) “Institution” includes a secured juvenile correctional facility and
6 a secured child caring institution, as defined in s. 938.02 (15g).

7 **SECTION 598m.** 946.45 (2) (d) of the statutes, as affected by 1993 Wisconsin Acts
8 377, 385 and 491, is amended to read:

9 946.45 (2) (d) “Prisoner” includes a person who is ~~committed to the custody of~~
10 ~~the department of corrections under s. 48.34 (4g) or~~ placed in a secured correctional
11 facility under s. 48.34 (4m) or 48.357 (4) or (5) (e) or who is subject to an order under
12 s. 48.366.

13 **SECTION 598p.** 946.45 (2) (d) of the statutes, as affected by 1993 Wisconsin Acts
14 377, 385 and 491 and 1995 Wisconsin Act (this act), is repealed and recreated to
15 read:

16 946.45 (2) (d) “Prisoner” includes a person who is committed to the supervision
17 of the department of corrections under s. 938.34 (4h) or placed in a secured
18 correctional facility under s. 938.34 (4m) or 938.357 (4) or (5) (e) or who is subject to
19 an order under s. 48.366.

20 **SECTION 599.** 946.50 of the statutes is created to read:

21 **946.50 Absconding.** Any person who is adjudicated delinquent, but who
22 intentionally fails to appear before the court assigned to exercise jurisdiction under
23 chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who does
24 not return to that court for a dispositional hearing before attaining the age of 17 years
25 is guilty of the following:

1 **(1)** A Class A felony, if the person was adjudicated delinquent for committing
2 an act that would be a Class A felony if committed by an adult.

3 **(2)** A Class B felony, if the person was adjudicated delinquent for committing
4 an act that would be a Class B felony if committed by an adult.

5 **(3)** A Class C felony, if the person was adjudicated delinquent for committing
6 an act that would be a Class C felony is committed by an adult.

7 **(4)** A Class D felony, if the person was adjudicated delinquent for committing
8 an act that would be a Class D felony if committed by an adult.

9 **(5)** A Class E felony, if the person was adjudicated delinquent for committing
10 an act that would be a Class E felony if committed by an adult.

11 **(6)** A Class A misdemeanor, if the person was adjudicated delinquent for
12 committing an act that would be a misdemeanor if committed by an adult.

13 **SECTION 600.** 948.01 (1) of the statutes is amended to read:

14 948.01 **(1)** "Child" means a person who has not attained the age of 18 years,
15 except that for purposes of prosecuting a person who is alleged to have violated a
16 state or federal criminal law "child" does not include a person who has attained the
17 age of 17 years.

18 **SECTION 601.** 948.31 (1) (a) 2. of the statutes is amended to read:

19 948.31 **(1)** (a) 2. The department of health and social services or any person,
20 county department under s. 46.215, 46.22 or 46.23 or licensed child welfare agency,
21 if custody of the child has been transferred under ch. 48 or 938 to that department,
22 person or agency.

23 **SECTION 602.** 948.31 (1) (b) of the statutes is amended to read:

24 948.31 **(1)** (b) Except as provided under ~~ch.~~ chs. 48 and 938, whoever
25 intentionally causes a child to leave, takes a child away or withholds a child for more

1 than 12 hours beyond the court-approved period of physical placement or visitation
2 period from a legal custodian with intent to deprive the custodian of his or her
3 custody rights without the consent of the custodian is guilty of a Class C felony. This
4 paragraph is not applicable if the court has entered an order authorizing the person
5 to so take or withhold the child. The fact that joint legal custody has been awarded
6 to both parents by a court does not preclude a court from finding that one parent has
7 committed a violation of this paragraph.

8 **SECTION 603.** 948.35 (1) (a) of the statutes is amended to read:

9 948.35 (1) (a) Except as provided in pars. (b) to (d) or s. 161.455, any person who
10 has attained the age of ~~18~~ 17 years and who, with the intent that a felony be
11 committed and under circumstances that indicate unequivocally that he or she has
12 the intent, knowingly solicits, advises, hires, directs or counsels a ~~child~~ person 17
13 years of age or under to commit that felony may be fined or imprisoned or both, not
14 to exceed the maximum penalty for the felony.

15 **SECTION 604.** 948.36 (1) of the statutes is amended to read:

16 948.36 (1) Any person who has attained the age of ~~18~~ 17 years and who, with
17 the intent that a Class A felony be committed and under circumstances that indicate
18 unequivocally that he or she has that intent, knowingly solicits, advises, hires,
19 directs, counsels, employs, uses or otherwise procures a ~~child~~ person 17 years of age
20 or under to commit that Class A felony may, if the Class A felony is committed by the
21 child, be imprisoned for not more than 5 years in excess of the maximum period of
22 imprisonment provided by law for that Class A felony.

23 **SECTION 605.** 948.40 (1) of the statutes is amended to read:

24 948.40 (1) No person may intentionally encourage or contribute to the
25 delinquency of a child ~~as defined in s. 48.02 (3m)~~. This subsection includes

1 intentionally encouraging or contributing to an act by a child under the age of ~~12~~ 10
2 which would be a delinquent act if committed by a child ~~12~~ 10 years of age or older.

3 **SECTION 606.** 948.40 (2) of the statutes is amended to read:

4 948.40 (2) No person responsible for the child's welfare may, by disregard of the
5 welfare of the child, contribute to the delinquency of the child. This subsection
6 includes disregard that contributes to an act by a child under the age of ~~12~~ 10 that
7 would be a delinquent act if committed by a child ~~12~~ 10 years of age or older.

8 **SECTION 607.** 948.45 (1) of the statutes is amended to read:

9 948.45 (1) Except as provided in sub. (2), any person ~~18~~ 17 years of age or older
10 who, by any act or omission, knowingly encourages or contributes to the truancy, as
11 defined under s. 118.16 (1) (c), of a ~~child~~ person 17 years of age or under is guilty of
12 a Class C misdemeanor.

13 **SECTION 608.** 948.50 (4) (b) of the statutes is amended to read:

14 948.50 (4) (b) Is placed in or transferred to a secured correctional facility, as
15 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02
16 (15g).

17 **SECTION 609.** 948.60 (title), (2) and (3) of the statutes are amended to read:

18 **948.60 (title) Possession of a dangerous weapon by a child person**
19 **under 18.**

20 (2) (a) Any ~~child~~ person under 18 years of age who possesses or goes armed with
21 a dangerous weapon is guilty of a Class A misdemeanor.

22 (b) Except as provided in par. (c), any person who intentionally sells, loans or
23 gives a dangerous weapon to a ~~child~~ person under 18 years of age is guilty of a Class
24 E felony.

1 (c) Whoever violates par. (b) is guilty of a Class D C felony if the child person
2 under 18 years of age under par. (b) discharges the firearm and the discharge causes
3 death to himself, herself or another.

4 (d) A child person under 17 years of age who has violated this subsection is
5 subject to the provisions of ch. 48 938 unless jurisdiction is waived under s. 48.18
6 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
7 under s. 938.183.

8 **(3)** (a) This section does not apply to a child person under 18 years of age who
9 possesses or is armed with a dangerous weapon when the dangerous weapon is being
10 used in target practice under the supervision of an adult or in a course of instruction
11 in the traditional and proper use of the dangerous weapon under the supervision of
12 an adult. This section does not apply to an adult who transfers a dangerous weapon
13 to a child person under 18 years of age for use only in target practice under the adult's
14 supervision or in a course of instruction in the traditional and proper use of the
15 dangerous weapon under the adult's supervision.

16 (b) This section does not apply to a child person under 18 years of age who is
17 a member of the armed forces or national guard and who possesses or is armed with
18 a dangerous weapon in the line of duty. This section does not apply to an adult who
19 is a member of the armed forces or national guard and who transfers a dangerous
20 weapon to a child person under 18 years of age in the line of duty.

21 (c) This section does not apply to a child person under 18 years of age who
22 possesses or is armed with a firearm having a barrel 12 inches in length or longer and
23 who is in compliance with ss. 29.226 and 29.227. This section does not apply to an
24 adult who transfers a firearm having a barrel 12 inches in length or longer to a child
25 person under 18 years of age who is in compliance with ss. 29.226 and 29.227.

1 **SECTION 610.** 948.61 (4) of the statutes is amended to read:

2 948.61 (4) A child person under 17 years of age who has violated this section
3 is subject to the provisions of ch. 48 938, unless jurisdiction is waived under s. 48.18
4 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
5 under s. 938.183.

6 **SECTION 611.** 950.02 (1m) of the statutes is amended to read:

7 950.02 (1m) "Crime" means an act committed in this state which, if committed
8 by a competent adult, would constitute a crime, as defined in s. 939.12, or which, if
9 committed by a responsible child, would constitute a delinquent act under ch. 48 938.

10 **SECTION 612.** 967.04 (7) (a) (intro.) of the statutes is amended to read:

11 967.04 (7) (a) (intro.) In any criminal prosecution or any proceeding under ch.
12 48 or 938, any party may move the court to order the taking of a videotaped deposition
13 of a child who has been or is likely to be called as a witness. Upon notice and hearing,
14 the court may issue an order for such a deposition if the trial or hearing in which the
15 child may be called will commence:

16 **SECTION 613.** 967.04 (9) of the statutes is amended to read:

17 967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under
18 s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken
19 under subs. (7) and (8) without an additional hearing under s. 908.08. In any
20 proceeding under s. 304.06 (3) or 973.10 (2), the hearing examiner may order and
21 preside at the taking of a videotaped deposition using the procedure provided in subs.
22 (7) and (8) and may admit the videotaped deposition into evidence without an
23 additional hearing under s. 908.08.

24 **SECTION 614.** 968.255 (1) (a) 3. of the statutes is amended to read:

1 968.255 (1) (a) 3. Taken into custody under s. ~~48.19~~ 938.19 and there are
2 reasonable grounds to believe the child has committed an act which if committed by
3 an adult would be covered under subd. 1. or 2.

4 **SECTION 615.** 968.255 (7) (b) of the statutes is amended to read:

5 968.255 (7) (b) Is placed in or transferred to a secured correctional facility, as
6 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02
7 (15g).

8 **SECTION 616.** 969.01 (4) of the statutes is amended to read:

9 969.01 (4) CONSIDERATIONS IN SETTING CONDITIONS OF RELEASE. If bail is imposed,
10 it shall be only in the amount found necessary to assure the appearance of the
11 defendant. Conditions of release, other than monetary conditions, may be imposed
12 for the purpose of protecting members of the community from serious bodily harm
13 or preventing intimidation of witnesses. Proper considerations in determining
14 whether to release the defendant without bail, fixing a reasonable amount of bail or
15 imposing other reasonable conditions of release are: the ability of the arrested person
16 to give bail, the nature, number and gravity of the offenses and the potential penalty
17 the defendant faces, whether the alleged acts were violent in nature, the defendant's
18 prior ~~criminal~~ record of criminal convictions and delinquency adjudications, if any,
19 the character, health, residence and reputation of the defendant, the character and
20 strength of the evidence which has been presented to the judge, whether the
21 defendant is currently on probation or parole, whether the defendant is already on
22 bail or subject to other release conditions in other pending cases, whether the
23 defendant has been bound over for trial after a preliminary examination, whether
24 the defendant has in the past forfeited bail or violated a condition of release or was

1 a fugitive from justice at the time of arrest, and the policy against unnecessary
2 detention of the defendant's pending trial.

3 **SECTION 617.** 970.032 (title) and (1) of the statutes are amended to read:

4 **970.032 (title) Preliminary examination; child accused of committing**
5 **assault or battery in a secured correctional facility, a secure detention**
6 **facility or a secured child caring institution.** (1) Notwithstanding s. 970.03,
7 if a preliminary examination is held regarding a child who has been adjudicated
8 delinquent and who is accused of violating s. 940.20 (1) or 946.43 while placed in a
9 secured correctional facility, as defined in s. 48.02 938.02 (15m), a secure detention
10 facility, as defined in s. 938.02 (16), or a secured child caring institution, as defined
11 in s. 938.02 (15g), the court shall first determine whether there is probable cause to
12 believe that the child has been adjudicated delinquent and has committed a violation
13 of s. 940.20 (1) or 946.43 while placed in a secured correctional facility, as defined in
14 s. 48.02 938.02 (15m), a secure detention facility, as defined in s. 938.02 (16), or a
15 secured child caring institution, as defined in s. 938.02 (15g). If the court does not
16 make ~~that finding~~ those findings, the court shall order that the child be discharged
17 but proceedings may be brought regarding the child under ch. 48 938.

18 **SECTION 618.** 970.032 (2) (intro.) of the statutes is amended to read:

19 970.032 (2) (intro.) If the court finds probable cause as specified in sub. (1), the
20 court shall determine whether to retain jurisdiction or to transfer jurisdiction to the
21 court assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938. The court shall
22 retain jurisdiction unless the court finds all of the following:

23 **SECTION 619.** 970.032 (2) (b) of the statutes is amended to read:

1 970.032 (2) (b) That transferring jurisdiction to the court assigned to exercise
2 jurisdiction under ~~ch. 48 and 938~~ would not depreciate the seriousness of the
3 offense.

4 **SECTION 620.** 970.032 (2) (c) of the statutes is amended to read:

5 970.032 (2) (c) That retaining jurisdiction is not necessary to deter the child or
6 other children who have been adjudicated delinquent from committing violations of
7 s. 940.20 (1) or 946.43 or other similar offenses while placed in a secured correctional
8 facility, as defined in s. ~~48.02~~ 938.02 (15m), a secure detention facility, as defined in
9 s. 938.02 (16), or a secured child caring institution, as defined in s. 938.02 (15g).

10 **SECTION 621.** 970.035 of the statutes is amended to read:

11 **970.035 Preliminary examination; child younger than 16 years old.**

12 Notwithstanding s. 970.03, if a preliminary examination under s. 970.03 is held
13 regarding a child who was waived under s. ~~48.18~~ 938.18 for a violation which is
14 alleged to have occurred prior to his or her ~~16th~~ 15th birthday, the court may bind
15 the child over for trial only if there is probable cause to believe that a crime under
16 s. ~~940.01 has been attempted or committed, that a crime under s. 161.41 (1), 940.02,~~
17 ~~940.05, 940.06, 940.225 (1) or (2), 940.305, 940.31 or, 943.10 (2) or 943.32 (2)~~ has been
18 committed or that a crime that would constitute a felony under ch. 161 or under chs.
19 939 to 948 if committed by an adult has been committed at the request of or for the
20 benefit of a criminal gang, as defined in s. 939.22 (9). If the court does not make any
21 of those findings, the court shall order that the child be discharged but proceedings
22 may be brought regarding the child under ch. 48 938.

23 **SECTION 622.** 971.105 of the statutes is amended to read:

24 **971.105 Child victims and witnesses; duty to expedite proceedings.** In
25 all criminal and delinquency cases, juvenile fact-finding hearings under s. 48.31 and

1 juvenile dispositional hearings ~~under s. 48.335~~ involving a child victim or witness,
2 as defined in s. 950.02, the court and the district attorney shall take appropriate
3 action to ensure a speedy trial in order to minimize the length of time the child must
4 endure the stress of the child's involvement in the proceeding. In ruling on any
5 motion or other request for a delay or continuance of proceedings, the court shall
6 consider and give weight to any adverse impact the delay or continuance may have
7 on the well-being of a child victim or witness.

8 **SECTION 623.** 972.14 (3) of the statutes is amended to read:

9 972.14 (3) (a) Before pronouncing sentence ~~in a felony case~~, the court shall also
10 allow a victim or family member of a homicide victim to make a statement or submit
11 a written statement to be read in court. The court may allow any other person to
12 make or submit a statement under this paragraph. Any statement under this
13 paragraph must be relevant to the sentence.

14 (b) After a conviction ~~in a felony case~~, if the district attorney knows of a victim
15 or family member of a homicide or felony murder victim, the district attorney shall
16 attempt to contact that person to inform him or her of the right to make or provide
17 a statement under par. (a). ~~The district attorney may mail a letter or form to comply~~
18 ~~with this paragraph.~~ Any failure to comply with this paragraph is not a ground for
19 an appeal of a judgment of conviction or for any court to reverse or modify a judgment
20 of conviction.

21 **SECTION 624.** 973.013 (3m) of the statutes is amended to read:

22 973.013 (3m) If a person who has not attained the age of 16 years is sentenced
23 to the Wisconsin state prisons, the department of corrections shall place the person
24 at a secured juvenile correctional facility or a secured child caring institution, as
25 defined in s. 938.02 (15g), unless the department of health and social services, after

1 consultation with the department of corrections, determines that placement in an
2 institution under s. 302.01 is appropriate based on the person's prior record of
3 adjustment in a correctional setting, if any; the person's present and potential
4 vocational and educational needs, interests and abilities; the adequacy and
5 suitability of available facilities; the services and procedures available for treatment
6 of the person within the various institutions; the protection of the public; and any
7 other considerations promulgated by the department of health and social services by
8 rule. This subsection does not preclude the department of corrections from
9 designating an adult correctional institution as a reception center for the person and
10 subsequently transferring the person to a secured juvenile correctional facility or a
11 secured child caring institution. Section 302.11 and ch. 304 apply to all persons
12 placed in a secured juvenile correctional facility or a secured child caring institution
13 under this subsection.

14 **SECTION 625.** 976.08 of the statutes is amended to read:

15 **976.08 Additional applicability.** In this chapter, "prisoner" includes any
16 person subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin
17 state prison and any person subject to an order under s. 938.34 (4g) who is 17 years
18 of age or older.

19 **SECTION 626.** 977.02 (3) of the statutes is amended to read:

20 977.02 (3) Promulgate rules regarding the determination of indigency of
21 persons entitled to be represented by counsel, other than children who are entitled
22 to be represented by counsel under s. 48.23 or 938.23, including the time period in
23 which the determination must be made and the criteria to be used to determine
24 indigency and partial indigency.

25 **SECTION 627.** 977.05 (4) (gm) of the statutes is amended to read:

1 977.05 (4) (gm) In accordance with the standards under pars. (h) and (i), accept
2 referrals from judges and courts for the provision of legal services without a
3 determination of indigency of children who are entitled to be represented by counsel
4 under s. 48.23 or 938.23, appoint counsel in accordance with contracts and policies
5 of the board and inform the referring judge or court of the name and address of the
6 specific attorney who has been assigned to the case.

7 **SECTION 628.** 977.05 (4) (h) of the statutes is amended to read:

8 977.05 (4) (h) Accept requests for legal services from children who are entitled
9 to be represented by counsel under s. 48.23 or 938.23 and from indigent persons who
10 are entitled to be represented by counsel under s. 967.06 or who are otherwise so
11 entitled under the constitution or laws of the United States or this state and provide
12 such persons with legal services when, in the discretion of the state public defender,
13 such provision of legal services is appropriate.

14 **SECTION 629.** 977.05 (4) (i) 5. of the statutes is amended to read:

15 977.05 (4) (i) 5. Cases involving children who are entitled to counsel or are
16 provided counsel at the discretion of the court under s. 48.23 or 938.23.

17 **SECTION 630.** 977.07 (1) (a) of the statutes is amended to read:

18 977.07 (1) (a) Determination of indigency for persons entitled to counsel shall
19 be made as soon as possible and shall be in accordance with the rules promulgated
20 by the board under s. 977.02 (3). No determination of indigency is required for a child
21 who is entitled to be represented by counsel under s. 48.23 or 938.23.

22 **SECTION 631.** 977.07 (1) (c) of the statutes is amended to read:

23 977.07 (1) (c) For all referrals made under ss. 809.30 and 974.06 (3) (b), except
24 a referral of a child who is entitled to be represented by counsel under s. 48.23 or
25 938.23, a representative of the state public defender shall determine indigency, and

1 may, unless a request for redetermination has been filed under s. 809.30 (2) (d) or the
2 defendant's request for representation states that his or her financial circumstances
3 have materially improved, rely upon a determination of indigency made for purposes
4 of trial representation under this section.

5 **SECTION 632.** 977.07 (2) (a) of the statutes is amended to read:

6 977.07 (2) (a) The representative of the state public defender or the authority
7 for indigency determinations specified under sub. (1) making a determination of
8 indigency shall ascertain the assets of the person which exceed the amount needed
9 for the payment of reasonable and necessary expenses incurred, or which must be
10 incurred to support the person and the person's immediate family. The assets shall
11 include disposable income, cash in hand, stocks and bonds, bank accounts and other
12 property which can be converted to cash within a reasonable period of time and is not
13 needed to hold a job, or to shelter, clothe and care for the person and the person's
14 immediate family. Assets which cannot be converted to cash within a reasonable
15 period of time, such as a person's home, car, household furnishings, clothing and
16 other property which has been declared exempt from attachment or execution by law,
17 shall be calculated to be assets equivalent in dollars to the amount of the loan which
18 could be, in fact, raised by using these assets as collateral. Assets also include any
19 money expended by the person to post bond to obtain release regarding the current
20 alleged offense. If the person's assets, less reasonable and necessary living expenses,
21 are not sufficient to cover the anticipated cost of effective representation when the
22 length and complexity of the anticipated proceedings are taken fully into account, the
23 person shall be determined to be indigent in full or in part. The determination of the
24 ability of the person to contribute to the cost of legal services shall be based upon
25 specific written standards relating to income, assets and the anticipated cost of

1 representation. If found to be indigent in full or in part, the person shall be promptly
2 informed of the state's right to payment or recoupment under s. 48.275 (2), 757.66,
3 938.275 (2) or 973.06 (1) (e), and the possibility that the payment of attorney fees may
4 be made a condition of probation, should the person be placed on probation.
5 Furthermore, if found to be indigent in part, the person shall be promptly informed
6 of the extent to which he or she will be expected to pay for counsel, and whether the
7 payment shall be in the form of a lump sum payment or periodic payments. The
8 person shall be informed that the payment amount may be adjusted if his or her
9 financial circumstances change by the time of sentencing. The payment and
10 payment schedule shall be set forth in writing. Payments for services of the state
11 public defender or other counsel provided under this chapter made pursuant to this
12 subsection shall be paid to the state public defender for deposit in the state treasury
13 and credited to the appropriation under s. 20.550 (1) (ja). Under this subsection,
14 reasonable and necessary living expenses equal the applicable payment amount
15 under s. 49.19 (11) (a) 1. plus other specified, emergency or essential costs. The
16 representative or authority making the determination of indigency shall consider
17 any assets of the spouse of the person claiming to be indigent as if they were assets
18 of the person, unless the spouse was the victim of a crime allegedly committed by the
19 person.

20 **SECTION 633.** 977.07 (2) (c) of the statutes is amended to read:

21 977.07 (2) (c) A person seeking to have counsel assigned for him or her under
22 s. 977.08, other than a child who is entitled to be represented by counsel under s.
23 48.23 or 938.23, shall sign a statement declaring that he or she has not disposed of
24 any assets for the purpose of qualifying for that assignment of counsel. If the
25 representative or authority making the indigency determination finds that any asset

1 was disposed of for less than its fair market value for the purpose of obtaining that
2 assignment of counsel, the asset shall be counted under par. (a) at its fair market
3 value at the time it was disposed of, minus the amount of compensation received for
4 the asset.

5 **SECTION 634.** 977.08 (2) (e) of the statutes is amended to read:

6 977.08 (2) (e) Cases involving children who are entitled to counsel or are
7 provided counsel at the discretion of the court under s. 48.23 or 938.23.

8 **SECTION 635.** 977.10 of the statutes is amended to read:

9 **977.10 Reports on recoupment and repayment.** On or before each
10 January 15, the state public defender shall report to the joint committee on finance
11 on the status of reimbursement for or recoupment of payments under ss. 48.275,
12 757.66, 938.275 and 977.07 (2). The department of justice, district attorneys, circuit
13 courts and applicable county agencies shall cooperate by providing any necessary
14 information to the state public defender.

15 **SECTION 636.** 978.05 (6) (a) of the statutes is amended to read:

16 978.05 (6) (a) Institute, commence or appear in all civil actions or special
17 proceedings under and perform the duties set forth for the district attorney under ss.
18 17.14, 30.03 (2), 48.09 (1), ~~(2) and (5)~~, 48.18, ~~48.355 (6) (b) and (6g) (a)~~, 59.073, 59.77,
19 70.36, 103.50 (8), 103.92 (4), 109.09, 161.55 (5), 343.305 (9) (a), 453.08, 806.05,
20 938.09, 938.18, 938.355 (6) (b) and (6g) (a), 946.86, 946.87, 971.14 and 973.075 to
21 973.077, perform any duties in connection with court proceedings in a court assigned
22 to exercise jurisdiction under ~~ch.~~ chs. 48 and 938 as the judge may request and
23 perform all appropriate duties and appear if the district attorney is designated in
24 specific statutes, including matters within chs. 782, 976 and 979 and ss. 51.81 to
25 51.85. Nothing in this paragraph limits the authority of the county board to

1 designate, under s. 48.09 ~~(2)~~ or (5), that the corporation counsel provide
2 representation as specified in s. 48.09 ~~(2)~~ or (5) or to designate, under s. 48.09 (6) or
3 938.09 (6), the district attorney as an appropriate person to represent the interests
4 of the public under s. 48.14 or 938.14.

5 **SECTION 637.** 980.015 (2) (b) of the statutes is amended to read:

6 980.015 (2) (b) The anticipated release from a secured correctional facility, as
7 defined in s. ~~48.02~~ 938.02 (15m), or a secured child caring institution, as defined in
8 s. 938.02 (15g), of a person adjudicated delinquent under s. ~~48.34~~ 938.34 on the basis
9 of a sexually violent offense.

10 **SECTION 638.** 980.02 (1) (b) 2. of the statutes is amended to read:

11 980.02 (1) (b) 2. The county in which the person will reside or be placed upon
12 his or her discharge from a sentence, release on parole, release from imprisonment,
13 from a secured correctional facility, as defined in s. ~~48.02~~ 938.02 (15m), or a secured
14 child caring institution, as defined in s. 938.02 (15g), or from a commitment order.

15 **SECTION 639.** 980.02 (2) (ag) of the statutes is amended to read:

16 980.02 (2) (ag) The person is within 90 days of discharge or release, on parole
17 or otherwise, from a sentence that was imposed for a conviction for a sexually violent
18 offense from a secured correctional facility, as defined in s. ~~48.02~~ 938.02 (15m), or a
19 secured child caring institution, as defined in s. 938.02 (15g), if the person was placed
20 in the facility for being adjudicated delinquent under s. ~~48.34~~ 938.34 on the basis of
21 a sexually violent offense or from a commitment order that was entered as a result
22 of a sexually violent offense.

23 **SECTION 640.** 980.02 (4) (am) of the statutes is amended to read:

24 980.02 (4) (am) The circuit court for the county in which the person will reside
25 or be placed upon his or her discharge from a sentence, release on parole, release from

1 imprisonment, from a secured correctional facility, as defined in s. ~~48.02~~ 938.02
2 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or from a
3 commitment order.

4 **SECTION 641.** 980.02 (4) (b) of the statutes is amended to read:

5 980.02 (4) (b) The circuit court for the county in which the person is in custody
6 under a sentence, a placement to a secured correctional facility, as defined in s. ~~48.02~~
7 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or
8 a commitment order.

9 **SECTION 642.** 980.04 (1) of the statutes is amended to read:

10 980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review
11 the petition to determine whether to issue an order for detention of the person who
12 is the subject of the petition. The person shall be detained only if there is cause to
13 believe that the person is eligible for commitment under s. 980.05 (5). A person
14 detained under this subsection shall be held in a facility approved by the department.
15 If the person is serving a sentence of imprisonment, is in a secured correctional
16 facility, as defined in s. ~~48.02~~ 938.02 (15m), or a secured child caring institution, as
17 defined in s. 938.02 (15g), or is committed to institutional care, and the court orders
18 detention under this subsection, the court shall order that the person be transferred
19 to a detention facility approved by the department. A detention order under this
20 subsection remains in effect until the person is discharged after a trial under s.
21 980.05 or until the effective date of a commitment order under s. 980.06, whichever
22 is applicable.

23 **SECTION 643.** 990.01 (3) of the statutes is amended to read:

24 990.01 (3) ADULT. ~~An adult is~~ "Adult" means a person who has attained the age
25 of 18 years, except that for purposes of prosecuting a person who is alleged to have

1 violated any state or federal criminal law or any civil law or municipal ordinance
2 “adult” means a person who has attained the age of 17 years.

3 **SECTION 644.** 990.01 (20) of the statutes is amended to read:

4 990.01 (20) MINOR. ~~A minor is~~ “Minor” means a person who has not attained
5 the age of 18 years, except that for purposes of prosecuting a person who is alleged
6 to have violated a state or federal criminal law or any civil law or municipal
7 ordinance “minor” does not include a person who has attained the age of 17 years.

8 **SECTION 9137. Nonstatutory provisions; legislature.**

9 (1g) TRANSFER OF JUVENILE DELINQUENCY-RELATED SERVICES. The legislative
10 reference bureau shall draft and submit to the appropriate standing committees and
11 to the joint committee on finance legislation to transfer the administration of all
12 juvenile delinquency-related services currently administered by the division of
13 youth services in the department of health and social services to the department of
14 corrections effective on July 1, 1996.

15 **SECTION 9153. Nonstatutory provisions; supreme court.**

16 (1x) STUDY OF ELIMINATION OF JUVENILE JURY TRIALS. The director of state courts
17 shall prepare and submit to the appropriate standing committees under section
18 13.172 (3) of the statutes, the joint committee on finance and the governor a report
19 by July 1, 2000, on the effects of the elimination of jury trials in cases under chapter
20 938 of the statutes, as created by this act, on the administration of juvenile justice.
21 The report shall examine the effect of that jury trial elimination on the cost to
22 counties in administering juvenile justice and whether that elimination of jury trials
23 gives judges greater opportunities to devote time to determining the most
24 appropriate dispositions for juveniles.

25 **SECTION 9300. Initial applicability; general statement.**

1 (1) Except as otherwise provided in SECTIONS 9310 and 9359 of this act, this
2 act first applies to violations committed on the effective date of this subsection.

3 **SECTION 9310. Initial applicability; circuit courts.**

4 (1) ADULT COURT JURISDICTION OVER CHILDREN. The treatment of sections 938.18
5 (1) (a) 3., 938.183 (1) (b) and (c), 948.60 (2) (d) and 948.61 (4) of the statutes first
6 applies to acts committed on the effective date of this subsection, but does not
7 preclude the counting of a conviction or a waiver of jurisdiction under section 48.18
8 of the statutes obtained, or a criminal proceeding commenced, before the effective
9 date of this subsection for the purpose of conferring jurisdiction over a child on a court
10 of criminal jurisdiction under section 938.183 (1) (b) or (c) of the statutes, as created
11 by this act.

12 (2) FIREARM POSSESSION PENALTIES. The treatment of section 941.29 (2) of the
13 statutes first applies to offenses committed on the effective date of this subsection,
14 but does not preclude the counting of other offenses as prior offenses for purposes of
15 sentencing a person.

16 (3) SUBSTITUTION OF A JUDGE. The treatment of section 938.29 (1g) of the
17 statutes first applies to petitions filed on the effective date of this subsection.

18 (4) NO CONTEST PLEAS. The treatment of section 938.30 (4) (bm) of the statutes
19 first applies to pleas entered on the effective date of this subsection.

20 (5) ATTENDANCE AT HEARINGS, VICTIM STATEMENTS, COURT REPORTS AND
21 DISCLOSURE OF INFORMATION TO PUBLIC. The treatment of sections 120.12 (18), 938.299
22 (1) (a), (am) and (ar), 938.32 (1) (b) 1., 938.33 (3) (intro.), (4) (intro.), (4m) (intro.) and
23 (a) and (5), 938.335 (3m) (a), 938.396 (2m) and 972.14 (3) (a) of the statutes first
24 applies to hearings held on the effective date of this subsection.

1 (6) VIOLATIONS OF DISPOSITIONAL ORDERS. The treatment of sections 301.135 (1)
2 and (3m), 938.17 (2) (d) (with respect to failure to pay a forfeiture) and (h), 938.23 (1)
3 (am), 938.34 (8) (with respect to failure to pay a forfeiture), 938.343 (2) (with respect
4 to failure to pay a forfeiture) and 938.355 (6) (a), (am), (b) and (d) (intro.), 1. and 4.,
5 (6d) and (6g) (a) and (b) 1. of the statutes first applies to orders entered on the
6 effective date of this subsection.

7 (7) ABSCONDERS. The treatment of section 946.50 of the statutes first applies
8 to children who are adjudicated delinquent on the effective date of this subsection.

9 (8) CHILD CUSTODY HEARINGS. The treatment of sections 938.208 (5), 938.21 (1)
10 (a) and 938.534 (1) of the statutes first applies to children who are taken into custody
11 or who enter a runaway home on the effective date of this subsection.

12 (9) DEFERRED PROSECUTION AGREEMENTS AND CONSENT DECREES. The treatment
13 of sections 938.245 (2) (b) and (2m) and 938.32 (2) (a) and (b) of the statutes first
14 applies to deferred prosecution agreements and consent decrees entered into on the
15 effective date of this subsection.

16 (10) TIME LIMITS IN JUVENILE PROCEEDINGS. The treatment of sections 938.24
17 (5), 938.245 (7), 938.25 (2), 938.315 (1) (c) and (3) and 938.365 (6) of the statutes first
18 applies to time periods beginning on the effective date of this subsection.

19 (10g) AGE OF ADULT CRIMINAL JURISDICTION. The treatment of sections 48.02 (1)
20 and (2), 48.45 (3), 161.455 (1), 161.46 (1), (2) and (3), 161.575 (1), 948.01 (1), 948.35
21 (1) (a), 948.36 (1), 948.45 (1), 948.60 (title), (2) and (3), 948.61 (4) and 990.01 (3) and
22 (20) of the statutes and the amendment of sections 48.02 (3m), 48.12 (1) and (2),
23 48.255 (1) (intro.), 48.34 (10) (a), 48.35 (1) (c), 48.355 (4) (b), 48.39 and 48.45 (1) (a)
24 of the statutes first applies to violations that occur on the effective date of this
25 subsection.

1 **SECTION 9359. Initial applicability; other.**

2 (1) REIMBURSEMENT OF COUNTIES. The treatment of sections 16.51 (7), 20.410
3 (1) (c), 20.435 (3) (c), 48.36 (2), 59.175, 119.04 (1) and 120.12 (24) of the statutes first
4 applies to expenses incurred on the effective date of this subsection.

5 **SECTION 9400. Effective dates.** This act takes effect on July 1, 1996, or on
6 the day after publication, whichever is later, except as follows:

7 (1g) MISCELLANEOUS PROVISIONS. The treatment of sections 20.005 (3)
8 (schedule), 20.435 (3) (au), (bg) and (c), 46.025, 46.26 (4) (d) 3., 48.275 (2) (b), 59.175
9 and 60.23 (22m) of the statutes, the amendment of sections 48.275 (2) (a) (by SECTION
10 190m) and 48.505 (by SECTION 343m) of the statutes and SECTION 9137 (1g) of this act
11 take effect on July 1, 1995, or on the day after publication, whichever is later.

12 (2g) YOUTHFUL OFFENDER PROGRAM. The treatment of sections 20.410 (1) (am),
13 20.435 (3) (k), 46.03 (6) (a), 46.26 (4) (dr), 48.18 (2m), 48.33 (3m), 48.34 (4g), 48.537
14 and 301.03 (9m) of the statutes and the amendment of sections 20.435 (3) (hm) (by
15 SECTION 11m), 46.26 (3) (d) (by SECTION 41m) and (4) (a) (by SECTION 43m), (b) 1. (by
16 SECTION 44m), (c) (by SECTION 45m) and (cm) 1. (by SECTION 46m), 48.02 (15m) (by
17 SECTION 77m), 48.065 (3) (f) (by SECTION 92m), 48.18 (5) (c) (by SECTION 115g), 48.19
18 (1) (d) 6., (by SECTION 119m), 48.205 (1) (c) (by SECTION 135m), 48.208 (1) (by SECTION
19 135r), 48.23 (1) (a) (by SECTION 148m), 48.345 (1) (a) (by SECTION 273m), 48.355 (4)
20 (a) (by SECTION 288m) and (b) (by SECTION 288r), 48.365 (7) (by SECTION 303m), 48.38
21 (3) (a) (by SECTION 309m), 48.49 (by SECTION 341m), 48.51 (1) (intro.) (by SECTION
22 345d), 48.78 (3) (by SECTION 370m), 118.125 (4) (by SECTION 427m), 227.03 (4) (by
23 SECTION 494m), 301.28 (1) (by SECTION 513m), 304.06 (1) (b) (by SECTION 527m),
24 946.42 (1) (a) (by SECTION 587m) and (3) (c) (by SECTION 591m), 946.44 (1) (a) (by

1 SECTION 593m) and (2) (d) (by SECTION 595m) and 946.45 (1) (by SECTION 596m) and
2 (2) (d) (by SECTION 598m) of the statutes take effect on December 1, 1995.

3 (3g) EXTENDED JURISDICTION. The treatment of section 48.366 (1) (a) (intro.), (b)
4 and (c) of the statutes takes effect on January 1, 1996, or on the day after publication,
5 whichever is later.

6 (4g) AGE OF ADULT CRIMINAL JURISDICTION. The treatment of sections 46.26 (7)
7 (b) 2., 48.02 (1) and (2), 48.366 (8), 48.44 (title) and (1), 48.45 (3), 48.48 (4m) (a),
8 161.455 (1), 161.46 (1), (2) and (3), 161.575 (1), 948.01 (1), 948.35 (1) (a), 948.36 (1),
9 948.45 (1), 948.60 (title), (2) and (3), 948.61 (4) and 990.01 (3) and (20) and
10 subchapter IX (title) of chapter 48 of the statutes, the repeal and recreation of
11 sections 46.26 (4) (a) (by SECTION 43n) and 48.355 (4) (b) (by SECTION 288t) of the
12 statutes, the amendment of sections 20.410 (1) (hx) (by SECTION 6m), 48.02 (3m) (by
13 SECTION 75m), 48.12 (1) (by SECTION 103m) and (2) (by SECTION 103p), 48.255 (1)
14 (intro.) (by SECTION 177m), 48.34 (10) (a) (by SECTION 263m), 48.35 (1) (c) (by SECTION
15 284m), 48.39 (by SECTION 311m), 48.396 (1) (by SECTION 312g), 48.45 (1) (a) (by
16 SECTION 328p), 48.48 (4m) (b) (by SECTION 336m) and (14) (by SECTION 340m), 161.573
17 (2) (by SECTION 477m), 161.574 (2) (by SECTION 478m), 161.575 (2) (by SECTION 480m)
18 and 302.31 (by SECTION 521m) of the statutes and SECTION 9310 (10g) of this act take
19 effect on January 1, 1996, or on the day after publication, whichever is later.

20

(END)