



2021 SENATE BILL 331

April 28, 2021 - Introduced by Senators JOHNSON, ROYS, RINGHAND, LARSON, L. TAYLOR and CARPENTER, cosponsored by Representatives EMERSON, CONLEY, CABRERA, HEBL, ANDERSON, SINICKI, STUBBS, VRUWINK, SUBECK, SHELTON, ORTIZ-VELEZ, BOWEN, BILLINGS, OHNSTAD, S. RODRIGUEZ, HAYWOOD and BROSTOFF. Referred to Committee on Human Services, Children and Families.

1 **AN ACT to renumber and amend** 48.227 (2); **to amend** 48.227 (4) (a); and **to**
2 **create** 48.227 (2) (b) of the statutes; **relating to:** notifying a child welfare
3 agency and a parent, guardian, and legal custodian of the presence of a child
4 in a runaway home.

Analysis by the Legislative Reference Bureau

Under current law, a licensed foster home, group home, or shelter may provide housing or services to a child runaway if both the child and his or her parent, guardian, or legal custodian consent to the provision of housing or services. If the parent, guardian, or legal custodian does not consent, the foster home, group home, or shelter must notify the agency responsible for providing child welfare services of the child's presence in the home or shelter within 12 hours of the child's arrival at the home or shelter. After such notification, the agency must notify the parent, guardian, and legal custodian as soon as possible of the child's presence in that home. Under current law, a hearing is then held to determine whether the child must be returned to the parent, guardian, or legal custodian or is permitted to stay at the foster home, group home, or shelter for up to 20 days.

This bill extends from 12 to 72 hours the time after a child runaway's arrival that a foster home, group home, or shelter must notify the agency responsible for providing child welfare services of the child's presence in the home or shelter. Under the bill, an intake worker must only notify the parent, guardian, or legal custodian of the child if it is in the best interest of the child. The bill also specifies that, if it is in the child's best interest, no later than six hours after the child arrives, the home

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or shelter must notify the parent, guardian, and legal custodian of the child's presence. If he or she cannot be reached for the purpose of this notification, the home or shelter must attempt to reach him or her for that purpose at least every six hours until successful.

Under current law, if the child's parent, guardian, or legal custodian does not consent to the temporary care and housing of the child at the home or shelter, a hearing must be held on the issue within 24 hours of the time that the child entered the home or shelter. This bill changes this deadline to within 24 hours of the time the intake worker is notified that the child entered the home or shelter.

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

1 **SECTION 1.** 48.227 (2) of the statutes is renumbered 48.227 (2) (a) and amended
2 to read:

3 48.227 (2) (a) Any person who operates a home under sub. (1) and licensed
4 under s. 48.48 or 48.75, when engaged in sheltering a runaway child without the
5 consent of the child's parent, guardian, or legal custodian, shall notify the intake
6 worker of the presence of the child in the home within ~~12~~ 72 hours. ~~The~~ If it is in the
7 best interest of the child, the intake worker shall notify the parent, guardian, and
8 legal custodian as soon as possible of the child's presence in that home.

9 (c) A hearing shall be held under sub. (4). The child shall not be removed from
10 the home except with the approval of the court under sub. (4). This subsection does
11 not prohibit the parent, guardian, or legal custodian from conferring with the child
12 or the person operating the home.

13 **SECTION 2.** 48.227 (2) (b) of the statutes is created to read:

14 48.227 (2) (b) If it is in the best interest of the child, no later than 6 hours after
15 the child enters the home under sub. (1), the person who operates the home shall
16 notify the parent, guardian, and legal custodian of the child's presence in the home.
17 If the parent, guardian, or legal custodian cannot be reached for the purpose of

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1 notification, the person who operates the home shall attempt to reach him or her for
2 that purpose at least every 6 hours until successful.

3 **SECTION 3.** 48.227 (4) (a) of the statutes is amended to read:

4 48.227 (4) (a) If the child's parent, guardian, or legal custodian does not consent
5 to the temporary care and housing of the child at the runaway home as provided
6 under sub. (2) or (3), a hearing shall be held on the issue by the judge or a circuit court
7 commissioner within 24 hours of the time that the intake worker is notified under
8 sub. (2) (a) that the child entered the runaway home, excluding Saturdays, Sundays,
9 and legal holidays. The intake worker shall notify the child and the child's parent,
10 guardian ~~or,~~ and legal custodian of the time, place, and purpose of the hearing.

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(END)