

1979 Assembly Bill 659

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CHAPTER 205, Laws of 1979

AN ACT to renumber and amend 48.49 (2); to amend 118.125 (4); and to create 48.49 (2) of the statutes, relating to records of juveniles whose legal custody has been transferred to the department of health and social services.

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

SECTION 1. 48.49 (2) of the statutes is renumbered 48.49 (3) and amended to read:
48.49 (3) The court and all other public agencies shall furnish the department on request all pertinent data in their possession regarding the child whose legal custody is transferred to the department, including the information specified in sub. (2), within 5 working days of the request.

NOTE: SECTION 1 of this bill rennumbers the current s. 48.49 (2) to s. 48.49 (3).

It also establishes a 5-day limit on the amount of time which a court or other public agency is given to comply with a request of the department of health and social services for pertinent data on a child whose legal custody is transferred to the department. The 5-day limit was chosen by the special committee on juvenile correctional facilities as a reasonable time limit in which to comply with requests for data.

SECTION 2. 48.49 (2) of the statutes is created to read:

48.49 (2) When the court transfers legal custody of a child to the department, the court shall also immediately transfer to the department a copy of the report submitted to it under s. 48.33 and shall immediately notify the child's last school district in writing of its obligation under s. 118.125 (4).

NOTE: SECTION 2 of this bill creates a new s. 48.49 (2). That subsection states that when a court transfers legal custody of a child to the department, the court shall also immediately transfer to the department a copy of the report submitted under s. 48.33. This is the report which is prepared for the court on each juvenile adjudged delinquent prior to disposition. The court is also required under the bill to notify the child's last school district of its obligation under s. 118.125 (4) to transfer school records. That subsection is amended in SECTION 3 of this bill.

Currently, s. 48.33 requires that prior to the disposition of cases of children adjudged delinquent, an agency under s. 48.069 which is designated by the judge must submit a report to the judge containing the following: the social history of the child; the objectives of rehabilitation or treatment and care; the person or agency to be primarily responsible for the provision of services; if the child is to be placed outside the home, substantiation that services that would permit the child to remain in the home are not available or appropriate; if the child is to be placed outside the home, the name of the place or facility where the child is to be cared for or treated; and, if placement is to be more than 60 miles from the child's home, documentation that placement within 60 miles is not available or appropriate. The agencies specified in current s. 48.069 to prepare this report are the department of health and social services, court staff, a county department of public welfare or social services or a licensed child welfare agency.

SECTION 3. 118.125 (4) of the statutes is amended to read:

118.125 (4) TRANSFER OF RECORDS. A Within 5 working days, a school district shall transfer to another school or school district all pupil records relating to a specific pupil if the transferring school district has received written notice from the pupil if he or she is an adult or his or her parent or guardian if he the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that legal custody of the pupil has been transferred to the department of health and social services for placement in a juvenile correctional facility. In this subsection "school" and "school district" include any state juvenile correctional facility which provides an educational program for its residents instead of or in addition to that which is provided by public and private schools.

NOTE: SECTION 3 of this bill amends s. 118.125 (4) to make it clear that the phrases "school" or "school district" in that subsection include state juvenile correctional facilities which provide educational programs to their residents. Current s. 118.125 (4) spells out the circumstances under which a school district is required to transfer pupil records. This bill would add the requirement that records be transferred on written notice from a court that legal custody of the pupil has been transferred to the department of health and social services for

placement in a juvenile correctional facility. The bill imposes a time limit of 5 working days on all required transfers of pupil records.
