



1995 ASSEMBLY BILL 81

January 31, 1995 - Introduced by Representatives WOOD, GROBSCHMIDT, LADWIG, MUSSER, BALDUS, RYBA, KRUSICK, AINSWORTH, ZIEGELBAUER, KAUFERT, COLEMAN, GOETSCH, LA FAVE, REYNOLDS, UNDERHEIM, BRANDEMUEHL, PLACHE, HASENOHRL, SCHNEIDERS, GROTHMAN, CULLEN and OTT, cosponsored by Senators DRZEWIECKI and ANDREA. Referred to Committee on Children and Families.

1 **AN ACT to amend** 48.363 (1), 48.365 (1m) and 48.38 (3) (b); and **to create** 48.34
2 (3m) and 48.345 (1) (g) of the statutes; **relating to:** short-term detention as a
3 disposition for a child who has been adjudicated delinquent.

Analysis by the Legislative Reference Bureau

Under current law, a court assigned to exercise jurisdiction under the children's code (juvenile court) may impose various dispositions on a child who is adjudged delinquent, including placement of the child in a secured juvenile correctional facility. This bill permits a juvenile court to place a child in a secure detention facility that meets the standards specified in administrative rules promulgated by the department of corrections if the child is adjudged delinquent. The juvenile court may order the placement for any combination of single or consecutive days totaling not more than 30. The juvenile court may not revise or extend the order to impose more than 30 days of secure detention on a child. The juvenile court may allow the child to leave the facility during specified hours to attend school, to work or to attend or take part in any activity which the juvenile court considers beneficial to the child.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 48.34 (3m) of the statutes is created to read:
5 48.34 (3m) (a) Place the child in a secure detention facility that meets the
6 standards promulgated by the department of corrections by rule. The placement
7 may be for any combination of single or consecutive days totaling not more than 30.

1 The order may provide that the child may be released from the secure detention
2 facility during specified hours to attend school, to work at the child's place of
3 employment or to attend or participate in any activity which the judge considers
4 beneficial to the child.

5 (b) The child shall be given credit against the period of detention imposed under
6 par. (a) for all time spent in custody in connection with the course of conduct for which
7 the detention was imposed.

8 **SECTION 2.** 48.345 (1) (g) of the statutes is created to read:

9 48.345 (1) (g) Order the child into detention under s. 48.34 (3m).

10 **SECTION 3.** 48.363 (1) of the statutes is amended to read:

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

1 the county in which the dispositional order was entered at least 3 days prior to the
2 hearing. A copy of the request or proposal shall be attached to the notice. If the
3 proposed revision is for a change in the amount of child support to be paid by a parent,
4 the court shall order the child's parent to provide a statement of income, assets, debts
5 and living expenses to the court and the person or agency primarily responsible for
6 implementing the dispositional order by a date specified by the court. The clerk of
7 court shall provide, without charge, to any parent ordered to provide a statement of
8 income, assets, debts and living expenses a document setting forth the percentage
9 standard established by the department under s. 46.25 (9) and listing the factors that
10 a court may consider under s. 46.10 (14) (c). If all parties consent, the court may
11 proceed immediately with the hearing. No revision may extend the effective period
12 of the original order or revise an original order under s. 48.34 (3m) to impose more
13 than 30 days of secure detention on a child.

14 **SECTION 4.** 48.365 (1m) of the statutes is amended to read:

15 48.365 (1m) The parent, child, guardian, legal custodian, any person or agency
16 bound by the dispositional order, the district attorney or corporation counsel in the
17 county in which the dispositional order was entered or the court on its own motion,
18 may request an extension of an order under s. 48.355. The request shall be submitted
19 to the court which entered the order. No order under s. 48.355 that placed a child in
20 detention under s. 48.34 (3m) may be extended. No other order under s. 48.355 may
21 be extended except as provided in this section.

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

23 48.38 (3) (b) If the child is held for less than 60 days in a secure detention
24 facility, juvenile portion of a county jail or a shelter care facility or if the child is placed

1 in a secure detention facility under s. 48.34 (3m), no permanency plan is required if
2 the child is returned to ~~his or her~~ the child's home within that period.

3 **SECTION 6. Initial applicability.**

4 (1) This act first applies to offenses committed on the effective date of this
5 subsection.

6 (END)