



## 1995 SENATE BILL 601

March 5, 1996 – Introduced by Senator HUELSMAN, cosponsored by Representatives KRUG and LADWIG. Referred to Committee on Judiciary.

1     **AN ACT to repeal** 619.01 (1) (c) 4m., 619.01 (9m) and 895.485 (1) (c); **to renumber**  
2     48.368; **to renumber and amend** 48.427 (3) (intro.) and 48.428 (2); **to amend**  
3     20.410 (3) (ho), 20.410 (3) (o), 20.410 (3) (oo), 20.435 (3) (cf) (title), 20.435 (3)  
4     (dd), 20.435 (3) (pd), 20.435 (7) (b), 20.445 (3) (d), 46.03 (7m), 46.036 (1), 46.10  
5     (14) (a), 46.10 (14) (b), 46.16 (2), 46.21 (2) (j), 46.48 (3) (a), 46.48 (15) (a) 1., 46.48  
6     (15) (a) 2., 46.48 (15) (a) 3., 46.495 (1) (d), 46.51 (4), 46.56 (8) (L), 46.98 (1) (c),  
7     46.985 (1) (f), 48.01 (1) (gg), 48.02 (6), 48.023 (intro.), 48.09 (5), 48.14 (2) (b),  
8     48.185 (1), 48.185 (2), 48.207 (1) (c), 48.207 (1) (f), 48.207 (3), 48.235 (1) (c),  
9     48.299 (4) (a), 48.299 (4) (b), 48.33 (4) (intro.), 48.33 (5), 48.345 (3) (c), 48.355  
10    (2) (b) 2., 48.357 (1), 48.375 (4) (a) 1., 48.375 (4) (b) 1m., 48.375 (4) (b) 3., 48.375  
11    (7) (f), 48.38 (2) (intro.), 48.38 (4) (f) (intro.), 48.38 (5) (b), 48.38 (5) (c) 2., 48.38  
12    (5) (e), 48.42 (2) (d), 48.425 (1) (f), 48.425 (1) (g), 48.428 (4), 48.43 (1) (a), 48.43  
13    (4), 48.43 (5) (b), 48.43 (5) (c), 48.43 (5m), 48.48 (9), 48.52 (1) (b), 48.57 (1) (c),  
14    48.57 (1) (i), 48.57 (3) (a) 4., 48.60 (2) (e), 48.61 (3), 48.61 (7), 48.615 (1) (b),  
15    subchapter XIV (title) of chapter 48 [precedes 48.62], 48.62 (title), 48.62 (1) (a),  
16    48.62 (2), 48.62 (4), 48.625 (3), 48.627 (title), 48.627 (2) (a), 48.627 (2c), 48.627  
17    (2m), 48.627 (2s) (a), 48.627 (2s) (b), 48.627 (3) (b), 48.627 (3) (d), 48.627 (3) (e),

1 48.627 (3) (f), 48.627 (3) (h), 48.627 (4), 48.627 (5), 48.63 (1), 48.63 (4), 48.64  
2 (title), 48.64 (1), 48.64 (1m), 48.64 (2), 48.64 (4) (a), 48.64 (4) (c), subchapter XVI  
3 (title) of chapter 48 [precedes 48.66], 48.66 (1), 48.67, 48.675 (1), 48.675 (2),  
4 48.675 (3) (intro.), 48.675 (3) (a), 48.70 (2), 48.73, 48.75 (title), 48.75 (1), 48.75  
5 (2), 48.831 (title), 48.831 (1), 48.833, 48.837 (1), 48.975 (3) (a), 48.98 (1), 48.98  
6 (2) (a), 48.981 (3) (d) 1., 48.981 (7) (a) 4., 49.19 (1) (a) 2. b., 49.19 (4e) (a), 49.19  
7 (10) (a), 49.19 (10) (c), 49.19 (10) (d), 49.19 (10) (e), 49.20 (2) (d), 49.32 (9) (a),  
8 49.45 (3) (e) 7., 49.46 (1) (a) 5., 49.46 (1) (d) 1., 50.01 (1) (a) 1., 50.01 (1) (a) 2.,  
9 59.97 (15) (intro.), 59.97 (15) (bm), 60.63 (intro.), 60.63 (3), 62.23 (7) (i) (intro.),  
10 62.23 (7) (i) 2m., 103.10 (1) (a) (intro.), 103.10 (1) (f), 106.11 (2) (a) 1. d., 121.79  
11 (1) (d) (intro.), 121.79 (1) (d) 1., 121.79 (1) (d) 2., 146.0255 (2), 167.10 (7), 301.26  
12 (4) (d) 3m., 301.26 (4) (d) 4., 301.26 (4) (e), 301.26 (4) (ed), 343.15 (4) (a) 3., 619.01  
13 (1) (a), 619.01 (1) (c) 1., 619.01 (9), 767.24 (3) (c), 786.37, 809.105 (13), 895.485  
14 (title), 895.485 (2) (a), 895.485 (2) (b), 895.485 (3), 895.485 (4) (intro.), 895.485  
15 (4) (a), 938.02 (6), 938.207 (1) (c) and (f), 938.33 (4) (intro.), 938.33 (5), 938.34  
16 (3) (c), 938.355 (2) (b) 2., 938.357 (1), 938.38 (2) (intro.), 938.38 (4) (f) (intro.),  
17 938.38 (5) (b) and (e), 938.48 (4), 938.52 (1) (b), 938.538 (3) (a) 1p., 938.57 (1) (c),  
18 938.57 (3) (a) 4., 940.203 (1) (a), 940.205 (1), 940.207 (1), 943.013 (1) (a), 943.015  
19 (1), 948.01 (3) and 949.06 (1m) (a); and **to create** 48.02 (5j), 48.02 (22), 48.065  
20 (3) (g), 48.235 (4) (a) 7g., 48.368 (2), 48.427 (3p), 48.428 (2) (b), 48.62 (1) (c),  
21 48.977, 808.075 (4) (a) 10., 808.075 (4) (a) 11., 938.02 (5j), 938.02 (22) and  
22 938.235 (4) (a) 7g. of the statutes; **relating to:** licensing of certain foster homes

1 as village foster homes, guardianship for certain children adjudged to be in  
2 need of protection or services and making appropriations.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, any person who receives, with or without transfer of legal custody, 4 or fewer children, or more than 4 children if all of the children are siblings, to provide care and maintenance for those children must obtain a license to operate a foster home from the department of health and social services (DHSS) (to be renamed the department of health and family services (DHFS) effective on July 1, 1996), a county department of human services or social services (county department) or a licensed child welfare agency. Currently, any person who receives, with or without transfer of legal custody, 4 or fewer children to provide care and maintenance and structured, professional treatment for those children must obtain a license to operate a treatment foster home from DHSS, a county department or a licensed child welfare agency.

This bill creates a new category of foster home known as a village foster home, which is defined in the bill as a facility that is operated by a person required to obtain a license to operate a village foster home, that provides care and maintenance for no more than 6 children, that is clustered in a village setting with other village foster homes, that has as its goal the provision of a stable, long-term placement for those children and that employs individuals on a long-term basis to provide that care and maintenance.

Under current law, the court assigned to exercise jurisdiction under the children's code (juvenile court) has exclusive jurisdiction over the appointment and removal of the guardian of a child under the general guardianship law and also of a child who is the subject of a termination of parental rights (TPR) order; a child without a living parent for whom a finding as to the adoptability of the child is sought; a child whose guardian's license to accept guardianship has been revoked; a child whose guardian has been appointed by a foreign jurisdiction but whose guardian has not filed a TPR or adoption petition in this state; and a child who has been adjudged to be in need of protection or services because the child is without a parent or guardian.

This bill grants to the juvenile court exclusive jurisdiction over the appointment and removal of a relative or a village foster parent as the guardian of certain children in need of protection or services under certain circumstances. Specifically, the juvenile court may appoint a relative or a village foster parent as the guardian of a child if the juvenile court finds all of the following:

1. That the child has been adjudged to be in need of protection or services because the child is without a living parent or guardian; has been abandoned; has been the victim of sexual or physical abuse; is at substantial risk of sexual or physical abuse based on the sexual or physical abuse of another child in the home; has a parent who has signed a petition stating that the parent is unable to care for the child; has been placed for adoption in violation of the law; is receiving inadequate

care during the time that a parent is missing, incarcerated, hospitalized or institutionalized; is at least 12 years old and attests that he or she is in need of special treatment or care which the parent is unwilling to provide; has a parent who neglects, refuses or is unable for reasons other than poverty to provide necessary care so as to seriously endanger the physical health of the child; has a parent who is at substantial risk of neglecting the child based on the neglect of another child in the home; is suffering emotional damage for which the parent is neglecting, refusing or unable to provide treatment; or is suffering from a severe alcohol or other drug abuse impairment for which the parent is neglecting, refusing or unable to provide treatment.

2. That the child has been placed outside of his or her home under a juvenile court order for a cumulative period of one year or more.

3. That the child has been placed with the relative or village foster parent who has been nominated as the guardian and it is likely that the child will continue to be placed with the relative or village foster parent for an extended period of time or until the child attains the age of 18 years.

4. That the relative or village foster parent is likely to be willing and able to serve as the child's guardian for an extended period of time or until the child attains the age of 18 years.

5. That it is not in the best interests of the child that a TPR petition be filed with respect to the child.

6. That the child's parents are neglecting, refusing or unable to carry out the duties of a guardian of the child.

7. That the agency primarily responsible for providing services for the child under a juvenile court order has made reasonable efforts to make it possible for the child to be returned to his or her home, but reunification of the child with his or her parents and further reunification efforts are unlikely or contrary to the best interest of the child.

Under current law, a dispositional order for a child in need of protection or services terminates at the end of one year, unless the juvenile court specifies a shorter period of time. Accordingly, to retain jurisdiction over a child in need of protection or services, the juvenile court must annually extend its order before it expires. Under this bill, if a relative or village foster parent is appointed as the guardian of a child and the home of the relative or village foster parent is designated by the juvenile court as the child's permanent foster home, the child's dispositional order remains in effect until the guardianship order terminates, the juvenile court enters a change in placement order, the juvenile court terminates the dispositional order or the child attains 18 years of age, whichever occurs first. The juvenile court may terminate the guardianship order by removing the guardian for cause, accepting the guardian's resignation or terminating the guardianship on the request of the child's parent if the parent shows that there has been a substantial change in circumstances, that the parent is willing and able to carry out the duties of a guardian and that termination of the guardianship would be in the child's best interests.

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

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

1           **SECTION 1.** 20.410 (3) (ho) of the statutes, as affected by 1995 Wisconsin Act 77,  
2 is amended to read:

3           20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for  
4 providing foster care, ~~treatment foster care~~, group home care and institutional child  
5 care to delinquent children under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52.  
6 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment  
7 for providing foster care, ~~treatment foster care~~, group home care and institutional  
8 child care to delinquent children under ss. 49.19 (10) (d), 938.48 (4) and (14) and  
9 938.52 as specified in s. 301.26 (4) (e) shall be credited to this appropriation. If  
10 moneys generated by the monthly rate exceed actual fiscal year foster care,  
11 ~~treatment foster care~~, group home care and institutional child care costs by 2% or  
12 more, all moneys in excess of 2% shall be remitted to the counties during the  
13 subsequent calendar year. Each county shall receive a proportionate share of the  
14 remittance depending on the total number of days of placement in foster care,  
15 ~~treatment foster care~~, group home care or institutional child care.

16           **SECTION 2.** 20.410 (3) (o) of the statutes, as affected by 1995 Wisconsin Act 77,  
17 is amended to read:

18           20.410 (3) (o) (title) *Federal aid; foster care and ~~treatment foster care~~.* All  
19 federal moneys received for meeting the costs of providing foster care, ~~treatment~~  
20 ~~foster care~~ and institutional child care to delinquent children under ss. 938.48 (4) and  
21 (14) and 938.52, and for the cost of care for children under s. 49.19 (10) (d). All moneys

1 received under this paragraph shall be deposited in the general fund as a  
2 nonappropriated receipt.

3 **SECTION 3.** 20.410 (3) (oo) of the statutes, as created by 1995 Wisconsin Act 27,  
4 is amended to read:

5 20.410 (3) (oo) *Federal aid; community youth and family aids.* All federal  
6 moneys received as child welfare funds under 42 USC 620 to 626 as limited under  
7 s. 48.985 and all federal moneys received relating to providing care in foster homes,  
8 ~~treatment foster homes~~, group homes or child caring institutions for the purposes of  
9 s. 301.26, and all other federal moneys received for meeting costs under s. 301.26.

10 **SECTION 4.** 20.435 (3) (cf) (title) of the statutes, as affected by 1995 Wisconsin  
11 Act 27, is amended to read:

12 20.435 (3) (cf) (title) *Foster, ~~treatment foster~~ and family-operated group home*  
13 *parent insurance and liability.*

14 **SECTION 5.** 20.435 (3) (dd) of the statutes, as affected by 1995 Wisconsin Act 27,  
15 is amended to read:

16 20.435 (3) (dd) *State foster care and adoption services.* The amounts in the  
17 schedule for foster care, ~~treatment foster care~~, institutional child care and subsidized  
18 adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children under s.  
19 49.19 (10) (d) and for the cost of the foster care monitoring system.

20 **SECTION 6.** 20.435 (3) (pd) of the statutes, as affected by 1995 Wisconsin Act 27,  
21 is amended to read:

22 20.435 (3) (pd) *Federal aid; state foster care and adoption services.* All federal  
23 moneys received for meeting the costs of providing foster care, ~~treatment foster care~~  
24 and institutional child care under s. 48.52, and for the cost of care for children under

1 s. 49.19 (10) (d). Disbursements for foster care under s. 46.03 (20) and for the  
2 purposes described under s. 48.627 may be made from this appropriation.

3 **SECTION 7.** 20.435 (7) (b) of the statutes, as affected by 1995 Wisconsin Act 77,  
4 is amended to read:

5 20.435 (7) (b) *Community aids.* The amounts in the schedule for human  
6 services under s. 46.40, for reimbursement to counties having a population of less  
7 than 500,000 for the cost of court attached intake services under s. 48.06 (4), for  
8 shelter care under ss. 48.58 and 938.22 and for foster care ~~and treatment foster care~~  
9 under s. 49.19 (10). Social services disbursements under s. 46.03 (20) (b) may be  
10 made from this appropriation. Refunds received relating to payments made under  
11 s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under  
12 this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001  
13 (3) (a) and 20.002 (1), the department of health and family services may transfer  
14 funds between fiscal years under this paragraph. The department shall deposit into  
15 this appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15) from prior  
16 year audit adjustments including those resulting from audits of services under s.  
17 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward  
18 under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all  
19 funds allocated under s. 46.40 and not spent or encumbered by December 31 of each  
20 year shall lapse to the general fund on the succeeding January 1 unless carried  
21 forward to the next calendar year by the joint committee on finance.

22 **SECTION 8.** 20.445 (3) (d) of the statutes, as affected by 1995 Wisconsin Act 27,  
23 is amended to read:

24 20.445 (3) (d) *Income maintenance payments to individuals and counties.* A  
25 sum sufficient to provide state aid for county administered public assistance

1 programs for which reimbursement is provided under s. 49.33 (9) and to provide  
2 reimbursement to counties for the cost of foster care ~~and treatment foster care~~  
3 provided by nonlegally responsible relatives under state or county administered  
4 programs, if the relatives are licensed to operate foster homes ~~or treatment foster~~  
5 ~~homes~~ under s. 48.62. Total payments under this paragraph to a county for the  
6 reimbursement of nonlegally responsible relative foster care costs incurred in a  
7 calendar year may not exceed the amount for which the county was reimbursed  
8 under this paragraph for nonlegally responsible relative foster care costs incurred  
9 in 1994. Disbursements for public assistance may be made directly from this  
10 appropriation including the state and county share under s. 46.03 (20) (a). Refunds  
11 received relating to payments made under s. 46.03 (20) (a) shall be returned to this  
12 appropriation. The receipt of the counties' payments for their share under s. 46.03  
13 (20) shall be returned to this appropriation.

14 **SECTION 9.** 46.03 (7m) of the statutes, as affected by 1995 Wisconsin Act 27, is  
15 amended to read:

16 46.03 (7m) FOSTER CARE. In each federal fiscal year, ensure that there are no  
17 more than 2,200 children in foster care ~~and treatment foster care~~ placements for  
18 more than 24 months, consistent with the best interests of each child. Services  
19 provided in connection with this requirement shall comply with the requirements  
20 under P.L. 96-272.

21 **SECTION 10.** 46.036 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
22 section 2051, is amended to read:

23 46.036 (1) All care and services purchased by the department or by a county  
24 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, except as provided under  
25 subch. III of ch. 49 and s. 301.08 (2), shall be authorized and contracted for under the

1 standards established under this section. The department may require the county  
2 departments to submit the contracts to the department for review and approval. For  
3 purchases of \$10,000 or less the requirement for a written contract may be waived  
4 by the department. No contract is required for care provided by foster homes or  
5 ~~treatment foster homes~~ that are required to be licensed under s. 48.62. When the  
6 department directly contracts for services, it shall follow the procedures in this  
7 section in addition to meeting purchasing requirements established in s. 16.75.

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

9 46.10 (14) (a) Except as provided in pars. (b) and (c), liability of a person  
10 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons  
11 under 18 years of age at community mental health centers, a county mental health  
12 complex under s. 51.08, the centers for the developmentally disabled, Mendota  
13 mental health institute and Winnebago mental health institute or care and  
14 maintenance of persons under 18 years of age in residential, nonmedical facilities  
15 such as group homes, foster homes, ~~treatment foster homes~~, child caring institutions  
16 and juvenile correctional institutions is determined in accordance with the  
17 cost-based fee established under s. 46.03 (18). The department shall bill the liable  
18 person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m)  
19 or by other 3rd party benefits, subject to rules which include formulas governing  
20 ability to pay promulgated by the department under s. 46.03 (18). Any liability of the  
21 patient not payable by any other person terminates when the patient reaches age 18,  
22 unless the liable person has prevented payment by any act or omission.

23 **SECTION 12.** 46.10 (14) (b) of the statutes, as affected by 1995 Wisconsin Act 77,  
24 is amended to read:

1           46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability  
2 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the  
3 parent's minor child who has been placed by a court order under s. 48.355, 48.357,  
4 938.183 (2), 938.355 or 938.357 in a residential, nonmedical facility such as a group  
5 home, foster home, ~~treatment foster home~~, child caring institution or juvenile  
6 correctional institution shall be determined by the court by using the percentage  
7 standard established by the department under s. 46.25 (9) (a) and by applying the  
8 percentage standard in the manner established by the department under s. 46.25 (9)  
9 (b).

10           **SECTION 13.** 46.16 (2) of the statutes is amended to read:

11           46.16 (2) (title) CHILD WELFARE AGENCIES; FOSTER HOMES; ~~TREATMENT FOSTER~~  
12 ~~HOMES~~; CHILD CARE CENTERS; DAY NURSERIES; NURSERY SCHOOLS. It may license and  
13 revoke licenses of and exercise supervision over all child welfare agencies and the  
14 placement of children in foster homes and ~~treatment foster homes~~, and grant permits  
15 to foster homes, ~~treatment foster homes~~, child care centers, day nurseries and  
16 nursery schools. In the discharge of this duty it may inspect the records of child  
17 welfare agencies, child care centers, day nurseries, nursery schools and visit all  
18 institutions conducted by them and all foster homes and ~~treatment foster homes~~ in  
19 which children are placed.

20           **SECTION 14.** 46.21 (2) (j) of the statutes, as affected by 1995 Wisconsin Act 27,  
21 is amended to read:

22           46.21 (2) (j) May exercise approval or disapproval power over contracts and  
23 purchases of the director that are for \$50,000 or more, except that the county board  
24 of supervisors may not exercise approval or disapproval power over any personal  
25 service contract or over any contract or purchase of the director which relates to

1 community living arrangements, adult family homes, or foster homes ~~or treatment~~  
2 ~~foster homes~~ and which was entered into pursuant to a contract under s. 46.031 (2g)  
3 or 301.031 (2g), regardless of whether the contract mentions the provider, except as  
4 provided in par. (m). This paragraph does not preclude the county board of  
5 supervisors from creating a central purchasing department for all county purchases.

6 **SECTION 15.** 46.48 (3) (a) of the statutes is amended to read:

7 46.48 (3) (a) The department shall distribute \$497,200 in each fiscal year to  
8 counties for the purpose of supplementing payments for the care of an individual who  
9 attains age 18 after 1986 and who resided in a foster home, as defined in s. 48.02 (6),  
10 ~~or a treatment foster home, as defined in s. 48.02 (17q)~~, for at least 2 years  
11 immediately prior to attaining age 18 and, for at least 2 years, received exceptional  
12 foster care ~~or treatment foster care~~ payments in order to avoid institutionalization,  
13 as provided under rules promulgated by the department, so that the individual may  
14 live in a family home or other noninstitutional situation after attaining age 18. No  
15 county may use funds provided under this paragraph to replace funds previously  
16 used by the county for this purpose.

17 **SECTION 16.** 46.48 (15) (a) 1. of the statutes is amended to read:

18 46.48 (15) (a) 1. For recruiting, training and licensing new foster parents and  
19 ~~treatment foster parents~~ for children in Milwaukee county and for providing ongoing  
20 family reunification services for children and families in Milwaukee county,  
21 \$750,000 in each fiscal year.

22 **SECTION 17.** 46.48 (15) (a) 2. of the statutes is amended to read:

23 46.48 (15) (a) 2. For purchasing foster parent ~~and treatment foster parent~~  
24 training from a private or educational agency, \$150,000 in each fiscal year.

25 **SECTION 18.** 46.48 (15) (a) 3. of the statutes is amended to read:

1           46.48 (15) (a) 3. For enhancing Milwaukee county's capacity to assess the needs  
2 of children who are in long-term foster ~~or treatment foster~~ care and children who are  
3 new to foster ~~or treatment foster~~ care, for recruiting and investigating proposed  
4 adoptive parents and for prosecuting adoption petitions, \$130,000 in each fiscal year.

5           **SECTION 19.** 46.495 (1) (d) of the statutes, as affected by 1995 Wisconsin Act 27,  
6 is amended to read:

7           46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the  
8 department shall distribute the funding for social services, including funding for  
9 foster care ~~or treatment foster care~~ of a child receiving aid under s. 49.19, to county  
10 departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. County  
11 matching funds are required for the distributions under s. 46.40 (2), (4m) and (8).  
12 Each county's required match for a year equals 9.89% of the total of the county's  
13 distributions for that year for which matching funds are required plus the amount  
14 the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile  
15 delinquency-related services from its distribution for 1987. Matching funds may be  
16 from county tax levies, federal and state revenue sharing funds or private donations  
17 to the county that meet the requirements specified in s. 51.423 (5). Private donations  
18 may not exceed 25% of the total county match. If the county match is less than the  
19 amount required to generate the full amount of state and federal funds distributed  
20 for this period, the decrease in the amount of state and federal funds equals the  
21 difference between the required and the actual amount of county matching funds.

22           **SECTION 20.** 46.51 (4) of the statutes is amended to read:

23           46.51 (4) A county may use the funds distributed under this section to fund  
24 additional foster parents ~~and treatment foster parents~~ to care for abused and

1 neglected children and to fund additional staff positions to provide services related  
2 to child abuse and neglect.

3 **SECTION 21.** 46.56 (8) (L) of the statutes is amended to read:

4 46.56 (8) (L) In providing integrated services under this section, the service  
5 coordination agency and the designated service providers shall include in the  
6 integrated service plan all individuals who are active in the care of the child with  
7 severe disabilities, including members of the child's family, foster parents, ~~treatment~~  
8 ~~foster parents~~ and other individuals who by close and continued association with the  
9 child have come to occupy significant roles in the care and treatment of the child with  
10 severe disabilities.

11 **SECTION 22.** 46.98 (1) (c) of the statutes is amended to read:

12 46.98 (1) (c) "Parent" means a parent, guardian, foster parent, ~~treatment foster~~  
13 ~~parent~~, legal custodian or a person acting in the place of a parent.

14 **SECTION 23.** 46.985 (1) (f) of the statutes is amended to read:

15 46.985 (1) (f) "Parent" means a parent, guardian, legal custodian or a person  
16 acting in the place of a parent, but does not include a foster parent, ~~treatment foster~~  
17 ~~parent~~ or any other paid care provider.

18 **SECTION 24.** 48.01 (1) (gg) of the statutes is amended to read:

19 48.01 (1) (gg) To promote the adoption of children into stable families rather  
20 than allowing children to remain in the impermanence of foster ~~or treatment foster~~  
21 care.

22 **SECTION 25.** 48.02 (5j) of the statutes is created to read:

23 48.02 (5j) "Family foster home" means a facility that is operated by a person  
24 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for  
25 no more than 4 children unless all of the children are siblings.

1           **SECTION 26.** 48.02 (6) of the statutes is amended to read:

2           48.02 (6) "Foster home" means any facility that is operated by a person  
3 required to be licensed by s. 48.62 (1) ~~(a) and that provides care and maintenance for~~  
4 ~~no more than 4 children unless all of the children are siblings~~ and includes a family  
5 foster home, a treatment foster home and a village foster home.

6           **SECTION 27.** 48.02 (22) of the statutes is created to read:

7           48.02 (22) "Village foster home" means a facility that is operated by a person  
8 required to be licensed by s. 48.62 (1) (c), that provides care and maintenance for no  
9 more than 6 children, that is clustered in a village setting with other facilities  
10 licensed under s. 48.62 (1) (c), that has as its goal the provision of a stable, long-term  
11 placement for those children and that employs individuals on a long-term basis to  
12 provide that care and maintenance.

13           **SECTION 28.** 48.023 (intro.) of the statutes is amended to read:

14           **48.023 Guardianship.** (intro.) ~~A~~ Except as limited by an order of the court  
15 under s. 48.977 (5) (b), a person appointed by the court to be the guardian of a child  
16 under this chapter has the duty and authority to make important decisions in  
17 matters having a permanent effect on the life and development of the child and the  
18 duty to be concerned about the child's general welfare, including but not limited to:

19           **SECTION 29.** 48.065 (3) (g) of the statutes is created to read:

20           48.065 (3) (g) Conduct hearings, make findings or issue orders in proceedings  
21 under s. 48.977.

22           **SECTION 30.** 48.09 (5) of the statutes is amended to read:

23           48.09 (5) By the district attorney or, if designated by the county board of  
24 supervisors, by the corporation counsel, in any matter arising under s. 48.13 or  
25 48.977. If the county board transfers this authority to or from the district attorney

1 on or after May 11, 1990, the board may do so only if the action is effective on  
2 September 1 of an odd-numbered year and the board notifies the department of  
3 administration of that change by January 1 of that odd-numbered year.

4 **SECTION 31.** 48.14 (2) (b) of the statutes is amended to read:

5 48.14 (2) (b) The appointment and removal of a guardian of the person for a  
6 child under ss. 48.427, 48.428, 48.43, 48.831, 48.832 and, 48.839 (4) (a) and 48.977  
7 and ch. 880 and for a child found to be in need of protection or services under s. 48.13  
8 because the child is without parent or guardian.

9 **SECTION 32.** 48.185 (1) of the statutes, as affected by 1995 Wisconsin Act 77,  
10 is amended to read:

11 48.185 (1) Venue Subject to sub. (2), venue for any proceeding under ss. 48.13,  
12 48.135 and 48.14 (1) to (9) may be in any of the following: the county where the child  
13 resides, the county where the child is present or, in the case of a violation of a state  
14 law or a county, town or municipal ordinance, the county where the violation  
15 occurred. Venue for proceedings brought under subch. VIII is as provided in this  
16 subsection except where the child has been placed and is living outside the home of  
17 the child's parent pursuant to a dispositional order, in which case venue is as  
18 provided in sub. (2). Venue for a proceeding under s. 48.14 (10) is as provided in s.  
19 801.50 (5s).

20 **SECTION 33.** 48.185 (2) of the statutes is amended to read:

21 48.185 (2) In an action under s. 48.41, venue shall be in the county where the  
22 birth parent or child resides at the time that the petition is filed. Venue for any  
23 proceeding under s. 48.363 ~~or~~, 48.365 or 48.977, or any ~~other~~ proceeding under subch.  
24 VIII when the child has been placed outside the home pursuant to a dispositional  
25 order under s. 48.345, shall be in the county where the dispositional order was issued,

1 unless the child's county of residence has changed, or the parent of the child has  
2 resided in a different county of this state for 6 months. In either case, the court may,  
3 upon a motion and for good cause shown, transfer the case, along with all appropriate  
4 records, to the county of residence of the child or parent.

5 **SECTION 34.** 48.207 (1) (c) of the statutes is amended to read:

6 48.207 (1) (c) A licensed foster home ~~or a licensed treatment foster home~~  
7 provided the placement does not violate the conditions of the license.

8 **SECTION 35.** 48.207 (1) (f) of the statutes is amended to read:

9 48.207 (1) (f) The home of a person not a relative, if the placement does not  
10 exceed 30 days, though the placement may be extended for an additional 30 days for  
11 cause by the court, and if the person has not had a foster home ~~or treatment foster~~  
12 ~~home~~ license refused, revoked or suspended within the last 2 years.

13 **SECTION 36.** 48.207 (3) of the statutes is amended to read:

14 48.207 (3) A child taken into custody under s. 48.981 may be held in a hospital,  
15 foster home, ~~treatment foster home~~, relative's home or other appropriate medical or  
16 child welfare facility which is not used primarily for the detention of delinquent  
17 children.

18 **SECTION 37.** 48.235 (1) (c) of the statutes is amended to read:

19 48.235 (1) (c) The court shall appoint a guardian ad litem for any child who is  
20 the subject of a proceeding to terminate parental rights, whether voluntary or  
21 involuntary, ~~and~~ for a child who is the subject of a contested adoption proceeding and  
22 for a child who is the subject of a proceeding under s. 48.977.

23 **SECTION 38.** 48.235 (4) (a) 7g. of the statutes is created to read:

1           48.235 (4) (a) 7g. Petition for the appointment of a guardian under s. 48.977  
2           (2), the revision of a guardianship order under s. 48.977 (6) or the removal of a  
3           guardian under s. 48.977 (7).

4           **SECTION 39.** 48.299 (4) (a) of the statutes, as affected by 1995 Wisconsin Act 77,  
5           is amended to read:

6           48.299 (4) (a) Chapters 901 to 911 shall govern the presentation of evidence at  
7           the fact-finding hearings under ss. 48.31 ~~and~~, 48.42 and 48.977 (4) (d).

8           **SECTION 40.** 48.299 (4) (b) of the statutes, as affected by 1995 Wisconsin Act 77,  
9           is amended to read:

10          48.299 (4) (b) Except as provided in s. 901.05, neither common law nor  
11          statutory rules of evidence are binding at a hearing for a child held in custody under  
12          s. 48.21, a runaway home hearing under s. 48.227 (4), a dispositional hearing, or a  
13          hearing about changes in placement, revision of dispositional orders ~~or~~, extension of  
14          dispositional orders or termination of guardianship orders entered under s. 48.977  
15          (4) (h) 2. or (6). At those hearings, the court shall admit all testimony having  
16          reasonable probative value, but shall exclude immaterial, irrelevant or unduly  
17          repetitious testimony or evidence that is inadmissible under s. 901.05. Hearsay  
18          evidence may be admitted if it has demonstrable circumstantial guarantees of  
19          trustworthiness. The court shall give effect to the rules of privilege recognized by  
20          law. The court shall apply the basic principles of relevancy, materiality and probative  
21          value to proof of all questions of fact. Objections to evidentiary offers and offers of  
22          proof of evidence not admitted may be made and shall be noted in the record.

23          **SECTION 41.** 48.33 (4) (intro.) of the statutes is amended to read:

1           48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
2 placement in a foster home, ~~treatment foster home~~, group home or child caring  
3 institution shall be in writing and shall include all of the following:

4           **SECTION 42.** 48.33 (5) of the statutes is amended to read:

5           48.33 (5) (title) IDENTITY OF FOSTER PARENT ~~OR TREATMENT FOSTER PARENT~~;  
6 CONFIDENTIALITY. If the report recommends placement in a foster home ~~or a treatment~~  
7 ~~foster home~~, and the name of the foster parent ~~or treatment foster parent~~ is not  
8 available at the time the report is filed, the agency shall provide the court and the  
9 child's parent or guardian with the name and address of the foster parent ~~or~~  
10 ~~treatment foster parent~~ within 21 days after the dispositional order is entered,  
11 except that the court may order the information withheld from the child's parent or  
12 guardian if the court finds that disclosure would result in imminent danger to the  
13 child or to the foster parent ~~or treatment foster parent~~. After notifying the child's  
14 parent or guardian, the court shall hold a hearing prior to ordering the information  
15 withheld.

16           **SECTION 43.** 48.345 (3) (c) of the statutes, as affected by 1995 Wisconsin Act 77,  
17 is amended to read:

18           48.345 (3) (c) A foster home ~~or treatment foster home~~ licensed under s. 48.62  
19 or a group home licensed under s. 48.625.

20           **SECTION 44.** 48.355 (2) (b) 2. of the statutes is amended to read:

21           48.355 (2) (b) 2. If the child is placed outside the home, the name of the place  
22 or facility, including transitional placements, where the child shall be cared for or  
23 treated, except that if the placement is a foster home ~~or treatment foster home~~ and  
24 the name and address of the foster parent ~~or treatment foster parent~~ is not available  
25 at the time of the order, the name and address of the foster parent ~~or treatment foster~~

1 parent shall be furnished to the court and the parent within 21 days of the order. If,  
2 after a hearing on the issue with due notice to the parent or guardian, the judge finds  
3 that disclosure of the identity of the foster parent ~~or treatment foster parent~~ would  
4 result in imminent danger to the child, or the foster parent ~~or the treatment foster~~  
5 ~~parent~~, the judge may order the name and address of the prospective foster parents  
6 ~~or treatment foster parents~~ withheld from the parent or guardian.

7 **SECTION 45.** 48.357 (1) of the statutes is amended to read:

8 48.357 (1) The person or agency primarily responsible for implementing the  
9 dispositional order may request a change in the placement of the child, whether or  
10 not the change requested is authorized in the dispositional order and shall cause  
11 written notice to be sent to the child or the child's counsel or guardian ad litem,  
12 parent, foster parent, guardian and legal custodian. The notice shall contain the  
13 name and address of the new placement, the reasons for the change in placement,  
14 a statement describing why the new placement is preferable to the present  
15 placement and a statement of how the new placement satisfies objectives of the  
16 treatment plan ordered by the court. Any person receiving the notice under this  
17 subsection or notice of the specific foster ~~or treatment foster~~ placement under s.  
18 48.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the  
19 court within 10 days of receipt of the notice. Placements shall not be changed until  
20 10 days after such notice is sent to the court unless the parent, guardian or legal  
21 custodian and the child, if 12 or more years of age, sign written waivers of objection,  
22 except that placement changes which were authorized in the dispositional order may  
23 be made immediately if notice is given as required in this subsection. In addition,  
24 a hearing is not required for placement changes authorized in the dispositional order  
25 except where an objection filed by a person who received notice alleges that new

1 information is available which affects the advisability of the court's dispositional  
2 order. If a hearing is held under this subsection and the change in placement would  
3 remove a child from a foster home, the foster parent may submit a written statement  
4 prior to the hearing.

5 **SECTION 46.** 48.368 of the statutes is renumbered 48.368 (1).

6 **SECTION 47.** 48.368 (2) of the statutes is created to read:

7 48.368 (2) If a child's placement with a guardian appointed under s. 48.977 (2)  
8 is designated by the court under s. 48.977 (3) as a permanent foster home placement  
9 for the child while a dispositional order under s. 48.345, a revision order under s.  
10 48.363 or an extension order under s. 48.365 is in effect with respect to the child, such  
11 dispositional order, revision order or extension order shall remain in effect until the  
12 earliest of the following occurs:

13 (a) The guardianship terminates under s. 48.977 (7).

14 (b) A court enters a change in placement order under s. 48.357.

15 (c) A court order terminates such dispositional order, revision order or  
16 extension order.

17 (d) The child attains the age of 18 years.

18 **SECTION 48.** 48.375 (4) (a) 1. of the statutes is amended to read:

19 48.375 (4) (a) 1. The person or the person's agent has, either directly or through  
20 a referring physician or his or her agent, received and made part of the minor's  
21 medical record the written consent of the minor and the written consent of one of her  
22 parents; or of the minor's guardian or legal custodian, if one has been appointed; or  
23 of an adult family member of the minor; or of one of the minor's foster parents ~~or~~  
24 ~~treatment foster parents~~, if the minor has been placed in a foster home ~~or treatment~~  
25 ~~foster home~~ and the minor's parent has signed a waiver granting the department,

1 a county department, or the foster parent ~~or the treatment foster parent~~ the  
2 authority to consent to medical services or treatment on behalf of the minor.

3 **SECTION 49.** 48.375 (4) (b) 1m. of the statutes is amended to read:

4 48.375 (4) (b) 1m. A physician who specializes in psychiatry or a licensed  
5 psychologist, as defined in s. 455.01 (4), states in writing that the physician or  
6 psychologist believes, to the best of his or her professional judgment based on the  
7 facts of the case before him or her, that the minor is likely to commit suicide rather  
8 than file a petition under s. 48.257 or approach her parent, or guardian or legal  
9 custodian, if one has been appointed, or an adult family member of the minor, or one  
10 of the minor's foster parents ~~or treatment foster parents~~, if the minor has been placed  
11 in a foster home ~~or treatment foster home~~ and the minor's parent has signed a waiver  
12 granting the department, a county department, or the foster parent ~~or the treatment~~  
13 ~~foster parent~~ the authority to consent to medical services or treatment on behalf of  
14 the minor, for consent.

15 **SECTION 50.** 48.375 (4) (b) 3. of the statutes is amended to read:

16 48.375 (4) (b) 3. The minor provides the person who intends to perform or  
17 induce the abortion with a written statement, signed and dated by the minor, that  
18 a parent who has legal custody of the minor, or the minor's guardian or legal  
19 custodian, if one has been appointed, or an adult family member of the minor, or a  
20 foster parent ~~or treatment foster parent~~, if the minor has been placed in a foster home  
21 ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the  
22 department, a county department, or the foster parent ~~or the treatment foster parent~~  
23 the authority to consent to medical services or treatment on behalf of the minor, has  
24 abused, as defined in s. 48.981 (1) (a), the minor. The person who intends to perform  
25 or induce the abortion shall place the statement in the minor's medical record. The

1 person who intends to perform or induce the abortion shall report the abuse as  
2 required under s. 48.981 (2).

3 **SECTION 51.** 48.375 (7) (f) of the statutes is amended to read:

4 48.375 (7) (f) *Certain persons barred from proceedings.* No parent, or guardian  
5 or legal custodian, if one has been appointed, or foster parent ~~or treatment foster~~  
6 ~~parent~~, if the minor has been placed in a foster home ~~or treatment foster home~~ and  
7 the minor's parent has signed a waiver granting the department, a county  
8 department, or the foster parent ~~or the treatment foster parent~~ the authority to  
9 consent to medical services or treatment on behalf of the minor, or adult family  
10 member, of any minor who is seeking a court determination under this subsection  
11 may attend, intervene or give evidence in any proceeding under this subsection.

12 **SECTION 52.** 48.38 (2) (intro.) of the statutes is amended to read:

13 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
14 for each child living in a foster home, ~~treatment foster home~~, group home,  
15 child-caring institution, secure detention facility or shelter care facility, the agency  
16 that placed the child or arranged the placement or the agency assigned primary  
17 responsibility for providing services to the child under s. 48.355 shall prepare a  
18 written permanency plan, if one of the following conditions exists:

19 **SECTION 53.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

20 48.38 (4) (f) (intro.) The services that will be provided to the child, the child's  
21 family and the child's foster parent, ~~the child's treatment foster parent~~ or the  
22 operator of the facility where the child is living to carry out the dispositional order,  
23 including services planned to accomplish all of the following:

24 **SECTION 54.** 48.38 (5) (b) of the statutes is amended to read:

1           48.38 (5) (b) The court or the agency shall notify the parents of the child, the  
2 child if he or she is 12 years of age or older and the child's foster parent, ~~the child's~~  
3 ~~treatment foster parent~~ or the operator of the facility in which the child is living of  
4 the date, time and place of the review, of the issues to be determined as part of the  
5 review, of the fact that they may submit written comments not less than 10 working  
6 days before the review and of the fact that they may participate in the review. The  
7 court or agency shall notify the person representing the interests of the public, the  
8 child's counsel and the child's guardian ad litem of the date of the review, of the issues  
9 to be determined as part of the review and of the fact that they may submit written  
10 comments not less than 10 working days before the review. The notices under this  
11 paragraph shall be provided in writing not less than 30 days before the review and  
12 copies of the notices shall be filed in the child's case record.

13           **SECTION 55.** 48.38 (5) (c) 2. of the statutes is amended to read:

14           48.38 (5) (c) 2. The extent of compliance with the permanency plan by the  
15 agency and any other service providers, the child's parents ~~and~~, the child and the  
16 child's guardian, if any.

17           **SECTION 56.** 48.38 (5) (e) of the statutes is amended to read:

18           48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of  
19 the determinations under par. (c) and shall provide a copy to the court that entered  
20 the order, the child or the child's counsel or guardian ad litem, the person  
21 representing the interests of the public, the child's parent or guardian and the child's  
22 foster parent, ~~the child's treatment foster parent~~ or the operator of the facility where  
23 the child is living.

24           **SECTION 57.** 48.42 (2) (d) of the statutes is amended to read:

1           48.42 (2) (d) Any other person to whom notice is required to be given by ch. 822,  
2 excluding foster parents and ~~treatment foster parents.~~

3           **SECTION 58.** 48.425 (1) (f) of the statutes is amended to read:

4           48.425 (1) (f) If the report recommends that the parental rights of both of the  
5 child's parents or the child's only living or known parent are to be terminated, the  
6 report shall contain a statement of the likelihood that the child will be adopted. This  
7 statement shall be prepared by an agency designated in s. 48.427 (3) (3m) (a) 1. to 4.  
8 and include a presentation of the factors which might prevent adoption, those which  
9 would facilitate it, and the agency which would be responsible for accomplishing the  
10 adoption.

11           **SECTION 59.** 48.425 (1) (g) of the statutes is amended to read:

12           48.425 (1) (g) If an agency designated under s. 48.427 (3) (3m) (a) 1. to 4.  
13 determines that it is unlikely that the child will be adopted, or if adoption would not  
14 be in the best interests of the child, the report shall include a plan for placing the child  
15 in a permanent family setting, including. The plan shall include a recommendation  
16 as to the agency to be named guardian of the child or a recommendation that the  
17 person appointed as the guardian of the child under s. 48.977 (2) continue to be the  
18 guardian of the child.

19           **SECTION 60.** 48.427 (3) (intro.) of the statutes is renumbered 48.427 (3) and  
20 amended to read:

21           48.427 (3) The court may enter an order terminating the parental rights of one  
22 or both parents.

23           (3m) If the rights of both parents or of the only living parent are terminated  
24 and if a guardian has not been appointed under s. 48.977, the court shall either:

25           **SECTION 61.** 48.427 (3p) of the statutes is created to read:

1           48.427 **(3p)** If the rights of both parents or of the only living parent are  
2 terminated and if a guardian has been appointed under s. 48.977, the court may  
3 enter one of the orders specified in sub. (3m).

4           **SECTION 62.** 48.428 (2) of the statutes is renumbered 48.428 (2) (a) and  
5 amended to read:

6           48.428 **(2)** (a) ~~When~~ Except as provided in par. (b), when a court places a child  
7 in sustaining care after an order under s. 48.427 ~~(4)~~, the court shall transfer legal  
8 custody of the child to the county department or a licensed child welfare agency,  
9 transfer guardianship of the child to an agency listed in s. 48.427 ~~(3)~~ (3m) (a) 1. to  
10 4. and place the child in the home of a licensed foster parent ~~or licensed treatment~~  
11 ~~foster parent~~ with whom the child has resided for 6 months or longer. Pursuant to  
12 such a placement, this licensed foster parent ~~or licensed treatment foster parent~~  
13 shall be a sustaining parent with the powers and duties specified in sub. (3).

14           **SECTION 63.** 48.428 (2) (b) of the statutes is created to read:

15           48.428 **(2)** (b) When a court places a child in sustaining care after an order  
16 under s. 48.427 (4) with a person who has been appointed as the guardian of the child  
17 under s. 48.977 (2), the court may transfer legal custody of the child to the county  
18 department or a licensed child welfare agency, transfer guardianship of the child to  
19 an agency listed in s. 48.427 (3m) (a) 1. to 4. and place the child in the home of a  
20 licensed foster parent with whom the child has resided for 6 months or longer.  
21 Pursuant to such a placement, this licensed foster parent shall be a sustaining  
22 parent with the powers and duties specified in sub. (3).

23           **SECTION 64.** 48.428 (4) of the statutes is amended to read:

24           48.428 **(4)** Before a licensed foster parent ~~or licensed treatment foster parent~~  
25 may be appointed as a sustaining parent, the foster parent ~~or treatment foster parent~~

1 shall execute a contract with the agency responsible for providing services to the  
2 child, in which the foster parent ~~or treatment foster parent~~ agrees to provide care for  
3 the child until the child's 18th birthday unless the placement order is changed by the  
4 court because the court finds that the sustaining parents are no longer able or willing  
5 to provide the sustaining care or the court finds that the behavior of the sustaining  
6 parents toward the child would constitute grounds for the termination of parental  
7 rights if the sustaining parent was the birth parent of the child.

8 **SECTION 65.** 48.43 (1) (a) of the statutes is amended to read:

9 48.43 (1) (a) The identity of any agency or individual that has received  
10 guardianship of the child or will receive guardianship or custody of the child upon  
11 termination and the identity of the agency which will be responsible for securing the  
12 adoption of the child or establishing the child in a permanent family setting.

13 **SECTION 66.** 48.43 (4) of the statutes is amended to read:

14 48.43 (4) A certified copy of the order terminating parental rights shall be  
15 furnished by the court to the agency given guardianship for placement for adoption  
16 of the child or to the person or agency given custodianship or guardianship for  
17 placement of the child in sustaining care and to the person appointed as the guardian  
18 of the child under s. 48.977 (2). The court shall, upon request, furnish a certified copy  
19 of the child's birth certificate and a transcript of the testimony in the termination of  
20 parental rights hearing to the same person or agency.

21 **SECTION 67.** 48.43 (5) (b) of the statutes is amended to read:

22 48.43 (5) (b) The court shall hold a hearing to review the permanency plan  
23 within 30 days after receiving a report under par. (a). At least 10 days before the date  
24 of the hearing, the court shall provide notice of the time, date and purpose of the  
25 hearing to the agency that prepared the report, the child's guardian, the child, if he

1 or she is 12 years of age or over, and the child's foster parent, ~~the child's treatment~~  
2 ~~foster parent~~ or the operator of the facility in which the child is living.

3 **SECTION 68.** 48.43 (5) (c) of the statutes is amended to read:

4 48.43 (5) (c) Following the hearing, the court shall make all of the  
5 determinations specified under s. 48.38 (5) (c), except the determinations relating to  
6 the child's parents. The court may amend the order under sub. (1) to transfer the  
7 child's guardianship and custody to any agency specified under s. 48.427 ~~(3)~~ (3m) (a)  
8 1. to 4. which consents to the transfer, if the court determines that the transfer is in  
9 the child's best interest. If an order is amended, the agency that prepared the  
10 permanency plan shall revise the plan to conform to the order and shall file a copy  
11 of the revised plan with the court. Each plan filed under this paragraph shall be  
12 made a part of the court order.

13 **SECTION 69.** 48.43 (5m) of the statutes is amended to read:

14 48.43 (5m) Either the court or the agency that prepared the permanency plan  
15 shall furnish a copy of the original plan and each revised plan to the child, if he or  
16 she is 12 years of age or over, and to the child's foster parent, ~~the child's treatment~~  
17 ~~foster parent~~ or the operator of the facility in which the child is living.

18 **SECTION 70.** 48.48 (9) of the statutes is amended to read:

19 48.48 (9) To license foster homes ~~or treatment foster homes~~ as provided in s.  
20 48.66 (1) for its own use or for the use of licensed child welfare agencies or, if  
21 requested to do so, for the use of county departments.

22 **SECTION 71.** 48.52 (1) (b) of the statutes is amended to read:

23 48.52 (1) (b) Foster homes ~~or treatment foster homes~~;

24 **SECTION 72.** 48.57 (1) (c) of the statutes, as affected by 1995 Wisconsin Act 27,  
25 is amended to read:

1           48.57 (1) (c) To provide appropriate protection and services for children in its  
2 care, including providing services for children and their families in their own homes,  
3 placing the children in licensed foster homes, ~~licensed treatment foster homes~~ or  
4 licensed group homes in this state or another state within a reasonable proximity to  
5 the agency with legal custody or contracting for services for them by licensed child  
6 welfare agencies, except that the county department shall not purchase the  
7 educational component of private day treatment programs unless the county  
8 department, the school board as defined in s. 115.001 (7) and the department of  
9 education all determine that an appropriate public education program is not  
10 available. Disputes between the county department and the school district shall be  
11 resolved by the department of education.

12           **SECTION 73.** 48.57 (1) (i) of the statutes is amended to read:

13           48.57 (1) (i) To license foster homes ~~or treatment foster homes~~ in accordance  
14 with s. 48.75.

15           **SECTION 74.** 48.57 (3) (a) 4. of the statutes is amended to read:

16           48.57 (3) (a) 4. Is living in a foster home, ~~treatment foster home~~, group home  
17 or child caring institution.

18           **SECTION 75.** 48.60 (2) (e) of the statutes is amended to read:

19           48.60 (2) (e) A licensed foster home ~~or a licensed treatment foster home~~.

20           **SECTION 76.** 48.61 (3) of the statutes is amended to read:

21           48.61 (3) To provide appropriate care and training for children in its legal or  
22 physical custody and, if licensed to do so, to place children in licensed foster homes,  
23 ~~licensed treatment foster homes~~ and licensed group homes;

24           **SECTION 77.** 48.61 (7) of the statutes is amended to read:



1           48.62 (1) (c) Any person employed by an entity that owns and operates foster  
2 homes clustered in a village setting, that has as its goal the provision of a stable,  
3 long-term placement for children and that employs individuals on a long-term basis  
4 is to provide care and maintenance for children, who receives, with or without  
5 transfer of legal custody, 6 or fewer children to provide long-term care and  
6 maintenance for those children in such a village setting shall obtain a license to  
7 operate a village foster home from the department, a county department or a licensed  
8 child welfare agency, other than a child welfare agency that employes the person, as  
9 provided in s. 48.75.

10           **SECTION 83.** 48.62 (2) of the statutes is amended to read:

11           48.62 (2) A relative as defined in s. 48.02 (15) or as specified in s. 49.19 (1) (a)  
12 or a guardian of a child, who provides care and maintenance for a child, is not  
13 required to obtain the license specified in this section. The department, county  
14 department or licensed child welfare agency as provided in s. 48.75 may issue a  
15 license to operate a foster home ~~or a treatment foster home~~ to a relative who has no  
16 duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster  
17 home ~~or treatment foster home~~ for a specific child who is either placed by court order  
18 or who is the subject of a voluntary placement agreement under s. 48.63. The  
19 department, a county department or a licensed child welfare agency may, at the  
20 request of a guardian appointed under s. 48.977 or ch. 880, license the guardian's  
21 home as a foster home ~~or treatment foster home~~ for the guardian's minor ward who  
22 is living in the home and who is placed in the home by court order. Relatives with  
23 no duty of support and guardians appointed under s. 48.977 or ch. 880 who are  
24 licensed to operate foster homes ~~or treatment foster homes~~ are subject to the  
25 department's licensing rules.

1           **SECTION 84.** 48.62 (4) of the statutes is amended to read:

2           48.62 (4) Monthly payments in foster care shall be provided according to the  
3 age-related rates specified in this subsection. Beginning on January 1, 1993, the  
4 age-related rates are: \$240 for children aged 4 and under; \$267 for children aged 5  
5 to 11; \$327 for children aged 12 to 14 and \$337 for children aged 15 to 17. Beginning  
6 on January 1, 1994, the age-related rates are: \$276 for children aged 4 and under;  
7 \$301 for children aged 5 to 11; \$344 for children aged 12 to 14; and \$361 for children  
8 aged 15 to 17. Beginning on January 1, 1995, the age-related rates are: \$282 for  
9 children aged 4 and under; \$307 for children aged 5 to 11; \$349 for children aged 12  
10 to 14; and \$365 for children aged 15 to 17. In addition to these grants for basic  
11 maintenance, the department shall make supplemental payments for special needs,  
12 exceptional circumstances, care in a treatment foster home or a village foster home  
13 and initial clothing allowances according to rules promulgated by the department.

14           **SECTION 85.** 48.625 (3) of the statutes is amended to read:

15           48.625 (3) This section does not apply to a foster home licensed under s. 48.62  
16 (1) (a) in which care and maintenance is provided for more than 4 siblings or to a  
17 foster home licensed under s. 48.62 (1) (c) in which care and maintenance is provided  
18 for more than 4, but fewer than 7, children.

19           **SECTION 86.** 48.627 (title) of the statutes is amended to read:

20           **48.627 (title) Foster, ~~treatment foster~~ and family-operated group home**  
21 **parent insurance and liability.**

22           **SECTION 87.** 48.627 (2) (a) of the statutes is amended to read:

23           48.627 (2) (a) Before the department, a county department or a licensed child  
24 welfare agency may issue or renew a foster home, ~~treatment foster home~~ or  
25 family-operated group home license, the licensing agency shall require the applicant

1 to furnish proof satisfactory to the licensing agency that he or she has homeowner's  
2 or renter's liability insurance that provides coverage for negligent acts or omissions  
3 by children placed in a foster home, ~~treatment foster home~~ or family-operated group  
4 home that result in bodily injury or property damage to 3rd parties.

5 **SECTION 88.** 48.627 (2c) of the statutes, as affected by 1995 Wisconsin Act 27,  
6 is amended to read:

7 48.627 (2c) The department shall determine the cost-effectiveness of  
8 purchasing private insurance that would provide coverage to foster, ~~treatment foster~~  
9 parents and family-operated group home parents for acts or omissions by or  
10 affecting a child who is placed in a foster home, ~~a treatment foster home~~ or a  
11 family-operated group home. If this private insurance is cost-effective and  
12 available, the department shall purchase the insurance from the appropriations  
13 under s. 20.435 (3) (cf) and (pd). If the insurance is unavailable, payment of claims  
14 for acts or omissions by or affecting a child who is placed in a foster home, ~~a treatment~~  
15 ~~foster home~~ or a family-operated group home shall be in accordance with subs. (2m)  
16 to (3).

17 **SECTION 89.** 48.627 (2m) of the statutes, as affected by 1995 Wisconsin Act 27,  
18 is amended to read:

19 48.627 (2m) Within the limits of the appropriations under s. 20.435 (3) (cf) and  
20 (pd), the department shall pay claims to the extent not covered by any other  
21 insurance and subject to the limitations specified in sub. (3), for bodily injury or  
22 property damage sustained by a licensed foster, ~~treatment foster~~ parent or  
23 family-operated group home parent or a member of the family of a foster, treatment  
24 foster parent or family-operated group home parent's family parent as a result of the

1 act of a child in the care of the foster, treatment foster parent or family-operated  
2 group home parent's care parent.

3 **SECTION 90.** 48.627 (2s) (a) of the statutes is amended to read:

4 48.627 (2s) (a) Acts or omissions of the foster, ~~treatment foster parent~~ or  
5 family-operated group home parent that result in bodily injury to the child who is  
6 placed in the foster home, ~~treatment foster home~~ or family-operated group home or  
7 that form the basis for a civil action for damages by the foster child's parent against  
8 the foster, ~~treatment foster parent~~ or family-operated group home parent.

9 **SECTION 91.** 48.627 (2s) (b) of the statutes is amended to read:

10 48.627 (2s) (b) Bodily injury or property damage caused by an act or omission  
11 of a child who is placed in the care of the foster, treatment foster parent or  
12 family-operated group home parent's care parent for which the foster, ~~treatment~~  
13 ~~foster parent~~ or family-operated group home parent becomes legally liable.

14 **SECTION 92.** 48.627 (3) (b) of the statutes is amended to read:

15 48.627 (3) (b) A claim under sub. (2m) shall be submitted to the department  
16 within 90 days after the bodily injury or property damage occurs. A claim under sub.  
17 (2s) shall be submitted within 90 days after a foster, ~~treatment foster parent~~ or  
18 family-operated group home parent learns that a legal action has been commenced  
19 against that parent. No claim may be paid under this subsection unless it is  
20 submitted within the time limits specified in this paragraph.

21 **SECTION 93.** 48.627 (3) (d) of the statutes is amended to read:

22 48.627 (3) (d) No claim may be approved in an amount exceeding the total  
23 amount available for paying claims under this subsection in the fiscal year during  
24 which the claim is submitted. No claim for property damage sustained by a foster,  
25 ~~treatment foster parent~~ or family-operated group home parent or a member of the

1 ~~family of a foster, treatment foster~~ parent or family-operated group home parent's  
2 family parent may be approved in an amount exceeding \$250,000.

3 **SECTION 94.** 48.627 (3) (e) of the statutes is amended to read:

4 48.627 (3) (e) The department may not approve a claim unless the foster,  
5 ~~treatment foster~~ parent or family-operated group home parent submits with the  
6 claim evidence that is satisfactory to the department of the cause and value of the  
7 claim and evidence that insurance coverage is unavailable or inadequate to cover the  
8 claim. If insurance is available but inadequate, the department may approve a claim  
9 only for the amount of the value of the claim that it determines is in excess of the  
10 amount covered by insurance.

11 **SECTION 95.** 48.627 (3) (f) of the statutes, as affected by 1995 Wisconsin Act 27,  
12 is amended to read:

13 48.627 (3) (f) If the total amount of the claims approved during any calendar  
14 quarter exceeds 25% of the total funds available during the fiscal year for purposes  
15 of this subsection plus any unencumbered funds remaining from the previous  
16 quarter, the department shall prorate the available funds among the claimants with  
17 approved claims. The department shall also prorate any unencumbered funds  
18 remaining in the appropriation under s. 20.435 (3) (cf) at the end of each fiscal year  
19 among the claimants whose claims were prorated during the fiscal year. Payment  
20 of a prorated amount from unencumbered funds remaining at the end of the fiscal  
21 year constitutes a complete payment of the claim for purposes of this program, but  
22 does not prohibit a foster parent or ~~treatment foster parent~~ from submitting a claim  
23 under s. 16.007 for the unpaid portion.

24 **SECTION 96.** 48.627 (3) (h) of the statutes is amended to read:

1           48.627 (3) (h) If a claim by a foster, ~~treatment foster parent~~ or family-operated  
2 group home parent or a member of the family of a foster, ~~treatment foster parent~~ or  
3 family-operated group home parent's family parent is approved, the department  
4 shall deduct from the amount approved \$200 less any amount deducted by an  
5 insurance company from a payment for the same claim, except that a foster,  
6 ~~treatment foster parent~~ or family-operated group home parent and his or her family  
7 are subject to only one deductible for all claims filed in a fiscal year.

8           **SECTION 97.** 48.627 (4) of the statutes, as affected by 1995 Wisconsin Act 27,  
9 is amended to read:

10           48.627 (4) Except as provided in s. 895.485, the department is not liable for any  
11 act or omission by or affecting a child who is placed in a foster home, ~~treatment foster~~  
12 ~~home~~ or family-operated group home, but shall, as provided in this section, pay  
13 claims described under sub. (2m) and may pay claims described under sub. (2s) or  
14 may purchase insurance to cover such claims as provided for under sub. (2c), within  
15 the limits of the appropriations under s. 20.435 (3) (cf) and (pd).

16           **SECTION 98.** 48.627 (5) of the statutes is amended to read:

17           48.627 (5) The attorney general may represent a foster, ~~treatment foster parent~~  
18 or family-operated group home parent in any civil action arising out of an act or  
19 omission of the foster, ~~treatment foster~~ or family-operated group home parent while  
20 acting in his or her capacity as a foster, ~~treatment foster parent~~ or family-operated  
21 group home parent.

22           **SECTION 99.** 48.63 (1) of the statutes, as affected by 1995 Wisconsin Act 77, is  
23 amended to read:

24           48.63 (1) Acting pursuant to court order or voluntary agreement, the child's  
25 parent or guardian or the department of health and family services, the department

1 of corrections, a county department or a child welfare agency licensed to place  
2 children in foster homes ~~or treatment foster homes~~ may place a child or negotiate or  
3 act as intermediary for the placement of a child in a foster home, ~~treatment foster~~  
4 ~~home~~ or group home. Voluntary agreements under this subsection may not be used  
5 for placements in facilities other than foster, ~~treatment foster~~ homes or group homes  
6 and may not be extended. A foster home ~~or treatment foster home~~ placement under  
7 a voluntary agreement may not exceed 6 months. A group home placement under  
8 a voluntary agreement may not exceed 15 days. These time limitations do not apply  
9 to placements made under s. 48.345, 938.183, 938.34 or 938.345. Voluntary  
10 agreements may be made only under this subsection and shall be in writing and shall  
11 specifically state that the agreement may be terminated at any time by the parent  
12 or by the child if the child's consent to the agreement is required. The child's consent  
13 to the agreement is required whenever the child is 12 years of age or older.

14 **SECTION 100.** 48.63 (4) of the statutes is amended to read:

15 48.63 (4) A permanency plan under s. 48.38 is required for each child placed  
16 in a foster home ~~or treatment foster home~~ under sub. (1). If the child is living in a  
17 foster home ~~or treatment foster home~~ under a voluntary agreement, the agency that  
18 negotiated or acted as intermediary for the placement shall prepare the permanency  
19 plan within 60 days after the placement. A copy of each plan shall be provided to the  
20 child if he or she is 12 years of age or over and to the child's parent or guardian. If  
21 the agency which arranged the voluntary placement intends to seek a court order to  
22 place the child outside of his or her home at the expiration of the voluntary  
23 placement, the agency shall prepare a revised permanency plan and file that revised  
24 plan with the court prior to the date of the hearing on the proposed placement.

25 **SECTION 101.** 48.64 (title) of the statutes is amended to read:

1           **48.64** (title) **Placement of children in foster homes, ~~treatment foster~~**  
2 **homes and group homes.**

3           **SECTION 102.** 48.64 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
4 is amended to read:

5           **48.64 (1) DEFINITION.** In this section, “agency” means the department of health  
6 and family services, the department of corrections, a county department or a licensed  
7 child welfare agency authorized to place children in foster homes ~~or treatment foster~~  
8 ~~homes.~~

9           **SECTION 103.** 48.64 (1m) of the statutes is amended to read:

10           **48.64 (1m) (title)** ~~FOSTER HOME, TREATMENT FOSTER HOME AND GROUP HOME~~  
11 ~~AGREEMENTS.~~ If an agency places a child in a foster home ~~or treatment foster home~~  
12 under a court order or voluntary agreement under s. 48.63, the agency shall enter  
13 into a written agreement with the head of the home. The agreement shall provide  
14 that the agency shall have access at all times to the child and the home, and that the  
15 child will be released to the agency whenever, in the opinion of the agency placing  
16 the child or the department, the best interests of the child require it. If a child has  
17 been in a foster home, ~~treatment foster home~~ or group home for 6 months or more,  
18 the agency shall give the head of the home written notice of intent to remove the  
19 child, stating the reasons for the removal. The child shall not be removed before  
20 completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days after the  
21 receipt of the notice, whichever is later, unless the safety of the child requires it. If  
22 the safety of the child requires earlier removal, s. 48.19 shall apply. If an agency  
23 removes a child from an adoptive placement, the head of the home shall have no claim  
24 against the placing agency for the expense of care, clothing or medical treatment.

25           **SECTION 104.** 48.64 (2) of the statutes is amended to read:

1           48.64 (2) (title) SUPERVISION OF FOSTER HOME, ~~TREATMENT FOSTER HOME~~ AND GROUP  
2 HOME PLACEMENTS. Every child in a foster home, ~~treatment foster home~~ or group home  
3 shall be under the supervision of an agency.

4           **SECTION 105.** 48.64 (4) (a) of the statutes is amended to read:

5           48.64 (4) (a) Any decision or order issued by an agency that affects the head of  
6 a foster, ~~treatment foster~~ home or group home or the children involved may be  
7 appealed to the department under fair hearing procedures established under  
8 department rules. The department shall, upon receipt of an appeal, give the head  
9 of the home reasonable notice and opportunity for a fair hearing. The department  
10 may make such additional investigation as the department considers necessary. The  
11 department shall give notice of the hearing to the head of the home and to the  
12 departmental subunit, county department or child welfare agency that issued the  
13 decision or order. Each person receiving notice is entitled to be represented at the  
14 hearing. At all hearings conducted under this subsection, the head of the home, or  
15 a representative of the head of the home, shall have an adequate opportunity,  
16 notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at  
17 the hearing at a reasonable time before the date of the hearing as well as during the  
18 hearing, to bring witnesses, to establish all pertinent facts and circumstances, and  
19 to question or refute any testimony or evidence, including opportunity to confront  
20 and cross-examine adverse witnesses. The department shall grant a continuance  
21 for a reasonable period of time when an issue is raised for the first time during a  
22 hearing. This requirement may be waived with the consent of the parties. The  
23 decision of the department shall be based exclusively on evidence introduced at the  
24 hearing. A transcript of testimony and exhibits, or an official report containing the  
25 substance of what transpired at the hearing, together with all papers and requests

1 filed in the proceeding, and the findings of the hearing examiner shall constitute the  
2 exclusive record for decision by the department. The department shall make the  
3 record available at any reasonable time and at an accessible place to the head of the  
4 home or his or her representative. Decisions by the department shall specify the  
5 reasons for the decision and identify the supporting evidence. No person  
6 participating in an agency action being appealed may participate in the final  
7 administrative decision on that action. The department shall render its decision as  
8 soon as possible after the hearing and shall send a certified copy of its decision to the  
9 head of the home and to the departmental subunit, county department or child  
10 welfare agency that issued the decision or order. The decision shall be binding on all  
11 parties concerned.

12 **SECTION 106.** 48.64 (4) (c) of the statutes is amended to read:

13 48.64 (4) (c) The circuit court for the county where the child is placed has  
14 jurisdiction upon petition of any interested party over a child who is placed in a foster  
15 home, ~~treatment foster home~~ or group home. The circuit court may call a hearing,  
16 at which the head of the home and the supervising agency under sub. (2) shall be  
17 present, for the purpose of reviewing any decision or order of that agency involving  
18 the placement and care of the child. If the child has been placed in a foster home, the  
19 foster parent may present relevant evidence at the hearing. The court shall  
20 determine the case so as to promote the best interests of the child.

21 **SECTION 107.** Subchapter XVI (title) of chapter 48 [precedes 48.66] of the  
22 statutes is amended to read:

23 **CHAPTER 48**  
24 **SUBCHAPTER XVI**  
25 **LICENSING PROCEDURES AND**

1                   REQUIREMENTS FOR CHILD WELFARE  
2                   AGENCIES, FOSTER HOMES, TREATMENT  
3                   ~~FOSTER HOMES~~, GROUP HOMES, DAY CARE  
4                   CENTERS AND COUNTY DEPARTMENTS

5           **SECTION 108.** 48.66 (1) of the statutes, as affected by 1995 Wisconsin Act 77,  
6 is amended to read:

7           48.66 (1) The department shall license and supervise child welfare agencies,  
8 as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities,  
9 as required by s. 48.48 and day care centers, as required by s. 48.65. The department  
10 may license foster homes ~~or treatment foster homes~~, as provided by s. 48.62, and may  
11 license and supervise county departments in accordance with the procedures  
12 specified in this section and in ss. 48.67 to 48.74. The department of corrections may  
13 license a child welfare agency to operate a secured child caring institution, as defined  
14 in s. 938.02 (15g), for holding in secure custody children who have been convicted  
15 under s. 938.183 or adjudicated delinquent under s. 938.34 (4h) or (4m) and referred  
16 to the child welfare agency by the court or the department of corrections and to  
17 provide supervision, care and maintenance for those children.

18           **SECTION 109.** 48.67 of the statutes, as affected by 1995 Wisconsin Act 27, is  
19 amended to read:

20           **48.67 (title) Rules governing child welfare agencies, day care centers,**  
21 **foster homes, ~~treatment foster homes~~, group homes, shelter care facilities**  
22 **and county departments.** The department shall promulgate rules establishing  
23 minimum requirements for the issuance of licenses to, and establishing standards  
24 for the operation of, child welfare agencies, day care centers, foster homes, ~~treatment~~  
25 ~~foster homes~~, group homes, shelter care facilities and county departments. These

1 rules shall be designed to protect and promote the health, safety and welfare of the  
2 children in the care of all licensees. The department shall consult with the  
3 department of commerce and the department of education before promulgating these  
4 rules.

5 **SECTION 110.** 48.675 (1) of the statutes is amended to read:

6 48.675 (1) DEVELOPMENT OF PROGRAM. The department shall develop a foster  
7 care education program to provide specialized training for persons operating family  
8 foster homes ~~or treatment foster homes~~. Participation in the program shall be  
9 voluntary and shall be limited to persons operating foster homes ~~or treatment foster~~  
10 ~~homes~~ licensed under s. 48.62 and caring for children with special treatment needs.

11 **SECTION 111.** 48.675 (2) of the statutes is amended to read:

12 48.675 (2) APPROVAL OF PROGRAMS. The department shall promulgate rules for  
13 approval of programs to meet the requirements of this section. Such programs may  
14 include, but need not be limited to: in-service training; workshops and seminars  
15 developed by the department or by county departments; seminars and courses  
16 offered through public or private education agencies; and workshops, seminars and  
17 courses pertaining to behavioral and developmental disabilities and to the  
18 development of mutual support services for foster parents ~~and treatment foster~~  
19 ~~parents~~. The department may approve programs under this subsection only after  
20 consideration of relevant factors including level of education, useful or necessary  
21 skills, location and other criteria as determined by the department.

22 **SECTION 112.** 48.675 (3) (intro.) of the statutes is amended to read:

23 48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from  
24 the appropriations under s. 20.435 (3) ~~(ho)~~ and (6) (a) to enable foster parents ~~and~~  
25 ~~treatment foster parents~~ to attend education programs approved under sub. (2) and

1 shall promulgate rules concerning disbursement of the funds. Moneys disbursed  
2 under this subsection may be used for the following purposes:

3 **SECTION 113.** 48.675 (3) (a) of the statutes is amended to read:

4 48.675 (3) (a) Care of residents of the foster home ~~or treatment foster home~~  
5 during the time of participation in an education program.

6 **SECTION 114.** 48.70 (2) of the statutes is amended to read:

7 48.70 (2) SPECIAL PROVISIONS FOR CHILD WELFARE AGENCY LICENSES. A license to  
8 a child welfare agency shall also specify the kind of child welfare work the agency is  
9 authorized to undertake, whether the agency may accept guardianship of children,  
10 whether the agency may place children in foster homes ~~or treatment foster homes~~,  
11 and if so, the area the agency is equipped to serve.

12 **SECTION 115.** 48.73 of the statutes is amended to read:

13 **48.73 Inspection of licensees.** The department may visit and inspect each  
14 child welfare agency, foster home, ~~treatment foster home~~, group home and day care  
15 center licensed by it, and for such purpose shall be given unrestricted access to the  
16 premises described in the license.

17 **SECTION 116.** 48.75 (title) of the statutes is amended to read:

18 **48.75 (title) Foster homes and ~~treatment foster homes~~ licensed by**  
19 **county departments and by child welfare agencies.**

20 **SECTION 117.** 48.75 (1) of the statutes is amended to read:

21 48.75 (1) Child welfare agencies, if licensed to do so by the department, and  
22 county departments may license foster homes ~~and treatment foster homes~~ under the  
23 rules promulgated by the department under s. 48.67 governing the licensing of foster  
24 homes ~~and treatment foster homes~~. A foster home ~~or treatment foster home~~ license  
25 shall be issued for a term not to exceed 2 years from the date of issuance, is not

1 transferable and may be revoked by the child welfare agency or by the county  
2 department because the licensee has substantially and intentionally violated any  
3 provision of this chapter or of the rules of the department promulgated pursuant to  
4 s. 48.67 or because the licensee fails to meet the minimum requirements for a license.  
5 The licensee shall be given written notice of any revocation and the grounds therefor.

6 **SECTION 118.** 48.75 (2) of the statutes is amended to read:

7 48.75 (2) Any foster home ~~or treatment foster home~~ applicant or licensee of a  
8 county department or a child welfare agency may, if aggrieved by the failure to issue  
9 or renew its license or by revocation of its license, appeal as provided in s. 48.72.

10 **SECTION 119.** 48.831 (title) of the statutes is amended to read:

11 **48.831 (title) Appointment of guardian for child without a living parent**  
12 **for adoptability finding.**

13 **SECTION 120.** 48.831 (1) of the statutes is amended to read:

14 48.831 (1) TYPE OF GUARDIANSHIP. This section may be used for the appointment  
15 of a guardian of a child who does not have a living parent if a finding as to the  
16 adoptability of a child is sought. ~~Chapter~~ Except as provided in s. 48.977, ch. 880  
17 applies to the appointment of a guardian for a child who does not have a living parent  
18 for all other purposes. An appointment of a guardian of the estate of a child who does  
19 not have a living parent shall be conducted in accordance with the procedures  
20 specified in ch. 880.

21 **SECTION 121.** 48.833 of the statutes is amended to read:

22 **48.833 Placement of children for adoption by the department, county**  
23 **departments and child welfare agencies.** The department, a county department  
24 under s. 48.57 (1) (e) or (hm) or a child welfare agency licensed under s. 48.60 may  
25 place a child for adoption in a licensed foster home ~~or a licensed treatment foster~~

**SECTION 121**

1 ~~home~~ without a court order if the department, county department under s. 48.57 (1)  
2 (e) or (hm) or the child welfare agency is the guardian of the child or makes the  
3 placement at the request of another agency which is the guardian of the child. When  
4 a child is placed under this section in a licensed foster home ~~or a licensed treatment~~  
5 ~~foster home~~ for adoption, the department, county department or child welfare agency  
6 making the placement shall enter into a written agreement with the adoptive parent,  
7 which shall state the date on which the child is placed in the licensed foster home ~~or~~  
8 ~~licensed treatment foster home~~ for adoption by the adoptive parent.

9 **SECTION 122.** 48.837 (1) of the statutes is amended to read:

10 48.837 (1) **ADOPTIVE PLACEMENT.** A parent having custody of a child and the  
11 proposed adoptive parent or parents of the child may petition the court for placement  
12 of the child for adoption in the home of a person who is not a relative of the child if  
13 the home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

14 **SECTION 123.** 48.975 (3) (a) of the statutes is amended to read:

15 48.975 (3) (a) **Maintenance.** For support of a child who was in foster care ~~or~~  
16 ~~treatment foster care~~ immediately prior to adoption, the adoption assistance for  
17 maintenance shall be equivalent to the amount of that child's foster care ~~or treatment~~  
18 ~~foster care~~ payment. For support of a child not in foster care ~~or treatment foster care~~  
19 immediately prior to placement with a subsidy, the adoption assistance for  
20 maintenance shall be equivalent to the uniform foster care rate.

21 **SECTION 124.** 48.977 of the statutes is created to read:

22 **48.977 Appointment of relatives or village foster parents as guardians**  
23 **for certain children in need of protection or services. (1) DEFINITION.** In this  
24 section:

1 (a) "Relative" means a relative as defined in s. 48.02 (15) or as specified in s.  
2 49.19 (1) (a) 2. a.

3 (b) "Village foster parent" means a person licensed under s. 48.62 (1) (c).

4 **(2) TYPE OF GUARDIANSHIP.** This section may be used for the appointment of a  
5 relative or village foster parent of a child as a guardian of the person for the child if  
6 the court finds all of the following:

7 (a) That the child has been adjudged to be in need of protection or services  
8 under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11) or (11m) and been  
9 placed, or continued in a placement, outside of his or her home pursuant to one or  
10 more court orders under s. 48.345, 48.357, 48.363 or 48.365 for a cumulative total  
11 period of one year or longer.

12 (b) That the person nominated as the guardian of the child is a relative or  
13 village foster parent of the child with whom the child has been placed and that it is  
14 likely that the child will continue to be placed with that relative or village foster  
15 parent for an extended period of time or until the child attains the age of 18 years.

16 (c) That, if appointed, it is likely that the relative or village foster parent would  
17 be willing and able to serve as the child's guardian for an extended period of time or  
18 until the child attains the age of 18 years.

19 (d) That it is not in the best interests of the child that a petition to terminate  
20 parental rights be filed with respect to the child.

21 (e) That the child's parent is neglecting, refusing or unable to carry out the  
22 duties of a guardian or, if the child has 2 parents, both parents are neglecting,  
23 refusing or unable to carry out the duties of a guardian.

24 (f) That the agency primarily responsible for providing services to the child  
25 under a court order has made reasonable efforts to make it possible for the child to

1 return to his or her home but that reunification of the child with the child's parent  
2 or parents is unlikely or contrary to the best interests of the child and that further  
3 reunification efforts are unlikely to be made or are contrary to the best interests of  
4 the child.

5 (3) DESIGNATION AS A PERMANENT PLACEMENT. If a court appoints a guardian for  
6 a child under sub. (2), the court may designate the child's placement with that  
7 guardian as the child's permanent foster home placement for purposes of s. 48.368  
8 (2).

9 (4) PROCEDURE AND DISPOSITION. (a) *Who may file petition.* Any of the following  
10 persons may file a petition for the appointment of a guardian for a child under sub.  
11 (2):

- 12 1. The child or the child's guardian or legal custodian.
- 13 2. The child's guardian ad litem.
- 14 3. The child's parent.
- 15 4. The relative or village foster parent with whom the child is placed if the  
16 relative or village foster parent is nominated as the guardian of the child in the  
17 petition.
- 18 5. The department.
- 19 6. A county department.
- 20 7. A licensed child welfare agency that has been assigned primary  
21 responsibility for providing services to the child under a court order.

22 8. The person representing the interests of the public under s. 48.09.

23 (b) *Contents of petition.* A proceeding for the appointment of a guardian for a  
24 child under sub. (2) shall be initiated by a petition which shall be entitled "In the

1 interest of ... (child's name), a person under the age of 18" and shall set forth all of  
2 the following with specificity:

3 1. The name, birth date and address of the child.

4 2. The names and addresses of the child's parent or parents, guardian and legal  
5 custodian.

6 3. The date that the child was adjudged in need of protection or services under  
7 s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11) or (11m) and the dates that  
8 the child has been placed, or continued in a placement, outside of his or her home  
9 pursuant to one or more court orders under s. 48.345, 48.357, 48.363 or 48.365.

10 4. A statement of the facts and circumstances which the petition alleges  
11 establish that the conditions specified in sub. (2) (b) to (f) are met.

12 5. A statement of whether the proceedings are subject to the uniform child  
13 custody jurisdiction act under ch. 822.

14 6. A statement of whether the child may be subject to the federal Indian child  
15 welfare act, 25 USC 1911 to 1963.

16 (c) *Service of petition and notice.* 1. The petitioner shall cause the petition and  
17 notice of the time and place of the hearing under par. (d) to be served upon all of the  
18 following persons:

19 a. The child if the child is 12 years of age or older.

20 b. The child's guardian and legal custodian.

21 c. The child's guardian ad litem.

22 d. The child's counsel.

23 e. The child's parent.

24 f. The persons to whom notice is required to be given under s. 48.27 (3) (b) 1.

1           g. The relative or village foster parent with whom the child is placed if the  
2 relative or village foster parent is nominated as the guardian of the child in the  
3 petition.

4           h. The person representing the interests of the public under s. 48.09.

5           i. The agency primarily responsible for providing services to the child under a  
6 court order.

7           2. Service shall be made by 1st class mail at least 7 days before the hearing or  
8 by personal service at least 7 days before the hearing or, if with reasonable diligence  
9 a party specified in subd. 1. cannot be served by mail or personal service, service shall  
10 be made by publication of a notice published as a class 1 notice under ch. 985. In  
11 determining which newspaper is likely to give notice as required under s. 985.02 (1),  
12 the petitioner shall consider the residence of the party, if known, or the residence of  
13 the relatives of the party, if known, or the last-known location of the party.

14           (d) *Fact-finding hearing.* The court shall hold a fact-finding hearing on the  
15 petition within 30 days after the petition is filed, at which any party may present  
16 evidence relevant to the issue of whether the conditions specified in sub. (2) (a) to (f)  
17 have been met.

18           (e) *Court report.* The court shall order the person or agency primarily  
19 responsible for providing services to the child under a court order to file with the  
20 court a report containing the written summary under s. 48.38 (5) (e) and as much  
21 information relating to the appointment of a guardian as is reasonably  
22 ascertainable. The agency shall file the report at least 48 hours before the date of  
23 the dispositional hearing under par. (f).

24           (f) *Dispositional hearing.* If the court, at the conclusion of the fact-finding  
25 hearing, finds by clear and convincing evidence that the conditions specified in sub.

1 (2) (a) to (f) have been met, the court shall immediately proceed to a dispositional  
2 hearing unless an adjournment is requested. Any party may present evidence,  
3 including expert testimony, relevant to the disposition.

4 (g) *Dispositional factors.* In determining the appropriate disposition under this  
5 section, the best interests of the child shall be the prevailing factor to be considered  
6 by the court. In making a decision about the appropriate disposition, the court shall  
7 consider any report submitted under par. (e) and shall consider, but not be limited  
8 to, all of the following:

9 1. Whether the relative or village foster parent would be a suitable guardian  
10 of the child.

11 2. The willingness and ability of the relative or village foster parent to serve  
12 as the child's guardian for an extended period of time or until the child attains the  
13 age of 18 years.

14 3. The wishes of the child.

15 (h) *Disposition.* After receiving any evidence relating to the disposition, the  
16 court shall enter one of the following dispositions within 10 days after the  
17 dispositional hearing:

18 1. A disposition dismissing the petition if the court determines that  
19 appointment of the relative or village foster parent as the child's guardian is not in  
20 the best interests of the child.

21 2. A disposition ordering that the relative or village foster parent with whom  
22 the child has been placed be appointed as the child's guardian under sub. (5) (a) or  
23 limited guardian under sub. (5) (b) if the court determines that such an appointment  
24 is in the best interests of the child.

1 (i) *Effect of disposition on permanency plan review process.* After a disposition  
2 under par. (h), the child's permanency plan shall continue to be reviewed under s.  
3 48.38 (5), if applicable.

4 **(5) DUTIES AND AUTHORITY OF GUARDIAN.** (a) *Full guardianship.* Unless limited  
5 under par. (b), a guardian appointed under sub. (2) shall have the duties and  
6 authority specified in s. 48.023.

7 (b) *Limited guardianship.* The court may order that the duties and authority  
8 of a guardian appointed under sub. (2) be limited. The duties and authority of a  
9 limited guardian shall be as specified by the order of appointment under sub. (4) (h)  
10 2. or any revised order under sub. (6). All provisions of the statutes concerning the  
11 duties and authority of a guardian shall apply to a limited guardian appointed under  
12 sub. (2) to the extent that those provisions are relevant to the duties or authority of  
13 the limited guardian, except as limited by the order of appointment.

14 **(6) REVISION OF GUARDIANSHIP ORDER.** (a) Any person authorized to file a petition  
15 under sub. (4) (a) may request a revision in a guardianship order entered under this  
16 subsection or sub. (4) (h) 2., or the court may, on its own motion, propose such a  
17 revision. The request or court proposal shall set forth in detail the nature of the  
18 proposed revision, shall allege facts sufficient to show that there has been a  
19 substantial change in circumstances since the last order affecting the guardianship  
20 was entered and that the proposed revision would be in the best interests of the child  
21 and shall allege any other information that affects the advisability of the court's  
22 disposition.

23 (b) The court shall hold a hearing on the matter prior to any revision of the  
24 guardianship order if the request or court proposal indicates that new information  
25 is available which affects the advisability of the court's guardianship order, unless

1 written waivers of objections to the revision are signed by all parties entitled to  
2 receive notice under sub. (4) (c) and the court approves the waivers.

3 (c) If a hearing is to be held, the court shall notify the persons entitled to receive  
4 notice under sub. (4) (c) at least 7 days prior to the hearing of the date, place and  
5 purpose of the hearing. A copy of the request or proposal shall be attached to the  
6 notice. The court may order a revision if, at the hearing, the court finds that it has  
7 been proved by clear and convincing evidence that there has been a substantial  
8 change in circumstances and if the court determines that a revision would be in the  
9 best interests of the child.

10 **(7) TERMINATION OF GUARDIANSHIP.** (a) *Term of guardianship.* Unless the court  
11 order entered under sub. (4) (h) 2. or (6) specifies that a guardianship under this  
12 section be for a lesser period of time, a guardianship under this section shall continue  
13 until the child attains the age of 18 years or until terminated by the court, whichever  
14 occurs earlier.

15 (b) *Removal for cause.* 1. Any person authorized to file a petition under sub.  
16 (4) (a) may request that a guardian appointed under sub. (2) be removed for cause  
17 or the court may, on its own motion, propose such a removal. The request or court  
18 proposal shall allege facts sufficient to show that the guardian is or has been  
19 neglecting, is or has been refusing or is or has been unable to discharge the guardian's  
20 trust and may allege facts relating to any other information that affects the  
21 advisability of the court's disposition.

22 2. The court shall hold a hearing on the matter unless written waivers of  
23 objections to the removal are signed by all parties entitled to receive notice under  
24 sub. (4) (c) and the court approves the waivers.

1           3. If a hearing is to be held, the court shall notify the persons entitled to receive  
2 notice under sub. (4) (c) at least 7 days prior to the hearing of the date, place and  
3 purpose of the hearing. A copy of the request or court proposal shall be attached to  
4 the notice. The court shall remove the guardian for cause if, at the hearing, the court  
5 finds that it has been proved by clear and convincing evidence that the guardian is  
6 or has been neglecting, is or has been refusing or is or has been unable to discharge  
7 the guardian's trust and if the court determines that removal of the guardian would  
8 be in the best interests of the child.

9           (c) *Resignation.* A guardian appointed under sub. (2) may resign at any time  
10 if the resignation is accepted by the court.

11           (d) *Termination on request of parent.* 1. A parent of the child may request that  
12 a guardianship order entered under sub. (4) (h) 2. or a revised order entered under  
13 sub. (6) be terminated. The request shall allege facts sufficient to show that there  
14 has been a substantial change in circumstances since the last order affecting the  
15 guardianship was entered, that the parent is willing and able to carry out the duties  
16 of a guardian and that the proposed termination of guardianship would be in the best  
17 interests of the child.

18           2. The court shall hold a hearing on the matter unless written waivers of  
19 objections to the termination are signed by all parties entitled to receive notice under  
20 sub. (4) (c) and the court approves the waivers.

21           3. If a hearing is to be held, the court shall notify the persons entitled to receive  
22 notice under sub. (4) (c) at least 7 days prior to the hearing of the date, place and  
23 purpose of the hearing. A copy of the request shall be attached to the notice. The  
24 court shall terminate the guardianship if, at the hearing, the court finds that it has  
25 been proved by clear and convincing evidence that there has been a substantial

1 change in circumstances since the last order affecting the guardianship was entered  
2 and the parent is willing and able to carry out the duties of a guardian and if the court  
3 determines that termination of the guardianship would be in the best interests of the  
4 child.

5 **(8) RELATIONSHIP TO CH. 880.** (a) This section does not abridge the duties or  
6 authority of a guardian appointed under ch. 880.

7 (b) Nothing in this section prohibits an individual from petitioning a court  
8 under ch. 880 for appointment of a guardian.

9 **SECTION 125.** 48.98 (1) of the statutes is amended to read:

10 48.98 **(1)** No person may bring a child into this state or send a child out of this  
11 state for the purpose of placing the child in foster care or ~~treatment foster care~~ or for  
12 the purpose of adoption without a certificate from the department that the home is  
13 suitable for the child.

14 **SECTION 126.** 48.98 (2) (a) of the statutes is amended to read:

15 48.98 **(2)** (a) Any person, except a county department or licensed child welfare  
16 agency, who brings a child into this state for the purpose of placing the child in a  
17 foster home or ~~treatment foster home~~ shall, before the child's arrival in this state, file  
18 with the department a \$1,000 noncancelable bond in favor of this state, furnished by  
19 a surety company licensed to do business in this state. The condition of the bond shall  
20 be that the child will not become dependent on public funds for his or her primary  
21 support before the child reaches age 18 or is adopted.

22 **SECTION 127.** 48.981 (3) (d) 1. of the statutes is amended to read:

23 48.981 **(3)** (d) 1. In this paragraph, "agent" includes, but is not limited to, a  
24 foster parent, ~~treatment foster parent~~ or other person given custody of a child or a  
25 human services professional employed by a county department under s. 51.42 or

1 51.437 who is working with the child under contract with or under the supervision  
2 of the county department under s. 46.215 or 46.22.

3 **SECTION 128.** 48.981 (7) (a) 4. of the statutes is amended to read:

4 48.981 (7) (a) 4. A child's foster parent, ~~treatment foster parent~~ or other person  
5 having physical custody of the child, except that the person or agency maintaining  
6 the record or report may not disclose any information that would identify the  
7 reporter.

8 **SECTION 129.** 49.19 (1) (a) 2. b. of the statutes, as affected by 1995 Wisconsin  
9 Act 27, is amended to read:

10 49.19 (1) (a) 2. b. Is living in a foster home or ~~treatment foster home~~ licensed  
11 under s. 48.62 if a license is required under that section, in a foster home or ~~treatment~~  
12 ~~foster home~~ located within the boundaries of a federally recognized American Indian  
13 reservation in this state and licensed by the tribal governing body of the reservation,  
14 in a group home licensed under s. 48.625 or in a child-caring institution licensed  
15 under s. 48.60, and has been placed in the foster home, ~~treatment foster home~~, group  
16 home or institution by a county department under s. 46.215, 46.22 or 46.23, by the  
17 department of health and family services, by the department of corrections or by a  
18 federally recognized American Indian tribal governing body in this state under an  
19 agreement with a county department.

20 **SECTION 130.** 49.19 (4e) (a) of the statutes is amended to read:

21 49.19 (4e) (a) Except as provided in par. (b), if a person applying for aid is under  
22 18 years of age, has never married and is pregnant or has a dependent child in his  
23 or her care, the person is not eligible for aid unless he or she lives in a place  
24 maintained by his or her parent, legal guardian or other adult relative as the  
25 parent's, guardian's or other adult relative's own home or lives in a foster home,

1 ~~treatment foster home~~, maternity home or other supportive living arrangement  
2 supervised by an adult.

3 **SECTION 131.** 49.19 (10) (a) of the statutes, as affected by 1995 Wisconsin Act  
4 27, is amended to read:

5 49.19 (10) (a) Aid under this section may also be granted to a nonrelative who  
6 cares for a child dependent upon the public for proper support in a foster home or  
7 ~~treatment foster home~~ having a license under s. 48.62, in a foster home or ~~treatment~~  
8 ~~foster home~~ located within the boundaries of a federally recognized American Indian  
9 reservation in this state and licensed by the tribal governing body of the reservation  
10 or in a group home licensed under s. 48.625, regardless of the cause or prospective  
11 period of dependency. The state shall reimburse counties pursuant to the procedure  
12 under s. 46.495 (2) and the percentage rate of participation set forth in s. 46.495 (1)  
13 (d) for aid granted under this subsection except that if the child does not have legal  
14 settlement in the granting county, state reimbursement shall be at 100%. The county  
15 department under s. 46.215 or 46.22 shall determine the legal settlement of the child.  
16 A child under one year of age shall be eligible for aid under this subsection  
17 irrespective of any other residence requirement for eligibility within this section.

18 **SECTION 132.** 49.19 (10) (c) of the statutes is amended to read:

19 49.19 (10) (c) Reimbursement under par. (a) may also be paid to the county  
20 when the child is placed in a licensed foster home, ~~treatment foster home~~, group  
21 home or child-caring institution by a licensed child welfare agency or by a federally  
22 recognized American Indian tribal governing body in this state or by its designee, if  
23 the child is in the legal custody of the county department under s. 46.215, 46.22 or  
24 46.23 or if the child was removed from the home of a relative specified in sub. (1) (a)  
25 as a result of a judicial determination that continuance in the home of the relative

1 would be contrary to the child's welfare for any reason and the placement is made  
2 pursuant to an agreement with the county department.

3 **SECTION 133.** 49.19 (10) (d) of the statutes, as affected by 1995 Wisconsin Act  
4 27, is amended to read:

5 49.19 (10) (d) Aid may also be paid under this section to a foster home ~~or~~  
6 ~~treatment foster home~~, to a group home licensed under s. 48.625 or to a child-caring  
7 institution by the state when the child is in the custody or guardianship of the state,  
8 when the child is a ward of an American Indian tribal court in this state and the  
9 placement is made under an agreement between the department and the tribal  
10 governing body or when the child was part of the state's direct service case load and  
11 was removed from the home of a relative specified in sub. (1) (a) as a result of a  
12 judicial determination that continuance in the home of a relative would be contrary  
13 to the child's welfare for any reason and the child is placed by the department of  
14 health and family services or the department of corrections.

15 **SECTION 134.** 49.19 (10) (e) of the statutes is amended to read:

16 49.19 (10) (e) Notwithstanding pars. (a), (c) and (d), aid under this section may  
17 not be granted for placement of a child in a foster home ~~or treatment foster home~~  
18 licensed by a federally recognized American Indian tribal governing body, for  
19 placement of a child in a foster home, ~~treatment foster home~~ or child-caring  
20 institution by a tribal governing body or its designee, for the placement of a child who  
21 is a ward of a tribal court if the tribal governing body is receiving or is eligible to  
22 receive funds from the federal government for that type of placement or for  
23 placement of a child in a group home licensed under s. 48.625.

24 **SECTION 135.** 49.20 (2) (d) of the statutes is amended to read:

1           49.20 (2) (d) Is living in a home situation specified in s. 49.19 (1) (a), but not  
2 including a foster home ~~or treatment foster home~~.

3           **SECTION 136.** 49.32 (9) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
4 is amended to read:

5           49.32 (9) (a) Each county department under s. 46.215, 46.22 or 46.23  
6 administering aid to families with dependent children shall maintain a monthly  
7 report at its office showing the names and addresses of all persons receiving such aid  
8 together with the amount paid during the preceding month. Nothing in this  
9 paragraph shall be construed to authorize or require the disclosure in the report of  
10 any information (names, addresses, amounts of aid or otherwise) pertaining to  
11 adoptions, or aid furnished for the care of children in foster homes ~~or treatment foster~~  
12 ~~homes~~ under s. 49.19 (10).

13           **SECTION 137.** 49.45 (3) (e) 7. of the statutes is amended to read:

14           49.45 (3) (e) 7. The daily reimbursement or payment rate to a hospital for  
15 services provided to medical assistance recipients awaiting admission to a skilled  
16 nursing home, intermediate care facility, community-based residential facility,  
17 group home, foster home, ~~treatment foster home~~ or other custodial living  
18 arrangement may not exceed the maximum reimbursement or payment rate based  
19 on the average adjusted state skilled nursing facility rate, created under sub. (6m).  
20 This limited reimbursement or payment rate to a hospital commences on the date the  
21 department, through its own data or information provided by hospitals, determines  
22 that continued hospitalization is no longer medically necessary or appropriate  
23 during a period where the recipient awaits placement in an alternate custodial living  
24 arrangement. The department may contract with a peer review organization,  
25 established under 42 USC 1320c to 1320c-10, to determine that continued

1 hospitalization of a recipient is no longer necessary and that admission to an  
2 alternate custodial living arrangement is more appropriate for the continued care of  
3 the recipient. In addition, the department may contract with a peer review  
4 organization to determine the medical necessity or appropriateness of physician  
5 services or other services provided during the period when a hospital patient awaits  
6 placement in an alternate custodial living arrangement.

7 **SECTION 138.** 49.46 (1) (a) 5. of the statutes, as affected by 1995 Wisconsin Act  
8 77, is amended to read:

9 49.46 (1) (a) 5. Any child in an adoption assistance, or foster care ~~or treatment~~  
10 ~~foster care~~ placement under ch. 48 or 938, as determined by the department.

11 **SECTION 139.** 49.46 (1) (d) 1. of the statutes is amended to read:

12 49.46 (1) (d) 1. Children who are placed in licensed foster homes ~~or licensed~~  
13 ~~treatment foster homes~~ by the department and who would be eligible for payment  
14 of aid to families with dependent children in foster homes ~~or treatment foster homes~~  
15 except that their placement is not made by a county department under s. 46.215,  
16 46.22 or 46.23 will be considered as recipients of aid to families with dependent  
17 children.

18 **SECTION 140.** 50.01 (1) (a) 1. of the statutes is amended to read:

19 50.01 (1) (a) 1. Care and maintenance above the level of room and board but  
20 not including nursing care are provided in the private residence by the care provider  
21 whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the  
22 adults are siblings, each of whom has a developmental disability, as defined in s.  
23 51.01 (5), or, if the residence is licensed as a family foster home ~~or a treatment foster~~  
24 home, care and maintenance are provided to children, the combined total of adults  
25 and children so served being no more than 4, or more adults or children if all of the

1 adults or all of the children are siblings, or, if the residence is licensed as a ~~treatment~~  
2 village foster home, care and maintenance are provided to children, the combined  
3 total of adults and children so served being no more than ~~4~~ 6.

4 **SECTION 141.** 50.01 (1) (a) 2. of the statutes is amended to read:

5 50.01 (1) (a) 2. The private residence was licensed under s. 48.62 as a foster  
6 home ~~or treatment foster home~~ for the care of the adults specified in subd. 1. at least  
7 12 months before any of the adults attained 18 years of age.

8 **SECTION 142.** 59.97 (15) (intro.) of the statutes is amended to read:

9 59.97 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes  
10 of this section, the location of a community living arrangement, as defined in s. 46.03  
11 (22), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~  
12 ~~s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1), in any city, village  
13 or town, shall be subject to the following criteria:

14 **SECTION 143.** 59.97 (15) (bm) of the statutes is amended to read:

15 59.97 (15) (bm) A foster home ~~or a treatment foster home~~ that is the primary  
16 domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s.  
17 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted  
18 use in all residential areas and is not subject to pars. (a) and (b) except that foster  
19 homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies,  
20 churches, associations or public agencies shall be subject to pars. (a) and (b).

21 **SECTION 144.** 60.63 (intro.) of the statutes is amended to read:

22 **60.63 Community and other living arrangements.** (intro.) For purposes  
23 of s. 60.61, the location of a community living arrangement, as defined in s. 46.03 (22),  
24 a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in s. 48.02~~

1 (~~17q~~), or an adult family home, as defined in s. 50.01 (1), in any town shall be subject  
2 to the following criteria:

3 **SECTION 145.** 60.63 (3) of the statutes is amended to read:

4 60.63 (3) A foster home ~~or a treatment foster home~~ that is the primary domicile  
5 of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an  
6 adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all  
7 residential areas and is not subject to subs. (1) and (2) except that foster homes and  
8 ~~treatment foster homes~~ operated by corporations, child welfare agencies, churches,  
9 associations or public agencies shall be subject to subs. (1) and (2).

10 **SECTION 146.** 62.23 (7) (i) (intro.) of the statutes is amended to read:

11 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes  
12 of this section, the location of a community living arrangement, as defined in s. 46.03  
13 (22), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~  
14 ~~s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1), in any city shall be  
15 subject to the following criteria:

16 **SECTION 147.** 62.23 (7) (i) 2m. of the statutes is amended to read:

17 62.23 (7) (i) 2m. A foster home ~~or treatment foster home~~ that is the primary  
18 domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s.  
19 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted  
20 use in all residential areas and is not subject to subds. 1. and 2. except that foster  
21 homes and ~~treatment foster homes~~ operated by corporations, child welfare agencies,  
22 churches, associations or public agencies shall be subject to subds. 1. and 2.

23 **SECTION 148.** 103.10 (1) (a) (intro.) of the statutes is amended to read:

24 103.10 (1) (a) (intro.) "Child" means a natural, adopted, or foster ~~or treatment~~  
25 ~~foster~~ child, a stepchild or a legal ward to whom any of the following applies:

1           **SECTION 149.** 103.10 (1) (f) of the statutes is amended to read:

2           103.10 (1) (f) "Parent" means a natural parent, foster parent, ~~treatment foster~~  
3 ~~parent~~, adoptive parent, stepparent or legal guardian of an employe or an employe's  
4 spouse.

5           **SECTION 150.** 106.11 (2) (a) 1. d. of the statutes, as affected by 1995 Wisconsin  
6 Act 27, is amended to read:

7           106.11 (2) (a) 1. d. The individual is a foster child ~~or treatment foster child~~ on  
8 behalf of whom state or local government payments are made.

9           **SECTION 151.** 121.79 (1) (d) (intro.) of the statutes is amended to read:

10          121.79 (1) (d) (intro.) For pupils in foster homes, ~~treatment foster homes~~ or  
11 group homes, if:

12          **SECTION 152.** 121.79 (1) (d) 1. of the statutes is amended to read:

13          121.79 (1) (d) 1. The foster, ~~treatment foster~~ home or group home is located  
14 outside the school district in which the pupil's parent or guardian resides; and

15          **SECTION 153.** 121.79 (1) (d) 2. of the statutes is amended to read:

16          121.79 (1) (d) 2. The foster, ~~treatment foster~~ home or group home is exempted  
17 under s. 70.11.

18          **SECTION 154.** 146.0255 (2) of the statutes is amended to read:

19          146.0255 (2) TESTING. Any hospital employe who provides health care, social  
20 worker or foster care ~~or treatment foster care~~ intake worker may refer an infant to  
21 a physician for testing of the infant's bodily fluids for controlled substances if the  
22 hospital employe who provides health care, social worker or foster care ~~or treatment~~  
23 ~~foster care~~ intake worker suspects that the infant has controlled substances in the  
24 infant's bodily fluids because of the mother's ingestion of controlled substances while  
25 she was pregnant with the infant. The physician may test the infant to ascertain

1 whether or not the infant has controlled substances in the infant's bodily fluids, if the  
2 parent or guardian consents to the testing and if the physician determines that there  
3 is a serious risk that there are controlled substances in the infant's bodily fluids  
4 because of the mother's ingestion of controlled substances while she was pregnant  
5 with the infant. If the results of the test indicate that the infant does have controlled  
6 substances in the infant's bodily fluids, the physician shall make a report under s.  
7 46.238.

8 **SECTION 155.** 167.10 (7) of the statutes is amended to read:

9 167.10 (7) PARENTAL LIABILITY. A parent, foster parent, ~~treatment foster parent,~~  
10 family-operated group home parent or legal guardian of a minor who consents to the  
11 use of fireworks by the minor is liable for damages caused by the minor's use of the  
12 fireworks.

13 **SECTION 156.** 301.26 (4) (d) 3m. of the statutes, as created by 1995 Wisconsin  
14 Act 27, is amended to read:

15 301.26 (4) (d) 3m. Beginning on July 1, 1996, and ending on December 31, 1996,  
16 the per person daily cost assessment to counties shall be \$153.98 for care in a child  
17 caring institution, \$106.82 for care in a group home for children, \$23.80 for care in  
18 a foster home, \$68.58 for care in a treatment foster home, \$68.58 for care in a village  
19 foster home, \$82.11 for departmental corrective sanctions services and \$11.48 for  
20 departmental aftercare services.

21 **SECTION 157.** 301.26 (4) (d) 4. of the statutes, as created by 1995 Wisconsin Act  
22 27, is amended to read:

23 301.26 (4) (d) 4. Beginning on January 1, 1997, and ending on June 30, 1997,  
24 the per person daily cost assessment to counties shall be \$157.08 for care in a child  
25 caring institution, \$108.98 for care in a group home for children, \$24.29 for care in

1 a foster home, \$69.95 for care in a treatment foster home, \$69.95 for care in a village  
2 foster home, \$82.11 for departmental corrective sanctions services and \$11.48 for  
3 departmental aftercare services.

4 **SECTION 158.** 301.26 (4) (e) of the statutes, as affected by 1995 Wisconsin Act  
5 77, is amended to read:

6 301.26 (4) (e) For foster care, ~~treatment foster care~~, group home care and  
7 institutional child care to delinquent children under ss. 49.19 (10) (d), 938.48 (4) and  
8 (14) and 938.52 all payments and deductions made under this subsection and  
9 uniform fee collections under s. 46.03 (18) shall be deposited in the appropriation  
10 under s. 20.410 (3) (ho).

11 **SECTION 159.** 301.26 (4) (ed) of the statutes, as affected by 1995 Wisconsin Act  
12 77, is amended to read:

13 301.26 (4) (ed) For foster care, ~~treatment foster care~~, group home care and  
14 institutional child care to serious juvenile offenders under ss. 49.19 (10) (d), 938.48  
15 (4) and (14) and 938.52 all uniform fee collections under s. 46.03 (18) shall be  
16 deposited in the appropriation under s. 20.410 (3) (ho).

17 **SECTION 160.** 343.15 (4) (a) 3. of the statutes is amended to read:

18 343.15 (4) (a) 3. A person who is a ward of the state, county or court and who  
19 has been placed in a foster home ~~or a treatment foster home~~ or in the care of a  
20 religious welfare service.

21 **SECTION 161.** 619.01 (1) (a) of the statutes is amended to read:

22 619.01 (1) (a) *Establishment of plans.* If the commissioner finds after a hearing  
23 that in any part of this state automobile insurance, property insurance, health care  
24 liability insurance, liability insurance but not to include coverage for risks which are  
25 determined to be uninsurable, worker's compensation insurance, insurance

1 coverage for foster homes or ~~treatment foster homes~~ or insurance coverage for group  
2 homes is not readily available in the voluntary market, and that the public interest  
3 requires such availability, the commissioner may by rule either promulgate plans to  
4 provide such insurance coverages for any risks in this state which are equitably  
5 entitled to but otherwise unable to obtain such coverage, or may call upon the  
6 insurance industry to prepare plans for the commissioner's approval.

7 **SECTION 162.** 619.01 (1) (c) 1. of the statutes is amended to read:

8 619.01 (1) (c) 1. Each plan, except a health care liability insurance plan, a foster  
9 home protection insurance plan, ~~a treatment foster home protection insurance plan~~  
10 or a group home protection insurance plan, shall require participation by all insurers  
11 doing any business in this state of the types covered by the specific plan and all  
12 agents licensed to represent such insurers in this state for the specified types of  
13 business, except that the commissioner may exclude classes of persons for  
14 administrative convenience or because it is not equitable or practicable to require  
15 them to participate in the plan.

16 **SECTION 163.** 619.01 (1) (c) 4m. of the statutes is repealed.

17 **SECTION 164.** 619.01 (9) of the statutes is amended to read:

18 619.01 (9) FOSTER HOME PROTECTION INSURANCE. In this section "foster home  
19 protection insurance" means insurance coverage to protect persons who receive a  
20 license to operate a foster home under s. 48.62 (1) ~~(a)~~ against the unique risks,  
21 determined by the commissioner, to which such persons are exposed. If the persons  
22 have insurance which covers any of these risks, the foster home protection insurance  
23 may insure against any or all of the other risks, and may provide additional or excess  
24 limits coverage for any or all of these risks.

25 **SECTION 165.** 619.01 (9m) of the statutes is repealed.

1           **SECTION 166.** 767.24 (3) (c) of the statutes is amended to read:

2           767.24 (3) (c) The court shall hold a hearing to review the permanency plan  
3 within 30 days after receiving a report under par. (b). At least 10 days before the date  
4 of the hearing, the court shall provide notice of the time, date and purpose of the  
5 hearing to the agency that prepared the report, the child's parents, the child, if he  
6 or she is 12 years of age or over, and the child's foster parent,~~treatment foster parent~~  
7 or the operator of the facility in which the child is living.

8           **SECTION 167.** 786.37 of the statutes is amended to read:

9           **786.37 Change of name, notice of application.** Before applying to the court  
10 for changing or establishing a name, the applicant shall publish a class 3 notice  
11 under ch. 985 stating the nature of the application and when and where the  
12 application will be made. This section does not apply to the name change of a minor  
13 if parental rights to the minor have been terminated and guardianship and legal  
14 custody transferred under subch. VIII of ch. 48, and the minor has been placed in a  
15 permanent foster home ~~or a permanent treatment foster home~~, where the guardian  
16 and legal custodian have petitioned to change the minor's name to the name or  
17 names of the minor's foster parents ~~or treatment foster parents~~.

18           **SECTION 168.** 808.075 (4) (a) 10. of the statutes is created to read:

19           808.075 (4) (a) 10. Revision of guardianship order under s. 48.977 (6).

20           **SECTION 169.** 808.075 (4) (a) 11. of the statutes is created to read:

21           808.075 (4) (a) 11. Termination of guardianship under s. 48.977 (7), including  
22 removal of a guardian.

23           **SECTION 170.** 809.105 (13) of the statutes is amended to read:

24           809.105 (13) CERTAIN PERSONS BARRED FROM PROCEEDINGS. No parent, or  
25 guardian or legal custodian, if one has been appointed, or foster parent ~~or treatment~~

1 foster parent, if the minor has been placed in a foster home or treatment foster home,  
2 and the minor's parent has signed a waiver granting the department of health and  
3 family services, a county department under s. 46.215, 46.22 or 46.23, or the foster  
4 parent or the treatment foster parent the authority to consent to medical services or  
5 treatment on behalf of the minor, or adult family member, as defined in s. 48.375 (2)  
6 (b), of any minor who has initiated an appeal under this section may attend or  
7 intervene in any proceeding under this section.

8 **SECTION 171.** 895.485 (title) of the statutes is amended to read:

9 **895.485 (title) Civil liability exemption; agencies, foster parents,**  
10 **~~treatment foster parents and family-operated group home parents.~~**

11 **SECTION 172.** 895.485 (1) (c) of the statutes is repealed.

12 **SECTION 173.** 895.485 (2) (a) of the statutes is amended to read:

13 895.485 (2) (a) An act or omission of the foster, ~~treatment foster parent~~ or  
14 family-operated group home parent while that parent is acting in his or her capacity  
15 as a foster, ~~treatment foster parent~~ or family-operated group home parent.

16 **SECTION 174.** 895.485 (2) (b) of the statutes is amended to read:

17 895.485 (2) (b) An act or omission of a child who is placed in a foster home,  
18 ~~treatment foster home~~ or family-operated group home while the child is in the care  
19 of the foster, ~~treatment foster parent~~ or family-operated group home parent's care  
20 parent.

21 **SECTION 175.** 895.485 (3) of the statutes is amended to read:

22 895.485 (3) The immunity specified in sub. (2) does not apply if the act or  
23 omission of a foster, ~~treatment foster parent~~ or family-operated group home parent  
24 was not done in good faith or was not in compliance with any written instructions,  
25 received from the agency that placed the child, regarding specific care and

1 supervision of the child. The good faith of a foster, ~~treatment foster~~ parent or  
2 family-operated group home parent and the compliance of the foster, ~~treatment~~  
3 ~~foster~~ parent or family-operated group home parent with any written instructions  
4 received from the agency that placed the child are presumed in a civil action. Any  
5 person who asserts that a foster, ~~treatment foster~~ parent or family-operated group  
6 home parent did not act in good faith, or did not comply with written instructions  
7 received from the agency that placed the child, has the burden of proving that  
8 assertion.

9 **SECTION 176.** 895.485 (4) (intro.) of the statutes is amended to read:

10 895.485 (4) (intro.) Any agency that acts in good faith in placing a child with  
11 a foster, ~~treatment foster~~ parent or family-operated group home parent is immune  
12 from civil liability for any act or omission of the agency, the foster, ~~treatment foster~~  
13 parent or family-operated group home parent or the child unless all of the following  
14 occur:

15 **SECTION 177.** 895.485 (4) (a) of the statutes is amended to read:

16 895.485 (4) (a) The agency has failed to provide the foster, ~~treatment foster~~  
17 parent or family-operated group home parent with any information relating to a  
18 medical, physical, mental or emotional condition of the child that it is required to  
19 disclose under this paragraph. The department of health and family services shall  
20 promulgate rules specifying the kind of information that an agency shall disclose to  
21 a foster, ~~treatment foster~~ parent or family-operated group home parent which  
22 relates to a medical, physical, mental or emotional condition of the child.

23 **SECTION 178.** 938.02 (5j) of the statutes is created to read:

1           938.02 (5j) "Family foster home" means a facility that is operated by a person  
2 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for  
3 no more than 4 children unless all of the children are siblings.

4           **SECTION 179.** 938.02 (6) of the statutes, as created by 1995 Wisconsin Act 77,  
5 is amended to read:

6           938.02 (6) "Foster home" means any facility that is operated by a person  
7 required to be licensed by s. 48.62 (1) (a) ~~and that provides care and maintenance for~~  
8 ~~no more than 4 juveniles unless all of the juveniles are siblings~~ and includes a family  
9 foster home, a treatment foster home and a village foster home.

10           **SECTION 180.** 938.02 (22) of the statutes is created to read:

11           938.02 (22) "Village foster home" means a facility that is operated by a person  
12 required to be licensed by s. 48.62 (1) (c), that provides care and maintenance for no  
13 more than 6 children, that is clustered in a village setting with other facilities  
14 licensed under s. 48.62 (1) (c), that has as its goal the provision of a stable, long-term  
15 placement for those children and that employs individuals on a long-term basis to  
16 provide that care and maintenance.

17           **SECTION 181.** 938.207 (1) (c) and (f) of the statutes, as created by 1995  
18 Wisconsin Act 77, is amended to read:

19           938.207 (1) (c) A licensed foster home ~~or a licensed treatment foster home~~  
20 provided the placement does not violate the conditions of the license.

21           (f) The home of a person not a relative, if the placement does not exceed 30 days,  
22 though the placement may be extended for an additional 30 days for cause by the  
23 court, and if the person has not had a foster home ~~or treatment foster home~~ license  
24 refused, revoked or suspended within the last 2 years.

25           **SECTION 182.** 938.235 (4) (a) 7g. of the statutes is created to read:

1           938.235 (4) (a) 7g. Petition for the appointment of a guardian under s. 48.977  
2           (2), the revision of a guardianship order under s. 48.977 (6) or the removal of a  
3           guardian under s. 48.977 (7).

4           **SECTION 183.** 938.33 (4) (intro.) of the statutes, as created by 1995 Wisconsin  
5           Act 77, is amended to read:

6           938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
7           placement in a foster home, ~~treatment foster home~~, group home or nonsecured child  
8           caring institution shall be in writing, except that the report may be presented orally  
9           at the dispositional hearing if all parties consent. A report that is presented orally  
10          shall be transcribed and made a part of the court record. The report shall include all  
11          of the following:

12          **SECTION 184.** 938.33 (5) of the statutes, as created by 1995 Wisconsin Act 77,  
13          is amended to read:

14          938.33 (5) (title) IDENTITY OF FOSTER PARENT OR ~~TREATMENT FOSTER PARENT~~;  
15          CONFIDENTIALITY. If the report recommends placement in a foster home or a ~~treatment~~  
16          ~~foster home~~, and the name of the foster parent or ~~treatment foster parent~~ is not  
17          available at the time the report is filed, the agency shall provide the court and the  
18          juvenile's parent or guardian with the name and address of the foster parent or  
19          ~~treatment foster parent~~ within 21 days after the dispositional order is entered,  
20          except that the court may order the information withheld from the juvenile's parent  
21          or guardian if the court finds that disclosure would result in imminent danger to the  
22          juvenile or to the foster parent or ~~treatment foster parent~~. After notifying the  
23          juvenile's parent or guardian, the court shall hold a hearing prior to ordering the  
24          information withheld.

1           **SECTION 185.** 938.34 (3) (c) of the statutes, as created by 1995 Wisconsin Act  
2 77, is amended to read:

3           938.34 **(3)** (c) A foster home ~~or treatment foster home~~ licensed under s. 48.62  
4 or a group home licensed under s. 48.625.

5           **SECTION 186.** 938.355 (2) (b) 2. of the statutes, as created by 1995 Wisconsin  
6 Act 77, is amended to read:

7           938.355 **(2)** (b) 2. If the juvenile is placed outside the home, the name of the  
8 place or facility, including transitional placements, where the juvenile shall be cared  
9 for or treated, except that if the placement is a foster home ~~or treatment foster home~~  
10 and the name and address of the foster parent ~~or treatment foster parent~~ is not  
11 available at the time of the order, the name and address of the foster parent ~~or~~  
12 ~~treatment foster parent~~ shall be furnished to the court and the parent within 21 days  
13 of the order. If, after a hearing on the issue with due notice to the parent or guardian,  
14 the court finds that disclosure of the identity of the foster parent ~~or treatment foster~~  
15 ~~parent~~ would result in imminent danger to the juvenile, or the foster parent ~~or the~~  
16 ~~treatment foster parent~~, the court may order the name and address of the prospective  
17 foster parents ~~or treatment foster parents~~ withheld from the parent or guardian.

18           **SECTION 187.** 938.357 (1) of the statutes, as created by 1995 Wisconsin Act 77,  
19 is amended to read:

20           938.357 **(1)** The person or agency primarily responsible for implementing the  
21 dispositional order may request a change in the placement of the juvenile, whether  
22 or not the change requested is authorized in the dispositional order and shall cause  
23 written notice to be sent to the juvenile or the juvenile's counsel or guardian ad litem,  
24 parent, foster parent, guardian and legal custodian. The notice shall contain the  
25 name and address of the new placement, the reasons for the change in placement,

1 a statement describing why the new placement is preferable to the present  
2 placement and a statement of how the new placement satisfies objectives of the  
3 treatment plan ordered by the court. Any person receiving the notice under this  
4 subsection or notice of the specific foster ~~or treatment foster~~ placement under s.  
5 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the  
6 court within 10 days after receipt of the notice. Placements shall not be changed until  
7 10 days after such notice is sent to the court unless the parent, guardian or legal  
8 custodian and the juvenile, if 12 or more years of age, sign written waivers of  
9 objection, except that placement changes which were authorized in the dispositional  
10 order may be made immediately if notice is given as required in this subsection. In  
11 addition, a hearing is not required for placement changes authorized in the  
12 dispositional order except where an objection filed by a person who received notice  
13 alleges that new information is available which affects the advisability of the court's  
14 dispositional order. If a hearing is held under this subsection and the change in  
15 placement would remove a juvenile from a foster home, the foster parent may submit  
16 a written statement prior to the hearing.

17 **SECTION 188.** 938.38 (2) (intro.) of the statutes, as created by 1995 Wisconsin  
18 Act 77, is amended to read:

19 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
20 for each juvenile living in a foster home, ~~treatment foster home~~, group home, child  
21 caring institution, secure detention facility or shelter care facility, the agency that  
22 placed the juvenile or arranged the placement or the agency assigned primary  
23 responsibility for providing services to the juvenile under s. 938.355 shall prepare  
24 a written permanency plan, if any of the following conditions exists:

1           **SECTION 189.** 938.38 (4) (f) (intro.) of the statutes, as created by 1995 Wisconsin  
2 Act 77, is amended to read:

3           938.38 (4) (f) (intro.) The services that will be provided to the juvenile, the  
4 juvenile's family and the juvenile's foster parent, ~~the juvenile's treatment foster~~  
5 ~~parent~~ or the operator of the facility where the juvenile is living to carry out the  
6 dispositional order, including services planned to accomplish all of the following:

7           **SECTION 190.** 938.38 (5) (b) and (e) of the statutes, as created by 1995 Wisconsin  
8 Act 77, are amended to read:

9           938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,  
10 the juvenile if he or she is 10 years of age or older and the juvenile's foster parent,  
11 ~~the juvenile's treatment foster parent~~ or the operator of the facility in which the  
12 juvenile is living of the date, time and place of the review, of the issues to be  
13 determined as part of the review, of the fact that they may submit written comments  
14 not less than 10 working days before the review and of the fact that they may  
15 participate in the review. The court or agency shall notify the person representing  
16 the interests of the public, the juvenile's counsel and the juvenile's guardian ad litem  
17 of the date of the review, of the issues to be determined as part of the review and of  
18 the fact that they may submit written comments not less than 10 working days before  
19 the review. The notices under this paragraph shall be provided in writing not less  
20 than 30 days before the review and copies of the notices shall be filed in the juvenile's  
21 case record.

22           (e) Within 30 days, the agency shall prepare a written summary of the  
23 determinations under par. (c) and shall provide a copy to the court that entered the  
24 order, the juvenile or the juvenile's counsel or guardian ad litem, the person  
25 representing the interests of the public, the juvenile's parent or guardian and the

1 juvenile's foster parent, ~~the juvenile's treatment foster parent~~ or the operator of the  
2 facility where the juvenile is living.

3 **SECTION 191.** 938.48 (4) of the statutes, as created by 1995 Wisconsin Act 77,  
4 is amended to read:

5 938.48 (4) Provide appropriate care and training for juveniles under its  
6 supervision under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4); including  
7 serving those juveniles in their own homes, placing them in licensed foster homes ~~or~~  
8 ~~licensed treatment foster homes~~ in accordance with s. 48.63 or licensed group homes,  
9 contracting for their care by licensed child welfare agencies or replacing them in  
10 juvenile correctional institutions or secured child caring institutions in accordance  
11 with rules promulgated under ch. 227, except that the department may not purchase  
12 the educational component of private day treatment programs for juveniles in its  
13 custody unless the department, the school board as defined in s. 115.001 (7) and the  
14 secretary of education all determine that an appropriate public education program  
15 is not available. Disputes between the department and the school district shall be  
16 resolved by the secretary of education.

17 **SECTION 192.** 938.52 (1) (b) of the statutes, as created by 1995 Wisconsin Act  
18 77, is amended to read:

19 938.52 (1) (b) Foster homes ~~or treatment foster homes~~.

20 **SECTION 193.** 938.538 (3) (a) 1p. of the statutes, as created by 1995 Wisconsin  
21 Act 77, is amended to read:

22 938.538 (3) (a) 1p. Alternate care, including placement in a foster home,  
23 ~~treatment foster home~~, group home, child caring institution or secured child caring  
24 institution.

1           **SECTION 194.** 938.57 (1) (c) of the statutes, as created by 1995 Wisconsin Act  
2 77, is amended to read:

3           938.57 (1) (c) Provide appropriate protection and services for juveniles in its  
4 care, including providing services for juveniles and their families in their own homes,  
5 placing the juveniles in licensed foster homes, ~~licensed treatment foster homes~~ or  
6 licensed group homes in this state or another state within a reasonable proximity to  
7 the agency with legal custody or contracting for services for them by licensed child  
8 welfare agencies or replacing them in juvenile correctional institutions or secured  
9 child caring institutions in accordance with rules promulgated under ch. 227, except  
10 that the county department may not purchase the educational component of private  
11 day treatment programs unless the county department, the school board as defined  
12 in s. 115.001 (7) and the secretary of education all determine that an appropriate  
13 public education program is not available. Disputes between the county department  
14 and the school district shall be resolved by the secretary of education.

15           **SECTION 195.** 938.57 (3) (a) 4. of the statutes, as created by 1995 Wisconsin Act  
16 77, is amended to read:

17           4. Is living in a foster home, ~~treatment foster home~~, group home or child caring  
18 institution.

19           **SECTION 196.** 940.203 (1) (a) of the statutes is amended to read:

20           940.203 (1) (a) “Family member” means a parent, spouse, sibling, child,  
21 stepchild, or foster child ~~or treatment foster child~~.

22           **SECTION 197.** 940.205 (1) of the statutes is amended to read:

23           940.205 (1) In this section, “family member” means a parent, spouse, sibling,  
24 child, stepchild, or foster child ~~or treatment foster child~~.

25           **SECTION 198.** 940.207 (1) of the statutes is amended to read:

