

1999 ASSEMBLY BILL 532

October 12, 1999 – Introduced by Representatives STEINBRINK, PORTER, KREUSER, LADWIG, KELSO, TURNER, COGGS, BRANDEMUEHL, SYKORA, REYNOLDS, MEYER, LA FAVE, JOHNSRUD and RYBA, cosponsored by Senators WIRCH, PLACHE, HUELSMAN, BURKE, DARLING, CLAUSING, ROSENZWEIG, ERPENBACH and ROESSLER. Referred to Committee on Children and Families.

1 **AN ACT to amend** 46.48 (28), 48.23 (3m), 48.23 (6), 48.235 (2), 48.27 (3) (a) 1.,
2 48.293 (1), 48.293 (2), 48.295 (2), 48.299 (1) (ag), 48.32 (1), 48.32 (2) (c), 48.355
3 (2) (d), 48.355 (2e) (c), 48.357 (1), 48.357 (2m), 48.363 (1), 48.365 (2), 48.38 (5)
4 (b), 48.38 (5) (d), 48.38 (5) (e), 48.981 (2), 48.981 (7) (a) 11r., 118.125 (2) (L),
5 938.23 (6), 938.235 (2), 938.27 (3) (a) 1., 938.293 (1), 938.293 (2), 938.295 (2) (b),
6 938.299 (1) (a), 938.32 (1) (a), 938.32 (2) (c), 938.355 (2) (d), 938.355 (2e) (c),
7 938.355 (6) (b), 938.355 (6m) (b), 938.357 (1), 938.357 (2m), 938.363 (1), 938.365
8 (2), 938.38 (5) (b), 938.38 (5) (d) and 938.38 (5) (e); and **to create** 48.07 (5),
9 48.236, 48.27 (3) (e), 48.32 (1b), 48.345 (2r), 938.07 (5), 938.236, 938.27 (3) (c),
10 938.32 (1b) and 938.345 (3) of the statutes; **relating to:** court-appointed
11 special advocates for children and juveniles in need of protection or services.

Analysis by the Legislative Reference Bureau

Under current law, child abuse and neglect reports and records are confidential and may be disclosed only under certain exceptions. One of those exceptions permits those reports and records to be disclosed to a volunteer appointed or person employed by a court-appointed special advocate (CASA) program recognized by the county

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board of supervisors (county board) or the county department of human services or social services (county department) or, in a county having a population of 500,000 or more, the department of health and family services (DHFS) or a licensed child welfare agency under contract with DHFS, to the extent necessary to perform the advocacy services in child in need of protection or services proceedings for which the CASA program is recognized.

This bill eliminates the authority of DHFS, a county board, a county department or a licensed child welfare agency to recognize a CASA program and instead permits the chief judge of a judicial administrative district to recognize a CASA program. A chief judge may recognize a CASA program by entering into a memorandum of understanding with the CASA program that specifies the responsibilities of the CASA program and of a CASA volunteer. To be a CASA volunteer, a person must be 21 years of age or older, must demonstrate an interest in the welfare of children, must undergo a satisfactory background investigation, must complete the training program required under the bill and must meet any other qualifications required by the CASA program. Before a person may be designated as a CASA in a proceeding of the court assigned to exercise jurisdiction under the children's code and the juvenile justice code (juvenile court), the person must complete a training program that includes instruction on recognizing child abuse and neglect, cultural competency, child development, juvenile court procedures, permanency planning for children, the responsibilities of a CASA and information gathering and documentation. A CASA volunteer must also complete continuing training annually.

The bill permits the juvenile court to request a CASA program to designate a CASA volunteer to perform certain activities in any proceeding in which it is alleged that a child or juvenile is in need of protection or services and in which the juvenile court finds that providing the services of a CASA would be in the best interests of the child or juvenile. Those proceedings include proceedings in which it is alleged that a child has been the victim of abuse or neglect or that a juvenile is uncontrollable, habitually truant from home or school or a dropout. The bill permits a juvenile court to request a CASA program to designate a CASA volunteer to perform the following activities:

1. Gather information and make observations about the child or juvenile, his or her family and any other person residing in the same home as the child or juvenile and provide that information and those observations to the juvenile court in the form of written reports or, if requested by the juvenile court, oral testimony.

2. Maintain regular contact with the child or juvenile; monitor the appropriateness and safety of the environment of the child or juvenile, the extent to which the child or juvenile and his or her family are complying with any consent decree or dispositional order of the juvenile court or any permanency plan for the child or juvenile and the extent to which any agency that is required to provide services for the child or juvenile and his or her family is providing those services; and, based on that regular contact and monitoring, provide information to the juvenile court in the form of written reports or, if requested by the juvenile court, oral testimony.

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3. Advocate for the best interests of the child or juvenile.

4. Undertake any other activities that are consistent with the memorandum of understanding between the chief judge and the CASA program.

A juvenile court that requests a CASA program to designate a CASA volunteer to undertake the activities described in paragraph 1. or 2., above, must include in the order requesting that designation an order authorizing the CASA to do any of the following:

1. Inspect any reports and records relating to the child or juvenile, his or her family and any other person residing in the same home as the child or juvenile that are relevant to the subject matter of the proceeding. Those reports and records include physical, psychological and alcohol or other drug dependency examination reports, law enforcement agency reports and records, juvenile court records, social welfare agency records, abuse and neglect reports and records and pupil records. A CASA that obtains access to such a report or record must keep the information contained in the report or record confidential and may disclose that information only to the juvenile court and, if disclosed to the juvenile court, to all parties to the proceeding.

2. Observe the child or juvenile and his or her living environment and, if the child or juvenile is old enough to communicate, interview the child or juvenile; interview the parent, guardian, legal custodian or other caregiver of the child or juvenile and observe that person's living environment; and interview any other person who might possess any information relating to the child or juvenile and his or her family that is relevant to the proceeding. A CASA may observe or interview the child or juvenile at any location without the permission of the parent, guardian, legal custodian or other caregiver of the child or juvenile if necessary to obtain any information that is relevant to the subject of the proceeding, except that a CASA may enter the home of a child or juvenile only with the permission of the parent, guardian, legal custodian or other caregiver of the child or juvenile or after obtaining a court order permitting the CASA to do so. A CASA that obtains any information from those observations or interviews must keep the information confidential and may disclose that information only to the juvenile court and, if disclosed to the juvenile court, to all parties to the proceeding.

Finally, the bill does all of the following:

1. Makes a CASA a mandatory reporter of suspected or threatened child abuse or neglect.

2. Makes a CASA volunteer and an employe of a CASA program immune from civil liability for any act or omission of the volunteer or employe occurring while acting within the scope of his or her activities and authority as a CASA volunteer or employe.

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

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

ASSEMBLY BILL 532**SECTION 1**

1 **SECTION 1.** 46.48 (28) of the statutes is amended to read:

2 46.48 **(28)** GRANTS FOR COURT-APPOINTED SPECIAL ADVOCATES. The department
3 shall distribute \$50,000 in each fiscal year as grants to court-appointed special
4 advocate programs that are recognized by a county board, by a county department
5 under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, by the
6 department or a licensed child welfare agency under contract with the department
7 chief judge of a judicial administrative district under s. 48.07 (5) to perform advocacy
8 services in proceedings under s. 48.13 or by a chief judge of a judicial administrative
9 district under s. 938.07 (5) to perform advocacy services in proceedings under s.
10 938.13 (4), (6), (6m) or (7).

11 **SECTION 2.** 48.07 (5) of the statutes is created to read:

12 48.07 **(5)** COURT-APPOINTED SPECIAL ADVOCATE PROGRAM. (a) *Memorandum of*
13 *understanding.* The court may obtain the services of a court-appointed special
14 advocate program that has been recognized by the chief judge of the judicial
15 administrative district. A chief judge of a judicial administrative district may
16 recognize a court-appointed special advocate program by entering into a
17 memorandum of understanding with the court-appointed special advocate program
18 that specifies the responsibilities of the court-appointed special advocate program
19 and of a court-appointed special advocate designated under s. 48.236 (1). The
20 memorandum of understanding shall specify that the court-appointed special
21 advocate program is responsible for selecting, training, supervising and evaluating
22 the volunteers participating in the program as provided in pars. (b) to (d).

23 (b) *Selection.* 1. A court-appointed special advocate program may select a
24 person to participate in the program if the person is 21 years of age or older,
25 demonstrates an interest in the welfare of children, undergoes a satisfactory

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1 background investigation as provided under subd. 2., completes the training
2 required under par. (c) and meets any other qualifications required by the
3 court-appointed special advocate program. A court-appointed special advocate
4 program may refuse to permit to participate in the program any person whose
5 participation in the program might pose a risk, as determined by the
6 court-appointed special advocate program, to the safety of any child.

7 2. On receipt of an application from a prospective court-appointed special
8 advocate, the court-appointed special advocate program, with the assistance of the
9 department of justice, shall conduct a background investigation of the applicant. If
10 the court-appointed special advocate program determines that any information
11 obtained as a result of the background investigation provides a reasonable basis for
12 further investigation, the court-appointed special advocate program may require
13 the applicant to be fingerprinted on 2 fingerprint cards, each bearing a complete set
14 of the applicant's fingerprints. The department of justice may provide for the
15 submission of the fingerprint cards to the federal bureau of investigation for the
16 purposes of verifying the identification of the applicant and obtaining the applicant's
17 criminal arrest and conviction record. The court-appointed special advocate
18 program shall keep confidential all information received from the department of
19 justice and the federal bureau of investigation under this subdivision.

20 (c) *Training.* A court-appointed special advocate program shall require a
21 volunteer selected under par. (b) to complete a training program before the volunteer
22 may be designated as a court-appointed special advocate under s. 48.236 (1). The
23 training program shall include instruction on recognizing child abuse and neglect,
24 cultural competency, as defined in s. 48.982 (1) (bm), child development, the
25 procedures of the court, permanency planning, the activities of a court-appointed

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1 special advocate under s. 48.236 (3) and information gathering and documentation,
2 and shall include observation of a proceeding under s. 48.13. A court-appointed
3 special advocate program shall also require each volunteer to complete continuing
4 training annually.

5 (d) *Supervision and evaluation.* The supervisory support staff of a
6 court-appointed special advocate program shall be easily accessible to the
7 volunteers of the program, shall hold regular case conferences with those volunteers
8 to review case progress and shall conduct annual performance evaluations of those
9 volunteers. A court-appointed special advocate program shall provide its staff and
10 volunteers with written guidelines describing the policies, practices and procedures
11 of the program and the responsibilities of a volunteer with the program.

12 **SECTION 3.** 48.23 (3m) of the statutes is amended to read:

13 **48.23 (3m) GUARDIANS AD LITEM OR COUNSEL FOR ABUSED OR NEGLECTED CHILDREN.**

14 The court shall appoint counsel for any child alleged to be in need of protection or
15 services under s. 48.13 (3), (3m), (10), (10m) and (11), except that if the child is less
16 than 12 years of age the court may appoint a guardian ad litem instead of counsel.
17 The guardian ad litem or counsel for the child shall may not be the same act as
18 counsel for any other party or any governmental or social agency involved in the
19 proceeding and may not act as court-appointed special advocate for the child in the
20 proceeding.

21 **SECTION 4.** 48.23 (6) of the statutes is amended to read:

22 **48.23 (6) DEFINITION.** For the purposes of this section, “counsel” means an
23 attorney acting as adversary counsel who shall advance and protect the legal rights
24 of the party represented, and who may not act as guardian ad litem or
25 court-appointed special advocate for any party in the same proceeding.

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1 **SECTION 5.** 48.235 (2) of the statutes is amended to read:

2 48.235 **(2)** QUALIFICATIONS. The guardian ad litem shall be an attorney
3 admitted to practice in this state. No person who is an interested party in a
4 proceeding, who appears as counsel or court-appointed special advocate in a
5 proceeding on behalf of any party or who is a relative or representative of an
6 interested party in a proceeding may be appointed guardian ad litem in that
7 proceeding.

8 **SECTION 6.** 48.236 of the statutes is created to read:

9 **48.236 Court-appointed special advocate. (1)** DESIGNATION. In any
10 proceeding under s. 48.13 in which the court finds that providing the services of a
11 court-appointed special advocate would be in the best interests of the child, the court
12 may request a court-appointed special advocate program to designate a person who
13 meets the qualifications specified in sub. (2) as a court-appointed special advocate
14 to undertake the activities specified in sub. (3). A court-appointed special advocate
15 does not become a party to the proceeding and, as a nonparty, may not make motions
16 or call or cross-examine witnesses. A designation under this subsection terminates
17 when the jurisdiction of the court over the child under s. 48.13 terminates, unless the
18 court discharges the court-appointed special advocate sooner.

19 **(2)** QUALIFICATIONS. A court-appointed special advocate shall be a volunteer
20 who has been selected and trained as provided in s. 48.07 (5) (b) and (c). No person
21 who is a party in a proceeding, who appears as counsel or guardian ad litem in a
22 proceeding on behalf of any party or who is a relative or representative of a party in
23 a proceeding may be designated as a court-appointed special advocate in that
24 proceeding.

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1 **(3) ACTIVITIES.** A court–appointed special advocate may be designated under
2 sub. (1) to perform any of the following activities:

3 (a) Gather information and make observations about the child for whom the
4 designation is made, the child’s family and any other person residing in the same
5 home as the child and provide that information and those observations to the court
6 in the form of written reports or, if requested by the court, oral testimony.

7 (b) Maintain regular contact with the child for whom the designation is made;
8 monitor the appropriateness and safety of the environment of the child, the extent
9 to which the child and the child’s family are complying with any consent decree or
10 dispositional order of the court and with any permanency plan under s. 48.38, and
11 the extent to which any agency that is required to provide services for the child and
12 the child’s family under a consent decree, dispositional order or permanency plan is
13 providing those services; and, based on that regular contact and monitoring, provide
14 information to the court in the form of written reports or, if requested by the court,
15 oral testimony.

16 (c) Advocate for the best interests of the child.

17 (d) Undertake any other activities that are consistent with the memorandum
18 of understanding entered into under s. 48.07 (5) (a).

19 **(4) AUTHORITY.** A court that requests a court–appointed special advocate
20 program to designate a court–appointed special advocate to undertake the activities
21 specified in sub. (3) shall include in the order requesting that designation an order
22 authorizing the court–appointed special advocate to do any of the following:

23 (a) Inspect any reports and records relating to the child who is the subject of
24 the proceeding, the child’s family and any other person residing in the same home
25 as the child that are relevant to the subject matter of the proceeding, including

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1 records discoverable under s. 48.293, examination reports under s. 48.295 (2), law
2 enforcement reports and records under ss. 48.396 (1) and 938.396 (1), court records
3 under ss. 48.396 (2) (a) and 938.396 (2) (a), social welfare agency records under ss.
4 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect reports and records under s. 48.981
5 (7) (a) 11r. and pupil records under s. 118.125 (2) (L). The order shall also require the
6 custodian of any report or record specified in this paragraph to permit the
7 court-appointed special advocate to inspect the report or record on presentation by
8 the court-appointed special advocate of a copy of the order. A court-appointed
9 special advocate that obtains access to a report or record described in this paragraph
10 shall keep the information contained in the report or record confidential and may
11 disclose that information only to the court. If a court-appointed special advocate
12 discloses any information to the court under this paragraph, the court-appointed
13 special advocate shall also disclose that information to all parties to the proceeding.

14 (b) Observe the child who is the subject of the proceeding and the child's living
15 environment and, if the child is old enough to communicate, interview the child;
16 interview the parent, guardian, legal custodian or other caregiver of the child who
17 is the subject of the proceeding and observe that person's living environment; and
18 interview any other person who might possess any information relating to the child
19 and the child's family that is relevant to the subject of the proceeding. A
20 court-appointed special advocate may observe or interview the child at any location
21 without the permission of the child's parent, guardian, legal custodian or other
22 caregiver if necessary to obtain any information that is relevant to the subject of the
23 proceeding, except that a court-appointed special advocate may enter a child's home
24 only with the permission of the child's parent, guardian, legal custodian or other
25 caregiver or after obtaining a court order permitting the court-appointed special

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1 advocate to do so. A court-appointed special advocate who obtains any information
2 under this paragraph shall keep the information confidential and may disclose that
3 information only to the court. If a court-appointed special advocate discloses any
4 information to the court under this paragraph, the court-appointed special advocate
5 shall also disclose that information to all parties to the proceeding.

6 **(5) IMMUNITY FROM LIABILITY.** A volunteer court-appointed special advocate
7 designated under sub. (1) or an employe of a court-appointed special advocate
8 program recognized under s. 48.07 (5) is immune from civil liability for any act or
9 omission of the volunteer or employe occurring while acting within the scope of his
10 or her activities and authority as a volunteer court-appointed special advocate or
11 employe of a court-appointed special advocate program.

12 **(6) COMMUNICATION TO A JURY.** If a court-appointed special advocate submits
13 a written report or testifies orally in a jury trial under this chapter, the court may
14 tell the jury that the court-appointed special advocate represents the interests of the
15 child for whom the court-appointed special advocate was designated.

16 **SECTION 7.** 48.27 (3) (a) 1. of the statutes is amended to read:

17 48.27 **(3)** (a) 1. If the petition that was filed relates to facts concerning a
18 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother
19 who is a child, the court shall also notify, under s. 48.273, the child, any parent,
20 guardian and legal custodian of the child, any foster parent, treatment foster parent
21 or other physical custodian described in s. 48.62 (2) of the child, the unborn child by
22 the unborn child's guardian ad litem, if applicable, and any person specified in par.
23 (b) or, (d) or (e), if applicable, of all hearings involving the child except hearings on
24 motions for which notice need only be provided to the child and his or her counsel.
25 When parents who are entitled to notice have the same place of residence, notice to

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1 one shall constitute notice to the other. The first notice to any interested party, foster
2 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)
3 shall be written and may have a copy of the petition attached to it. Thereafter, notice
4 of hearings may be given by telephone at least 72 hours before the time of the
5 hearing. The person giving telephone notice shall place in the case file a signed
6 statement of the time notice was given and the person to whom he or she spoke.

7 **SECTION 8.** 48.27 (3) (e) of the statutes is created to read:

8 **48.27 (3)** (e) If the petition that was filed relates to facts concerning a situation
9 under s. 48.13, the court shall also notify, under s. 48.273, the court-appointed
10 special advocate for the child of all hearings involving the child. The first notice to
11 a court-appointed special advocate shall be written and shall have a copy of the
12 petition attached to it. Thereafter, notice of hearings may be given by telephone at
13 least 72 hours before the time of the hearing. The person giving telephone notice
14 shall place in the case file a signed statement of the time that notice was given and
15 the person to whom he or she spoke.

16 **SECTION 9.** 48.293 (1) of the statutes is amended to read:

17 48.293 (1) Copies of all law enforcement officer reports, including ~~but not~~
18 ~~limited to~~ the officer's memorandum and witnesses' statements, shall be made
19 available upon request to counsel or guardian ad litem for any party and to the
20 court-appointed special advocate for the child prior to a plea hearing. The reports
21 shall be available through the representative of the public designated under s. 48.09.
22 The identity of a confidential informant may be withheld pursuant to s. 905.10.

23 **SECTION 10.** 48.293 (2) of the statutes is amended to read:

24 48.293 (2) All records relating to a child, or to an unborn child and the unborn
25 child's expectant mother, which are relevant to the subject matter of a proceeding

1 under this chapter shall be open to inspection by a guardian ad litem or counsel for
2 any party and to inspection by the court-appointed special advocate for the child,
3 upon demand and upon presentation of releases when necessary, at least 48 hours
4 before the proceeding. Persons and unborn children, by their guardians ad litem,
5 entitled to inspect the records may obtain copies of the records with the permission
6 of the custodian of the records or with permission of the court. The court may instruct
7 counsel, a guardian ad litem or a court-appointed special advocate not to disclose
8 specified items in the materials to the child or the parent, or to the expectant mother,
9 if the court reasonably believes that the disclosure would be harmful to the interests
10 of the child or the unborn child.

11 **SECTION 11.** 48.295 (2) of the statutes is amended to read:

12 48.295 (2) The examiner shall file a report of the examination with the court
13 by the date specified in the order. The court shall cause copies to be transmitted to
14 the district attorney or corporation counsel, to counsel or guardian ad litem for the
15 child and, ~~if~~ to the court-appointed special advocate for the child. If applicable, the
16 court shall also cause copies to be transmitted to counsel or guardian ad litem for the
17 unborn child and the unborn child's expectant mother. The report shall describe the
18 nature of the examination and identify the persons interviewed, the particular
19 records reviewed and any tests administered to the child or expectant mother. The
20 report shall also state in reasonable detail the facts and reasoning upon which the
21 examiner's opinions are based.

22 **SECTION 12.** 48.299 (1) (ag) of the statutes is amended to read:

23 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
24 a public hearing is not held, only the parties and their counsel or guardian ad litem,
25 ~~if any~~ the court-appointed special advocate for the child, the child's foster parent,

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1 treatment foster parent or other physical custodian described in s. 48.62 (2),
2 witnesses and other persons requested by a party and approved by the court may be
3 present, except that the court may exclude a foster parent, treatment foster parent
4 or other physical custodian described in s. 48.62 (2) from any portion of the hearing
5 if that portion of the hearing deals with sensitive personal information of the child
6 or the child's family or if the court determines that excluding the foster parent,
7 treatment foster parent or other physical custodian would be in the best interests of
8 the child. Except in a proceeding under s. 48.375 (7), any other person the court finds
9 to have a proper interest in the case or in the work of the court, including a member
10 of the bar, may be admitted by the court.

11 **SECTION 13.** 48.32 (1) of the statutes is amended to read:

12 48.32 (1) At any time after the filing of a petition for a proceeding relating to
13 s. 48.13 or 48.133 and before the entry of judgment, the judge or juvenile court
14 commissioner may suspend the proceedings and place the child or expectant mother
15 under supervision in the home or present placement of the child or expectant mother.
16 The court may establish terms and conditions applicable to the child and the child's
17 parent, guardian or legal custodian, to the child expectant mother and her parent,
18 guardian or legal custodian or to the adult expectant mother, including the condition
19 specified in sub. (1b). The order under this section shall be known as a consent decree
20 and must be agreed to by the child if 12 years of age or older, the parent, guardian
21 or legal custodian, and the person filing the petition under s. 48.25; by the child
22 expectant mother, her parent, guardian or legal custodian, the unborn child by the
23 unborn child's guardian ad litem and the person filing the petition under s. 48.25; or
24 by the adult expectant mother, the unborn child by the unborn child's guardian ad

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1 litem and the person filing the petition under s. 48.25. The consent decree shall be
2 reduced to writing and given to the parties.

3 **SECTION 14.** 48.32 (1b) of the statutes is created to read:

4 48.32 (1b) The judge or juvenile court commissioner may, as a condition under
5 sub. (1), request a court-appointed special advocate program to designate a
6 court-appointed special advocate for the child to perform the activities specified in
7 s. 48.236 (3). A court-appointed special advocate designated under this subsection
8 shall have the authority specified in s. 48.236 (4).

9 **SECTION 15.** 48.32 (2) (c) of the statutes is amended to read:

10 48.32 (2) (c) Upon the motion of the court or the application of the child, parent,
11 guardian, legal custodian, expectant mother, unborn child by the unborn child's
12 guardian ad litem, intake worker or any agency supervising the child or expectant
13 mother under the consent decree, the court may, after giving notice to the parties to
14 the consent decree ~~and~~, their counsel or guardian ad litem and the court-appointed
15 special advocate for the child, if any, extend the decree for up to an additional 6
16 months in the absence of objection to extension by the parties to the initial consent
17 decree. If the child, parent, guardian, legal custodian, expectant mother or unborn
18 child by the unborn child's guardian ad litem objects to the extension, the judge shall
19 schedule a hearing and make a determination on the issue of extension. An
20 extension under this paragraph of a consent decree relating to an unborn child who
21 is alleged to be in need of protection or services may be granted after the child is born.

22 **SECTION 16.** 48.345 (2r) of the statutes is created to read:

23 48.345 (2r) Place the child as provided in sub. (2) or (2m) and, in addition,
24 request a court-appointed special advocate program to designate a court-appointed
25 special advocate for the child to perform the activities specified in s. 48.236 (3). A

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1 court-appointed special advocate designated under this subsection shall have the
2 authority specified in s. 48.236 (4).

3 **SECTION 17.** 48.355 (2) (d) of the statutes is amended to read:

4 48.355 (2) (d) The court shall provide a copy of a dispositional order relating
5 to a child in need of protection or services to the child's parent, guardian or trustee,
6 to the child through the child's counsel or guardian ad litem and to the child's
7 court-appointed special advocate. The court shall provide a copy of a dispositional
8 order relating to an unborn child in need of protection or services to the expectant
9 mother, to the unborn child through the unborn child's guardian ad litem and, if the
10 expectant mother is a child, to her parent, guardian or trustee.

11 **SECTION 18.** 48.355 (2e) (c) of the statutes is amended to read:

12 48.355 (2e) (c) Either the court or the agency that prepared the permanency
13 plan shall furnish a copy of the original plan and each revised plan to the child's
14 parent or guardian, to the child or the child's counsel or guardian ad litem, to the
15 child's court-appointed special advocate and to the person representing the interests
16 of the public.

17 **SECTION 19.** 48.357 (1) of the statutes is amended to read:

18 48.357 (1) The person or agency primarily responsible for implementing the
19 dispositional order, the district attorney or the corporation counsel may request a
20 change in the placement of the child or expectant mother, whether or not the change
21 requested is authorized in the dispositional order and shall cause written notice to
22 be sent to the child, the parent, guardian and legal custodian of the child, any foster
23 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)
24 of the child, the child's court-appointed special advocate and, if the child is the
25 expectant mother of an unborn child under s. 48.133, the unborn child by the unborn

1 child's guardian ad litem. If the expectant mother is an adult, written notice shall
2 be sent to the adult expectant mother and the unborn child by the unborn child's
3 guardian ad litem. The notice shall contain the name and address of the new
4 placement, the reasons for the change in placement, a statement describing why the
5 new placement is preferable to the present placement and a statement of how the
6 new placement satisfies objectives of the treatment plan ordered by the court. Any
7 person receiving the notice under this subsection or notice of a specific placement
8 under s. 48.355 (2) (b) 2., other than a court-appointed special advocate, may obtain
9 a hearing on the matter by filing an objection with the court within 10 days after
10 receipt of the notice. Placements may not be changed until 10 days after that notice
11 is sent to the court unless the parent, guardian or legal custodian and the child, if
12 12 years of age or over, or the child expectant mother, if 12 years of age or over, her
13 parent, guardian or legal custodian and the unborn child by the unborn child's
14 guardian ad litem, or the adult expectant mother and the unborn child by the unborn
15 child's guardian ad litem, sign written waivers of objection, except that placement
16 changes which were authorized in the dispositional order may be made immediately
17 if notice is given as required in this subsection. In addition, a hearing is not required
18 for placement changes authorized in the dispositional order except when an objection
19 filed by a person who received notice alleges that new information is available which
20 affects the advisability of the court's dispositional order.

21 **SECTION 20.** 48.357 (2m) of the statutes is amended to read:

22 48.357 (2m) The child, the parent, guardian or legal custodian of the child, the
23 expectant mother, the unborn child by the unborn child's guardian at litem or any
24 person or agency primarily bound by the dispositional order, other than the person
25 or agency responsible for implementing the order, may request a change in

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1 placement under this subsection. The request shall contain the name and address
2 of the place of the new placement requested and shall state what new information
3 is available which affects the advisability of the current placement. This request
4 shall be submitted to the court. In addition, the court may propose a change in
5 placement on its own motion. The court shall hold a hearing on the matter prior to
6 ordering any change in placement under this subsection if the request states that
7 new information is available which affects the advisability of the current placement,
8 unless written waivers of objection to the proposed change in placement are signed
9 by all parties persons entitled to receive notice under sub. (1), other than a
10 court-appointed special advocate, and the court approves. If a hearing is scheduled,
11 the court shall notify the child, the parent, guardian and legal custodian of the child,
12 any foster parent, treatment foster parent or other physical custodian described in
13 s. 48.62 (2) of the child, the child's court-appointed special advocate, all parties who
14 are bound by the dispositional order and, if the child is the expectant mother of an
15 unborn child under s. 48.133, the unborn child by the unborn child's guardian ad
16 litem, or shall notify the adult expectant mother, the unborn child by the unborn
17 child's guardian ad litem and all parties who are bound by the dispositional order,
18 at least 3 days prior to the hearing. A copy of the request or proposal for the change
19 in placement shall be attached to the notice. If all the parties consent, the court may
20 proceed immediately with the hearing.

21 **SECTION 21.** 48.363 (1) of the statutes is amended to read:

22 48.363 (1) A child, the child's parent, guardian or legal custodian, an expectant
23 mother, an unborn child by the unborn child's guardian ad litem, any person or
24 agency bound by a dispositional order or the district attorney or corporation counsel
25 in the county in which the dispositional order was entered may request a revision in

1 the order that does not involve a change in placement, including a revision with
2 respect to the amount of child support to be paid by a parent, or the court may on its
3 own motion propose such a revision. The request or court proposal shall set forth in
4 detail the nature of the proposed revision and what new information is available that
5 affects the advisability of the court's disposition. The request or court proposal shall
6 be submitted to the court. The court shall hold a hearing on the matter if the request
7 or court proposal indicates that new information is available which affects the
8 advisability of the court's dispositional order and prior to any revision of the
9 dispositional order, unless written waivers of objections to the revision are signed by
10 all parties entitled to receive notice and the court approves. If a hearing is held, the
11 court shall notify the child, the child's parent, guardian and legal custodian, all
12 parties bound by the dispositional order, the child's foster parent, treatment foster
13 parent or other physical custodian described in s. 48.62 (2), the child's
14 court-appointed special advocate, the district attorney or corporation counsel in the
15 county in which the dispositional order was entered, and, if the child is the expectant
16 mother of an unborn child under s. 48.133, the unborn child by the unborn child's
17 guardian ad litem or shall notify the adult expectant mother, the unborn child
18 through the unborn child's guardian ad litem, all parties bound by the dispositional
19 order and the district attorney or corporation counsel in the county in which the
20 dispositional order was entered, at least 3 days prior to the hearing. A copy of the
21 request or proposal shall be attached to the notice. If the proposed revision is for a
22 change in the amount of child support to be paid by a parent, the court shall order
23 the child's parent to provide a statement of income, assets, debts and living expenses
24 to the court and the person or agency primarily responsible for implementing the
25 dispositional order by a date specified by the court. The clerk of court shall provide,

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1 without charge, to any parent ordered to provide a statement of income, assets, debts
2 and living expenses a document setting forth the percentage standard established
3 by the department of workforce development under s. 49.22 (9) and the manner of
4 its application established by the department of health and family services under s.
5 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all
6 parties consent, the court may proceed immediately with the hearing. No revision
7 may extend the effective period of the original order.

8 **SECTION 22.** 48.365 (2) of the statutes is amended to read:

9 48.365 (2) No order may be extended without a hearing. The court shall notify
10 the child, the child's parent, guardian and legal custodian, all the parties present at
11 the original hearing, the child's foster parent, treatment foster parent or other
12 physical custodian described in s. 48.62 (2), the child's court-appointed special
13 advocate, the district attorney or corporation counsel in the county in which the
14 dispositional order was entered and, if the child is an expectant mother of an unborn
15 child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or
16 shall notify the adult expectant mother, the unborn child through the unborn child's
17 guardian ad litem, all the parties present at the original hearing and the district
18 attorney or corporation counsel in the county in which the dispositional order was
19 entered, of the time and place of the hearing.

20 **SECTION 23.** 48.38 (5) (b) of the statutes is amended to read:

21 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
22 child if he or she is 12 years of age or older and the child's foster parent, the child's
23 treatment foster parent or the operator of the facility in which the child is living of
24 the date, time and place of the review, of the issues to be determined as part of the
25 review, of the fact that they may have an opportunity to be heard at the review by

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1 submitting written comments not less than 10 working days before the review or by
2 participating at the review. The court or agency shall notify the person representing
3 the interests of the public, the child's counsel ~~and~~, the child's guardian ad litem and
4 the child's court-appointed special advocate of the date of the review, of the issues
5 to be determined as part of the review and of the fact that they may submit written
6 comments not less than 10 working days before the review. The notices under this
7 paragraph shall be provided in writing not less than 30 days before the review and
8 copies of the notices shall be filed in the child's case record.

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

10 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the
11 permanency plan shall, at least 5 days before a review by a review panel, provide to
12 each person appointed to the review panel, the person representing the interests of
13 the public, the child's counsel ~~and~~, the child's guardian ad litem and the child's
14 court-appointed special advocate a copy of the permanency plan and any written
15 comments submitted under par. (b). Notwithstanding s. 48.78 (2) (a), a person
16 appointed to a review panel, the person representing the interests of the public, the
17 child's counsel ~~and~~, the child's guardian ad litem and the child's court-appointed
18 special advocate may have access to any other records concerning the child for the
19 purpose of participating in the review. A person permitted access to a child's records
20 under this paragraph may not disclose any information from the records to any other
21 person.

22 **SECTION 25.** 48.38 (5) (e) of the statutes is amended to read:

23 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
24 the determinations under par. (c) and shall provide a copy to the court that entered
25 the order, the child or the child's counsel or guardian ad litem, the person

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1 representing the interests of the public, the child's parent or guardian, the child's
2 court-appointed special advocate and the child's foster parent, the child's treatment
3 foster parent or the operator of the facility where the child is living.

4 **SECTION 26.** 48.981 (2) of the statutes is amended to read:

5 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
6 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
7 mental health professional, social worker, marriage and family therapist,
8 professional counselor, public assistance worker, including a financial and
9 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
10 counselor, mediator under s. 767.11, child care worker in a day care center or child
11 caring institution, day care provider, alcohol or other drug abuse counselor, member
12 of the treatment staff employed by or working under contract with a county
13 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
14 therapist, dietitian, speech-language pathologist, audiologist, emergency medical
15 technician or police or law enforcement officer having reasonable cause to suspect
16 that a child seen in the course of professional duties has been abused or neglected
17 or having reason to believe that a child seen in the course of professional duties has
18 been threatened with abuse or neglect and that abuse or neglect of the child will occur
19 shall, except as provided under sub. (2m), report as provided in sub. (3). A
20 court-appointed special advocate having reasonable cause to suspect that a child
21 seen in the course of the court-appointed special advocate's volunteer activities
22 under s. 48.236 (3) or 938.236 (3) has been abused or neglected or having reason to
23 believe that a child seen in the course of those activities has been threatened with
24 abuse and neglect and that abuse or neglect of the child will occur shall, except as
25 provided in sub. (2m), report as provided in sub. (3). Any other person, including an

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1 attorney, having reason to suspect that a child has been abused or neglected or reason
2 to believe that a child has been threatened with abuse or neglect and that abuse or
3 neglect of the child will occur may make such a report. Any person, including an
4 attorney having reason to suspect that an unborn child has been abused or reason
5 to believe that an unborn child is at substantial risk of abuse may report as provided
6 in sub. (3). No person making a report under this subsection may be discharged from
7 employment for so doing.

8 **SECTION 27.** 48.981 (7) (a) 11r. of the statutes is amended to read:

9 48.981 (7) (a) 11r. A volunteer ~~appointed~~ court-appointed special advocate
10 designated under s. 48.236 (1) or 938.236 (1) or person employed by a
11 court-appointed special advocate program recognized by the ~~county board or the~~
12 ~~county department or, in a county having a population of 500,000 or more, the~~
13 ~~department or a licensed child welfare agency under contract with the department~~
14 chief judge of a judicial administrative district under s. 48.07 (5) or 938.07 (5), to the
15 extent necessary for the court-appointed special advocate to perform the advocacy
16 services specified in s. 48.236 (3) or 938.236 (3) that the court-appointed special
17 advocate was designated to perform in proceedings related to a petition under s.
18 48.13 or 48.133 ~~for which the court-appointed special advocate program is~~
19 ~~recognized by the county board, county department or department or 938.13 (4), (6),~~
20 (6m) or (7).

21 **SECTION 28.** 118.125 (2) (L) of the statutes is amended to read:

22 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in
23 compliance with a court order under s. 48.236 (4) (a), 48.345 (12) (b), 938.236 (4) (a),
24 938.34 (7d) (b), 938.396 (1m) (c) or (d) or 938.78 (2) (b) 2. after making a reasonable
25 effort to notify the pupil's parent or legal guardian.

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1 **SECTION 29.** 938.07 (5) of the statutes is created to read:

2 **938.07 (5) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.** (a) *Memorandum of*
3 *understanding.* The court may obtain the services of a court-appointed special
4 advocate program that has been recognized by the chief judge of the judicial
5 administrative district. A chief judge of a judicial administrative district may
6 recognize a court-appointed special advocate program by entering into a
7 memorandum of understanding with the court-appointed special advocate program
8 that specifies the responsibilities of the court-appointed special advocate program
9 and of a court-appointed special advocate designated under s. 938.236 (1). The
10 memorandum of understanding shall specify that the court-appointed special
11 advocate program is responsible for selecting, training, supervising and evaluating
12 the volunteers participating in the program as provided in pars. (b) to (d).

13 (b) *Selection.* 1. A court-appointed special advocate program may select a
14 person to participate in the program if the person is 21 years of age or older,
15 demonstrates an interest in the welfare of juveniles, undergoes a satisfactory
16 background investigation as provided under subd. 2., completes the training
17 required under par. (c) and meets any other qualifications required by the
18 court-appointed special advocate program. A court-appointed special advocate
19 program may refuse to permit to participate in the program any person whose
20 participation in the program might pose a risk, as determined by the
21 court-appointed special advocate program, to the safety of any juvenile.

22 2. On receipt of an application from a prospective court-appointed special
23 advocate, the court-appointed special advocate program, with the assistance of the
24 department of justice, shall conduct a background investigation of the applicant. If
25 the court-appointed special advocate program determines that any information

1 obtained as a result of the background investigation provides a reasonable basis for
2 further investigation, the court-appointed special advocate program may require
3 the applicant to be fingerprinted on 2 fingerprint cards, each bearing a complete set
4 of the applicant's fingerprints. The department of justice may provide for the
5 submission of the fingerprint cards to the federal bureau of investigation for the
6 purposes of verifying the identification of the applicant and obtaining the applicant's
7 criminal arrest and conviction record. The court-appointed special advocate
8 program shall keep confidential all information received from the department of
9 justice and the federal bureau of investigation under this subdivision.

10 (c) *Training.* A court-appointed special advocate program shall require a
11 volunteer selected under par. (b) to complete a training program before the volunteer
12 may be designated as a court-appointed special advocate under s. 938.236 (1). The
13 training program shall include instruction on recognizing child abuse and neglect,
14 cultural competency, as defined in s. 48.982 (1) (bm), child development, the
15 procedures of the court, permanency planning, the responsibilities of a
16 court-appointed special advocate under s. 938.236 (3) and information gathering
17 and documentation, and shall include observation of a proceeding under s. 938.13 (4),
18 (6), (6m) or (7). A court-appointed special advocate program shall also require each
19 volunteer to complete continuing training annually.

20 (d) *Supervision and evaluation.* The supervisory support staff of a
21 court-appointed special advocate program shall be easily accessible to the
22 volunteers of the program, shall hold regular case conferences with those volunteers
23 to review case progress and shall conduct annual performance evaluations of those
24 volunteers. A court-appointed special advocate program shall provide its staff and

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1 volunteers with written guidelines describing the policies, practices and procedures
2 of the program and the responsibilities of a volunteer with the program.

3 **SECTION 30.** 938.23 (6) of the statutes is amended to read:

4 938.23 (6) DEFINITION. For the purposes of this section, “counsel” means an
5 attorney acting as adversary counsel who shall advance and protect the legal rights
6 of the party represented, and who may not act as guardian ad litem or
7 court-appointed special advocate for any party in the same proceeding.

8 **SECTION 31.** 938.235 (2) of the statutes is amended to read:

9 938.235 (2) QUALIFICATIONS. The guardian ad litem shall be an attorney
10 admitted to practice in this state. No person who is an interested party in a
11 proceeding, who appears as counsel or court-appointed special advocate in a
12 proceeding on behalf of any party or who is a relative or representative of an
13 interested party in a proceeding may be appointed guardian ad litem in that
14 proceeding.

15 **SECTION 32.** 938.236 of the statutes is created to read:

16 **938.236 Court-appointed special advocate. (1) DESIGNATIONS.** In any
17 proceeding under s. 938.13 (4), (6), (6m) or (7) in which the court finds that providing
18 the services of a court-appointed special advocate would be in the best interests of
19 the juvenile, the court may request a court-appointed special advocate program to
20 designate a person who meets the qualifications specified in sub. (2) as a
21 court-appointed special advocate to undertake the activities specified in sub. (3). A
22 court-appointed special advocate does not become a party to the proceeding and, as
23 a nonparty, may not make motions or call or cross-examine witnesses. A designation
24 under this subsection terminates when the jurisdiction of the court over the juvenile

1 under s. 938.13 (4), (6), (6m) or (7) terminates, unless the court discharges the
2 court-appointed special advocate sooner.

3 (2) QUALIFICATIONS. A court-appointed special advocate shall be a volunteer
4 who has been selected and trained as provided in s. 938.07 (5) (b) and (c). No person
5 who is a party in a proceeding, who appears as counsel or guardian ad litem in a
6 proceeding on behalf of any party or who is a relative or representative of a party in
7 a proceeding may be designated as a court-appointed special advocate in that
8 proceeding.

9 (3) ACTIVITIES. A court-appointed special advocate may be designated under
10 sub. (1) to perform any of the following activities:

11 (a) Gather information and make observations about the juvenile for whom the
12 designation is made, the juvenile's family and any other person residing in the same
13 home as the juvenile and provide that information and those observations to the
14 court in the form of written reports or, if requested by the court, oral testimony.

15 (b) Maintain regular contact with the juvenile for whom the designation is
16 made; monitor the appropriateness and safety of the environment of the juvenile, the
17 extent to which the juvenile and the juvenile's family are complying with any consent
18 decree or dispositional order of the court and with any permanency plan under s.
19 938.38, and the extent to which any agency that is required to provide services for
20 the juvenile and the juvenile's family under a consent decree, dispositional order or
21 permanency plan is providing those services; and, based on that regular contact and
22 monitoring, provide information to the court in the form of written reports or, if
23 requested by the court, oral testimony.

24 (c) Advocate for the best interests of the juvenile.

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1 (d) Undertake any other activities that are consistent with the memorandum
2 of understanding entered into under s. 938.07 (5) (a).

3 **(4) AUTHORITY.** A court that requests a court–appointed special advocate
4 program to designate a court–appointed special advocate to undertake the activities
5 specified in sub. (3) shall include in the order requesting that designation an order
6 authorizing the court–appointed special advocate to do any of the following:

7 (a) Inspect any reports and records relating to the juvenile who is the subject
8 of the proceeding, the juvenile’s family and any other person residing in the same
9 home as the juvenile that are relevant to the subject matter of the proceeding,
10 including records discoverable under s. 938.293, examination reports under s.
11 938.295 (2) (b), law enforcement reports and records under ss. 48.396 (1) and 938.396
12 (1), court records under ss. 48.396 (2) (a) and 938.396 (2) (a), social welfare agency
13 records under s. 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect reports and records
14 under s. 48.981 (7) (a) 11r. and pupil records under s. 118.125 (2) (L). The order shall
15 also require the custodian of any report or record specified in this paragraph to
16 permit the court–appointed special advocate to inspect the report or record on
17 presentation by the court–appointed special advocate of a copy of the order. A
18 court–appointed special advocate that obtains access to a report or record described
19 in this paragraph shall keep the information contained in the report or record
20 confidential and may disclose that information only to the court. If a
21 court–appointed special advocate discloses any information to the court under this
22 paragraph, the court–appointed special advocate shall also disclose the information
23 to all parties to the proceeding.

24 (b) Observe the juvenile who is the subject of the proceeding and the juvenile’s
25 living environment and, if the juvenile is old enough to communicate, interview the

1 juvenile; interview the parent, guardian, legal custodian or other caregiver of the
2 juvenile and observe that person's living environment; and interview any other
3 person who might possess any information relating to the juvenile and the juvenile's
4 family that is relevant to the subject of the proceeding. A court-appointed special
5 advocate may observe or interview the juvenile at any location without the
6 permission of the juvenile's parent, guardian, legal custodian or other caregiver if
7 necessary to obtain any information that is relevant to the subject of the proceeding,
8 except that a court-appointed special advocate may enter a juvenile's home only with
9 the permission of the juvenile's parent, guardian, legal custodian or other caregiver
10 or after obtaining a court order permitting the court-appointed special advocate to
11 do so. A court-appointed special advocate who obtains any information under this
12 paragraph shall keep the information confidential and may disclose that information
13 only to the court. If a court-appointed special advocate discloses any information to
14 the court under this paragraph, the court-appointed special advocate shall also
15 disclose that information to all parties to the proceeding.

16 **(5) IMMUNITY FROM LIABILITY.** A volunteer court-appointed special advocate
17 designated under sub. (1) or an employe of a court-appointed special advocate
18 program recognized under s. 938.07 (5) is immune from civil liability for any act or
19 omission of the volunteer or employe occurring while acting within the scope of his
20 or her activities and authority as a volunteer court-appointed special advocate or
21 employe of a court-appointed special advocate program.

22 **SECTION 33.** 938.27 (3) (a) 1. of the statutes is amended to read:

23 938.27 **(3)** (a) 1. The court shall also notify, under s. 938.273, the juvenile, any
24 parent, guardian and legal custodian of the juvenile, any foster parent, treatment
25 foster parent or other physical custodian described in s. 48.62 (2) of the juvenile and

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1 any person specified in par. (b) or (c), if applicable, of all hearings involving the
2 juvenile ~~under this subchapter~~, except hearings on motions for which notice need
3 only be provided to the juvenile and his or her counsel. Where parents entitled to
4 notice have the same place of residence, notice to one shall constitute notice to the
5 other. The first notice to any interested party, foster parent, treatment foster parent
6 or other physical custodian described in s. 48.62 (2) shall be written and may have
7 a copy of the petition attached to it. Thereafter, notice of hearings may be given by
8 telephone at least 72 hours before the time of the hearing. The person giving
9 telephone notice shall place in the case file a signed statement of the time notice was
10 given and the person to whom he or she spoke.

11 **SECTION 34.** 938.27 (3) (c) of the statutes is created to read:

12 938.27 (3) (c) If the petition that was filed relates to facts concerning a situation
13 under s. 938.13 (4), (6), (6m) or (7), the court shall also notify, under s. 938.273, the
14 court-appointed special advocate for the juvenile of all hearings involving the
15 juvenile. The first notice to a court-appointed special advocate shall be written and
16 shall have a copy of the petition attached to it. Thereafter, notice of hearings may be
17 given by telephone at least 72 hours before the time of the hearing. The person giving
18 telephone notice shall place in the case file a signed statement of the time that notice
19 was given and the person to whom he or she spoke.

20 **SECTION 35.** 938.293 (1) of the statutes is amended to read:

21 938.293 (1) Copies of all law enforcement officer reports, including ~~but not~~
22 ~~limited to~~ the officer's memorandum and witnesses' statements, shall be made
23 available upon request to counsel or guardian ad litem for any party and to the
24 court-appointed special advocate for the juvenile prior to a plea hearing. The reports
25 shall be available through the representative of the public designated under s.

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1 938.09. The juvenile, through counsel or guardian ad litem, is the only party who
2 shall have access to the reports in proceedings under s. 938.12, 938.125 or 938.13
3 (12). The identity of a confidential informant may be withheld pursuant to s. 905.10.

4 **SECTION 36.** 938.293 (2) of the statutes is amended to read:

5 938.293 (2) All records relating to a juvenile which are relevant to the subject
6 matter of a proceeding under this chapter shall be open to inspection by a guardian
7 ad litem or counsel for any party and to inspection by the court-appointed special
8 advocate for the juvenile, upon demand and upon presentation of releases where
9 necessary, at least 48 hours before the proceeding. Persons entitled to inspect the
10 records may obtain copies of the records with the permission of the custodian of the
11 records or with the permission of the court. The court may instruct counsel, a
12 guardian ad litem or a court-appointed special advocate not to disclose specified
13 items in the materials to the juvenile or the parent if the court reasonably believes
14 that the disclosure would be harmful to the interests of the juvenile. Sections 971.23
15 and 972.11 (5) shall be applicable in all delinquency proceedings under this chapter,
16 except that the court shall establish the timetable for the disclosures required under
17 ss. 971.23 (1), (2m) and (8) and 972.11 (5).

18 **SECTION 37.** 938.295 (2) (b) of the statutes is amended to read:

19 938.295 (2) (b) The examiner shall file a report of the examination with the
20 court by the date specified in the order. The court shall cause copies to be transmitted
21 to the district attorney or corporation counsel ~~and~~, to the juvenile's counsel or
22 guardian ad litem and, if applicable, to the juvenile's court-appointed special
23 advocate. The report shall describe the nature of the examination and identify the
24 persons interviewed, the particular records reviewed and any tests administered to
25 the juvenile. If the examination is ordered following a plea under s. 938.30 (4) (c),

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1 the report shall also contain an opinion regarding whether the juvenile suffered from
2 mental disease or defect at the time of the commission of the act alleged in the
3 petition and, if so, whether this caused the juvenile to lack substantial capacity to
4 appreciate the wrongfulness of his or her conduct or to conform his or her conduct to
5 the requirements of the law. If the examination is ordered following a finding that
6 there is probable cause to believe that the juvenile has committed the alleged offense
7 and that there is reason to doubt the juvenile's competency to proceed, the report
8 shall also contain an opinion regarding the juvenile's present mental capacity to
9 understand the proceedings and assist in his or her defense and, if the examiner
10 reports that the juvenile lacks competency to proceed, the examiner's opinion
11 regarding the likelihood that the juvenile, if provided treatment, may be restored to
12 competency within the time specified in s. 938.30 (5) (e) 1. The report shall also state
13 in reasonable detail the facts and reasoning upon which the examiner's opinions are
14 based.

15 **SECTION 38.** 938.299 (1) (a) of the statutes is amended to read:

16 938.299 (1) (a) Except as provided in par. (ar), the general public shall be
17 excluded from hearings under this chapter unless a public fact-finding hearing is
18 demanded by a juvenile through his or her counsel. The court shall refuse to grant
19 the public hearing, however, if the victim of an alleged sexual assault objects or, in
20 a nondelinquency proceeding, if a parent or guardian objects. If a public hearing is
21 not held, only the parties, and their counsel or guardian ad litem, the court
22 –appointed special advocate for the juvenile, witnesses, a representative of the news
23 media who wishes to attend the hearing for the purpose of reporting news without
24 revealing the identity of the juvenile involved and other persons requested by a party
25 and approved by the court may be present. Any other person the court finds to have

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1 a proper interest in the case or in the work of the court, including a member of the
2 bar, may be admitted by the court.

3 **SECTION 39.** 938.32 (1) (a) of the statutes is amended to read:

4 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
5 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
6 commissioner may suspend the proceedings and place the juvenile under
7 supervision in the juvenile's own home or present placement or in a youth village
8 program as described in s. 118.42. The court may establish terms and conditions
9 applicable to the parent, guardian or legal custodian, and to the juvenile, including
10 any of the conditions specified in subs. (1b), (1d), (1g), (1m), (1t), (1v) and (1x). The
11 order under this section shall be known as a consent decree and must be agreed to
12 by the juvenile; the parent, guardian or legal custodian; and the person filing the
13 petition under s. 938.25. If the consent decree includes any conditions specified in
14 sub. (1g), the consent decree shall include provisions for payment of the services as
15 specified in s. 938.361. The consent decree shall be reduced to writing and given to
16 the parties.

17 **SECTION 40.** 938.32 (1b) of the statutes is created to read:

18 938.32 (1b) If the petition alleges that the juvenile is in need of protection or
19 services under s. 938.13 (4), (6), (6m) or (7), the judge or juvenile court commissioner
20 may, as a condition under sub. (1), request a court-appointed special advocate
21 program to designate a court-appointed special advocate for the juvenile to perform
22 the activities specified in s. 938.236 (3). A court-appointed special advocate
23 designated under this subsection shall have the authority specified in s. 938.236 (4).

24 **SECTION 41.** 938.32 (2) (c) of the statutes is amended to read:

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1 938.32 (2) (c) Upon the motion of the court or the application of the juvenile,
2 parent, guardian, legal custodian, intake worker or any agency supervising the
3 juvenile under the consent decree, the court may, after giving notice to the parties
4 to the consent decree ~~and~~, their counsel or guardian ad litem and the
5 court-appointed special advocate for the juvenile, if any, extend the decree for up to
6 an additional 6 months or, if the consent decree places the juvenile in a youth village
7 program as described in s. 118.42, for up to an additional one year in the absence of
8 objection to extension by the parties to the initial consent decree. If the parent,
9 guardian or legal custodian objects to the extension, the court shall schedule a
10 hearing and make a determination on the issue of extension. A consent decree
11 placing a juvenile in a youth village program as described in s. 118.42 may be
12 extended no more than twice.

13 **SECTION 42.** 938.345 (3) of the statutes is created to read:

14 938.345 (3) If the court finds that a juvenile is in need of protection or services
15 under s. 938.13 (4), (6), (6m) or (7), the court, instead of or in addition to any other
16 disposition that may be imposed under sub. (1), may place the juvenile as provided
17 in s. 938.34 (2) (a) or (b) and request a court-appointed special advocate program to
18 designate a court-appointed special advocate for the juvenile to perform the
19 activities specified in s. 938.236 (3). A court-appointed special advocate designated
20 under this subsection shall have the authority specified in s. 938.236 (4).

21 **SECTION 43.** 938.355 (2) (d) of the statutes is amended to read:

22 938.355 (2) (d) The court shall provide a copy of the dispositional order to the
23 juvenile's parent, guardian or trustee and to the juvenile through the juvenile's
24 counsel or guardian ad litem. In addition, the court shall provide a copy of a

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1 dispositional order relating to a juvenile in need of protection or services under s.
2 938.13 (4), (6), (6m) or (7) to the juvenile’s court–appointed special advocate.

3 **SECTION 44.** 938.355 (2e) (c) of the statutes is amended to read:

4 938.355 **(2e)** (c) Either the court or the agency that prepared the permanency
5 plan shall furnish a copy of the original plan and each revised plan to the juvenile’s
6 parent or guardian, to the juvenile or the juvenile’s counsel or guardian ad litem, to
7 the juvenile’s court–appointed special advocate and to the person representing the
8 interests of the public.

9 **SECTION 45.** 938.355 (6) (b) of the statutes is amended to read:

10 938.355 **(6)** (b) A motion for imposition of a sanction may be brought by the
11 person or agency primarily responsible for the provision of dispositional services, the
12 district attorney or corporation counsel or the court that entered the dispositional
13 order. If the court initiates the motion, that court is disqualified from holding a
14 hearing on the motion. Notice of the motion shall be given to the juvenile, guardian
15 ad litem, counsel, court–appointed special advocate, parent, guardian, legal
16 custodian and all parties present at the original dispositional hearing. The motion
17 shall contain a statement of whether the juvenile may be subject to the federal Indian
18 child welfare act, 25 USC 1911 to 1963.

19 **SECTION 46.** 938.355 (6m) (b) of the statutes is amended to read:

20 938.355 **(6m)** (b) A motion for the imposition of a sanction under par. (a) or (ag)
21 may be brought by the person or agency primarily responsible for providing
22 dispositional services to the juvenile, the district attorney, the corporation counsel
23 or the court that entered the dispositional order. If the court initiates the motion,
24 that court is disqualified from holding a hearing on the motion. Notice of the motion
25 shall be given to the juvenile, guardian ad litem, counsel, court–appointed special

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1 advocate, parent, guardian, legal custodian and all parties present at the original
2 dispositional hearing.

3 **SECTION 47.** 938.357 (1) of the statutes is amended to read:

4 938.357 (1) The person or agency primarily responsible for implementing the
5 dispositional order or the district attorney may request a change in the placement
6 of the juvenile, whether or not the change requested is authorized in the dispositional
7 order and shall cause written notice to be sent to the juvenile or the juvenile's counsel
8 or guardian ad litem, the parent, guardian and legal custodian of the juvenile, any
9 foster parent, treatment foster parent or other physical custodian described in s.
10 48.62 (2), ~~guardian and legal custodian of the juvenile and the juvenile's~~
11 court-appointed special advocate. The notice shall contain the name and address of
12 the new placement, the reasons for the change in placement, a statement describing
13 why the new placement is preferable to the present placement and a statement of
14 how the new placement satisfies objectives of the treatment plan ordered by the
15 court. Any person receiving the notice under this subsection or notice of the specific
16 foster or treatment foster placement under s. 938.355 (2) (b) 2., other than a
17 court-appointed special advocate, may obtain a hearing on the matter by filing an
18 objection with the court within 10 days after receipt of the notice. Placements ~~shall~~
19 may not be changed until 10 days after such notice is sent to the court unless the
20 parent, guardian or legal custodian and the juvenile, if 12 or more years of age, sign
21 written waivers of objection, except that placement changes which were authorized
22 in the dispositional order may be made immediately if notice is given as required in
23 this subsection. In addition, a hearing is not required for placement changes
24 authorized in the dispositional order except where an objection filed by a person who

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1 received notice alleges that new information is available which affects the
2 advisability of the court's dispositional order.

3 **SECTION 48.** 938.357 (2m) of the statutes is amended to read:

4 938.357 **(2m)** The juvenile, the parent, guardian or legal custodian of the
5 juvenile or any person or agency primarily bound by the dispositional order, other
6 than the person or agency responsible for implementing the order, may request a
7 change in placement under this subsection. The request shall contain the name and
8 address of the place of the new placement requested and shall state what new
9 information is available which affects the advisability of the current placement. This
10 request shall be submitted to the court. In addition, the court may propose a change
11 in placement on its own motion. The court shall hold a hearing on the matter prior
12 to ordering any change in placement under this subsection if the request states that
13 new information is available which affects the advisability of the current placement,
14 unless written waivers of objection to the proposed change in placement are signed
15 by all parties persons entitled to receive notice under sub. (1), other than a
16 court-appointed special advocate, and the court approves. If a hearing is scheduled,
17 the court shall notify the juvenile, the parent, guardian and legal custodian of the
18 juvenile, any foster parent, treatment foster parent or other physical custodian
19 described in s. 48.62 (2) of the juvenile, the juvenile's court-appointed special
20 advocate and all parties who are bound by the dispositional order at least 3 days prior
21 to the hearing. A copy of the request or proposal for the change in placement shall
22 be attached to the notice. If all the parties consent, the court may proceed
23 immediately with the hearing.

24 **SECTION 49.** 938.363 (1) of the statutes is amended to read:

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1 938.363 (1) A juvenile, the juvenile’s parent, guardian or legal custodian, any
2 person or agency bound by a dispositional order or the district attorney or
3 corporation counsel in the county in which the dispositional order was entered may
4 request a revision in the order that does not involve a change in placement, including
5 a revision with respect to the amount of child support to be paid by a parent, or the
6 court may on its own motion propose such a revision. The request or court proposal
7 shall set forth in detail the nature of the proposed revision and what new information
8 is available that affects the advisability of the court’s disposition. The request or
9 court proposal shall be submitted to the court. The court shall hold a hearing on the
10 matter if the request or court proposal indicates that new information is available
11 which affects the advisability of the court’s dispositional order and prior to any
12 revision of the dispositional order, unless written waivers of objections to the revision
13 are signed by all parties entitled to receive notice and the court approves. If a hearing
14 is held, the court shall notify the juvenile, the juvenile’s parent, guardian and legal
15 custodian, all parties bound by the dispositional order, the juvenile’s foster parent,
16 treatment foster parent or other physical custodian described in s. 48.62 (2), the
17 juvenile’s court-appointed special advocate and the district attorney or corporation
18 counsel in the county in which the dispositional order was entered at least 3 days
19 prior to the hearing. A copy of the request or proposal shall be attached to the notice.
20 If the proposed revision is for a change in the amount of child support to be paid by
21 a parent, the court shall order the juvenile’s parent to provide a statement of income,
22 assets, debts and living expenses to the court and the person or agency primarily
23 responsible for implementing the dispositional order by a date specified by the court.
24 The clerk of court shall provide, without charge, to any parent ordered to provide a
25 statement of income, assets, debts and living expenses a document setting forth the

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1 percentage standard established by the department of workforce development under
2 s. 49.22 (9) and listing the factors that a court may consider under s. 46.10 (14) (c).
3 If all parties consent, the court may proceed immediately with the hearing. No
4 revision may extend the effective period of the original order, or revise an original
5 order under s. 938.34 (3) (f) or (6) (am) to impose more than 30 days of detention,
6 nonsecure custody or inpatient treatment on a juvenile.

7 **SECTION 50.** 938.365 (2) of the statutes is amended to read:

8 938.365 (2) No order may be extended without a hearing. The court shall notify
9 the juvenile or the juvenile's guardian ad litem or counsel, the juvenile's parent,
10 guardian, and legal custodian, all of the parties present at the original hearing, the
11 juvenile's foster parent, treatment foster parent or other physical custodian
12 described in s. 48.62 (2), the juvenile's court-appointed special advocate and the
13 district attorney or corporation counsel in the county in which the dispositional order
14 was entered of the time and place of the hearing.

15 **SECTION 51.** 938.38 (5) (b) of the statutes is amended to read:

16 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
17 the juvenile if he or she is 10 years of age or older and the juvenile's foster parent,
18 the juvenile's treatment foster parent or the operator of the facility in which the
19 juvenile is living of the date, time and place of the review, of the issues to be
20 determined as part of the review, of the fact that they may have an opportunity to
21 be heard at the review by submitting written comments not less than 10 working
22 days before the review or by participating at the review. The court or agency shall
23 notify the person representing the interests of the public, the juvenile's counsel and,
24 the juvenile's guardian ad litem and the juvenile's court-appointed special advocate
25 of the date of the review, of the issues to be determined as part of the review and of

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1 the fact that they may submit written comments not less than 10 working days before
2 the review. The notices under this paragraph shall be provided in writing not less
3 than 30 days before the review and copies of the notices shall be filed in the juvenile's
4 case record.

5 **SECTION 52.** 938.38 (5) (d) of the statutes is amended to read:

6 938.38 (5) (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the
7 permanency plan shall, at least 5 days before a review by a review panel, provide to
8 each person appointed to the review panel, the person representing the interests of
9 the public, the juvenile's counsel ~~and~~, the juvenile's guardian ad litem and the
10 juvenile's court-appointed special advocate a copy of the permanency plan and any
11 written comments submitted under par. (b). Notwithstanding s. 938.78 (2) (a), a
12 person appointed to a review panel, the person representing the interests of the
13 public, the juvenile's counsel ~~and~~, the juvenile's guardian ad litem and the juvenile's
14 court-appointed special advocate may have access to any other records concerning
15 the juvenile for the purpose of participating in the review. A person permitted access
16 to a juvenile's records under this paragraph may not disclose any information from
17 the records to any other person.

18 **SECTION 53.** 938.38 (5) (e) of the statutes is amended to read:

19 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
20 the determinations under par. (c) and shall provide a copy to the court that entered
21 the order, the juvenile or the juvenile's counsel or guardian ad litem, the person
22 representing the interests of the public, the juvenile's parent or guardian, the
23 juvenile's court-appointed special advocate and the juvenile's foster parent, the

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

3 (END)