

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 532**

March 2, 2000 – Offered by COMMITTEE ON CHILDREN AND FAMILIES.

1     **AN ACT** *to amend* 46.481 (4), 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. and 118.125 (2) (L);  
5           and *to create* 48.07 (5), 48.236, 48.27 (3) (e), 48.32 (1b) and 48.345 (2r) of the  
6           statutes; **relating to:** court–appointed special advocates for children in need  
7           of protection or services.

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

8           **SECTION 1.** 46.481 (4) of the statutes, as affected by 1999 Wisconsin Act 9, is  
9           amended to read:

10           46.481 (4) GRANTS FOR COURT–APPOINTED SPECIAL ADVOCATES. The department  
11           shall distribute \$50,000 in each fiscal year as grants to court–appointed special

1 advocate programs that are recognized by a county board, by a county department  
2 under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, by the  
3 department or a licensed child welfare agency under contract with the department  
4 chief judge of a judicial administrative district under s. 48.07 (5) to perform advocacy  
5 services in proceedings under s. 48.13.

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

7 **48.07 (5) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.** (a) *Memorandum of*  
8 *understanding.* The court may obtain the services of a court-appointed special  
9 advocate program that has been recognized by the chief judge of the judicial  
10 administrative district. A chief judge of a judicial administrative district may  
11 recognize a court-appointed special advocate program by entering into a  
12 memorandum of understanding with the court-appointed special advocate program  
13 that specifies the responsibilities of the court-appointed special advocate program  
14 and of a court-appointed special advocate designated under s. 48.236 (1). The  
15 memorandum of understanding shall specify that the court-appointed special  
16 advocate program is responsible for selecting, training, supervising and evaluating  
17 the volunteers and employes of the program who are authorized to provide  
18 court-appointed special advocate services as provided in pars. (b) to (d), that, in  
19 addition to any other activities specified in the memorandum of understanding, a  
20 volunteer or employe of the program who is authorized to provide court-appointed  
21 special advocate services may be designated to perform any of the activities specified  
22 in s. 48.236 (3) (a) to (c) and that, in addition to any other authority specified in the  
23 memorandum of understanding, a volunteer or employe of the program who is  
24 authorized to provide court-appointed special advocate services may be authorized  
25 to exercise any of the authority specified in s. 48.236 (4) (a) and (b), unless the parties

1 to the memorandum of understanding determine that a variance from the  
2 requirements of pars. (b) to (d), the activities specified in s. 48.236 (3) (a) to (c) or the  
3 authority specified in s. 48.236 (4) (a) and (b) is necessary for the efficient  
4 administration of the program.

5 (b) *Selection.* 1. A court–appointed special advocate program may select a  
6 person to provide court–appointed special advocate services if the person is 21 years  
7 of age or older, demonstrates an interest in the welfare of children, undergoes a  
8 satisfactory background investigation as provided under subd. 2., completes the  
9 training required under par. (c) and meets any other qualifications required by the  
10 court–appointed special advocate program. A court–appointed special advocate  
11 program may refuse to permit to provide court–appointed special advocate services  
12 any person whose provision of those services might pose a risk, as determined by the  
13 court–appointed special advocate program, to the safety of any child.

14 2. On receipt of an application from a prospective court–appointed special  
15 advocate, the court–appointed special advocate program, with the assistance of the  
16 department of justice, shall conduct a background investigation of the applicant. If  
17 the court–appointed special advocate program determines that any information  
18 obtained as a result of the background investigation provides a reasonable basis for  
19 further investigation, the court–appointed special advocate program may require  
20 the applicant to be fingerprinted on 2 fingerprint cards, each bearing a complete set  
21 of the applicant’s fingerprints. The department of justice may provide for the  
22 submission of the fingerprint cards to the federal bureau of investigation for the  
23 purposes of verifying the identification of the applicant and obtaining the applicant’s  
24 criminal arrest and conviction record. The court–appointed special advocate

1 program shall keep confidential all information received from the department of  
2 justice and the federal bureau of investigation under this subdivision.

3 (c) *Training.* A court–appointed special advocate program shall require a  
4 volunteer or employe of the program selected under par. (b) to complete a training  
5 program before the volunteer or employe may be designated as a court–appointed  
6 special advocate under s. 48.236 (1). The training program shall include instruction  
7 on recognizing child abuse and neglect, cultural competency, as defined in s. 48.982  
8 (1) (bm), child development, the procedures of the court, permanency planning, the  
9 activities of a court–appointed special advocate under s. 48.236 (3) and information  
10 gathering and documentation, and shall include observation of a proceeding under  
11 s. 48.13. A court–appointed special advocate program shall also require each  
12 volunteer and employe of the program selected under par. (b) to complete continuing  
13 training annually.

14 (d) *Supervision and evaluation.* The supervisory support staff of a  
15 court–appointed special advocate program shall be easily accessible to the  
16 volunteers and employes of the program who are authorized to provide  
17 court–appointed special advocate services, shall hold regular case conferences with  
18 those volunteers and employes to review case progress and shall conduct annual  
19 performance evaluations of those volunteers and employes. A court–appointed  
20 special advocate program shall provide its staff and volunteers with written  
21 guidelines describing the policies, practices and procedures of the program and the  
22 responsibilities of a volunteer or employe of the program who is authorized to provide  
23 court–appointed special advocate services.

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

1           **48.23 (3m) GUARDIANS AD LITEM OR COUNSEL FOR ABUSED OR NEGLECTED CHILDREN.**

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

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

10           **48.23 (6) DEFINITION.** For the purposes of this section, “counsel” means an  
11           attorney acting as adversary counsel who shall advance and protect the legal rights  
12           of the party represented, and who may not act as guardian ad litem or  
13           court-appointed special advocate for any party in the same proceeding.

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

15           **48.235 (2) QUALIFICATIONS.** The guardian ad litem shall be an attorney  
16           admitted to practice in this state. No person who is an interested party in a  
17           proceeding, who appears as counsel or court-appointed special advocate in a  
18           proceeding on behalf of any party or who is a relative or representative of an  
19           interested party in a proceeding may be appointed guardian ad litem in that  
20           proceeding.

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

22           **48.236 Court-appointed special advocate. (1) DESIGNATION.** In any  
23           proceeding under s. 48.13 in which the court finds that providing the services of a  
24           court-appointed special advocate would be in the best interests of the child, the court  
25           may request a court-appointed special advocate program to designate a person who

1 meets the qualifications specified in sub. (2) as a court–appointed special advocate  
2 to undertake the activities specified in sub. (3). A court–appointed special advocate  
3 does not become a party to the proceeding and, as a nonparty, may not make motions  
4 or call or cross–examine witnesses. A designation under this subsection terminates  
5 when the jurisdiction of the court over the child under s. 48.13 terminates, unless the  
6 court discharges the court–appointed special advocate sooner.

7 **(2) QUALIFICATIONS.** A court–appointed special advocate shall be a volunteer  
8 or employe of a court–appointed special advocate program who has been selected and  
9 trained as provided in the memorandum of understanding entered into under s.  
10 48.07 (5) (a). No person who is a party in a proceeding, who appears as counsel or  
11 guardian ad litem in a proceeding on behalf of any party or who is a relative or  
12 representative of a party in a proceeding may be designated as a court–appointed  
13 special advocate in that proceeding.

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

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

20 (b) Maintain regular contact with the child for whom the designation is made;  
21 monitor the appropriateness and safety of the environment of the child, the extent  
22 to which the child and the child’s family are complying with any consent decree or  
23 dispositional order of the court and with any permanency plan under s. 48.38, and  
24 the extent to which any agency that is required to provide services for the child and  
25 the child’s family under a consent decree, dispositional order or permanency plan is

1 providing those services; and, based on that regular contact and monitoring, provide  
2 information to the court in the form of written reports or, if requested by the court,  
3 oral testimony.

4 (c) Promote the best interests of the child.

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

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

11 (a) Inspect any reports and records relating to the child who is the subject of  
12 the proceeding, the child’s family and any other person residing in the same home  
13 as the child that are relevant to the subject matter of the proceeding, including  
14 records discoverable under s. 48.293, examination reports under s. 48.295 (2), law  
15 enforcement reports and records under ss. 48.396 (1) and 938.396 (1), court records  
16 under ss. 48.396 (2) (a) and 938.396 (2) (a), social welfare agency records under ss.  
17 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect reports and records under s. 48.981  
18 (7) (a) 11r. and pupil records under s. 118.125 (2) (L). The order shall also require the  
19 custodian of any report or record specified in this paragraph to permit the  
20 court–appointed special advocate to inspect the report or record on presentation by  
21 the court–appointed special advocate of a copy of the order. A court–appointed  
22 special advocate that obtains access to a report or record described in this paragraph  
23 shall keep the information contained in the report or record confidential and may  
24 disclose that information only to the court. If a court–appointed special advocate

1 discloses any information to the court under this paragraph, the court-appointed  
2 special advocate shall also disclose that information to all parties to the proceeding.

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

20 (c) Exercise any other authority that is consistent with the memorandum of  
21 understanding entered into under s. 48.07 (5) (a).

22 **(5) IMMUNITY FROM LIABILITY.** A volunteer court-appointed special advocate  
23 designated under sub. (1) or an employe of a court-appointed special advocate  
24 program recognized under s. 48.07 (5) is immune from civil liability for any act or  
25 omission of the volunteer or employe occurring while acting within the scope of his



1 or her activities and authority as a volunteer court–appointed special advocate or  
2 employe of a court–appointed special advocate program.

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

4 48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a  
5 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother  
6 who is a child, the court shall also notify, under s. 48.273, the child, any parent,  
7 guardian and legal custodian of the child, any foster parent, treatment foster parent  
8 or other physical custodian described in s. 48.62 (2) of the child, the unborn child by  
9 the unborn child’s guardian ad litem, if applicable, and any person specified in par.  
10 (b) ~~or~~, (d) or (e), if applicable, of all hearings involving the child except hearings on  
11 motions for which notice need only be provided to the child and his or her counsel.  
12 When parents who are entitled to notice have the same place of residence, notice to  
13 one shall constitute notice to the other. The first notice to any interested party, foster  
14 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)  
15 shall be written and may have a copy of the petition attached to it. Thereafter, notice  
16 of hearings may be given by telephone at least 72 hours before the time of the  
17 hearing. The person giving telephone notice shall place in the case file a signed  
18 statement of the time notice was given and the person to whom he or she spoke.

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

20 **48.27 (3) (e)** If the petition that was filed relates to facts concerning a situation  
21 under s. 48.13, the court shall also notify, under s. 48.273, the court–appointed  
22 special advocate for the child of all hearings involving the child. The first notice to  
23 a court–appointed special advocate shall be written and shall have a copy of the  
24 petition attached to it. Thereafter, notice of hearings may be given by telephone at  
25 least 72 hours before the time of the hearing. The person giving telephone notice

1 shall place in the case file a signed statement of the time that notice was given and  
2 the person to whom he or she spoke.

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

4 48.293 (1) Copies of all law enforcement officer reports, including ~~but not~~  
5 ~~limited to~~ the officer's memorandum and witnesses' statements, shall be made  
6 available upon request to counsel or guardian ad litem for any party and to the  
7 court-appointed special advocate for the child prior to a plea hearing. The reports  
8 shall be available through the representative of the public designated under s. 48.09.  
9 The identity of a confidential informant may be withheld pursuant to s. 905.10.

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

11 48.293 (2) All records relating to a child, or to an unborn child and the unborn  
12 child's expectant mother, which are relevant to the subject matter of a proceeding  
13 under this chapter shall be open to inspection by a guardian ad litem or counsel for  
14 any party and to inspection by the court-appointed special advocate for the child,  
15 upon demand and upon presentation of releases when necessary, at least 48 hours  
16 before the proceeding. Persons and unborn children, by their guardians ad litem,  
17 entitled to inspect the records may obtain copies of the records with the permission  
18 of the custodian of the records or with permission of the court. The court may instruct  
19 counsel, a guardian ad litem or a court-appointed special advocate not to disclose  
20 specified items in the materials to the child or the parent, or to the expectant mother,  
21 if the court reasonably believes that the disclosure would be harmful to the interests  
22 of the child or the unborn child.

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

24 48.295 (2) The examiner shall file a report of the examination with the court  
25 by the date specified in the order. The court shall cause copies to be transmitted to

1 the district attorney or corporation counsel, to counsel or guardian ad litem for the  
2 child and, if to the court-appointed special advocate for the child. If applicable, the  
3 court shall also cause copies to be transmitted to counsel or guardian ad litem for the  
4 unborn child and the unborn child's expectant mother. The report shall describe the  
5 nature of the examination and identify the persons interviewed, the particular  
6 records reviewed and any tests administered to the child or expectant mother. The  
7 report shall also state in reasonable detail the facts and reasoning upon which the  
8 examiner's opinions are based.

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

10 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if  
11 a public hearing is not held, only the parties and their counsel or guardian ad litem,  
12 if any the court-appointed special advocate for the child, the child's foster parent,  
13 treatment foster parent or other physical custodian described in s. 48.62 (2),  
14 witnesses and other persons requested by a party and approved by the court may be  
15 present, except that the court may exclude a foster parent, treatment foster parent  
16 or other physical custodian described in s. 48.62 (2) from any portion of the hearing  
17 if that portion of the hearing deals with sensitive personal information of the child  
18 or the child's family or if the court determines that excluding the foster parent,  
19 treatment foster parent or other physical custodian would be in the best interests of  
20 the child. Except in a proceeding under s. 48.375 (7), any other person the court finds  
21 to have a proper interest in the case or in the work of the court, including a member  
22 of the bar, may be admitted by the court.

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

24 48.32 (1) At any time after the filing of a petition for a proceeding relating to  
25 s. 48.13 or 48.133 and before the entry of judgment, the judge or juvenile court

1 commissioner may suspend the proceedings and place the child or expectant mother  
2 under supervision in the home or present placement of the child or expectant mother.  
3 The court may establish terms and conditions applicable to the child and the child's  
4 parent, guardian or legal custodian, to the child expectant mother and her parent,  
5 guardian or legal custodian or to the adult expectant mother, including the condition  
6 specified in sub. (1b). The order under this section shall be known as a consent decree  
7 and must be agreed to by the child if 12 years of age or older, the parent, guardian  
8 or legal custodian, and the person filing the petition under s. 48.25; by the child  
9 expectant mother, her parent, guardian or legal custodian, the unborn child by the  
10 unborn child's guardian ad litem and the person filing the petition under s. 48.25; or  
11 by the adult expectant mother, the unborn child by the unborn child's guardian ad  
12 litem and the person filing the petition under s. 48.25. The consent decree shall be  
13 reduced to writing and given to the parties.

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

15 48.32 (1b) The judge or juvenile court commissioner may, as a condition under  
16 sub. (1), request a court-appointed special advocate program to designate a  
17 court-appointed special advocate for the child to perform the activities specified in  
18 s. 48.236 (3) that are authorized in the memorandum of understanding under s. 48.07  
19 (5) (a). A court-appointed special advocate designated under this subsection shall  
20 have the authority specified in s. 48.236 (4) that is authorized in the memorandum  
21 of understanding under s. 48.07 (5) (a).

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

23 48.32 (2) (c) Upon the motion of the court or the application of the child, parent,  
24 guardian, legal custodian, expectant mother, unborn child by the unborn child's  
25 guardian ad litem, intake worker or any agency supervising the child or expectant

1 mother under the consent decree, the court may, after giving notice to the parties to  
2 the consent decree ~~and~~, their counsel or guardian ad litem and the court-appointed  
3 special advocate for the child, if any, extend the decree for up to an additional 6  
4 months in the absence of objection to extension by the parties to the initial consent  
5 decree. If the child, parent, guardian, legal custodian, expectant mother or unborn  
6 child by the unborn child's guardian ad litem objects to the extension, the judge shall  
7 schedule a hearing and make a determination on the issue of extension. An  
8 extension under this paragraph of a consent decree relating to an unborn child who  
9 is alleged to be in need of protection or services may be granted after the child is born.

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

11 48.345 (2r) Place the child as provided in sub. (2) or (2m) and, in addition,  
12 request a court-appointed special advocate program to designate a court-appointed  
13 special advocate for the child to perform the activities specified in s. 48.236 (3) that  
14 are authorized in the memorandum of understanding under s. 48.07 (5) (a). A  
15 court-appointed special advocate designated under this subsection shall have the  
16 authority specified in s. 48.236 (4) that is authorized in the memorandum of  
17 understanding under s. 48.07 (5) (a).

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

19 48.355 (2) (d) The court shall provide a copy of a dispositional order relating  
20 to a child in need of protection or services to the child's parent, guardian or trustee,  
21 to the child through the child's counsel or guardian ad litem and to the child's  
22 court-appointed special advocate. The court shall provide a copy of a dispositional  
23 order relating to an unborn child in need of protection or services to the expectant  
24 mother, to the unborn child through the unborn child's guardian ad litem and, if the  
25 expectant mother is a child, to her parent, guardian or trustee.

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

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

7           **SECTION 19.** 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, the district attorney or the corporation counsel may request a  
10 change in the placement of the child or expectant mother, whether or not the change  
11 requested is authorized in the dispositional order and shall cause written notice to  
12 be sent to the child, the parent, guardian and legal custodian of the child, any foster  
13 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)  
14 of the child, the child's court-appointed special advocate and, if the child is the  
15 expectant mother of an unborn child under s. 48.133, the unborn child by the unborn  
16 child's guardian ad litem. If the expectant mother is an adult, written notice shall  
17 be sent to the adult expectant mother and the unborn child by the unborn child's  
18 guardian ad litem. The notice shall contain the name and address of the new  
19 placement, the reasons for the change in placement, a statement describing why the  
20 new placement is preferable to the present placement and a statement of how the  
21 new placement satisfies objectives of the treatment plan ordered by the court. Any  
22 person receiving the notice under this subsection or notice of a specific placement  
23 under s. 48.355 (2) (b) 2., other than a court-appointed special advocate, may obtain  
24 a hearing on the matter by filing an objection with the court within 10 days after  
25 receipt of the notice. Placements may not be changed until 10 days after that notice

1 is sent to the court unless the parent, guardian or legal custodian and the child, if  
2 12 years of age or over, or the child expectant mother, if 12 years of age or over, her  
3 parent, guardian or legal custodian and the unborn child by the unborn child's  
4 guardian ad litem, or the adult expectant mother and the unborn child by the unborn  
5 child's guardian ad litem, sign written waivers of objection, except that placement  
6 changes which were authorized in the dispositional order may be made immediately  
7 if notice is given as required in this subsection. In addition, a hearing is not required  
8 for placement changes authorized in the dispositional order except when an objection  
9 filed by a person who received notice alleges that new information is available which  
10 affects the advisability of the court's dispositional order.

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

12 48.357 **(2m)** The child, the parent, guardian or legal custodian of the child, the  
13 expectant mother, the unborn child by the unborn child's guardian at litem or any  
14 person or agency primarily bound by the dispositional order, other than the person  
15 or agency responsible for implementing the order, may request a change in  
16 placement under this subsection. The request shall contain the name and address  
17 of the place of the new placement requested and shall state what new information  
18 is available which affects the advisability of the current placement. This request  
19 shall be submitted to the court. In addition, the court may propose a change in  
20 placement on its own motion. The court shall hold a hearing on the matter prior to  
21 ordering any change in placement under this subsection if the request states that  
22 new information is available which affects the advisability of the current placement,  
23 unless written waivers of objection to the proposed change in placement are signed  
24 by all parties persons entitled to receive notice under sub. (1), other than a  
25 court-appointed special advocate, and the court approves. If a hearing is scheduled,

1 the court shall notify the child, the parent, guardian and legal custodian of the child,  
2 any foster parent, treatment foster parent or other physical custodian described in  
3 s. 48.62 (2) of the child, the child's court-appointed special advocate, all parties who  
4 are bound by the dispositional order and, if the child is the expectant mother of an  
5 unborn child under s. 48.133, the unborn child by the unborn child's guardian ad  
6 litem, or shall notify the adult expectant mother, the unborn child by the unborn  
7 child's guardian ad litem and all parties who are bound by the dispositional order,  
8 at least 3 days prior to the hearing. A copy of the request or proposal for the change  
9 in placement shall be attached to the notice. If all the parties consent, the court may  
10 proceed immediately with the hearing.

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

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



1 court shall notify the child, the child's parent, guardian and legal custodian, all  
2 parties bound by the dispositional order, the child's foster parent, treatment foster  
3 parent or other physical custodian described in s. 48.62 (2), the child's  
4 court-appointed special advocate, the district attorney or corporation counsel in the  
5 county in which the dispositional order was entered, and, if the child is the expectant  
6 mother of an unborn child under s. 48.133, the unborn child by the unborn child's  
7 guardian ad litem or shall notify the adult expectant mother, the unborn child  
8 through the unborn child's guardian ad litem, all parties bound by the dispositional  
9 order and the district attorney or corporation counsel in the county in which the  
10 dispositional order was entered, at least 3 days prior to the hearing. A copy of the  
11 request or proposal shall be attached to the notice. If the proposed revision is for a  
12 change in the amount of child support to be paid by a parent, the court shall order  
13 the child's parent to provide a statement of income, assets, debts and living expenses  
14 to the court and the person or agency primarily responsible for implementing the  
15 dispositional order by a date specified by the court. The clerk of court shall provide,  
16 without charge, to any parent ordered to provide a statement of income, assets, debts  
17 and living expenses a document setting forth the percentage standard established  
18 by the department of workforce development under s. 49.22 (9) and the manner of  
19 its application established by the department of health and family services under s.  
20 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all  
21 parties consent, the court may proceed immediately with the hearing. No revision  
22 may extend the effective period of the original order.

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

24 48.365 (2) No order may be extended without a hearing. The court shall notify  
25 the child, the child's parent, guardian and legal custodian, all the parties present at

1 the original hearing, the child's foster parent, treatment foster parent or other  
2 physical custodian described in s. 48.62 (2), the child's court-appointed special  
3 advocate, the district attorney or corporation counsel in the county in which the  
4 dispositional order was entered and, if the child is an expectant mother of an unborn  
5 child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or  
6 shall notify the adult expectant mother, the unborn child through the unborn child's  
7 guardian ad litem, all the parties present at the original hearing and the district  
8 attorney or corporation counsel in the county in which the dispositional order was  
9 entered, of the time and place of the hearing.

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

11 48.38 (5) (b) The court or the agency shall notify the parents of the child, the  
12 child if he or she is 12 years of age or older and the child's foster parent, the child's  
13 treatment foster parent or the operator of the facility in which the child is living of  
14 the date, time and place of the review, of the issues to be determined as part of the  
15 review, of the fact that they may have an opportunity to be heard at the review by  
16 submitting written comments not less than 10 working days before the review or by  
17 participating at the review. The court or agency shall notify the person representing  
18 the interests of the public, the child's counsel ~~and~~, the child's guardian ad litem and  
19 the child's court-appointed special advocate of the date of the review, of the issues  
20 to be determined as part of the review and of the fact that they may submit written  
21 comments not less than 10 working days before the review. The notices under this  
22 paragraph shall be provided in writing not less than 30 days before the review and  
23 copies of the notices shall be filed in the child's case record.

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

1           48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the  
2 permanency plan shall, at least 5 days before a review by a review panel, provide to  
3 each person appointed to the review panel, the person representing the interests of  
4 the public, the child’s counsel ~~and~~, the child’s guardian ad litem and the child’s  
5 court–appointed special advocate a copy of the permanency plan and any written  
6 comments submitted under par. (b). Notwithstanding s. 48.78 (2) (a), a person  
7 appointed to a review panel, the person representing the interests of the public, the  
8 child’s counsel ~~and~~, the child’s guardian ad litem and the child’s court–appointed  
9 special advocate may have access to any other records concerning the child for the  
10 purpose of participating in the review. A person permitted access to a child’s records  
11 under this paragraph may not disclose any information from the records to any other  
12 person.

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

14           48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of  
15 the determinations under par. (c) and shall provide a copy to the court that entered  
16 the order, the child or the child’s counsel or guardian ad litem, the person  
17 representing the interests of the public, the child’s parent or guardian, the child’s  
18 court–appointed special advocate and the child’s foster parent, the child’s treatment  
19 foster parent or the operator of the facility where the child is living.

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

21           48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical  
22 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or  
23 mental health professional, social worker, marriage and family therapist,  
24 professional counselor, public assistance worker, including a financial and  
25 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or

1 counselor, mediator under s. 767.11, child care worker in a day care center or child  
2 caring institution, day care provider, alcohol or other drug abuse counselor, member  
3 of the treatment staff employed by or working under contract with a county  
4 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational  
5 therapist, dietitian, speech–language pathologist, audiologist, emergency medical  
6 technician or police or law enforcement officer having reasonable cause to suspect  
7 that a child seen in the course of professional duties has been abused or neglected  
8 or having reason to believe that a child seen in the course of professional duties has  
9 been threatened with abuse or neglect and that abuse or neglect of the child will occur  
10 shall, except as provided under sub. (2m), report as provided in sub. (3). A  
11 court–appointed special advocate having reasonable cause to suspect that a child  
12 seen in the course of the court–appointed special advocate’s activities under s. 48.236  
13 (3) has been abused or neglected or having reason to believe that a child seen in the  
14 course of those activities has been threatened with abuse and neglect and that abuse  
15 or neglect of the child will occur shall, except as provided in sub. (2m), report as  
16 provided in sub. (3). Any other person, including an attorney, having reason to  
17 suspect that a child has been abused or neglected or reason to believe that a child has  
18 been threatened with abuse or neglect and that abuse or neglect of the child will occur  
19 may make such a report. Any person, including an attorney having reason to suspect  
20 that an unborn child has been abused or reason to believe that an unborn child is at  
21 substantial risk of abuse may report as provided in sub. (3). No person making a  
22 report under this subsection may be discharged from employment for so doing.

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

24 48.981 (7) (a) 11r. A volunteer appointed court–appointed special advocate  
25 designated under s. 48.236 (1) or person employed by a court–appointed special

1 advocate program recognized by the county board or the county department or, in a  
2 county having a population of 500,000 or more, the department or a licensed child  
3 welfare agency under contract with the department chief judge of a judicial  
4 administrative district under s. 48.07 (5), to the extent necessary for the  
5 court-appointed special advocate to perform the advocacy services specified in s.  
6 48.236 (3) that the court-appointed special advocate was designated to perform in  
7 proceedings related to a petition under s. 48.13 or 48.133 for which the  
8 court-appointed special advocate program is recognized by the county board, county  
9 department or department.

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

11 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in  
12 compliance with a court order under s. 48.236 (4) (a), 48.345 (12) (b), 938.34 (7d) (b),  
13 938.396 (1m) (c) or (d) or 938.78 (2) (b) 2. after making a reasonable effort to notify  
14 the pupil's parent or legal guardian.

15 (END)