

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3176/P1dn
ML/GM/MD/JO:wlj:jf

August 27, 1999

Jane:

This draft incorporates the changes to SECTION 8 of the bill that you and I discussed, as well as some minor, technical changes. Please note that Bob Nelson made some changes to the wording of SECTION 24 of the bill.

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Jane:

This draft makes the following changes to s. 118.175, as created by the draft:

1. The draft deletes "who is a child". If a pupil has a legal custodian, as defined in s. 48.02 (11) or 938.02 (11), that pupil must necessarily be a child.
2. The draft deletes "under s. 48.57 (3m)" and substitutes "as defined in s. 48.57 (3m) (a)". "Under s. 48.57 (3m)" might imply that the relative must be receiving kinship care payments, which is not the point of the provision; rather, the point of the provision is that the *child* is receiving care from a relative. A relative who is listed in the kinship care relative definition may care for a child without receiving kinship care payments.
3. The draft deletes "under s. 48.13 (1)". "Under s. 48.13 (1)" is redundant in that s. 48.13 (1) says nothing more than what the preceding language says, that is, that the child is without a parent or guardian. Moreover, "under s. 48.13 (1)" might imply that the pupil has been found to be in need of protection or services, in which case the entire provision would be a nullity in that the county department would already know that the pupil is without a parent or guardian.
4. The draft deletes "s. 48.01 (2g)" and substitutes "s. 46.22 or 46.23". While the cross-reference to s. 48.02 (2g) is not incorrect, s. 48.02 (2g) merely in turn cross-references s. 46.22 or 46.23. Thus, it is more straightforward simply to cross-reference s. 46.22 or 46.23 to begin with.

If you would like to discuss any of these changes, please do not hesitate to contact me directly.

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Jane:

Note that proposed s. 947.017 does not cover charter schools or privately owned buildings in which private persons operate Head Start or other preschool programs. If you want to cover either or both of these types of places, you may want to consider using language like that contained in SB-191.

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