

2001 DRAFTING REQUEST

Senate Amendment (SA-AB809)

Received: **03/12/2002**

Received By: **malaigm**

Wanted: **03/12/2002**

Identical to LRB:

For: **Gwendolynne Moore (608) 266-5810**

By/Representing: **Kelly Bablitch**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Addl. Drafters:

Subject: **Children - out-of-home placement**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Moore@legis.state.wi.us**

Carbon copy (CC:) to: **kelly.bablitch@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Permanency plans for children placed with relatives by court order

Instructions:

Require a permanency plan to be prepared when a child is placed with a relative by court order. Do not require such a plan for a voluntary placement.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 03/12/2002	csicilia 03/12/2002		_____			
/1			pgreensl 03/12/2002	_____	lrb_docadmin 03/12/2002	lrb_docadmin 03/12/2002	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	kahlepj 03/12/2002	csicilia 03/12/2002	kfollet 03/12/2002	_____	lrb_docadmin 03/12/2002	lrb_docadmin 03/12/2002	

FE Sent For:

<END>

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/?	malaigm 03/12/2002	csicilia 03/12/2002					
/1		1/2 cjs 3/12 02	pgreensl 03/12/2002		lrb_docadmin 03/12/2002	lrb_docadmin 03/12/2002	

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KJ
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03/12/2002 12:02:48 PM

Page 2

LRBa1549

FE Sent For:

<END>

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1?	malaigm	1 cjs 3/12/02	3/12/02 P8	3/12/02 RS/P8			

FE Sent For:

<END>

2001

Date (time) needed

NOW!!!
FLOOR!!!
D-572

LRBa 1549, 1, 1

GMM: cjs:

AMENDMENT

See form AMENDMENTS — COMPONENTS & ITEMS.

(S) # [AMENDMENT]

~~TO S A AMENDMENT (LRBa / /)~~
~~TO S A SUBSTITUTE AMENDMENT (LRBs / /)~~
TO 2001 ~~SB SJR SR~~ (AB) ~~AJR AR~~ 809 (LRB / /)

At the locations indicated, amend the _____ as follows:
(fill ONLY if "engrossed ..." or "as shown by")

#. Page 37, line 14: delete lines 14 to 21 and substitute:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

56d

Section #. 48.38 (2) (intro.) of the statutes is amended to read:

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

~~History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2.~~

and, for each child living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists

o # Page 87, line 9: delete lines 9 to 16 and substitute:

159d

A " Section # 938.38 (2) (intro.) of the statutes is amended to read:

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

~~History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9~~

and, for each juvenile living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exist,

(EN2)

DNSTE

DNOTE

Senator Moore:

As I discussed with Kelly earlier this morning, prepared
2001 AB 809 requires a permanency plan to be prepared

for a child who is placed in the home of a relative

if the child is being held in court-ordered temporary
a consent decree

physical custody, the child is placed under a consent decree
or dispositional order,

or dispositional order, the child is in the legal custody or
(which requires a court order),

guardianship of an agency (which requires a court order), the

~~relative is licensed as a foster parent~~

under a voluntary agreement

child is placed with a relative who is licensed as a
child's care would be paid for

foster parent, or the child's care would be paid for
under AFDC if AFDC still existed.

under AFDC if AFDC still existed. This amendment

excludes from the permanency planning requirement a child

whose care would be paid for under AFDC if AFDC

still existed. As such a permanency plan would be

for a child placed with a relative

required only if the child is placed with the relative under

a court order or the child is placed under a voluntary agreement and the relative is licensed as a foster parent.

Accordingly, under the amendment, ^{Permanency plan would not have to be prepared for a} a child ~~who is~~ ^{who is} voluntarily placed with a relative who is not licensed as a foster parent, for example, a kinship care relative, under s. 48.57(3m).

MM ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1549/1dn
GMM:cjs:pg

March 12, 2002

Senator Moore:

As I discussed with Kelly earlier this morning, 2001 AB 809 requires a permanency plan to be prepared for a child who is placed in the home of a relative if the child is being held in court-ordered temporary physical custody, the child is placed under a consent decree or dispositional order, the child is in the legal custody or guardianship of an agency (which requires a court order), the child is placed under a voluntary agreement with a relative who is licensed as a foster parent, or the child's care would be paid for under AFDC if AFDC still existed. This amendment excludes from the permanency planning requirement a child whose care would be paid for under AFDC if AFDC still existed. As such, a permanency plan would be required for a child placed with a relative only if the child is placed with the relative under a court order or the child is placed under a voluntary agreement and the relative is licensed as a foster parent. Accordingly, under the amendment, a permanency plan would not have to be prepared for a child who is voluntarily placed with a relative who is not licensed as a foster parent, for example, a kinship care relative under s. 48.57 (3m).

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa1549/2
GMM:cjs:pg

Now!!!

write them

SENATE AMENDMENT,
TO 2001 ASSEMBLY BILL 809

Stays

STET:
leave
as
originally
typed

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 37, line 14: delete lines 14 to 20 and substitute:
- 3 "SECTION 56d. 48.38 (2) (intro.) of the statutes is amended to read:
- 4 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
- 5 for each child living in a foster home, treatment foster home, group home,
- 6 child-caring institution, secure detention facility, or shelter care facility, the agency
- 7 that placed the child or arranged the placement or the agency assigned primary
- 8 responsibility for providing services to the child under s. 48.355 shall prepare a
- 9 written permanency plan, if one any of the following conditions exists, and, for each
- 10 child living in the home of a relative other than a parent, that agency shall prepare
- 11 a written permanency plan, if any of the conditions specified in ~~sub. (3)~~ exists."
- 12 **2.** Page 87, line 9: delete lines 9 to 16 and substitute:
- 13 "SECTION 159d. 938.38 (2) (intro.) of the statutes is amended to read:

~~para. (a), (b), (c), or (e)~~
(d)

1 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
 2 for each juvenile living in a foster home, treatment foster home, group home, child
 3 caring institution, secure detention facility, or shelter care facility, the agency that
 4 placed the juvenile or arranged the placement or the agency assigned primary
 5 responsibility for providing services to the juvenile under s. 938.355 shall prepare
 6 a written permanency plan, if any of the following conditions exists, and, for each
 7 juvenile living in the home of a relative other than a parent, that agency shall
 8 prepare a written permanency plan, if any of the conditions specified in ~~sub. (3)~~

9 ~~exists.~~ exists."

10 (END)

~~par. (a), (b), (c), or~~
 (e)

STET: leave
as typed