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1 ***b3034/1.1* SECTION 101r.** 48.335 (3g) of the statutes is created to read:

2 48.335 (3g) At hearings under this section, if the agency, as defined in s. 48.38

3 (1) (a), is recommending placement of the child in a foster home, treatment foster

4 home, group home, or residential care center for children and youth or in the home

5 of a relative other than a parent, the agency shall present as evidence specific

6 information showing that continued placement of the child in his or her home would

7 be contrary to the welfare of the child, specific information showing that the county

8 department, the department, in a county having a population of 500,000 or more, or

9 the agency primarily responsible for providing services to the child has made

10 reasonable efforts to prevent the removal of the child from the home, while assuring

11 that the child's health and safety are the paramount concerns, unless any of the

12 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, and specific information

13 showing that the county department, department, or agency has made reasonable

14 efforts to achieve the goal of the child's permanency plan, unless return of the child

15 to the home is the goal of the permanency plan and any of the circumstances specified

16 in s. 48.355 (2d) (b) 1. to 5. applies.

17 ***b3034/1.1* SECTION 101s.** 48.355 (2) (b) 6. of the statutes is amended to read:

18 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued

19 placement of the child in his or her home would be contrary to the ~~health, safety and~~

20 welfare of the child ~~and, if sub. (2d) does not apply,~~ a finding as to whether the county

21 department, the department, in a county having a population of 500,000 or more, or

22 the agency primarily responsible for providing services under a court order has made

23 reasonable efforts to prevent the removal of the child from the home, while assuring

24 that the child's health and safety are the paramount concerns, ~~or, if applicable,~~

25 unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5.

1 applies, and a finding as to whether the county department, department, or agency
2 primarily responsible for providing services under a court order has made reasonable
3 efforts to make it possible for the child to return safely to his or her home achieve the
4 goal of the child's permanency plan, unless return of the child to the home is the goal
5 of the permanency plan and the court finds that any of the circumstances specified
6 in sub. (2d) (b) 1. to 5. applies. The court shall make the findings specified in this
7 subdivision on a case-by-case basis based on circumstances specific to the child and
8 shall document or reference the specific information on which those findings are
9 based in the court order. A court order that merely references this subdivision
10 without documenting or referencing that specific information in the court order or
11 an amended court order that retroactively corrects an earlier court order that does
12 not comply with this subdivision is not sufficient to comply with this subdivision.

13 ***b3034/1.1* SECTION 101t.** 48.355 (2) (b) 6r. of the statutes is created to read:

14 48.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
15 sub. (2d) (b) 1. to 5. applies with respect to a parent, a determination that the county
16 department, department, in a county having a population of 500,000 or more, or
17 agency primarily responsible for providing services under the court order is not
18 required to make reasonable efforts with respect to the parent to make it possible for
19 the child to return safely to his or her home.

20 ***b3034/1.1* SECTION 101u.** 48.355 (2b) of the statutes is amended to read:

21 48.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
22 department, the department, in a county having a population of 500,000 or more, or
23 the agency primarily responsible for providing services to a child under a court order
24 may, at the same time as the county department, department, or agency is making
25 the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child

1 from the home or to make it possible for the child to return safely to his or her home,
2 work with the department, a county department under s. 48.57 (1) (e) or (hm), or a
3 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
4 the child for adoption, with a guardian, with a fit and willing relative, or in some
5 other alternative permanent placement.

6 *b3034/1.1* SECTION 101v. 48.355 (2c) (b) of the statutes is amended to read:

7 48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
8 the county department, department, in a county having a population of 500,000 or
9 more, or agency primarily responsible for providing services to the child under a
10 court order has made reasonable efforts to make it possible for the child to return
11 safely to his or her home achieve the goal of the permanency plan, the court's
12 consideration of reasonable efforts shall include, ~~but not be limited to,~~ the
13 considerations listed under par. (a) 1. to 5. and whether visitation schedules between
14 the child and his or her parents were implemented, unless visitation was denied or
15 limited by the court.

16 *b3034/1.1* SECTION 101w. 48.355 (2d) (b) (intro.) of the statutes is amended
17 to read:

18 48.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not~~ is not
19 required to include in a dispositional order a finding as to whether the county
20 department, the department, in a county having a population of 500,000 or more, or
21 the agency primarily responsible for providing services under a court order has made
22 reasonable efforts with respect to a parent of a child to prevent the removal of the
23 child from the home, while assuring that the child's health and safety are the
24 paramount concerns, ~~or, if applicable,~~ a finding as to whether the county department,
25 department, or agency primarily responsible for providing services under a court

1 order has made reasonable efforts with respect to a parent of a child to ~~make it~~
2 ~~possible for the child to return~~ achieve the permanency plan goal of returning the
3 child safely to his or her home, if the court finds, ~~as evidenced by a final judgment~~
4 ~~of conviction~~, any of the following:

5 *b3034/1.1* SECTION 101x. 48.355 (2d) (b) 1. of the statutes is amended to read:

6 48.355 (2d) (b) 1. That the parent has subjected the child to aggravated
7 circumstances, as evidenced by a final judgment of conviction.

8 *b3034/1.1* SECTION 101y. 48.355 (2d) (b) 2. of the statutes is amended to read:

9 48.355 (2d) (b) 2. That the parent has committed, has aided or abetted the
10 commission of, or has solicited, conspired, or attempted to commit, a violation of s.
11 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal
12 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if
13 committed in this state, as evidenced by a final judgment of conviction, and that the
14 victim of that violation is a child of the parent.

15 *b3034/1.1* SECTION 101z. 48.355 (2d) (b) 3. of the statutes is amended to read:

16 48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2), (3),
17 (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or
18 a violation of the law of any other state or federal law, if that violation would be a
19 violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
20 or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment
21 of conviction, and that the violation resulted in great bodily harm, as defined in s.
22 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the child
23 or another child of the parent.

24 *b3034/1.1* SECTION 102b. 48.355 (2d) (b) 3. of the statutes, as affected by
25 2001 Wisconsin Act (this act), is amended to read:

1 48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
2 1999 stats., a violation of s. 940.19 (2), ~~(3)~~, (4), or (5), 940.225 (1) or (2), 948.02 (1) or
3 (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
4 federal law, if that violation would be a violation of s. 940.19 (2), ~~(3)~~, (4), or (5), 940.225
5 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state,
6 as evidenced by a final judgment of conviction, and that the violation resulted in
7 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
8 defined in s. 939.22 (38), to the child or another child of the parent.

9 ***b3034/1.1* SECTION 102bd.** 48.355 (2d) (b) 4. of the statutes is amended to
10 read:

11 48.355 (2d) (b) 4. That the parental rights of the parent to another child have
12 been involuntarily terminated, as evidenced by a final order of a court of competent
13 jurisdiction terminating those parental rights.

14 ***b3034/1.1* SECTION 102bg.** 48.355 (2d) (b) 5. of the statutes, as created by
15 2001 Wisconsin Act 2, is amended to read:

16 48.355 (2d) (b) 5. That the parent has been found under s. 48.13 (2m) to have
17 relinquished custody of the child under s. 48.195 (1) when the child was 72 hours old
18 or younger, as evidenced by a final order of a court of competent jurisdiction making
19 that finding.

20 ***b3034/1.1* SECTION 102bm.** 48.355 (2d) (bm) of the statutes is created to
21 read:

22 48.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 5. on
23 a case-by-case basis based on circumstances specific to the child and shall document
24 or reference the specific information on which that finding is based in the
25 dispositional order. A dispositional order that merely references par. (b) 1. to 5.

1 without documenting or referencing that specific information in the dispositional
2 order or an amended dispositional order that retroactively corrects an earlier
3 dispositional order that does not comply with this paragraph is not sufficient to
4 comply with this paragraph.

5 ***b3034/1.1* SECTION 102br.** 48.355 (2d) (c) of the statutes, as affected by 2001
6 Wisconsin Act 2, is renumbered 48.355 (2d) (c) 1. and amended to read:

7 48.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the
8 circumstances specified in par. (b) 1., ~~2., 3., 4., or 5.~~ to 5. applies with respect to a
9 parent, the court shall hold a hearing within 30 days after the date of that finding
10 to determine the permanency plan for the child. If a hearing is held under this
11 paragraph subdivision, the agency responsible for preparing the permanency plan
12 shall file the permanency plan with the court not less than 5 days before the date of
13 the hearing.

14 ***b3034/1.1* SECTION 102c.** 48.355 (2d) (c) 2. and 3. of the statutes are created
15 to read:

16 48.355 (2d) (c) 2. If a hearing is held under subd. 1., at least 10 days before the
17 date of the hearing the court shall notify the child, any parent, guardian, and legal
18 custodian of the child, and any foster parent, treatment foster parent, or other
19 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
20 of the hearing.

21 3. The court shall give a foster parent, treatment foster parent, or other
22 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
23 2. an opportunity to be heard at the hearing by permitting the foster parent,
24 treatment foster parent, or other physical custodian to make a written or oral
25 statement during the hearing, or to submit a written statement prior to the hearing,

1 relevant to the issues to be determined at the hearing. A foster parent, treatment
2 foster parent, or other physical custodian who receives a notice of a hearing under
3 subd. 2. and an opportunity to be heard under this subdivision does not become a
4 party to the proceeding on which the hearing is held solely on the basis of receiving
5 that notice and opportunity to be heard.

6 ***b3034/1.1* SECTION 102cg.** 48.355 (4) of the statutes is amended to read:

7 48.355 (4) TERMINATION OF ORDERS. Except as provided under s. 48.368, all
8 orders an order under this section shall ~~terminate at the end of one year unless the~~
9 ~~judge specifies a shorter period of time. Except if s. 48.368 applies, extensions or~~
10 ~~revisions or s. 48.357 or 48.365 made before the child reaches 18 years of age that~~
11 ~~places or continues the placement of the child in his or her home shall terminate at~~
12 ~~the end of one year after its entry unless the judge specifies a shorter period of time.~~
13 ~~Any order made before the child reaches the age of majority or or the judge~~
14 ~~terminates the order sooner. Except as provided under s. 48.368, an order under this~~
15 ~~section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places~~
16 ~~or continues the placement of the child in a foster home, treatment foster home,~~
17 ~~group home, or residential care center for children and youth or in the home of a~~
18 ~~relative other than a parent shall terminate when the child reaches 18 years of age,~~
19 ~~at the end of one year after its entry, or, if the child is a full-time student at a~~
20 ~~secondary school or its vocational or technical equivalent and is reasonably expected~~
21 ~~to complete the program before reaching 19 years of age, when the child reaches 19~~
22 ~~years of age, whichever is later, unless the judge specifies a shorter period of time or~~
23 ~~the judge terminates the order sooner. An order under this section or s. 48.357 or~~
24 ~~48.365 relating to an unborn child in need of protection or services that is made~~
25 before the unborn child is born shall be effective for a time up to terminate at the end

1 of one year after its entry unless the judge specifies a shorter period of time or the
2 judge terminates the order sooner.

3 ***b3034/1.1* SECTION 102cr.** 48.357 (1) (a) of the statutes, as affected by 2001
4 Wisconsin Act 103, is amended to read:

5 48.357 (1) (a) The person or agency primarily responsible for implementing the
6 dispositional order; the district attorney, or the corporation counsel may request a
7 change in the placement of the child or expectant mother, whether or not the change
8 requested is authorized in the dispositional order, and, as provided in par. (am) or (c),
9 whichever is applicable.

10 (am) 1. If the proposed change in placement involves any change in placement
11 other than a change in placement specified in par. (c), the person or agency primarily
12 responsible for implementing the dispositional order, the district attorney, or the
13 corporation counsel shall cause written notice of the proposed change in placement
14 to be sent to the child, the parent, guardian, and legal custodian of the child, any
15 foster parent, treatment foster parent, or other physical custodian described in s.
16 48.62 (2) of the child; the child's court-appointed special advocate, and, if the child
17 is the expectant mother of an unborn child under s. 48.133, the unborn child by the
18 unborn child's guardian ad litem. If the expectant mother is an adult, written notice
19 shall be sent to the adult expectant mother and the unborn child by the unborn child's
20 guardian ad litem. The notice shall contain the name and address of the new
21 placement, the reasons for the change in placement, a statement describing why the
22 new placement is preferable to the present placement, and a statement of how the
23 new placement satisfies objectives of the treatment plan ordered by the court.

24 ***b3034/1.1* SECTION 102d.** 48.357 (1) (am) 3. of the statutes is created to read:

1 48.357 (1) (am) 3. If the court changes the child's placement from a placement
2 outside the home to another placement outside the home, the change in placement
3 order shall contain one of the statements specified in sub. (2v) (a) 2.

4 ***b3034/1.1* SECTION 102ct.** 48.357 (1) (b) of the statutes, as affected by 2001
5 Wisconsin Act 103, is renumbered 48.357 (1) (am) 2. and amended to read:

6 48.357 (1) (am) 2. Any person receiving the notice under ~~par. (a)~~ subd. 1. or
7 notice of a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed
8 special advocate, may obtain a hearing on the matter by filing an objection with the
9 court within 10 days after receipt of the notice. Placements may not be changed until
10 10 days after that notice is sent to the court unless the parent, guardian, or legal
11 custodian and the child, if 12 years of age or over, or the child expectant mother, if
12 12 years of age or over, her parent, guardian, or legal custodian and the unborn child
13 by the unborn child's guardian ad litem, or the adult expectant mother and the
14 unborn child by the unborn child's guardian ad litem, sign written waivers of
15 objection, except that ~~placement changes in placement~~ that were authorized in the
16 dispositional order may be made immediately if notice is given as required under ~~par.~~
17 (a) subd. 1. In addition, a hearing is not required for placement changes authorized
18 in the dispositional order except when an objection filed by a person who received
19 notice alleges that new information is available that affects the advisability of the
20 court's dispositional order.

21 ***b3034/1.1* SECTION 102dg.** 48.357 (1) (c) of the statutes is created to read:

22 48.357 (1) (c) 1. If the proposed change in placement would change the
23 placement of a child placed in the home to a placement outside the home, the person
24 or agency primarily responsible for implementing the dispositional order, the district
25 attorney, or the corporation counsel shall submit a request for the change in

1 placement to the court. The request shall contain the name and address of the new
2 placement, the reasons for the change in placement, a statement describing why the
3 new placement is preferable to the present placement, and a statement of how the
4 new placement satisfies objectives of the treatment plan ordered by the court. The
5 request shall also contain specific information showing that continued placement of
6 the child in his or her home would be contrary to the welfare of the child and, unless
7 any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, specific
8 information showing that the agency primarily responsible for implementing the
9 dispositional order has made reasonable efforts to prevent the removal of the child
10 from the home, while assuring that the child's health and safety are the paramount
11 concerns.

12 2. The court shall hold a hearing prior to ordering any change in placement
13 requested under subd. 1. Not less than 3 days prior to the hearing, the court shall
14 provide notice of the hearing, together with a copy of the request for the change in
15 placement, to the child, the parent, guardian, and legal custodian of the child, the
16 child's court-appointed special advocate, and all parties that are bound by the
17 dispositional order. If all parties consent, the court may proceed immediately with
18 the hearing.

19 3. If the court changes the child's placement from a placement in the child's
20 home to a placement outside the child's home, the change in placement order shall
21 contain the findings specified in sub. (2v) (a) 1., one of the statements specified in sub.
22 (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified
23 in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination
24 specified in sub. (2v) (a) 3.

1 ***b3034/1.1* SECTION 102dr.** 48.357 (2) of the statutes, as affected by 2001
2 Wisconsin Act 103, is amended to read:

3 48.357 (2) If emergency conditions necessitate an immediate change in the
4 placement of a child or expectant mother placed outside the home, the person or
5 agency primarily responsible for implementing the dispositional order may remove
6 the child or expectant mother to a new placement, whether or not authorized by the
7 existing dispositional order, without the prior notice provided in sub. (1) ~~(a)~~ (am) 1.
8 The notice shall, however, be sent within 48 hours after the emergency change in
9 placement. Any party receiving notice may demand a hearing under sub. (1) ~~(b)~~ (am)
10 2. In emergency situations, a child may be placed in a licensed public or private
11 shelter care facility as a transitional placement for not more than 20 days, as well
12 as in any placement authorized under s. 48.345 (3).

13 ***b3034/1.1* SECTION 102e.** 48.357 (2m) (a) of the statutes, as affected by 2001
14 Wisconsin Act 103, is amended to read:

15 48.357 (2m) (a) The child, the parent, guardian, or legal custodian of the child,
16 the expectant mother, the unborn child by the unborn child's guardian ad litem, or
17 any person or agency primarily bound by the dispositional order, other than the
18 person or agency responsible for implementing the order, may request a change in
19 placement under this paragraph. The request shall contain the name and address
20 of ~~the place of~~ the new placement requested and shall state what new information
21 is available that affects the advisability of the current placement. If the proposed
22 change in placement would change the placement of a child placed in the home to a
23 placement outside the home, the request shall also contain specific information
24 showing that continued placement of the child in the home would be contrary to the
25 welfare of the child and, unless any of the circumstances specified in s. 48.355 (2d)

1 (b) 1. to 5. applies, specific information showing that the agency primarily
2 responsible for implementing the dispositional order has made reasonable efforts to
3 prevent the removal of the child from the home, while assuring that the child's health
4 and safety are the paramount concerns. The request shall be submitted to the court.

5 In addition, the court may propose a change in placement on its own motion.

6 ***b3034/1.1* SECTION 102ec.** 48.357 (2m) (b) of the statutes, as affected by 2001
7 Wisconsin Act 103, is amended to read:

8 48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
9 any change in placement requested or proposed under par. (a) if the request states
10 that new information is available that affects the advisability of the current
11 placement, unless the requested or proposed change in placement involves any
12 change in placement other than a change in placement of a child placed in the home
13 to a placement outside the home and written waivers of objection to the proposed
14 change in placement are signed by all persons entitled to receive notice under sub.
15 (1) ~~(a)~~ (am) 1., other than a court-appointed special advocate, and the court approves.
16 If a hearing is scheduled, the court shall notify the child, the parent, guardian, and
17 legal custodian of the child, any foster parent, treatment foster parent, or other
18 physical custodian described in s. 48.62 (2) of the child, the child's court-appointed
19 special advocate, all parties who are bound by the dispositional order, and, if the child
20 is the expectant mother of an unborn child under s. 48.133, the unborn child by the
21 unborn child's guardian ad litem, or shall notify the adult expectant mother, the
22 unborn child by the unborn child's guardian ad litem, and all parties who are bound
23 by the dispositional order, at least 3 days prior to the hearing. A copy of the request
24 or proposal for the change in placement shall be attached to the notice. If all of the
25 parties consent, the court may proceed immediately with the hearing.

1 ***b3034/1.1* SECTION 102eg.** 48.357 (2m) (c) of the statutes is created to read:

2 48.357 (2m) (c) If the court changes the child's placement from a placement in
3 the child's home to a placement outside the child's home, the change in placement
4 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements
5 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the
6 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
7 the determination specified in sub. (2v) (a) 3.

8 ***b3034/1.1* SECTION 102em.** 48.357 (2r) of the statutes, as affected by 2001
9 Wisconsin Act 103, is amended to read:

10 48.357 (2r) If a hearing is held under sub. (1) ~~(b)~~ (am) 2. or (2m) (b) and the
11 change in placement would remove a child from a foster home, treatment foster
12 home, or other placement with a physical custodian described in s. 48.62 (2), the court
13 shall give the foster parent, treatment foster parent, or other physical custodian
14 described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the
15 foster parent, treatment foster parent, or other physical custodian to make a written
16 or oral statement during the hearing or to submit a written statement prior to the
17 hearing relating to the child and the requested change in placement. ~~Any written~~
18 ~~or oral statement made under this subsection shall be made under oath or~~
19 ~~affirmation.~~ A foster parent, treatment foster parent, or other physical custodian
20 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) ~~(b)~~ (am) 1. or
21 (2m) (b) and an opportunity to be heard under this subsection does not become a
22 party to the proceeding on which the hearing is held solely on the basis of receiving
23 that notice and opportunity to be heard.

24 ***b3034/1.1* SECTION 102er.** 48.357 (2v) of the statutes, as affected by 2001
25 Wisconsin Act 103, is renumbered 48.357 (2v) (a) 2. and amended to read:

1 48.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) (b) or (2m) (b) and the~~
2 change in placement ~~would place the child outside the home in a placement order~~
3 would change the placement of the child to a placement outside the home
4 recommended by the person or agency primarily responsible for implementing the
5 dispositional order, ~~the change in placement order shall include~~ whether from a
6 placement in the home or from another placement outside the home, a statement
7 that the court approves the placement recommended by that person or agency or, if
8 ~~the child is placed outside the home in a placement other than~~ change in placement
9 order would change the placement of the child to a placement outside the home that
10 is not a placement recommended by that person or agency, whether from a placement
11 in the home or from another placement outside the home, a statement that the court
12 has given bona fide consideration to the recommendations made by that person or
13 agency and all parties relating to the child's placement.

14 ***b3034/1.1* SECTION 102f.** 48.357 (2v) (a) (intro.) of the statutes is created to
15 read:

16 48.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m) shall
17 contain all of the following:

18 ***b3034/1.1* SECTION 102fg.** 48.357 (2v) (a) 1. of the statutes is created to read:

19 48.357 (2v) (a) 1. If the change in placement order changes the child's
20 placement from a placement in the child's home to a placement outside the child's
21 home, a finding that continued placement of the child in his or her home would be
22 contrary to the welfare of the child and, unless a circumstance specified in s. 48.355
23 (2d) (b) 1. to 5. applies, a finding that the agency primarily responsible for
24 implementing the dispositional order has made reasonable efforts to prevent the

1 removal of the child from the home, while assuring that the child's health and safety
2 are the paramount concerns.

3 ***b3034/1.1* SECTION 102fm.** 48.357 (2v) (a) 3. of the statutes is created to read:

4 48.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
5 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the
6 agency primarily responsible for providing services under the change in placement
7 order is not required to make reasonable efforts with respect to the parent to make
8 it possible for the child to return safely to his or her home.

9 ***b3034/1.1* SECTION 102fr.** 48.357 (2v) (b) of the statutes is created to read:

10 48.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and 3.
11 on a case-by-case basis based on circumstances specific to the child and shall
12 document or reference the specific information on which those findings are based in
13 the change in placement order. A change in placement order that merely references
14 par. (a) 1. or 3. without documenting or referencing that specific information in the
15 change in placement order or an amended change in placement order that
16 retroactively corrects an earlier change in placement order that does not comply with
17 this paragraph is not sufficient to comply with this paragraph.

18 ***b3034/1.1* SECTION 102g.** 48.357 (2v) (c) of the statutes is created to read:

19 48.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
20 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
21 the court shall hold a hearing within 30 days after the date of that finding to
22 determine the permanency plan for the child. If a hearing is held under this
23 subdivision, the agency responsible for preparing the permanency plan shall file the
24 permanency plan with the court not less than 5 days before the date of the hearing.

1 2. If a hearing is held under subd. 1., at least 10 days before the date of the
2 hearing the court shall notify the child, any parent, guardian, and legal custodian
3 of the child, and any foster parent, treatment foster parent, or other physical
4 custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the
5 hearing.

6 3. The court shall give a foster parent, treatment foster parent, or other
7 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
8 2. an opportunity to be heard at the hearing by permitting the foster parent,
9 treatment foster parent, or other physical custodian to make a written or oral
10 statement during the hearing, or to submit a written statement prior to the hearing,
11 relevant to the issues to be determined at the hearing. A foster parent, treatment
12 foster parent, or other physical custodian who receives a notice of a hearing under
13 subd. 2. and an opportunity to be heard under this subdivision does not become a
14 party to the proceeding on which the hearing is held solely on the basis of receiving
15 that notice and opportunity to be heard.

16 ***b3034/1.1* SECTION 102gb.** 48.357 (6) of the statutes is amended to read:

17 48.357 (6) No change in placement may extend the expiration date of the
18 original order, except that if the change in placement is from a placement in the
19 child's home to a placement outside the home the court may extend the expiration
20 date of the original order to the date on which the child reaches 18 years of age, to
21 the date that is one year after the date of the change in placement order, or, if the child
22 is a full-time student at a secondary school or its vocational or technical equivalent
23 and is reasonably expected to complete the program before reaching 19 years of age,
24 to the date on which the child reaches 19 years of age, whichever is later, or for a
25 shorter period of time as specified by the court. If the change in placement is from

1 a placement outside the home to a placement in the child's home and if the expiration
2 date of the original order is more than one year after the date of the change in
3 placement order, the court shall shorten the expiration date of the original order to
4 the date that is one year after the date of the change in placement order or to an
5 earlier date as specified by the court.

6 *b3034/1.1* SECTION 102gd. 48.363 (1m) of the statutes is amended to read:

7 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present
8 evidence relevant to the issue of revision of the dispositional order. In addition, the
9 court shall give a foster parent, treatment foster parent, or other physical custodian
10 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by
11 permitting the foster parent, treatment foster parent, or other physical custodian to
12 make a written or oral statement during the hearing, or to submit a written
13 statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral~~
14 ~~statement made under this subsection shall be made under oath or affirmation.~~ A
15 foster parent, treatment foster parent, or other physical custodian described in s.
16 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be
17 heard under this subsection does not become a party to the proceeding on which the
18 hearing is held solely on the basis of receiving that notice and opportunity to be
19 heard.

20 *b3034/1.1* SECTION 102gf. 48.365 (1) of the statutes is amended to read:

21 48.365 (1) In this section, a child is considered to have been placed outside of
22 his or her home on the date on which ~~the court first found that the child has been~~
23 ~~subjected to abuse or neglect or on the date that is 60 days after the date on which~~
24 the child was first removed from his or her home, ~~whichever is earlier.~~

1 ***b3034/1.1* SECTION 102gh.** 48.365 (2g) (b) 2. of the statutes is amended to
2 read:

3 48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and
4 of any progress the child has made, suggestions for amendment of the permanency
5 plan, ~~a description of efforts to return the child safely to his or her home~~ and specific
6 information showing the efforts that have been made to achieve the goal of the
7 permanency plan, including, if applicable, the efforts of the parents to remedy the
8 factors which that contributed to the child's placement and, if continued placement
9 outside of the child's home is recommended, an explanation of why returning the
10 child to his or her home is not safe or feasible, unless return of the child to the home
11 is the goal of the permanency plan and any of the circumstances specified in s. 48.355
12 (2d) (b) 1. to 5. applies.

13 ***b3034/1.1* SECTION 102gk.** 48.365 (2g) (b) 3. of the statutes is amended to
14 read:

15 48.365 (2g) (b) 3. If the child has been placed outside of his or her home for 15
16 of the most recent 22 months, not including any period during which the child was
17 a runaway from the out-of-home placement or the first 6 months of any period
18 during which the child was returned to his or her home for a trial home visit, a
19 statement of whether or not a recommendation has been made to terminate the
20 parental rights of the parents of the child. If a recommendation for a termination of
21 parental rights has been made, the statement shall indicate the date on which the
22 recommendation was made, any previous progress made to accomplish the
23 termination of parental rights, any barriers to the termination of parental rights,
24 specific steps to overcome the barriers and when the steps will be completed, reasons
25 why adoption would be in the best interest of the child, and whether or not the child

1 should be registered with the adoption information exchange. If a recommendation
2 for termination of parental rights has not been made, the statement shall include an
3 explanation of the reasons why a recommendation for termination of parental rights
4 has not been made. If the lack of appropriate adoptive resources is the primary
5 reason for not recommending a termination of parental rights, the agency shall
6 recommend that the child be registered with the adoption information exchange or
7 report the reason why registering the child is contrary to the best interest of the child.

8 *b3034/1.1* SECTION 102gm. 48.365 (2m) (a) of the statutes is renumbered
9 48.365 (2m) (a) 1. and amended to read:

10 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
11 extension. If the child is placed outside of his or her home, the person or agency
12 primarily responsible for providing services to the child shall present as evidence
13 specific information showing that the agency has made reasonable efforts to achieve
14 the goal of the child's permanency plan, unless return of the child to the home is the
15 goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d)
16 (b) 1. to 5. applies. The judge shall make findings of fact and conclusions of law based
17 on the evidence. ~~Subject to s. 48.355 (2d), the~~ The findings of fact shall include a
18 finding as to whether reasonable efforts were made by the agency primarily
19 responsible for providing services to the child ~~or expectant mother to make it possible~~
20 ~~for the child to return safely to his or her home or for the expectant mother to return~~
21 ~~to her home to achieve the goal of the child's permanency plan, unless return of the~~
22 child to the home is the goal of the permanency plan and the judge finds that any of
23 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies. An order shall be
24 issued under s. 48.355.

1 ***b3034/1.1* SECTION 102go.** 48.365 (2m) (a) 2. of the statutes is created to
2 read:

3 48.365 (2m) (a) 2. If the judge finds that any of the circumstances specified in
4 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the order shall include a
5 determination that the person or agency primarily responsible for providing services
6 to the child is not required to make reasonable efforts with respect to the parent to
7 make it possible for the child to return safely to his or her home.

8 ***b3034/1.1* SECTION 102gr.** 48.365 (2m) (a) 3. of the statutes is created to read:

9 48.365 (2m) (a) 3. The judge shall make the findings specified in subd. 1.
10 relating to reasonable efforts to achieve the goal of the child's permanency plan and
11 the findings specified in subd. 2. on a case-by-case basis based on circumstances
12 specific to the child and shall document or reference the specific information on
13 which those findings are based in the order issued under s. 48.355. An order that
14 merely references subd. 1. or 2. without documenting or referencing that specific
15 information in the order or an amended order that retroactively corrects an earlier
16 order that does not comply with this subdivision is not sufficient to comply with this
17 subdivision.

18 ***b3034/1.1* SECTION 102h.** 48.365 (2m) (ad) of the statutes is created to read:

19 48.365 (2m) (ad) 1. If the judge finds that any of the circumstances specified
20 in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a
21 hearing within 30 days after the date of that finding to determine the permanency
22 plan for the child. If a hearing is held under this subdivision, the agency responsible
23 for preparing the permanency plan shall file the permanency plan with the court not
24 less than 5 days before the date of the hearing.

1 2. If a hearing is held under subd. 1., at least 10 days before the date of the
2 hearing the court shall notify the child, any parent, guardian, and legal custodian
3 of the child, and any foster parent, treatment foster parent, or other physical
4 custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the
5 hearing.

6 ***b3034/1.1* SECTION 102hg.** 48.365 (2m) (ag) of the statutes is amended to
7 read:

8 48.365 (2m) (ag) In addition to any evidence presented under par. (a), ~~the~~ The
9 court shall give a foster parent, treatment foster parent, or other physical custodian
10 described in s. 48.62 (2) ~~of the child who is notified of a hearing under par. (ad) 2. or~~
11 sub. (2) an opportunity to be heard at the hearing by permitting the foster parent,
12 treatment foster parent, or other physical custodian to make a written or oral
13 statement during the hearing, or to submit a written statement prior to the hearing,
14 relevant to the issue of extension. ~~Any written or oral statement made under this~~
15 ~~paragraph shall be made under oath or affirmation.~~ A foster parent, treatment foster
16 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
17 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this
18 paragraph does not become a party to the proceeding on which the hearing is held
19 solely on the basis of receiving that notice and opportunity to be heard.

20 ***b3034/1.1* SECTION 102hr.** 48.365 (5) of the statutes is amended to read:

21 48.365 (5) Except as provided in s. 48.368, ~~all orders~~ an order under this section
22 that continues the placement of a child in his or her home or that relates to an unborn
23 child of an adult expectant mother shall be for a specified length of time not to exceed
24 one year after its date of entry. ~~Except as provided in s. 48.368, an order under this~~
25 section that continues the placement of a child in an out-of-home placement shall

1 be for a specified length of time not to exceed the date on which the child reaches 18
2 years of age, one year after the date of entry of the order, or, if the child is a full-time
3 student at a secondary school or its vocational or technical equivalent and is
4 reasonably expected to complete the program before reaching 19 years of age, the
5 date on which the child reaches 19 years of age, whichever is later.

6 *b3034/1.1* SECTION 102j. 48.38 (2) (intro.) of the statutes, as affected by 2001
7 Wisconsin Act 59, is amended to read:

8 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
9 for each child living in a foster home, treatment foster home, group home, residential
10 care center for children and youth, secure detention facility, or shelter care facility,
11 the agency that placed the child or arranged the placement or the agency assigned
12 primary responsibility for providing services to the child under s. 48.355 shall
13 prepare a written permanency plan, if ~~one~~ any of the following conditions exists, and,
14 for each child living in the home of a relative other than a parent, that agency shall
15 prepare a written permanency plan, if any of the conditions specified in pars. (a) to
16 (e) exists:

17 *b3034/1.1* SECTION 102jg. 48.38 (2) (c) of the statutes is amended to read:

18 48.38 (2) (c) The child is under the supervision of an agency under s. 48.64 (2)
19 or pursuant to, under a consent decree under s. 48.32 (1) (b), or under a court order
20 under s. 48.355.

21 *b3034/1.1* SECTION 102jm. 48.38 (2) (f) of the statutes is amended to read:

22 48.38 (2) (f) The child's care ~~is paid~~ would be paid for under s. 49.19 but for s.
23 49.19 (20).

24 *b3034/1.1* SECTION 102jr. 48.38 (2) (g) of the statutes, as created by 2001
25 Wisconsin Act 69, is amended to read:

1 48.38 (2) (g) The child's parent is placed in a foster home, treatment foster
2 home, group home, ~~child-caring institution~~ residential care center for children and
3 youth, secure detention facility, or shelter care facility and the child is residing with
4 that parent.

5 ***b3034/1.1* SECTION 102k.** 48.38 (3) of the statutes is amended to read:

6 48.38 (3) TIME. Subject to s. 48.355 (2d) (c) 1, the agency shall file the
7 permanency plan with the court within 60 days after the date on which the child was
8 ~~first held in physical custody or placed outside of his or her home under a court order~~
9 removed from his or her home, except that if the child is held for less than 60 days
10 in a secure detention facility, juvenile portion of a county jail, or a shelter care facility,
11 no permanency plan is required if the child is returned to his or her home within that
12 period.

13 ***b3034/1.1* SECTION 102kg.** 48.38 (4) (intro.) of the statutes is amended to
14 read:

15 48.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~
16 ~~description of~~ all of the following:

17 ***b3034/1.1* SECTION 102km.** 48.38 (4) (a) of the statutes, as affected by 2001
18 Wisconsin Act 2, is renumbered 48.38 (4) (ar) and amended to read:

19 48.38 (4) (ar) ~~The~~ A description of the services offered and any service services
20 provided in an effort to prevent holding or placing the child outside of the removal
21 of the child from his or her home, while assuring that the health and safety of the
22 child are the paramount concerns, and to ~~make it possible for the child to return~~
23 ~~safely home~~ achieve the goal of the permanency plan, except that the permanency
24 plan ~~need not~~ is not required to include a description of ~~these~~ the services offered or
25 provided with respect to a parent of the child to prevent the removal of the child from

1 the home or to achieve the permanency plan goal of returning the child safely to his
2 or her home if any of the circumstances specified in s. 48.355 (2d) (b) 1., ~~2., 3., 4., or~~
3 ~~to 5.~~ apply applies to that parent.

4 *b3034/1.1* SECTION 102kr. 48.38 (4) (ag) of the statutes is created to read:
5 48.38 (4) (ag) The name, address, and telephone number of the child's parent,
6 guardian, and legal custodian.

7 *b3034/1.1* SECTION 102m. 48.38 (4) (am) of the statutes is created to read:
8 48.38 (4) (am) The date on which the child was removed from his or her home
9 and the date on which the child was placed in out-of-home care.

10 *b3034/1.1* SECTION 102mg. 48.38 (4) (bm) of the statutes is amended to read:
11 48.38 (4) (bm) The A statement as to the availability of a safe and appropriate
12 placement with a fit and willing relative of the child and, if a decision is made not
13 to place the child with an available relative, a statement as to why placement with
14 the relative is not safe or appropriate.

15 *b3034/1.1* SECTION 102mm. 48.38 (4) (dg) of the statutes is created to read:
16 48.38 (4) (dg) Information about the child's education, including all of the
17 following:

- 18 1. The name and address of the school in which the child is or was most recently
19 enrolled.
- 20 2. Any special education programs in which the child is or was previously
21 enrolled.
- 22 3. The grade level in which the child is or was most recently enrolled and all
23 information that is available concerning the child's grade level performance.

1 4. A summary of all available education records relating to the child that are
2 relevant to any education goals included in the education services plan prepared
3 under s. 48.33 (1) (e).

4 ***b3034/1.1* SECTION 102mr.** 48.38 (4) (dm) of the statutes is created to read:

5 48.38 (4) (dm) If as a result of the placement the child has been or will be
6 transferred from the school in which the child is or most recently was enrolled,
7 documentation that a placement that would maintain the child in that school is
8 either unavailable or inappropriate or that a placement that would result in the
9 child's transfer to another school would be in the child's best interests.

10 ***b3034/1.1* SECTION 102n.** 48.38 (4) (dr) of the statutes is created to read:

11 48.38 (4) (dr) Medical information relating to the child, including all of the
12 following:

13 1. The names and addresses of the child's physician, dentist, and any other
14 health care provider that is or was previously providing health care services to the
15 child.

16 2. The child's immunization record, including the name and date of each
17 immunization administered to the child.

18 3. Any known medical condition for which the child is receiving medical care
19 or treatment and any known serious medical condition for which the child has
20 previously received medical care or treatment.

21 4. The name, purpose, and dosage of any medication that is being administered
22 to the child and the name of any medication that causes the child to suffer an allergic
23 or other negative reaction.

24 ***b3034/1.1* SECTION 102ng.** 48.38 (4) (e) of the statutes is amended to read:

1 48.38 (4) (e) The A plan for ensuring the safety and appropriateness of the
2 placement and a description of the services provided to meet the needs of the child
3 and family, including a discussion of services that have been investigated and
4 considered and are not available or likely to become available within a reasonable
5 time to meet the needs of the child or, if available, why such services are not safe or
6 appropriate.

7 ***b3034/1.1* SECTION 102nm.** 48.38 (4) (f) (intro.) of the statutes is amended
8 to read:

9 48.38 (4) (f) (intro.) The A description of the services that will be provided to
10 the child, the child's family, and the child's foster parent, the child's treatment foster
11 parent ~~or~~, the operator of the facility where the child is living, or the relative with
12 whom the child is living to carry out the dispositional order, including services
13 planned to accomplish all of the following:

14 ***b3034/1.1* SECTION 102nr.** 48.38 (4) (fg) of the statutes is created to read:

15 48.38 (4) (fg) The goal of the permanency plan or, if the agency is making
16 concurrent reasonable efforts under s. 48.355 (2b), the goals of the permanency plan.
17 If a goal of the permanency plan is any goal other than return of the child to his or
18 her home, the permanency plan shall include the rationale for deciding on that goal.
19 If a goal of the permanency plan is an alternative permanent placement under subd.
20 5., the permanency plan shall document a compelling reason why it would not be in
21 the best interest of the child to pursue a goal specified in subds. 1. to 4. The agency
22 shall determine one or more of the following goals to be the goal or goals of a child's
23 permanency plan:

- 24 1. Return of the child to the child's home.
25 2. Placement of the child for adoption.

1 3. Placement of the child with a guardian.

2 4. Permanent placement of the child with a fit and willing relative.

3 5. Some other alternative permanent placement, including sustaining care,
4 independent living, or long-term foster care.

5 ***b3034/1.1* SECTION 102p.** 48.38 (4) (fm) of the statutes is amended to read:

6 48.38 (4) (fm) If the goal of the permanency plan calls for placing is to place the
7 child for adoption, with a guardian, with a fit and willing relative, or in some other
8 alternative permanent placement, the efforts made to ~~place the child for adoption,~~
9 ~~with a guardian or in some other alternative permanent placement~~ achieve that goal.

10 ***b3034/1.1* SECTION 102pg.** 48.38 (4) (h) of the statutes is created to read:

11 48.38 (4) (h) If the child is 15 years of age or over, a description of the programs
12 and services that are or will be provided to assist the child in preparing for the
13 transition from out-of-home care to independent living. The description shall
14 include all of the following:

15 1. The anticipated age at which the child will be discharged from out-of-home
16 care.

17 2. The anticipated amount of time available in which to prepare the child for
18 the transition from out-of-home care to independent living.

19 3. The anticipated location and living situation of the child on discharge from
20 out-of-home care.

21 4. A description of the assessment processes, tools, and methods that have been
22 or will be used to determine the programs and services that are or will be provided
23 to assist the child in preparing for the transition from out-of-home care to
24 independent living.

1 5. The rationale for each program or service that is or will be provided to assist
2 the child in preparing for the transition from out-of-home care to independent
3 living, the time frames for delivering those programs or services, and the intended
4 outcome of those programs or services.

5 ***b3034/1.1* SECTION 102pm.** 48.38 (5) (a) of the statutes, as affected by 2001
6 Wisconsin Act 69, is amended to read:

7 48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed
8 under ~~this paragraph~~ par. (ag) shall review the permanency plan ~~every in the~~
9 manner provided in this subsection not later than 6 months from after the date on
10 which the child was first held in physical custody or placed outside of removed from
11 his or her home and every 6 months after a previous review under this subsection for
12 as long as the child is placed outside the home, except that for the review that is
13 required to be conducted not later than 12 months after the child was first removed
14 from his or her home and the reviews that are required to be conducted every 12
15 months after that review the court shall hold a hearing under sub. (5m) to review the
16 permanency plan, which hearing may be instead of or in addition to the review under
17 this subsection.

18 (ag) If the court elects not to review the permanency plan, the court shall
19 appoint a panel to review the permanency plan. The panel shall consist of 3 persons
20 who are either designated by an independent agency that has been approved by the
21 chief judge of the judicial administrative district or designated by the agency that
22 prepared the permanency plan. A voting majority of persons on each panel shall be
23 persons who are not employed by the agency that prepared the permanency plan and
24 who are not responsible for providing services to the child or the parents of the child
25 whose permanency plan is the subject of the review.

1 ***b3034/1.1* SECTION 102pr.** 48.38 (5) (b) of the statutes is amended to read:

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

16 ***b3034/1.1* SECTION 102q.** 48.38 (5) (c) 6. (intro.) of the statutes is amended
17 to read:

18 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,
19 as described in s. 48.365 (1), for 15 of the most recent 22 months, not including any
20 period during which the child was a runaway from the out-of-home placement or the
21 first 6 months of any period during which the child was returned to his or her home
22 for a trial home visit, the appropriateness of the permanency plan and the
23 circumstances which prevent the child from any of the following:

24 ***b3034/1.1* SECTION 102qg.** 48.38 (5) (c) 6. am. of the statutes is renumbered
25 48.38 (5) (c) 6. cm. and amended to read:

1 48.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the
2 child.

3 ***b3034/1.1* SECTION 102qm.** 48.38 (5) (c) 6. cg. of the statutes is created to
4 read:

5 48.38 (5) (c) 6. cg. Being placed with a guardian.

6 ***b3034/1.1* SECTION 102qr.** 48.38 (5) (c) 6. d. of the statutes is amended to
7 read:

8 48.38 (5) (c) 6. d. Being placed in some other alternative permanent placement,
9 including sustaining care, independent living, or long-term foster care.

10 ***b3034/1.1* SECTION 102r.** 48.38 (5) (c) 7. of the statutes, as affected by 2001
11 Wisconsin Act 2, is amended to read:

12 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to ~~make~~
13 ~~it possible for the child to return safely to his or her home, except that the court or~~
14 ~~panel need not determine whether those reasonable efforts were made with respect~~
15 ~~to a parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1.,~~
16 ~~2., 3., 4., or 5. apply to that parent~~ achieve the goal of the permanency plan, unless
17 return of the child to the home is the goal of the permanency plan and any of the
18 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

19 ***b3034/1.1* SECTION 102rm.** 48.38 (5m) of the statutes is created to read:

20 48.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to
21 review the permanency plan and to make the determinations specified in sub. (5) (c)
22 no later than 12 months after the date on which the child was first removed from the
23 home and every 12 months after a previous hearing under this subsection for as long
24 as the child is placed outside the home.

1 (b) Not less than 30 days before the date of the hearing, the court shall notify
2 the child; the child's parent, guardian, and legal custodian; the child's foster parent
3 or treatment foster parent, the operator of the facility in which the child is living, or
4 the relative with whom the child is living; the child's counsel, the child's guardian ad
5 litem, and the child's court-appointed special advocate; the agency that prepared the
6 permanency plan; and the person representing the interests of the public of the date,
7 time, and place of the hearing.

8 (c) Any person who is provided notice of the hearing may have an opportunity
9 to be heard at the hearing by submitting written comments relevant to the
10 determinations specified in sub. (5) (c) not less than 10 working days before the date
11 of the hearing or by participating at the hearing. A foster parent, treatment foster
12 parent, operator of a facility in which a child is living, or relative with whom a child
13 is living who receives notice of a hearing under par. (b) and an opportunity to be heard
14 under this paragraph does not become a party to the proceeding on which the hearing
15 is held solely on the basis of receiving that notice and opportunity to be heard.

16 (d) At least 5 days before the date of the hearing the agency that prepared the
17 permanency plan shall provide a copy of the permanency plan and any written
18 comments submitted under par. (c) to the court, to the child's parent, guardian, and
19 legal custodian, to the person representing the interests of the public, to the child's
20 counsel or guardian ad litem, and to the child's court-appointed special advocate.
21 Notwithstanding s. 48.78 (2) (a), the person representing the interests of the public,
22 the child's counsel or guardian ad litem, and the child's court-appointed special
23 advocate may have access to any other records concerning the child for the purpose
24 of participating in the review. A person permitted access to a child's records under

1 this paragraph may not disclose any information from the records to any other
2 person.

3 (e) After the hearing, the court shall make written findings of fact and
4 conclusions of law relating to the determinations under sub. (5) (c) and shall provide
5 a copy of those findings of fact and conclusions of law to the child; the child's parent,
6 guardian, and legal custodian; the child's foster parent or treatment foster parent,
7 the operator of the facility in which the child is living, or the relative with whom the
8 child is living; the child's court-appointed special advocate; the agency that prepared
9 the permanency plan; and the person representing the interests of the public. The
10 court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based
11 on circumstances specific to the child and shall document or reference the specific
12 information on which those findings are based in the findings of fact and conclusions
13 of law prepared under this paragraph. Findings of fact and conclusions of law that
14 merely reference sub. (5) (c) 7. without documenting or referencing that specific
15 information in the findings of fact and conclusions of law or amended findings of fact
16 and conclusions of law that retroactively correct earlier findings of fact and
17 conclusions of law that do not comply with this paragraph are not sufficient to comply
18 with this paragraph.

19 (f) If the findings of fact and conclusions of law under par. (e) conflict with the
20 child's dispositional order or provide for any additional services not specified in the
21 dispositional order, the court shall revise the dispositional order under s. 48.363 or
22 order a change in placement under s. 48.357, as appropriate.”

23 ✓ *b3034/1.2* **139.** Page 35, line 4: delete lines 4 to 12 and substitute:

24 *b3034/1.2* **SECTION 103m.** 48.417 (1) (a) of the statutes is amended to read:

1 48.417 (1) (a) The child has been placed outside of his or her home, as described
2 in s. 48.365 (1) or 938.365 (1), for 15 of the most recent 22 months, not including any
3 period during which the child was a runaway from the out-of-home placement or the
4 first 6 months of any period during which the child was returned to his or her home
5 for a trial home visit. If the circumstances specified in this paragraph apply, the
6 petition shall be filed or joined in by the last day of the 15th month, as described in
7 this paragraph, for which the child was placed outside of his or her home.

8 ***b3034/1.2* SECTION 103p.** 48.417 (1) (b) of the statutes is amended to read:

9 48.417 (1) (b) A court of competent jurisdiction has found under s. 48.13 (2) or
10 under a law of any other state or a federal law that is comparable to s. 48.13 (2) that
11 the child was abandoned when he or she was under one year of age or has found that
12 the parent abandoned the child when the child was under one year of age in violation
13 of s. 948.20 or in violation of the law of any other state or federal law, if that violation
14 would be a violation of s. 948.20 if committed in this state. If the circumstances
15 specified in this paragraph apply, the petition shall be filed or joined in within 60
16 days after the date on which the court of competent jurisdiction found that the child
17 was abandoned as described in this paragraph.

18 ***b3034/1.2* SECTION 103r.** 48.417 (1) (c) of the statutes is amended to read:

19 48.417 (1) (c) A court of competent jurisdiction has found that the parent has
20 committed, has aided or abetted the commission of, or has solicited, conspired, or
21 attempted to commit, a violation of s. 940.01, 940.02, 940.03, or 940.05 or a violation
22 of the law of any other state or federal law, if that violation would be a violation of
23 s. 940.01, 940.02, 940.03, or 940.05 if committed in this state, and that the victim of
24 that violation is a child of the parent. If the circumstances specified in this paragraph
25 apply, the petition shall be filed or joined in within 60 days after the date on which

1 the court assigned to exercise jurisdiction under this chapter determines, based on
2 a finding that a circumstance specified in this paragraph applies, that reasonable
3 efforts to make it possible for the child to return safely to his or her home are not
4 required.

5 *b3034/1.2* SECTION 103t. 48.417 (1) (d) of the statutes is amended to read:

6 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
7 committed a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or
8 (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
9 federal law, if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225
10 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state,
11 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or
12 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child
13 of the parent. If the circumstances specified in this paragraph apply, the petition
14 shall be filed or joined in within 60 days after the date on which the court assigned
15 to exercise jurisdiction under this chapter determines, based on a finding that a
16 circumstance specified in this paragraph applies, that reasonable efforts to make it
17 possible for the child to return safely to his or her home are not required.

18 *b3034/1.2* SECTION 104b. 48.417 (1) (d) of the statutes, as affected by 2001
19 Wisconsin Act (this act), is amended to read:

20 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
21 committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), ~~(3)~~, (4),
22 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or a
23 violation of the law of any other state or federal law, if that violation would be a
24 violation of s. 940.19 (2), ~~(3)~~, (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
25 or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted

1 in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
2 defined in s. 939.22 (38), to the child or another child of the parent. If the
3 circumstances specified in this paragraph apply, the petition shall be filed or joined
4 in within 60 days after the date on which the court assigned to exercise jurisdiction
5 under this chapter determines, based on a finding that a circumstance specified in
6 this paragraph applies, that reasonable efforts to make it possible for the child to
7 return safely to his or her home are not required.

8 *b3034/1.2* SECTION 104d. 48.417 (2) (a) of the statutes is amended to read:

9 48.417 (2) (a) The child is being cared for by a fit and willing relative of the
10 child.

11 *b3034/1.2* SECTION 104e. 48.417 (2) (b) of the statutes is amended to read:

12 48.417 (2) (b) The child's permanency plan indicates and provides
13 documentation that termination of parental rights to the child is not in the best
14 interests of the child.

15 *b3034/1.2* SECTION 104f. 48.417 (2) (d) of the statutes is created to read:

16 48.417 (2) (d) Grounds for an involuntary termination of parental rights under
17 s. 48.415 do not exist.”.

18 ✓ *b3034/1.3* 140. Page 35, line 18: after that line insert:

19 *b3034/1.3* “SECTION 110m. 48.63 (1) of the statutes, as affected by 2001
20 Wisconsin Act 69, is amended to read:

21 48.63 (1) Acting pursuant to under court order or voluntary agreement, the
22 child's parent or guardian or the department of health and family services, the
23 department of corrections, a county department, or a child welfare agency licensed
24 to place children in foster homes, treatment foster homes, or group homes may place

1 a child or negotiate or act as intermediary for the placement of a child in a foster
2 home, treatment foster home, or group home. Voluntary agreements under this
3 subsection may not be used for placements in facilities other than foster, treatment
4 foster, or group homes and may not be extended. A foster home or treatment foster
5 home placement under a voluntary agreement may not exceed ~~6 months~~ 180 days
6 from the date on which the child was removed from the home under the voluntary
7 agreement. A group home placement under a voluntary agreement may not exceed
8 15 days from the date on which the child was removed from the home under the
9 voluntary agreement, except as provided in sub. (5). These time limitations do not
10 apply to placements made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary
11 agreements may be made only under this subsection and sub. (5) (b) and shall be in
12 writing and shall specifically state that the agreement may be terminated at any
13 time by the parent or guardian or by the child if the child's consent to the agreement
14 is required. The child's consent to the agreement is required whenever the child is
15 12 years of age or older.

16 ***b3034/1.3* SECTION 110p.** 48.63 (4) of the statutes is amended to read:

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

1 placement, the agency shall prepare a revised permanency plan and file that revised
2 plan with the court prior to the date of the hearing on the proposed placement.

3 ***b3034/1.3* SECTION 110r.** 48.63 (5) (b) of the statutes, as created by 2001
4 Wisconsin Act 69, is amended to read:

5 48.63 (5) (b) If a child who is at least 14 years of age, who is a custodial parent,
6 as defined in s. 49.141 (1) (b), or an expectant mother, and who is in need of a safe
7 and structured living arrangement and the parent or guardian of the child consent,
8 a child welfare agency licensed to place children in group homes may place the child
9 or arrange the placement of the child in a group home described in s. 48.625 (1m).
10 Before placing a child or arranging the placement of a child under this paragraph,
11 the child welfare agency shall report any suspected abuse or neglect of the child as
12 required under s. 48.981 (2). A voluntary agreement to place a child in a group home
13 described in s. 48.625 (1m) may be made only under this paragraph, shall be in
14 writing, and shall specifically state that the agreement may be terminated at any
15 time by the parent, guardian, or child. An initial placement under this paragraph
16 may not exceed ~~6 months~~ 180 days from the date on which the child was removed
17 from the home under the voluntary agreement, but may be extended as provided in
18 par. (d) 3. to 6. An initial placement under this paragraph of a child who is under 16
19 years of age on the date of the initial placement may be extended as provided in par.
20 (d) 3. to 6. no more than once.

21 ***b3034/1.3* SECTION 110s.** 48.63 (5) (c) of the statutes, as created by 2001
22 Wisconsin Act 69, is amended to read:

23 48.63 (5) (c) A permanency plan under s. 48.38 is required for each child placed
24 in a group home under par. (b) and for any child of that child who is residing with that
25 child. The agency that placed the child or that arranged the placement of the child

1 shall prepare the plan within 60 days after the placement date on which the child was
2 removed from his or her home under the voluntary agreement and shall provide a
3 copy of the plan to the child and the child's parent or guardian.”.

4 ✓ ***b3034/1.4* 141.** Page 36, line 12: delete lines 12 to 16 and substitute:

5 ***b3034/1.4* SECTION 113x.** 48.685 (5) (bm) 4. of the statutes is amended to
6 read:

7 48.685 (5) (bm) 4. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b),
8 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (3), (4), (5), or (6), 940.20, 940.203, 940.205
9 or, 940.207, or 940.25, a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under
10 s. 346.65 (2) (e) or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if
11 committed not more than 5 years before the date of the investigation under sub. (2)
12 (am).

13 ***b3034/1.4* SECTION 114b.** 48.685 (5) (bm) 4. of the statutes, as affected by
14 2001 Wisconsin Act (this act), is amended to read:

15 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1),
16 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (~~3~~), (4),
17 (5), or (6), 940.20, 940.203, 940.205, 940.207, or 940.025, a violation of s. 346.63 (1),
18 (2), (5), or (6) that is a felony under s. 346.65 (2) (e) or (f), (2j) (d) or (3m), or an offense
19 under ch. 961 that is a felony, if committed not more than 5 years before the date of
20 the investigation under sub. (2) (am).

21 ***b3034/1.4* SECTION 114g.** 48.78 (2) (a) of the statutes is amended to read:

22 48.78 (2) (a) No agency may make available for inspection or disclose the
23 contents of any record kept or information received about an individual in its care

1 or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or (5m) (d),
2 48.432, 48.433, 48.93, 48.981 (7), 938.51, or 938.78 or by order of the court.

3 ***b3034/1.4* SECTION 114m.** 48.977 (2) (f) of the statutes, as affected by 2001
4 Wisconsin Act 2, is amended to read:

5 48.977 (2) (f) That the agency primarily responsible for providing services to
6 the child under a court order has made reasonable efforts to make it possible for the
7 child to return to his or her home, while assuring that the child's health and safety
8 are the paramount concerns, but that reunification of the child with the child's
9 parent or parents is unlikely or contrary to the best interests of the child and that
10 further reunification efforts are unlikely to be made or are contrary to the best
11 interests of the child, except that the court ~~need not~~ is not required to find that the
12 agency has made those reasonable efforts with respect to a parent of the child if any
13 of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3., 4., or 5. apply to 5. applies
14 to that parent. The court shall make the findings specified in this paragraph on a
15 case-by-case basis based on circumstances specific to the child and shall document
16 or reference the specific information on which those findings are based in the
17 guardianship order. A guardianship order that merely references this paragraph
18 without documenting or referencing that specific information in the order or an
19 amended guardianship order that retroactively corrects an earlier guardianship
20 order that does not comply with this paragraph is not sufficient to comply with this
21 paragraph."

22 ✓ ***b2909/2.1* 142.** Page 37, line 25: after that line insert:

23 ***b2909/2.1* "SECTION 119k.** 49.175 (1) (z) of the statutes, as affected by 2001
24 Wisconsin Act 16, is amended to read:

1 49.175 (1) (z) *Community youth grant*. For a competitive grant program
2 administered by the department to fund programs that improve social, academic and
3 employment skills of youth who are eligible to receive temporary assistance for needy
4 families under 42 USC 601 et seq., ~~\$7,579,700~~ \$7,829,700 in fiscal year 2001–02 and
5 ~~\$50,000~~ \$300,000 fiscal year 2002–03.”.

6 ✓ ***b3088/2.1* 143.** Page 37, line 25: after that line insert:

7 ***b3088/2.1* SECTION 119g.** 49.152 (title) of the statutes is renumbered 49.16
8 (title).

9 ***b3088/2.1* SECTION 119gd.** 49.152 (1) of the statutes is renumbered 49.16 (1).

10 ***b3088/2.1* SECTION 119gh.** 49.152 (2) of the statutes is renumbered 49.16 (2).

11 ***b3088/2.1* SECTION 119gi.** 49.152 (3) (title) of the statutes is renumbered
12 49.16 (3) (title).

13 ***b3088/2.1* SECTION 119gj.** 49.152 (3) (a) of the statutes is renumbered 49.16
14 (3) (a) and amended to read:

15 49.16 (3) (a) If, following review under sub. (2), the Wisconsin works agency or
16 the department determines that an individual, ~~whose application for a Wisconsin~~
17 ~~works employment position was denied based on eligibility, was in fact eligible, or~~
18 ~~that the individual~~ was placed in an inappropriate Wisconsin works employment
19 position, the Wisconsin works agency shall place the individual in the first available
20 Wisconsin works employment position that is appropriate for that individual, as
21 determined by the Wisconsin works agency or the department. An individual who
22 is placed in a Wisconsin works employment position under this paragraph is eligible
23 for the benefit for that position under s. 49.148 beginning on the date on which the
24 individual begins participation under s. 49.147.

1 ***b3088/2.1* SECTION 119gk.** 49.152 (3) (b) of the statutes is renumbered 49.16
2 (3) (b) and amended to read:

3 49.16 (3) (b) If, following review under sub. (2), the Wisconsin works agency or
4 the department determines that an individual's application was not acted upon with
5 reasonable promptness or was improperly denied in whole or in part or that a
6 participant's benefit was improperly modified or canceled, or was calculated
7 incorrectly, the Wisconsin works agency shall ~~restore the benefit to the level~~
8 ~~determined to be appropriate by the Wisconsin works agency or by the department~~
9 grant the appropriate benefit, retroactive to the date on which the individual's
10 application was first not acted upon with reasonable promptness or improperly
11 denied in whole or in part or the individual's benefit was first improperly modified
12 or canceled or incorrectly calculated."

13 ✓ ***b3088/2.2* 144.** Page 38, line 6: after that line insert:

14 ***b3088/2.2* "SECTION 119r.** 49.195 (3) of the statutes, as affected by 2001
15 Wisconsin Act 16, is amended to read:

16 49.195 (3) A county, tribal governing body, Wisconsin works agency or the
17 department shall determine whether an overpayment has been made under s. 49.19,
18 49.148, 49.155 or 49.157 and, if so, the amount of the overpayment. The county, tribal
19 governing body, Wisconsin works agency or department shall provide notice of the
20 overpayment to the liable person. The department shall give that person an
21 opportunity for a review following the procedure specified under s. ~~49.152~~ 49.16, if
22 the person received the overpayment under s. 49.141 to 49.161, and for a hearing
23 under ch. 227. Notwithstanding s. 49.96, the department shall promptly recover all
24 overpayments made under s. 49.19, 49.148, 49.155 or 49.157 that have not already

1 been received under s. 49.161 or 49.19 (17) and shall promulgate rules establishing
2 policies and procedures to administer this subsection. The rules shall include
3 notification procedures similar to those established for child support collections.”.

4 ✓ ***b2863/1.2* 145.** Page 38, line 20: after that line insert:

5 ***b2863/1.2*** “SECTION 121**pb.** 49.45 (2) (a) 9. of the statutes is amended to read:

6 49.45 (2) (a) 9. Periodically set forth conditions of participation and
7 reimbursement ~~in a contract with provider~~ for contracts with providers of service
8 under this section. The department shall promulgate rules that specify criteria for
9 and required procedures for submittal of appropriate claims for reimbursement.

10 ***b2863/1.2* SECTION 121pc.** 49.45 (2) (a) 10. a. of the statutes, as affected by
11 2001 Wisconsin Act 16, is renumbered 49.45 (2) (a) 10. and amended to read:

12 49.45 (2) (a) 10. After reasonable notice and opportunity for a hearing
13 conducted as a class 2 proceeding under ch. 227, recover money improperly or
14 erroneously paid or overpayments to a provider by offsetting or adjusting amounts
15 owed the provider under the program, crediting against a provider’s future claims
16 for reimbursement for other services or items furnished by the provider under the
17 program, or requiring the provider to make direct payment to the department or its
18 fiscal intermediary.

19 ***b2863/1.2* SECTION 121pd.** 49.45 (2) (a) 10. b. of the statutes, as created by
20 2001 Wisconsin Act 16, is repealed.

21 ***b2863/1.2* SECTION 121pe.** 49.45 (2) (a) 10. c. of the statutes, as created by
22 2001 Wisconsin Act 16, is repealed.

23 ***b2863/1.2* SECTION 121pf.** 49.45 (2) (a) 11. a. of the statutes, as affected by
24 2001 Wisconsin Act 16, is renumbered 49.45 (2) (a) 11. and amended to read:

1 49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of
2 medical assistance and, except as provided in ~~par. (b) 6m. and s. 49.48, and subject~~
3 ~~to par. (b) 7. and 8.~~, certify providers who meet the criteria.

4 ***b2863/1.2* SECTION 121pg.** 49.45 (2) (a) 11. b. of the statutes, as created by
5 2001 Wisconsin Act 16, is repealed.

6 ***b2863/1.2* SECTION 121ph.** 49.45 (2) (a) 12. a. of the statutes, as affected by
7 2001 Wisconsin Act 16, is renumbered 49.45 (2) (a) 12. and amended to read:

8 49.45 (2) (a) 12. Decertify or suspend under this subdivision a provider from
9 ~~or restrict a provider's participation in~~ the medical assistance program, if after
10 giving reasonable notice and opportunity for hearing the department finds that the
11 provider has violated a federal statute or regulation or a state statute or
12 administrative rule and the violation is by statute, regulation, or rule grounds for
13 decertification or restriction. ~~The department shall suspend the provider pending~~
14 ~~the hearing under this subdivision if the department includes in its decertification~~
15 ~~notice findings that the provider's continued participation in the medical assistance~~
16 ~~program pending hearing is likely to lead to the irretrievable loss of public funds and~~
17 ~~is unnecessary to provide adequate access to services to medical assistance~~
18 ~~recipients. As soon as practicable after the hearing, the department shall issue a~~
19 ~~written decision~~ suspension. No payment may be made under the medical assistance
20 program with respect to any service or item furnished by the provider subsequent to
21 decertification or during the period of suspension.

22 ***b2863/1.2* SECTION 121pi.** 49.45 (2) (a) 12. b. of the statutes, as created by
23 2001 Wisconsin Act 16, is repealed.

24 ***b2863/1.2* SECTION 121pj.** 49.45 (2) (a) 14. of the statutes is amended to read:

1 49.45 (2) (a) 14. Assure due process in implementing subds. 12. and 13. by
2 providing written notice, ~~a fair hearing and a written decision~~ and a hearing
3 conducted as a class 2 proceeding under ch. 227.

4 ***b2863/1.2* SECTION 121pk.** 49.45 (2) (b) 6m. of the statutes, as created by
5 2001 Wisconsin Act 16, is repealed.

6 ***b2863/1.2* SECTION 121pL.** 49.45 (2) (b) 7. of the statutes, as created by 2001
7 Wisconsin Act 16, is repealed.

8 ***b2863/1.2* SECTION 121pm.** 49.45 (2) (b) 8. of the statutes, as created by 2001
9 Wisconsin Act 16, is repealed.

10 ***b2863/1.2* SECTION 121pn.** 49.45 (2) (b) 9. of the statutes, as created by 2001
11 Wisconsin Act 16, is repealed.

12 ***b2863/1.2* SECTION 121pp.** 49.45 (3) (g) 1. of the statutes, as affected by 2001
13 Wisconsin Act 16, is renumbered 49.45 (3) (g) and amended to read:

14 49.45 (3) (g) The secretary may authorize personnel to audit or investigate and
15 report to the department on any matter involving violations or complaints alleging
16 violations of statutes, regulations, or rules applicable to the medical assistance
17 program and to perform such investigations or audits as are required to verify the
18 actual provision of services or items available under the medical assistance program
19 and the appropriateness and accuracy of claims for reimbursement submitted by
20 providers participating in the program. Department employees authorized by the
21 secretary under this paragraph shall be issued, and shall possess at all times while
22 they are performing their investigatory or audit functions under this section,
23 identification, signed by the secretary, that specifically designates the bearer as
24 possessing the authorization to conduct medical assistance investigations or audits.
25 Under the request of a designated person and upon presentation of the person's

1 authorization, providers and medical assistance recipients shall accord the person
2 access to any ~~provider personnel~~, records, books, or documents or other information
3 needed. Under the written request of a designated person and upon presentation of
4 the person's authorization, providers and recipients shall accord the person access
5 to any needed patient health care records of a recipient. Authorized employees may
6 hold hearings, administer oaths, take testimony, and perform all other duties
7 necessary to bring the matter before the department for final adjudication and
8 determination.

9 ***b2863/1.2* SECTION 121pq.** 49.45 (3) (g) 2. of the statutes, as created by 2001
10 Wisconsin Act 16, is repealed.

11 ***b2863/1.2* SECTION 121pr.** 49.45 (3) (h) 1. of the statutes is created to read:
12 49.45 (3) (h) 1. For purposes of any audit, investigation, examination, analysis,
13 review, or other function authorized by law with respect to the medical assistance
14 program, the secretary shall have the power to sign and issue subpoenas to any
15 person requiring the production of any pertinent books, records, patient health care
16 records, or other information. Subpoenas so issued shall be served by anyone
17 authorized by the secretary by delivering a copy to the person named in the
18 subpoena, or by registered mail or certified mail addressed to the person at his or her
19 last-known residence or principal place of business. A verified return by the person
20 serving the subpoena setting forth the manner of service, or, in the event service is
21 by registered or certified mail, the return post-office receipt signed by the person
22 served constitutes proof of service.

23 ***b2863/1.2* SECTION 121ps.** 49.45 (3) (h) 1m. of the statutes, as affected by
24 2001 Wisconsin Act 16, is renumbered 49.45 (3) (h) 3. and amended to read:

1 49.45 (3) (h) 3. The failure or refusal of a provider to accord department
2 auditors or investigators access as required under par. (g) to any provider personnel,
3 records, books, patient health care records of medical assistance recipients, or
4 documents or other information requested constitutes person to purge himself or
5 herself of contempt found under s. 885.12 and perform the act as required by law
6 shall constitute grounds for decertification or suspension of the provider that person
7 from participation in the medical assistance program. No payment may be made for
8 services rendered by the provider that person following decertification, or during the
9 period of suspension, or during any period of provider failure or refusal to accord
10 access as required under par. (g).

11 ***b2863/1.2* SECTION 121pt.** 49.45 (3) (h) 1n. of the statutes, as created by 2001
12 Wisconsin Act 16, is repealed.

13 ***b2863/1.2* SECTION 121pu.** 49.45 (3) (h) 2. of the statutes is created to read:
14 49.45 (3) (h) 2. In the event of contumacy or refusal to obey a subpoena issued
15 under this paragraph and duly served upon any person, any judge in a court of record
16 in the county in which the person was served may enforce the subpoena in accordance
17 with s. 885.12.

18 ***b2863/1.2* SECTION 121pv.** 49.45 (21) (title) of the statutes, as affected by
19 2001 Wisconsin Act 16, is amended to read:

20 49.45 (21) (title) ~~TAKING OVER PROVIDER'S OPERATION~~ TRANSFER OF BUSINESS,
21 LIABILITY FOR; REPAYMENTS REQUIRED.

22 ***b2863/1.2* SECTION 121pw.** 49.45 (21) (ag) of the statutes, as created by 2001
23 Wisconsin Act 16, is repealed.

24 ***b2863/1.2* SECTION 121pwj.** 49.45 (21) (ar) of the statutes, as affected by
25 2001 Wisconsin Act 16, is renumbered 49.45 (21) (a) and amended to read:

1 49.45 (21) (a) ~~Before a person may take over the operation of a provider that~~
2 ~~is If any provider liable for repayment of improper or erroneous payments or~~
3 ~~overpayments under ss. 49.43 to 49.497, full repayment shall be made. Upon~~
4 ~~request, the department shall notify the provider or the person that intends to take~~
5 ~~over the operation of the provider as to whether the provider sells or otherwise~~
6 ~~transfers ownership of his or her business or all or substantially all of the assets of~~
7 ~~the business, the transferor and transferee are each liable for the repayment. Prior~~
8 ~~to final transfer, the transferee is responsible for contacting the department and~~
9 ~~ascertaining if the transferor is liable under this paragraph.~~

10 ***b2863/1.2* SECTION 121px.** 49.45 (21) (b) of the statutes, as affected by 2001
11 Wisconsin Act 16, is amended to read:

12 49.45 (21) (b) ~~If, notwithstanding the prohibition under par. (ar), a person takes~~
13 ~~over the operation of a provider If a transfer occurs and the applicable amount under~~
14 ~~par. (ar) (a) has not been repaid, the department may, in addition to withholding~~
15 ~~certification as authorized under sub. (2) (b) 8., proceed against the provider or the~~
16 ~~person either the transferor or the transferee. Within 30 days after the certified~~
17 ~~provider receives receiving notice from the department, the transferor or the~~
18 ~~transferee shall pay the amount shall be repaid in full. If the amount is not repaid~~
19 ~~in full Upon failure to comply, the department may bring an action to compel~~
20 ~~payment, If a transferor fails to pay within 90 days after receiving notice from the~~
21 ~~department, the department may proceed under sub. (2) (a) 12., or may do both.~~

22 ***b2863/1.2* SECTION 121py.** 49.45 (21) (e) of the statutes, as created by 2001
23 Wisconsin Act 16, is repealed.”

24 ✓ ***b3059/1.1* 146.** Page 38, line 20: after that line insert:

1 ***b3059/1.1*** **SECTION 121t.** 49.45 (6m) (ar) 1. a. of the statutes is amended to
2 read:

3 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
4 allowable direct care costs, for facilities that do not primarily serve the
5 developmentally disabled, that take into account direct care costs for a sample of all
6 of those facilities in this state and separate standards for payment of allowable direct
7 care costs, for facilities that primarily serve the developmentally disabled, that take
8 into account direct care costs for a sample of all of those facilities in this state. The
9 standards shall be adjusted by the department for regional labor cost variations. For
10 facilities in Douglas, Pierce, and St. Croix counties, the department shall perform the
11 adjustment by use of the wage index that is used by the federal department of health
12 and human services for hospital reimbursement under 42 USC 1395 to 1395ggg.”.

13 ✓ ✓ ***b3088/2.3*** **147.** Page 38, line 20: after that line insert:

14 ***b3088/2.3*** **SECTION 121k.** 49.26 (1) (h) 1. as. of the statutes is amended to
15 read:

16 49.26 (1) (h) 1. as. The individual has failed to request a hearing or has failed
17 to show good cause for not cooperating with case management efforts in a hearing.
18 The hearing shall be requested and held under s. ~~49.152~~ 49.16. The department shall
19 determine by rule the criteria for good cause.”.

20 ✓ ***b2388/1.1*** **148.** Page 39, line 10: after that line insert:

21 ***b2388/1.1*** **SECTION 122c.** 49.45 (50) of the statutes is created to read:

22 49.45 (50) DISEASE MANAGEMENT. (a) In this subsection, “disease management”
23 means an integrated and systematic approach for managing the health care needs

1 of patients who are at risk of or are diagnosed with a specific disease, using all of the
2 following:

- 3 1. Best practices.
- 4 2. Prevention strategies.
- 5 3. Clinical practice improvement.
- 6 4. Clinical interventions and protocols.
- 7 5. Outcomes research, information, and technology.
- 8 6. Other tools and resources to reduce overall costs and improve measurable
9 outcomes.

10 (b) The department may contract with an entity, under the department's
11 request-for-proposal procedures, to engage in disease management activities on
12 behalf of recipients of medical assistance.”

13 ✓ ***b2372/2.2* 149.** Page 41, line 13: after that line insert:

14 ***b2372/2.2* “SECTION 128g.** 49.49 (6) of the statutes is amended to read:
15 49.49 (6) RECOVERY. In addition to other remedies available under this section,
16 the court may award the department of justice the reasonable and necessary costs
17 of investigation, an amount reasonably necessary to remedy the harmful effects of
18 the violation and the reasonable and necessary expenses of prosecution, including
19 attorney fees, from any person who violates this section. The department of justice
20 shall deposit in the state treasury for deposit in the general fund all moneys that the
21 court awards to the department or the state under this subsection. ~~Ten percent of~~
22 ~~the money deposited in the general fund that was awarded under this subsection for~~
23 ~~the costs of investigation and the expenses of prosecution, including attorney fees,~~
24 ~~shall be credited to the appropriation account under s. 20.455 (1) (gh).”~~

end of
D

1 ✓ ***b2863/1.3* 150.** Page 46, line 20: after that line insert:

2 ***b2863/1.3*** "SECTION 145g. 49.85 (2) (a) of the statutes, as affected by 2001
3 Wisconsin Act 16, is amended to read:

4 49.85 (2) (a) At least annually, the department of health and family services
5 shall certify to the department of revenue the amounts that, based on the
6 notifications received under sub. (1) and on other information received by the
7 department of health and family services, the department of health and family
8 services has determined that it may recover under s. 49.45 (2) (a) 10. or 49.497, except
9 that the department of health and family services may not certify an amount under
10 this subsection unless it has met the notice requirements under sub. (3) and unless
11 its determination has either not been appealed or is no longer under appeal.

12 ***b2863/1.3* SECTION 145h.** 49.85 (3) (a) 1. of the statutes, as affected by 2001
13 Wisconsin Act 16, is amended to read:

14 49.85 (3) (a) 1. Inform the person that the department of health and family
15 services intends to certify to the department of revenue an amount that the
16 department of health and family services has determined to be due under s. 49.45
17 (2) (a) 10. or 49.497, for setoff from any state tax refund that may be due the person."

18 ***b2391/1.6* 151.** Page 47, line 25: after that line insert:

19 ***b2391/1.6*** "SECTION 148n. 50.36 (3d) of the statutes is created to read: E

20 50.36 (3d) (a) A hospital shall develop and maintain a system under which the
21 hospital may grant emergency staff privileges to a health care provider, as defined
22 in s. 146.81 (1), to whom all of the following apply: