

D-cont.

1           **\*b3034/1.1\* SECTION 101s.** 48.355 (2) (b) 6. of the statutes is amended to read:  
2           48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued  
3           placement of the child in his or her home would be contrary to the health, safety and  
4           welfare of the child ~~and, if sub. (2d) does not apply,~~ a finding as to whether the county  
5           department, the department, in a county having a population of 500,000 or more, or  
6           the agency primarily responsible for providing services under a court order has made  
7           reasonable efforts to prevent the removal of the child from the home, while assuring  
8           that the child's health and safety are the paramount concerns, ~~or, if applicable,~~  
9           unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5.  
10          applies, and a finding as to whether the county department, department, or agency  
11          primarily responsible for providing services under a court order has made reasonable  
12          efforts to make it possible for the child to return safely to his or her home achieve the  
13          goal of the child's permanency plan, unless return of the child to the home is the goal  
14          of the permanency plan and the court finds that any of the circumstances specified  
15          in sub. (2d) (b) 1. to 5. applies. The court shall make the findings specified in this  
16          subdivision on a case-by-case basis based on circumstances specific to the child and  
17          shall document or reference the specific information on which those findings are  
18          based in the court order. A court order that merely references this subdivision  
19          without documenting or referencing that specific information in the court order or  
20          an amended court order that retroactively corrects an earlier court order that does  
21          not comply with this subdivision is not sufficient to comply with this subdivision.

22           **\*b3034/1.1\* SECTION 101t.** 48.355 (2) (b) 6r. of the statutes is created to read:  
23           48.355 (2) (b) 6r. If the court finds that any of the circumstances specified in  
24           sub. (2d) (b) 1. to 5. applies with respect to a parent, a determination that the county  
25           department, department, in a county having a population of 500,000 or more, or

1 agency primarily responsible for providing services under the court order is not  
2 required to make reasonable efforts with respect to the parent to make it possible for  
3 the child to return safely to his or her home.

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

5 48.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county  
6 department, the department, in a county having a population of 500,000 or more, or  
7 the agency primarily responsible for providing services to a child under a court order  
8 may, at the same time as the county department, department, or agency is making  
9 the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child  
10 from the home or to make it possible for the child to return safely to his or her home,  
11 work with the department, a county department under s. 48.57 (1) (e) or (hm), or a  
12 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place  
13 the child for adoption, with a guardian, with a fit and willing relative, or in some  
14 other alternative permanent placement.

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

16 48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
17 the county department, department, in a county having a population of 500,000 or  
18 more, or agency primarily responsible for providing services to the child under a  
19 court order has made reasonable efforts to ~~make it possible for the child to return~~  
20 safely to his or her home achieve the goal of the permanency plan, the court's  
21 consideration of reasonable efforts shall include, ~~but not be limited to,~~ the  
22 considerations listed under par. (a) 1. to 5. and whether visitation schedules between  
23 the child and his or her parents were implemented, unless visitation was denied or  
24 limited by the court.

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

3           48.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not~~ is not  
4 required to include in a dispositional order a finding as to whether the county  
5 department, the department, in a county having a population of 500,000 or more, or  
6 the agency primarily responsible for providing services under a court order has made  
7 reasonable efforts with respect to a parent of a child to prevent the removal of the  
8 child from the home, while assuring that the child's health and safety are the  
9 paramount concerns, ~~or, if applicable,~~ a finding as to whether the county department,  
10 department, or agency primarily responsible for providing services under a court  
11 order has made reasonable efforts with respect to a parent of a child to ~~make it~~  
12 ~~possible for the child to return~~ achieve the permanency plan goal of returning the  
13 child safely to his or her home, if the court finds, ~~as evidenced by a final judgment~~  
14 ~~of conviction,~~ any of the following:

15           **\*b3034/1.1\* SECTION 101x.** 48.355 (2d) (b) 1. of the statutes is amended to read:  
16           48.355 (2d) (b) 1. That the parent has subjected the child to aggravated  
17 circumstances, as evidenced by a final judgment of conviction.

18           **\*b3034/1.1\* SECTION 101y.** 48.355 (2d) (b) 2. of the statutes is amended to read:  
19           48.355 (2d) (b) 2. That the parent has committed, has aided or abetted the  
20 commission of, or has solicited, conspired, or attempted to commit, a violation of s.  
21 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal  
22 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if  
23 committed in this state, as evidenced by a final judgment of conviction, and that the  
24 victim of that violation is a child of the parent.

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

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

9           **\*b3034/1.1\* SECTION 102b.** 48.355 (2d) (b) 3. of the statutes, as affected by  
10          2001 Wisconsin Act .... (this act), is amended to read:

11          48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),  
12          1999 stats., a violation of s. 940.19 (2), (~~3~~), (4), or (5), 940.225 (1) or (2), 948.02 (1) or  
13          (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or  
14          federal law, if that violation would be a violation of s. 940.19 (2), (~~3~~), (4), or (5), 940.225  
15          (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state,  
16          as evidenced by a final judgment of conviction, and that the violation resulted in  
17          great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as  
18          defined in s. 939.22 (38), to the child or another child of the parent.

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

21          48.355 (2d) (b) 4. That the parental rights of the parent to another child have  
22          been involuntarily terminated, as evidenced by a final order of a court of competent  
23          jurisdiction terminating those parental rights.

24          **\*b3034/1.1\* SECTION 102bg.** 48.355 (2d) (b) 5. of the statutes, as created by  
25          2001 Wisconsin Act 2, is amended to read:

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

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

7           48.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 5. on  
8 a case-by-case basis based on circumstances specific to the child and shall document  
9 or reference the specific information on which that finding is based in the  
10 dispositional order. A dispositional order that merely references par. (b) 1. to 5.  
11 without documenting or referencing that specific information in the dispositional  
12 order or an amended dispositional order that retroactively corrects an earlier  
13 dispositional order that does not comply with this paragraph is not sufficient to  
14 comply with this paragraph.

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

17           48.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the  
18 circumstances specified in par. (b) 1., ~~2., 3., 4., or 5.~~ to 5. applies with respect to a  
19 parent, the court shall hold a hearing within 30 days after the date of that finding  
20 to determine the permanency plan for the child. If a hearing is held under this  
21 ~~paragraph subdivision~~, the agency responsible for preparing the permanency plan  
22 shall file the permanency plan with the court not less than 5 days before the date of  
23 the hearing.

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

1           48.355 (2d) (c) 2. If a hearing is held under subd. 1., at least 10 days before the  
2 date of the hearing the court shall notify the child, any parent, guardian, and legal  
3 custodian of the child, and any foster parent, treatment foster parent, or other  
4 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose  
5 of the 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 102cg.** 48.355 (4) of the statutes is amended to read:

17           48.355 (4) TERMINATION OF ORDERS. Except as provided under s. 48.368, all  
18 ~~orders an order under this section shall terminate at the end of one year unless the~~  
19 ~~judge specifies a shorter period of time. Except if s. 48.368 applies, extensions or~~  
20 ~~revisions or s. 48.357 or 48.365 made before the child reaches 18 years of age that~~  
21 ~~places or continues the placement of the child in his or her home shall terminate at~~  
22 ~~the end of one year after its entry unless the judge specifies a shorter period of time.~~  
23 ~~Any order made before the child reaches the age of majority or or the judge~~  
24 ~~terminates the order sooner. Except as provided under s. 48.368, an order under this~~  
25 ~~section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places~~

1 or continues the placement of the child in a foster home, treatment foster home,  
2 group home, or residential care center for children and youth or in the home of a  
3 relative other than a parent shall terminate when the child reaches 18 years of age,  
4 at the end of one year after its entry, or, if the child is a full-time student at a  
5 secondary school or its vocational or technical equivalent and is reasonably expected  
6 to complete the program before reaching 19 years of age, when the child reaches 19  
7 years of age, whichever is later, unless the judge specifies a shorter period of time or  
8 the judge terminates the order sooner. An order under this section or s. 48.357 or  
9 48.365 relating to an unborn child in need of protection or services that is made  
10 before the unborn child is born shall be effective for a time up to terminate at the end  
11 of one year after its entry unless the judge specifies a shorter period of time or the  
12 judge terminates the order sooner.

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

15 48.357 (1) (a) The person or agency primarily responsible for implementing the  
16 dispositional order, the district attorney, or the corporation counsel may request a  
17 change in the placement of the child or expectant mother, whether or not the change  
18 requested is authorized in the dispositional order, and, as provided in par. (am) or (c),  
19 whichever is applicable.

20 (am) 1. If the proposed change in placement involves any change in placement  
21 other than a change in placement specified in par. (c), the person or agency primarily  
22 responsible for implementing the dispositional order, the district attorney, or the  
23 corporation counsel shall cause written notice of the proposed change in placement  
24 to be sent to the child, the parent, guardian, and legal custodian of the child, any  
25 foster parent, treatment foster parent, or other physical custodian described in s.

1 48.62 (2) of the child, the child's court-appointed special advocate, and, if the child  
2 is the expectant mother of an unborn child under s. 48.133, the unborn child by the  
3 unborn child's guardian ad litem. If the expectant mother is an adult, written notice  
4 shall be sent to the adult expectant mother and the unborn child by the unborn child's  
5 guardian ad litem. The notice shall contain the name and address of the new  
6 placement, the reasons for the change in placement, a statement describing why the  
7 new placement is preferable to the present placement, and a statement of how the  
8 new placement satisfies objectives of the treatment plan ordered by the court.

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

10 48.357 (1) (am) 3. If the court changes the child's placement from a placement  
11 outside the home to another placement outside the home, the change in placement  
12 order shall contain one of the statements specified in sub. (2v) (a) 2.

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

15 48.357 (1) (am) 2. Any person receiving the notice under ~~par. (a)~~ subd. 1. or  
16 notice of a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed  
17 special advocate, may obtain a hearing on the matter by filing an objection with the  
18 court within 10 days after receipt of the notice. Placements may not be changed until  
19 10 days after that notice is sent to the court unless the parent, guardian, or legal  
20 custodian and the child, if 12 years of age or over, or the child expectant mother, if  
21 12 years of age or over, her parent, guardian, or legal custodian and the unborn child  
22 by the unborn child's guardian ad litem, or the adult expectant mother and the  
23 unborn child by the unborn child's guardian ad litem, sign written waivers of  
24 objection, except that placement changes in placement that were authorized in the  
25 dispositional order may be made immediately if notice is given as required under ~~par.~~



1 (a) subd. 1. In addition, a hearing is not required for placement changes authorized  
2 in the dispositional order except when an objection filed by a person who received  
3 notice alleges that new information is available that affects the advisability of the  
4 court's dispositional order.

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

6 48.357 (1) (c) 1. If the proposed change in placement would change the  
7 placement of a child placed in the home to a placement outside the home, the person  
8 or agency primarily responsible for implementing the dispositional order, the district  
9 attorney, or the corporation counsel shall submit a request for the change in  
10 placement to the court. The request shall contain the name and address of the new  
11 placement, the reasons for the change in placement, a statement describing why the  
12 new placement is preferable to the present placement, and a statement of how the  
13 new placement satisfies objectives of the treatment plan ordered by the court. The  
14 request shall also contain specific information showing that continued placement of  
15 the child in his or her home would be contrary to the welfare of the child and, unless  
16 any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, specific  
17 information showing that the agency primarily responsible for implementing the  
18 dispositional order has made reasonable efforts to prevent the removal of the child  
19 from the home, while assuring that the child's health and safety are the paramount  
20 concerns.

21 2. The court shall hold a hearing prior to ordering any change in placement  
22 requested under subd. 1. Not less than 3 days prior to the hearing, the court shall  
23 provide notice of the hearing, together with a copy of the request for the change in  
24 placement, to the child, the parent, guardian, and legal custodian of the child, the  
25 child's court-appointed special advocate, and all parties that are bound by the

1 dispositional order. If all parties consent, the court may proceed immediately with  
2 the hearing.

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

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

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

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

23 48.357 (2m) (a) The child, the parent, guardian, or legal custodian of the child,  
24 the expectant mother, the unborn child by the unborn child's guardian ad litem, or  
25 any person or agency primarily bound by the dispositional order, other than the

1 person or agency responsible for implementing the order, may request a change in  
2 placement under this paragraph. The request shall contain the name and address  
3 of ~~the place~~ of the new placement requested and shall state what new information  
4 is available that affects the advisability of the current placement. If the proposed  
5 change in placement would change the placement of a child placed in the home to a  
6 placement outside the home, the request shall also contain specific information  
7 showing that continued placement of the child in the home would be contrary to the  
8 welfare of the child and, unless any of the circumstances specified in s. 48.355 (2d)  
9 (b) 1. to 5. applies, specific information showing that the agency primarily  
10 responsible for implementing the dispositional order has made reasonable efforts to  
11 prevent the removal of the child from the home, while assuring that the child's health  
12 and safety are the paramount concerns. The request shall be submitted to the court.  
13 In addition, the court may propose a change in placement on its own motion.

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

16 48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering  
17 any change in placement requested or proposed under par. (a) if the request states  
18 that new information is available that affects the advisability of the current  
19 placement, unless the requested or proposed change in placement involves any  
20 change in placement other than a change in placement of a child placed in the home  
21 to a placement outside the home and written waivers of objection to the proposed  
22 change in placement are signed by all persons entitled to receive notice under sub.  
23 (1) ~~(a)~~ (am) 1., other than a court-appointed special advocate, and the court approves.  
24 If a hearing is scheduled, the court shall notify the child, the parent, guardian, and  
25 legal custodian of the child, any foster parent, treatment foster parent, <sup>plain</sup> or other

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

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

10 48.357 (2m) (c) If the court changes the child's placement from a placement in  
11 the child's home to a placement outside the child's home, the change in placement  
12 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements  
13 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the  
14 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
15 the determination specified in sub. (2v) (a) 3.

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

18 48.357 (2r) If a hearing is held under sub. (1) ~~(b)~~ (am) 2. or (2m) (b) and the  
19 change in placement would remove a child from a foster home, treatment foster  
20 home, or other placement with a physical custodian described in s. 48.62 (2), the court  
21 shall give the foster parent, treatment foster parent, or other physical custodian  
22 described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the  
23 foster parent, treatment foster parent, or other physical custodian to make a written  
24 or oral statement during the hearing or to submit a written statement prior to the  
25 hearing relating to the child and the requested change in placement. ~~Any written~~

1 ~~or oral statement made under this subsection shall be made under oath or~~  
2 ~~affirmation.~~ A foster parent, treatment foster parent, or other physical custodian  
3 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) ~~(b)~~ (am) 1. or  
4 (2m) (b) and an opportunity to be heard under this subsection does not become a  
5 party to the proceeding on which the hearing is held solely on the basis of receiving  
6 that notice and opportunity to be heard.

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

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

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

24 48.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m) shall  
25 contain all of the following:

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

2           48.357 (2v) (a) 1. If the change in placement order changes the child's  
3 placement from a placement in the child's home to a placement outside the child's  
4 home, a finding that continued placement of the child in his or her home would be  
5 contrary to the welfare of the child and, unless a circumstance specified in s. 48.355  
6 (2d) (b) 1. to 5. applies, a finding that the agency primarily responsible for  
7 implementing the dispositional order has made reasonable efforts to prevent the  
8 removal of the child from the home, while assuring that the child's health and safety  
9 are the paramount concerns.

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

11           48.357 (2v) (a) 3. If the court finds that any of the circumstances specified in  
12 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the  
13 agency primarily responsible for providing services under the change in placement  
14 order is not required to make reasonable efforts with respect to the parent to make  
15 it possible for the child to return safely to his or her home.

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

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

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

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

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

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

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

23           48.357 (6) No change in placement may extend the expiration date of the  
24 original order, except that if the change in placement is from a placement in the  
25 child's home to a placement outside the home the court may extend the expiration

1 date of the original order to the date on which the child reaches 18 years of age, to  
2 the date that is one year after the date of the change in placement order, or, if the child  
3 is a full-time student at a secondary school or its vocational or technical equivalent  
4 and is reasonably expected to complete the program before reaching 19 years of age,  
5 to the date on which the child reaches 19 years of age, whichever is later, or for a  
6 shorter period of time as specified by the court. If the change in placement is from  
7 a placement outside the home to a placement in the child's home and if the expiration  
8 date of the original order is more than one year after the date of the change in  
9 placement order, the court shall shorten the expiration date of the original order to  
10 the date that is one year after the date of the change in placement order or to an  
11 earlier date as specified by the court.

12       **\*b3034/1.1\* SECTION 102gd.** 48.363 (1m) of the statutes is amended to read:  
13       48.363 (1m) If a hearing is held under sub. (1) (a), any party may present  
14 evidence relevant to the issue of revision of the dispositional order. In addition, the  
15 court shall give a foster parent, treatment foster parent, or other physical custodian  
16 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by  
17 permitting the foster parent, treatment foster parent, or other physical custodian to  
18 make a written or oral statement during the hearing, or to submit a written  
19 statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral~~  
20 ~~statement made under this subsection shall be made under oath or affirmation.~~ A  
21 foster parent, treatment foster parent, or other physical custodian described in s.  
22 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be  
23 heard under this subsection does not become a party to the proceeding on which the  
24 hearing is held solely on the basis of receiving that notice and opportunity to be  
25 heard.



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

2           48.365 (1) In this section, a child is considered to have been placed outside of  
3 his or her home on the date on which ~~the court first found that the child has been~~  
4 ~~subjected to abuse or neglect or on the date that is 60 days after the date on which~~  
5 the child was first removed from his or her home, ~~whichever is earlier.~~

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

8           48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and  
9 of any progress the child has made, suggestions for amendment of the permanency  
10 plan, ~~a description of efforts to return the child safely to his or her home~~ and specific  
11 information showing the efforts that have been made to achieve the goal of the  
12 permanency plan, including, if applicable, the efforts of the parents to remedy the  
13 factors which that contributed to the child's placement and, if continued placement  
14 outside of the child's home is recommended, an explanation of why returning the  
15 child to his or her home is not safe or feasible, unless return of the child to the home  
16 is the goal of the permanency plan and any of the circumstances specified in s. 48.355  
17 (2d) (b) 1. to 5. applies.

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

20           48.365 (2g) (b) 3. If the child has been placed outside of his or her home for 15  
21 of the most recent 22 months, not including any period during which the child was  
22 a runaway from the out-of-home placement or the first 6 months of any period  
23 during which the child was returned to his or her home for a trial home visit, a  
24 statement of whether or not a recommendation has been made to terminate the  
25 parental rights of the parents of the child. If a recommendation for a termination of

1 parental rights has been made, the statement shall indicate the date on which the  
2 recommendation was made, any previous progress made to accomplish the  
3 termination of parental rights, any barriers to the termination of parental rights,  
4 specific steps to overcome the barriers and when the steps will be completed, reasons  
5 why adoption would be in the best interest of the child, and whether or not the child  
6 should be registered with the adoption information exchange. If a recommendation  
7 for termination of parental rights has not been made, the statement shall include an  
8 explanation of the reasons why a recommendation for termination of parental rights  
9 has not been made. If the lack of appropriate adoptive resources is the primary  
10 reason for not recommending a termination of parental rights, the agency shall  
11 recommend that the child be registered with the adoption information exchange or  
12 report the reason why registering the child is contrary to the best interest of the child.

13 **\*b3034/1.1\* SECTION 102gm.** 48.365 (2m) (a) of the statutes is renumbered  
14 48.365 (2m) (a) 1. and amended to read:

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

1 to her home to achieve the goal of the child's permanency plan, unless return of the  
2 child to the home is the goal of the permanency plan and the judge finds that any of  
3 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies. An order shall be  
4 issued under s. 48.355.

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

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

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

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

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

23 48.365 (2m) (ad) 1. If the judge finds that any of the circumstances specified  
24 in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a  
25 hearing within 30 days after the date of that finding to determine the permanency

1 plan for the child. If a hearing is held under this subdivision, the agency responsible  
2 for preparing the permanency plan shall file the permanency plan with the court not  
3 less than 5 days before the date of the hearing.

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

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

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

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

24 48.365 (5) Except as provided in s. 48.368, all orders an order under this section  
25 that continues the placement of a child in his or her home or that relates to an unborn

1 child of an adult expectant mother shall be for a specified length of time not to exceed  
2 one year after its date of entry. Except as provided in s. 48.368, an order under this  
3 section that continues the placement of a child in an out-of-home placement shall  
4 be for a specified length of time not to exceed the date on which the child reaches 18  
5 years of age, one year after the date of entry of the order, or, if the child is a full-time  
6 student at a secondary school or its vocational or technical equivalent and is  
7 reasonably expected to complete the program before reaching 19 years of age, the  
8 date on which the child reaches 19 years of age, whichever is later.

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

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

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

21 48.38 (2) (c) The child is under the supervision of an agency under s. 48.64 (2)  
22 ~~or pursuant to, under a consent decree under s. 48.32 (1) (b), or under~~ a court order  
23 under s. 48.355.

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

1           48.38 (2) (f) The child's care ~~is paid~~ would be paid for under s. 49.19 but for s.  
2           49.19 (20).

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

5           48.38 (2) (g) The child's parent is placed in a foster home, treatment foster  
6           home, group home, ~~child-caring institution~~ residential care center for children and  
7           youth, secure detention facility, or shelter care facility and the child is residing with  
8           that parent.

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

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

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

19          48.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~  
20          ~~description of~~ all of the following:

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

23          48.38 (4) (ar) ~~The~~ A description of the services offered and any service services  
24          provided in an effort to prevent ~~holding or placing the child outside of the removal~~  
25          of the child from his or her home, while assuring that the health and safety of the

1 child are the paramount concerns, and to ~~make it possible for the child to return~~  
2 ~~safely home~~ achieve the goal of the permanency plan, except that the permanency  
3 plan ~~need not~~ is not required to include a description of these ~~the~~ services offered or  
4 provided with respect to a parent of the child to prevent the removal of the child from  
5 the home or to achieve the permanency plan goal of returning the child safely to his  
6 or her home if any of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3., 4., or  
7 to 5. ~~apply~~ applies to that parent.

8 \*b3034/1.1\* **SECTION 102kr.** 48.38 (4) (ag) of the statutes is created to read:  
9 48.38 (4) (ag) The name, address, and telephone number of the child's parent,  
10 guardian, and legal custodian.

11 \*b3034/1.1\* **SECTION 102m.** 48.38 (4) (am) of the statutes is created to read:  
12 48.38 (4) (am) The date on which the child was removed from his or her home  
13 and the date on which the child was placed in out-of-home care.

14 \*b3034/1.1\* **SECTION 102mg.** 48.38 (4) (bm) of the statutes is amended to read:  
15 48.38 (4) (bm) ~~The A statement as to the availability of a safe and appropriate~~  
16 placement with a fit and willing relative of the child and, if a decision is made not  
17 to place the child with an available relative, a statement as to why placement with  
18 the relative is not safe or appropriate.

19 \*b3034/1.1\* **SECTION 102mm.** 48.38 (4) (dg) of the statutes is created to read:  
20 48.38 (4) (dg) Information about the child's education, including all of the  
21 following:

22 1. The name and address of the school in which the child is or was most recently  
23 enrolled.

24 2. Any special education programs in which the child is or was previously  
25 enrolled.

1           3. The grade level in which the child is or was most recently enrolled and all  
2 information that is available concerning the child's grade level performance.

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

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

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

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

13           48.38 (4) (dr) Medical information relating to the child, including all of the  
14 following:

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

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

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

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



1           **\*b3034/1.1\* SECTION 102ng.** 48.38 (4) (e) of the statutes is amended to read:  
2           48.38 (4) (e) The A plan for ensuring the safety and appropriateness of the  
3           placement and a description of the services provided to meet the needs of the child  
4           and family, including a discussion of services that have been investigated and  
5           considered and are not available or likely to become available within a reasonable  
6           time to meet the needs of the child or, if available, why such services are not safe or  
7           appropriate.

8           **\*b3034/1.1\* SECTION 102nm.** 48.38 (4) (f) (intro.) of the statutes is amended  
9           to read:  
10          48.38 (4) (f) (intro.) The A description of the services that will be provided to  
11          the child, the child's family, and the child's foster parent, the child's treatment foster  
12          parent ~~or~~, the operator of the facility where the child is living, or the relative with  
13          whom the child is living to carry out the dispositional order, including services  
14          planned to accomplish all of the following:

15          **\*b3034/1.1\* SECTION 102nr.** 48.38 (4) (fg) of the statutes is created to read:  
16          48.38 (4) (fg) The goal of the permanency plan or, if the agency is making  
17          concurrent reasonable efforts under s. 48.355 (2b), the goals of the permanency plan.  
18          If a goal of the permanency plan is any goal other than return of the child to his or  
19          her home, the permanency plan shall include the rationale for deciding on that goal.  
20          If a goal of the permanency plan is an alternative permanent placement under subd.  
21          5., the permanency plan shall document a compelling reason why it would not be in  
22          the best interest of the child to pursue a goal specified in subds. 1. to 4. The agency  
23          shall determine one or more of the following goals to be the goal or goals of a child's  
24          permanency plan:

25                1. Return of the child to the child's home.

- 1           2. Placement of the child for adoption.
- 2           3. Placement of the child with a guardian.
- 3           4. Permanent placement of the child with a fit and willing relative.
- 4           5. Some other alternative permanent placement, including sustaining care,
- 5 independent living, or long-term foster care.

6           **\*b3034/1.1\* SECTION 102p.** 48.38 (4) (fm) of the statutes is amended to read:  
7           48.38 (4) (fm) If the ~~goal of the permanency plan calls for placing~~ is to place the  
8 child for adoption, with a guardian, with a fit and willing relative, or in some other  
9 alternative permanent placement, the efforts made to ~~place the child for adoption,~~  
10 ~~with a guardian or in some other alternative permanent placement~~ achieve that goal.

11           **\*b3034/1.1\* SECTION 102pg.** 48.38 (4) (h) of the statutes is created to read:  
12           48.38 (4) (h) If the child is 15 years of age or over, a description of the programs  
13 and services that are or will be provided to assist the child in preparing for the  
14 transition from out-of-home care to independent living. The description shall  
15 include all of the following:

- 16           1. The anticipated age at which the child will be discharged from out-of-home  
17 care.
- 18           2. The anticipated amount of time available in which to prepare the child for  
19 the transition from out-of-home care to independent living.
- 20           3. The anticipated location and living situation of the child on discharge from  
21 out-of-home care.
- 22           4. A description of the assessment processes, tools, and methods that have been  
23 or will be used to determine the programs and services that are or will be provided  
24 to assist the child in preparing for the transition from out-of-home care to  
25 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   
4           **\*b3034/1.1\* SECTION 102qm.** 48.38 (5) (c) 6. cg. of the statutes is created to  
5 read:

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

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

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

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

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

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

21           48.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to  
22 review the permanency plan and to make the determinations specified in sub. (5) (c)  
23 no later than 12 months after the date on which the child was first removed from the  
24 home and every 12 months after a previous hearing under this subsection for as long  
25 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 **\*-4548/2.32\* \*-0590/P5.2\* SECTION 103.** 48.415 (9m) (b) 2. of the statutes is  
24 amended to read:

1           48.415 (9m) (b) 2. The commission of a violation of s. 940.19 (3), 1999 stats.,  
2 a violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,  
3 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other  
4 state or federal law, if that violation would be a violation of s. 940.19 (2), ~~(3)~~, (4) or  
5 (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06  
6 or 948.08 if committed in this state.

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

8           48.417 (1) (a) The child has been placed outside of his or her home, as described  
9 in s. 48.365 (1) or 938.365 (1), for 15 of the most recent 22 months, not including any  
10 period during which the child was a runaway from the out-of-home placement or the  
11 first 6 months of any period during which the child was returned to his or her home  
12 for a trial home visit. If the circumstances specified in this paragraph apply, the  
13 petition shall be filed or joined in by the last day of the 15th month, as described in  
14 this paragraph, for which the child was placed outside of his or her home.

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

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

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



1           48.417 (1) (c) A court of competent jurisdiction has found that the parent has  
2 committed, has aided or abetted the commission of, or has solicited, conspired, or  
3 attempted to commit, a violation of s. 940.01, 940.02, 940.03, or 940.05 or a violation  
4 of the law of any other state or federal law, if that violation would be a violation of  
5 s. 940.01, 940.02, 940.03, or 940.05 if committed in this state, and that the victim of  
6 that violation is a child of the parent. If the circumstances specified in this paragraph  
7 apply, the petition shall be filed or joined in within 60 days after the date on which  
8 the court assigned to exercise jurisdiction under this chapter determines, based on  
9 a finding that a circumstance specified in this paragraph applies, that reasonable  
10 efforts to make it possible for the child to return safely to his or her home are not  
11 required.

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

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

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

3           48.417 (1) (d) A court of competent jurisdiction has found that the parent has  
4 committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), ~~(3)~~, (4),  
5 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or a  
6 violation of the law of any other state or federal law, if that violation would be a  
7 violation of s. 940.19 (2), ~~(3)~~, (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,  
8 or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted  
9 in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as  
10 defined in s. 939.22 (38), to the child or another child of the parent. If the  
11 circumstances specified in this paragraph apply, the petition shall be filed or joined  
12 in within 60 days after the date on which the court assigned to exercise jurisdiction  
13 under this chapter determines, based on a finding that a circumstance specified in  
14 this paragraph applies, that reasonable efforts to make it possible for the child to  
15 return safely to his or her home are not required.

16           **\*b3034/1.2\* SECTION 104d.** 48.417 (2) (a) of the statutes is amended to read:  
17 48.417 (2) (a) The child is being cared for by a fit and willing relative of the  
18 child.

19           **\*b3034/1.2\* SECTION 104e.** 48.417 (2) (b) of the statutes is amended to read:  
20 48.417 (2) (b) The child's permanency plan indicates and provides  
21 documentation that termination of parental rights to the child is not in the best  
22 interests of the child.

23           **\*b3034/1.2\* SECTION 104f.** 48.417 (2) (d) of the statutes is created to read:  
24 48.417 (2) (d) Grounds for an involuntary termination of parental rights under  
25 s. 48.415 do not exist.

1           \*~~4548/2.34~~\* \*~~0590/P5.4~~\* **SECTION 110.** 48.57 (3p) (g) 2. of the statutes is  
2 amended to read:

3           48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified  
4 in s. 939.64, 1999 stats., or s. 939.641, 1999 stats., or s. 939.62, 939.621, 939.63,  
5 939.64, 939.641 or 939.645 or has been convicted of a violation of the law of any other  
6 state or federal law under circumstances under which the person would be subject  
7 to a penalty specified in any of those sections if convicted in this state.

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

10           48.63 (1) Acting pursuant to under court order or voluntary agreement, the  
11 child's parent or guardian or the department of health and family services, the  
12 department of corrections, a county department, or a child welfare agency licensed  
13 to place children in foster homes, treatment foster homes, or group homes may place  
14 a child or negotiate or act as intermediary for the placement of a child in a foster  
15 home, treatment foster home, or group home. Voluntary agreements under this  
16 subsection may not be used for placements in facilities other than foster, treatment  
17 foster, or group homes and may not be extended. A foster home or treatment foster  
18 home placement under a voluntary agreement may not exceed 6 months 180 days  
19 from the date on which the child was removed from the home under the voluntary  
20 agreement. A group home placement under a voluntary agreement may not exceed  
21 15 days from the date on which the child was removed from the home under the  
22 voluntary agreement, except as provided in sub. (5). These time limitations do not  
23 apply to placements made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary  
24 agreements may be made only under this subsection and sub. (5) (b) and shall be in  
25 writing and shall specifically state that the agreement may be terminated at any

1 time by the parent or guardian or by the child if the child's consent to the agreement  
2 is required. The child's consent to the agreement is required whenever the child is  
3 12 years of age or older.

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

5 48.63 (4) A permanency plan under s. 48.38 is required for each child placed  
6 in a foster home or treatment foster home under sub. (1). If the child is living in a  
7 foster home or treatment foster home under a voluntary agreement, the agency that  
8 negotiated or acted as intermediary for the placement shall prepare the permanency  
9 plan within 60 days after the placement date on which the child was removed from  
10 his or her home under the voluntary agreement. A copy of each plan shall be provided  
11 to the child if he or she is 12 years of age or over and to the child's parent or guardian.  
12 If the agency ~~which~~ that arranged the voluntary placement intends to seek a court  
13 order to place the child outside of his or her home at the expiration of the voluntary  
14 placement, the agency shall prepare a revised permanency plan and file that revised  
15 plan with the court prior to the date of the hearing on the proposed placement.

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

18 48.63 (5) (b) If a child who is at least 14 years of age, who is a custodial parent,  
19 as defined in s. 49.141 (1) (b), or an expectant mother, and who is in need of a safe  
20 and structured living arrangement and the parent or guardian of the child consent,  
21 a child welfare agency licensed to place children in group homes may place the child  
22 or arrange the placement of the child in a group home described in s. 48.625 (1m).  
23 Before placing a child or arranging the placement of a child under this paragraph,  
24 the child welfare agency shall report any suspected abuse or neglect of the child as  
25 required under s. 48.981 (2). A voluntary agreement to place a child in a group home

1 described in s. 48.625 (1m) may be made only under this paragraph, shall be in  
2 writing, and shall specifically state that the agreement may be terminated at any  
3 time by the parent, guardian, or child. An initial placement under this paragraph  
4 may not exceed ~~6 months~~ 180 days from the date on which the child was removed  
5 from the home under the voluntary agreement, but may be extended as provided in  
6 par. (d) 3. to 6. An initial placement under this paragraph of a child who is under 16  
7 years of age on the date of the initial placement may be extended as provided in par.  
8 (d) 3. to 6. no more than once.

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

11 48.63 (5) (c) A permanency plan under s. 48.38 is required for each child placed  
12 in a group home under par. (b) and for any child of that child who is residing with that  
13 child. The agency that placed the child or that arranged the placement of the child  
14 shall prepare the plan within 60 days after the placement date on which the child was  
15 removed from his or her home under the voluntary agreement and shall provide a  
16 copy of the plan to the child and the child's parent or guardian.

17 **\*-4548/2.35\* SECTION 111.** 48.685 (1) (c) of the statutes is amended to read:

18 48.685 (1) (c) "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a  
19 violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3)~~, (4), (5) or (6),  
20 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),  
21 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),  
22 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or  
23 United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or  
24 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3)~~, (4), (5) or (6),  
25 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),

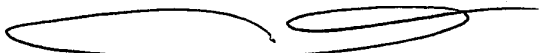
1 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),  
2 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

3 **\*-4548/2.36\* \*-0590/P5.5\* SECTION 112.** 48.685 (5) (bm) 2. of the statutes is  
4 amended to read:

5 48.685 (5) (bm) 2. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), (3),  
6 (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

7 **\*-4548/2.37\* \*-0590/P5.6\* SECTION 113.** 48.685 (5) (bm) 3. of the statutes is  
8 amended to read:

9 48.685 (5) (bm) 3. A violation of s. 943.23 (1m) or (1r), 1999 stats., or of s. 940.01,  
10 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31,  
11 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~ or 943.32 (2).



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

15 48.685 (5) (bm) 4. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b),  
16 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (3), (4), (5), or (6), 940.20, 940.203, 940.205  
17 or, 940.207, or 940.25, a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under  
18 s. 346.65 (2) (e) or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if  
19 committed not more than 5 years before the date of the investigation under sub. (2)  
20 (am).

21 **\*b3034/1.4\* SECTION 114b.** 48.685 (5) (bm) 4. of the statutes, as affected by  
22 2001 Wisconsin Act .... (this act), is amended to read:

23 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1),  
24 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), ~~(3), (4),~~  
25 (5), or (6), 940.20, 940.203, 940.205, 940.207, or 940.025, a violation of s. 346.63 (1),

1 (2), (5), or (6) that is a felony under s. 346.65 (2) (e) or (f), (2j) (d) or (3m), or an offense  
2 under ch. 961 that is a felony, if committed not more than 5 years before the date of  
3 the investigation under sub. (2) (am).

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

5 48.78 (2) (a) No agency may make available for inspection or disclose the  
6 contents of any record kept or information received about an individual in its care  
7 or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or (5m) (d),  
8 48.432, 48.433, 48.93, 48.981 (7), 938.51, or 938.78 or by order of the court.

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

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

1 order that does not comply with this paragraph is not sufficient to comply with this  
2 paragraph.

3 \*~~4548/2.39~~\* \*~~3266/P1.23~~\* **SECTION 115.** 49.141 (7) (a) of the statutes is  
4 amended to read:

5 49.141 (7) (a) A person who is convicted of violating sub. (6) in connection with  
6 the furnishing by that person of items or services for which payment is or may be  
7 made under Wisconsin works ~~may be fined not more than \$25,000 or imprisoned for~~  
8 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

9 \*~~4548/2.40~~\* \*~~3266/P1.24~~\* **SECTION 116.** 49.141 (7) (b) of the statutes is  
10 amended to read:

11 49.141 (7) (b) A person, other than a person under par. (a), who is convicted of  
12 violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than  
13 ~~2 years~~ 9 months or both.

14 \*~~4548/2.41~~\* \*~~3266/P1.25~~\* **SECTION 117.** 49.141 (9) (a) of the statutes is  
15 amended to read:

16 49.141 (9) (a) Whoever solicits or receives any remuneration in cash or in-kind,  
17 in return for referring an individual to a person for the furnishing or arranging for  
18 the furnishing of any item or service for which payment may be made in whole or in  
19 part under Wisconsin works, or in return for purchasing, leasing, ordering, or  
20 arranging for or recommending purchasing, leasing, or ordering any good, facility,  
21 service, or item for which payment may be made in whole or in part under Wisconsin  
22 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine  
23 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or  
24 ~~imprisoned for not more than 7 years and 6 months or both.~~



1           \*~~4548/2.42~~\* \*~~3266/P1.26~~\* SECTION 118. 49.141 (9) (b) of the statutes is  
2 amended to read:

3           49.141 (9) (b) Whoever offers or pays any remuneration in cash or in-kind to  
4 any person to induce the person to refer an individual to a person for the furnishing  
5 or arranging for the furnishing of any item or service for which payment may be made  
6 in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange  
7 for or recommend purchasing, leasing, or ordering any good, facility, service or item  
8 for which payment may be made in whole or in part under any provision of Wisconsin  
9 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine  
10 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or  
11 imprisoned for not more than 7 years and 6 months or both.

12           \*~~4548/2.43~~\* \*~~3266/P1.27~~\* SECTION 119. 49.141 (10) (b) of the statutes is  
13 amended to read:

14           49.141 (10) (b) A person who violates this subsection is guilty of a Class H  
15 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),  
16 the person may be fined not more than \$25,000 or imprisoned for not more than 7  
17 years and 6 months or both.

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

20           49.175 (1) (z) *Community youth grant.* For a competitive grant program  
21 administered by the department to fund programs that improve social, academic and  
22 employment skills of youth who are eligible to receive temporary assistance for needy  
23 families under 42 USC 601 et seq., ~~\$7,579,700~~ \$7,829,700 in fiscal year 2001–02 and  
24 ~~\$50,000~~ \$300,000 fiscal year 2002–03.

1           **\*b3088/2.1\* SECTION 119g.** 49.152 (title) of the statutes is renumbered 49.16  
2 (title).

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

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

5           **\*b3088/2.1\* SECTION 119gi.** 49.152 (3) (title) of the statutes is renumbered  
6 49.16 (3) (title).

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

9           49.16 (3) (a) If, following review under sub. (2), the Wisconsin works agency or  
10 the department determines that an individual, ~~whose application for a Wisconsin~~  
11 ~~works employment position was denied based on eligibility, was in fact eligible, or~~  
12 ~~that the individual~~ was placed in an inappropriate Wisconsin works employment  
13 position, the Wisconsin works agency shall place the individual in the first available  
14 Wisconsin works employment position that is appropriate for that individual, as  
15 determined by the Wisconsin works agency or the department. An individual who  
16 is placed in a Wisconsin works employment position under this paragraph is eligible  
17 for the benefit for that position under s. 49.148 beginning on the date on which the  
18 individual begins participation under s. 49.147.

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

21           49.16 (3) (b) If, following review under sub. (2), the Wisconsin works agency or  
22 the department determines that an individual's application was not acted upon with  
23 reasonable promptness or was improperly denied in whole or in part or that a  
24 participant's benefit was improperly modified or canceled, or was calculated  
25 incorrectly, the Wisconsin works agency shall ~~restore the benefit to the level~~

1 determined to be appropriate by the Wisconsin works agency or by the department  
2 grant the appropriate benefit, retroactive to the date on which the individual's  
3 application was first not acted upon with reasonable promptness or improperly  
4 denied in whole or in part or the individual's benefit was first improperly modified  
5 or canceled or incorrectly calculated.

6 **\*b2355/2.1\* SECTION 119m.** 49.175 (1) (zh) 2. of the statutes, as affected by  
7 2001 Wisconsin Act 16, is amended to read:

8 49.175 (1) (zh) 2. 'Taxable years 1999 and thereafter.' For the transfer of  
9 moneys from the appropriation account under s. 20.445 (3) (md) to the appropriation  
10 account under s. 20.835 (2) (kf) for the earned income tax credit, \$51,244,500 in fiscal  
11 year 2001–02 and ~~\$52,200,000~~ \$55,160,000 in fiscal year 2002–03.

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

14 49.195 (3) A county, tribal governing body, Wisconsin works agency or the  
15 department shall determine whether an overpayment has been made under s. 49.19,  
16 49.148, 49.155 or 49.157 and, if so, the amount of the overpayment. The county, tribal  
17 governing body, Wisconsin works agency or department shall provide notice of the  
18 overpayment to the liable person. The department shall give that person an  
19 opportunity for a review following the procedure specified under s. ~~49.152~~ 49.16, if  
20 the person received the overpayment under s. 49.141 to 49.161, and for a hearing  
21 under ch. 227. Notwithstanding s. 49.96, the department shall promptly recover all  
22 overpayments made under s. 49.19, 49.148, 49.155 or 49.157 that have not already  
23 been received under s. 49.161 or 49.19 (17) and shall promulgate rules establishing  
24 policies and procedures to administer this subsection. The rules shall include  
25 notification procedures similar to those established for child support collections.

1           \*~~4548/2.44~~\* **SECTION 120.** 49.195 (3n) (k) of the statutes is amended to read:

2           49.195 (3n) (k) Any person who removes, deposits or conceals or aids in  
3 removing, depositing or concealing any property upon which a levy is authorized  
4 under this subsection with intent to evade or defeat the assessment or collection of  
5 any debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years~~  
6 ~~and 6 months or both, is guilty of a Class H felony and shall be liable to the state for~~  
7 assessed the costs of prosecution.

8           \*~~4548/2.45~~\* **SECTION 121.** 49.195 (3n) (r) of the statutes is amended to read:

9           49.195 (3n) (r) No employer may discharge or otherwise discriminate with  
10 respect to the terms and conditions of employment against any employee by reason  
11 of the fact that his or her earnings have been subject to levy for any one levy or  
12 because of compliance with any provision of this subsection. Any person who violates  
13 this paragraph ~~may be fined not more than \$1,000 or imprisoned for not more than~~  
14 ~~2 years or both~~ is guilty of a Class I felony.

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

16           49.45 (2) (a) 9. Periodically set forth conditions of participation and  
17 reimbursement ~~in a contract with provider~~ for contracts with providers of service  
18 under this section. The department shall promulgate rules that specify criteria for  
19 and required procedures for submittal of appropriate claims for reimbursement.

20           \***b2863/1.2**\* **SECTION 121pc.** 49.45 (2) (a) 10. a. of the statutes, as affected by  
21 2001 Wisconsin Act 16, is renumbered 49.45 (2) (a) 10. and amended to read:

22           49.45 (2) (a) 10. After reasonable notice and opportunity for a hearing  
23 conducted as a class 2 proceeding under ch. 227, recover money improperly or  
24 erroneously paid or overpayments to a provider by offsetting or adjusting amounts  
25 owed the provider under the program, crediting against a provider's future claims

1 for reimbursement for other services or items furnished by the provider under the  
2 program, or requiring the provider to make direct payment to the department or its  
3 fiscal intermediary.

4 \*b2863/1.2\* **SECTION 121pd.** 49.45 (2) (a) 10. b. of the statutes, as created by  
5 2001 Wisconsin Act 16, is repealed.

6 \*b2863/1.2\* **SECTION 121pe.** 49.45 (2) (a) 10. c. of the statutes, as created by  
7 2001 Wisconsin Act 16, is repealed.

8 \*b2863/1.2\* **SECTION 121pf.** 49.45 (2) (a) 11. a. of the statutes, as affected by  
9 2001 Wisconsin Act 16, is renumbered 49.45 (2) (a) 11. and amended to read:  
10 49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of  
11 medical assistance and, except as provided in ~~par. (b) 6m. and s. 49.48, and subject~~  
12 ~~to par. (b) 7. and 8.,~~ certify providers who meet the criteria.

13 \*b2863/1.2\* **SECTION 121pg.** 49.45 (2) (a) 11. b. of the statutes, as created by  
14 2001 Wisconsin Act 16, is repealed.

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

17 49.45 (2) (a) 12. Decertify or suspend under this subdivision a provider from  
18 ~~or restrict a provider's participation in~~ the medical assistance program, if after  
19 giving reasonable notice and opportunity for hearing the department finds that the  
20 provider has violated a federal statute or regulation or a state statute or  
21 administrative rule and the violation is by statute, regulation, or rule grounds for  
22 decertification or ~~restriction. The department shall suspend the provider pending~~  
23 ~~the hearing under this subdivision if the department includes in its decertification~~  
24 ~~notice findings that the provider's continued participation in the medical assistance~~  
25 ~~program pending hearing is likely to lead to the irretrievable loss of public funds and~~

1 ~~is unnecessary to provide adequate access to services to medical assistance~~  
2 ~~recipients. As soon as practicable after the hearing, the department shall issue a~~  
3 ~~written decision suspension.~~ No payment may be made under the medical assistance  
4 program with respect to any service or item furnished by the provider subsequent to  
5 decertification or during the period of suspension.

6 **\*b2863/1.2\* SECTION 121pi.** 49.45 (2) (a) 12. b. of the statutes, as created by  
7 2001 Wisconsin Act 16, is repealed.

8 **\*b2863/1.2\* SECTION 121pj.** 49.45 (2) (a) 14. of the statutes is amended to read:  
9 49.45 (2) (a) 14. Assure due process in implementing subs. 12. and 13. by  
10 providing written notice, ~~a fair hearing and a written decision~~ and a hearing  
11 conducted as a class 2 proceeding under ch. 227.

12 **\*b2863/1.2\* SECTION 121pk.** 49.45 (2) (b) 6m. of the statutes, as created by  
13 2001 Wisconsin Act 16, is repealed.

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

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

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

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

22 49.45 (3) (g) The secretary may authorize personnel to audit or investigate and  
23 report to the department on any matter involving violations or complaints alleging  
24 violations of statutes, regulations, or rules applicable to the medical assistance  
25 program and to perform such investigations or audits as are required to verify the

1 actual provision of services or items available under the medical assistance program  
2 and the appropriateness and accuracy of claims for reimbursement submitted by  
3 providers participating in the program. Department employees authorized by the  
4 secretary under this paragraph shall be issued, and shall possess at all times while  
5 they are performing their investigatory or audit functions under this section,  
6 identification, signed by the secretary, that specifically designates the bearer as  
7 possessing the authorization to conduct medical assistance investigations or audits.  
8 Under the request of a designated person and upon presentation of the person's  
9 authorization, providers and medical assistance recipients shall accord the person  
10 access to any ~~provider personnel~~, records, books, or documents or other information  
11 needed. Under the written request of a designated person and upon presentation of  
12 the person's authorization, providers and recipients shall accord the person access  
13 to any needed patient health care records of a recipient. Authorized employees may  
14 hold hearings, administer oaths, take testimony, and perform all other duties  
15 necessary to bring the matter before the department for final adjudication and  
16 determination.

17  
18 **\*b2863/1.2\* SECTION 121pq.** 49.45 (3) (g) 2. of the statutes, as created by 2001  
19 Wisconsin Act 16, is repealed.

20 **\*b2863/1.2\* SECTION 121pr.** 49.45 (3) (h) 1. of the statutes is created to read:  
21 49.45 (3) (h) 1. For purposes of any audit, investigation, examination, analysis,  
22 review, or other function authorized by law with respect to the medical assistance  
23 program, the secretary shall have the power to sign and issue subpoenas to any  
24 person requiring the production of any pertinent books, records, patient health care  
25 records, or other information. Subpoenas so issued shall be served by anyone

1 authorized by the secretary by delivering a copy to the person named in the  
2 subpoena, or by registered mail or certified mail addressed to the person at his or her  
3 last-known residence or principal place of business. A verified return by the person  
4 serving the subpoena setting forth the manner of service, or, in the event service is  
5 by registered or certified mail, the return post-office receipt signed by the person  
6 served constitutes proof of service.

7 **\*b2863/1.2\* SECTION 121ps.** 49.45 (3) (h) 1m. of the statutes, as affected by  
8 2001 Wisconsin Act 16, is renumbered 49.45 (3) (h) 3. and amended to read:

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

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

21 **\*b2863/1.2\* SECTION 121pu.** 49.45 (3) (h) 2. of the statutes is created to read:

22 49.45 (3) (h) 2. In the event of contumacy or refusal to obey a subpoena issued  
23 under this paragraph and duly served upon any person, any judge in a court of record  
24 in the county in which the person was served may enforce the subpoena in accordance  
25 with s. 885.12.



1           **\*b2863/1.2\* SECTION 121pv.** 49.45 (21) (title) of the statutes, as affected by  
2 2001 Wisconsin Act 16, is amended to read:

3           49.45 (21) (title) ~~TAKING OVER PROVIDER'S OPERATION~~ TRANSFER OF BUSINESS,  
4 LIABILITY FOR; REPAYMENTS REQUIRED.

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

7           **\*b2863/1.2\* SECTION 121pwj.** 49.45 (21) (ar) of the statutes, as affected by  
8 2001 Wisconsin Act 16; is renumbered 49.45 (21) (a) and amended to read:

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

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

20           49.45 (21) (b) ~~If, notwithstanding the prohibition under par. (ar), a person takes~~  
21 ~~over the operation of a provider~~ If a transfer occurs and the applicable amount under  
22 par. (ar) (a) has not been repaid, the department may, ~~in addition to withholding~~  
23 ~~certification as authorized under sub. (2) (b) 8.,~~ proceed against the provider or the  
24 person either the transferor or the transferee. Within 30 days after the certified  
25 provider ~~receives~~ receiving notice from the department, the transferor or the

1 ~~transferee shall pay the amount shall be repaid in full. If the amount is not repaid~~  
2 ~~in full Upon failure to comply,~~ the department may bring an action to compel  
3 payment, ~~If a transferor fails to pay within 90 days after receiving notice from the~~  
4 ~~department, the department~~ may proceed under sub. (2) (a) 12., ~~or may do both.~~

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

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

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

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

21 49.26 (1) (h) 1. as. The individual has failed to request a hearing or has failed  
22 to show good cause for not cooperating with case management efforts in a hearing.  
23 The hearing shall be requested and held under s. ~~49.152~~ 49.16. The department shall  
24 determine by rule the criteria for good cause.

25 **\*-4668/2.1\* SECTION 122.** 49.45 (49) of the statutes is created to read:

1           49.45 (49) PRESCRIPTION DRUG PRIOR AUTHORIZATION. (a) The secretary shall  
2 exercise his or her authority under s. 15.04 (1) (c) to create a prescription drug prior  
3 authorization committee to advise the department on issues related to prior  
4 authorization decisions made concerning prescription drugs on behalf of medical  
5 assistance recipients. The secretary shall appoint as members at least all of the  
6 following:

- 7           1. Two physicians, as defined in s. 448.01 (5), who are currently in practice.
- 8           2. Two pharmacists, as defined in s. 450.01 (15).
- 9           3. One advocate for recipients of medical assistance who has sufficient medical  
10 background, as determined by the department, to evaluate a prescription drug's  
11 clinical effectiveness.

12           (b) The prescription drug prior authorization committee shall accept  
13 information or commentary from representatives of the pharmaceutical  
14 manufacturing industry in the committee's review of prior authorization policies.

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

16           49.45 (50) DISEASE MANAGEMENT. (a) In this subsection, "disease management"  
17 means an integrated and systematic approach for managing the health care needs  
18 of patients who are at risk of or are diagnosed with a specific disease, using all of the  
19 following:

- 20           1. Best practices.
- 21           2. Prevention strategies.
- 22           3. Clinical practice improvement.
- 23           4. Clinical interventions and protocols.
- 24           5. Outcomes research, information, and technology.

1           6. Other tools and resources to reduce overall costs and improve measurable  
2 outcomes.

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

6           \*~~4548/2.46~~\* \*~~3266/P1.28~~\* **SECTION 123.** 49.49 (1) (b) 1. of the statutes is  
7 amended to read:

8           49.49 (1) (b) 1. In the case of such a statement, representation, concealment,  
9 failure, or conversion by any person in connection with the furnishing by that person  
10 of items or services for which medical assistance is or may be made, a person  
11 ~~convicted of violating this subsection is guilty of a Class H felony, except that,~~  
12 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be  
13 fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months~~  
14 ~~or both.~~

15           \*~~4548/2.47~~\* \*~~3266/P1.29~~\* **SECTION 124.** 49.49 (2) (a) of the statutes is  
16 amended to read:

17           49.49 (2) (a) *Solicitation or receipt of remuneration.* Any person who solicits  
18 or receives any remuneration, including any kickback, bribe, or rebate, directly or  
19 indirectly, overtly or covertly, in cash or in kind, in return for referring an individual  
20 to a person for the furnishing or arranging for the furnishing of any item or service  
21 for which payment may be made in whole or in part under a medical assistance  
22 program, or in return for purchasing, leasing, ordering, or arranging for or  
23 recommending purchasing, leasing, or ordering any good, facility, service, or item for  
24 which payment may be made in whole or in part under a medical assistance program,  
25 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified

1 in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for~~  
2 ~~not more than 7 years and 6 months or both.~~

3 \*~~4548/2.48~~\* \*~~3266/P1.30~~\* **SECTION 125.** 49.49 (2) (b) of the statutes is  
4 amended to read:

5 49.49 (2) (b) *Offer or payment of remuneration.* Whoever offers or pays any  
6 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly  
7 or covertly, in cash or in kind to any person to induce such person to refer an  
8 individual to a person for the furnishing or arranging for the furnishing of any item  
9 or service for which payment may be made in whole or in part under a medical  
10 assistance program, or to purchase, lease, order, or arrange for or recommend  
11 purchasing, leasing, or ordering any good, facility, service or item for which payment  
12 may be made in whole or in part under a medical assistance program, is guilty of a  
13 Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50  
14 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for not more~~  
15 ~~than 7 years and 6 months or both.~~

16 \*~~4548/2.49~~\* \*~~3266/P1.31~~\* **SECTION 126.** 49.49 (3) of the statutes is amended  
17 to read:

18 49.49 (3) **FRAUDULENT CERTIFICATION OF FACILITIES.** No person may knowingly  
19 and wilfully make or cause to be made, or induce or seek to induce the making of, any  
20 false statement or representation of a material fact with respect to the conditions or  
21 operation of any institution or facility in order that such institution or facility may  
22 qualify either upon initial certification or upon recertification as a hospital, skilled  
23 nursing facility, intermediate care facility, or home health agency. ~~Violators of A~~  
24 person who violates this subsection is guilty of a Class H felony, except that,  
25 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be

1 fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months~~  
2 ~~or both.~~

3 ~~\*-4548/2.50\* \*-3266/P1.32\*~~ **SECTION 127.** 49.49 (3m) (b) of the statutes is  
4 amended to read:

5 49.49 (3m) (b) A person who violates this subsection is guilty of a Class H  
6 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),  
7 the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7~~  
8 ~~years and 6 months or both.~~

9 ~~\*-4548/2.51\* \*-3266/P1.33\*~~ **SECTION 128.** 49.49 (4) (b) of the statutes is  
10 amended to read:

11 49.49 (4) (b) A person who violates this subsection is guilty of a Class H felony,  
12 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the  
13 person may be fined not more than \$25,000 ~~or imprisoned for not more than 7 years~~  
14 ~~and 6 months or both.~~

15 ~~\*b2372/2.2\*~~ **SECTION 128g.** 49.49 (6) of the statutes is amended to read:

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

1           **\*b2317/2.1\* SECTION 128m.** 49.665 (4) (at) 1. b. of the statutes is amended to  
2 read:

3           49.665 (4) (at) 1. b. The department may not lower the maximum income level  
4 for initial eligibility unless the department first submits to the joint committee on  
5 finance ~~its plans a plan~~ a plan for lowering the maximum income level ~~and the committee~~  
6 ~~approves the plan.~~ If, within 14 days after submitting the plan the date on which the  
7 plan is submitted to the joint committee on finance, the cochairpersons of the  
8 committee do not notify the secretary that the committee has scheduled a meeting  
9 for the purpose of reviewing the plan, the department shall implement the plan is  
10 considered approved by the committee as proposed. If, within 14 days after the date  
11 on which the plan is submitted to the committee, the cochairpersons of the committee  
12 notify the secretary that the committee has scheduled a meeting to review the plan,  
13 the department may implement the plan only as approved by the committee.

14           **\*b2317/2.1\* SECTION 128n.** 49.665 (4) (at) 1. cm. of the statutes is created to  
15 read:

16           49.665 (4) (at) 1. cm. Notwithstanding s. 20.001 (3) (b), if, after reviewing the  
17 plan submitted under subd. 1. b., the joint committee on finance determines that the  
18 amounts appropriated under s. 20.435 (4) (bc), (jz), (p), and (x) are insufficient to  
19 accommodate the projected enrollment levels, the committee may transfer  
20 appropriated moneys from the general purpose revenue appropriation account of any  
21 state agency, as defined in s. 20.001 (1), other than a sum sufficient appropriation  
22 account, to the appropriation account under s. 20.435 (4) (bc) to supplement the  
23 health care program under this section if the committee finds that the transfer will  
24 eliminate unnecessary duplication of functions, result in more efficient and effective

1 methods for performing programs, or more effectively carry out legislative intent,  
2 and that legislative intent will not be changed by the transfer.

3 **\*b2312/2.2\* SECTION 128p.** 49.665 (5m) of the statutes is created to read:

4 49.665 (5m) INFORMATION ABOUT BADGER CARE RECIPIENTS. (a) In this subsection:

5 1. “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

6 2. “Insurer” has the meaning given in s. 600.03 (27).

7 (b) An insurer that issues or delivers a disability insurance policy that provides  
8 coverage to a resident of this state shall provide to the department, upon the  
9 department’s request, information contained in the insurer’s records regarding all  
10 of the following:

11 1. Information that the department needs to identify recipients of badger care  
12 who satisfy any of the following:

13 a. Are eligible for benefits under a disability insurance policy.

14 b. Would be eligible for benefits under a disability insurance policy if the  
15 recipient were enrolled as a dependent of a person insured under the disability  
16 insurance policy.

17 2. Information required for submittal of claims under the insurer’s disability  
18 insurance policy.

19 3. The types of benefits provided by the disability insurance policy.

20 (c) Upon requesting an insurer to provide the information under par. (b), the  
21 department shall enter into a written agreement with the insurer that satisfies all  
22 of the following:

23 1. Identifies in detail the information to be disclosed.

24 2. Includes provisions that adequately safeguard the confidentiality of the  
25 information to be disclosed.



1 (d) 1. An insurer shall provide the information requested under par. (b) within  
2 180 days after receiving the department's request if it is the first time that the  
3 department has requested the insurer to disclose information under this subsection.

4 2. An insurer shall provide the information requested under par. (b) within 30  
5 days after receiving the department's request if the department has previously  
6 requested the insurer to disclose information under this subsection.

7 3. If an insurer fails to comply with subd. 1. or 2., the department may notify  
8 the commissioner of insurance, and the commissioner of insurance may initiate  
9 enforcement proceedings against the insurer under s. 601.41 (4) (a).

10 \*b2312/2.3\* SECTION 140p. 49.688 (2) (a) 3. of the statutes, as created by 2001  
11 Wisconsin Act 16, is amended to read:

12 49.688 (2) (a) 3. The person is not a recipient of medical assistance or, as a  
13 recipient, does not receive prescription drug coverage.

14 \*b2312/2.3\* SECTION 140q. 49.688 (3) (d) of the statutes, as created by 2001  
15 Wisconsin Act 16, is amended to read:

16 49.688 (3) (d) Notwithstanding s. 49.002, if a person who is eligible under this  
17 section has other available coverage for payment of a prescription drug, this section  
18 applies only to costs for prescription drugs for the ~~persons~~ person that are not covered  
19 under the person's other available coverage.

20 \*b2312/2.3\* SECTION 140r. 49.688 (8m) of the statutes is created to read:

21 49.688 (8m) (a) In this subsection:

22 1. "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).

23 2. "Insurer" has the meaning given in s. 600.03 (27).

24 (b) An insurer that issues or delivers a disability insurance policy that provides  
25 coverage to a resident of this state shall provide to the department, upon the

1 department's request, information contained in the insurer's records regarding all  
2 of the following:

3 1. Information that the department needs to identify eligible persons under  
4 this section who satisfy any of the following:

5 a. Are eligible for benefits under a disability insurance policy.

6 b. Would be eligible for benefits under a disability insurance policy if the  
7 eligible person were enrolled as a dependent of a person insured under the disability  
8 insurance policy.

9 2. Information required for submittal of claims under the insurer's disability  
10 insurance policy.

11 3. The types of benefits provided by the disability insurance policy.

12 (c) Upon requesting an insurer to provide the information under par. (b), the  
13 department shall enter into a written agreement with the insurer that satisfies all  
14 of the following:

15 1. Identifies in detail the information to be disclosed.

16 2. Includes provisions that adequately safeguard the confidentiality of the  
17 information to be disclosed.

18 (d) 1. An insurer shall provide the information requested under par. (b) within  
19 180 days after receiving the department's request if it is the first time that the  
20 department has requested the insurer to disclose information under this subsection.

21 2. An insurer shall provide the information requested under par. (b) within 30  
22 days after receiving the department's request if the department has previously  
23 requested the insurer to disclose information under this subsection.

1           3. If an insurer fails to comply with subd. 1. or 2., the department may notify  
2 the commissioner of insurance, and the commissioner of insurance may initiate  
3 enforcement proceedings against the insurer under s. 601.41 (4) (a).

4           \*~~4548/2.52~~\* **SECTION 141.** 49.688 (9) (b) of the statutes, as created by 2001  
5 Wisconsin Act 16, is amended to read:

6           49.688 (9) (b) A person who is convicted of violating a rule promulgated by the  
7 department under par. (a) in connection with that person's furnishing of prescription  
8 drugs under this section is guilty of a Class H felony, except that, notwithstanding  
9 the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than  
10 \$25,000, ~~or imprisoned for not more than 7 years and 6 months, or both.~~

11           \*~~4548/2.53~~\* **SECTION 142.** 49.688 (9) (c) of the statutes, as created by 2001  
12 Wisconsin Act 16, is amended to read:

13           49.688 (9) (c) A person other than a person specified in par. (b) who is convicted  
14 of violating a rule promulgated by the department under par. (a) may be fined not  
15 more than \$10,000, or imprisoned in the county jail for not more than one year, or  
16 both.

17           \*~~4548/2.54~~\* \*~~3266/P1.20~~\* **SECTION 143.** 49.795 (8) (a) 2. of the statutes, as  
18 affected by 2001 Wisconsin Act 16, is amended to read:

19           49.795 (8) (a) 2. If the value of the food coupons exceeds \$100, but is less than  
20 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~  
21 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class I felony.

22           \*~~4548/2.55~~\* \*~~3266/P1.21~~\* **SECTION 144.** 49.795 (8) (b) 2. of the statutes, as  
23 affected by 2001 Wisconsin Act 16, is amended to read:

24           49.795 (8) (b) 2. If the value of the food coupons exceeds \$100, but is less than  
25 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~

1 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H  
2 felony.

3 ~~\*-4548/2.56\* \*-3266/P1.22\*~~ **SECTION 145.** 49.795 (8) (c) of the statutes, as  
4 affected by 2001 Wisconsin Act 16, is amended to read:

5 49.795 (8) (c) For any offense under this section, if the value of the food coupons  
6 is \$5,000 or more, a person who violates this section ~~may be fined not more than~~  
7 ~~\$250,000 or imprisoned for not more than 30 years or both~~ is guilty of a Class G felony.

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

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

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

20 49.85 (3) (a) 1. Inform the person that the department of health and family  
21 services intends to certify to the department of revenue an amount that the  
22 department of health and family services has determined to be due under s. ~~49.45~~  
23 ~~(2) (a) 10. or~~ 49.497, for setoff from any state tax refund that may be due the person.

24 ~~\*-4548/2.57\* \*-3266/P1.34\*~~ **SECTION 146.** 49.95 (1) of the statutes is  
25 renumbered 49.95 (1) (intro.) and amended to read:

1           49.95 (1) (intro.) Any person who, with intent to secure public assistance under  
2 this chapter, whether for himself or herself or for some other person, wilfully makes  
3 any false representations ~~may, if~~ is subject to the following penalties:

4           (a) If the value of the assistance so secured does not exceed \$300, the person  
5 may be required to forfeit not more than \$1,000; if,

6           (b) If the value of the assistance exceeds \$300 but does not exceed \$1,000, the  
7 person may be fined not more than \$250 or imprisoned for not more than 6 months  
8 or both; if,

9           (c) If the value of the assistance exceeds \$1,000 but does not exceed \$2,500,  
10 \$2,000, the person may be fined not more than \$500 \$10,000 or imprisoned for not  
11 more than 7 years and 6 9 months or both; and if,

12           (d) If the value of the assistance exceeds \$2,500, be punished as prescribed  
13 under s. 943.20 (3) (e) \$2,000 but does not exceed \$5,000, the person is guilty of a  
14 Class I felony.

15           \*~~4548/2.58~~\* **SECTION 147.** 49.95 (1) (e) and (f) of the statutes are created to  
16 read:

17           49.95 (1) (e) If the value of the assistance exceeds \$5,000 but does not exceed  
18 \$10,000, the person is guilty of a Class H felony.

19           (f) If the value of the assistance exceeds \$10,000, the person is guilty of a Class  
20 G felony.

21           \*~~4548/2.59~~\* **SECTION 148.** 50.065 (1) (e) 1. of the statutes is amended to read:

22           50.065 (1) (e) 1. "Serious crime" means a violation of s. 940.19 (3), 1999 stats.,  
23 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),  
24 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1),  
25 948.025 or 948.03 (2) (a), or a violation of the law of any other state or United States

1 jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or a violation of s.  
2 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3)~~, (4), (5) or (6), 940.22 (2) or (3),  
3 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2)  
4 (a) if committed in this state.

(D)

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

(E)

6 50.36 (3d) (a) A hospital shall develop and maintain a system under which the  
7 hospital may grant emergency staff privileges to a health care provider, as defined  
8 in s. 148.81 (1), to whom all of the following apply:

9 1. The health care provider seeks to provide care at the hospital during a period  
10 of a state of emergency related to public health declared by the governor under s.  
11 166.03 (1) (b) 1.

12 2. The health care provider does not have staff privileges at the hospital at the  
13 time that the state of emergency related to public health is declared by the governor  
14 under s. 166.03 (1) (b) 1.

15 3. The health care provider has staff privileges at another hospital.

16 (b) A hospital that grants emergency staff privileges under par. (a) has  
17 immunity from civil liability for acts or omissions by a health care provider who is  
18 granted emergency staff privileges under par. (a).

19 **\*-4548/2.60\* \*-3266/P1.35\* SECTION 149.** 51.15 (12) of the statutes is  
20 amended to read:

21 51.15 (12). PENALTY. Whoever signs a statement under sub. (4), (5) or (10)  
22 knowing the information contained therein to be false ~~may be fined not more than~~  
23 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a  
24 Class H felony.