

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: 05/20/2002

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-3847

By/Representing: Arsenault

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Children - out-of-home placement

Extra Copics: kmg

Submit via email: NO

Pre Topic:

LFB:.....Arsenault -

Topic:

Out-of-Home Placements of Children

Instructions:

Incorporate the provisions of AB 809, as concurrent in by the senate, i.e., fold in AA's 1 and 2 and SA 1.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 05/20/2002	gilfokm 05/23/2002		_____			
/1			pgreensl 05/24/2002	_____	lrb_docadmin 05/24/2002		

FE Sent For:

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1?	malaigm	11-5/21 KMG	5/23 pg	5/24 P8/RS			

FE Sent For:

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Inserts 59-4
→ 83-6

**ASSEMBLY AMENDMENT 1,
TO 2001 ASSEMBLY BILL 809**

February 20, 2002 – Offered by COMMITTEE ON CHILDREN AND FAMILIES.

1 At the locations indicated, amend the bill as follows:

2 ~~1.~~ Page 9, line 11: delete lines 11 to 13 and substitute “be granted a rehearing
3 upon request for good cause shown.”

4 ~~2.~~ Page 9, line 20: delete lines 20 to 25.

5 ~~3.~~ Page 10, line 1: delete lines 1 to 5.

6 ~~4.~~ Page 10, line 9: delete “and, unless” and substitute “. Unless”.

7 ~~5.~~ Page 10, line 11: after “applies,” insert “the order shall in addition include”.

8 ~~6.~~ Page 10, line 14: after “and” insert “a finding as to whether the person who
9 took the child into custody and the intake worker have made reasonable efforts”.

10 ~~7.~~ Page 10, line 16: delete “those findings,” and substitute “a finding as to
11 whether those reasonable efforts were made to prevent the removal of the child from

1 the home, a finding as to whether those reasonable efforts were made to make it
2 possible for the child to return safely home and”.

3 ~~8.~~ Page 10, line 20: delete “those findings” and substitute “a finding as to
4 whether those reasonable efforts were made to prevent the removal of the child from
5 the home”.

6 ~~9.~~ Page 14, line 18: after “court” insert “, while assuring the safety of the
7 child,”.

8 ~~10.~~ Page 34, line 4: after “placement or” insert “the first 6 months of any period
9 during which”.

10 ~~11.~~ Page 34, line 5: delete “of 6 months or less”.

11 ~~12.~~ Page 41, line 11: delete “plan,” and substitute “plan.”.

12 ~~13.~~ Page 41, line 12: delete “in the order of preference specified in subds. 1.
13 to 5.”.

14 ~~14.~~ Page 41, line 17: delete “the goal or”.

15 ~~15.~~ Page 41, line 18: delete that line and substitute “one or more of the
16 following goals to be the goal or goals of a child’s permanency plan:”.

17 ~~16.~~ Page 44, line 15: after “placement or” insert “the first 6 months of any
18 period during which”.

19 ~~17.~~ Page 44, line 16: delete “of 6 months or less”.

20 ~~18.~~ Page 45, line 21: after “living;” insert “the child’s counsel, the child’s
21 guardian ad litem, and”.

22 ~~19.~~ Page 47, line 18: after “48.365 (1)” insert “or 938.365 (1)”.

1 ~~20.~~ Page 47, line 19: after "placement or" insert "the first 6 months of any
2 period during which".

3 ~~21.~~ Page 47, line 20: delete "of 6 months or less".

4 ~~22.~~ Page 53, line 20: delete lines 20 to 22 and substitute "shall be granted a
5 rehearing upon request for good cause shown."

6 ~~23.~~ Page 54, line 4: delete lines 4 to 13.

7 ~~24.~~ Page 54, line 20: delete lines 20 to 25.

8 ~~25.~~ Page 55, line 1: delete lines 1 to 5.

9 ~~26.~~ Page 55, line 9: delete "and, unless" and substitute ". Unless".

10 ~~27.~~ Page 55, line 11: after "applies," insert "the order shall in addition
11 include".

12 ~~28.~~ Page 55, line 14: after "concerns, and" insert "a finding as to whether the
13 person who took the juvenile into custody and the intake worker have made
14 reasonable efforts".

15 ~~29.~~ Page 55, line 16: delete "those findings," and substitute "a finding as to
16 whether those reasonable efforts were made to prevent the removal of the juvenile
17 from the home, a finding as to whether those reasonable efforts were made to make
18 it possible for the juvenile to return safely home and".

19 ~~30.~~ Page 55, line 19: delete "those findings" and substitute "a finding as to
20 whether those reasonable efforts were made to prevent the removal of the juvenile
21 from the home".

22 ~~31.~~ Page 59, line 4: after that line insert:

23 SECTION 107m. 938.315 (3) of the statutes is amended to read:

Insert
59-4

Insert 59-4

1 938.315 (3) Failure to comply with any time limit specified in this chapter does
2 not deprive the court of personal or subject matter jurisdiction or of competency to
3 exercise that jurisdiction. Failure to object to a period of delay or a continuance
4 waives the time limit that is the subject of the period of delay or continuance. If a
5 party does not comply with a time limit specified in this chapter, the court, while
6 assuring the safety of the juvenile, may grant a continuance under sub. (2), dismiss
7 the petition with or without prejudice, release the juvenile from secure or nonsecure
8 custody or from the terms of a custody order, or grant any other relief that the court
9 considers appropriate."

10 ~~32.~~ Page 63, line 14: after "(d)" insert "or (4d)".

11 ~~33.~~ Page 83, line 6: after "earlier" insert "except that in the case of a juvenile
12 who on removal from his or her home was first placed in a secure detention facility,
13 a secured correctional facility, a secured child caring institution, or a secured group
14 home for 60 days or more and then moved to a nonsecured out-of-home placement,
15 the juvenile is considered to have been placed outside of his or her home on the date
16 on which the juvenile was moved to the nonsecured out-of-home placement".

17 ~~34.~~ Page 83, line 21: after "placement or" insert "the first 6 months of any
18 period during which".

19 ~~35.~~ Page 83, line 22: delete "of 6 months or less".

20 ~~36.~~ Page 91, line 6: delete that line and substitute "plan. If a goal of the
21 permanency".

22 ~~37.~~ Page 91, line 11: delete "determine the" and substitute "determine".

Insert
83-6

**ASSEMBLY AMENDMENT 2,
TO 2001 ASSEMBLY BILL 809**

February 26, 2002 – Offered by Representative KESTELL.

1 At the locations indicated, amend the bill as follows:

2 ~~1.~~ Page 12, line 6: delete “Any written or oral statement”.

3 ~~2.~~ Page 12, line 7: delete that line and substitute “A foster parent.”.

4 ~~3.~~ Page 13, line 11: delete lines 11 to 22.

5 ~~4.~~ Page 16, line 22: delete “Any written or oral statement”.

6 ~~5.~~ Page 16, line 23: delete that line and substitute “A foster parent.”.

7 ~~6.~~ Page 23, line 9: delete “Any written or oral statement”.

8 ~~7.~~ Page 23, line 10: delete that line and substitute “A foster parent.”.

9 ~~8.~~ Page 29, line 23: delete “Any written or oral” and substitute “Any written
10 or oral”.

11 ~~9.~~ Page 29, line 24: delete that line and substitute “statement made under this
12 subsection shall be made under oath or affirmation. A”.

1 ~~10.~~ Page 32, line 14: delete "Any written or oral statement".

2 ~~11.~~ Page 32, line 15: delete that line and substitute "A foster parent,".

3 ~~12.~~ Page 33, line 9: after that line insert:

4 **SECTION 46m.** 48.363 (1m) of the statutes is amended to read:

5 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present
6 evidence relevant to the issue of revision of the dispositional order. In addition, the
7 court shall give a foster parent, treatment foster parent, or other physical custodian
8 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by
9 permitting the foster parent, treatment foster parent, or other physical custodian to
10 make a written or oral statement during the hearing, or to submit a written
11 statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral~~
12 ~~statement made under this subsection shall be made under oath or affirmation.~~ A
13 foster parent, treatment foster parent, or other physical custodian described in s.
14 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be
15 heard under this subsection does not become a party to the proceeding on which the
16 hearing is held solely on the basis of receiving that notice and opportunity to be
17 heard."

18 ~~13.~~ Page 36, line 22: delete lines 22 and 23 and substitute "relevant to the
19 issue of extension. ~~Any written or oral statement made under this paragraph shall~~
20 ~~be made under oath or affirmation.~~ A foster parent, treatment foster".

21 ~~14.~~ Page 44, line 6: delete lines 6 to 8 and substitute "before the review".

22 ~~15.~~ Page 44, line 9: delete "affirmation.".

6
7
8
Case#
33-9

1 ~~16.~~ Page 46, line 2: delete lines 2 to 5 and substitute "of the hearing or by
2 participating at the hearing. A foster parent, treatment foster parent,".

3 ~~17.~~ Page 49, line 20: delete lines 20 to 25.

4 ~~18.~~ Page 50, line 1: delete lines 1 to 19.

5 ~~19.~~ Page 57, line 6: delete "Any written or oral statement".

6 ~~20.~~ Page 57, line 7: delete that line and substitute "A foster parent,".

7 ~~21.~~ Page 57, line 24: delete that line.

8 ~~22.~~ Page 58, line 1: delete lines 1 to 11.

9 ~~23.~~ Page 61, line 4: delete "Any written or oral statement".

10 ~~24.~~ Page 61, line 5: delete that line and substitute "A foster parent,".

11 ~~25.~~ Page 68, line 2: delete "Any written or oral statement".

12 ~~26.~~ Page 68, line 3: delete that line and substitute "A foster parent,".

13 ~~27.~~ Page 76, line 12: delete "Any written or oral" and substitute "Any written
14 or oral".

15 ~~28.~~ Page 76, line 13: delete that line and substitute "~~statement made under~~
16 ~~this subsection shall be made under oath or affirmation.~~ A".

17 ~~29.~~ Page 79, line 4: delete "Any written or oral statement".

18 ~~30.~~ Page 79, line 5: delete that line and substitute "A foster parent,".

19 ~~31.~~ Page 82, line 25: after that line insert:

20 "SECTION 149m. 938.363 (1m) of the statutes is amended to read:

938.363 (1m) If a hearing is held under sub. (1) (a), any party may present
evidence relevant to the issue of revision of the dispositional order. In addition, the

Insert

22

82-25

Insert
82-25

1 court shall give a foster parent, treatment foster parent, or other physical custodian
2 described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by
3 permitting the foster parent, treatment foster parent, or other physical custodian to
4 make a written or oral statement during the hearing, or to submit a written
5 statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral~~
6 ~~statement made under this subsection shall be made under oath or affirmation.~~ A
7 foster parent, treatment foster parent, or other physical custodian described in s.
8 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be
9 heard under this subsection does not become a party to the proceeding on which the
10 hearing is held solely on the basis of receiving that notice and opportunity to be
11 heard."

12 ~~32.~~ Page 86, line 15: delete lines 15 and 16 and substitute "relevant to the
13 issue of extension. ~~Any written or oral statement made under this paragraph shall~~
14 ~~be made under oath or affirmation.~~ A foster parent, treatment foster".

15 ~~33.~~ Page 93, line 25: delete that line and substitute "the review."

16 ~~34.~~ Page 94, line 1: delete lines 1 and 2.

17 ~~35.~~ Page 94, line 3: delete "affirmation".

18 ~~36.~~ Page 95, line 20: delete lines 20 to 23 and substitute "of the hearing or by
19 participating at the hearing. A foster parent, treatment foster".

20 ~~37.~~ Page 99, line 12: delete that line and substitute "(am) and (e), 48.335 (2g),
21 48.363 (1m), 938.21 (1)".

Inserts 37-21
+ 87-16

SENATE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 809

March 12, 2002 - Offered by Senators MOORE, ROBSON, PLACHE and WELCH.

(plan)
residential care
center for children
and youth

(use this)
, as affected by 2001 Wisconsin
Act 59,

1 At the locations indicated, amend the bill as follows:

2 ~~1. Page 37, line 14: delete lines 14 to 20 and substitute:~~

3 ~~"SECTION 56d. 48.38 (2) (intro.) of the statutes is amended to read:~~

Insert
37-24

4 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3).
5 for each child living in a foster home, treatment foster home, group home,
6 ~~child caring institution,~~ secure detention facility, or shelter care facility, the agency
7 that placed the child or arranged the placement or the agency assigned primary
8 responsibility for providing services to the child under s. 48.355 shall prepare a
9 written permanency plan, if ~~one~~ any of the following conditions exists, and, for each
10 child living in the home of a relative other than a parent, that agency shall prepare
11 a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

12 ~~2. Page 87, line 9: delete lines 9 to 16 and substitute:~~

13 ~~"SECTION 159d. 938.38 (2) (intro.) of the statutes is amended to read:~~

Insert
87-16

J

Insert 87-16

residential care center for children and youth

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

10

(END)