

1 ***b2892/3.2* 434.** Page 223, line 5: after that line insert:

2 ***b2892/3.2* SECTION 514c.** 767.11 (8) (b) 2. of the statutes is amended to read:

3 767.11 (8) (b) 2. Interspousal battery as described under s. 940.19 or 940.20
4 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

5 ***b2892/3.2* SECTION 514f.** 767.11 (10) (c) 2. of the statutes is amended to read:

6 767.11 (10) (e) 2. There is evidence of interspousal battery as described under
7 s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

8 ***b2892/3.2* SECTION 514h.** 767.24 (1m) (b) of the statutes is amended to read:

9 767.24 (1m) (b) Where the parent lives currently and where the parent intends
10 to live during the next 2 years. If there is evidence that the other parent engaged in
11 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
12 as defined in s. 813.12 (1) ~~(a)~~ (am), with respect to the parent providing the parenting
13 plan, the parent providing the parenting plan is not required to disclose the specific
14 address but only a general description of where he or she currently lives and intends
15 to live during the next 2 years.

16 ***b2892/3.2* SECTION 514k.** 767.24 (1m) (c) of the statutes is amended to read:

17 767.24 (1m) (c) Where the parent works and the hours of employment. If there
18 is evidence that the other parent engaged in interspousal battery, as described under
19 s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am), with
20 respect to the parent providing the parenting plan, the parent providing the
21 parenting plan is not required to disclose the specific address but only a general
22 description of where he or she works.

23 ***b2892/3.2* SECTION 514m.** 767.24 (1m) (o) of the statutes is amended to read:

1 767.24 (1m) (o) If there is evidence that either party engaged in interspousal
2 battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined
3 in s. 813.12 (1) (a) (am), with respect to the other party, how the child will be
4 transferred between the parties for the exercise of physical placement to ensure the
5 safety of the child and the parties.

6 ***b2892/3.2* SECTION 514p.** 767.24 (2) (b) 2. c. of the statutes is amended to
7 read:

8 767.24 (2) (b) 2. c. The parties will not be able to cooperate in the future decision
9 making required under an award of joint legal custody. In making this finding the
10 court shall consider, along with any other pertinent items, any reasons offered by a
11 party objecting to joint legal custody. Evidence that either party engaged in abuse,
12 as defined in s. 813.122 (1) (a), of the child, as defined in s. 48.02 (2), or evidence of
13 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
14 as defined in s. 813.12 (1) (a) (am), creates a rebuttable presumption that the parties
15 will not be able to cooperate in the future decision making required.

16 ***b2892/3.2* SECTION 514s.** 767.24 (5) (i) of the statutes is amended to read:

17 767.24 (5) (i) Whether there is evidence of interspousal battery as described
18 under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) (a) (am).”.

19 ***b3052/1.17* 435.** Page 223, line 13: after that line insert:

20 ***b3052/1.17* “SECTION 516g.** 779.41 (1m) of the statutes is amended to read:

21 779.41 (1m) Annually, on January 1, the department of agriculture, trade and
22 ~~consumer protection justice~~ shall adjust the dollar amounts identified under sub. (1)
23 (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as
24 determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

1 ***b3052/1.17* SECTION 516n.** 779.93 (title) of the statutes is amended to read:

2 **779.93** (title) **Duties of the department of agriculture, trade and**
3 **consumer protection justice.**

4 ***b3052/1.17* SECTION 516p.** 779.93 (1) of the statutes is amended to read:

5 779.93 (1) The department of ~~agriculture, trade and~~ consumer protection
6 justice shall investigate violations of this subchapter and attempts to circumvent
7 this subchapter. The department of ~~agriculture, trade and consumer protection~~
8 justice may subpoena persons and records to facilitate its investigations, and may
9 enforce compliance with such subpoenas as provided in s. 885.12.

10 ***b3052/1.17* SECTION 516r.** 779.93 (2) (intro.) of the statutes is amended to
11 read:

12 779.93 (2) (intro.) The department of ~~agriculture, trade and consumer~~
13 protection justice may ~~in~~ on behalf of the state or ~~in~~ on behalf of any person who holds
14 a prepaid maintenance lien.”.

15 ***b2892/3.3* 436.** Page 224, line 10: after that line insert:

16 ***b2892/3.3* “SECTION 519mb.** 813.12 (1) (a) (intro.), 1., 2. and 3. of the statutes
17 are renumbered 813.12 (1) (am) (intro.), 1., 2. and 3., and 813.12 (1) (am) (intro.), as
18 renumbered, is amended to read:

19 813.12 (1) (am) (intro.) “Domestic abuse” means any of the following engaged
20 in by an adult family member or adult household member against another adult
21 family member or adult household member, by an adult caregiver against an adult
22 who is under the caregiver’s care, by an adult against his or her adult former spouse,
23 by an adult against an adult with whom the individual has or had a dating

1 relationship, or by an adult against an adult with whom the person has a child in
2 common:

3 *b2892/3.3* SECTION 519mc. 813.12 (1) (a) 4. of the statutes is renumbered
4 813.12 (1) (am) 6. and amended to read:

5 813.12 (1) (am) 6. A threat to engage in the conduct under subd. 1., 2. ~~or~~ 3. or
6 5.

7 *b2892/3.3* SECTION 519md. 813.12 (1) (ad) of the statutes is created to read:
8 813.12 (1) (ad) “Caregiver” means an individual who is a provider of in-home
9 or community care to an individual through regular and direct contact.

10 *b2892/3.3* SECTION 519mf. 813.12 (1) (ag) of the statutes is created to read:
11 813.12 (1) (ag) “Dating relationship” means a romantic or intimate social
12 relationship between 2 adult individuals but “dating relationship” does not include
13 a casual relationship or an ordinary fraternization between 2 individuals in a
14 business or social context. A court shall determine if a dating relationship existed
15 by considering the length of the relationship, the type of the relationship, and the
16 frequency of the interaction between the adult individuals involved in the
17 relationship.

18 *b2892/3.3* SECTION 519mg. 813.12 (1) (am) 5. of the statutes is created to
19 read:

20 813.12 (1) (am) 5. A violation of s. 943.01, involving property that belongs to
21 the individual.

22 *b2892/3.3* SECTION 519mj. 813.12 (1) (cg) of the statutes is created to read:
23 813.12 (1) (cg) “Reasonable grounds” means more likely than not that a specific
24 event has occurred or will occur.

25 *b2892/3.3* SECTION 519mL. 813.12 (1) (cj) of the statutes is created to read:

1 813.12 (1) (cj) “Regular and direct contact” means face-to-face physical
2 proximity to an individual that is planned, scheduled, expected, or periodic.

3 ***b2892/3.3* SECTION 519mm.** 813.12 (2) (a) of the statutes is amended to read:

4 813.12 (2) (a) No action under this section may be commenced by complaint and
5 summons. An action under this section may be commenced only by a petition
6 described under sub. (5) (a). The action commences with service of the petition upon
7 the respondent if a copy of the petition is filed before service or promptly after service.
8 If the judge or family court commissioner extends the time for a hearing under sub.
9 (3) (c) and the petitioner files an affidavit with the court stating that personal service
10 by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful
11 because the respondent is avoiding service by concealment or otherwise, the judge
12 or family court commissioner shall inform the petitioner that he or she may serve the
13 respondent by publication of a summary of the petition as a class 1 notice, under ch.
14 985, and by mailing or sending a facsimile if the respondent’s post-office address or
15 facsimile number is known or can with due diligence be ascertained. The mailing or
16 sending of a facsimile may be omitted if the post-office address or facsimile number
17 cannot be ascertained with due diligence. A summary of the petition published as
18 a class 1 notice shall include the name of the respondent and of the petitioner, notice
19 of the temporary restraining order, and notice of the date, time, and place of the
20 hearing regarding the injunction.

21 ***b2892/3.3* SECTION 519mm.** 813.12 (3) (a) (intro.) of the statutes is amended
22 to read:

23 813.12 (3) (a) (intro.) A judge or family court commissioner shall issue a
24 temporary restraining order ordering the respondent to refrain from committing acts
25 of domestic abuse against the petitioner, to avoid the petitioner’s residence, except

1 as provided in par. (am), or any premises other location temporarily occupied by the
2 petitioner or both, or to avoid contacting or causing any person other than a party's
3 attorney or a law enforcement officer to contact the petitioner unless the petitioner
4 consents in writing, or any combination of these remedies requested in the petition,
5 or any other appropriate remedy not inconsistent with the remedies requested in the
6 petition, if all of the following occur:

7 *b2892/3.3* SECTION 519mo. 813.12 (3) (a) 2. of the statutes is amended to
8 read:

9 813.12 (3) (a) 2. The judge or family court commissioner finds reasonable
10 grounds to believe that the respondent has engaged in, or based on prior conduct of
11 the petitioner and the respondent may engage in, domestic abuse of the petitioner.

12 (aj) In determining whether to issue a temporary restraining order, the judge
13 or family court commissioner shall consider the potential danger posed to the
14 petitioner and the pattern of abusive conduct of the respondent but may not base his
15 or her decision solely on the length of time since the last domestic abuse or the length
16 of time since the relationship ended. The judge or family court commissioner may
17 grant only the remedies requested or approved by the petitioner. The judge or family
18 court commissioner may not dismiss or deny granting a temporary restraining order
19 because of the existence of a pending action or of any other court order that bars
20 contact between the parties, nor due to the necessity of verifying the terms of an
21 existing court order.

22 *b2892/3.3* SECTION 519mp. 813.12 (3) (c) of the statutes is amended to read:

23 813.12 (3) (c) The temporary restraining order is in effect until a hearing is held
24 on issuance of an injunction under sub. (4). The temporary restraining order is not
25 voided if the respondent is admitted into a dwelling that the order directs him or her

1 to avoid. A judge or family court commissioner shall hold a hearing on issuance of
2 an injunction within 7 14 days after the temporary restraining order is issued, unless
3 the time is extended upon the written consent of the parties or extended once for 14
4 days upon a finding that the respondent has not been served with a copy of the
5 temporary restraining order although the petitioner has exercised due diligence.

6 *b2892/3.3* SECTION 519mq. 813.12 (4) (a) (intro.) of the statutes is amended
7 to read:

8 813.12 (4) (a) (intro.) A judge or family court commissioner may grant an
9 injunction ordering the respondent to refrain from committing acts of domestic abuse
10 against the petitioner, to avoid the petitioner's residence, except as provided in par.
11 (am), or any ~~premises~~ other location temporarily occupied by the petitioner or both,
12 or to avoid contacting or causing any person other than a party's attorney or a law
13 enforcement officer to contact the petitioner unless the petitioner consents to that
14 contact in writing, or any combination of these remedies requested in the petition,
15 or any other appropriate remedy not inconsistent with the remedies requested in the
16 petition, if all of the following occur:

17 *b2892/3.3* SECTION 519mr. 813.12 (4) (a) 2. of the statutes is amended to
18 read:

19 813.12 (4) (a) 2. The petitioner serves upon the respondent a copy or summary
20 of the petition and notice of the time for hearing on the issuance of the injunction,
21 or the respondent serves upon the petitioner notice of the time for hearing on the
22 issuance of the injunction.

23 *b2892/3.3* SECTION 519ms. 813.12 (4) (a) 3. of the statutes is amended to
24 read:

1 813.12 (4) (a) 3. After hearing, the judge or family court commissioner finds
2 reasonable grounds to believe that the respondent has engaged in, or based upon
3 prior conduct of the petitioner and the respondent may engage in, domestic abuse of
4 the petitioner.

5 (a) In determining whether to issue an injunction, the judge or family court
6 commissioner shall consider the potential danger posed to the petitioner and the
7 pattern of abusive conduct of the respondent but may not base his or her decision
8 solely on the length of time since the last domestic abuse or the length of time since
9 the relationship ended. The judge or family court commissioner may grant only the
10 remedies requested by the petitioner. The judge or family court commissioner may
11 not dismiss or deny granting an injunction because of the existence of a pending
12 action or of any other court order that bars contact between the parties, nor due to
13 the necessity of verifying the terms of an existing court order.

14 ***b2892/3.3* SECTION 519mt.** 813.12 (4) (c) 1. of the statutes is amended to
15 read:

16 813.12 (4) (c) 1. An injunction under this subsection is effective according to its
17 terms, for the period of time that the petitioner requests, but not more than 2 4 years.
18 An injunction granted under this subsection is not voided if the petitioner allows or
19 initiates contact with the respondent or by the admittance of the respondent into a
20 dwelling that the injunction directs him or her to avoid.

21 ***b2892/3.3* SECTION 519mu.** 813.12 (4) (c) 2. of the statutes is amended to
22 read:

23 813.12 (4) (c) 2. When an injunction granted for less than 2 4 years expires, the
24 court shall extend the injunction if the petitioner states that an extension is

1 necessary to protect him or her. This extension shall remain in effect until 2 4 years
2 after the date the court first entered the injunction.

3 ***b2892/3.3* SECTION 519mv.** 813.12 (5) (d) of the statutes is created to read:

4 813.12 (5) (d) A petition may be prepared and filed by the person who alleges
5 that he or she has been the subject of domestic abuse or by the guardian, as defined
6 in s. 880.01 (3), of an incompetent individual, as defined in s. 880.01 (4), who has been
7 the subject of domestic abuse.

8 ***b2892/3.3* SECTION 519mw.** 813.12 (5m) of the statutes is created to read:

9 813.12 (5m) CONFIDENTIALITY OF VICTIM'S ADDRESS. The petition under sub. (5)
10 and the court order under sub. (3) or (4) shall not disclose the address of the alleged
11 victim.

12 ***b2892/3.3* SECTION 519mx.** 813.12 (6) (d) of the statutes is created to read:

13 813.12 (6) (d) The issuance of an order under s. 813.12 (3) or (4) is enforceable
14 despite the existence of any other criminal or civil order restricting or prohibiting
15 contact.

16 ***b2892/3.3* SECTION 519my.** 813.12 (7) (c) of the statutes is created to read:

17 813.12 (7) (c) A respondent who does not appear at a hearing at which the court
18 orders an injunction under s. 813.12 (4) but who has been served with a copy of the
19 petition and notice of the time for hearing under s. 813.12 (3) has constructive
20 knowledge of the existence of the injunction and shall be arrested for violation of the
21 injunction regardless of whether he or she has been served with a copy of the
22 injunction.

23 ***b2892/3.3* SECTION 519mz.** 814.61 (1) (e) of the statutes is amended to read:

24 814.61 (1) (e) No fee charged under this subsection in any action commenced
25 under s. 813.122, 813.123, or 813.125 may be collected from a petitioner under s.

1 813.122, 813.123, or 813.125 if the petition alleges conduct that is the same as or
2 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (a)
3 (am) 1. to -4. 6. If no fee is collected under this paragraph, the fee charged under this
4 subsection for petitions filed and granted under s. 813.122, 813.123, or 813.125 shall
5 be collected from the respondent under s. 813.122, 813.123, or 813.125 if he or she
6 is convicted of violating a temporary restraining order or injunction issued under s.
7 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4).”.

8 *b2892/3.4* **437**. Page 225, line 3: after that line insert:

9 *b2892/3.4* “SECTION 523c. 814.70 (1) of the statutes is amended to read:

10 814.70 (1) SERVICE OF PROCESS. For each service or attempted service of a
11 summons or any other process for commencement of an action, a writ, an order of
12 injunction, a subpoena, or any other order, \$12 for each defendant or person. If there
13 is more than one defendant or person to be served at a given address, \$6 for each
14 additional defendant or person. No fee charged under this subsection in any action
15 commenced under s. 813.12, 813.122, or 813.123 may be collected from a petitioner
16 under s. 813.12, 813.122, or 813.123. The fee charged under this subsection in any
17 action commenced under s. 813.12, 813.122, 813.123, or 813.125 shall be collected
18 from the respondent under s. 813.12, 813.122, or 813.123 if he or she is convicted of
19 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),
20 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4). No fee charged under this
21 subsection in any action commenced under s. 813.125 may be collected from a
22 petitioner under s. 813.125 if the petition alleges conduct that is the same as or
23 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (a)
24 (am) 1. to -4. 6. If no fee is collected under this subsection from a petitioner under

1 s. 813.125, the fee charged under this subsection in any action commenced under s.
2 813.125 shall be collected from the respondent under s. 813.125 if he or she is
3 convicted of violating a temporary restraining order or injunction issued under s.
4 813.125 (3) or (4).

5 *b2892/3.4* SECTION 523f. 814.70 (3) (intro.) of the statutes is amended to
6 read:

7 814.70 (3) (intro.) For travel in serving any summons, writ or other process,
8 except criminal warrants, and except that a fee under this subsection in any action
9 commenced under s. 813.12, 813.122, or 813.123 may not be collected from a
10 petitioner but shall be collected from the respondent if he or she is convicted of
11 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),
12 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4), and except that a fee under
13 this subsection in any action commenced under s. 813.125 may not be collected from
14 a petitioner if the petition alleges conduct that is the same as or similar to conduct
15 that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~ (am) 1. to ~~4~~ 6. but
16 shall be collected from the respondent if he or she is convicted of violating a
17 temporary restraining order or injunction issued under s. 813.125 (3) or (4):

18 *b2892/3.4* SECTION 523h. 895.73 (1) (a) of the statutes is amended to read:

19 895.73 (1) (a) “Abusive conduct” means domestic abuse, as defined under s.
20 46.95 (1) (a), 813.12 (1) ~~(a)~~ (am), or 968.075 (1) (a), harassment, as defined under s.
21 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault under
22 s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss.
23 948.02 to 948.11.

24 *b2892/3.4* SECTION 523m. 905.045 of the statutes is created to read:

1 **905.045 Domestic violence or sexual assault advocate-victim**
2 **privilege. (1) DEFINITIONS.** In this section:

3 (a) “Abusive conduct” means abuse, as defined in s. 813.122 (1) (a), of a child,
4 as defined in s. 48.02 (2), interspousal battery, as described under s. 940.19 or 940.20
5 (1m), domestic abuse, as defined in s. 813.12 (1) (am), or sexual assault under s.
6 940.225.

7 (b) “Advocate” means an individual who is an employee of or a volunteer for an
8 organization the purpose of which is to provide counseling, assistance, or support
9 services free of charge to a victim.

10 (c) A communication or information is “confidential” if not intended to be
11 disclosed to 3rd persons other than persons present to further the interest of the
12 person receiving counseling, assistance, or support services, persons reasonably
13 necessary for the transmission of the communication or information, and persons
14 who are participating in providing counseling, assistance, or support services under
15 the direction of an advocate, including family members of the person receiving
16 counseling, assistance, or support services and members of any group of individuals
17 with whom the person receives counseling, assistance, or support services.

18 (d) “Victim” means an individual who has been the subject of abusive conduct
19 or who alleges that he or she has been the subject of abusive conduct. It is immaterial
20 that the abusive conduct has not been reported to any government agency.

21 **(2) GENERAL RULE OF PRIVILEGE.** A victim has a privilege to refuse to disclose and
22 to prevent any other person from disclosing confidential communications made or
23 information obtained or disseminated among the victim, an advocate who is acting
24 in the scope of his or her duties as an advocate, and persons who are participating
25 in providing counseling, assistance, or support services under the direction of an

1 advocate, if the communication was made or the information was obtained or
2 disseminated for the purpose of providing counseling, assistance, or support services
3 to the victim.

4 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the victim,
5 by the victim's guardian or conservator, or by the victim's personal representative if
6 the victim is deceased. The advocate may claim the privilege on behalf of the victim.
7 The advocate's authority to do so is presumed in the absence of evidence to the
8 contrary.

9 (4) EXCEPTIONS. Subsection (2) does not apply to any report concerning child
10 abuse that an advocate is required to make under s. 48.981.

11 (5) RELATIONSHIP TO S. 905.04. If a communication or information that is
12 privileged under sub. (2) is also a communication or information that is privileged
13 under s. 905.04 (2), the provisions of s. 905.04 supersede this section with respect to
14 that communication or information.”.

15 *b3077/1.2* **438.** Page 225, line 3: after that line insert:

16 *b3077/1.2* “SECTION 523p. 908.03 (6m) (d) of the statutes is amended to read:

17 908.03 (6m) (d) *Fees.* The Before January 1, 2003, the department of health
18 and family services shall, by rule, prescribe uniform fees that are based on an
19 approximation of ~~the~~ actual costs. The fees, plus applicable tax, are the maximum
20 amount that a health care provider may charge ~~under par. (e) 3.~~ for certified duplicate
21 patient health care records. The rule shall also allow the health care provider to
22 charge for actual postage or other actual delivery costs. The commencement of an
23 action is not a prerequisite for the application of this paragraph.

1 ***b3077/1.2* SECTION 523q.** 908.03 (6m) (d) of the statutes, as affected by 2001
2 Wisconsin Act (this act), is amended to read:

3 908.03 (6m) (d) *Fees.* ~~Before January 1, 2003~~ After December 31, 2002, the
4 department of health and family services shall, by rule, prescribe uniform fees that
5 are based on an approximation of actual costs. The fees, plus applicable tax, are the
6 maximum amount that a health care provider may charge for certified duplicate
7 patient health care records. The rule shall also allow the health care provider to
8 charge for actual postage or other actual delivery costs. ~~The commencement of an~~
9 ~~action is not a prerequisite for the application of this paragraph~~ For duplicate patient
10 health care records and duplicate X-ray reports or the referral of X-rays to another
11 health care provider that are requested before commencement of an action, s. 146.83
12 (1) (b) and (c) and (3m) applies.”.

13 ***b3085/1.4* 439.** Page 225, line 13: after “302.113 (9g),” insert “adjustment
14 of a bifurcated sentence under s. 973.195 (1r).”.

15 ***b2483/2.3* 440.** Page 225, line 22: after that line insert:

16 ***b2483/2.3* “SECTION 529j.** 938.295 (2) (a) of the statutes is amended to read:
17 938.295 (2) (a) If there is probable cause to believe that the juvenile has
18 committed the alleged offense and if there is reason to doubt the juvenile’s
19 competency to proceed, or upon entry of a plea under s. 938.30 (4) (c) the court shall
20 order the juvenile to be examined by a psychiatrist or licensed psychologist. The
21 expenses of an cost of the examination, if approved by the court, shall be paid by the
22 county of the court ordering the examination, and the county may recover that cost
23 from the juvenile’s parent or guardian as provided in par. (c). Evaluation shall be
24 made on an outpatient basis unless the juvenile presents a substantial risk of

1 physical harm to the juvenile or others; or the juvenile, parent, or guardian, and legal
2 counsel or guardian ad litem, consent to an inpatient evaluation. Any inpatient
3 evaluation shall be for a specified period that is no longer than is necessary to
4 complete the evaluation.

5 ***b2483/2.3* SECTION 529k.** 938.295 (2) (c) of the statutes is created to read:

6 938.295 (2) (c) A county that pays the cost of an examination under par. (a) may
7 recover a reasonable contribution toward that cost from the juvenile's parent or
8 guardian, based on the ability of the parent or guardian to pay. If the examination
9 is provided or otherwise funded by the county department under s. 46.215, 46.22, or
10 46.23, the county department shall collect the contribution of the parent or guardian
11 as provided in s. 301.03 (18). If the examination is provided or otherwise funded by
12 the county department under s. 51.42 or 51.437, the county department shall collect
13 the contribution of the parent or guardian as provided in s. 46.03 (18)."

14 ***b3034/1.5* 441.** Page 225, line 22: after that line insert:

15 ***b3034/1.5* "SECTION 529b.** 938.21 (1) (a) of the statutes, as affected by
16 Wisconsin Act 61, is amended to read:

17 938.21 (1) (a) If a juvenile who has been taken into custody is not released
18 under s. 938.20, a hearing to determine whether the juvenile shall continue to be held
19 in custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the
20 judge or circuit court commissioner within 24 hours after the end of the day that the
21 decision to hold the juvenile was made, excluding Saturdays, Sundays, and legal
22 holidays. By the time of the hearing a petition under s. 938.25 shall be filed, except
23 that no petition need be filed where a juvenile is taken into custody under s. 938.19
24 (1) (b) or (d) 2., 6., or 7. or where the juvenile is a runaway from another state, in

1 which case a written statement of the reasons for holding a juvenile in custody shall
2 be substituted if the petition is not filed. If no hearing has been held within 24 hours
3 or if no petition or statement has been filed at the time of the hearing, the juvenile
4 shall be released except as provided in par. (b). A parent not present at the hearing
5 shall be granted a rehearing upon request for good cause shown.

6 *b3034/1.5* SECTION 529c. 938.21 (2) (am) of the statutes is amended to read:

7 938.21 (2) (am) A juvenile held in a nonsecure place of custody may waive in
8 writing his or her right to participate in the hearing under this section. After any
9 waiver, a hearing rehearing shall be granted upon the request of the juvenile or any
10 other interested party for good cause shown. Any juvenile transferred to a secure
11 detention facility shall thereafter have a hearing rehearing under this section.

12 *b3034/1.5* SECTION 529d. 938.21 (3) (am) of the statutes is amended to read:

13 938.21 (3) (am) The parent, guardian, or legal custodian may waive his or her
14 right to participate in the hearing under this section. ~~Agreement in writing of the~~
15 ~~juvenile is required if he or she is over 12.~~ After any waiver, a hearing rehearing shall
16 be granted at the request of any the parent, guardian, legal custodian, or any other
17 interested party for good cause shown.

18 *b3034/1.5* SECTION 529e. 938.21 (5) (b) 1. of the statutes, as affected by 2001
19 Wisconsin Act 16, is repealed and recreated to read:

20 938.21 (5) (b) 1. A finding that continued placement of the juvenile in his or her
21 home would be contrary to the welfare of the juvenile. Unless the judge or circuit
22 court commissioner finds that any of the circumstances specified in s. 938.355 (2d)
23 (b) 1. to 4. applies, the order shall in addition include a finding as to whether the
24 person who took the juvenile into custody and the intake worker have made
25 reasonable efforts to prevent the removal of the juvenile from the home, while

1 assuring that the juvenile’s health and safety are the paramount concerns, and a
2 finding as to whether the person who took the juvenile into custody and the intake
3 worker have made reasonable efforts to make it possible for the juvenile to return
4 safely home or, if for good cause shown sufficient information is not available for the
5 judge or circuit court commissioner to make a finding as to whether those reasonable
6 efforts were made to prevent the removal of the juvenile from the home, a finding as
7 to whether those reasonable efforts were made to make it possible for the juvenile
8 to return safely home and an order for the county department or agency primarily
9 responsible for providing services to the juvenile under the custody order to file with
10 the court sufficient information for the judge or circuit court commissioner to make
11 a finding as to whether those reasonable efforts were made to prevent the removal
12 of the juvenile from the home by no later than 5 days after the date of the order.

13 ***b3034/1.5* SECTION 529f.** 938.21 (5) (b) 3. of the statutes is created to read:

14 938.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the
15 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
16 a determination that the county department or agency primarily responsible for
17 providing services under the custody order is not required to make reasonable efforts
18 with respect to the parent to make it possible for the juvenile to return safely to his
19 or her home.

20 ***b3034/1.5* SECTION 529g.** 938.21 (5) (c) of the statutes is created to read:

21 938.21 (5) (c) The judge or circuit court commissioner shall make the findings
22 specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific
23 to the juvenile and shall document or reference the specific information on which
24 those findings are based in the custody order. A custody order that merely references
25 par. (b) 1. or 3. without documenting or referencing that specific information in the

1 custody order or an amended custody order that retroactively corrects an earlier
2 custody order that does not comply with this paragraph is not sufficient to comply
3 with this paragraph.

4 ***b3034/1.5* SECTION 529h.** 938.21 (5) (d) of the statutes is created to read:

5 938.21 (5) (d) 1. If the judge or circuit court commissioner finds that any of the
6 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
7 the judge or circuit court commissioner shall hold a hearing within 30 days after the
8 date of that finding to determine the permanency plan for the juvenile. If a hearing
9 is held under this subdivision, the agency responsible for preparing the permanency
10 plan shall file the permanency plan with the court not less than 5 days before the date
11 of the hearing.

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

17 3. The court shall give a foster parent, treatment foster parent, or other
18 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
19 2. an opportunity to be heard at the hearing by permitting the foster parent,
20 treatment foster parent, or other physical custodian to make a written or oral
21 statement during the hearing, or to submit a written statement prior to the hearing,
22 relevant to the issues to be determined at the hearing. A foster parent, treatment
23 foster parent, or other physical custodian who receives a notice of a hearing under
24 subd. 2. and an opportunity to be heard under this subdivision does not become a

1 party to the proceeding on which the hearing is held solely on the basis of receiving
2 that notice and opportunity to be heard.

3 ***b3034/1.5* SECTION 529j.** 938.255 (1) (f) of the statutes is created to read:

4 938.255 (1) (f) If the juvenile is being held in custody outside of his or her home,
5 reliable and credible information showing that continued placement of the juvenile
6 in his or her home would be contrary to the welfare of the juvenile and, unless any
7 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, reliable and
8 credible information showing that the person who took the juvenile into custody and
9 the intake worker have made reasonable efforts to prevent the removal of the
10 juvenile from the home, while assuring that the juvenile's health and safety are the
11 paramount concerns, and to make it possible for the juvenile to return safely home.

12 ***b3034/1.5* SECTION 529k.** 938.255 (2) of the statutes is amended to read:

13 938.255 (2) If any of the facts in sub. (1) (a) to (cm) and (f) are not known or
14 cannot be ascertained by the petitioner, the petition shall so state.

15 ***b3034/1.5* SECTION 529m.** 938.315 (2m) of the statutes is created to read:

16 938.315 (2m) No continuance or extension of a time limit specified in this
17 chapter may be granted and no period of delay specified in sub. (1) may be excluded
18 in computing a time requirement under this chapter if the continuance, extension,
19 or exclusion would result in any of the following:

20 (a) The court making an initial finding under s. 938.21 (5) (b) 1., 938.355 (2) (b)
21 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made to prevent the
22 removal of the juvenile from the home, while assuring that the juvenile's health and
23 safety are the paramount concerns, or an initial finding under s. 938.21 (5) (b) 3.,
24 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not required to be

1 made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, more
2 than 60 days after the date on which the juvenile was removed from the home.

3 (b) The court making an initial finding under s. 938.38 (5m) that the agency
4 primarily responsible for providing services to the juvenile has made reasonable
5 efforts to achieve the goals of the juvenile's permanency plan more than 12 months
6 after the date on which the juvenile was removed from the home or making any
7 subsequent findings under s. 938.38 (5m) as to those reasonable efforts more than
8 12 months after the date of a previous finding as to those reasonable efforts.

9 ***b3034/1.5* SECTION 529n.** 938.315 (3) of the statutes is amended to read:

10 938.315 (3) Failure to comply with any time limit specified in this chapter does
11 not deprive the court of personal or subject matter jurisdiction or of competency to
12 exercise that jurisdiction. Failure to object to a period of delay or a continuance
13 waives the time limit that is the subject of the period of delay or continuance. If a
14 party does not comply with a time limit specified in this chapter, the court, while
15 assuring the safety of the juvenile, may grant a continuance under sub. (2), dismiss
16 the petition with or without prejudice, release the juvenile from secure or nonsecure
17 custody or from the terms of a custody order, or grant any other relief that the court
18 considers appropriate.

19 ***b3034/1.5* SECTION 529p.** 938.32 (1) (c) of the statutes is created to read:

20 938.32 (1) (c) 1. If at the time the consent decree is entered into the juvenile
21 is placed outside the home under a voluntary agreement under s. 48.63 or is
22 otherwise living outside the home without a court order and if the consent decree
23 maintains the juvenile in that placement or other living arrangement, the consent
24 decree shall include a finding that placement of the juvenile in his or her home would
25 be contrary to the welfare of the juvenile, a finding as to whether the county

1 department or the agency primarily responsible for providing services to the juvenile
2 has made reasonable efforts to prevent the removal of the juvenile from the home,
3 while assuring that the juvenile's health and safety are the paramount concerns,
4 unless the judge or circuit court commissioner finds that any of the circumstances
5 specified in s. 938.355 (2d) (b) 1. to 4. applies, and a finding as to whether the county
6 department or agency has made reasonable efforts to achieve the goal of the
7 juvenile's permanency plan, unless return of the juvenile to the home is the goal of
8 the permanency plan and the judge or circuit court commissioner finds that any of
9 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

10 2. If the judge or circuit court commissioner finds that any of the circumstances
11 specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the consent
12 decree shall include a determination that the county department or agency primarily
13 responsible for providing services under the consent decree is not required to make
14 reasonable efforts with respect to the parent to make it possible for the juvenile to
15 return safely to his or her home.

16 3. The judge or circuit court commissioner shall make the findings specified in
17 subds. 1. and 2. on a case-by-case basis based on circumstances specific to the
18 juvenile and shall document or reference the specific information on which those
19 findings are based in the consent decree. A consent decree that merely references
20 subd. 1. or 2. without documenting or referencing that specific information in the
21 consent decree or an amended consent decree that retroactively corrects an earlier
22 consent decree that does not comply with this subdivision is not sufficient to comply
23 with this subdivision.

24 ***b3034/1.5* SECTION 529q.** 938.32 (1) (d) of the statutes is created to read:

1 938.32 (1) (d) 1. If the judge or circuit court commissioner finds that any of the
2 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
3 the judge or circuit court commissioner shall hold a hearing within 30 days after the
4 date of that finding to determine the permanency plan for the juvenile. If a hearing
5 is held under this subdivision, the agency responsible for preparing the permanency
6 plan shall file the permanency plan with the court not less than 5 days before the date
7 of the hearing.

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

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

23 ***b3034/1.5* SECTION 529r.** 938.33 (4) (intro.) of the statutes, as affected by
24 2001 Wisconsin Act 59, is amended to read:

1 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
2 placement in a foster home, treatment foster home, group home, or nonsecured
3 residential care center for children and youth or in the home of a relative other than
4 a parent shall be in writing, except that the report may be presented orally at the
5 dispositional hearing if all parties consent. A report that is presented orally shall be
6 transcribed and made a part of the court record. The report shall include all of the
7 following:

8 ***b3034/1.5* SECTION 529t.** 938.33 (4) (c) of the statutes is created to read:

9 938.33 (4) (c) Specific information showing that continued placement of the
10 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
11 information showing that the county department or the agency primarily
12 responsible for providing services to the juvenile has made reasonable efforts to
13 prevent the removal of the juvenile from the home, while assuring that the juvenile's
14 health and safety are the paramount concerns, unless any of the circumstances
15 specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that
16 the county department or agency has made reasonable efforts to achieve the goal of
17 the juvenile's permanency plan, unless return of the juvenile to the home is the goal
18 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)
19 1. to 4. applies.

20 ***b3034/1.5* SECTION 529v.** 938.335 (3g) of the statutes is created to read:

21 938.335 (3g) At hearings under this section, if the agency, as defined in s.
22 938.38 (1) (a), is recommending placement of the juvenile in a foster home, treatment
23 foster home, group home, or residential care center for children and youth or in the
24 home of a relative other than a parent, the agency shall present as evidence specific
25 information showing that continued placement of the juvenile in his or her home

1 would be contrary to the welfare of the juvenile, specific information showing that
2 the county department or the agency primarily responsible for providing services to
3 the juvenile has made reasonable efforts to prevent the removal of the juvenile from
4 the home, while assuring that the juvenile's health and safety are the paramount
5 concerns, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.
6 applies, and specific information showing that the county department or agency has
7 made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless
8 return of the juvenile to the home is the goal of the permanency plan and any of the
9 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.”.

10 *b2613/1.5* **442.** Page 226, line 10: after that line insert:

11 *b2613/1.5* “SECTION 531k. 938.34 (15m) (bm) of the statutes is amended to
12 read:

13 938.34 (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a
14 violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22
15 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
16 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or
17 of s. 940.30 or 940.31 if the victim was a minor and the juvenile was not the victim's
18 parent, the court shall require the juvenile to comply with the reporting
19 requirements under s. 301.45 unless the court determines, after a hearing on a
20 motion made by the juvenile, that the juvenile is not required to comply under s.
21 301.45 (1m).”.

22 *b3034/1.6* **443.** Page 226, line 11: delete lines 11 to 25.

23 *b3034/1.7* **444.** Page 227, line 1: delete lines 1 to 4 and substitute:

1 ***b3034/1.7*** **SECTION 531d.** 938.355 (1) of the statutes, as affected by 2001
2 Wisconsin Act 69, is amended to read:

3 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
4 decide on a placement and treatment finding based on evidence submitted to the
5 court. The disposition shall employ those means necessary to promote the objectives
6 specified in s. 938.01. ~~If the disposition places a juvenile who has been adjudicated~~
7 ~~delinquent outside the home under s. 938.34 (3) (c), (cm) or (d), the order shall include~~
8 ~~a finding that the juvenile's current residence will not safeguard the welfare of the~~
9 ~~juvenile or the community due to the serious nature of the act for which the juvenile~~
10 ~~was adjudicated delinquent.~~ If the judge has determined that any of the conditions
11 specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall be prima
12 facie evidence that a less restrictive alternative than placement in a secured
13 correctional facility, a secured child caring institution, or a secured group home is not
14 appropriate. If information under s. 938.331 has been provided in a court report
15 under s. 938.33 (1), the court shall consider that information when deciding on a
16 placement and treatment finding.

17 ***b3034/1.7*** **SECTION 531g.** 938.355 (2) (b) 6. of the statutes is amended to read:

18 938.355 (2) (b) 6. If the juvenile is placed outside the home ~~and if sub. (2d) does~~
19 ~~not apply, the court's, a finding that continued placement of the juvenile in his or her~~
20 home would be contrary to the welfare of the juvenile or, if the juvenile has been
21 adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c),
22 (cm), or (d) or (4d), a finding that the juvenile's current residence will not safeguard
23 the welfare of the juvenile or the community due to the serious nature of the act for
24 which the juvenile was adjudicated delinquent. The court order shall also contain
25 a finding as to whether -a- the county department which provides social services or

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

18 *b3034/1.7* SECTION 531h. 938.355 (2) (b) 6r. of the statutes is created to read:
19 938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
20 sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county
21 department or agency primarily responsible for providing services under the court
22 order is not required to make reasonable efforts with respect to the parent to make
23 it possible for the juvenile to return safely to his or her home.

24 *b3034/1.7* SECTION 531k. 938.355 (2b) of the statutes is amended to read:

1 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
2 department ~~that provides social services~~ or the agency primarily responsible for
3 providing services to a juvenile under a court order may, at the same time as the
4 county department or agency is making the reasonable efforts required under sub.
5 (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible
6 for the juvenile to return safely to his or her home, work with the department of
7 health and family services, a county department under s. 48.57 (1) (e) or (hm), or a
8 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
9 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
10 other alternative permanent placement.

11 ***b3034/1.7* SECTION 531m.** 938.355 (2c) (b) of the statutes is amended to read:

12 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
13 the county department or the agency primarily responsible for providing services to
14 the juvenile under a court order has made reasonable efforts to ~~make it possible for~~
15 ~~the juvenile to return safely to his or her home~~ achieve the goal of the permanency
16 plan, the court's consideration of reasonable efforts shall include, ~~but not be limited~~
17 ~~to~~, the considerations listed under par. (a) 1. to 5. and whether visitation schedules
18 between the juvenile and his or her parents were implemented, unless visitation was
19 denied or limited by the court.

20 ***b3034/1.7* SECTION 531p.** 938.355 (2d) (b) (intro.) of the statutes is amended
21 to read:

22 938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not is~~
23 not required to include in a dispositional order a finding as to whether ~~a~~ the county
24 ~~department which provides social services~~ or the agency primarily responsible for
25 providing services under a court order has made reasonable efforts with respect to

1 a parent of a juvenile to prevent the removal of the juvenile from the home, while
2 assuring that the juvenile's health and safety are the paramount concerns, or, if
3 applicable, a finding as to whether the county department or agency primarily
4 responsible for providing services under a court order has made reasonable efforts
5 with respect to a parent of a juvenile to ~~make it possible for the juvenile to return~~
6 achieve the permanency plan goal of returning the juvenile safely to his or her home,
7 if the court finds, ~~as evidenced by a final judgment of conviction,~~ any of the following:

8 *b3034/1.7* SECTION 531q. 938.355 (2d) (b) 1. of the statutes is amended to
9 read:

10 938.355 (2d) (b) 1. That the parent has subjected the juvenile to aggravated
11 circumstances, as evidenced by a final judgment of conviction.

12 *b3034/1.7* SECTION 531r. 938.355 (2d) (b) 2. of the statutes is amended to
13 read:

14 938.355 (2d) (b) 2. That the parent has committed, has aided or abetted the
15 commission of, or has solicited, conspired, or attempted to commit, a violation of s.
16 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal
17 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if
18 committed in this state, as evidenced by a final judgment of conviction, and that the
19 victim of that violation is a child of the parent.

20 *b3034/1.7* SECTION 531t. 938.355 (2d) (b) 3. of the statutes is amended to
21 read:

22 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2),
23 (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a)
24 or a violation of the law of any other state or federal law, if that violation would be
25 a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,

1 or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment
2 of conviction, and that the violation resulted in great bodily harm, as defined in s.
3 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the juvenile
4 or another child of the parent.

5 *b3034/1.7* SECTION 532b. 938.355 (2d) (b) 3. of the statutes, as affected by
6 2001 Wisconsin Act (this act), is amended to read:

7 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
8 1999 stats., or s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
9 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law,
10 if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2),
11 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state, as
12 evidenced by a final judgment of conviction, and that the violation resulted in great
13 bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined
14 in s. 939.22 (38), to the juvenile or another child of the parent.

15 *b3034/1.7* SECTION 532d. 938.355 (2d) (b) 4. of the statutes is amended to
16 read:

17 938.355 (2d) (b) 4. That the parental rights of the parent to another child have
18 been involuntarily terminated, as evidenced by a final order of a court of competent
19 jurisdiction terminating those parental rights.

20 *b3034/1.7* SECTION 532g. 938.355 (2d) (bm) of the statutes is created to read:

21 938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4.
22 on a case-by-case basis based on circumstances specific to the juvenile and shall
23 document or reference the specific information on which that finding is based in the
24 dispositional order. A dispositional order that merely references par. (b) 1. to 4.
25 without documenting or referencing that specific information in the dispositional

1 order or an amended dispositional order that retroactively corrects an earlier
2 dispositional order that does not comply with this paragraph is not sufficient to
3 comply with this paragraph.

4 *b3034/1.7* SECTION 532j. 938.355 (2d) (c) of the statutes is renumbered
5 938.355 (2d) (c) 1. and amended to read:

6 938.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the
7 circumstances specified in par. (b) 1., ~~2., 3., or 4. to 4.~~ applies with respect to a parent,
8 the court shall hold a hearing within 30 days after the date of that finding to
9 determine the permanency plan for the juvenile. If a hearing is held under this
10 paragraph subdivision, the agency responsible for preparing the permanency plan
11 shall file the permanency plan with the court not less than 5 days before the date of
12 the hearing.

13 *b3034/1.7* SECTION 532k. 938.355 (2d) (c) 2. and 3. of the statutes are created
14 to read:

15 938.355 (2d) (c) 2. If a hearing is held under subd. 1, at least 10 days before the
16 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal
17 custodian of the juvenile, and any foster parent, treatment foster parent, or other
18 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and
19 purpose of the hearing.

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

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

5 *b3034/1.7* SECTION 532t. 938.355 (4) (a) of the statutes is amended to read:

6 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, all orders an
7 order under this section shall terminate at the end of one year unless the court
8 specifies a shorter period of time. Except if s. 938.368 applies, extensions or revisions
9 or s. 938.357 or 938.365 made before the juvenile reaches 18 years of age that places
10 or continues the placement of the juvenile in his or her home shall terminate at the
11 end of one year after its entry unless the court specifies a shorter period of time. No
12 extension under s. 938.365 of an original dispositional order may be granted for a
13 juvenile who is subject to an order under s. 938.34 (4d), (4h), (4m) or (4n) if the
14 juvenile is 17 years of age or older when the original dispositional order terminates.
15 Any order made before the juvenile reaches the age of majority shall be effective for
16 a time up to one year after its entry unless the court specifies a shorter period of time
17 or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368,
18 an order under this section or s. 938.357 or 938.365 made before the juvenile reaches
19 18 years of age that places or continues the placement of the juvenile in a foster home,
20 treatment foster home, group home, or residential care center for children and youth
21 or in the home of a relative other than a parent shall terminate when the juvenile
22 reaches 18 years of age, at the end of one year after its entry, or, if the juvenile is a
23 full-time student at a secondary school or its vocational or technical equivalent and
24 is reasonably expected to complete the program before reaching 19 years of age, when

1 the juvenile reaches 19 years of age, whichever is later, unless the court specifies a
2 shorter period of time or the court terminates the order sooner.

3 *b3034/1.7* SECTION 532v. 938.355 (4) (b) of the statutes is amended to read:

4 938.355 (4) (b) ~~An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile~~
5 ~~has been adjudicated delinquent is subject to par. (a), except that the judge may make~~
6 Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before
7 the juvenile reaches 18 years of age may apply for up to 2 years after its entry or until
8 the juvenile's 18th birthdate birthday, whichever is earlier and the judge shall make,
9 unless the court specifies a shorter period of time or the court terminates the order
10 sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before
11 the juvenile reaches 18 years of age shall apply for 5 years after its entry, if the
12 juvenile is adjudicated delinquent for committing an act that would be punishable
13 as a Class B felony if committed by an adult, or until the juvenile reaches 25 years
14 of age, if the juvenile is adjudicated delinquent for committing an act that would be
15 punishable as a Class A felony if committed by an adult. Except as provided in s.
16 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before
17 the juvenile reaches 17 years of age shall terminate at the end of one year after its
18 entry unless the court specifies a shorter period of time or the court terminates the
19 order sooner. No extension under s. 938.365 of an original dispositional order under
20 s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age
21 or older when the original dispositional order terminates.

22 *b3034/1.7* SECTION 533b. 938.355 (4) (b) of the statutes, as affected by 2001
23 Wisconsin Act (this act), is amended to read:

24 938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)
25 or (4m) made before the juvenile reaches 18 years of age may apply for up to 2 years

1 after its entry or until the juvenile's 18th birthday, whichever is earlier, unless the
2 court specifies a shorter period of time or the court terminates the order sooner.
3 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the
4 juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile
5 is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing
6 an act that would be punishable as a Class B or C felony if committed by an adult,
7 or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent
8 for committing an act that would be punishable as a Class A felony if committed by
9 an adult. Except as provided in s. 938.368, an extension of an order under s. 938.34
10 (4d), (4h), (4m), or (4n) made before the juvenile reaches 17 years of age shall
11 terminate at the end of one year after its entry unless the court specifies a shorter
12 period of time or the court terminates the order sooner. No extension under s.
13 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may
14 be granted for a juvenile who is 17 years of age or older when the original
15 dispositional order terminates.

16 *b3034/1.7* SECTION 533bb. 938.355 (6) (a) of the statutes is amended to read:
17 938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have
18 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
19 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on
20 the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing
21 under s. 938.335, the court explained the conditions to the juvenile and informed the
22 juvenile of those possible sanctions or if before the violation the juvenile has
23 acknowledged in writing that he or she has read, or has had read to him or her, those
24 conditions and possible sanctions and that he or she understands those conditions
25 and possible sanctions. If a juvenile who has been found to be in need of protection

1 or services under s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in
2 sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in
3 par. (d), other than placement in a secure detention facility or juvenile portion of a
4 county jail, if, at the dispositional hearing under s. 938.335, the court explained the
5 conditions to the juvenile and informed the juvenile of those possible sanctions or if
6 before the violation the juvenile has acknowledged in writing that he or she has read,
7 or has had read to him or her, those conditions and possible sanctions and that he or
8 she understands those conditions and possible sanctions.

9 (cm) The court may not order the sanction of placement in a place of nonsecure
10 custody specified in par. (d) 1. unless the court finds that the agency primarily
11 responsible for providing services for the juvenile has made reasonable efforts to
12 prevent the removal of the juvenile from his or her home and that continued
13 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.
14 The court shall make the findings specified in this paragraph on a case-by-case basis
15 based on circumstances specific to the juvenile and shall document or reference the
16 specific information on which that finding is based in the sanction order. A sanction
17 order that merely references this paragraph without documenting or referencing
18 that specific information in the sanction order or an amended sanction order that
19 retroactively corrects an earlier sanction order that does not comply with this
20 paragraph is not sufficient to comply with this paragraph.

21 *b3034/1.7* SECTION 533bd. 938.355 (6m) (cm) of the statutes is created to
22 read:

23 938.355 (6m) (cm) The court may not order the sanction of placement in a place
24 of nonsecure custody specified in par. (a) 1g. unless the court finds that the agency
25 primarily responsible for providing services for the juvenile has made reasonable

1 efforts to prevent the removal of the juvenile from his or her home and that continued
2 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.
3 The court shall make the findings specified in this paragraph on a case-by-case basis
4 based on circumstances specific to the juvenile and shall document or reference the
5 specific information on which that finding is based in the sanction order. A sanction
6 order that merely references this paragraph without documenting or referencing
7 that specific information in the sanction order or an amended sanction order that
8 retroactively corrects an earlier sanction order that does not comply with this
9 paragraph is not sufficient to comply with this paragraph.

10 *b3034/1.7* SECTION 533bf. 938.357 (1) (a) of the statutes, as affected by 2001
11 Wisconsin Act 103, and is amended to read:

12 938.357 (1) (a) The person or agency primarily responsible for implementing
13 the dispositional order or the district attorney may request a change in the
14 placement of the juvenile, whether or not the change requested is authorized in the
15 dispositional order, ~~and as provided in par. (am) or (c), whichever is applicable.~~

16 (am) 1. If the proposed change in placement involves any change in placement
17 other than a change in placement specified in par. (c), the person or agency primarily
18 responsible for implementing the dispositional order or the district attorney shall
19 cause written notice of the proposed change in placement to be sent to the juvenile
20 or the juvenile's counsel or guardian ad litem, the parent, guardian, and legal
21 custodian of the juvenile, and any foster parent, treatment foster parent, or other
22 physical custodian described in s. 48.62 (2) of the juvenile. The notice shall contain
23 the name and address of the new placement, the reasons for the change in placement,
24 a statement describing why the new placement is preferable to the present

1 placement, and a statement of how the new placement satisfies objectives of the
2 treatment plan ordered by the court.

3 *b3034/1.7* SECTION 533bg. 938.357 (1) (b) of the statutes, as affected by 2001
4 Wisconsin Act 103, is renumbered 938.357 (1) (am) 2. and amended to read:

5 938.357 (1) (am) 2. Any person receiving the notice under ~~par. (a) subd. 1.~~ or
6 notice of a specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may
7 obtain a hearing on the matter by filing an objection with the court within 10 days
8 after receipt of the notice. Placements may not be changed until 10 days after that
9 notice is sent to the court unless the parent, guardian, or legal custodian and the
10 juvenile, if 12 or more years of age, sign written waivers of objection, except that
11 placement changes in placement that were authorized in the dispositional order may
12 be made immediately if notice is given as required under ~~par. (a) subd. 1.~~ In addition,
13 a hearing is not required for placement changes authorized in the dispositional order
14 except when an objection filed by a person who received notice alleges that new
15 information is available that affects the advisability of the court's dispositional order.

16 *b3034/1.7* SECTION 533bh. 938.357 (1) (am) 3. of the statutes is created to
17 read:

18 938.357 (1) (am) 3. If the court changes the juvenile's placement from a
19 placement outside the home to another placement outside the home, the change in
20 placement order shall contain one of the statements specified in sub. (2v) (a) 2.

21 *b3034/1.7* SECTION 533bj. 938.357 (1) (c) of the statutes is created to read:

22 938.357 (1) (c) 1. If the proposed change in placement would change the
23 placement of a juvenile placed in the home to a placement outside the home, the
24 person or agency primarily responsible for implementing the dispositional order or
25 the district attorney shall submit a request for the change in placement to the court.

1 The request shall contain the name and address of the new placement, the reasons
2 for the change in placement, a statement describing why the new placement is
3 preferable to the present placement, and a statement of how the new placement
4 satisfies objectives of the treatment plan ordered by the court. The request shall also
5 contain specific information showing that continued placement of the juvenile in his
6 or her home would be contrary to the welfare of the juvenile and, unless any of the
7 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information
8 showing that the agency primarily responsible for implementing the dispositional
9 order has made reasonable efforts to prevent the removal of the juvenile from the
10 home, while assuring that the juvenile's health and safety are the paramount
11 concerns.

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

18 3. If the court changes the juvenile's placement from a placement in the
19 juvenile's home to a placement outside the juvenile's home, the change in placement
20 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements
21 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the
22 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
23 the determination specified in sub. (2v) (a) 3.

24 ***b3034/1.7* SECTION 533bL.** 938.357 (2) of the statutes, as affected by 2001
25 Wisconsin Act 103, is amended to read:

1 938.357 (2) If emergency conditions necessitate an immediate change in the
2 placement of a juvenile placed outside the home, the person or agency primarily
3 responsible for implementing the dispositional order may remove the juvenile to a
4 new placement, whether or not authorized by the existing dispositional order,
5 without the prior notice provided in sub. (1) ~~(a)~~ (am) 1. The notice shall, however, be
6 sent within 48 hours after the emergency change in placement. Any party receiving
7 notice may demand a hearing under sub. (1) ~~(b)~~ (am) 2. In emergency situations, a
8 juvenile may be placed in a licensed public or private shelter care facility as a
9 transitional placement for not more than 20 days, as well as in any placement
10 authorized under s. 938.34 (3).

11 ***b3034/1.7* SECTION 533bn.** 938.357 (2m) (a) of the statutes, as affected by
12 2001 Wisconsin Act 103, and is amended to read:

13 938.357 (2m) (a) The juvenile, the parent, guardian, or legal custodian of the
14 juvenile, or any person or agency primarily bound by the dispositional order, other
15 than the person or agency responsible for implementing the order, may request a
16 change in placement under this paragraph. The request shall contain the name and
17 address of ~~the place~~ of the new placement requested and shall state what new
18 information is available that affects the advisability of the current placement. If the
19 proposed change in placement would change the placement of a juvenile placed in the
20 home to a placement outside the home, the request shall also contain specific
21 information showing that continued placement of the juvenile in the home would be
22 contrary to the welfare of the juvenile and, unless any of the circumstances specified
23 in s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency
24 primarily responsible for implementing the dispositional order has made reasonable
25 efforts to prevent the removal of the juvenile from the home, while assuring that the

1 juvenile's health and safety are the paramount concerns. The request shall be
2 submitted to the court. In addition, the court may propose a change in placement on
3 its own motion.

4 ***b3034/1.7* SECTION 533bo.** 938.357 (2m) (b) of the statutes, as affected by
5 2001 Wisconsin Act 103, is amended to read:

6 938.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
7 any change in placement requested or proposed under par. (a) if the request states
8 that new information is available that affects the advisability of the current
9 placement, unless the requested or proposed change in placement involves any
10 change in placement other than a change in placement of a juvenile placed in the
11 home to a placement outside the home and written waivers of objection to the
12 proposed change in placement are signed by all parties entitled to receive notice
13 under sub. (1) ~~(a)~~ (am) 1. and the court approves. If a hearing is scheduled, the court
14 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,
15 any foster parent, treatment foster parent, or other physical custodian described in
16 s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order
17 at least 3 days prior to the hearing. A copy of the request or proposal for the change
18 in placement shall be attached to the notice. If all of the parties consent, the court
19 may proceed immediately with the hearing.

20 ***b3034/1.7* SECTION 533bp.** 938.357 (2m) (c) of the statutes is created to read:

21 938.357 (2m) (c) If the court changes the juvenile's placement from a placement
22 in the juvenile's home to a placement outside the juvenile's home, the change in
23 placement order shall contain the findings specified in sub. (2v) (a) 1., one of the
24 statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of

1 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
2 parent, the determination specified in sub. (2v) (a) 3.

3 ***b3034/1.7* SECTION 533br.** 938.357 (2r) of the statutes, as affected by 2001
4 Wisconsin Act 103, is amended to read:

5 938.357 (2r) If a hearing is held under sub. (1) (b) (am) 2. or (2m) (b) and the
6 change in placement would remove a juvenile from a foster home, treatment foster
7 home, or other placement with a physical custodian described in s. 48.62 (2), the court
8 shall give the foster parent, treatment foster parent, or other physical custodian
9 described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the
10 foster parent, treatment foster parent, or other physical custodian to make a written
11 or oral statement during the hearing or to submit a written statement prior to the
12 hearing relating to the juvenile and the requested change in placement. ~~Any written~~
13 ~~or oral statement made under this subsection shall be made under oath or~~
14 ~~affirmation.~~ A foster parent, treatment foster parent, or other physical custodian
15 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (b) (am) 1. or
16 (2m) (b) and an opportunity to be heard under this subsection does not become a
17 party to the proceeding on which the hearing is held solely on the basis of receiving
18 that notice and opportunity to be heard.

19 ***b3034/1.7* SECTION 533bt.** 938.357 (2v) of the statutes, as affected by 2001
20 Wisconsin Act 103, is renumbered 938.357 (2v) (a) 2. and amended to read:

21 938.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) (b) or (2m) (b) and the~~
22 ~~change in placement would place the juvenile outside the home in a placement order~~
23 would change the placement of the juvenile to a placement outside the home
24 recommended by the person or agency primarily responsible for implementing the
25 dispositional order, ~~the change in placement order shall include~~ whether from a

1 placement in the home or from another placement outside the home, a statement
2 that the court approves the placement recommended by the person or agency or, if
3 ~~the juvenile is placed outside the home in a placement other than~~ change in
4 placement order would change the placement of the juvenile to a placement outside
5 the home that is not a placement recommended by that person or agency, whether
6 from a placement in the home or from another placement outside the home, a
7 statement that the court has given bona fide consideration to the recommendations
8 made by that person or agency and all parties relating to the juvenile's placement.

9 *b3034/1.7* SECTION 533bv. 938.357 (2v) (a) (intro.) of the statutes is created
10 to read:

11 938.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m)
12 shall contain all of the following:

13 *b3034/1.7* SECTION 533bx. 938.357 (2v) (a) 1. of the statutes is created to
14 read:

15 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a
16 placement in the juvenile's home to a placement outside the juvenile's home, a
17 finding that continued placement of the juvenile in his or her home would be contrary
18 to the welfare of the juvenile and, unless a circumstance specified in s. 938.355 (2d)
19 (b) 1. to 4. applies, a finding that the agency primarily responsible for implementing
20 the dispositional order has made reasonable efforts to prevent the removal of the
21 juvenile from the home, while assuring that the juvenile's health and safety are the
22 paramount concerns.

23 *b3034/1.7* SECTION 533bz. 938.357 (2v) (a) 3. of the statutes is created to
24 read:

1 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
2 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
3 agency primarily responsible for providing services under the change in placement
4 order is not required to make reasonable efforts with respect to the parent to make
5 it possible for the juvenile to return safely to his or her home.

6 ***b3034/1.7* SECTION 533c.** 938.357 (2v) (b) of the statutes is created to read:

7 938.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and
8 3. on a case-by-case basis based on circumstances specific to the juvenile and shall
9 document or reference the specific information on which those findings are based in
10 the change in placement order. A change in placement order that merely references
11 par. (a) 1. or 3. without documenting or referencing that specific information in the
12 change in placement order or an amended change in placement order that
13 retroactively corrects an earlier change in placement order that does not comply with
14 this paragraph is not sufficient to comply with this paragraph.

15 ***b3034/1.7* SECTION 533cb.** 938.357 (2v) (c) of the statutes is created to read:

16 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
17 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
18 the court shall hold a hearing within 30 days after the date of that finding to
19 determine the permanency plan for the juvenile. If a hearing is held under this
20 paragraph, the agency responsible for preparing the permanency plan shall file the
21 permanency plan with the court not less than 5 days before the date of the hearing.

22 2. If a hearing is held under subd. 1, at least 10 days before the date of the
23 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian
24 of the juvenile, and any foster parent, treatment foster parent, or other physical

1 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
2 the hearing.

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

13 ***b3034/1.7* SECTION 533cd.** 938.357 (3) of the statutes, as affected by 2001
14 Wisconsin Act 103, is amended to read:

15 938.357 (3) Subject to subs. (4) (b) and (c) and (5) (e), if the proposed change
16 in placement would involve placing a juvenile in a secured correctional facility, a
17 secured child caring institution, or a secured group home, notice shall be given as
18 provided in sub. (1) ~~(a)~~ (am) 1. A hearing shall be held, unless waived by the juvenile,
19 parent, guardian, and legal custodian, before the judge makes a decision on the
20 request. The juvenile shall be entitled to counsel at the hearing, and any party
21 opposing or favoring the proposed new placement may present relevant evidence and
22 cross-examine witnesses. The proposed new placement may be approved only if the
23 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been
24 met.

1 ***b3034/1.7* SECTION 533ce.** 938.357 (4) (b) 1. of the statutes, as affected by
2 2001 Wisconsin Act 103, is amended to read:

3 938.357 (4) (b) 1. If a juvenile whom the department has placed in a Type 2
4 secured correctional facility operated by a child welfare agency violates a condition
5 of his or her placement in the Type 2 secured correctional facility, the child welfare
6 agency operating the Type 2 secured correctional facility shall notify the department
7 and the department, after consulting with the child welfare agency, may place the
8 juvenile in a Type 1 secured correctional facility under the supervision of the
9 department without a hearing under sub. (1) ~~(b)~~ (am) 2.

10 ***b3034/1.7* SECTION 533cf.** 938.357 (4) (b) 2. of the statutes, as affected by
11 2001 Wisconsin Act 103, is amended to read:

12 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child
13 caring institution under s. 938.34 (4d) violates a condition of his or her placement in
14 the Type 2 child caring institution, the child welfare agency operating the Type 2
15 child caring institution shall notify the county department that has supervision over
16 the juvenile and, if the county department agrees to a change in placement under this
17 subdivision, the child welfare agency shall notify the department, and the
18 department, after consulting with the child welfare agency, may place the juvenile
19 in a Type 1 secured correctional facility under the supervision of the department,
20 without a hearing under sub. (1) ~~(b)~~ (am) 2., for not more than 10 days. If a juvenile
21 is placed in a Type 1 secured correctional facility under this subdivision, the county
22 department that has supervision over the juvenile shall reimburse the child welfare
23 agency operating the Type 2 child caring institution in which the juvenile was placed
24 at the rate established under s. 46.037, and that child welfare agency shall reimburse
25 the department at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is

1 applicable, for the cost of the juvenile's care while placed in a Type 1 secured
2 correctional facility.

3 ***b3034/1.7* SECTION 533ch.** 938.357 (4) (c) 1. of the statutes, as affected by
4 2001 Wisconsin Act 103, is amended to read:

5 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 secured correctional facility
6 operated by a child welfare agency under par. (a) and it appears that a less restrictive
7 placement would be appropriate for the juvenile, the department, after consulting
8 with the child welfare agency that is operating the Type 2 secured correctional
9 facility in which the juvenile is placed, may place the juvenile in a less restrictive
10 placement, and may return the juvenile to the Type 2 secured correctional facility
11 without a hearing under sub. (1) ~~(b)~~ (am) 2. The child welfare agency shall establish
12 a rate for each type of placement in the manner provided in s. 46.037.

13 ***b3034/1.7* SECTION 533cj.** 938.357 (4) (c) 2. of the statutes, as affected by
14 2001 Wisconsin Act 103, is amended to read:

15 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under
16 s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate
17 for the juvenile, the child welfare agency operating the Type 2 child caring
18 institution shall notify the county department that has supervision over the juvenile
19 and, if the county department agrees to a change in placement under this
20 subdivision, the child welfare agency may place the juvenile in a less restrictive
21 placement. A child welfare agency may also, with the agreement of the county
22 department that has supervision over a juvenile who is placed in a less restrictive
23 placement under this subdivision, return the juvenile to the Type 2 child caring
24 institution without a hearing under sub. (1) ~~(b)~~ (am) 2. The child welfare agency shall
25 establish a rate for each type of placement in the manner provided in s. 46.037.

1 ***b3034/1.7* SECTION 533cL.** 938.357 (4) (d) of the statutes, as affected by 2001
2 Wisconsin Act 103, is amended to read:

3 938.357 (4) (d) The department may transfer a juvenile who is placed in a Type
4 1 secured correctional facility to the Racine youthful offender correctional facility
5 named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile
6 offender review in the department has determined that the conduct of the juvenile
7 in the Type 1 secured correctional facility presents a serious problem to the juvenile
8 or others. The factors that the office of juvenile offender review may consider in
9 making that determination shall include, but are not limited to, whether and to what
10 extent the juvenile's conduct in the Type 1 secured correctional facility is violent and
11 disruptive, the security needs of the Type 1 secured correctional facility, and whether
12 and to what extent the juvenile is refusing to cooperate or participate in the
13 treatment programs provided for the juvenile in the Type 1 secured correctional
14 facility. Notwithstanding sub. (1) ~~(b)~~ (am) 2., a juvenile is not entitled to a hearing
15 regarding the department's exercise of authority under this paragraph unless the
16 department provides for a hearing by rule. A juvenile may seek review of a decision
17 of the department under this paragraph only by the common law writ of certiorari.
18 If the department transfers a juvenile under this paragraph, the department shall
19 send written notice of the transfer to the parent, guardian, legal custodian, and
20 committing court.

21 ***b3034/1.7* SECTION 533cn.** 938.357 (5) (a) of the statutes, as affected by 2001
22 Wisconsin Act 103, is amended to read:

23 938.357 (5) (a) The department or a county department, whichever has been
24 designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the

1 aftercare status of that juvenile. Revocation of aftercare supervision shall not
2 require prior notice under sub. (1) ~~(a)~~ (am) 1.

3 ***b3034/1.7* SECTION 533cp.** 938.357 (6) of the statutes is amended to read:

4 938.357 (6) No change in placement may extend the expiration date of the
5 original order, except that if the change in placement is from a placement in the
6 juvenile's home to a placement in a foster home, treatment foster home, group home,
7 or residential care center for children and youth or in the home of a relative who is
8 not a parent, the court may extend the expiration date of the original order to the date
9 on which the juvenile reaches 18 years of age, to the date that is one year after the
10 date of the change in placement order, or, if the juvenile is a full-time student at a
11 secondary school or its vocational or technical equivalent and is reasonably expected
12 to complete the program before reaching 19 years of age, to the date on which the
13 juvenile reaches 19 years of age, whichever is later, or for a shorter period of time as
14 specified by the court. If the change in placement is from a placement in a foster
15 home, treatment foster home, group home, or residential care center for children and
16 youth or in the home of a relative to a placement in the juvenile's home and if the
17 expiration date of the original order is more than one year after the date of the change
18 in placement order, the court shall shorten the expiration date of the original order
19 to the date that is one year after the date of the change in placement order or to an
20 earlier date as specified by the court.

21 ***b3034/1.7* SECTION 533cr.** 938.363 (1m) of the statutes is amended to read:

22 938.363 (1m) If a hearing is held under sub. (1) (a), any party may present
23 evidence relevant to the issue of revision of the dispositional order. In addition, the
24 court shall give a foster parent, treatment foster parent, or other physical custodian
25 described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by

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

10 ***b3034/1.7* SECTION 533ct.** 938.365 (1) of the statutes is amended to read:

11 938.365 (1) In this section, a juvenile is considered to have been placed outside
12 of his or her home on the date on which the juvenile ~~was first placed outside of his~~
13 ~~or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363~~
14 ~~or on the date that is 60 days after the date on which the juvenile was first removed~~
15 ~~from his or her home, whichever is earlier, except that in the case of a juvenile who~~
16 on removal from his or her home was first placed in a secure detention facility, a
17 secured correctional facility, a secured child caring institution, or a secured group
18 home for 60 days or more and then moved to a nonsecured out-of-home placement,
19 the juvenile is considered to have been placed outside of his or her home on the date
20 on which the juvenile was moved to the nonsecured out-of-home placement.

21 ***b3034/1.7* SECTION 533cv.** 938.365 (2g) (b) 2. of the statutes is amended to
22 read:

23 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement
24 and of any progress the juvenile has made, suggestions for amendment of the
25 permanency plan, ~~a description of efforts to return the juvenile safely to his or her~~

1 home and specific information showing the efforts that have been made to achieve
2 the goal of the permanency plan, including, if applicable, the efforts of the parents
3 to remedy the factors which that contributed to the juvenile's placement and, if
4 continued placement outside of the juvenile's home is recommended, an explanation
5 of why returning the juvenile to his or her home is not safe or feasible, unless return
6 of the juvenile to the home is the goal of the permanency plan and any of the
7 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

8 *b3034/1.7* SECTION 533cx. 938.365 (2g) (b) 3. of the statutes is amended to
9 read:

10 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
11 for 15 of the most recent 22 months, not including any period during which the
12 juvenile was a runaway from the out-of-home placement or the first 6 months of any
13 period during which the juvenile was returned to his or her home for a trial home
14 visit, a statement of whether or not a recommendation has been made to terminate
15 the parental rights of the parents of the juvenile. If a recommendation for a
16 termination of parental rights has been made, the statement shall indicate the date
17 on which the recommendation was made, any previous progress made to accomplish
18 the termination of parental rights, any barriers to the termination of parental rights,
19 specific steps to overcome the barriers and when the steps will be completed, reasons
20 why adoption would be in the best interest of the juvenile and whether or not the
21 juvenile should be registered with the adoption information exchange. If a
22 recommendation for termination of parental rights has not been made, the
23 statement shall include an explanation of the reasons why a recommendation for
24 termination of parental rights has not been made. If the lack of appropriate adoptive
25 resources is the primary reason for not recommending a termination of parental

1 rights, the agency shall recommend that the juvenile be registered with the adoption
2 information exchange or report the reason why registering the juvenile is contrary
3 to the best interest of the juvenile.

4 ***b3034/1.7* SECTION 533cz.** 938.365 (2m) (a) of the statutes is renumbered
5 938.365 (2m) (a) 1. and amended to read:

6 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
7 extension. If the juvenile is placed outside of his or her home, the person or agency
8 primarily responsible for providing services to the juvenile shall present as evidence
9 specific information showing that the agency has made reasonable efforts to achieve
10 the goal of the juvenile's permanency plan, unless return of the juvenile to the home
11 is the goal of the permanency plan and any of the circumstances specified in s.
12 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions
13 of law based on the evidence. ~~Subject to s. 938.355 (2d), the~~ The findings of fact shall
14 include a finding as to whether reasonable efforts were made by the agency primarily
15 responsible for providing services to the juvenile to make it possible for the juvenile
16 to return safely to his or her home achieve the goal of the juvenile's permanency plan,
17 unless return of the juvenile to the home is the goal of the permanency plan and the
18 court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.
19 applies. An order shall be issued under s. 938.355.

20 ***b3034/1.7* SECTION 533d.** 938.365 (2m) (a) 2. of the statutes is created to
21 read:

22 938.365 (2m) (a) 2. If the court finds that any of the circumstances specified
23 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include
24 a determination that the person or agency primarily responsible for providing

1 services to the juvenile is not required to make reasonable efforts with respect to the
2 parent to make it possible for the juvenile to return safely to his or her home.

3 *b3034/1.7* SECTION 533db. 938.365 (2m) (a) 3. of the statutes is created to
4 read:

5 938.365 (2m) (a) 3. The court shall make the findings specified in subd. 1.
6 relating to reasonable efforts to achieve the goal of the juvenile's permanency plan
7 and the findings specified in subd. 2. on a case-by-case basis based on circumstances
8 specific to the juvenile and shall document or reference the specific information on
9 which those findings are based in the order issued under s. 938.355. An order that
10 merely references subd. 1. or 2. without documenting or referencing that specific
11 information in the order or an amended order that retroactively corrects an earlier
12 order that does not comply with this subdivision is not sufficient to comply with this
13 subdivision.

14 *b3034/1.7* SECTION 533dd. 938.365 (2m) (ad) of the statutes is created to
15 read:

16 938.365 (2m) (ad) 1. If the court finds that any of the circumstances specified
17 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a
18 hearing within 30 days after the date of that finding to determine the permanency
19 plan for the juvenile. If a hearing is held under this subdivision, the agency
20 responsible for preparing the permanency plan shall file the permanency plan with
21 the court not less than 5 days before the date of the hearing.

22 2. If a hearing is held under subd. 1., at least 10 days before the date of the
23 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian
24 of the juvenile, and any foster parent, treatment foster parent, or other physical

1 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
2 the hearing.

3 ***b3034/1.7* SECTION 533df.** 938.365 (2m) (ag) of the statutes is amended to
4 read:

5 938.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The
6 court shall give a foster parent, treatment foster parent, or other physical custodian
7 described in s. 48.62 (2) of the juvenile who is notified of a hearing under par. (ad)
8 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster
9 parent, 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 issue of extension. ~~Any written or oral statement made under this~~
12 ~~paragraph shall be made under oath or affirmation.~~ A foster parent, treatment foster
13 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
14 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this
15 paragraph does not become a party to the proceeding on which the hearing is held
16 solely on the basis of receiving that notice and opportunity to be heard.

17 ***b3034/1.7* SECTION 533dh.** 938.365 (5) of the statutes is amended to read:

18 938.365 (5) Except as provided in s. 938.368, ~~all orders~~ an order under this
19 section that continues the placement of a juvenile in his or her home or that extends
20 an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time
21 not to exceed one year after its date of entry. ~~Except as provided in s. 938.368, an~~
22 ~~order under this section that continues the placement of a juvenile in a foster home,~~
23 treatment foster home, group home, or residential care center for children and youth
24 or in the home of a relative other than a parent shall be for a specified length of time
25 not to exceed the date on which the juvenile reaches 18 years of age, one year after

1 the date of entry of the order, or, if the juvenile is a full-time student at a secondary
2 school or its vocational or technical equivalent and is reasonably expected to
3 complete the program before reaching 19 years of age, the date on which the juvenile
4 reaches 19 years of age, whichever is later.

5 *b3034/1.7* SECTION 533dj. 938.38 (2) (intro.) of the statutes, as affected by
6 2001 Wisconsin Act 59, is amended to read:

7 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
8 for each juvenile living in a foster home, treatment foster home, group home,
9 residential care center for children and youth, secure detention facility, or shelter
10 care facility, the agency that placed the juvenile or arranged the placement or the
11 agency assigned primary responsibility for providing services to the juvenile under
12 s. 938.355 shall prepare a written permanency plan, if any of the following conditions
13 exists, and, for each juvenile living in the home of a relative other than a parent, that
14 agency shall prepare a written permanency plan, if any of the conditions specified
15 in pars. (a) to (e) exists:

16 *b3034/1.7* SECTION 533dL. 938.38 (2) (c) of the statutes is amended to read:

17 938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64
18 (2) ~~or pursuant to, under a consent decree under s. 938.32 (1) (c), or under~~ a court
19 order under s. 938.355.

20 *b3034/1.7* SECTION 533dn. 938.38 (2) (f) of the statutes is amended to read:

21 938.38 (2) (f) The juvenile's care ~~is paid~~ would be paid for under s. 49.19 but
22 for s. 49.19 (20).

23 *b3034/1.7* SECTION 533dp. 938.38 (3) (intro.) of the statutes is amended to
24 read:

1 938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (c) 1, the agency shall file
2 the permanency plan with the court within 60 days after the date on which the
3 juvenile was first held in physical custody or placed outside of removed from his or
4 her home ~~under a court order~~, except under either of the following conditions:

5 ***b3034/1.7* SECTION 533dr.** 938.38 (4) (intro.) of the statutes is amended to
6 read:

7 938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~
8 ~~description of~~ all of the following:

9 ***b3034/1.7* SECTION 533dt.** 938.38 (4) (a) of the statutes is renumbered 938.38
10 (4) (ar) and amended to read:

11 938.38 (4) (ar) ~~The~~ A description of the services offered and any service services
12 provided in an effort to prevent holding or placing the juvenile outside of the removal
13 of the juvenile from his or her home, while assuring that the health and safety of the
14 juvenile are the paramount concerns, and to ~~make it possible for the juvenile to~~
15 ~~return safely home;~~ achieve the goal of the permanency plan, ^{plu} except that the
16 permanency plan ~~need not~~ is not required to include a description of ~~these~~ the
17 services offered or provided with respect to a parent of the juvenile to prevent the
18 removal of the juvenile from the home or to achieve the permanency plan goal of
19 returning the juvenile safely to his or her home if any of the circumstances specified
20 in s. 938.355 (2d) (b) 1., ~~2., 3. or~~ to 4. apply to that parent.

21 ***b3034/1.7* SECTION 533dv.** 938.38 (4) (ag) of the statutes is created to read:

22 938.38 (4) (ag) The name, address, and telephone number of the juvenile's
23 parent, guardian, and legal custodian.

24 ***b3034/1.7* SECTION 533dx.** 938.38 (4) (am) of the statutes is created to read:

1 938.38 (4) (am) The date on which the juvenile was removed from his or her
2 home and the date on which the juvenile was placed in out-of-home care.

3 ***b3034/1.7* SECTION 533dz.** 938.38 (4) (bm) of the statutes is amended to read:

4 938.38 (4) (bm) The A statement as to the availability of a safe and appropriate
5 placement with a fit and willing relative of the juvenile and, if a decision is made not
6 to place the juvenile with an available relative, a statement as to why placement with
7 the relative is not safe or appropriate.

8 ***b3034/1.7* SECTION 533e.** 938.38 (4) (dg) of the statutes is created to read:

9 938.38 (4) (dg) Information about the juvenile's education, including all of the
10 following:

11 1. The name and address of the school in which the juvenile is or was most
12 recently enrolled.

13 2. Any special education programs in which the juvenile is or was previously
14 enrolled.

15 3. The grade level in which the juvenile is or was most recently enrolled and
16 all information that is available concerning the juvenile's grade level performance.

17 4. A summary of all available education records relating to the juvenile that are
18 relevant to any education goals included in the education services plan prepared
19 under s. 938.33 (1) (e).

20 ***b3034/1.7* SECTION 533eb.** 938.38 (4) (dm) of the statutes is created to read:

21 938.38 (4) (dm) If as a result of the placement the juvenile has been or will be
22 transferred from the school in which the juvenile is or most recently was enrolled,
23 documentation that a placement that would maintain the juvenile in that school is
24 either unavailable or inappropriate or that a placement that would result in the
25 juvenile's transfer to another school would be in the juvenile's best interests.