

2001 DRAFTING REQUEST

Bill

Received: 09/19/2001

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC 266-3370

By/Representing: Rachel Letzing

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Addl. Drafters: malaigm

Subject: Mental Health - miscellaneous
Health - public health
Children - out-of-home placement

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Council on developmental disabilities membership; testing human ova donors for HIV; changing "child caring institution" to "residential care center for children and youth"

Instructions:

Combine 01-1278/P2, 01-1281/P2, and 01-1290/P2

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	kenneda 10/05/2001	csicilia 11/06/2001		_____			
/1			pgreensl 11/07/2001	_____	lrb_docadmin 11/07/2001		S&L
/2	kenneda 11/12/2001	csicilia 11/21/2001	jfrantze 11/21/2001	_____	lrb_docadmin 11/21/2001	lrb_docadminS&L 11/26/2001	
				_____		lrb_docadmin	
				_____		11/26/2001	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

At intro

<END>

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Addl. Drafters: **malaigm**

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/1			pgreensl 11/07/2001	_____	lrb_docadmin 11/07/2001		S&L
/2	kenneda 11/12/2001	csicilia 11/21/2001	jfrantze 11/21/2001	_____	lrb_docadmin 11/21/2001		S&L

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Drafting History:

Table with columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Rows include drafters like kenneda, csicilia, pgreensl, and lrb_docadmin with dates.

FE Sent For:

Handwritten notes and signatures including '1/2 yrs 11/21', '61', and '<END>'.

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1?	kenneda	1 g's 11/2 01	OK amped 10-5-01	1/7 PG/KJR			
			1/6 pg	<END>			

FE Sent For:

Sorted Item List

<u>Store File Name</u>	<u>Text</u>
-1281.5	15.197 (11) (am) (intro.) of the statutes is created to read:
-1281.7	15.197 (11) (am) 3. of the statutes is created to read:
-1281.9	15.197 (11) (bm) of the statutes is created to read:
-1281.1	15.197 (11n) (intro.) of the statutes is renumbered 15.197 (11n) (ag) and amended to read:
-1281.2	15.197 (11n) (a) (intro.) of the statutes is renumbered 15.197 (11n) (am) 1. (intro.) and amended to read:
-1281.3	15.197 (11n) (a) 1. to 3. of the statutes are renumbered 15.197 (11n) (am) 1. a. to c.
-1281.4	15.197 (11n) (a) 4. of the statutes is repealed.
-1281.6	15.197 (11n) (am) 2. of the statutes is created to read:
-1281.8	15.197 (11n) (b) of the statutes is repealed.
1281.10	15.197 (11n) (c) of the statutes is repealed.
-1281.11	15.197 (11n) (cm) of the statutes is created to read:
-1281.12	15.197 (11n) (d) of the statutes is repealed.
-1290.1	46.03 (22) (a) of the statutes is amended to read:
-1290.2	46.10 (14) (b) of the statutes is amended to read:
-1290.3	46.261 (1) (a) of the statutes is amended to read:
-1290.4	46.261 (2) (a) 3. of the statutes is amended to read:
-1290.5	46.261 (2) (a) 4. of the statutes is amended to read:
-1290.6	46.261 (2) (b) of the statutes is amended to read:
-1290.7	48.02 (2c) of the statutes is renumbered 48.02 (15d) and amended to read:
-1290.8	48.33 (4) (intro.) of the statutes is amended to read:
-1290.9	48.345 (3) (d) of the statutes is amended to read:
-1290.10	48.371 (1) of the statutes is amended to read:
-1290.11	48.371 (3) (intro.) of the statutes is amended to read:
-1290.12	48.371 (3) (a) of the statutes is amended to read:
-1290.13	48.371 (3) (b) of the statutes is amended to read:
-1290.14	48.371 (3) (c) of the statutes is amended to read:
-1290.15	48.371 (3) (d) of the statutes is amended to read:
-1290.16	48.38 (2) (intro.) of the statutes is amended to read:

- 1290.17 48.48 (17) (c) 4. of the statutes is amended to read:
- 1290.18 48.57 (3) (a) 4. of the statutes is amended to read:
- 1290.19 48.60 (4) (b) of the statutes is amended to read:
- 1290.20 48.60 (5) (a) (intro.) of the statutes is amended to read:
- 1290.21 48.615 (1) (a) of the statutes is amended to read:
- 1290.22 48.68 (2) of the statutes is amended to read:
- 1290.23 48.68 (3) of the statutes is amended to read:
- 1290.24 48.68 (4) of the statutes is amended to read:
- 1290.25 48.745 (1) of the statutes is amended to read:
- 1290.26 48.745 (2) of the statutes is amended to read:
- 1290.27 48.745 (3) of the statutes is amended to read:
- 1290.28 48.981 (1) (am) 5. of the statutes is amended to read:
- 1290.29 48.981 (2) of the statutes is amended to read:
- 1290.30 48.988 (2) (b) of the statutes is amended to read:
- 1290.31 49.19 (1) (a) 2. b. of the statutes is amended to read:
- 1290.32 49.19 (10) (b) of the statutes is amended to read:
- 1290.33 49.19 (10) (c) of the statutes is amended to read:
- 1290.34 49.19 (10) (d) of the statutes is amended to read:
- 1290.35 49.19 (10) (e) of the statutes is amended to read:
- 1281.13 51.437 (14r) (a) 7. of the statutes is created to read:
- 1281.14 51.437 (14r) (c) of the statutes is created to read:
- 1290.36 70.11 (19) of the statutes is amended to read:
- 1290.37 115.76 (4) of the statutes is renumbered 115.76 (14g) and amended to read:
- 1290.38 115.762 (3) (g) of the statutes is amended to read:
- 1290.39 115.81 (1) (b) of the statutes is amended to read:
- 1290.40 115.81 (2) of the statutes is amended to read:
- 1290.41 115.81 (3) (a) of the statutes is amended to read:
- 1290.42 115.81 (3) (b) 2. b. of the statutes is amended to read:
- 1290.43 115.81 (4) (intro.) of the statutes is amended to read:
- 1290.44 115.81 (4) (a) 3. of the statutes is amended to read:
- 1290.45 115.81 (4) (a) 4. of the statutes is amended to read:
- 1290.46 115.81 (4) (a) 5. of the statutes is amended to read:
- 1290.47 115.81 (4) (b) 1. of the statutes is amended to read:

-1290.48	115.81 (4) (b) 2. of the statutes is amended to read:
-1290.49	115.81 (4) (b) 3. of the statutes is amended to read:
-1290.50	115.81 (4) (b) 4. of the statutes is amended to read:
-1290.51	115.81 (4) (b) 5. of the statutes is amended to read:
-1290.52	146.82 (2) (a) 18m. of the statutes is amended to read:
-1278.1	252.15 (2) (am) 2. a. of the statutes is renumbered 252.15 (2) (am) 2. and amended to read:
-1278.2	252.15 (2) (am) 2. b. of the statutes is repealed.
-1290.53	252.15 (5) (a) 19. of the statutes is amended to read:
-1290.54	301.08 (1) (b) 3. of the statutes is amended to read:
-1290.55	301.12 (14) (b) of the statutes is amended to read:
-1290.56	301.26 (4) (d) 2. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:
-1290.57	301.26 (4) (d) 3. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:
-1290.58	767.29 (3) (b) of the statutes is amended to read:
-1290.59	938.02 (2c) of the statutes is renumbered 938.02 (15d) and amended to read:
-1290.60	938.02 (15g) of the statutes is amended to read:
-1290.61	938.02 (19r) of the statutes is amended to read:
-1290.62	938.08 (3) (a) 1. of the statutes is amended to read:
-1290.63	938.08 (3) (a) 2. of the statutes is amended to read:
-1290.64	938.08 (3) (b) of the statutes is amended to read:
-1290.65	938.33 (4) (intro.) of the statutes is amended to read:
-1290.66	938.34 (3) (d) of the statutes is amended to read:
-1290.67	938.371 (1) of the statutes is amended to read:
-1290.68	938.371 (3) (intro.) of the statutes is amended to read:
-1290.69	938.371 (3) (a) of the statutes is amended to read:
-1290.70	938.371 (3) (b) of the statutes is amended to read:
-1290.71	938.371 (3) (c) of the statutes is amended to read:
-1290.72	938.371 (3) (d) of the statutes is amended to read:
-1290.73	938.38 (2) (intro.) of the statutes is amended to read:
-1290.74	938.51 (1d) (intro.) of the statutes is amended to read:
-1290.75	938.51 (4) (intro.) of the statutes is amended to read:
-1290.76	938.538 (3) (a) 1p. of the statutes is amended to read:

-1290.77
-1290.78
-1290.79
-1290.80
-1281.15

938.539 (5) of the statutes is amended to read:

938.57 (3) (a) 4. of the statutes is amended to read:

938.78 (3) of the statutes is amended to read:

940.295 (2) (m) of the statutes is amended to read:

Initial applicability.

MEMORANDUM

from NICHOLAS R. ZAVOS
Legislative Council Staff
(608) 266-1308
nicholas.zavos@legis.state.wi.us

DESORA -

Could you please put the
Attached proposals in bill form with
each proposal as a separate bill.

Thanks

Nick
Zavos



State of Wisconsin
Department of Health and Family Services

Tommy G. Thompson, Governor
Joe Leca, Secretary

To: Terry C. Anderson, Director
Legislative Council

From: *Russ Pederson*, Legislative Liaison
Department of Health and Family Services

Date: November 16, 2000

Re: Remedial legislation

Attached is a description of the 2001 statutory language request proposals submitted by the Department of Health and Family Services for consideration by the Law Revision Committee and staff.

If you have questions about any of the proposals, you may contact me at 266-3262.

Attachment

Title: Residential Care Centers for Children and Youth

Current Language

Currently, s. 48.02(2c) defines a "child caring institution" as "a facility operated by a child welfare agency licensed under s. 48.60 for the care and maintenance of children residing in that facility." There are other references in Wisconsin statutes to "child caring institution" or "child care institution."

Proposed Change

Change the references in Chapter 48 and other statutory references as deemed appropriate by the revisor of statutes from "child caring institution" or "child care institution" to "residential care center for children and youth" except that the Department of Corrections has expressed a desire to retain the references to "Type 2 child caring institution" in Chapter 938, Stats. The licensing rule for residential care centers for children and youth, HFS 52 of Wis. Adm. Code, cross references this by definition:

HFS 52.03(26) "Type 2 Residential Care Center" means a center designated by the Department of Corrections as a type 2 child caring institution that is approved by the department to operate under its residential care center license to provide care and maintenance for juveniles who have been placed in the residential care center under the supervision of the Department of Corrections or a county department under s. 938.34(4d), Stats.

Effect of the Change

In September 1, 2000, new licensing rules ch. HFS 52 of the Wis. Adm. Code took effect for residential care centers for children and youth, which were formerly called child care institutions in this administrative code chapter. Statutory references need to be updated to reflect this new title and definition included in the revised administrative code ch. HFS 52.

Background

In Wisconsin, 39 privately operated residential care centers for children and youth provide treatment to children and youths, and to some young adults 18 to 20 who are under continuing juvenile court jurisdiction. Placements into residential care centers take place from youth correctional institutions and field supervision, mental health agencies and institutions, county human service and social service agencies, and the interstate compact for placement of children under ss. 48.988 and 48.989, Stats., or are made by courts as protective placements under ch. 55, Stats., or by parents. The Department is responsible under ss. 48.60, 48.66 and 48.67, Stats., for licensing and supervising residential care centers on the basis of minimum requirements for

issuance of a license and standards for the operation of a center. These requirements and standards are set out in ch. HFS 52, Wis. Adm. Code.

Chapter HFS 52 consists of standards for the administration and operation of residential care centers for children and youth, formerly called child care institutions, licensed under ss. 48.60, 48.66 and 48.67, Stats., as "child welfare agencies." The Department promulgated revised licensing rules, HFS 52 for residential care centers for children and youth, which took effect September 1, 2000. No significant revisions had been made in these licensing rules since 1971. As part of this revision, the name was updated from "child care institution" to "residential care center for children and youth." to be consistent with the current name used by national organizations, professionals and other states for these non-secure residential care facilities.

Recommendation

Revise the statutes to define "residential care centers for children and youth" in ch. 48 of Wisconsin Statutes and make other changes to be consistent with the new name used in HFS 52, licensing rules for residential care centers for children and youth.

Desired Effective Date: Upon enactment
Agency: DHFS
Agency Contact: Russ Pederson
Phone: 266-3262

Per Nick Zavor, 11/30/2000
Leg. Council Atty

DHFS

Department of Health and Family Services
2001-2003 Biennial Budget Statutory Language Request
November 16, 2000

Title: Wis. Stat. 252.15(2)(am)2a HIV TESTING OF HUMAN OVA DONATIONS

Specific Statutory Change Requested

Recommended language change:

A health care provider who procures, processes, distributes or uses human ova donated as specified under s. 157.06(6)(a) or (b) shall, prior to the distribution or use and with informed consent under the requirements of par. (b), test the proposed donor for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV in order to assure medical acceptability of the gift for the purpose intended ~~only if the state epidemiologist finds that use of donated human ova provides a significant risk of transmitting HIV to a donee and if, notwithstanding ss. 227.01(13) and 227.10(1), the secretary of health and family services issues an order specifying the requirements for the testing.~~

The Administrative/Substantive Problem with Current Statute

The current statute language requires testing of human ova donors for medical acceptability of the ova only if the state epidemiologist finds that the use of donated human ova provides a significant risk of transmitting HIV to a donee.

Rationale for the Change

Both the Centers for Disease Control and Prevention (CDC) and the United States Food and Drug Administration (FDA) recommend HIV testing of donors of all human tissue intended for transplantation. It is current medical practice and prudent to test donors of all human tissues for HIV prior to donation to determine medical acceptability.

Estimate of the Fiscal Effect of the Change

None to the state or local health departments.

Desired effective date: Upon enactment
Agency: DHFS, Division of Public Health
Agency Contact: Jim Vergeront
Phone: 266-9853

"Child Caring Institution"

Change to "Residential Care Center for
 Children & Youth"

46.10 (14) (b)

48.981 (1) (am) 5,
 (2)

46.261 (1) (a)

49.19 (1) (a) 2, b,

(2) (a) 3

(10) (b)

4,

(c)

(b)

(d)

(e)

RA 48.02 (2) (15)

115.76 (4)

48.33 (4) (intro.)

48.345 (3) (d)

115.762 (3) (g)

48.371 (1) (intro.)

(a)

115.81 (1) (b)

(b)

(2)

(c)

(3) (a)

(3) (intro.)

(b) 2, b,

(a)

(4) (intro.)

(b)

(a) 3,

(c)

4,

(d)

5,

(b) 1,

48.38 (2)

2,

3,

48.48 (17) (c) 4,

4,

5,

48.57 (3) (a) 4,

146.82 (2) (a) 18m

252.15 (5)(a) 19.	938.38 (2) (Intro.)
301.08 (1)(b) 3.	938.51 (1d) (Intro.)
301.12 (14)(b)	(4) (Intro.)
301.26 (4)(d) 2.	938.538 (3)(a) 1p.
3.	
4.	938.539 (5)
767.29 (3)(b)	938.57 (3)(a) 4.
RA 938.02 (2c)	938.78 (3)
938.02 (15g)	
(19c)	
938.08 (3)(a) 1.	
2.	
(b)	
938.33 (4)	
938.34 (3)(d)	
(5) (am)	
938.371 (1) (Intro.)	
(a)	
(b)	
(c)	
(3) (Intro.)	
(a)	
(b)	
(c), (d)	

"Child Welfare Agency"

Child placing agency / RCC for children/youth

46.03 (22)(a)

SEC 1

"48.60"

48.60 (4)(b)

SEC 19

70.11(19)

§) (a) (intro.)

20

~~48.60~~

48.615 (1)(a)

21

48.68 (2)

22

(3)

23

(4)

24

~~48.715 (1)~~

~~(2)(a)~~

~~(4)(c)~~

48.745 (1)

25

(2)

26

(3)

27

940.295 (2)(m)

80

1, 19 to 27, and 80

25 18 and 28 to 79



DNOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In
12/4

OLD - VERY SOON

LPS:
anal: lre note

For further information see the NOTES provided by the law revision committee of the joint legislative council.

- 1 AN ACT ^{GEN. CAT.} relating to: changing "child caring institution" to "residential care
- 2 center for children and youth" (suggested as remedial legislation by the
- 3 department of health and family services).

Analysis by the Legislative Reference Bureau ^{12-month}

Under current law, a "child caring institution" is defined as a facility operated by a licensed child welfare agency for the care and maintenance of children residing in that facility. Current law requires a person who provides care and maintenance for 75 days in any consecutive ~~42 months~~ period for four or more children at any one time to obtain a license to operate a child welfare agency from the department of health and family services. This bill changes the term "child caring institution" to "residential care center for children and youth."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of health and family services and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

- 4 SECTION 1. 46.03 (22) (a) of the statutes is amended to read:

1 46.03 (22) (a) "Community living arrangement" means any of the following
 2 facilities licensed or operated, or permitted under the authority of the department:
 3 residential care centers for children and youth, as defined in s. 48.02 (15d), operated
 4 by child welfare agencies licensed under s. 48.60, group homes for children under, as
 5 defined in s. 48.02 (7), and community-based residential facilities under, as defined
 6 in s. 50.01 (1g); but does not include adult family homes, as defined in s. 50.01 (1),
 7 day care centers, nursing homes, general hospitals, special hospitals, prisons, and
 8 jails.

NOTE: This SECTION clarifies that it is a residential care center for children and youth operated by a child welfare agency, and not the agency operating the center, that is defined as a "community living arrangement" in s. 46.03 (22) (a), stats.

History: 1971 c. 270 s. 104; 1973 c. 90; 1973 c. 284 ss. 2, 32; 1973 c. 333; 1975 c. 39, 82; 1975 c. 189 s. 99 (1), (2); 1975 c. 224, 377, 413, 422; 1977 c. 29, 193; 1977 c. 196 s. 131; 1977 c. 203, 205, 271, 354; 1977 c. 418 ss. 287 to 289m, 924 (18) (d); 1977 c. 447, 449; 1979 c. 32 s. 92 (1); 1979 c. 34; 1979 c. 175 s. 46; 1979 c. 221, 331, 352; 1981 c. 20, 81; 1981 c. 314 s. 144; 1981 c. 390; 1983 a. 27, 193; 1983 a. 435 s. 7; 1983 a. 447, 474; 1983 a. 532 s. 36; 1985 a. 19, 29, 120, 176, 234, 285, 328, 331; 1985 a. 332 s. 251 (3); 1987 a. 3, 5, 27, 161, 186, 302, 339, 385, 399, 403, 413; 1989 a. 31 ss. 938m to 951, 2909g, 2909h; 1989 a. 56, 105, 107, 122; 1991 a. 39, 277; 1993 a. 16 ss. 831 to 859, 3072d; 1993 a. 98, 377, 385, 446, 481; 1995 a. 27 ss. 2026m to 2038b, 9126 (19); 1995 a. 77, 201, 225, 352, 370, 404, 448; 1997 a. 3, 27, 111, 283, 292; 1999 a. 9, 83.

SECTION 2. 46.10 (14) (b) of the statutes is amended to read:

10 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
 11 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
 12 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
 13 in a residential, nonmedical facility such as a group home, foster home, treatment
 14 foster home or child caring institution, or residential care center for children and
 15 youth shall be determined by the court by using the percentage standard established
 16 by the department of workforce development under s. 49.22 (9) and by applying the
 17 percentage standard in the manner established by the department under s. 46.247.

History: 1971 c. 125; 1971 c. 273 s. 5; 1973 c. 90 ss. 223, 223m, 560 (3); 1973 c. 198, 333; 1975 c. 39 ss. 347 to 350, 734; 1975 c. 41, 94; 1975 c. 189 s. 99 (2); 1975 c. 198, 199, 224; 1975 c. 413 s. 18; 1975 c. 428; 1975 c. 430 ss. 6/80; 1977 c. 29, 203; 1977 c. 418 ss. 294 to 295, 924 (50), 929 (18); 1977 c. 447 s. 206; 1977 c. 449 ss. 75, 497; 1979 c. 34; 1979 c. 102 ss. 236 (4), 237; 1979 c. 117, 221, 331; 1981 c. 20 ss. 755 to 758, 2202 (20) (4); (cp) 1981 c. 81; 1983 a. 27 ss. 955m, 2202 (20); 1985 a. 29, 176, 281, 332; 1987 a. 307; 1989 a. 31, 56, 96, 212; 1991 a. 39, 221, 315, 316; 1993 a. 16, 27, 385, 437, 446, 479, 481; 1995 a. 27 ss. 2054, 2055, 9130 (4); 1995 a. 77, 224, 404; 1997 a. 3, 27, 35, 237, 308; 1999 a. 103.

NOTE: SECTIONS 2 to 8, 10 to 18, 28 to 34, 36 to 66, and 68 to 80 change the term "child caring institution" to "residential care center for children and youth" to describe a facility operated by a licensed child welfare agency for the care and maintenance of children residing in that facility. Current law requires a person who provides care and maintenance for 75 days in any consecutive ~~62 month~~ period for ~~62~~ 4 or more children at any one time to obtain a license to operate a child welfare agency from the department of health and family services (DHFS). This change makes the term used

12-month

auto-ref.

in the statutes to describe those facilities consistent with the term used by other states, national organizations, professionals in the child welfare field, and DHFS to describe those facilities.

1 **SECTION 3.** 46.261 (1) (a) of the statutes is amended to read:

2 46.261 (1) (a) The child is living in a foster home or treatment foster home
3 licensed under s. 48.62 if a license is required under that section, in a foster home
4 or treatment foster home located within the boundaries of a federally recognized
5 American Indian reservation in this state and licensed by the tribal governing body
6 of the reservation, in a group home licensed under s. 48.625, or in a ~~child caring~~
7 ~~institution~~ residential care center for children and youth licensed under s. 48.60, and
8 has been placed in the foster home, treatment foster home, group home ~~or institution,~~
9 ~~or center~~ by a county department under s. 46.215, 46.22 or 46.23, by the department,
10 or by a federally recognized American Indian tribal governing body in this state
11 under an agreement with a county department under s. 46.215, 46.22 or 46.23.

History: 1995 a. 289; 1997 a. 27.

12 **SECTION 4.** 46.261 (2) (a) 3. of the statutes is amended to read:

13 46.261 (2) (a) 3. A county or, in a county having a population of 500,000 or more,
14 the department, when the child is placed in a licensed foster home, treatment foster
15 home, group home ~~or child caring institution,~~ or residential care center for children
16 and youth by a licensed child welfare agency or by a federally recognized American
17 Indian tribal governing body in this state or by its designee, if the child is in the legal
18 custody of the county department under s. 46.215, 46.22 or 46.23 or the department
19 under s. 48.48 (17) or if the child was removed from the home of a relative, as defined
20 under s. 48.02 (15), as a result of a judicial determination that continuance in the
21 home of the relative would be contrary to the child's welfare for any reason and the

1 placement is made pursuant to an agreement with the county department or the
2 department.

History: 1995 a. 289; 1997 a. 27.

3 **SECTION 5.** 46.261 (2) (a) 4. of the statutes is amended to read:

4 46.261 (2) (a) 4. A licensed foster home, treatment foster home, group home or
5 ~~child caring institution, or residential care center for children and youth~~ when the
6 child is in the custody or guardianship of the state, when the child is a ward of an
7 American Indian tribal court in this state and the placement is made under an
8 agreement between the department and the tribal governing body, or when the child
9 was part of the state's direct service case load and was removed from the home of a
10 relative, as defined under s. 48.02 (15), as a result of a judicial determination that
11 continuance in the home of a relative would be contrary to the child's welfare for any
12 reason and the child is placed by the department.

History: 1995 a. 289; 1997 a. 27.

13 **SECTION 6.** 46.261 (2) (b) of the statutes is amended to read:

14 46.261 (2) (b) Notwithstanding par. (a), aid under this section may not be
15 granted for placement of a child in a foster home or treatment foster home licensed
16 by a federally recognized American Indian tribal governing body, for placement of a
17 child in a foster home, treatment foster home ~~or child caring institution, or~~
18 residential care center for children and youth by a tribal governing body or its
19 designee, for the placement of a child who is a ward of a tribal court if the tribal
20 governing body is receiving or is eligible to receive funds from the federal government
21 for that type of placement, or for placement of a child in a group home licensed under
22 s. 48.625.

History: 1995 a. 289; 1997 a. 27.

23 **SECTION 7.** 48.02 (2c) of the statutes is renumbered 48.02 (15d) and amended
24 to read:

1 48.02 (15d) ~~“Child caring institution”~~ “Residential care center for children and
 2 youth²⁾ means a facility operated by a child welfare agency licensed under s. 48.60 for
 3 the care and maintenance of children residing in that facility.

History: 1971 c. 41 s. 12; 1971 c. 164; 1973 c. 263; 1977 c. 205, 299, 354, 418, 447, 449; 1979 c. 135, 300, 352; 1981 c. 81; 1983 a. 189, 447, 471; 1985 a. 176; 1987 a. 27, 285, 339; 1989 a. 31; Sup. Ct. Order 51 Wis. 2d xxv (1989); 1989 a. 107; 1991 a. 39; 1993 a. 98, 375, 377, 385, 446, 491; 1995 a. 27 ss. 2423 to 2426p, 9126 (19), 9145 (1); 1995 a. 77, 275, 352, 448; 1997 a. 27, 104, 191, 292; 1999 a. 9.

4 **SECTION 8.** 48.33 (4) (intro.) of the statutes is amended to read:

5 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
 6 placement of an adult expectant mother outside of her home shall be in writing. A
 7 report recommending placement of a child in a foster home, treatment foster home,
 8 group home ~~or child caring institution,~~ or residential care center for children and
 9 youth shall be in writing and shall include all of the following:

History: 1977 c. 354; 1979 c. 300; 1983 a. 399; 1987 a. 27, 339; 1989 a. 31, 41, 107; 1993 a. 377, 385, 446, 481; 1995 a. 27, 77, 201; 1997 a. 27, 292.

10 **SECTION 9.** 48.345 (3) (d) of the statutes is amended to read:

11 48.345 (3) (d) A residential ~~treatment center~~ care center for children and youth
 12 licensed under s. 48.60.

History: 1971 c. 125; 1977 c. 354; 1979 c. 300; 1987 a. 285; 1989 a. 31, 107; 1993 a. 363, 377, 385, 491; 1995 a. 27; 1995 a. 77 ss. 235 to 237, 239, 241, 249, 230, 237 to 263; 1995 a. 225, 448; 1997 a. 27, 80, 164, 292; 1999 a. 9, 149.

NOTE: This SECTION change⁵⁾ the term “residential treatment center” to “residential care center for children and youth” to describe a facility operated by a licensed child welfare agency for the care and maintenance of children residing in that facility.

13 **SECTION 10.** 48.371 (1) of the statutes is amended to read:

14 48.371 (1) If a child is placed in a foster home, treatment foster home, group
 15 home ~~or child caring institution,~~ or residential care center for children and youth,
 16 including a placement under s. 48.205 or 48.21, the agency, as defined in s. 48.38 (1)
 17 (a), that placed the child or arranged for the placement of the child shall provide the
 18 following information to the foster parent, treatment foster parent, or operator of the
 19 group home ~~or child caring institution~~ residential care center for children and youth
 20 at the time of placement or, if the information has not been provided to the agency

1 by that time, as soon as possible after the date on which the agency receives that
2 information, but not more than 2 working days after that date:

3 (a) Results of a test or a series of tests of the child to determine the presence
4 of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an
5 antibody to HIV, as provided under s. 252.15 (5) (a) 19., including results included
6 in a court report or permanency plan. At the time that the test results are provided,
7 the agency shall notify the foster parent, treatment foster parent, or operator of the
8 group home or ~~child caring institution~~ residential care center for children and youth
9 of the confidentiality requirements under s. 252.15 (6).

10 (b) Results of any tests of the child to determine the presence of viral hepatitis,
11 type B, including results included in a court report or permanency plan. The foster
12 parent, treatment foster parent, or operator of a group home or ~~child caring~~
13 ~~institution~~ residential care center for children and youth receiving information
14 under this paragraph shall keep the information confidential.

15 (c) Any other medical information concerning the child that is necessary for the
16 care of the child. The foster parent, treatment foster parent, or operator of a group
17 home or ~~child caring institution~~ residential care center for children and youth
18 receiving information under this paragraph shall keep the information confidential.

History: 1993 a. 395; 1995 a. 275; 1997 a. 272.

19 **SECTION 11. 48.371 (3) (intro.)** of the statutes is amended to read:

20 48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment
21 foster home, group home or ~~child caring institution~~, or residential care center for
22 children and youth or, if the information is not available at that time, as soon as
23 possible after the date on which the court report or permanency plan has been
24 submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38

1 (1) (a), responsible for preparing the child's permanency plan shall provide to the
2 foster parent, treatment foster parent, or operator of the group home or ~~child-caring~~
3 ~~institution~~ residential care center for children and youth information contained in
4 the court report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or
5 48.837 (4) (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c)
6 or (5) (c), 48.63 (4) or 48.831 (4) (e) relating to findings or opinions of the court or
7 agency that prepared the court report or permanency plan relating to any of the
8 following:

History: 1993 a. 395; 1995 a. 275; 1997 a. 272.

9 **SECTION 12.** 48.371 (3) (a) of the statutes is amended to read:

10 48.371 (3) (a) Any mental, emotional, cognitive, developmental, or behavioral
11 disability of the child. The foster parent, treatment foster parent, or operator of a
12 group home or ~~child-caring institution~~ residential care center for children and youth
13 receiving information under this subsection shall keep the information confidential.

History: 1993 a. 395; 1995 a. 275; 1997 a. 272.

14 **SECTION 13.** 48.371 (3) (b) of the statutes is amended to read:

15 48.371 (3) (b) Any involvement of the child in any criminal gang, as defined in
16 s. 939.22 (9), or in any other group in which any child was traumatized as a result
17 of his or her association with that group. The foster parent, treatment foster parent,
18 or operator of a group home or ~~child-caring institution~~ residential care center for
19 children and youth receiving information under this paragraph shall keep the
20 information confidential.

History: 1993 a. 395; 1995 a. 275; 1997 a. 272.

21 **SECTION 14.** 48.371 (3) (c) of the statutes is amended to read:

22 48.371 (3) (c) Any involvement of the child in any activities that are harmful
23 to the child's physical, mental, or moral well-being. The foster parent, treatment
24 ✓ foster parent, or operator of a group home or ✓ ~~child-caring institution~~ residential care

1 center for children and youth receiving information under this paragraph shall keep
2 the information confidential.

3 History: 1993 a. 395; 1995 a. 275; 1997 a. 272.

3 **SECTION 15.** 48.371 (3) (d) of the statutes is amended to read:

4 48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,
5 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, or 948.025,
6 prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s.
7 948.05, or causing a child to view or listen to sexual activity in violation of s. 948.055,
8 if the information is necessary for the care of the child or for the protection of any
9 person living in the foster home, treatment foster home, group home ~~or child caring~~
10 ~~institution, or residential care center for children and youth.~~ The foster parent,
11 treatment foster parent, or operator of a group home or ~~child caring institution~~
12 residential care center for children and youth receiving information under this
13 paragraph shall keep the information confidential.

14 History: 1993 a. 395; 1995 a. 275; 1997 a. 272.

14 **SECTION 16.** 48.38 (2) (intro.) of the statutes is amended to read:

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

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

22 **SECTION 17.** 48.48 (17) (c) 4. of the statutes is amended to read:

1 48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home
2 ~~or child caring institution, or residential care center for children and youth.~~

History: 1973 c. 90, 333; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 354, 418, 447, 449; 1979 c. 34 ss. 833m, 834, 2102 (20) (a); 1979 c. 221, 300; 1983 a. 27 s. 2202 (20); 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 135, 176; 1985 a. 332 s. 251 (3); 1987 a. 339; 1989 a. 31, 107, 359; 1991 a. 316; 1993 a. 16, 375, 385, 446, 491; 1995 a. 27 ss. 2526 to 2534m, 9126 (19), 9145 (1); 1995 a. 77; 1997 a. 27, 35, 80, 105, 292; 1999 a. 9.

3 **SECTION 18.** 48.57 (3) (a) 4. of the statutes is amended to read:

4 48.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home
5 ~~or child caring institution, or residential care center for children and youth.~~

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; s. 13.93 (2) (c).

6 **SECTION 19.** 48.60 (4) (b) of the statutes is amended to read:

7 48.60 (4) (b) Notwithstanding ss. 121.78 (3) (a) and 121.79 (1) (a), a child
8 welfare agency shall pay for the costs incurred by a school district in providing
9 special education and related services to a child with a disability who is a resident
10 of the a residential care center for children and youth operated by a child welfare
11 agency, if the child was placed in the child welfare agency residential care center for
12 children and youth pursuant to the interstate compact on the placement of children
13 under s. 48.988.

History: 1973 c. 90; 1975 c. 39; 1979 c. 300; 1989 a. 31, 107, 336; 1991 a. 39; 1993 a. 446; 1995 a. 27 ss. 2582, 9126 (19); 1995 a. 77; 1997 a. 27, 164; 1999 a. 9, 83.

NOTE: This SECTION clarifies that a child for whom a child welfare agency is providing care and maintenance is a resident of a residential care center for children and youth operated by the child welfare agency, and not of the child welfare agency operating the center.

14 **SECTION 20.** 48.60 (5) (a) (intro.) of the statutes is amended to read:

15 48.60 (5) (a) (intro.) No later than 24 hours after the death of a child who
16 resided in a ~~building~~ residential care center for children and youth operated by a
17 child welfare agency, the child welfare agency shall report the death to the
18 department if one of the following applies:

History: 1973 c. 90; 1975 c. 39; 1979 c. 300; 1989 a. 31, 107, 336; 1991 a. 39; 1993 a. 446; 1995 a. 27 ss. 2582, 9126 (19); 1995 a. 77; 1997 a. 27, 164; 1999 a. 9, 83.

NOTE: This SECTION and SECTION 21 eliminate vague references to a "building" operated by a child welfare agency and replaces those vague references with specific references to a "residential care center for children and ~~adults~~" operated by a child welfare agency, which is the legally defined and professionally accepted term for a facility operated by a child welfare agency for the care and maintenance of children.

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1 SECTION **21.** 48.615 (1) (a) of the statutes is amended to read:

2 48.615 (1) (a) Before the department may issue a license under s. 48.60 (1) to
 3 a child welfare agency that regularly provides care and maintenance for children
 4 within the confines of ~~its building~~ [↓] a residential care center for children and youth
 5 operated by the child welfare agency, the child welfare agency must pay to the
 6 department a biennial fee of \$121, plus a biennial fee of \$18.15 per child, based on
 7 the number of children that the child welfare agency is licensed to serve.

8 History: 1991 a. 39; 1993 a. 446; 1995 a. 27; 1997 a. 27.

8 SECTION **22.** 48.68 (2) of the statutes is amended to read:

9 48.68 (2) Before continuing the license of any child welfare agency ~~or to operate~~
 10 a residential care center for children and youth or of any group home, the department
 11 shall consider all formal complaints filed under s. 48.745 (2) and the disposition of
 12 each during the previous 2-year period.

History: 1977 c. 205, 418; 1981 c. 72; 1991 a. 39; 1993 a. 375, 395, 491; 1995 a. 27, 77; 1997 a. 27; 1999 a. 9.

NOTE: This SECTION and SECTIONS **23** to **27** amend provisions relating to
 licensure of, and formal complaints regarding, child welfare agencies to clarify that those
 provisions apply to a residential care center for children and youth operated by a child
 welfare agency. It is obvious from the context of those provisions that they refer to a child
 welfare agency in its capacity as an operator of such a center and not in its capacity as
 a child-placing agency.

13 SECTION **23.** 48.68 (3) of the statutes is amended to read:

14 48.68 (3) Within 10 working days after receipt of an application for initial
 15 licensure of a child welfare agency ~~or to operate a residential care center for children~~
 16 and youth or of a group home, the department shall notify the city, town, or village
 17 planning commission, or other appropriate city, town, or village agency if there is no
 18 planning commission, of receipt of the application. The department shall request
 19 that the planning commission or agency send to the department, within 30 days, a
 20 description of any specific hazards ~~which~~ that may affect the health and safety of the
 21 residents of the ~~child welfare agency~~ residential care center for children and youth

1 or group home. No license may be issued to a child welfare agency ~~or to operate a~~
2 residential care center for children and youth or to a group home until the 30-day
3 period has expired or until the department receives the response of the planning
4 commission or agency, whichever is sooner. In issuing a license the department shall
5 give full consideration to such hazards determined by the planning commission or
6 agency.

History: 1977 c. 205, 418; 1981 c. 72; 1991 a. 39; 1993 a. 375, 395, 491; 1995 a. 27, 77; 1997 a. 27; 1999 a. 9.

7 **SECTION 24.** 48.68 (4) of the statutes is amended to read:

8 48.68 (4) Prior to initial licensure of a residential ~~facility~~ care center for
9 children and youth operated by a child welfare agency or of a group home, the
10 applicant for licensure shall make a good faith effort to establish a community
11 advisory committee consisting of representatives from the child welfare agency or
12 proposed group home, the neighborhood in which the proposed residential ~~facility~~
13 care center for children and youth or group home will be located and a local unit of
14 government. The community advisory committee shall provide a forum for
15 communication for those persons interested in the proposed residential ~~facility~~ care
16 center for children and youth or group home. Any committee established under this
17 subsection shall continue in existence after licensure to make recommendations to
18 the licensee regarding the impact of the residential ~~facility~~ care center for children
19 and youth or group home on the neighborhood. The department shall determine
20 compliance with this subsection both prior to and after initial licensure.

History: 1977 c. 205, 418; 1981 c. 72; 1991 a. 39; 1993 a. 375, 395, 491; 1995 a. 27, 77; 1997 a. 27; 1999 a. 9.

21 **SECTION 25.** 48.745 (1) of the statutes is amended to read:

22 48.745 (1) If a complaint is received by a child welfare agency ~~or operating a~~
23 residential care center for children and youth or by a group home, the licensee shall
24 attempt to resolve the complaint informally. Failing such resolution, the licensee

1 shall inform the complaining party of the procedure for filing a formal complaint
2 under this section.

History: 1977 c. 205, 418; 1979 c. 175; 1985 a. 176.

3 **SECTION 26.** 48.745 (2) of the statutes is amended to read:

4 48.745 (2) Any individual may file a formal complaint under this section
5 regarding the general operation of a ~~child-welfare-agency~~ residential care center for
6 children and youth or group home and shall not be subject to reprisals for doing so.
7 All formal complaints regarding ~~child-welfare-agencies~~ residential care centers for
8 children and youth and group homes shall be filed with the county department on
9 forms supplied by the county department unless the county department designates
10 the department to receive formal complaints. The county department shall
11 investigate or cause to be investigated each formal complaint. Records of the results
12 of each investigation and the disposition of each formal complaint shall be kept by
13 the county department and filed with the subunit of the department ~~which~~ that
14 licenses ~~child-welfare-agencies~~ residential care centers for children and youth and
15 group homes.

History: 1977 c. 205, 418; 1979 c. 175; 1985 a. 176.

16 **SECTION 27.** 48.745 (3) of the statutes is amended to read:

17 48.745 (3) Upon receipt of a formal complaint, the county department may
18 investigate the premises and records and question the licensee, staff, and residents
19 of the ~~child-welfare-agency~~ residential care center for children and youth or group
20 home involved. The county department shall attempt to resolve the situation
21 through negotiation and other appropriate means.

History: 1977 c. 205, 418; 1979 c. 175; 1985 a. 176.

22 **SECTION 28.** 48.981 (1) (am) 5. of the statutes is amended to read:

1 48.981 (1) (am) 5. An employee of a residential facility or ~~child caring~~
2 ~~institution~~ residential care center for children and youth in which the child was or
3 is placed.

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; s. 13.93 (2) (c).

4 **SECTION 29.** 48.981 (2) of the statutes is amended to read:

5 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
6 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
7 mental health professional, social worker, marriage and family therapist,
8 professional counselor, public assistance worker, including a financial and
9 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator, or
10 counselor, mediator under s. 767.11, child care worker in a day care center ~~or child~~
11 ~~caring institution~~, day care provider, alcohol or other drug abuse counselor, member
12 of the treatment staff employed by or working under contract with a county
13 department under s. 46.23, 51.42, or 51.437 or a residential care center for children
14 and youth, physical therapist, occupational therapist, dietitian, speech-language
15 pathologist, audiologist, emergency medical technician, first responder, or police or
16 law enforcement officer having reasonable cause to suspect that a child seen in the
17 course of professional duties has been abused or neglected or having reason to believe
18 that a child seen in the course of professional duties has been threatened with abuse
19 or neglect and that abuse or neglect of the child will occur shall, except as provided
20 under sub. (2m), report as provided in sub. (3). A court-appointed special advocate
21 having reasonable cause to suspect that a child seen in the course of the
22 court-appointed special advocate's activities under s. 48.236 (3) has been abused or
23 neglected or having reason to believe that a child seen in the course of those activities
24 has been threatened with abuse and neglect and that abuse or neglect of the child

1 will occur shall, except as provided in sub. (2m), report as provided in sub. (3). Any
 2 other person, including an attorney, having reason to suspect that a child has been
 3 abused or neglected or reason to believe that a child has been threatened with abuse
 4 or neglect and that abuse or neglect of the child will occur may make such a report.
 5 Any person, including an attorney, having reason to suspect that an unborn child has
 6 been abused or reason to believe that an unborn child is at substantial risk of abuse
 7 may report as provided in sub. (3). No person making a report under this subsection
 8 may be discharged from employment for so doing.

9 ~~NOTE: NOTE: NOTE: Sub. (2) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538, 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; s. 13.93 (2) (c).

10 **SECTION 30. 49.19 (1) (a) 2. b. of the statutes is amended to read:**

11 **49.19 (1) (a) 2. b. Is living in a foster home or treatment foster home licensed**
 12 **under s. 48.62 if a license is required under that section, in a foster home or treatment**
 13 **foster home located within the boundaries of a federally recognized American Indian**
 14 **reservation in this state and licensed by the tribal governing body of the reservation,**
 15 **in a group home licensed under s. 48.625 ~~or in a child-caring institution, or in a~~**
 16 **residential care center for children and youth licensed under s. 48.60, and has been**
 17 **placed in the foster home, treatment foster home, group home ~~or institution, or center~~**
 18 **by a county department under s. 46.215, 46.22 or 46.23, by the department of health**
 19 **and family services, by the department of corrections, or by a federally recognized**
 20 **American Indian tribal governing body in this state under an agreement with a**
 21 **county department.**

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9.

22 **SECTION 31. 49.19 (10) (b) of the statutes is amended to read:**

1 49.19 (10) (b) Aid under this section may also be granted on behalf of a child
2 in the legal custody of a county department under s. 46.215, 46.22 or 46.23 or on
3 behalf of a child who was removed from the home of a relative specified in sub. (1)
4 (a) as a result of a judicial determination that continuance in the home of a relative
5 would be contrary to the child's welfare for any reason when such child is placed in
6 a licensed ~~child-caring institution~~ residential care center for children and youth by
7 the county department. Reimbursement shall be made by the state pursuant to par.
8 (a).

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9.

9 **SECTION 32.** 49.19 (10) (c) of the statutes is amended to read:

10 49.19 (10) (c) Reimbursement under par. (a) may also be paid to the county
11 when the child is placed in a licensed foster home, treatment foster home, group
12 home ~~or child-caring institution~~, or residential care center for children and youth by
13 a licensed child welfare agency or by a federally recognized American Indian tribal
14 governing body in this state or by its designee, if the child is in the legal custody of
15 the county department under s. 46.215, 46.22 or 46.23 or if the child was removed
16 from the home of a relative specified in sub. (1) (a) as a result of a judicial
17 determination that continuance in the home of the relative would be contrary to the
18 child's welfare for any reason and the placement is made pursuant to an agreement
19 with the county department.

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9.

20 **SECTION 33.** 49.19 (10) (d) of the statutes is amended to read:

21 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home,
22 treatment foster home, group home ~~or child-caring institution~~, or residential care

1 center for children and youth by the state when the child is in the custody or
 2 guardianship of the state, when the child is a ward of an American Indian tribal court
 3 in this state and the placement is made under an agreement between the department
 4 and the tribal governing body, or when the child was part of the state's direct service
 5 case load and was removed from the home of a relative specified in sub. (1) (a) as a
 6 result of a judicial determination that continuance in the home of a relative would
 7 be contrary to the child's welfare for any reason and the child is placed by the
 8 department of health and family services or the department of corrections.

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9.

9 **SECTION 34.** 49.19 (10) (e) of the statutes is amended to read:

10 49.19 (10) (e) Notwithstanding pars. (a), (c) and (d), aid under this section may
 11 not be granted for placement of a child in a foster home or treatment foster home
 12 licensed by a federally recognized American Indian tribal governing body, for
 13 placement of a child in a foster home, treatment foster home ~~or child-caring~~
 14 institution, or residential care center for children and youth by a tribal governing
 15 body or its designee, for the placement of a child who is a ward of a tribal court if the
 16 tribal governing body is receiving or is eligible to receive funds from the federal
 17 government for that type of placement, or for placement of a child in a group home
 18 licensed under s. 48.625.

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9.

19 **SECTION 35.** 70.11 (19) of the statutes is amended to read:

20 **70.11 (19) INSTITUTIONS ^{AND CENTERS} (FOR DEPENDENT CHILDREN AND PERSONS WHO HAVE**
 21 **DEVELOPMENTAL DISABILITIES.** The property of any ~~institution~~ residential care center
 22 for children and youth that is licensed under s. 48.60 for the care of dependent or

1 neglected children or delinquent juveniles if that property is used for that purpose
 2 and the property of any nonprofit institution that is subject to examination under s.
 3 46.03 (5) and that has a full-time population of at least 150 individuals who have
 4 developmental disabilities, as defined in s. 51.01 (5), if that property is used for that
 5 purpose.

History: 1971 c. 152, 154, 312; 1973 c. 90; 1973 c. 333 s. 201m; 1973 c. 335 s. 13; 1975 c. 39; 1975 c. 94 s. 91 (10); 1975 c. 199; 1977 c. 29 ss. 745m, 1646 (3), 1647 (5),
 (7); 1977 c. 83 s. 26; 1977 c. 273, 282, 391, 418, 447; 1979 c. 34 s. 2102 (39) (g); 1979 c. 221, 225; 1979 c. 310 s. 12; 1981 c. 20; 1983 a. 27 ss. 1177, 1178, 1179f; 1983 a. 189
 s. 329 (16); 1983 a. 201, 327; 1985 a. 26, 29, 316, 332; 1987 a. 10, 27, 395, 399; 1987 a. 403 s. 256; 1989 a. 25, 31, 307; 1991 a. 37, 39, 269; 1993 a. 263, 307, 399, 490; 1995
 a. 27 ss. 3344 to 3348m, 9126 (19); 1995 a. 201, 227, 247, 366; 1997 a. 27, 35, 134, 147, 164, 184, 237; 1999 a. 9, 32, 63, 65; 1999 a. 150 ss. 624, 672; 1999 a. 167, 185; s. 13.23
 (1) (b).

NOTE: This SECTION eliminates a vague reference to an "institution" licensed
 under s. 48.60, stats., and replaces that vague reference with a specific reference to a
 "residential care center for children and ~~adults~~" licensed under s. 48.60, stats., which is
 the legally defined and professionally accepted term for a facility operated by a child
 welfare agency for the care and maintenance of children.

6 SECTION 36. 115.76 (4) of the statutes is renumbered 115.76 (14g) and amended
 7 to read:

8 115.76 (14g) "Child caring institution" "Residential care center for children
 9 and youth" means a facility operated by a child welfare agency licensed under s.
 10 48.60 for the care and maintenance of children residing in that facility.

History: 1997 a. 164, 237; 1999 a. 116, 161.

11 SECTION 37. 115.762 (3) (g) of the statutes is amended to read:

12 115.762 (3) (g) Monitoring and enforcing local educational agency and child
 13 ~~caring institution~~ residential care center for children and youth compliance with this
 14 subchapter and applicable federal law, including 20 USC 1415 (k).

History: 1997 a. 164; 1999 a. 161.

15 SECTION 38. 115.81 (1) (b) of the statutes is amended to read:

16 115.81 (1) (b) "Responsible local educational agency" means the local
 17 educational agency that was responsible for providing a free, appropriate public
 18 education to the child before the placement of the child in a ~~child caring institution~~
 19 residential care center for children and youth except that if the child resided in an
 20 institution or facility operated by the department of health and family services, a

1 Type 1 secured correctional facility, as defined in s. 938.02 (19), or a Type 1 prison,
2 as defined in s. 301.01 (5), before the placement of the child in a ~~child-caring~~
3 ~~institution~~ residential care center for children and youth, “responsible local
4 educational agency” means the school district in which the ~~child-caring institution~~
5 residential care center for children and youth is located.

History: 1997 a. 164, 237, 252.

6 **SECTION 39.** 115.81 (2) of the statutes is amended to read:

7 115.81 (2) ESTABLISHMENT OF PROGRAM. Subject to the approval of the division,
8 a ~~child-caring institution~~ residential care center for children and youth may establish
9 and maintain special education and related services for children with disabilities.

History: 1997 a. 164, 237, 252.

10 **SECTION 40.** 115.81 (3) (a) of the statutes is amended to read:

11 115.81 (3) (a) Whenever a county department recommends to a court that a
12 child be placed in a ~~child-caring institution~~ residential care center for children and
13 youth or whenever a state agency anticipates placing a child in a ~~child-caring~~
14 ~~institution~~ residential care center for children and youth, the county department or
15 state agency shall notify the responsible local educational agency.

History: 1997 a. 164, 237, 252.

16 **SECTION 41.** 115.81 (3) (b) 2. b. of the statutes is amended to read:

17 115.81 (3) (b) 2. b. If the responsible local educational agency has reasonable
18 cause to believe that the child is a child with a disability, appoint an individualized
19 education program team to conduct an evaluation of the child under s. 115.782. The
20 responsible local educational agency may include appropriately licensed staff of the
21 ~~child-caring institution~~ residential care center for children and youth in the team if
22 that staff is available. The individualized education program team shall conduct the
23 evaluation. If the individualized education program team determines that the child
24 is a child with a disability, the individualized education program team, in

1 consultation with a county department or a state agency, as appropriate, shall
2 develop an individualized education program and an educational placement offer.

~~11/8~~ History: 1997 a. 164, 237, 252.

SECTION 42. 115.81 (4) (intro.) of the statutes is amended to read:

4 115.81 (4) RESPONSIBILITY FOR EDUCATIONAL PLACEMENT. (intro.) Whenever the
5 responsible local educational agency offers an educational placement in a ~~child~~
6 ~~earing institution~~ residential care center for children and youth under sub. (3) (b) 1.
7 or 2. b., all of the following apply:

History: 1997 a. 164, 237, 252.

8 **SECTION 43.** 115.81 (4) (a) 3. of the statutes is amended to read:

9 115.81 (4) (a) 3. While the child resides at a ~~child-earing institution~~ residential
10 care center for children and youth, appoint an individualized education program
11 team to conduct reevaluations of the child in the manner provided under s. 115.782
12 (4).

History: 1997 a. 164, 237, 252.

13 **SECTION 44.** 115.81 (4) (a) 4. of the statutes is amended to read:

14 115.81 (4) (a) 4. While the child resides at a ~~child-earing institution~~ residential
15 care center for children and youth, after consulting with the ~~child-earing institution~~
16 residential care center for children and youth and a county department or a state
17 agency, as appropriate, refer the child to another local educational agency if the
18 responsible local educational agency determines that the child's special education
19 needs may be appropriately served in a less restrictive setting in the other local
20 educational agency.

History: 1997 a. 164, 237, 252.

21 **SECTION 45.** 115.81 (4) (a) 5. of the statutes is amended to read:

22 115.81 (4) (a) 5. If the child is leaving the ~~child-earing institution~~ residential
23 care center for children and youth, assign staff or an individualized education

1 program team to develop a reintegration plan for the child in cooperation with a
2 county department and staff of the ~~child caring institution~~ residential care center for
3 children and youth.

History: 1997 a. 164, 237, 252.

4 **SECTION 46.** 115.81 (4) (b) 1. of the statutes is amended to read:

5 115.81 (4) (b) 1. Consider the child's educational needs when selecting a ~~child~~
6 ~~caring institution~~ residential care center for children and youth for the child.

History: 1997 a. 164, 237, 252.

7 **SECTION 47.** 115.81 (4) (b) 2. of the statutes is amended to read:

8 115.81 (4) (b) 2. In cooperation with the responsible local educational agency
9 and staff of the ~~child caring institution~~ residential care center for children and youth,
10 participate in the individualized education program team evaluation of the child and
11 the development of the individualized education program for the child.

History: 1997 a. 164, 237, 252.

12 **SECTION 48.** 115.81 (4) (b) 3. of the statutes is amended to read:

13 115.81 (4) (b) 3. Notify the local educational agency that will be responsible for
14 providing a free, appropriate public education to the child whenever the county
15 department or state agency anticipates removing the child from the ~~child caring~~
16 ~~institution~~ residential care center for children and youth.

History: 1997 a. 164, 237, 252.

17 **SECTION 49.** 115.81 (4) (b) 4. of the statutes is amended to read:

18 115.81 (4) (b) 4. In cooperation with the responsible local educational agency
19 and staff of the ~~child caring institution~~, develop a reintegration plan for the child if
20 the child is leaving the ~~child caring institution~~ residential care center for children
21 and youth.

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History: 1997 a. 164, 237, 252.

22 **SECTION 50.** 115.81 (4) (b) 5. of the statutes is amended to read:

1 115.81 (4) (b) 5. Pay all of the ~~child-caring institution~~ residential care center
2 for children and youth related costs of educating the child while the child resides in
3 the ~~child-caring institution~~ residential care center for children and youth.

History: 1997 a. 164, 237, 252.

4 **SECTION 51.** 146.82 (2) (a) 18m. of the statutes is amended to read:

5 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
6 or juvenile who has been placed in a foster home, treatment foster home, group home,
7 ~~child-caring institution~~ residential care center for children and youth, or a secured
8 correctional facility, including a placement under s. 48.205, 48.21, 938.205, or 938.21
9 or for whom placement in a foster home, treatment foster home, group home, ~~child~~
10 ~~caring institution~~ residential care center for children and youth, or secured
11 correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c),
12 or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under
13 s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an
14 agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1),
15 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a
16 permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4), 48.831
17 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, or to an agency that
18 placed the child or juvenile or arranged for the placement of the child or juvenile in
19 any of those placements and, by any of those agencies, to any other of those agencies
20 and, by the agency that placed the child or juvenile or arranged for the placement of
21 the child or juvenile in any of those placements, to the foster parent or treatment
22 foster parent of the child or juvenile or the operator of the group home, ~~child-caring~~

1 ~~institution~~ residential care center for children and youth, or secured correctional
2 facility in which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

History: 1979 c. 221; 1983 a. 398; 1985 a. 29, 241, 332, 340; 1987 a. 40, 70, 127, 215, 233, 380, 399; 1989 a. 31, 102, 334, 336; 1991 a. 39; 1993 a. 16, 27, 445, 479; 1995 a. 98, 169, 417; 1997 a. 35, 114, 231, 272, 292, 305; 1999 a. 32, 78, 83, 114, 151; s. 13.93 (1) (b).

3 **SECTION 52.** 252.15 (5) (a) 19. of the statutes is amended to read:

4 252.15 (5) (a) 19. If the test was administered to a child who has been placed
5 in a foster home, treatment foster home, group home, ~~child-caring institution~~
6 residential care center for children and youth, or secured correctional facility, as
7 defined in s. 938.02 (15m), including a placement under s. 48.205, 48.21, 938.205, or
8 938.21 or for whom placement in a foster home, treatment foster home, group home,
9 ~~child-caring institution~~ residential care center for children and youth, or secured
10 correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c),
11 or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under
12 s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an
13 agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1),
14 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a
15 permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4), 48.831
16 (4) (e), 938.355 (2e), or 938.38 regarding the child, or to an agency that placed the
17 child or arranged for the placement of the child in any of those placements and, by
18 any of those agencies, to any other of those agencies and, by the agency that placed
19 the child or arranged for the placement of the child in any of those placements, to the
20 child's foster parent or treatment foster parent or the operator of the group home,
21 ~~child-caring institution~~ residential care center for children and youth, or secured
22 correctional facility in which the child is placed, as provided in s. 48.371 or 938.371.

History: 1985 a. 29, 73, 120; 1987 a. 70 ss. 13 to 27, 36; 1987 a. 403 ss. 136, 256; 1989 a. 200; 1989 a. 201 ss. 11 to 25, 36; 1989 a. 298, 359; 1991 a. 269; 1993 a. 16 s. 2567; 1993 a. 27 ss. 332, 334, 337, 340, 342; Stats. 1993 s. 252.15; 1993 a. 32, 183, 190, 252, 395, 491; 1995 a. 27 ss. 6323, 9116 (5), 9126 (19); 1995 a. 77, 275; 1997 a. 54, 80, 156, 188; 1999 a. 9, 32, 79, 151, 162, 188; s. 13.93 (2) (c).

23 **SECTION 53.** 301.08 (1) (b) 3. of the statutes is amended to read:

1 301.08 (1) (b) 3. Contract with public, private[✓] or voluntary agencies for the
2 supervision, maintenance, and operation of secured correctional facilities, ~~child~~
3 ~~earing institutions~~ residential care centers for children and youth, as defined in s.
4 938.02 ~~(2e)~~ [✓] (15d), and secured child caring institutions for the placement of juveniles
5 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183
6 or 938.34 (4d), (4h), or (4m). The department may designate a secured correctional
7 facility, ~~child caring institution~~ residential care center for children and youth, or a
8 secured child caring institution contracted for under this subdivision as a Type 2
9 secured correctional facility, as defined in s. 938.02 (20), and may designate a ~~child~~
10 ~~earing institution~~ residential care center for children and youth or secured child
11 caring institution contracted for under this subdivision as a Type 2 child caring
12 institution, as defined in s. 938.02 (19r).

History: 1989 a. 31, 107; 1995 a. 27, 352; 1997 a. 27, 205, 237, 275, 283; 1999 a. 9, 185.

13 **SECTION 54.** 301.12 (14) (b) of the statutes is amended to read:

14 301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
15 of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the
16 parent's minor child who has been placed by a court order under s. 938.183, 938.355,
17 or 938.357 in a residential, nonmedical facility such as a group home, foster home,
18 treatment foster home, ~~child caring institution~~ residential care center for children
19 and youth, or juvenile correctional institution shall be determined by the court by
20 using the percentage standard established by the department of workforce
21 development under s. 49.22 (9) and by applying the percentage standard in the
22 manner established by the department under par. (g).

History: 1995 a. 27 ss. 6361, 9126 (19); 1995 a. 77; 1997 a. 237; 1999 a. 103.

23 **SECTION 55.** 301.26 (4) (d) 2. of the statutes is amended to read:

1 301.26 (4) (d) 2. Beginning on July 1, 1999, and ending on December 31, 1999,
2 the per person daily cost assessment to counties shall be \$153.01 for care in a Type 1
3 secured correctional facility, as defined in s. 938.02 (19), \$153.01 for care for juveniles
4 transferred from a juvenile correctional institution under s. 51.35 (3), \$183.72 for
5 care in a ~~child caring institution, including a secured child caring institution~~
6 residential care center for children and youth, \$118.93 for care in a group home for
7 children, \$26.17 for care in a foster home, \$75.37 for care in a treatment foster home,
8 \$72.66 for departmental corrective sanctions services, and \$19.76 for departmental
9 aftercare services.

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32.

10 **SECTION 56.** 301.26 (4) (d) 3. of the statutes is amended to read:

11 301.26 (4) (d) 3. In calendar year 2000, the per person daily cost assessment
12 to counties shall be \$153.55 for care in a Type 1 secured correctional facility, as
13 defined in s. 938.02 (19), \$153.55 for care for juveniles transferred from a juvenile
14 correctional institution under s. 51.35 (3), \$187.21 for care in a ~~child caring~~
15 ~~institution, including a secured child caring institution~~ residential care center for
16 children and youth, \$121.19 for care in a group home for children, \$26.67 for care in
17 a foster home, \$76.80 for care in a treatment foster home, \$74.68 for departmental
18 corrective sanctions services, and \$19.15 for departmental aftercare services.

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32.

19 **SECTION 57.** 301.26 (4) (d) 4. of the statutes is amended to read:

20 301.26 (4) (d) 4. Beginning on January 1, 2001, and ending on June 30, 2001,
21 the per person daily cost assessment to counties shall be \$154.08 for care in a Type 1
22 secured correctional facility, as defined in s. 938.02 (19), \$154.08 for care for juveniles
23 transferred from a juvenile correctional institution under s. 51.35 (3), \$190.70 for
24 care in a ~~child caring institution, including a secured child caring institution~~

1 residential care center for children and youth, \$123.45 for care in a group home for
2 children, \$27.16 for care in a foster home, \$78.23 for care in a treatment foster home,
3 \$76.71 for departmental corrective sanctions services, and \$18.62 for departmental
4 aftercare services.

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32.

5 **SECTION 58.** 767.29 (3) (b) of the statutes is amended to read:

6 767.29 (3) (b) If a child who is the beneficiary of support under a judgment or
7 order is placed by court order in a ~~child caring institution~~ residential care center for
8 children and youth, juvenile correctional institution, or state mental institution, the
9 right of the child to support during the period of the child's confinement, including
10 any right to unpaid support accruing during that period, is assigned to the state. If
11 the judgment or order providing for the support of a child who is placed in a child
12 caring ~~institution~~ residential care center [✓] for children and youth, juvenile
13 correctional institution, or state mental institution includes support for one or more
14 other children, the support that is assigned to the state shall be the proportionate
15 share of the child center or ~~placed in the institution~~, except as otherwise ordered by the court
16 or family court commissioner on the motion of a party.

History: 1971 c. 41 s. 12; Sup. Ct. Order, 67 Wis. 2d 585, 775 (1975); 1975 c. 82, 200; 1975 c. 401 s. 4; 1977 c. 105 s. 59; 1977 c. 271, 418, 447; 1979 c. 32 ss. 50, 92 (4);
1979 c. 257 s. 17; Stats. 1979 s. 767.29; 1981 c. 20 s. 2202 (20) (m); 1983 a. 27, 302; 1985 a. 29, 176; 1991 a. 39; 1993 a. 481; 1995 a. 27 ss. 7104tm, 9126 (19), 9130 (4); 1995
a. 77, 279, 289, 404; 1997 a. 27, 35, 105, 191, 252; 1999 a. 9.

17 **SECTION 59.** 938.02 (2c) of the statutes is renumbered 938.02 (15d) and
18 amended to read:

19 938.02 (15d) "~~Child caring institution~~" "Residential care center for children
20 and youth" means a facility operated by a child welfare agency licensed under s.
21 48.60 for the care and maintenance of persons residing in that facility.

History: 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162.

22 **SECTION 60.** 938.02 (15g) of the statutes is amended to read:

1 938.02 (15g) "Secured child caring institution" means a ~~child caring institution~~
2 residential care center for children and youth operated by a child welfare agency that
3 is licensed under s. 48.66 (1) (b) to hold in secure custody persons adjudged
4 delinquent.

5 History: 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162.

6 **SECTION 61.** 938.02 (19r) of the statutes is amended to read:

7 938.02 (19r) "Type 2 child caring institution" means a ~~child caring institution~~
8 residential care center for children and youth that is designated by the department
9 to provide care and maintenance for juveniles who have been placed in the ~~child~~
10 ~~caring institution~~ residential care center for children and youth under the
11 supervision of a county department under s. 938.34 (4d).

12 History: 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162.

13 **SECTION 62.** 938.08 (3) (a) 1. of the statutes is amended to read:

14 938.08 (3) (a) 1. If they are in prompt pursuit of a juvenile who has run away
15 from a secured correctional facility, a ~~child caring institution~~ residential care center
16 for children and youth, or a secured group home.

17 History: 1995 a. 77, 352; 1997 a. 205; 1999 a. 9.

18 **SECTION 63.** 938.08 (3) (a) 2. of the statutes is amended to read:

19 938.08 (3) (a) 2. If the juvenile has failed to return to a secured correctional
20 facility, a ~~child caring institution~~ residential care center for children and youth, or
21 a secured group home after any authorized absence.

22 History: 1995 a. 77, 352; 1997 a. 205; 1999 a. 9.

23 **SECTION 64.** 938.08 (3) (b) of the statutes is amended to read:

24 938.08 (3) (b) A juvenile who is taken into custody under par. (a) may be
25 returned directly to the secured correctional facility, ~~child caring institution~~
26 residential care center for children and youth, or secured group home and shall have

1 a hearing regarding placement in a disciplinary cottage or in disciplinary status in
2 accordance with ch. 227.

3 History: 1995 a. 77, 352; 1997 a. 205; 1999 a. 9.

3 SECTION 65. 938.33 (4) (intro.) of the statutes is amended to read:

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

10 History: 1995 a. 77, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9.

10 SECTION 66. 938.34 (3) (d) of the statutes is amended to read:

11 938.34 (3) (d) A child caring institution residential care center for children and
12 youth licensed under s. 48.60.

13 History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185.

13 SECTION 67. 938.34 (5) (am) of the statutes is amended to read:

14 938.34 (5) (am) Subject to par. (c), order a juvenile who owes restitution under
15 par. (a) and who is receiving income while placed in a secured correctional facility,
16 residential treatment center residential care center for children and youth, or other
17 out-of-home placement to contribute a stated percentage of that income towards
18 that restitution.

19 History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185.

NOTE: This SECTION change the term "residential treatment center" to
"residential care center for children and youth" to describe a facility operated by a
licensed child welfare agency for the care and maintenance of children residing in that
facility.

19 SECTION 68. 938.371 (1) of the statutes is amended to read:

20 938.371 (1) If a juvenile is placed in a foster home, treatment foster home,
21 group home, child caring institution residential care center for children and youth,

plain

1 or secured correctional facility, including a placement under s. 938.205 or 938.21, the
2 agency, as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the
3 placement of the juvenile shall provide the following information to the foster parent,
4 treatment foster parent, or operator of the group home, ~~child-caring institution~~
5 residential care center for children and youth, or secured correctional facility at the
6 time of placement or, if the information has not been provided to the agency by that
7 time, as soon as possible after the date on which the agency receives that
8 information, but not more than 2 working days after that date:

9 (a) Results of a test or a series of tests of the juvenile to determine the presence
10 of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an
11 antibody to HIV, as provided under s. 252.15 (5) (a) 19., including results included
12 in a court report or permanency plan. At the time that the test results are provided,
13 the agency shall notify the foster parent, treatment foster parent, or operator of the
14 group home, ~~child-caring institution~~ residential care center for children and youth,
15 or secured correctional facility of the confidentiality requirements under s. 252.15
16 (6).

17 (b) Results of any tests of the juvenile to determine the presence of viral
18 hepatitis, type B, including results included in a court report or permanency plan.
19 The foster parent, treatment foster parent, or operator of a group home, ~~child-caring~~
20 ~~institution~~ residential care center for children and youth, or secured correctional
21 facility receiving information under this paragraph shall keep the information
22 confidential.

23 (c) Any other medical information concerning the juvenile that is necessary for
24 the care of the juvenile. The foster parent, treatment foster parent, or operator of a
25 group home, ~~child-caring institution~~ residential care center for children and youth,

1 or secured correctional facility receiving information under this paragraph shall
2 keep the information confidential.

History: 1995 a. 77, 275, 352; 1997 a. 35, 272; 1999 a. 32.

3 **SECTION 69.** 938.371 (3) (intro.) of the statutes is amended to read:

4 938.371 (3) (intro.) At the time of placement of a juvenile in a foster home,
5 treatment foster home, group home, ~~child caring institution~~ residential care center
6 for children and youth, or secured correctional facility or, if the information is not
7 available at that time, as soon as possible after the date on which the court report
8 or permanency plan has been submitted, but no later than 7 days after that date, the
9 agency, as defined in s. 938.38 (1) (a), responsible for preparing the juvenile's
10 permanency plan shall provide to the foster parent, treatment foster parent, or
11 operator of the group home, ~~child caring institution~~ residential care center for
12 children and youth, or secured correctional facility information contained in the
13 court report submitted under s. 938.33 (1) or 938.365 (2g) or permanency plan
14 submitted under s. 938.355 (2e) or 938.38 relating to findings or opinions of the court
15 or agency that prepared the court report or permanency plan relating to any of the
16 following:

History: 1995 a. 77, 275, 352; 1997 a. 35, 272; 1999 a. 32.

17 **SECTION 70.** 938.371 (3) (a) of the statutes is amended to read:

18 938.371 (3) (a) Any mental, emotional, cognitive, developmental, or behavioral
19 disability of the juvenile. The foster parent, treatment foster parent, or operator of
20 a group home, ~~child caring institution~~ residential care center for children and youth,
21 or secured correctional facility receiving information under this subsection shall
22 keep the information confidential.

History: 1995 a. 77, 275, 352; 1997 a. 35, 272; 1999 a. 32.

23 **SECTION 71.** 938.371 (3) (b) of the statutes is amended to read:

1 938.371 (3) (b) Any involvement of the juvenile in any criminal gang, as defined
2 in s. 939.22 (9), or in any other group in which any child was traumatized as a result
3 of his or her association with that group. The foster parent, treatment foster parent,
4 or operator of a group home, ~~child-caring institution~~ residential care center for
5 children and youth, or secured correctional facility receiving information under this
6 paragraph shall keep the information confidential.

History: 1995 a. 77, 275, 352; 1997 a. 35, 272; 1999 a. 32.

7 **SECTION 72.** 938.371 (3) (c) of the statutes is amended to read:

8 938.371 (3) (c) Any involvement of the juvenile in any activities that are
9 harmful to the juvenile's physical, mental, or moral well-being. The foster parent,
10 treatment foster parent, or operator of a group home, ~~child-caring institution~~
11 residential care center for children and youth, or secured correctional facility
12 receiving information under this paragraph shall keep the information confidential.

History: 1995 a. 77, 275, 352; 1997 a. 35, 272; 1999 a. 32.

13 **SECTION 73.** 938.371 (3) (d) of the statutes is amended to read:

14 938.371 (3) (d) Any involvement of the juvenile, whether as victim or
15 perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02,
16 or 948.025, prostitution in violation of s. 944.30, sexual exploitation of a child in
17 violation of s. 948.05, or causing a child to view or listen to sexual activity in violation
18 of s. 948.055, if the information is necessary for the care of the juvenile or for the
19 protection of any person living in the foster home, treatment foster home, group
20 home, ~~child-caring institution~~ residential care center for children and youth, or
21 secured correctional facility. The foster parent, treatment foster parent, or operator
22 of a group home, ~~child-caring institution~~ residential care center for children and

1 youth, or secured correctional facility receiving information under this paragraph
2 shall keep the information confidential.

History: 1995 a. 77, 275, 352; 1997 a. 35, 272; 1999 a. 32.

3 SECTION 74. 938.38 (2) (intro.) of the statutes is amended to read:

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

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

11 SECTION 75. 938.51 (1d) (intro.) of the statutes is amended to read:

12 938.51 (1d) (intro.) At least 15 days prior to the release from a nonsecured ~~child~~ ✓
13 ~~earing institution~~ residential care center for children and youth of a juvenile who has
14 either been adjudicated delinquent under s. 48.12, 1993 stats., or s. 938.12 or been
15 found to be in need of protection or services under s. 48.13 (12), 1993 stats., or s.
16 938.13 (12) and who has been found to have committed a violation of ch. 940 or of s.
17 948.02, 948.025, or 948.03, and at least 15 days prior to the release from a nonsecured ✓
18 ~~child earing institution~~ residential care center for children and youth of a juvenile
19 who has been found to be in need of protection or services under s. 48.13 (14), 1993
20 stats., or s. 938.13 (14), the department or county department having supervision
21 over the juvenile shall notify all of the following persons of the juvenile's release:

History: 1995 a. 77, 352; 1997 a. 181, 207; 1999 a. 9, 32, 186.

22 SECTION 76. 938.51 (4) (intro.) of the statutes is amended to read:

23 938.51 (4) (intro.) If a juvenile described in sub. (1), (1d), or (1g) escapes from
24 a secured correctional facility, ~~child earing institution~~ residential care center for

1 children and youth, secured group home, inpatient facility, secure detention facility,
 2 or juvenile portion of a county jail, or from the custody of a peace officer or a guard
 3 of such a facility, ~~institution center~~, home, or jail, or has been allowed to leave a
 4 secured correctional facility, ~~child caring institution~~ residential care center for
 5 children and youth, secured group home, inpatient facility, secure detention facility,
 6 or juvenile portion of a county jail for a specified period of time and is absent from
 7 the facility, ~~institution center~~, home, or jail for more than 12 hours after the
 8 expiration of the specified period, as soon as possible after the department or county
 9 department having supervision over the juvenile discovers that escape or absence,
 10 that department or county department shall make a reasonable attempt to notify by
 11 telephone all of the following persons:

History: 1995 a. 77, 352; 1997 a. 181, 207; 1999 a. 9, 32, 186.

12 **SECTION 77.** 938.538 (3) (a) 1p. of the statutes is amended to read:

13 938.538 (3) (a) 1p. Alternate care, including placement in a foster home,
 14 treatment foster home, group home, ~~child caring institution~~ residential care center
 15 for children and youth, or secured child caring institution.

History: 1995 a. 77, 352; 1997 a. 27, 35.

16 **SECTION 78.** 938.539 (5) of the statutes is amended to read:

17 938.539 (5) With respect to a juvenile who is placed in a ~~child caring institution~~
 18 residential care center for children and youth or a secured ~~child caring institution~~ plain
 19 under s. 938.34 (4d) or 938.357 (4) (a) or in a less restrictive placement under s.
 20 938.357 (4) (c), the child welfare agency operating the ~~child caring institution~~ plain
 21 residential care center for children and youth or secured ~~child caring institution~~ in
 22 which the juvenile is placed, and the person operating any less restrictive placement
 23 in which the juvenile is placed, shall operate that ~~child caring institution~~ residential
 24 care center for children and youth, secured child caring institution, or less restrictive

1 placement as a Type 2 child caring institution or a Type 2 secured correctional
 2 facility. This subsection does not preclude a child welfare agency or other person
 3 from placing in a ~~child caring institution~~ residential care center for children and
 4 youth, secured child caring institution, or less restrictive placement in which a
 5 juvenile is placed under s. 938.34 (4d) or 938.357 (4) (a) or (c) a juvenile who is not
 6 placed under s. 938.34 (4d) or 938.357 (4) (a) or (c).

History: 1995 a. 352.

7 **SECTION 79.** 938.57 (3) (a) 4. of the statutes is amended to read:
 8 938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home
 9 ~~or child caring institution,~~ or residential care center for children and youth.

History: 1995 a. 77; 1997 a. 27, 35; 1999 a. 9.

10 **SECTION 80.** 938.78 (3) of the statutes is amended to read:
 11 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
 12 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
 13 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
 14 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
 15 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
 16 (a), 943.23 (1g), (1m), or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,
 17 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a
 18 secured correctional facility, ~~child caring institution~~ residential care center for
 19 children and youth, secured group home, inpatient facility, as defined in s. 51.01 (10),
 20 secure detention facility, or juvenile portion of a county jail, or from the custody of
 21 a peace officer or a guard of such a facility, ~~institution center,~~ or jail, or has been
 22 allowed to leave a secured correctional facility, ~~child caring institution~~ residential
 23 care center for children and youth, secured group home, inpatient facility, secure
 24 detention facility, or juvenile portion of a county jail for a specified time period and

1 is absent from the facility, ~~institution center~~, home, or jail for more than 12 hours
 2 after the expiration of the specified period, the department or county department
 3 having supervision over the juvenile may release the juvenile's name and any
 4 information about the juvenile that is necessary for the protection of the public or to
 5 secure the juvenile's return to the facility, ~~institution center~~, home, or jail. The
 6 department of corrections shall promulgate rules establishing guidelines for the
 7 release of the juvenile's name or information about the juvenile to the public.

History: 1993 a. 27 s. 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283; 1999 a. 9.

8 **SECTION 81. 940.295 (2) (m)** of the statutes is amended to read:

9 **940.295 (2) (m)** ~~An institution~~ A residential care center for children and youth
 10 operated by a child welfare agency licensed under s. 48.60 or an institution operated
 11 by a public agency for the care of neglected, dependent, [✓]or delinquent children.

History: 1993 a. 445; 1995 a. 225; 1997 a. 180; 1999 a. 9.

NOTE: This SECTION eliminates a vague reference to an "institution" operated by a child welfare agency and replaces that vague reference with a specific reference to a "residential care center for children and ~~adults~~" operated by a child welfare agency, which is the legally defined and professionally accepted term for a facility operated by a child welfare agency for the care and maintenance of children.

12

(A) (END) (A)

youth

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1290/P1dn

GMM.....
kmg

Nick:

In reviewing this draft, please note all of the following:

✓
✓
✓ 1. That the draft does *not* change the numerous references in the statutes to a “*secured child caring institution*” (secured CCI) because it appears that DOC’s intent is to *not* make that change, despite the fact that DOC specified only that they do not want to change references to a “*Type 2 child caring institution*” (Type 2 CCI) and was silent as to their intent with respect to *secured* CCIs. DOC’s oversight with respect to secured CCIs is understandable in that those facilities exist only on paper; to date no child welfare agency has applied for a license to operate a secured CCI. Accordingly, for the sake of consistency, I interpreted DOC’s instructions with respect to Type 2 CCIs to apply equally to secured CCIs.

2. That, in addition to amending all references to “child caring institution,” the draft also amends several provisions that refer to a child welfare agency to clarify that those provisions actually refer to a residential care center for children and youth *operated by* a child welfare agency. See ss. 46.03 (22) (a), 48.60 (4) (b) and (5) (a) (intro.), 48.615 (1) (a), 48.68 (2), (3), and (4), 48.745 (1), (2), and (3), 70.11 (19), and 940.295 (2) (m). In all of those provisions, it is obvious from the context that the provision is talking about the child welfare agency in its capacity as an operator of a residential care center for children and youth and not in its capacity as a child-placing agency.

That 3. ~~Indeed~~, if DHFS only applies the sanctions and penalties specified in s. 48.715 to a child welfare agency in its capacity as an operator of a residential care center for children and adults, DHFS might also want to amend that section to make a similar clarification. If so, please advise and I will make those additional changes.

If you have any questions about this draft, please do not hesitate to contact me at the e-mail address or phone number captioned below.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1290/P1dn
GMM:kmg:jf

February 6, 2001

Nick:

In reviewing this draft, please note all of the following:

1. That the draft does *not* change the numerous references in the statutes to a “*secured child caring institution*” (secured CCI) because it appears that DOC’s intent is to *not* make that change, despite the fact that DOC specified only that they do not want to change references to a “*Type 2 child caring institution*” (Type 2 CCI) and was silent as to their intent with respect to *secured* CCIs. DOC’s oversight with respect to *secured* CCIs is understandable in that those facilities exist only on paper; to date no child welfare agency has applied for a license to operate a *secured* CCI. Accordingly, for the sake of consistency, I interpreted DOC’s instructions with respect to Type 2 CCIs to apply equally to *secured* CCIs.
2. That, in addition to amending all references to “child caring institution,” the draft also amends several provisions that refer to a child welfare agency to clarify that those provisions actually refer to a residential care center for children and youth *operated by* a child welfare agency. See ss. 46.03 (22) (a), 48.60 (4) (b) and (5) (a) (intro.), 48.615 (1) (a), 48.68 (2), (3), and (4), 48.745 (1), (2), and (3), 70.11 (19), and 940.295 (2) (m). In all of those provisions, it is obvious from the context that the provision is talking about the child welfare agency in its capacity as an operator of a residential care center for children and youth and not in its capacity as a child-placing agency.
3. That indeed, if DHFS only applies the sanctions and penalties specified in s. 48.715 to a child welfare agency in its capacity as an operator of a residential care center for children and adults, DHFS might also want to amend that section to make a similar clarification. If so, please advise and I will make those additional changes.

If you have any questions about this draft, please do not hesitate to contact me at the e-mail address or phone number captioned below.

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

Kennedy, Debora

From: Letzing, Rachel
Sent: Thursday, September 20, 2001 8:48 AM
To: Kennedy, Debora
Subject: FW: LRB 1290/P1 (law revision)



Remedial_tech
DCFS to leg coun...

Hi Debora,
I hope it isn't too late to forward this amendment from DHFS, which they requested at the law revision meeting and the committee approved. Sorry for any inconvenience this may cause. Thanks again.

Rachel E. Letzing
Legislative Council Staff
(608) 266-3370
rachel.letzing@legis.state.wi.us

-----Original Message-----

From: Pederson, Russell
Sent: Wednesday, September 19, 2001 12:05 PM
To: Letzing, Rachel
Subject: LRB 1290/P1

Rachel,

Per my request yesterday to make modification to this draft, I have forwarded a brief explanation for the request - which I understood to be approved. In addition to that issue, there are two additional reference we suggest be made to the new term and one to maintain the term "treatment" to reflect current practice.

Please let me know if these are acceptable.

Thanks,

Russ

Comments on Preliminary Draft of LRB-1290/P1

Retain Reference to "Treatment" Center

✓ Pg. 6: Line 1: delete change, keep current language at s.48.345(3)(d)

Rationale: While the proposed change from "treatment center" to "residential care center for children and youth" is technically correct, the Department prefers to retain the reference to a facility licensed under s. 48.60 as a "treatment center. This statutory reference to "treatment" is significant and such centers provide treatment as well as care and maintenance for children in residence.

✓ Pg. 26: Line 13: delete change, keep current language at s. 938.34(5)(am)

Rationale: The Department prefers to retain the statutory reference to "treatment" center (see above).

✓ Children Placed through the Interstate Compact (as I requested at the Public Hearing)

Pg. 9: Lines 18, 19: delete changes, keep current language at s. 48.60(4)(b)
Delete note after line 21

Rationale: A child welfare agency may be providing care and maintenance for a child in a foster or treatment foster care home that it licenses when a child is placed with the child welfare agency through the interstate compact on the placement of children under s. 48.988. This may have potential fiscal implications for local school districts relative to the education of children from other states who are placed in Wisconsin through the interstate compact with Wisconsin child welfare agencies.

48.988(2)(b)

✓ Child Abuse and Neglect

Pg. 13: Insert reference - s. 48. 981

Line 13: insert "residential care center for children and youth" after "day care center"

Rationale: Including this reference maintains the current requirement that child care workers of a residential care center for children and youth themselves are mandatory reporters of child abuse and neglect. Child care workers provide most of the direct care and supervision of the children and youth at a residential care center and have the most frequent and continuous contact with the children. Because of this, child care staff may be the most likely to observe any alleged child abuse or neglect incidents involving residents. By inserting this reference child care workers would continue to be mandatory reporters and independently reports such allegations to the child protective services agency.