

2001 ASSEMBLY BILL 488

1 **AN ACT** *to repeal* 48.48 (7); *to amend* 48.02 (7), 48.371 (3) (intro.), 48.38 (2) (d),
2 48.38 (5) (a), 48.48 (3), 48.57 (1) (b), 48.57 (3n) (am) 6. c., 48.60 (2) (d), 48.62 (3),
3 48.625 (1), 48.625 (3), 48.63 (1), 48.64 (1), 48.64 (1r), 48.78 (1), 48.981 (2), 146.82
4 (2) (a) 18m., 252.15 (5) (a) 19., 938.355 (1), 938.38 (2) (d) and 938.38 (5) (a); and
5 **to create** 20.435 (3) (f), 46.997, 48.345 (3) (cm), 48.38 (2) (g), 48.619, 48.625
6 (1m), 48.63 (5) and 938.34 (3) (cm) of the statutes; **relating to:** placement of a
7 child who is a custodial parent or an expectant mother in a safe and structured
8 living arrangement in which the child is provided with training in parenting
9 skills and other skills to promote the child's long-term economic independence
10 and the well-being of the child's child, grants for the provision of such living

ASSEMBLY BILL 488

1 arrangements and related services, granting rule-making authority, and
2 making an appropriation.

Analysis by the Legislative Reference Bureau

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

3 **SECTION 1d.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
4 insert the following amounts for the purposes indicated:

5 **2001-02** **2002-03**

6 **20.435 Health and family services, department**

7 **of**

8 (3) CHILDREN AND FAMILY SERVICES

9 (f) Second-chance homes GPR A -0- -0-

10 **SECTION 1g.** 20.435 (3) (f) of the statutes is created to read:

11 20.435 (3) (f) *Second-chance homes.* The amounts in the schedule for grants
12 for 2nd-chance homes under s. 46.997 (2) (a) and for an evaluation of that grant
13 program under s. 46.997 (4). Notwithstanding s. 20.001 (3) (a) and 20.002 (1), the
14 department shall transfer from this appropriation account to the appropriation
15 account for the department of workforce development under s. 20.445 (3) (dz) all
16 funds allocated under s. 46.997 (2) (a) and (4) but unexpended by June 30 of each
17 year.

18 **SECTION 2.** 46.997 of the statutes is created to read:

19 **46.997 Second-chance homes. (1) DEFINITIONS.** In this section:

ASSEMBLY BILL 488

1 (ad) “Cultural competency” means the ability of an individual or private agency
2 to understand and act respectfully toward, in a cultural context, the beliefs,
3 interpersonal styles, attitudes, and behaviors of persons and families of various
4 cultures, including persons and families of various cultures who participate in
5 services from the individual or private agency and persons of various cultures who
6 provide services for the individual or private agency.

7 (ag) “Eligible person” means a person 14 years of age or over, but under 21 years
8 of age, who is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant
9 mother, has an income, not including the income of the person’s parent, guardian, or
10 legal custodian, that is at or below 200% of the poverty line, as defined in s. 49.001
11 (5), and who, at the time of referral for services under a program funded under this
12 section, meets any of the following requirements:

13 1. Is a child and is homeless, receiving inadequate care, living in an unsafe or
14 unstable living environment, or otherwise in need of a safe and structured living
15 arrangement.

16 2. Is a child and meets one or more of the criteria specified in s. 48.13, 938.12,
17 or 938.13 or would be at risk of meeting one or more of those criteria if the child were
18 not placed in a 2nd–chance home.

19 (b) “Private agency” means an organization operated for profit or a nonstock
20 corporation organized under ch. 181 that is a nonprofit corporation, as defined in s.
21 181.0103 (17).

22 (c) “Second–chance home” means a group home described in s. 48.625 (1m).

23 **(2) AWARDING OF GRANTS.** (a) From the appropriation under s. 20.435 (3) (f), the
24 department shall distribute not more than \$0 in each fiscal year as grants to private
25 agencies to provide 2nd–chance homes and related services to eligible persons who

ASSEMBLY BILL 488**SECTION 2**

1 are placed under s. 48.63 (5) in 2nd-chance homes operated by those private
2 agencies. A private agency that is awarded a grant under this paragraph may use
3 the amount awarded under the grant to provide care and maintenance to eligible
4 persons who are placed under s. 48.63 (5) in a 2nd-chance home operated by the
5 private agency; provide services, including the services specified in sub. (3), to
6 eligible persons who currently are or formerly were placed under s. 48.63 (5) in the
7 2nd-chance home, to the children and families of those eligible persons, and to the
8 noncustodial parents of the children of those eligible persons; and, in the first year
9 of the grant period, pay for the start-up costs, other than capital costs, of the private
10 agency's program funded under this paragraph.

11 (b) The department of health and family services shall award the grants under
12 par. (a) on a competitive basis and according to request-for-proposal procedures that
13 the department of health and family services shall prescribe in consultation with the
14 department of workforce development, the adolescent pregnancy prevention and
15 pregnancy services board, local health departments, as defined in s. 250.01 (4), and
16 other providers of services to eligible persons. Those request-for-proposal
17 procedures shall include a requirement that a private agency that applies for a grant
18 under par. (a) include in its grant application proof that the private agency has the
19 cultural competency to provide services under the grant to persons and families in
20 the various cultures in the private agency's target population and that cultural
21 competency is incorporated in the private agency's policies, administration, and
22 practices. In awarding the grants under par. (a), the department of health and family
23 services shall consider the need for those grants to be distributed both on a statewide
24 basis and in the areas of the state with the greatest need for 2nd-chance homes and
25 the need to provide placements for children who are voluntarily placed in a

ASSEMBLY BILL 488

1 2nd-chance home as well as for children who are placed in a 2nd-chance home by
2 court order.

3 (c) A private agency that is awarded a grant under par. (a) shall contribute
4 matching funds equal to 25% of the amount awarded under the grant. The match
5 may be in the form of money or in the form of both money and in-kind services, but
6 may not be in the form of in-kind services only.

7 (d) A private agency that is awarded a grant under par. (a) may use no more
8 than 15% of the amount awarded under the grant to pay for administrative costs
9 associated with the program funded under the grant.

10 (e) A grant under par. (a) shall be awarded for a 3-year period, except that
11 annually the department shall review the performance of a private agency that is
12 awarded a grant based on performance criteria that the department shall prescribe
13 and may discontinue a grant to a private agency whose performance is not
14 satisfactory to the department based on those criteria.

15 **(3) PROGRAM REQUIREMENTS.** A private agency that receives a grant under sub.
16 (2) (a) shall do all of the following:

17 (a) Operate a 2nd-chance home for the care and maintenance of eligible
18 persons who are children, as defined in s. 48.619.

19 (b) Maintain a community-wide network for referring eligible persons to the
20 private agency's program funded under the grant.

21 (c) Ensure that an eligible person receiving services from the private agency's
22 program funded under the grant is enrolled in a secondary school or its vocational
23 or technical equivalent or in a college or technical college or is working, unless the
24 director of the private agency determines that there is good cause for the eligible
25 person not to be so enrolled or working.

ASSEMBLY BILL 488**SECTION 2**

1 (d) Ensure that an eligible person receiving services from the private agency's
2 program is provided with intake, assessment, case planning, and case management
3 services; skills development training in the areas of economic self-sufficiency,
4 parenting, independent living, and life choice decision making; prenatal and other
5 health care services, including, if necessary, mental health and alcohol and other
6 drug abuse services; child care; and transportation.

7 **(4) EVALUATION.** From the appropriation under s. 20.435 (3) (f), the department
8 shall conduct or shall select an evaluator to conduct an evaluation of the grant
9 program under this section and, by June 1 of the 3rd calendar year beginning after
10 the year in which the first grant under this section is awarded, shall submit a report
11 on that evaluation to the governor and to the appropriate standing committees under
12 s. 13.172 (3). The evaluation shall measure the economic self-sufficiency, parenting
13 skills, independent living skills, and life choice decision-making skills of the eligible
14 persons who received services under the program and any other criteria that the
15 department determines to be appropriate for evaluation.

16 **SECTION 3.** 48.02 (7) of the statutes is amended to read:

17 48.02 (7) "Group home" means any facility operated by a person required to be
18 licensed by the department under s. 48.625 for the care and maintenance of 5 to 8
19 children, as provided in s. 48.625 (1).

20 **SECTION 13.** 48.345 (3) (cm) of the statutes is created to read:

21 48.345 (3) (cm) A group home described in s. 48.625 (1m) if the child is at least
22 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant
23 mother, is receiving inadequate care, and is in need of a safe and structured living
24 arrangement.

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

ASSEMBLY BILL 488

1 48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment
2 foster home, group home or child caring institution or, if the information is not
3 available at that time, as soon as possible after the date on which the court report
4 or permanency plan has been submitted, but no later than 7 days after that date, the
5 agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency
6 plan shall provide to the foster parent, treatment foster parent or operator of the
7 group home or child caring institution information contained in the court report
8 submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or
9 permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63
10 (4) or (5) (c) or 48.831 (4) (e) relating to findings or opinions of the court or agency that
11 prepared the court report or permanency plan relating to any of the following:

12 **SECTION 15.** 48.38 (2) (d) of the statutes is amended to read:

13 48.38 (2) (d) The child was placed under a voluntary agreement between the
14 agency and the child's parent under s. 48.63 (1) or (5) (b).

15 **SECTION 16.** 48.38 (2) (g) of the statutes is created to read:

16 48.38 (2) (g) The child's parent is placed in a foster home, treatment foster
17 home, group home, child-caring institution, secure detention facility, or shelter care
18 facility and the child is residing with that parent.

19 **SECTION 17.** 48.38 (5) (a) of the statutes is amended to read:

20 48.38 (5) (a) The Except as provided in s. 48.63 (5) (d), the court or a panel
21 appointed under this paragraph shall review the permanency plan every 6 months
22 from the date on which the child was first held in physical custody or placed outside
23 of his or her home. If the court elects not to review the permanency plan, the court
24 shall appoint a panel to review the permanency plan. The panel shall consist of 3
25 persons who are either designated by an independent agency that has been approved

ASSEMBLY BILL 488**SECTION 17**

1 by the chief judge of the judicial administrative district or designated by the agency
2 that prepared the permanency plan. A voting majority of persons on each panel shall
3 be persons who are not employed by the agency that prepared the permanency plan
4 and who are not responsible for providing services to the child or the parents of the
5 child whose permanency plan is the subject of the review.

6 **SECTION 18.** 48.48 (3) of the statutes is amended to read:

7 48.48 (3) To accept guardianship of children when appointed by the court, and
8 to provide special treatment and or care when directed by the court. A court may not
9 direct the department to administer psychotropic medications to children who
10 receive special treatment or care under this subsection.

11 **SECTION 19.** 48.48 (7) of the statutes is repealed.

12 **SECTION 20.** 48.57 (1) (b) of the statutes is amended to read:

13 48.57 (1) (b) To accept legal custody of children transferred to it by the court
14 under s. 48.355, to accept supervision over expectant mothers of unborn children who
15 are placed under its supervision under s. 48.355 and to provide special treatment and
16 or care for children and expectant mothers if ordered by the court. A court may not
17 order a county department to administer psychotropic medications to children and
18 expectant mothers who receive special treatment or care under this paragraph.

19 **SECTION 21.** 48.57 (3n) (am) 6. c. of the statutes is amended to read:

20 48.57 (3n) (am) 6. c. The date on which the child is placed outside the long-term
21 kinship care relative's home under a court order or under a voluntary agreement
22 under s. 48.63 (1) or (5) (b).

23 **SECTION 22.** 48.60 (2) (d) of the statutes is amended to read:

24 48.60 (2) (d) A hospital, ~~maternity hospital, maternity home~~ or nursing home
25 licensed, approved or supervised by the department.

ASSEMBLY BILL 488

1 **SECTION 23.** 48.619 of the statutes is created to read:

2 **48.619 Definition.** In this subchapter, “child” means a person under 18 years
3 of age and also includes, for purposes of counting the number of children for whom
4 a foster home, treatment foster home, or group home may provide care and
5 maintenance, a person 18 years of age or over, but under 19 years of age, who is a
6 full-time student at a secondary school or its vocational or technical equivalent, who
7 is reasonably expected to complete the program before reaching 19 years of age, who
8 was residing in the foster home, treatment foster home, or group home immediately
9 prior to his or her 18th birthday, and who continues to reside in that foster home,
10 treatment foster home, or group home.

11 **SECTION 24.** 48.62 (3) of the statutes is amended to read:

12 48.62 (3) When the department, a county department or a child welfare agency
13 issues a license to operate a foster home or a treatment foster home, the department,
14 county department or child welfare agency shall notify the clerk of the school district
15 in which the foster home or treatment foster home is located that a foster home or
16 treatment foster home has been licensed in the school district.

17 **SECTION 25.** 48.625 (1) of the statutes is amended to read:

18 48.625 (1) Any person who receives, with or without transfer of legal custody,
19 5 to 8 children, not including children who under sub. (1m) are not counted toward
20 that number, to provide care and maintenance for those children shall obtain a
21 license to operate a group home from the department. To obtain a license under this
22 subsection to operate a group home, a person must meet the minimum requirements
23 for a license established by the department under s. 48.67, meet the requirements
24 specified in s. 48.685 and pay the license fee under sub. (2). A license issued under

ASSEMBLY BILL 488**SECTION 25**

1 this subsection is valid until revoked or suspended, but shall be reviewed every 2
2 years as provided in s. 48.66 (5).

3 **SECTION 26.** 48.625 (1m) of the statutes is created to read:

4 48.625 (1m) The department may issue a license under sub. (1) authorizing a
5 group home solely to provide a safe and structured living arrangement for children
6 12 years of age or over who are custodial parents, as defined in s. 49.141 (1) (b), or
7 expectant mothers and who are placed in the group home under s. 48.345 (3) (cm) or
8 938.34 (3) (cm) and for children 14 years of age or over who are custodial parents, as
9 defined in s. 49.141 (1) (b), or expectant mothers and who are placed in the group
10 home under voluntary agreements under s. 48.63 (5), and to provide those children
11 with training in parenting skills, including child development, family budgeting,
12 health and nutrition, and other skills to promote the long-term economic
13 independence of those children and the well-being of the children of those children.
14 In licensing a group home described in this subsection, the department may not
15 count toward the number of children whom the group home is licensed to serve the
16 child of a child who is placed in the group home. The department shall promulgate
17 rules establishing standards for a group home described in this subsection. Those
18 rules shall require such a group home to provide for the health, safety, and welfare
19 of the child of any child custodial parent who has been placed in that group home and
20 to have a policy governing visitation between such a child and the child's
21 noncustodial parent.

22 **SECTION 27.** 48.625 (3) of the statutes is amended to read:

23 48.625 (3) This section does not apply to a foster home licensed under s. 48.62
24 (1) (a) ~~in which care and maintenance is provided for more than 4 siblings or to a~~
25 treatment foster home licensed under s. 48.62 (1) (b).

ASSEMBLY BILL 488

1 **SECTION 28.** 48.63 (1) of the statutes is amended to read:

2 48.63 (1) Acting pursuant to court order or voluntary agreement, the child's
3 parent or guardian or the department of health and family services, the department
4 of corrections, a county department or a child welfare agency licensed to place
5 children in foster homes ~~or~~ treatment foster homes or group homes may place a child
6 or negotiate or act as intermediary for the placement of a child in a foster home,
7 treatment foster home or group home. Voluntary agreements under this subsection
8 may not be used for placements in facilities other than foster, treatment foster or
9 group homes and may not be extended. A foster home or treatment foster home
10 placement under a voluntary agreement may not exceed 6 months. A group home
11 placement under a voluntary agreement may not exceed 15 days, except as provided
12 in sub. (5). These time limitations do not apply to placements made under s. 48.345,
13 938.183, 938.34 or 938.345. Voluntary agreements may be made only under this
14 subsection and sub. (5) (b) and shall be in writing and shall specifically state that the
15 agreement may be terminated at any time by the parent or guardian or by the child
16 if the child's consent to the agreement is required. The child's consent to the
17 agreement is required whenever the child is 12 years of age or older.

18 **SECTION 29.** 48.63 (5) of the statutes is created to read:

19 48.63 (5) (a) Subsection (1) does not apply to the voluntary placement under
20 par. (b) of a child in a group home described in s. 48. 625 (1m). Such placements may
21 be made only as provided in par. (b).

22 (b) If a child who is at least 14 years of age, who is a custodial parent, as defined
23 in s. 49.141 (1) (b), or an expectant mother, and who is in need of a safe and structured
24 living arrangement and the parent or guardian of the child consent, a child welfare
25 agency licensed to place children in group homes may place the child or arrange the

ASSEMBLY BILL 488**SECTION 29**

1 placement of the child in a group home described in s. 48.625 (1m). Before placing
2 a child or arranging the placement of a child under this paragraph, the child welfare
3 agency shall report any suspected abuse or neglect of the child as required under s.
4 48.981 (2). A voluntary agreement to place a child in a group home described in s.
5 48.625 (1m) may be made only under this paragraph, shall be in writing, and shall
6 specifically state that the agreement may be terminated at any time by the parent,
7 guardian, or child. An initial placement under this paragraph may not exceed 6
8 months, but may be extended as provided in par. (d) 3. to 6. An initial placement
9 under this paragraph of a child who is under 16 years of age on the date of the initial
10 placement may be extended as provided in par. (d) 3. to 6. no more than once.

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

16 (d) 1. In this paragraph, "independent reviewing agency" means a person
17 contracted with under subd. 2. to review permanency plans and placements under
18 subds. 3. to 6.

19 2. An agency that places children under par. (b) or that arranges those
20 placements shall contract with another agency licensed under s. 48.61 (3) to place
21 children or with a county department to review the permanency plans and
22 placements of those children and of any children of those children who are residing
23 with those children as provided in subds. 3. to 6.

24 3. If the agency that has placed a child under par. (b) or that has arranged the
25 placement of the child wishes to extend the placement of the child, the agency shall

ASSEMBLY BILL 488

1 prepare a revised permanency plan for that child and for any child of that child who
2 is residing with that child and submit the revised permanency plan or plans, together
3 with a request for a review of the revised permanency plan or plans and the child's
4 placement, to the independent reviewing agency before the expiration of the child's
5 placement. The request shall include a statement that an extension of the child's
6 placement would be in the best interests of the child, together with reliable and
7 credible information in support of that statement, a statement that the child and the
8 parent or guardian of the child consent to the extension of the child's placement, and
9 a request that the independent reviewing agency approve an extension of the child's
10 placement. On receipt of a revised permanency plan or plans and a request for
11 review, the independent reviewing agency shall set a time and place for the review
12 and shall advise the agency that placed the child or that arranged the placement of
13 the child of the time and place of the review.

14 4. Not less than 10 days before the review, the agency that placed the child or
15 that arranged the placement of the child shall provide a copy of the revised
16 permanency plan or plans and the request for review submitted under subd. 3. and
17 notice of the time and place of the review to the child, the parent, guardian, and legal
18 custodian of the child, and the operator of the group home in which the child is placed,
19 together with notice of the issues to be determined as part of the permanency plan
20 review and notice of the fact that those persons may have the opportunity to be heard
21 at the review by submitting written comments to that agency or the independent
22 reviewing agency before the review or by participating at the review.

23 5. At the review, any person specified in subd. 4. may present information
24 relevant to the issue of extension and information relevant to the determinations
25 specified in s. 48.38 (5) (c). After receiving that information, the independent

ASSEMBLY BILL 488**SECTION 29**

1 reviewing agency shall make the determinations specified in s. 48.38 (5) (c) and
2 determine whether an extension of the child's placement is in the best interests of
3 the child and whether the child and the parent or guardian of the child consent to
4 the extension. If the independent reviewing agency determines that the extension
5 is in the best interests of the child and that the child and the parent or guardian of
6 the child consent to the extension, the independent reviewing agency shall approve,
7 in writing, an extension of the placement for a specified period of time not to exceed
8 6 months, stating the reason for the approval, and the agency that placed the child
9 or that arranged the placement of the child may extend the child's placement for the
10 period of time approved. If the independent reviewing agency determines that the
11 extension is not in the best interests of the child or that the child and the parent or
12 guardian of the child do not consent to the extension, the independent reviewing
13 agency shall, in writing, disapprove an extension of the placement, stating the
14 reason for the disapproval, and the agency that placed the child or that arranged the
15 placement of the child may not extend the placement of the child past the expiration
16 date of the voluntary placement unless the agency obtains a court order placing the
17 child in the group home after the expiration date of the voluntary placement.
18 Notwithstanding the approval of an extension under this subdivision, the child or the
19 parent or guardian of the child may terminate the placement at any time during the
20 extension period.

21 6. Within 30 days after the review, the agency that prepared the revised
22 permanency plan or plans shall prepare a written summary of the determinations
23 specified in s. 48.38 (5) (c) that were made under subd. 5. and shall provide a copy
24 of that summary to the independent reviewing agency, the child, the parent,

ASSEMBLY BILL 488

1 guardian, and legal custodian of the child, and the operator of the group home in
2 which the child was placed.

3 **SECTION 30.** 48.64 (1) of the statutes is amended to read:

4 48.64 (1) DEFINITION. In this section, “agency” means the department of health
5 and family services, the department of corrections, a county department or a licensed
6 child welfare agency authorized to place children in foster homes ~~or~~, treatment foster
7 homes, or group homes.

8 **SECTION 31.** 48.64 (1r) of the statutes is amended to read:

9 48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT. When an agency places a
10 school-age child in a foster home, a treatment foster home or a group home, the
11 agency shall notify the clerk of the school district in which the foster home, treatment
12 foster home or group home is located that a school-age child has been placed in a
13 foster home, treatment foster home or group home in the school district.

14 **SECTION 32.** 48.78 (1) of the statutes is amended to read:

15 48.78 (1) In this section, unless otherwise qualified, “agency” means the
16 department, a county department, a licensed child welfare agency, or a licensed day
17 care center ~~or a licensed maternity hospital.~~

18 **SECTION 33.** 48.981 (2) of the statutes is amended to read:

19 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
20 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
21 mental health professional, social worker, marriage and family therapist,
22 professional counselor, public assistance worker, including a financial and
23 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
24 counselor, mediator under s. 767.11, child care worker in a day care center, group
25 home, as described in s. 48.625 (1m), or child caring institution, day care provider,

ASSEMBLY BILL 488**SECTION 33**

1 alcohol or other drug abuse counselor, member of the treatment staff employed by or
2 working under contract with a county department under s. 46.23, 51.42 or 51.437,
3 physical therapist, occupational therapist, dietitian, speech–language pathologist,
4 audiologist, emergency medical technician, first responder or police or law
5 enforcement officer having reasonable cause to suspect that a child seen in the course
6 of professional duties has been abused or neglected or having reason to believe that
7 a child seen in the course of professional duties has been threatened with abuse or
8 neglect and that abuse or neglect of the child will occur shall, except as provided
9 under sub. (2m), report as provided in sub. (3). A court–appointed special advocate
10 having reasonable cause to suspect that a child seen in the course of the
11 court–appointed special advocate’s activities under s. 48.236 (3) has been abused or
12 neglected or having reason to believe that a child seen in the course of those activities
13 has been threatened with abuse and neglect and that abuse or neglect of the child
14 will occur shall, except as provided in sub. (2m), report as provided in sub. (3). Any
15 other person, including an attorney, having reason to suspect that a child has been
16 abused or neglected or reason to believe that a child has been threatened with abuse
17 or neglect and that abuse or neglect of the child will occur may make such a report.
18 Any person, including an attorney having reason to suspect that an unborn child has
19 been abused or reason to believe that an unborn child is at substantial risk of abuse
20 may report as provided in sub. (3). No person making a report under this subsection
21 may be discharged from employment for so doing.

22 **SECTION 35.** 146.82 (2) (a) 18m. of the statutes is amended to read:

23 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
24 or juvenile who has been placed in a foster home, treatment foster home, group home,
25 child caring institution or a secured correctional facility, including a placement

ASSEMBLY BILL 488

1 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,
2 treatment foster home, group home, child caring institution or secured correctional
3 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)
4 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),
5 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency
6 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),
7 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency
8 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4)
9 (e), 938.355 (2e) or 938.38 regarding the child or juvenile or to an agency that placed
10 the child or juvenile or arranged for the placement of the child or juvenile in any of
11 those placements and, by any of those agencies, to any other of those agencies and,
12 by the agency that placed the child or juvenile or arranged for the placement of the
13 child or juvenile in any of those placements, to the foster parent or treatment foster
14 parent of the child or juvenile or the operator of the group home, child caring
15 institution or secured correctional facility in which the child or juvenile is placed, as
16 provided in s. 48.371 or 938.371.

17 **SECTION 36.** 252.15 (5) (a) 19. of the statutes is amended to read:

18 252.15 (5) (a) 19. If the test was administered to a child who has been placed
19 in a foster home, treatment foster home, group home, child caring institution or
20 secured correctional facility, as defined in s. 938.02 (15m), including a placement
21 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,
22 treatment foster home, group home, child caring institution or secured correctional
23 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)
24 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),
25 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency

ASSEMBLY BILL 488**SECTION 36**

1 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),
2 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency
3 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4)
4 (e), 938.355 (2e) or 938.38 regarding the child or to an agency that placed the child
5 or arranged for the placement of the child in any of those placements and, by any of
6 those agencies, to any other of those agencies and, by the agency that placed the child
7 or arranged for the placement of the child in any of those placements, to the child's
8 foster parent or treatment foster parent or the operator of the group home, child
9 caring institution or secured correctional facility in which the child is placed, as
10 provided in s. 48.371 or 938.371.

11 **SECTION 37.** 938.34 (3) (cm) of the statutes is created to read:

12 938.34 (3) (cm) A group home described in s. 48.625 (1m) if the juvenile is at
13 least 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an
14 expectant mother, is receiving inadequate care, and is in need of a safe and
15 structured living arrangement.

16 **SECTION 38.** 938.355 (1) of the statutes is amended to read:

17 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
18 decide on a placement and treatment finding based on evidence submitted to the
19 court. The disposition shall employ those means necessary to promote the objectives
20 specified in s. 938.01. If the disposition places a juvenile who has been adjudicated
21 delinquent outside the home under s. 938.34 (3) (c), (cm) or (d), the order shall include
22 a finding that the juvenile's current residence will not safeguard the welfare of the
23 juvenile or the community due to the serious nature of the act for which the juvenile
24 was adjudicated delinquent. If the judge has determined that any of the conditions
25 specified in s. 938.34 (4m) (b) 1., 2. or 3. applies, that determination shall be prima

ASSEMBLY BILL 488

1 facie evidence that a less restrictive alternative than placement in a secured
2 correctional facility, a secured child caring institution or a secured group home is not
3 appropriate. If information under s. 938.331 has been provided in a court report
4 under s. 938.33 (1), the court shall consider that information when deciding on a
5 placement and treatment finding.

6 **SECTION 39.** 938.38 (2) (d) of the statutes is amended to read:

7 938.38 (2) (d) The juvenile was placed under a voluntary agreement between
8 the agency and the juvenile's parent under s. 48.63 (1) or (5) (b).

9 **SECTION 40.** 938.38 (5) (a) of the statutes is amended to read:

10 938.38 (5) PLAN REVIEW. (a) ~~The~~ Except as provided in s. 48.63 (5) (d), the court
11 or a panel appointed under this paragraph shall review the permanency plan every
12 6 months from the date on which the juvenile was first held in physical custody or
13 placed outside of his or her home. If the court elects not to review the permanency
14 plan, the court shall appoint a panel to review the permanency plan. The panel shall
15 consist of 3 persons who are either designated by an independent agency that has
16 been approved by the chief judge of the judicial administrative district or designated
17 by the agency that prepared the permanency plan. A voting majority of persons on
18 each panel shall be persons who are not employed by the agency that prepared the
19 permanency plan and who are not responsible for providing services to the juvenile
20 or the parents of the juvenile whose permanency plan is the subject of the review.

21 **SECTION 9258. Appropriation changes; workforce development.**

22 (1) SECOND-CHANCE HOMES.

23 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
24 to the department of workforce development under section 20.445 (3) (dz) of the
25 statutes, as affected by the acts of 2001, the dollar amount is decreased by \$0 for fiscal

ASSEMBLY BILL 488**SECTION 9258**

1 year 2002–03 to decrease funding for the purposes for which the appropriation is
2 made.

3 (c) In the schedule under section 20.005 (3) of the statutes for the appropriation
4 to the department of workforce development under section 20.445 (3) (md) of the
5 statutes, as affected by the acts of 2001, the dollar amount is increased by \$0 for fiscal
6 year 2002–03 to increase funding for the purpose of transferring moneys to the
7 department of health and family services for 2nd–chance home grants under section
8 46.997 (2) (a) of the statutes, as created by this act, and for an evaluation of the grant
9 program under section 46.997 (4) of the statutes.

10

(END)