

## 2001 ASSEMBLY BILL 488

September 10, 2001 – Introduced by Representatives JESKEWITZ, PLALE, LIPPERT, BALOW, MUSSER, OWENS, BOCK, KRAWCZYK, TURNER, MONTGOMERY, STASKUNAS, LADWIG, OTT, MCCORMICK, LASSA, PLOUFF, HUNDERTMARK, OLSEN, GUNDERSON, FRISKE, RILEY, STONE, SCHOOFF, YOUNG, WASSERMAN, MILLER, GRONEMUS, J. LEHMAN and PETROWSKI, cosponsored by Senators BURKE, HUELSMAN, HANSEN, PLACHE, DARLING, ROESSLER, ROSENZWEIG and RISSER. Referred to Committee on Children and Families.

1     **AN ACT** *to repeal* 48.48 (7); *to renumber and amend* 48.23 (2); *to amend*  
2           20.435 (3) (km), 48.02 (7), 48.13 (9), 48.20 (8), 48.21 (3) (d), 48.23 (3), 48.27 (4)  
3           (a) 2., 48.371 (3) (intro.), 48.38 (2) (d), 48.38 (5) (a), 48.48 (3), 48.57 (1) (b), 48.57  
4           (3n) (am) 6. c., 48.60 (2) (d), 48.62 (3), 48.625 (1), 48.625 (3), 48.63 (1), 48.64 (1),  
5           48.64 (1r), 48.78 (1), 48.981 (2), 146.82 (2) (a) 18m., 252.15 (5) (a) 19., 938.355  
6           (1), 938.38 (2) (d) and 938.38 (5) (a); and *to create* 46.997, 48.13 (9m), 48.13  
7           (9p), 48.23 (2) (b), 48.345 (3) (cm), 48.38 (2) (g), 48.619, 48.625 (1m), 48.63 (5),  
8           49.175 (1) (ze) 7m. and 938.34 (3) (cm) of the statutes; **relating to:** placement  
9           of a child who is a custodial parent or an expectant mother in a safe and  
10          structured living arrangement in which the child is provided with training in  
11          parenting skills and other skills to promote the child's long-term economic  
12          independence and the well-being of the child's child, grants for the provision

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

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***Analysis by the Legislative Reference Bureau***

Under current law, the court assigned to exercise jurisdiction under the children's code (juvenile court) has jurisdiction over a child who is alleged to be in need of protection or services which can be ordered by the juvenile court and who meets certain grounds. Currently, if a juvenile court finds a child to be in need of protection or services, the juvenile court may order certain dispositions to protect the well-being of the child, including placing the child in a group home. Current law also permits a child's parent or guardian to place the child in a group home under a voluntary agreement, but for no longer than 15 days.

This bill grants to the juvenile court jurisdiction over a child who is at least 12 years of age, is a custodial parent or expectant mother, is receiving inadequate care, and is in need of a safe and structured living arrangement which the child's parent, guardian, or legal custodian is unwilling, neglecting, unable, or needs assistance to provide. The bill also grants to the juvenile court jurisdiction over any child of such a child. Under the bill, if a child who is at least 12 years of age and who is a custodial parent or expectant mother is found to be receiving inadequate care and to be in need of a safe and structured living arrangement, the juvenile court may order the child to be placed in a group home that has been licensed solely to provide such a safe and structured living arrangement for children 12 years of age or over who are custodial parents or expectant mothers and to provide those children with training in parenting skills and other skills to promote those children's long-term economic independence and the well-being of the children of those children.

The bill also permits a child who is 14 years of age or over, who is a custodial parent or expectant mother, and who is in need of such a safe and structured living arrangement to be placed in such a group home under a voluntary agreement for no longer than six months, except that such a placement may be extended if an independent reviewing agency contracted with by the agency that placed the child determines that an extension of the placement would be in the best interests of the child and that the child and the child's parent or guardian consent to the extension. Under the bill, the agency placing the child or arranging the placement of the child in such a group home must, before making or arranging that placement, report any suspected abuse or neglect of the child under the child abuse reporting law.

The bill also requires the department of health and family services to distribute grants to private agencies to provide group homes for eligible persons, as defined in the bill, who are placed in those group homes under voluntary agreements. The bill defines an "eligible person" as a child 14 years of age or over who is a custodial parent or an expectant mother, whose income is at or below 200% of the federal poverty line, and who is homeless, receiving inadequate care, living in an unsafe or unstable living environment, or otherwise in need of a safe and structured living arrangement or meets the criteria for the juvenile court's child or juvenile in need of protection or

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services or delinquency jurisdiction or would be at risk of meeting those criteria if not placed in such a group home. The bill also permits a grant recipient to provide related services to eligible persons who are current or former residents of such a group home up to age 21, the children and families of those eligible persons, and the noncustodial parents of the children of those eligible persons and to pay for the start-up costs, other than capital costs, of the agency's program funded under the grant.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.435 (3) (km) of the statutes is amended to read:

2           20.435 (3) (km) *Federal block grant transfer; aids.* The amounts in the schedule  
3 for grants under ss. 46.95 (2), 46.99 (2) (a) and, 46.995 (2), (3) (b), and (4m) (b), and  
4 46.997 and for an evaluation of the grant program under s. 46.997. All moneys  
5 transferred from the appropriation account under s. 20.445 (3) (md) shall be credited  
6 to this appropriation account.

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

8           **46.997 Second-chance homes. (1) DEFINITIONS.** In this section:

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

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

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

4           (b) “Private agency” means an organization operated for profit or a nonstock  
5 corporation organized under ch. 181 that is a nonprofit corporation, as defined in s.  
6 181.0103 (17).

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

8           **(2) AWARDING OF GRANTS.** (a) From the appropriation under s. 20.435 (3) (km),  
9 the department shall distribute not more than \$0 in each fiscal year as grants to  
10 private agencies to provide 2nd-chance homes and related services to eligible  
11 persons who are placed under s. 48.63 (5) in 2nd-chance homes operated by those  
12 private agencies. A private agency that is awarded a grant under this paragraph  
13 may use the amount awarded under the grant to provide care and maintenance to  
14 eligible persons who are placed under s. 48.63 (5) in a 2nd-chance home operated by  
15 the private agency; provide services, including the services specified in sub. (3), to  
16 eligible persons who currently are or formerly were placed under s. 48.63 (5) in the  
17 2nd-chance home, to the children and families of those eligible persons, and to the  
18 noncustodial parents of the children of those eligible persons; and, in the first year  
19 of the grant period, pay for the start-up costs, other than capital costs, of the private  
20 agency’s program funded under this paragraph.

21           (b) The department of health and family services shall award the grants under  
22 par. (a) on a competitive basis and according to request-for-proposal procedures that  
23 the department of health and family services shall prescribe in consultation with the  
24 department of workforce development, the adolescent pregnancy prevention and  
25 pregnancy services board, local health departments, as defined in s. 250.01 (4), and

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1 other providers of services to eligible persons. In awarding the grants under par. (a),  
2 the department of health and family services shall consider the need for those grants  
3 to be distributed both on a statewide basis and in the areas of the state with the  
4 greatest need for 2nd-chance homes and the need to provide placements for children  
5 who are voluntarily placed in a 2nd-chance home as well as for children who are  
6 placed in a 2nd-chance home by court order.

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

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

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

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

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

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

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

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

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

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

22 48.02 (7) "Group home" means any facility operated by a person required to be  
23 licensed by the department under s. 48.625 for the care and maintenance of 5 to 8  
24 children, as provided in s. 48.625 (1).

25 **SECTION 4.** 48.13 (9) of the statutes is amended to read:

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1           48.13 (9) Who is at least age 12 years of age, signs the petition requesting  
2 jurisdiction under this subsection and is in need of special treatment or care which  
3 the parent, guardian or legal custodian is unwilling, neglecting, unable or needs  
4 assistance to provide;

5           **SECTION 5.** 48.13 (9m) of the statutes is created to read:

6           48.13 (9m) Who is at least 12 years of age, is a custodial parent, as defined in  
7 s. 49.141 (1) (b), or an expectant mother, is receiving inadequate care, and is in need  
8 of a safe and structured living arrangement which the parent, guardian, or legal  
9 custodian is unwilling, neglecting, unable, or needs assistance to provide;

10          **SECTION 6.** 48.13 (9p) of the statutes is created to read:

11          48.13 (9p) Whose parent is a child who has been found to be in need of  
12 protection or services under sub. (9m).

13          **SECTION 7.** 48.20 (8) of the statutes is amended to read:

14          48.20 (8) If a child is held in custody, the intake worker shall notify the child's  
15 parent, guardian, and legal custodian of the reasons for holding the child in custody  
16 and of the child's whereabouts unless there is reason to believe that notice would  
17 present imminent danger to the child. The parent, guardian, and legal custodian  
18 shall also be notified of the time and place of the detention hearing required under  
19 s. 48.21, the nature and possible consequences of that hearing, the right to counsel  
20 under s. 48.23 (2) regardless of ability to pay, and the right to present and  
21 cross-examine witnesses at the hearing. If the parent, guardian, or legal custodian  
22 is not immediately available, the intake worker or another person designated by the  
23 court shall provide notice as soon as possible. When the child is 12 years of age or  
24 older, the child shall receive the same notice about the detention hearing as the  
25 parent, guardian, or legal custodian. The intake worker shall notify both the child



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1 and the child's parent, guardian, or legal custodian. When the child is an expectant  
2 mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., the unborn  
3 child, through the unborn child's guardian ad litem, shall receive the same notice  
4 about the whereabouts of the child expectant mother, about the reasons for holding  
5 the child expectant mother in custody, and about the detention hearing as the child  
6 expectant mother and her parent, guardian, or legal custodian. The intake worker  
7 shall notify the child expectant mother, her parent, guardian, or legal custodian and  
8 the unborn child, by the unborn child's guardian ad litem.

9 **SECTION 8.** 48.21 (3) (d) of the statutes is amended to read:

10 48.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian,  
11 or legal custodian shall be informed by the court of the allegations that have been  
12 made or may be made, the nature and possible consequences of this hearing as  
13 compared to possible future hearings, the right to counsel under s. 48.23 (2)  
14 regardless of ability to pay, the right to confront and cross-examine witnesses, and  
15 the right to present witnesses.

16 **SECTION 9.** 48.23 (2) of the statutes is renumbered 48.23 (2) (a) and amended  
17 to read:

18 48.23 (2) (a) Whenever a child is alleged to be in need of protection or services  
19 under s. 48.13 (9p) or is the subject of a proceeding involving a contested adoption  
20 or the involuntary termination of parental rights, any parent under 18 years of age  
21 who appears before the court shall be represented by counsel; but no such parent may  
22 waive counsel. A minor parent petitioning for the voluntary termination of parental  
23 rights shall be represented by a guardian ad litem. If a proceeding involves a  
24 contested adoption or the involuntary termination of parental rights, any parent 18  
25 years old or older who appears before the court shall be represented by counsel; but



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1 the parent may waive counsel provided the court is satisfied such waiver is  
2 knowingly and voluntarily made.

3 **SECTION 10.** 48.23 (2) (b) of the statutes is created to read:

4 48.23 (2) (b) If a petition under s. 48.13 (9p) is contested, no child may be placed  
5 outside his or her home unless the child's custodial parent is represented by counsel  
6 at the fact-finding hearing and subsequent proceedings. If the petition is not  
7 contested, the child may not be placed outside his or her home unless the child's  
8 custodial parent is represented by counsel at the hearing at which the placement is  
9 made.

10 **SECTION 11.** 48.23 (3) of the statutes is amended to read:

11 48.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings under~~  
12 ~~s. 48.13 as provided in this subsection~~, at any time, upon request or on its own motion,  
13 the court may appoint counsel for the child or any party, unless the child or the party  
14 has or wishes to retain counsel of his or her own choosing. ~~The Except in proceedings~~  
15 ~~under s. 48.13 (9p), the court may not appoint counsel for any party other than the~~  
16 ~~child in a proceeding under s. 48.13 for any party other than the child who is the~~  
17 ~~subject of the proceeding.~~

18 **SECTION 12.** 48.27 (4) (a) 2. of the statutes is amended to read:

19 48.27 (4) (a) 2. Advise the child and any other party, if applicable, of his or her  
20 right to legal counsel regardless of ability to pay.

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

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

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

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

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

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

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

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

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

21           48.38 **(5)** (a) The Except as provided in s. 48.63 (5) (d), the court or a panel  
22 appointed under this paragraph shall review the permanency plan every 6 months  
23 from the date on which the child was first held in physical custody or placed outside  
24 of his or her home. If the court elects not to review the permanency plan, the court  
25 shall appoint a panel to review the permanency plan. The panel shall consist of 3

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

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

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

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

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

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

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

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

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

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1           48.60 (2) (d) A hospital, ~~maternity hospital, maternity home~~ or nursing home  
2 licensed, approved or supervised by the department.

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

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

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

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

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

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

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1 specified in s. 48.685 and pay the license fee under sub. (2). A license issued under  
2 this subsection is valid until revoked or suspended, but shall be reviewed every 2  
3 years as provided in s. 48.66 (5).

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

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

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

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

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

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

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

22          48.63 (5) (a) Subsection (1) does not apply to the voluntary placement under  
23          par. (b) of a child in a group home described in s. 48. 625 (1m). Such placements may  
24          be made only as provided in par. (b).

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1 (b) If a child who is at least 14 years of age, who is a custodial parent, as defined  
2 in s. 49.141 (1) (b), or an expectant mother, and who is in need of a safe and structured  
3 living arrangement and the parent or guardian of the child consent, a child welfare  
4 agency licensed to place children in group homes may place the child or arrange the  
5 placement of the child in a group home described in s. 48.625 (1m). Before placing  
6 a child or arranging the placement of a child under this paragraph, the child welfare  
7 agency shall report any suspected abuse or neglect of the child as required under s.  
8 48.981 (2). A voluntary agreement to place a child in a group home described in s.  
9 48.625 (1m) may be made only under this paragraph, shall be in writing, and shall  
10 specifically state that the agreement may be terminated at any time by the parent,  
11 guardian, or child. An initial placement under this paragraph may not exceed 6  
12 months, but may be extended as provided in par. (d) 3. to 6. An initial placement  
13 under this paragraph of a child who is under 16 years of age on the date of the initial  
14 placement may be extended as provided in par. (d) 3. to 6. no more than once.

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

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

23 2. An agency that places children under par. (b) or that arranges those  
24 placements shall contract with another agency licensed under s. 48.61 (3) to place  
25 children or with a county department to review the permanency plans and



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1 placements of those children and of any children of those children who are residing  
2 with those children as provided in subds. 3. to 6.

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

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

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1 at the review by submitting written comments to that agency or the independent  
2 reviewing agency before the review or by participating at the review.

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

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1           6. Within 30 days after the review, the agency that prepared the revised  
2 permanency plan or plans shall prepare a written summary of the determinations  
3 specified in s. 48.38 (5) (c) that were made under subd. 5. and shall provide a copy  
4 of that summary to the independent reviewing agency, the child, the parent,  
5 guardian, and legal custodian of the child, and the operator of the group home in  
6 which the child was placed.

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

8           48.64 (1) DEFINITION. In this section, “agency” means the department of health  
9 and family services, the department of corrections, a county department or a licensed  
10 child welfare agency authorized to place children in foster homes ~~or~~ treatment foster  
11 homes, or group homes.

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

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

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

19           48.78 (1) In this section, unless otherwise qualified, “agency” means the  
20 department, a county department, a licensed child welfare agency, or a licensed day  
21 care center ~~or a licensed maternity hospital.~~

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

23           48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical  
24 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or  
25 mental health professional, social worker, marriage and family therapist,

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1 professional counselor, public assistance worker, including a financial and  
2 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or  
3 counselor, mediator under s. 767.11, child care worker in a day care center, group  
4 home, as described in s. 48.625 (1m), or child caring institution, day care provider,  
5 alcohol or other drug abuse counselor, member of the treatment staff employed by or  
6 working under contract with a county department under s. 46.23, 51.42 or 51.437,  
7 physical therapist, occupational therapist, dietitian, speech–language pathologist,  
8 audiologist, emergency medical technician, first responder or police or law  
9 enforcement officer having reasonable cause to suspect that a child seen in the course  
10 of professional duties has been abused or neglected or having reason to believe that  
11 a child seen in the course of professional duties has been threatened with abuse or  
12 neglect and that abuse or neglect of the child will occur shall, except as provided  
13 under sub. (2m), report as provided in sub. (3). A court–appointed special advocate  
14 having reasonable cause to suspect that a child seen in the course of the  
15 court–appointed special advocate’s activities under s. 48.236 (3) has been abused or  
16 neglected or having reason to believe that a child seen in the course of those activities  
17 has been threatened with abuse and neglect and that abuse or neglect of the child  
18 will occur shall, except as provided in sub. (2m), report as provided in sub. (3). Any  
19 other person, including an attorney, having reason to suspect that a child has been  
20 abused or neglected or reason to believe that a child has been threatened with abuse  
21 or neglect and that abuse or neglect of the child will occur may make such a report.  
22 Any person, including an attorney having reason to suspect that an unborn child has  
23 been abused or reason to believe that an unborn child is at substantial risk of abuse  
24 may report as provided in sub. (3). No person making a report under this subsection  
25 may be discharged from employment for so doing.

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1           **SECTION 34.** 49.175 (1) (ze) 7m. of the statutes is created to read:

2           49.175 **(1)** (ze) 7m. ‘Second–chance homes.’ For 2nd–chance home grants under  
3 s. 46.997 and for an evaluation of the grant program under s. 46.997, \$0 in each fiscal  
4 year.

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

6           146.82 **(2)** (a) 18m. If the subject of the patient health care records is a child  
7 or juvenile who has been placed in a foster home, treatment foster home, group home,  
8 child caring institution or a secured correctional facility, including a placement  
9 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,  
10 treatment foster home, group home, child caring institution or secured correctional  
11 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)  
12 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),  
13 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency  
14 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),  
15 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency  
16 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4)  
17 (e), 938.355 (2e) or 938.38 regarding the child or juvenile or to an agency that placed  
18 the child or juvenile or arranged for the placement of the child or juvenile in any of  
19 those placements and, by any of those agencies, to any other of those agencies and,  
20 by the agency that placed the child or juvenile or arranged for the placement of the  
21 child or juvenile in any of those placements, to the foster parent or treatment foster  
22 parent of the child or juvenile or the operator of the group home, child caring  
23 institution or secured correctional facility in which the child or juvenile is placed, as  
24 provided in s. 48.371 or 938.371.

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

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

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

20           938.34 (3) (cm) A group home described in s. 48.625 (1m) if the juvenile is at  
21 least 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an  
22 expectant mother, is receiving inadequate care, and is in need of a safe and  
23 structured living arrangement.

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

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

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

16           938.38 (2) (d) The juvenile was placed under a voluntary agreement between  
17 the agency and the juvenile's parent under s. 48.63 (1) or (5) (b).

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

19           938.38 (5) PLAN REVIEW. (a) ~~The Except as provided in s. 48.63 (5) (d), the court~~  
20 or a panel appointed under this paragraph shall review the permanency plan every  
21 6 months from the date on which the juvenile was first held in physical custody or  
22 placed outside of his or her home. If the court elects not to review the permanency  
23 plan, the court shall appoint a panel to review the permanency plan. The panel shall  
24 consist of 3 persons who are either designated by an independent agency that has  
25 been approved by the chief judge of the judicial administrative district or designated



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

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

6 (1) SECOND-CHANCE HOMES. (a) In the schedule under section 20.005 (3) of the  
7 statutes for the appropriation to the department of health and family services under  
8 section 20.435 (3) (km) of the statutes, as affected by the acts of 2001, the dollar  
9 amount is increased by \$0 for fiscal year 2001–02 and the dollar amount is increased  
10 by \$0 for fiscal year 2002–03 to increase funding for 2nd–chance home grants under  
11 section 46.997 of the statutes, as created by this act, and for an evaluation of the  
12 grant program under section 46.997 of the statutes.

13 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation  
14 to the department of workforce development under section 20.445 (3) (dz) of the  
15 statutes, as affected by the acts of 2001, the dollar amount is decreased by \$0 for fiscal  
16 year 2001–02 and the dollar amount is decreased by \$0 for fiscal year 2002–03 to  
17 decrease funding for the purposes for which the appropriation is made.

18 (c) In the schedule under section 20.005 (3) of the statutes for the appropriation  
19 to the department of workforce development under section 20.445 (3) (md) of the  
20 statutes, as affected by the acts of 2001, the dollar amount is increased by \$0 for fiscal  
21 year 2001–02 and the dollar amount is increased by \$0 for fiscal year 2002–03 to  
22 increase funding for the purpose of transferring moneys to the department of health  
23 and family services for 2nd–chance home grants under section 46.997 of the statutes,

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1 as created by this act, and for an evaluation of the grant program under section  
2 46.997 of the statutes.

3 (END)