



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-4981/1

GMM:Y:...

D-Note

Monday 7/17

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Insert

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1 AN ACT <sup>ger cat</sup> relating to: placement of a child who is a custodial parent or an  
 2 expectant mother in a supportive living arrangement supervised by an adult  
 3 in order to protect the well-being of the child and to provide the child with  
 4 training in parenting skills and other skills to promote the child's long-term  
 5 economic independence and the well-being of the child's child and granting  
 6 rule-making authority.

**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, including the ground that the child is at least 12 years of age, signs a petition requesting the juvenile court to exercise its jurisdiction over the child and is in need of special treatment or care which the child's parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide and the ground that the child's parent or guardian signs a petition requesting the juvenile court to exercise its jurisdiction over the child and is unable or needs assistance to provide necessary special treatment or care for the child. Current law defines "special treatment or care" to mean professional services that need to be provided to a child or his or her family to protect the well-being of the child, prevent placement of the child outside the home or meet the special needs of the child and to include medical, psychological or psychiatric treatment, alcohol or other drug abuse treatment or other services that the juvenile court finds to be necessary and appropriate.

✓

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 or a child caring institution (CCI) and ordering the child's parents to provide special treatment or care for the child. 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. In addition, current law permits a CCI to contract with a parent or guardian for the care and maintenance of a child.

This bill expands the definition of "special treatment or care" in the children's code to include a supportive living arrangement, supervised by an adult, that needs to be provided to a child who is a custodial parent or who is an expectant mother to protect the well-being of the child and to provide the child with training in parenting skills and other skills to promote the child's long-term economic independence and the well-being of the child's child. By so expanding that definition, the bill grants to the juvenile court jurisdiction over a child who is at least 12 years of age, signs a petition requesting the juvenile court to exercise its jurisdiction over the child and is in need of special treatment or care, as defined in the bill, which the child's parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide and over a child whose parent or guardian signs a petition requesting the juvenile court to exercise its jurisdiction over the child and is unable or needs assistance to provide necessary special treatment or care for the child, as defined in the bill.

Under the bill, if a child is found to be in need of special treatment or care, as defined in the bill, the juvenile court may order the child to be placed in a group home or CCI that has been specially licensed to provide that special treatment or care. The bill also permits a child who is in need of such special treatment or care to be placed in such a group home or CCI under a voluntary agreement for no longer than six months, except that such a placement may be extended if the juvenile court determines that an extension of the placement would be in the best interests of the child.

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

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

- 1           **SECTION 1.** 48.02 (17m) of the statutes is renumbered 48.02 (17m) (a) (intro.)  
 2 and amended to read:  
 3           48.02 (17m) (a) (intro.) "Special treatment or care" means professional any of  
 4 the following:

1           1. Professional services which that need to be provided to a child or his or her  
2 family to protect the well-being of the child, prevent placement of the child outside  
3 the home or meet the special needs of the child. ~~“Special treatment or care”~~ also  
4 ~~means professional~~ ✓

5           2. Professional services which that need to be provided to the expectant mother  
6 of an unborn child to protect the physical health of the unborn child and of the child  
7 when born from the harmful effects resulting from the habitual lack of self-control  
8 of the expectant mother in the use of alcohol, controlled substances or controlled  
9 substance analogs, exhibited to a severe degree. ~~This term~~ ✓

10           (b) “Special treatment or care” includes, but is not limited to, medical,  
11 psychological or psychiatric treatment, alcohol or other drug abuse treatment or  
12 other services ~~which that~~ the court finds to be necessary and appropriate. ✓

13           **SECTION 2.** 48.02 (17m) (a) 3. of the statutes is created to read:

14           **48.02 (17m) (a) 3.** A supportive living arrangement, supervised by an adult,  
15 that needs to be provided to a child who is a custodial parent, as defined in s. 49.141  
16 (1) (b), or who is an expectant mother to protect the well-being of the child and to  
17 provide the child with training in parenting skills, including child development,  
18 family budgeting, health and nutrition, and other skills to promote the child’s  
19 long-term economic independence and the well-being of the child’s child. ✓

20           **SECTION 3.** 48.13 (9) of the statutes is amended to read:

21           **48.13 (9)** Who is at least age 12 years of age, signs the petition requesting  
22 jurisdiction under this subsection and is in need of special treatment or care which  
23 the parent, guardian or legal custodian is unwilling, neglecting, unable or needs  
24 assistance to provide; ✓

25           **SECTION 4.** 48.23 (1) (d) of the statutes is created to read:

1           48.23 (1) (d) The court may not extend a voluntary placement of a child under  
2 s. 48.60 (1m) or 48.63 (5) unless the child is represented by counsel at the hearing  
3 at which the extension is made.

4           **SECTION 5.** 48.345 (6) (a) of the statutes is amended to read:

5           48.345 (6) (a) If the child is in need of special treatment or care, as defined in  
6 s. 48.02 (17m) (a) 1. or 2. and as identified in an evaluation under s. 48.295 and the  
7 report under s. 48.33, the judge may order the child's parent to provide the special  
8 treatment or care. If the parent fails or is financially unable to provide the special  
9 treatment or care, the judge may order an appropriate agency to provide the special  
10 treatment or care whether or not legal custody has been taken from the parents. If  
11 a judge orders a county department under s. 51.42 or 51.437 to provide special  
12 treatment or care under this paragraph, the provision of that special treatment or  
13 care shall be subject to conditions specified in ch. 51. An order of special treatment  
14 or care under this paragraph may not include an order for the administration of  
15 psychotropic drugs.

16           **SECTION 6.** 48.345 (6) (am) of the statutes is created to read:

17           48.345 (6) (am) If the child is in need of special treatment or care, as defined  
18 in s. 48.02 (17m) (a) 3. and as identified in the report under s. 48.33, the judge may  
19 order the child to be placed in a group home or child caring institution that has been  
20 specially licensed to provide that special treatment or care.

21           **SECTION 7.** 48.355 (2) (a) of the statutes is amended to read:

22           48.355 (2) (a) In addition to the order, the judge shall make written findings  
23 of fact and conclusions of law based on the evidence presented to the judge to support  
24 the disposition ordered, including findings as to the condition and need for special  
25 treatment or care, as defined in s. 48.02 (17m) (a) 1. or 2., of the child or expectant

1 mother if an examination or assessment was conducted under s. 48.295. A finding  
2 may not include a finding that a child or an expectant mother is in need of  
3 psychotropic medications.

4 **SECTION 8.** 48.371 (3) (intro.) of the statutes is amended to read:

5 48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment  
6 foster home, group home or child caring institution 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. 48.38 (1) (a), responsible for preparing the child's permanency  
10 plan shall provide to the foster parent, treatment foster parent or operator of the  
11 group home or child caring institution information contained in the court report  
12 submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or  
13 permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.60  
14 (1m) (c), 48.63 (4) or (5) (c) or 48.831 (4) (e) 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: 1993 a. 395; 1995 a. 275; 1997 a. 272.

17 **SECTION 9.** 48.38 (2) (d) of the statutes is amended to read:

18 48.38 (2) (d) The child was placed under a voluntary agreement between the  
19 agency and the child's parent under s. 48.60 (1m) (b) or 48.63 (1) or (5) (b).

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.

20 **SECTION 10.** 48.38 (5) (a) of the statutes is amended to read:

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

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

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.

8 **SECTION 11.** 48.48 (3) of the statutes is amended to read:

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

13 **SECTION 12.** 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 13.** 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. 48.60 (1m) or 48.63.

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.

1           **SECTION 14.** 48.59 (1) of the statutes is amended to read:

2           48.59 (1) The county department or, in a county having a population of 500,000  
3 or more, the department or an agency under contract with the department shall  
4 investigate the personal and family history and environment of any child transferred  
5 to its legal custody or placed under its supervision under s. 48.345 and of every  
6 expectant mother of an unborn child placed under its supervision under s. 48.347 and  
7 make any physical or mental examinations of the child or expectant mother  
8 considered necessary to determine the type of care necessary for the child or  
9 expectant mother. The county department, department or agency shall screen a  
10 child or expectant mother who is examined under this subsection to determine  
11 whether the child or expectant mother is in need of special treatment or care, as  
12 defined in s. 48.02 (17m) (a) 1. or 2., because of alcohol or other drug abuse, mental  
13 illness or severe emotional disturbance. The county department, department or  
14 agency shall keep a complete record of the information received from the court, the  
15 date of reception, all available data on the personal and family history of the child  
16 or expectant mother, the results of all tests and examinations given the child or  
17 expectant mother and a complete history of all placements of the child while in the  
18 legal custody or under the supervision of the county department, department or  
19 agency or of the expectant mother while under the supervision of the county  
20 department, department or agency.

21           **SECTION 15.** 48.599 (1) of the statutes is renumbered 48.599 (1r). ✓

22           **SECTION 16.** 48.599 (1d) of the statutes is created to read: ✓

23           48.599 (1d) "Child" means a person under 18 years of age and also includes,  
24 for purposes of counting the number of children for whom a child welfare agency may  
25 provide care and maintenance, a person 18 years of age or over who is enrolled in and

1 regularly attending a secondary education classroom program leading to a high  
2 school diploma, was residing in a child caring institution operated by the child  
3 welfare agency immediately prior to his or her 18th birthday and continues to reside  
4 in that child caring institution. ✓

5 **SECTION 17.** 48.599 (3) of the statutes is created to read: ✓

6 48.599 (3) "Special treatment or care" has the meaning given in s. 48.02 (17m)

7 (a) 3.

8 **SECTION 18.** 48.60 (1m) of the statutes is created to read:

9 48.60 (1m) (a) The department may issue a special license under sub. (1)  
10 authorizing a child welfare agency to provide special treatment or care in a child  
11 caring institution operated by the child welfare agency. The department shall  
12 promulgate rules establishing standards for the provision of that special treatment  
13 or care. Those rules shall require a child welfare agency providing that special  
14 treatment or care to provide for the health, safety and welfare of the child of any child  
15 custodial parent, as defined in s. 49.141 (1) (b), who has been placed in that special  
16 treatment or care and to have a policy that permits visitation between such a child  
17 and the child's noncustodial parent. ✓

18 (b) Acting under a voluntary agreement, a parent or guardian of a child who  
19 is at least 12 years of age, who is a custodial parent, as defined in s. 49.141 (1) (b),  
20 or an expectant mother and who is in need of special treatment or care, or the  
21 department of health and family services, the department of corrections, a county  
22 department or a child welfare agency licensed to place children in special treatment  
23 or care, may, with the consent of the child, place the child or arrange the placement  
24 of the child in a child caring institution that has been specially licensed to provide  
25 special treatment or care. A voluntary agreement to place a child in special ✓



1 treatment or care in a child caring institution may be made only under this  
2 paragraph, shall be in writing and shall specifically state that the agreement may  
3 be terminated at any time by the parent or child.

4 (c) A permanency plan under s. 48.38 is required for each child placed in special  
5 treatment or care under par. (b). The agency that placed the child or that arranged  
6 the placement of the child shall prepare the plan within 60 days after the placement  
7 and shall provide a copy of the plan to the child and the child's parent or guardian.  
8 If the child, the parent or guardian of the child or the agency that placed the child  
9 or that arranged the placement of the child intends to seek an order under par. (d)  
10 to extend the placement of the child, the agency shall prepare a revised permanency  
11 plan, file the revised plan with the court and provide a copy of the revised plan to all  
12 persons entitled to receive notice of the extension hearing under par. (d) 3. prior to  
13 the date of the hearing.

14 (d) 1. An initial placement under par. (b) may not exceed 6 months, but may be  
15 extended as provided in subds. 2. to 4. The availability of the extension procedure  
16 specified in subds. 2. to 4. does not preclude the filing of a petition under s. 48.13  
17 alleging that the child is in need of protection or services.

18 2. A child who is placed in special treatment or care under par. (b), the child's  
19 parent or guardian or the agency that placed the child or arranged the placement of  
20 the child may petition the court for an order extending the placement of the child.  
21 The petition shall be entitled, "In the interest of (child's name), a person under the  
22 age of 18" and shall set forth with specificity all of the following:

23 a. The child's name, birth date and address.

1           b. The names and addresses of the child’s parent, guardian and legal custodian  
2 or, if no such person can be identified, the name and address of the child’s nearest  
3 relative.

4           c. The name and address of the child caring institution in which the child is  
5 place<sup>d</sup> the name and address of the agency that placed the child or that arranged the  
6 placement of the child and the date on which the child was placed in that child caring  
7 institution.

8           d. Whether the child may be subject to the federal Indian Child Welfare Act,  
9 25 USC 1911 to 1963.

10          e. A statement that an extension of the child’s placement would be in the best  
11 interests of the child and reliable and credible information in support of that  
12 statement.

13          3. The petition shall be filed with the court, and the court shall notify the child,  
14 the parent, guardian and legal custodian of the child and the agency that placed the  
15 child or arranged the placement of the child of the time and place of the hearing on  
16 the petition.

17          4. At the hearing, any person specified in subd. 3. may present evidence  
18 relevant to the issue of extension. After receiving that evidence, the court shall  
19 determine whether an extension of the child’s placement is in the best interests of  
20 the child. If the court determines that the extension is in the best interests of the  
21 child, the court shall enter a written order extending the placement for a specified  
22 period of time not to exceed 6 months, stating in the order the reason for the  
23 extension.

24          **SECTION 19.** 48.61 (2m) of the statutes is created to read:

1 48.61 (2m) If licensed to do so, to provide special treatment or care in a child  
2 caring institution operated by the child welfare agency <sup>period</sup> ✓

3 SECTION 20. 48.61 (3) of the statutes is amended to read: <sup>as affected by</sup>  
1999 Wisconsin Act 83, ✓

4 48.61 (3) To provide appropriate care and training for children in its legal or  
5 physical custody and, if licensed to do so, to place children in licensed foster homes,  
6 licensed treatment foster homes and, licensed group homes and special treatment or  
7 care in child caring institutions. ✓

8 History: 1977 c. 354 s. 101; 1977 c. 418, 449; 1979 c. 300; 1991 a. 316; 1993 a. 446; 1999 a. 83.

8 SECTION 21. 48.615 (1) (b) of the statutes is amended to read:

9 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to  
10 a child welfare agency that places children in licensed foster homes, licensed  
11 treatment foster homes and, licensed group homes and special treatment or care in  
12 child caring institutions, the child welfare agency must pay to the department a  
13 biennial fee of \$254.10 ✓

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

14 SECTION 22. 48.619 of the statutes is created to read:

15 (b) 48.619 Definitions. In this subchapter:

16 (1) "Child" means a person under 18 years of age and also includes, for purposes  
17 of counting the number of children for whom a foster home, treatment foster home  
18 or a group home may provide care and maintenance, a person 18 years of age or over  
19 who is enrolled in and regularly attending a secondary education classroom program  
20 leading to a high school diploma, was residing in the foster home, treatment foster  
21 home or a group home immediately prior to his or her 18th birthday and continues  
22 to reside in that foster home, treatment foster home or group home.

23 (2) "Special treatment or care" has the meaning given in s. 48.02 (17m) (a) 3. ✓

24 SECTION 23. 48.62 (3) of the statutes is amended to read:

1           48.62 (3) When the department, a county department or a child welfare agency  
2 issues a license to operate a foster home or a treatment foster home, the department,  
3 county department or child welfare agency shall notify the clerk of the school district  
4 in which the foster home or treatment foster home is located that a foster home or  
5 treatment foster home has been licensed in the school district.

6           **SECTION 24.** 48.625 (1m) of the statutes is created to read:

7           48.625 (1m) The department may issue a special license under sub. (1)  
8 authorizing a group home to provide special treatment or care. The department shall  
9 promulgate rules establishing standards for the provision of that special treatment  
10 or care. Those rules shall require a group home providing that special treatment or  
11 care to provide for the health, safety and welfare of the child of any child custodial  
12 parent, as defined in s. 49.141 (1) (b), who has been placed in that special treatment  
13 or care and to have a policy that permits visitation between such a child and the  
14 child's noncustodial parent.

15           **SECTION 25.** 48.625 (3) of the statutes is amended to read:

16           48.625 (3) This section does not apply to a foster home licensed under s. 48.62  
17 (1) (a) ~~in which care and maintenance is provided for more than 4 siblings.~~

18           **SECTION 26.** 48.63 (1) of the statutes is amended to read:

19           48.63 (1) Acting pursuant to court order or voluntary agreement, the child's  
20 parent or guardian or the department of health and family services, the department  
21 of corrections, a county department or a child welfare agency licensed to place  
22 children in foster homes or treatment foster homes may place a child or negotiate or  
23 act as intermediary for the placement of a child in a foster home, treatment foster  
24 home or group home. Voluntary agreements under this subsection may not be used  
25 for placements in facilities other than foster, treatment foster or group homes and

1 may not be extended. A foster home or treatment foster home placement under a  
2 voluntary agreement may not exceed 6 months. A group home placement under a  
3 voluntary agreement may not exceed 15 days, except as provided in sub. (5). These  
4 time limitations do not apply to placements made under s. 48.345, 938.183, 938.34  
5 or 938.345. Voluntary agreements may be made only under this subsection and sub.  
6 (5) (b) and shall be in writing and shall specifically state that the agreement may be  
7 terminated at any time by the parent or by the child if the child's consent to the  
8 agreement is required. The child's consent to the agreement is required whenever  
9 the child is 12 years of age or older.

History: 1977 c. 354, 449; 1979 c. 300; 1981 c. 81; 1983 a. 351, 399; 1985 a. 176; 1989 a. 31, 107; 1993 a. 446; 1995 a. 27 ss. 2594, 9126 (19); 1995 a. 77.

10 **SECTION 27.** 48.63 (5) of the statutes is created to read:

11 48.63 (5) (a) Subsection (1) does not apply to the voluntary placement of a child  
12 in special treatment or care in a group home. Such placements may be made only  
13 as provided in this subsection.

14 (b) Acting under a voluntary agreement, a parent or guardian of a child who  
15 is at least 12 years of age, who is a custodial parent, as defined in s. 49.141 (1) (b),  
16 or an expectant mother and who is in need of special treatment or care, or the  
17 department of health and family services, the department of corrections, a county  
18 department or a child welfare agency licensed to place children in special treatment  
19 or care, may, with the consent of the child, place the child or arrange the placement  
20 of the child in a group home that has been specially licensed to provide special  
21 treatment or care. A voluntary agreement to place a child in special treatment or  
22 care in a group home may be made only under this paragraph, shall be in writing and  
23 shall specifically state that the agreement may be terminated at any time by the  
24 parent or child.

1 (c) A permanency plan under s. 48.38 is required for each child placed in special  
2 treatment or care under par. (b). The agency that placed the child or that arranged  
3 the placement of the child shall prepare the plan within 60 days after the placement  
4 and shall provide a copy of the plan to the child and the child's parent or guardian.  
5 If the child, the parent or guardian of the child or the agency that arranged the  
6 voluntary placement of the child intends to seek an order under par. (d) to extend the  
7 placement of the child, the agency shall prepare a revised permanency plan, file the  
8 revised plan with the court and provide a copy of the revised plan to all persons  
9 entitled to receive notice of the extension hearing under par. (d) 3. prior to the date  
10 of the hearing. If the agency that arranged the voluntary placement intends to seek  
11 a court order, other than an order under par. (d), to place the child outside of his or  
12 her home at the expiration of the voluntary placement, the agency shall prepare a  
13 revised permanency plan and file the revised plan with the court prior to the date of  
14 the hearing on the proposed placement.

15 (d) 1. An initial placement under par. (b) may not exceed 6 months, but may be  
16 extended as provided in subds. 2. to 4. The availability of the extension procedure  
17 specified in subds. 2. to 4. does not preclude the filing of a petition under s. 48.13  
18 alleging that the child is in need of protection or services.

19 2. A child who is placed in special treatment or care under par. (b), the child's  
20 parent or guardian or the agency that placed the child or arranged the placement of  
21 the child may petition the court for an order extending the placement of the child.  
22 The petition shall be entitled, "In the interest of (child's name), a person under the  
23 age of 18" and shall set forth with specificity all of the following:

24 a. The child's name, birth date and address.

1           b. The names and addresses of the child's parent, guardian and legal custodian  
2 or, if no such person can be identified, the name and address of the child's nearest  
3 relative.

4           c. The name and address of the group home in which the child is placed<sup>d</sup> the name  
5 and address of the agency that placed the child or that arranged the placement of the  
6 child and the date on which the child was placed in that group home.

7           d. Whether the child may be subject to the federal Indian Child Welfare Act,  
8 25 USC 1911 to 1963.

9           e. A statement that an extension of the child's placement would be in the best  
10 interests of the child and reliable and credible information in support of that  
11 statement.

12           3. The petition shall be filed with the court, and the court shall notify the child,  
13 the parent, guardian and legal custodian of the child and the agency that placed the  
14 child or arranged the placement of the child of the time and place of the hearing on  
15 the petition.

16           4. At the hearing, any person specified in subd. 3. may present evidence  
17 relevant to the issue of extension. After receiving that evidence, the court shall  
18 determine whether an extension of the child's placement is in the best interests of  
19 the child. If the court determines that the extension is in the best interests of the  
20 child, the court shall enter a written order extending the placement for a specified  
21 period of time not to exceed 6 months, stating in the order the reason for the  
22 extension.

23           **SECTION 28.** 48.64 (1) of the statutes is amended to read:

24           48.64 (1) DEFINITION. In this section, "agency" means the department of health  
25 and family services, the department of corrections, a county department or a licensed

1 child welfare agency authorized to place children in foster homes or, treatment foster  
2 homes or group homes.

3 SECTION 29. 48.64 (1r) of the statutes is amended to read:

4 48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT. When an agency places a  
5 school-age child in a foster home, a treatment foster home or a group home, the  
6 agency shall notify the clerk of the school district in which the foster home, treatment  
7 foster home or group home is located that a school-age child has been placed in a  
8 foster home, treatment foster home or group home in the school district.

9 SECTION 30. 146.82 (2) (a) 18m. of the statutes <sup>is amended to read: as affected by 1999 Wisconsin Act 32,</sup>

10 146.82 (2) (a) 18m. If the subject of the patient health care records is a child  
11 or juvenile who has been placed in a foster home, treatment foster home, group home,  
12 child caring institution or a secured correctional facility, including a placement  
13 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,  
14 treatment foster home, group home, child caring institution or secured correctional  
15 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)  
16 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),  
17 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency  
18 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),  
19 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency  
20 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.60 (1m) (c), 48.63 (4) or (5)  
21 (c), 48.831 (4) (e), 938.355 (2e) or 938.38 regarding the child or juvenile or to an  
22 agency that placed the child or juvenile or arranged for the placement of the child or  
23 juvenile in any of those placements and, by any of those agencies, to any other of those  
24 agencies and, by the agency that placed the child or juvenile or arranged for the  
25 placement of the child or juvenile in any of those placements, to the foster parent or



1 treatment foster parent of the child or juvenile or the operator of the group home,  
2 child caring institution or secured correctional facility in which the child or juvenile  
3 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.

4 **SECTION 31.** 252.15 (5) (a) 19. of the statutes is amended to read:

5 252.15 (5) (a) 19. If the test was administered to a child who has been placed  
6 in a foster home, treatment foster home, group home, child caring institution or  
7 secured correctional facility, as defined in s. 938.02 (15m), including a placement  
8 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,  
9 treatment foster home, group home, child caring institution or secured correctional  
10 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)  
11 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),  
12 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency  
13 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),  
14 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency  
15 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.60 (1m) (c), 48.63 (4) or (5)  
16 (c), 48.831 (4) (e), 938.355 (2e) or 938.38 regarding the child or to an agency that  
17 placed the child or arranged for the placement of the child in any of those placements  
18 and, by any of those agencies, to any other of those agencies and, by the agency that  
19 placed the child or arranged for the placement of the child in any of those placements,  
20 to the child's foster parent or treatment foster parent or the operator of the group  
21 home, child caring institution or secured correctional facility in which the child is  
22 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.

23 **SECTION 32.** 938.38 (2) (d) of the statutes is amended to read:

1           938.38 (2) (d) The juvenile was placed under a voluntary agreement between  
2 the agency and the juvenile's parent under s. 48.60 (1m) (b) or 48.63 (1) or (5) (b).

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

3           **SECTION 33.** 938.38 (5) (a) of the statutes is amended to read:

4           938.38 (5) PLAN REVIEW. (a) The court or a panel appointed under this  
5 paragraph shall review the permanency plan every 6 months from the date on which  
6 the juvenile was first held in physical custody or placed outside of his or her home  
7 under a court order. If the court elects not to review the permanency plan, the court  
8 shall appoint a panel to review the permanency plan. The panel shall consist of 3  
9 persons who are either designated by an independent agency that has been approved  
10 by the chief judge of the judicial administrative district or designated by the agency  
11 that prepared the permanency plan. A voting majority of persons on each panel shall  
12 be persons who are not employed by the agency that prepared the permanency plan  
13 and who are not responsible for providing services to the juvenile or the parents of  
14 the juvenile whose permanency plan is the subject of the review.

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

(END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4981/1dn

GMM.....

9  
js

Rebecca:

Joyce Kiel of the Legislative Council Staff has requested that this draft be circulated to herself and to Rachel Carabell and Joanne Simpson of the Legislative Fiscal Bureau prior to its distribution to the members of the Second Chance Homes Committee. I have copied Joyce, Rachel and Joanne in on this draft, so you might want to hold off on distributing this draft to the members of the committee pending any comments from Joyce, Rachel and Joanne. ✓

Joyce:

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

1. Lowering from 14 to 12 the age at which a child may sign a CHIPS petition requesting special treatment or care eliminates the necessity of creating a separate CHIPS ground for the "special treatment or care" contemplated by this draft, *i.e.*, placement in a second chance home, inasmuch as current s. 48.13 (4) and (9), when read in light of the expanded definition of "special treatment or care" created by this draft, are broad enough to include the "special treatment or care" contemplated under this draft. ✓

If the committee wants a separate CHIPS ground for placement in a second chance home, another approach might be to come up with a term other than "special treatment or care" to describe that placement. Such an approach would eliminate the confusion caused by using one term to describe two very different things, that is, "special treatment or care" as defined in current law and "special treatment or care" as defined in the bill. Using a different term would also focus and shorten the length of the draft by eliminating the necessity of clarifying in various places in ch. 48 which meaning of "special treatment or care" is intended. ✓

2. This draft does not amend ss. 48.63 and 48.64 to include CCI's. Rather, the draft creates s. 48.60 (1m) for CCI's. The draft does so because ss. 48.63 and 48.64 are located in subch. XIV of ch. 48, which relates to foster homes, treatment foster homes and group homes, and s. 48.60 is located in subch. XIII of ch. 48, which relates to child welfare agencies, which is the statutory term for CCI's. See chapter HFS 52.03 (2). ✓

3. Although the draft requires DHFS to promulgate rules providing for the safety of, and visitation with, the baby, it probably is not necessary to spell that out in the statutes, unless there is a concern that DHFS will not promulgate those rules, as the

grant of rule-making authority in current s. 48.67 is broad enough to permit DHFS to promulgate such rules. ✓

4. 42 USC 672 (e) permits a voluntary placement to be extended beyond 180 days if there is a judicial determination that the placement is in the best interests of the child. Accordingly, this draft permits the juvenile court to extend such a placement if the court determines that the extension is in the best interests of the child. ✓

5. As for the permanency plan issue, ss. 48.38 (2) (d) and 48.63 (4) currently require a permanency plan to be prepared for a child in a voluntary placement, but because there is no court involvement, s. 48.38 (3) does not require the plan to be submitted to the court in the case of a voluntary placement. Thus, I agree that it would not make a whole lot of sense to send the original plan to the court; instead, only the revised plan should be sent to the court and only when a party is petitioning for an extension of the placement. ✓

As for the six-month permanency plan review under s. 48.38 (5), it appears that this provision does not apply to a voluntary placement under current law and should not apply to a voluntary placement under the draft. Under current law, a voluntary placement cannot be extended. Thus, after six months, the child either goes home or, if a longer out-of-home placement is recommended, a CHIPS petition must be filed in order for the court to have jurisdiction. In either event, a permanency plan review of a voluntary placement does not accomplish much—if the child has gone home, the review is moot as the child is no longer in an out-of-home placement and if a CHIPS petition has been filed, the review is redundant as the placement will be reviewed in the course of the CHIPS process. Similarly, under the draft, after six months the child either goes home or, if a longer placement is recommended, a party must petition the court for a review of the placement. Again, as under current law, a permanency plan review would be either moot or redundant. Accordingly, this draft clarifies ss. 48.38 (5) (a) and 938.38 (5) (a) to require a permanency plan review every six months after the child is placed outside the home *by court order*. ✓

6. Finally, s. 48.362 does not apply to “special treatment or care,” as defined in this draft, because that section was drafted to apply to the very different meaning of “special treatment or care” found under current law. “Special treatment or care” was originally defined in 1987 Act 339, which related to AODA services, to mean professional services, including medical and psychological services, and s. 48.362 speaks of obtaining payment from a parent’s health insurer or, if that is not possible, from the county 51.42 or 51.437 board. Thus, s. 48.362 makes sense when applied to payment for medical or psychological services, but does not make sense when applied to payment for placement in a group home or a CCI. Instead s. 48.36 (1) applies to payment for alternate placements such as a placement in a group home or a CCI.

★ Indeed, s. 48.362 is a good example of the point raised in item <sup>1.</sup> one of this drafter’s note, that is, the confusion that can result when using a single term to define two very different things.

If you would like to discuss this draft or any of the points raised in this drafter's note, please do not hesitate to contact me directly at the phone number or e-mail address listed below.

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: [Gordon.Malaise@legis.state.wi.us](mailto:Gordon.Malaise@legis.state.wi.us) ✓

Basot 5-31

Section #. 48.362 (1) of the statutes is amended to read:

48.362 (1) In this section, "special treatment or care" has the meaning given in s. 48.02 (17m), except that it does not include alcohol and other drug abuse services

History: 1993 a. 446; 1995 a. 77, 275; 1997 a. 292.

or the services described in s. 48.02 (17m)(a) 3

(end of text)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4981/1dn  
GMM:cjs:km

July 17, 2000

Rebecca:

Joyce Kiel of the Legislative Council Staff has requested that this draft be circulated to herself and to Rachel Carabell and Joanne Simpson of the Legislative Fiscal Bureau prior to its distribution to the members of the Second Chance Homes Committee. I have copied Joyce, Rachel and Joanne in on this draft, so you might want to hold off on distributing this draft to the members of the committee pending any comments from Joyce, Rachel and Joanne.

Joyce:

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

1. Lowering from 14 to 12 the age at which a child may sign a CHIPS petition requesting special treatment or care eliminates the necessity of creating a separate CHIPS ground for the "special treatment or care" contemplated by this draft, *i.e.*, placement in a second chance home, inasmuch as current s. 48.13 (4) and (9), when read in light of the expanded definition of "special treatment or care" created by this draft, are broad enough to include the "special treatment or care" contemplated under this draft.

If the committee wants a separate CHIPS ground for placement in a second chance home, another approach might be to come up with a term other than "special treatment or care" to describe that placement. Such an approach would eliminate the confusion caused by using one term to describe two very different things, that is, "special treatment or care" as defined in current law and "special treatment or care" as defined in the bill. Using a different term would also focus and shorten the length of the draft by eliminating the necessity of clarifying in various places in ch. 48 which meaning of "special treatment or care" is intended.

2. This draft does not amend ss. 48.63 and 48.64 to include CCI's. Rather, the draft creates s. 48.60 (1m) for CCI's. The draft does so because ss. 48.63 and 48.64 are located in subch. XIV of ch. 48, which relates to foster homes, treatment foster homes and group homes, and s. 48.60 is located in subch. XIII of ch. 48, which relates to child welfare agencies, which is the statutory term for CCI's. See chapter HFS 52.03 (2).

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grant of rule-making authority in current s. 48.67 is broad enough to permit DHFS to promulgate such rules.

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5. As for the permanency plan issue, ss. 48.38 (2) (d) and 48.63 (4) currently require a permanency plan to be prepared for a child in a voluntary placement, but because there is no court involvement, s. 48.38 (3) does not require the plan to be submitted to the court in the case of a voluntary placement. Thus, I agree that it would not make a whole lot of sense to send the original plan to the court; instead, only the revised plan should be sent to the court and only when a party is petitioning for an extension of the placement.

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6. Finally, s. 48.362 does not apply to “special treatment or care,” as defined in this draft, because that section was drafted to apply to the very different meaning of “special treatment or care” found under current law. “Special treatment or care” was originally defined in 1987 Act 339, which related to AODA services, to mean professional services, including medical and psychological services, and s. 48.362 speaks of obtaining payment from a parent’s health insurer or, if that is not possible, from the county 51.42 or 51.437 board. Thus, s. 48.362 makes sense when applied to payment for medical or psychological services, but does not make sense when applied to payment for placement in a group home or a CCI. Instead s. 48.36 (1) applies to payment for alternate placements such as a placement in a group home or a CCI.

Indeed, s. 48.362 is a good example of the point raised in item 1. of this drafter’s note, that is, the confusion that can result when using a single term to define two very different things.



If you would like to discuss this draft or any of the points raised in this drafter's note, please do not hesitate to contact me directly at the phone number or e-mail address listed below.

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-4981/1 (2)  
GMM/cjs/km RMR

Today 7/19, if possible

1999 BILL

D-Note

Inserts

Regenerate

1 AN ACT *to renumber* 48.599 (1); *to renumber and amend* 48.02 (17m); *to*  
2 *amend* 48.13 (9), 48.345 (6) (a), 48.355 (2) (a), 48.362 (1), 48.371 (3) (intro.),  
3 48.38 (2) (d), 48.38 (5) (a), 48.48 (3), 48.57 (1) (b), 48.57 (3n) (am) 6. c., 48.59 (1),  
4 48.61 (3), 48.615 (1) (b), 48.62 (3), 48.625 (3), 48.63 (1), 48.64 (1), 48.64 (1r),  
5 146.82 (2) (a) 18m., 252.15 (5) (a) 19., 938.38 (2) (d) and 938.38 (5) (a); and *to*  
6 *create* 48.02 (17m) (a) 3., 48.23 (1) (d), 48.345 (6) (am), 48.599 (1d), 48.599 (3),  
7 48.60 (1m), 48.61 (2m), 48.619, 48.625 (1m) and 48.63 (5) of the statutes;  
8 **relating to:** placement of a child who is a custodial parent or an expectant  
9 mother in a supportive living arrangement supervised by an adult in order to  
10 protect the well-being of the child and to provide the child with training in  
11 parenting skills and other skills to promote the child's long-term economic

**BILL**

1 independence and the well-being of the child's child and granting rule-making  
2 authority.

***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, ~~including the ground that the child is at least 12 years of age, signs a petition requesting the juvenile court to exercise its jurisdiction over the child and is in need of special treatment or care which the child's parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide and the ground that the child's parent or guardian signs a petition requesting the juvenile court to exercise its jurisdiction over the child and is unable or needs assistance to provide necessary special treatment or care for the child.~~ Current law defines "special treatment or care" to mean professional services that need to be provided to a child or his or her family to protect the well-being of the child, prevent placement of the child outside the home or meet the special needs of the child and to include medical, psychological or psychiatric treatment, alcohol or other drug abuse treatment or other services that the juvenile court finds to be necessary and appropriate.

(no 9)

← 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 or a child caring institution (CCI) ~~and ordering the child's parents to provide special treatment or care for the child.~~ 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. In addition, current law permits a CCI to contract with a parent or guardian for the care and maintenance of a child.

This bill expands the definition of "special treatment or care" in the children's code to include a supportive living arrangement, supervised by an adult, that needs to be provided to a child who is a custodial parent or who is an expectant mother to protect the well-being of the child and to provide the child with training in parenting skills and other skills to promote the child's long-term economic independence and the well-being of the child's child. ~~By so expanding that definition, the bill grants to the juvenile court jurisdiction over a child who is at least 12 years of age, signs a petition requesting the juvenile court to exercise its jurisdiction over the child and is in need of special treatment or care, as defined in the bill, which the child's parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide and over a child whose parent or guardian signs a petition requesting the juvenile court to exercise its jurisdiction over the child and is unable or needs assistance to provide necessary special treatment or care for the child, as defined in the bill.~~

Insert A

a supportive living arrangement

✓

**BILL**

a supportive living arrangement

Such a supportive living arrangement

Under the bill, if a child is found to be in need of ~~special treatment or care~~, as defined in the bill, the juvenile court may order the child to be placed in a group home or CCI that has been specially licensed to provide ~~that special treatment or care~~. The bill also permits a child who is in need of such ~~special treatment or care~~ to be placed in such a group home or CCI under a voluntary agreement for no longer than six months, except that such a placement may be extended if the juvenile court 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~~

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

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

1 ~~SECTION 1. 48.02 (17m) of the statutes is renumbered 48.02 (17m) (a) (intro.)~~  
2 and amended to read:

3 48.02 (17m) (a) (intro.) "Special treatment or care" means ~~professional~~ any of  
4 the following:

5 1. Professional services ~~which that~~ need to be provided to a child or his or her  
6 family to protect the well-being of the child, prevent placement of the child outside  
7 the home or meet the special needs of the child. ~~"Special treatment or care" also~~  
8 means professional

9 2. Professional services ~~which that~~ need to be provided to the expectant mother  
10 of an unborn child to protect the physical health of the unborn child and of the child  
11 when born from the harmful effects resulting from the habitual lack of self-control  
12 of the expectant mother in the use of alcohol, controlled substances or controlled  
13 substance analogs, exhibited to a severe degree. ~~This term~~

14 (b) "Special treatment or care" includes, but is not limited to, medical,  
15 psychological or psychiatric treatment, alcohol or other drug abuse treatment or  
16 other services ~~which that the court finds to be necessary and appropriate.~~

Insert  
3/16

17

~~SECTION 2.~~ 48.02 (17m) (a) 3 of the statutes is created to read:

(17p)

BILL

②(1+p)

Supportive living arrangement means a placement supervised by an adult in a group home or child caring institution

SECTION 2

① 48.02 (17m)(a) ~~is a supportive living arrangement, supervised by an adult,~~

2 that needs to be provided to a child who is a custodial parent, as defined in s. 49.141

3 (1) (b), or who is an expectant mother to protect the well-being of the child and to

4 provide the child with training in parenting skills, including child development,

5 family budgeting, health and nutrition, and other skills to promote the child's

6 long-term economic independence and the well-being of the child's child.

7 SECTION 3. 48.13 (9) of the statutes is amended to read:

8 48.13 (9) Who is at least age 12 years of age, signs the petition requesting  
9 jurisdiction under this subsection and is in need of special treatment or care which  
10 the parent, guardian or legal custodian is unwilling, neglecting, unable or needs  
11 assistance to provide;

12 SECTION 4. 48.23 (1) (d) of the statutes is created to read:

13 48.23 (1) (d) The court may not extend a voluntary placement of a child under  
14 s. 48.60 (1m) or 48.63 (5) unless the child is represented by counsel at the hearing  
15 at which the extension is made.

16 SECTION 5. 48.345 (6) (a) of the statutes is amended to read:

17 48.345 (6) (a) If the child is in need of special treatment or care, as defined in  
18 s. 48.02 (17m)(a) 1. or 2. and as identified in an evaluation under s. 48.295 and the  
19 report under s. 48.33, the judge may order the child's parent to provide the special  
20 treatment or care. If the parent fails or is financially unable to provide the special  
21 treatment or care, the judge may order an appropriate agency to provide the special  
22 treatment or care whether or not legal custody has been taken from the parents. If  
23 a judge orders a county department under s. 51.42 or 51.437 to provide special  
24 treatment or care under this paragraph, the provision of that special treatment or  
25 care shall be subject to conditions specified in ch. 51. An order of special treatment

Insert 4-6

Insert 4-11

**BILL**

1 ~~or care under this paragraph may not include an order for the administration of~~  
2 ~~psychotropic drugs.~~

3 ~~**SECTION 6.** 48.345 (6) (am) of the statutes is created to read:~~

4 ~~48.345 (6) (am) If the child is in need of special treatment or care, as defined~~  
5 ~~in s. 48.02 (17m) (a) 3, and as identified in the report under s. 48.33, the judge may~~  
6 ~~order the child to be placed in a group home or child caring institution that has been~~  
7 ~~specially licensed to provide that special treatment or care.~~

8 ~~**SECTION 7.** 48.355 (2) (a) of the statutes is amended to read:~~

9 ~~48.355 (2) (a) In addition to the order, the judge shall make written findings~~  
10 ~~of fact and conclusions of law based on the evidence presented to the judge to support~~  
11 ~~the disposition ordered, including findings as to the condition and need for special~~  
12 ~~treatment or care, as defined in s. 48.02 (17m) (a) 1. or 2., of the child or expectant~~  
13 ~~mother if an examination or assessment was conducted under s. 48.295. A finding~~  
14 ~~may not include a finding that a child or an expectant mother is in need of~~  
15 ~~psychotropic medications.~~

16 ~~**SECTION 8.** 48.362 (1) of the statutes is amended to read:~~

17 ~~48.362 (1) In this section, "special treatment or care" has the meaning given~~  
18 ~~in s. 48.02 (17m), except that it does not include alcohol and other drug abuse services~~  
19 ~~or the services described in s. 48.02 (17m) (a) 3.~~

20 ~~**SECTION 9.** 48.371 (3) (intro.) of the statutes is amended to read:~~

21 ~~48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment~~  
22 ~~foster home, group home or child caring institution or, if the information is not~~  
23 ~~available at that time, as soon as possible after the date on which the court report~~  
24 ~~or permanency plan has been submitted, but no later than 7 days after that date, the~~  
25 ~~agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency~~

Insert  
5-19

**BILL****SECTION 9**

1 plan shall provide to the foster parent, treatment foster parent or operator of the  
2 group home or child caring institution information contained in the court report  
3 submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or  
4 permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.60  
5 (1m)(c), 48.63 (4) or (5)(c) or 48.831 (4) (e) relating to findings or opinions of the court  
6 or agency that prepared the court report or permanency plan relating to any of the  
7 following:

8 ~~SECTION 10.~~ 48.38 (2) (d) of the statutes is amended to read:

9 48.38 (2) (d) The child was placed under a voluntary agreement between the  
10 agency and the child's parent under s. 48.60 (1m) (b) or 48.63 (1) or (5) (b).

11 ~~SECTION 11.~~ 48.38 (5) (a) of the statutes is amended to read:

12 48.38 (5) (a) The court or a panel appointed under this paragraph shall review  
13 the permanency plan every 6 months from the date on which the child was first held  
14 in physical custody or placed outside of his or her home under a court order. If the  
15 court elects not to review the permanency plan, the court shall appoint a panel to  
16 review the permanency plan. The panel shall consist of 3 persons who are either  
17 designated by an independent agency that has been approved by the chief judge of  
18 the judicial administrative district or designated by the agency that prepared the  
19 permanency plan. A voting majority of persons on each panel shall be persons who  
20 are not employed by the agency that prepared the permanency plan and who are not  
21 responsible for providing services to the child or the parents of the child whose  
22 permanency plan is the subject of the review.

23 ~~SECTION 12.~~ 48.48 (3) of the statutes is amended to read:

24 48.48 (3) ~~To accept guardianship of children when appointed by the court, and~~  
25 ~~to provide special treatment and~~ or care when directed by the court. A court may not

**BILL**

1 direct the department to administer psychotropic medications to children who  
2 receive special treatment or care under this subsection.

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

4 48.57 (1) (b) To accept legal custody of children transferred to it by the court  
5 under s. 48.355, to accept supervision over expectant mothers of unborn children who  
6 are placed under its supervision under s. 48.355 and to provide special treatment and  
7 or care for children and expectant mothers if ordered by the court. A court may not  
8 order a county department to administer psychotropic medications to children and  
9 expectant mothers who receive special treatment or care under this paragraph.

10 ~~SECTION 14.~~ 48.57 (3n) (am) 6. c. of the statutes is amended to read:

11 48.57 (3n) (am) 6. c. The date on which the child is placed outside the long-term  
12 kinship care relative's home under a court order or under a voluntary agreement  
13 under s. 48.60 (1m) or 48.63.

14 ~~SECTION 15.~~ 48.59 (1) of the statutes is amended to read:

15 48.59 (1) The county department or, in a county having a population of 500,000  
16 or more, the department or an agency under contract with the department shall  
17 investigate the personal and family history and environment of any child transferred  
18 to its legal custody or placed under its supervision under s. 48.345 and of every  
19 expectant mother of an unborn child placed under its supervision under s. 48.347 and  
20 make any physical or mental examinations of the child or expectant mother  
21 considered necessary to determine the type of care necessary for the child or  
22 expectant mother. The county department, department or agency shall screen a  
23 child or expectant mother who is examined under this subsection to determine  
24 whether the child or expectant mother is in need of special treatment or care, as  
25 defined in s. 48.02 (17m) (a) 1. or 2., because of alcohol or other drug abuse, mental

Insert  
7-9



**BILL**

1 ~~illness or severe emotional disturbance. The county department, department or~~  
 2 ~~agency shall keep a complete record of the information received from the court, the~~  
 3 ~~date of reception, all available data on the personal and family history of the child~~  
 4 ~~or expectant mother, the results of all tests and examinations given the child or~~  
 5 ~~expectant mother and a complete history of all placements of the child while in the~~  
 6 ~~legal custody or under the supervision of the county department, department or~~  
 7 ~~agency or of the expectant mother while under the supervision of the county~~  
 8 ~~department, department or agency~~ , but under 19 years of age,

9 ~~SECTION 16.~~ 48.599 (1) of the statutes is renumbered 48.599 (1r).

10 ~~SECTION 17.~~ 48.599 (1d) of the statutes is created to read:

11 48.599 (1d) "Child" means a person under 18 years of age and also includes,  
 12 for purposes of counting the number of children for whom a child welfare agency may  
 13 provide care and maintenance, a person 18 years of age or over who is enrolled in and  
 14 regularly attending a secondary education classroom program leading to a high

15 school diploma, was residing in a child caring institution operated by the child  
 16 welfare agency immediately prior to his or her 18th birthday and continues to reside  
 17 in that child caring institution. ✓

18 ~~SECTION 18.~~ 48.599 (3) of the statutes is created to read:

19 48.599 (3) "Special treatment or care" has the meaning given in s. 48.02 (17m)  
 20 (a) 3.

21 ~~SECTION 19.~~ 48.60 (1m) of the statutes is created to read:

22 48.60 (1m) (a) The department may issue a special license under sub. (1)

23 authorizing a child welfare agency to provide ~~special treatment or care~~ in a child  
 24 caring institution operated by the child welfare agency. The department shall  
 25 promulgate rules establishing standards for the provision of <sup>(a)</sup> ~~that~~ special treatment.

a full-time student at a secondary school or its vocational or technical equivalent

a supportive living arrangement

**BILL** Supportive living arrangement

Governing

in a child caring institution

A Supportive living arrangement

Supportive living arrangement

under s. 48.61 (3)

or care. Those ~~rules~~ shall require a child welfare agency providing that special treatment or care to provide for the health, safety and welfare of the child of any child custodial parent, as defined in s. 49.141 (1) (b), who has been placed in that special treatment or care and to have a policy that permits visitation between such a child and the child's noncustodial parent. ✓

A

a supportive living arrangement

(b) ~~Acting under a voluntary agreement,~~ a parent or guardian of a child who is at least 12 years of age, who is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother and who is in need of ~~special treatment or care~~, or the department of health and family services, the department of corrections, a county department or a child welfare agency licensed to place children in ~~special treatment or care~~, may, with the consent of the child, place the child or arrange the placement of the child in a child caring institution that has been specially licensed to provide ~~special treatment or care~~. A voluntary agreement to place a child in ~~special treatment or care~~ in a child caring institution may be made only under this paragraph, shall be in writing and shall specifically state that the agreement may be terminated at any time by the parent or guardian child.

(c) A permanency plan under s. 48.38 is required for each child placed in ~~special treatment or care~~ under par. (b). The agency that placed the child or that arranged the placement of the child shall prepare the plan within 60 days after the placement and shall provide a copy of the plan to the child and the child's parent or guardian. If the child, the parent or guardian of the child or the agency that placed the child or that arranged the placement of the child intends to seek an order under par. (d) to extend the placement of the child, the agency shall prepare a revised permanency plan, file the revised plan with the court and provide a copy of the revised plan to all

a supportive living arrangement

Every child placed in a supportive living arrangement under this paragraph shall be under the supervision of an agency.

**BILL**

1 persons entitled to receive notice of the extension hearing under par. (d) 3. prior to  
2 the date of the hearing.

3 (d) 1. An initial placement under par. (b) may not exceed 6 months, but may be  
4 extended as provided in subds. 2. to 4. <sup>✓</sup> The availability of the extension procedure  
5 ~~specified in subds. 2. to 4. does not preclude the filing of a petition under s. 48.13~~  
6 ~~alleging that the child is in need of protection or services.~~ a supportive living arrangement

7 2. A child who is placed in ~~special treatment or care~~ under par. (b), the child's  
8 parent or guardian or the agency that placed the child or arranged the placement of  
9 the child may petition the court for an order extending the placement of the child.  
10 The petition shall be entitled, "In the interest of (child's name), a person under the  
11 age of 18" and shall set forth with specificity all of the following:

12 a. The child's name, birth date and address.

13 b. The names and addresses of the child's parent, guardian and legal custodian  
14 or, if no such person can be identified, the name and address of the child's nearest  
15 relative. <sup>adult</sup>

16 c. The name and address of the child caring institution in which the child is  
17 placed, the name and address of the agency that placed the child or that arranged  
18 the placement of the child and the date on which the child was placed in that child  
19 caring institution.

20 d. Whether the child may be subject to the federal Indian Child Welfare Act,  
21 25 USC 1911 to 1963.

22 e. A statement that an extension of the child's placement would be in the best  
23 interests of the child and reliable and credible information in support of that  
24 statement.

f. A statement that the child and the parent or guardian of the child consent ~~to~~ to the extension of the child's placement.

**BILL**

1           3. The petition shall be filed with the court, and the court shall notify the child,  
2 the parent, guardian and legal custodian of the child and the agency that placed the  
3 child or arranged the placement of the child of the time and place of the hearing on  
4 the petition.

*and whether the child and the parent or guardian of the child consent to the extension*

5           4. At the hearing, any person specified in subd. 3. may present evidence  
6 relevant to the issue of extension. After receiving that evidence, the court shall  
7 determine whether an extension of the child's placement is in the best interests of  
8 the child. If the court determines that the extension is in the best interests of the

9 child, *and that the child and the parent or guardian of the child consent to the extension* the court shall enter a written order extending the placement for a specified  
10 period of time not to exceed 6 months, stating in the order the reason for the  
11 extension.

*a supportive living arrangement*

12           ~~SECTION 20.~~ 48.61 (2m) of the statutes is created to read:

13           48.61 (2m) If licensed to do so, to provide ~~special treatment or care~~ in a child  
14 caring institution operated by the child welfare agency.

15           ~~SECTION 21.~~ 48.61 (3) of the statutes, as affected by 1999 Wisconsin Act 83, is  
16 amended to read:

*in supportive living arrangements*

17           48.61 (3) To provide appropriate care and training for children in its legal or  
18 physical custody and, if licensed to do so, to place children in licensed foster homes,  
19 licensed treatment foster homes ~~and~~ licensed group homes ~~and special treatment or~~  
20 ~~care~~ in child caring institutions.

21           ~~SECTION 22.~~ 48.615 (1) (b) of the statutes is amended to read:

22           48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to  
23 a child welfare agency that places children in licensed foster homes, licensed  
24 treatment foster homes ~~and~~ licensed group homes ~~and special treatment or care~~ in

*supportive living arrangements*

Insert  
11-11

**BILL**

a full-time student at a secondary school or 1/2 vocational or technical equivalent

1 child caring institutions, the child welfare agency must pay to the department a  
2 biennial fee of \$254.10.

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

4 **48.619 Definitions.** In this subchapter, "child"

5 (1) "Child" means a person under 18 years of age and also includes, for purposes  
6 of counting the number of children for whom a foster home, treatment foster home  
7 or group home may provide care and maintenance, a person 18 years of age or over,  
8 who is ~~enrolled in and regularly attending a secondary education classroom program~~  
9 ~~leading to a high school diploma~~, was residing in the foster home, treatment foster  
10 home or group home immediately prior to his or her 18th birthday and continues to  
11 reside in that foster home, treatment foster home or group home.

12 (2) ~~"Special treatment or care" has the meaning given in s. 48.02 (17m) (a) 3.~~

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 (1m) of the statutes is created to read:

20 48.625 (1m) The department may issue a special license under sub. (1)  
21 authorizing a group home to provide ~~special treatment or care~~. The department shall  
22 promulgate rules establishing standards for the provision of ~~that special treatment~~  
23 ~~or care~~. Those rules shall require a group home providing ~~that special treatment or~~  
24 ~~care~~ to provide for the health, safety and welfare of the child of any child custodial  
25 parent, as defined in s. 49.141 (1) (b), who has been placed in that ~~special treatment~~

but under 19 years of age,

a supportive living arrangement

a supportive living arrangement by a group home

**BILL**

supportive living arrangement

governing

① ~~or care~~ and to have a policy ~~that permits~~ visitation between such a child and the child's noncustodial parent.

3 ~~SECTION 26.~~ 48.625 (3) of the statutes is amended to read:

4 48.625 (3) This section does not apply to a foster home licensed under s. 48.62

5 (1) (a) ~~in which care and maintenance is provided for more than 4 siblings.~~

6 ~~SECTION 27.~~ 48.63 (1) of the statutes is amended to read: under s. 48.61(3)

7 48.63 (1) Acting pursuant to court order or voluntary agreement, the child's  
8 parent or guardian or the department of health and family services, the department  
9 of corrections, a county department or a child welfare agency licensed to place  
10 children ~~in foster homes or treatment foster homes~~ may place a child or negotiate or

11 act as intermediary for the placement of a child in a foster home, treatment foster  
12 home or group home. Voluntary agreements under this subsection may not be used  
13 for placements in facilities other than foster, treatment foster or group homes and  
14 may not be extended. A foster home or treatment foster home placement under a  
15 voluntary agreement may not exceed 6 months. A group home placement under a  
16 voluntary agreement may not exceed 15 days, except as provided in sub. (5). These  
17 time limitations do not apply to placements made under s. 48.345, 938.183, 938.34  
18 or 938.345. Voluntary agreements may be made only under this subsection and sub.  
19 (5)(b) and shall be in writing and shall specifically state that the agreement may be  
20 terminated at any time by the parent or by the child if the child's consent to the  
21 agreement is required. The child's consent to the agreement is required whenever  
22 the child is 12 years of age or older. guardian or

23 ~~SECTION 28.~~ 48.63 (5) of the statutes is created to read:

**BILL**

a supportive living arrangement

a supportive living arrangement

A

Under s. 48.61(3)

guardian

that placed the child or

1 48.63 (5) (a) Subsection (1) does not apply to the voluntary placement of a child  
2 in ~~special treatment or care~~ in a group home. Such placements may be made only  
3 as provided in this subsection.

4 (b) ~~Acting under a voluntary agreement,~~ <sup>A</sup> parent or guardian of a child who  
5 is at least 12 years of age, who is a custodial parent, as defined in s. 49.141 (1) (b),  
6 or an expectant mother and who is in need of ~~special treatment or care~~, or the  
7 department of health and family services, the department of corrections, a county  
8 department or a child welfare agency licensed to place children ~~in special treatment~~  
9 ~~or care~~, may, with the consent of the child, place the child or arrange the placement  
10 of the child in a group home that has been specially licensed to provide ~~special~~  
11 ~~treatment or care~~. A voluntary agreement to place a child in ~~special treatment or~~  
12 ~~care~~ in a group home may be made only under this paragraph, shall be in writing and  
13 shall specifically state that the agreement may be terminated at any time by the  
14 parent <sup>or guardian</sup> or child.

15 (c) A permanency plan under s. 48.38 is required for each child placed in ~~special~~  
16 ~~treatment or care~~ under par. (b). The agency that placed the child or that arranged  
17 the placement of the child shall prepare the plan within 60 days after the placement  
18 and shall provide a copy of the plan to the child and the child's parent or guardian.  
19 If the child, the parent or guardian of the child or the agency that arranged the  
20 ~~voluntary~~ placement of the child intends to seek an order under par. (d) to extend the  
21 placement of the child, the agency shall prepare a revised permanency plan, file the  
22 revised plan with the court and provide a copy of the revised plan to all persons  
23 entitled to receive notice of the extension hearing under par. (d) 3. prior to the date  
24 of the hearing. ~~If the agency that arranged the voluntary placement intends to seek~~  
25 ~~a court order, other than an order under par. (d), to place the child outside of his or~~

**BILL**

1 ~~her home at the expiration of the voluntary placement, the agency shall prepare a~~  
 2 ~~revised permanency plan and file the revised plan with the court prior to the date of~~  
 3 ~~the hearing on the proposed placement.~~

4 (d) 1. An initial placement under par. (b) may not exceed 6 months, but may be  
 5 extended as provided in subds. 2. to 4. ~~The availability of the extension procedure~~  
 6 ~~specified in subds. 2. to 4. does not preclude the filing of a petition under s. 48-18~~  
 7 ~~alleging that the child is in need of protection or services.~~ a supportive living arrangement

8 2. A child who is placed in ~~special treatment or care~~ under par. (b), the child's  
 9 parent or guardian or the agency that placed the child or arranged the placement of  
 10 the child may petition the court for an order extending the placement of the child.  
 11 The petition shall be entitled, "In the interest of (child's name), a person under the  
 12 age of 18" and shall set forth with specificity all of the following:

13 a. The child's name, birth date and address.

14 b. The names and addresses of the child's parent, guardian and legal custodian  
 15 or, if no such person can be identified, the name and address of the child's nearest  
 16 relative. adult

17 c. The name and address of the group home in which the child is placed, the  
 18 name and address of the agency that placed the child or that arranged the placement  
 19 of the child and the date on which the child was placed in that group home.

20 d. Whether the child may be subject to the federal Indian Child Welfare Act,  
 21 25 USC 1911 to 1963.

22 e. A statement that an extension of the child's placement would be in the best  
 23 interests of the child and reliable and credible information in support of that  
 24 statement.

f. A statement that the child and the parent or guardian of the child consent to the extension of the child's placement.



BILL

and whether the child and the parent or guardian of the child consent to the extension.

1 3. The petition shall be filed with the court, and the court shall notify the child,  
2 the parent, guardian and legal custodian of the child and the agency that placed the  
3 child or arranged the placement of the child of the time and place of the hearing on  
4 the petition.

and that the child and the parent or guardian of the child consent to the extension

5 4. At the hearing, any person specified in subd. 3. may present evidence  
6 relevant to the issue of extension. After receiving that evidence, the court shall  
7 determine whether an extension of the child's placement is in the best interests of  
8 the child. If the court determines that the extension is in the best interests of the  
9 child, the court shall enter a written order extending the placement for a specified  
10 period of time not to exceed 6 months, stating in the order the reason for the  
11 extension.

12 SECTION 29. 48.64 (1) of the statutes is amended to read:

13 48.64 (1) DEFINITION. In this section, "agency" means the department of health  
14 and family services, the department of corrections, a county department or a licensed  
15 child welfare agency authorized to place children in foster homes or treatment foster  
16 homes ~~or group homes.~~ under s. 48.61(3) ✓

17 SECTION 30. 48.64 (1r) of the statutes is amended to read:

18 48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT. When an agency places a  
19 school-age child in a foster home, a treatment foster home or a group home, the  
20 agency shall notify the clerk of the school district in which the foster home, treatment  
21 foster home or group home is located that a school-age child has been placed in a  
22 foster home, treatment foster home or group home in the school district.

23 SECTION 31. 146.82 (2) (a) 18m. of the statutes, as affected by 1999 Wisconsin

24 Act 32, is amended to read:

INSERT 16-22

**BILL**

1           146.82 (2) (a) 18m. If the subject of the patient health care records is a child  
2 or juvenile who has been placed in a foster home, treatment foster home, group home,  
3 child caring institution or a secured correctional facility, 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), 48.60 (1m) (c), 48.63 (4) or (5)  
12 (c), 48.831 (4) (e), 938.355 (2e) or 938.38 regarding the child or juvenile or to an  
13 agency that placed the child or juvenile or arranged for the placement of the child or  
14 juvenile in any of those placements and, by any of those agencies, to any other of those  
15 agencies and, by the agency that placed the child or juvenile or arranged for the  
16 placement of the child or juvenile in any of those placements, to the foster parent or  
17 treatment foster parent of the child or juvenile or the operator of the group home,  
18 child caring institution or secured correctional facility in which the child or juvenile  
19 is placed, as provided in s. 48.371 or 938.371.

20           ~~SECTION 32.~~ 252.15 (5) (a) 19. of the statutes is amended to read:

21           252.15 (5) (a) 19. If the test was administered to a child who has been placed  
22 in a foster home, treatment foster home, group home, child caring institution or  
23 secured correctional facility, as defined in s. 938.02 (15m), including a placement  
24 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,  
25 treatment foster home, group home, child caring institution or secured correctional

**BILL**

1 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)  
2 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),  
3 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1); to an agency  
4 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),  
5 48.837 (1) (c) or 938.365 (2g), to an agency responsible for preparing a permanency  
6 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.60 (1m) (c), 48.63 (4) or (5)  
7 (c), 48.831 (4) (e), 938.355 (2e) or 938.38 regarding the child or to an agency that  
8 placed the child or arranged for the placement of the child in any of those placements  
9 and, by any of those agencies, to any other of those agencies and, by the agency that  
10 placed the child or arranged for the placement of the child in any of those placements,  
11 to the child's foster parent or treatment foster parent or the operator of the group  
12 home, child caring institution or secured correctional facility in which the child is  
13 placed, as provided in s. 48.371 or 938.371.

14 ~~SECTION 33.~~ 938.38 (2) (d) of the statutes is amended to read:

15 938.38 (2) (d) The juvenile was placed under a voluntary agreement between  
16 the agency and the juvenile's parent under s. 48.60 (1m) (b) or 48.63 (1) or (5) (b).

17 ~~SECTION 34.~~ 938.38 (5) (a) of the statutes is amended to read:

18 938.38 (5) PLAN REVIEW. (a) The court or a panel appointed under this  
19 paragraph shall review the permanency plan every 6 months from the date on which  
20 the juvenile was first held in physical custody or placed outside of his or her home  
21 under a court order. If the court elects not to review the permanency plan, the court  
22 shall appoint a panel to review the permanency plan. The panel shall consist of 3  
23 persons who are either designated by an independent agency that has been approved  
24 by the chief judge of the judicial administrative district or designated by the agency  
25 that prepared the permanency plan. A voting majority of persons on each panel shall

**BILL**

1 be persons who are not employed by the agency that prepared the permanency plan  
2 and who are not responsible for providing services to the juvenile or the parents of  
3 the juvenile whose permanency plan is the subject of the review.

4 (END)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4981/2ins  
GMM.....

(INSERT 4-6)

SECTION ~~2~~. 48.065 (2) (gp) of the statutes is created to read:

48.065 (2) (gp) Conduct proceedings under ss. 48.60 (1m) (d) and 48.63 (5) (d).

(END OF INSERT)

(INSERT 4-11)

SECTION ~~2~~. 48.13 (9m) of the statutes is created to read:

48.13 (9m) Who is at least 12 years of age, signs the petition requesting jurisdiction under this subsection and is in need of a supportive living arrangement which the parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide;

SECTION ~~3~~. 48.14 (4) of the statutes is created to read:

48.14 (4) Proceedings under ss. 48.60 (1m) (d) and 48.63 (5) (d).

(END OF INSERT)

(INSERT 5-19)

SECTION ~~4~~. 48.299 (4) (b) of the statutes is renumbered 48.299 (4) (b) (intro.) and amended to read:

48.299 (4) (b) (intro.) Except as provided in s. 901.05, neither common law nor statutory rules of evidence are binding at a any of the following hearings:

1. A hearing for a child held in custody under s. 48.21, a hearing or for an adult expectant mother held in custody under s. 48.213, a

2. A runaway home hearing under s. 48.227 (4), a

3. A dispositional hearing, or a hearing about changes on a change in placement, or a hearing on a revision of dispositional orders, or extension of a dispositional orders or order.

was affected by 1999 Wisconsin Act 32,

5. A hearing on a termination of a guardianship orders order entered under s. 48.977 (4) (h) 2. or (6) or 48.978 (2) (j) 2. or (3) (g).

WPO:  
under  
score  
the  
"(c)"

(c) At those ~~hearings~~ a hearing specified in par. (b), the court shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony or evidence that is inadmissible under s. 901.05. Hearsay evidence may be admitted if it has demonstrable circumstantial guarantees of trustworthiness. The court shall give effect to the rules of privilege recognized by law. The court shall apply the basic principles of relevancy, materiality and probative value to proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 2.

~~SECTION 8.~~ 48.299 (4) (b) 4. of the statutes is created to read:

48.299 (4) (b) 4. A hearing on an extension of a voluntary placement in a supportive living arrangement under s. 48.60 (1m) (d) or 48.63 (5) (d).

~~SECTION 8.~~ 48.345 (3) (d) of the statutes is amended to read:

48.345 (3) (d) A ~~residential treatment center~~ child caring institution 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, 250, 257 to 263; 1995 a. 225, 448; 1997 a. 27, 80, 164, 292; 1999 a. 9.

~~SECTION 8.~~ 48.345 (3) (e) of the statutes is created to read:

48.345 (3) (e) A supportive living arrangement in a group home or a child caring institution that has been specially licensed to provide a supportive living arrangement.

(END OF INSERT)

(INSERT 7-9)

or, if the child is 18 years of age or over,  
that the child would -3- meet or be at risk of  
meeting one or more of those criteria as  
specified in this subdivision if the child were under 18 years of age

plain

SECTION 8. 48.57 (3m) (am) 2. of the statutes is amended to read: (plain)

48.57 (3m) (am) 2. The county department or department determines that the child meets one or more of the criteria specified in s. 48.13 or 988.13, other than the criterion specified in s. 48.13 (9m), that the child would be at risk of meeting one or more of those criteria if the child were to remain in his or her home.

as affected by 1999 Wisconsin Act 133,

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.

(END OF INSERT)

(INSERT 11-11)

(END OF INSERT)

as affected by 1999 Wisconsin Acts 9 and 83,

SECTION 9. 48.60 (2) (d) of the statutes is amended to read:

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

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.

(END OF INSERT)

16-22  
(INSERT 11-11)

SECTION 10. 48.78 (1) of the statutes is amended to read:

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

History: 1979 c. 34; 1981 c. 359; 1983 a. 471 s. 7; 1985 a. 29 s. 3202 (23); 1985 a. 176, 292, 332; 1987 a. 332; 1989 a. 31, 107, 336; 1991 a. 17, 39; 1993 a. 16, 92, 95, 218, 227, 377, 385, 395, 479, 491; 1995 a. 27 ss. 2610 to 2614p, 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283, 292.

(END OF INSERT)

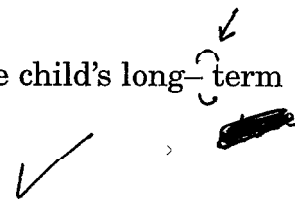
(INSERT A)

(no 10)

← The bill defines a "supportive living arrangement" as a placement, supervised by an adult, that needs to be provided to a child who is a custodial parent or who is an expectant mother to protect the well-being of the child and to provide the child

with training in parenting skills and other skills to promote the child's long-term economic independence and the well-being of the child's child.

(END OF INSERT)

✓ 



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4981/2dn

GMM:.....

g  
gjs

Joyce:

On further review, I believe that "protect the well-being of the child" in the definition of "supportive living arrangement," as created by this draft, is sufficient to protect the parent's constitutional right to direct the upbringing of his or her child when read together with s. 48.355 (1), stats., which requires a dispositional order not only to protect the well-being of the child, but also to be least restrictive of the rights of the parent and which further requires there to be a policy of placing a child out of the home only when there is no less drastic alternative.

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-4981/2dn  
GMM:cjs:kjf

July 19, 2000

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

# Meeting 7/24

- supervised living arrangement

Can place such a child in foster?

- Yes - ct. always can - but not specially licensed for this

IV-E - must have ct. involvement

TRANS - allows 2nd chance w/out ct. involvement

Counties forced to serve population that is not CHIPS

Carve out special provisions for special population

Won't work if require ct. involvement

- more wants to go to ct. - child, parent, county, ct.

w/out ct. involvement

ASDC provided before - no more now w/ W-2

Kids need to be protected - need ct. protection

- need permanency plan

child protection  $\neq$  child welfare

(narrow)

(broad)

child welfare but not child protection

Counties take care of child protection now

N/w/standing ct. order, may terminate at any time

~~A petulant ct shall grant order~~

= order permitting another 6 mos,

~~Don't mix populations~~

~~Change ch. 939 dispositions - add  
placement in supervised living arrangement~~

~~Require CK to do perm. plan review at  
extension hearing = under 48.38 (5) ~~agency review~~~~

~~CCI or group home must solely provide  
supervised living arrangement~~

~~Agency ~~that~~ may not place child in its own facility  
= child placing may not place in its own (CCI)~~

~~180 days, not 6 months~~

~~Under 16 must file CIPIS to extend again  
on date of 2nd extension~~

16 or over may extend again = ~~its must find  
parents family to make  
significant progress~~

~~shall hold hearing w/in 180 days  
not more than 30 days after placement  
E.g. file 150 days, hold hearing w/in 30 days after file  
if file within 150 days shall keep child until hearing ~~for at least 30 days~~  
at least~~

~~subd. 3 notify group home ~~or~~ where child is placed.~~

~~A~~ CCI's out!

paying the bill & duty & support

Next Wed. 9/13 10:00AM.