



State of Wisconsin
2001 - 2002 LEGISLATURE

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LRB-0308/1

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1 AN ACT to amend 48.13 (9), 48.371 (3) (intro.), 48.38 (2) (d), 48.38 (5) (a), 48.48
2 (3), 48.57 (1) (b), 48.57 (3n) (am) 6. c., 48.60 (2) (d), 48.62 (3), 48.625 (3), 48.63
3 (1), 48.64 (1), 48.64 (1r), 48.78 (1), 146.82 (2) (a) 18m., 252.15 (5) (a) 19., 938.355
4 (1), 938.38 (2) (d) and 938.38 (5) (a); and to create 20.435 (3) (f), 46.997, 48.13
5 (9m), 48.345 (3) (cm), 48.619, 48.625 (1m), 48.63 (5) and 938.34 (3) (cm) of the
6 statutes; relating to: placement of a child who is a custodial parent or an
7 expectant mother in a safe and structured living arrangement in which the
8 child is provided with training in parenting skills and other skills to promote
9 the child's long-term economic independence and the well-being of the child's
10 child, grants for the provision of such living arrangements and related services,
11 granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the court assigned to exercise jurisdiction under the children's code (juvenile court) has jurisdiction over a child who is alleged to be in need of protection or services which can be ordered by the juvenile court and who meets certain grounds. Currently, if a juvenile court finds a child to be in need of

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protection or services, the juvenile court may order certain dispositions to protect the well-being of the child, including placing the child in a group home. Current law also permits a child's parent or guardian to place the child in a group home under a voluntary agreement, but for no longer than 15 days.

This bill grants to the juvenile court jurisdiction over a child who is at least 12 years of age, signs a petition requesting the juvenile court to exercise its jurisdiction over the child, is a custodial parent or expectant mother, is receiving inadequate care, and is in need of a safe and structured living arrangement which the child's parent, guardian or legal custodian is unwilling, neglecting, unable, or needs assistance to provide. Under the bill, if a child who is at least 12 years of age and who is a custodial parent or expectant mother is found to be receiving inadequate care and to be in need of a safe and structured living arrangement, the juvenile court may order the child to be placed in a group home that has been licensed solely to provide such a safe and structured living arrangement for children 12 years of age or over who are custodial parents or expectant mothers and to provide those children with training in parenting skills and other skills to promote those children's long-term economic independence and the well-being of the children of those children. The bill also permits a child who is 12 years of age or over, who is a custodial parent or expectant mother, and who is in need of such a safe and structured living arrangement to be placed in such a group home under a voluntary agreement for no longer than six months, except that such a placement may be extended if an independent reviewing agency contracted with by the agency that placed the child determines that an extension of the placement would be in the best interests of the child and that the child and the child's parent or guardian consent to the extension. ^{gross}

The bill also requires the department of health and family services to distribute grants to private agencies to provide group homes for children 12 years of age or over who are custodial parents or expectant mothers, whose income is at or below 200% of the federal poverty line, and who are homeless, receiving inadequate care, living in an unsafe or unstable living environment, or otherwise in need of a safe and structured living arrangement or meet the criteria for the juvenile court's child or juvenile in need of protection or services or delinquency jurisdiction or would be at risk of meeting those criteria if not placed in such a group home. The bill also permits a grant recipient to provide related services to current or former residents of such a group home up to age 21, the children and families of those residents, and the noncustodial parents of the children of those residents and to pay for the start-up costs of the agency's program funded under the grant.

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

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

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

3 2001-02 2002-03

4 **20.435 Health and family services, department**
5 **of**

6 (3) CHILDREN AND FAMILY SERVICES

7 (f) Second-chance homes GPR A 2,000,000 2,000,000

8 **SECTION 2.** 20.435 (3) (f) of the statutes is created to read:

9 20.435 (3) (f) *Second-chance homes.* The amounts in the schedule for
10 2nd-chance home grants under s. 46.997 and for an evaluation of the grant program
11 under s. 46.997. Moneys appropriated under this paragraph may be used to meet the
12 maintenance-of-effort requirement under the federal temporary assistance for
13 needy families program under 42 USC 601 to 619.

as calculated under s.
49.145 (3)(b) ✓

14 **SECTION 3.** 46.997 of the statutes is created to read:

15 **46.997 Second-chance homes.** (1) DEFINITIONS. In this section:

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

- 22 1. Is a child and is homeless, receiving inadequate care, living in an unsafe or
23 unstable living environment, or otherwise in need of a safe and structured living
24 arrangement.

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

4 (b) “Private agency” means an organization operated for profit or a nonstock
5 corporation organized under ch. 181 that is a nonprofit corporation, as defined in s.
6 181.0103 (17). under s. 48.625 (1) ✓

7 (c) “Second-chance home” means a group home licensed solely to provide a safe
8 and structured living arrangement for children 12 years of age or over who are
9 custodial parents, as defined in s. 49.141 (1) (b), or expectant mothers and to provide
10 those children with training in parenting skills, including child development, family
11 budgeting, health and nutrition, and other skills to promote the long-term economic
12 independence of those children and the well-being of the children of those children.

13 (2) AWARDING OF GRANTS. (a) From the appropriation under s. 20.435 (3) (f), the
14 department shall distribute not more than \$2,000,000 in each fiscal year as grants
15 to private agencies to provide 2nd-chance homes and related services to eligible
16 persons. A private agency that is awarded a grant under this paragraph may use the
17 amount awarded under the grant to provide care and maintenance to eligible persons
18 who are placed in a 2nd-chance home operated by the private agency; provide
19 services, including the services specified in sub. (3), to eligible persons who are
20 current or former residents of the 2nd-chance home, to the child and family of such
21 an eligible person, and to the noncustodial parent of the child of such an eligible
22 person; and, in the first year of the grant period, pay for the start-up costs of the
23 private agency’s program funded under this paragraph.

24 (b) The department of health and family services shall award the grants under
25 par. (a) on a competitive basis and according to request-for-proposal procedures that

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1 the department of health and family services shall prescribe in consultation with the
2 department of workforce development, the adolescent pregnancy prevention and
3 pregnancy services board, local health departments, as defined in s. 250.01 (4), and
4 other providers of services to eligible persons. In awarding the grants under par. (a),
5 the department of health and family services shall consider the need for those grants
6 to be distributed both on a statewide basis and in the areas of the state with the
7 greatest need for 2nd-chance homes and the need to provide placements for children
8 who are voluntarily placed in a 2nd-chance home as well as for children who are
9 placed in a 2nd-chance home by court order.

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

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

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

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

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

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

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

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

14 (4) EVALUATION. The department shall conduct or shall select an evaluator to
15 conduct an evaluation of the grant program under this section and, by June 1, 2004,
16 shall submit a report on that evaluation to the governor and to the appropriate
17 standing committees under s. 13.172 (3). The evaluation shall measure the economic
18 self-sufficiency, parenting skills, independent living skills, and life choice
19 decision-making skills of the eligible persons who received services under the
20 program and any other criteria that the department determines to be appropriate for
21 evaluation.

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

23 48.13 (9) Who is at least age 12 years of age, signs the petition requesting
24 jurisdiction under this subsection and is in need of special treatment or care which

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1 the parent, guardian or legal custodian is unwilling, neglecting, unable or needs
2 assistance to provide;

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

4 48.13 (9m) Who is at least 12 years of age, signs the petition requesting
5 jurisdiction under this subsection, is a custodial parent, as defined in s. 49.141 (1)
6 (b), or an expectant mother, is receiving inadequate care, and is in need of a safe and
7 structured living arrangement which the parent, guardian, or legal custodian is
8 unwilling, neglecting, unable, or needs assistance to provide;

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

10 48.345 (3) (cm) A group home described in s. 48.625 (1m) if the child is at least
11 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant
12 mother, is receiving inadequate care, and is in need of a safe and structured living
13 arrangement which the child's parent, guardian, or legal custodian is unwilling,
14 neglecting, unable, or needs assistance to provide.

15 **SECTION 7.** 48.371 (3) (intro.) of the statutes is amended to read:

16 48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment
17 foster home, group home or child caring institution or, if the information is not
18 available at that time, as soon as possible after the date on which the court report
19 or permanency plan has been submitted, but no later than 7 days after that date, the
20 agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency
21 plan shall provide to the foster parent, treatment foster parent or operator of the
22 group home or child caring institution information contained in the court report
23 submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or
24 permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63

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1 (4) or (5) (c) or 48.831 (4) (e) relating to findings or opinions of the court or agency that
2 prepared the court report or permanency plan relating to any of the following:

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

4 48.38 (2) (d) The child was placed under a voluntary agreement between the
5 agency and the child's parent under s. 48.63 (1) or (5) (b).

6 **SECTION 9.** 48.38 (5) (a) of the statutes is amended to read:

7 48.38 (5) (a) The court or a panel appointed under this paragraph shall review
8 the permanency plan every 6 months from the date on which the child was first held
9 in physical custody or placed outside of his or her home under a court order. If the
10 court elects not to review the permanency plan, the court shall appoint a panel to
11 review the permanency plan. The panel shall consist of 3 persons who are either
12 designated by an independent agency that has been approved by the chief judge of
13 the judicial administrative district or designated by the agency that prepared the
14 permanency plan. A voting majority of persons on each panel shall be persons who
15 are not employed by the agency that prepared the permanency plan and who are not
16 responsible for providing services to the child or the parents of the child whose
17 permanency plan is the subject of the review.

18 **SECTION 10.** 48.48 (3) of the statutes is amended to read:

19 48.48 (3) ~~To accept guardianship of children when appointed by the court, and~~
20 ~~to provide special treatment and or care when directed by the court.~~ A court may not
21 direct the department to administer psychotropic medications to children who
22 receive special treatment or care under this subsection.

23 **SECTION 11.** 48.57 (1) (b) of the statutes is amended to read:

24 48.57 (1) (b) To accept legal custody of children transferred to it by the court
25 under s. 48.355, to accept supervision over expectant mothers of unborn children who

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1 are placed under its supervision under s. 48.355 and to provide special treatment ~~and~~
2 or care for children and expectant mothers if ordered by the court. A court may not
3 order a county department to administer psychotropic medications to children and
4 expectant mothers who receive special treatment or care under this paragraph.

5 **SECTION 12.** 48.57 (3n) (am) 6. c. of the statutes is amended to read:

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

9 **SECTION 13.** 48.60 (2) (d) of the statutes is amended to read:

10 48.60 (2) (d) A hospital, ~~maternity hospital, maternity home~~ or nursing home
11 licensed, approved or supervised by the department.

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

13 **48.619 Definition.** In this subchapter, "child" means a person under 18 years
14 of age and also includes, for purposes of counting the number of children for whom
15 a foster home, treatment foster home, or group home may provide care and
16 maintenance, a person 18 years of age or over, but under 19 years of age, who is a
17 full-time student at a secondary school or its vocational or technical equivalent, who
18 is reasonably expected to complete the program before reaching 19 years of age, who
19 was residing in the foster home, treatment foster home, or group home immediately
20 prior to his or her 18th birthday, and who continues to reside in that foster home,
21 treatment foster home, or group home.

22 **SECTION 15.** 48.62 (3) of the statutes is amended to read:

23 48.62 (3) When the department, a county department or a child welfare agency
24 issues a license to operate a foster home or a treatment foster home, the department,
25 county department or child welfare agency shall notify the clerk of the school district

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1 in which the foster home or treatment foster home is located that a foster home or
2 treatment foster home has been licensed in the school district.

3 **SECTION 16.** 48.625 (1m) of the statutes is created to read:

4 48.625 (1m) The department may issue a license under sub. (1) authorizing a
5 group home solely to provide a safe and structured living arrangement for children
6 12 years of age or over who are custodial parents, as defined in s. 49.141 (1) (b), or
7 expectant mothers, and to provide those children with training in parenting skills,
8 including child development, family budgeting, health and nutrition, and other
9 skills to promote the long-term economic independence of those children and the
10 well-being of the children of those children. The department shall promulgate rules
11 establishing standards for a group home described in this subsection. Those rules
12 shall require such a group home to provide for the health, safety, and welfare of the
13 child of any child custodial parent who has been placed in that group home and to
14 have a policy governing visitation between such a child and the child's noncustodial
15 parent.

16 **SECTION 17.** 48.625 (3) of the statutes is amended to read:

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

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

21 48.63 (1) Acting pursuant to court order or voluntary agreement, the child's
22 parent or guardian or the department of health and family services, the department
23 of corrections, a county department or a child welfare agency licensed to place
24 children in foster homes ~~or~~, treatment foster homes or group homes may place a child
25 or negotiate or act as intermediary for the placement of a child in a foster home,

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

12 **SECTION 19.** 48.63 (5) of the statutes is created to read:

13 48.63 (5) (a) Subsection (1) does not apply to the voluntary placement under
 14 par. (b) of a child in a group home described in s. 48.625 (1m). Such placements may
 15 be made only as provided in par. (b). ⁽¹⁵⁾ and the parent or guardian of the
child consent

16 (b) ~~A parent or guardian of~~ a child who is at least 12 years of age, who is a
 17 custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother, and who is
 18 in need of a safe and structured living arrangement, ~~or~~ a child welfare agency
 19 licensed to place children in group homes, ~~may, with the consent of the child,~~ place
 20 the child or arrange the placement of the child in a group home described in s. 48.625
 21 (1m). A voluntary agreement to place a child in a group home described in s. 48.625
 22 (1m) may be made only under this paragraph, shall be in writing, and shall
 23 specifically state that the agreement may be terminated at any time by the parent,
 24 guardian, or child. An initial placement under this paragraph may not exceed 6
 25 months, but may be extended as provided in par. (d) 3. to 6. An initial placement

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1 under this paragraph of a child who is under 16 years of age on the date of the initial
2 placement may be extended as provided in par. (d) 3. to 6. no more than once.

3 (c) A permanency plan under s. 48.38 is required for each child placed in a group
4 home under par. (b). The agency that placed the child or that arranged the placement
5 of the child shall prepare the plan within 60 days after the placement and shall
6 provide a copy of the plan to the child and the child's parent or guardian.

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

10 2. An agency that places children under par. (b) or that arranges those
11 placements shall contract with another agency licensed under s. 48.61 (3) to place
12 children or with a county department to review the permanency plans and
13 placements of those children as provided in subds. 3. to 6.

14 3. If the agency that has placed a child under par. (b) or that has arranged the
15 placement of the child wishes to extend the placement of the child, the agency shall
16 prepare a revised permanency plan and submit the revised permanency plan,
17 together with a request for a review of the revised permanency plan and the child's
18 placement, to the independent reviewing agency before the expiration of the child's
19 placement. The request shall include a statement that an extension of the child's
20 placement would be in the best interests of the child, together with reliable and
21 credible information in support of that statement, a statement that the child and the
22 parent or guardian of the child consent to the extension of the child's placement, and
23 a request that the independent reviewing agency approve an extension of the child's
24 placement. On receipt of a revised permanency plan and a request for review, the
25 independent reviewing agency shall set a time and place for the review and shall

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1 advise the agency that placed the child or that arranged the placement of the child
2 of the time and place of the review.

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

12 5. At the review, any person specified in subd. 4. may present information
13 relevant to the issue of extension and information relevant to the determinations
14 specified in s. 48.38 (5) (c). After receiving that information, the independent
15 reviewing agency shall make the determinations specified in s. 48.38 (5) (c) and
16 determine whether an extension of the child's placement is in the best interests of
17 the child and whether the child and the parent or guardian of the child consent to
18 the extension. If the independent reviewing agency determines that the extension
19 is in the best interests of the child and that the child and the parent or guardian of
20 the child consent to the extension, the independent reviewing agency shall approve,
21 in writing, an extension of the placement for a specified period of time not to exceed
22 6 months, stating the reason for the approval, and the agency that placed the child
23 or that arranged the placement of the child may extend the child's placement for the
24 period of time approved. If the independent reviewing agency determines that the
25 extension is not in the best interests of the child or that the child and the parent or

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1 guardian of the child do not consent to the extension, the independent reviewing
2 agency shall, in writing, disapprove an extension of the placement, stating the
3 reason for the disapproval, and the agency that placed the child or that arranged the
4 placement of the child may not extend the placement of the child past the expiration
5 date of the voluntary placement unless the agency obtains a court order placing the
6 child in the group home after the expiration date of the voluntary placement.
7 Notwithstanding the approval of an extension under this subdivision, the child or the
8 parent or guardian of the child may terminate the placement at any time during the
9 extension period.

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

16 **SECTION 20.** 48.64 (1) of the statutes is amended to read:

17 48.64 (1) DEFINITION. In this section, "agency" means the department of health
18 and family services, the department of corrections, a county department or a licensed
19 child welfare agency authorized to place children in foster homes ~~or~~, treatment foster
20 homes or group homes.

21 **SECTION 21.** 48.64 (1r) of the statutes is amended to read:

22 48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT. When an agency places a
23 school-age child in a foster home, a treatment foster home or a group home, the
24 agency shall notify the clerk of the school district in which the foster home, treatment

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1 foster home or group home is located that a school-age child has been placed in a
2 foster home, treatment foster home or group home in the school district.

3 **SECTION 22.** 48.78 (1) of the statutes is amended to read:

4 48.78 (1) In this section, unless otherwise qualified, “agency” means the
5 department, a county department, a licensed child welfare agency, or a licensed day
6 care center ~~or a licensed maternity hospital~~.

7 **SECTION 23.** 146.82 (2) (a) 18m. of the statutes is amended to read:

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

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1 institution or secured correctional facility in which the child or juvenile is placed, as
2 provided in s. 48.371 or 938.371.

3 **SECTION 24.** 252.15 (5) (a) 19. of the statutes is amended to read:

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

22 **SECTION 25.** 938.34 (3) (cm) of the statutes is created to read:

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

BILL

1 structured living arrangement which the juvenile's parent, guardian, or legal
2 custodian is unwilling, neglecting, unable, or needs assistance to provide.

3 **SECTION 26.** 938.355 (1) of the statutes is amended to read:

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

18 **SECTION 27.** 938.38 (2) (d) of the statutes is amended to read:

19 938.38 (2) (d) The juvenile was placed under a voluntary agreement between
20 the agency and the juvenile's parent under s. 48.63 (1) or (5) (b).

21 **SECTION 28.** 938.38 (5) (a) of the statutes is amended to read:

22 938.38 (5) PLAN REVIEW. (a) The court or a panel appointed under this
23 paragraph shall review the permanency plan every 6 months from the date on which
24 the juvenile was first held in physical custody or placed outside of his or her home
25 under a court order. If the court elects not to review the permanency plan, the court

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(a)

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

SECTION 9258. Appropriation changes; workforce development.

8
 9 (1) SECOND-CHANCE HOMES. In the schedule under section 20.005 (3) of the
 10 statutes for the appropriation to the department of workforce development under
 11 section 20.445 (3) (dz) of the statutes, as affected by the acts of 2001, the dollar
 12 amount is decreased by \$2,000,000 for fiscal year 2001-02 and the dollar amount is
 13 decreased by \$2,000,000 for fiscal year 2002-03 to decrease funding for the purposes
 14 for which the appropriation is made.

(END)

15

Insert
18-14

2001

Nonstat File Sequence: **DDD**

LRB _____ / _____

\$\$\$ CHANGE

Insert 18-14

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → \$change

For the budget action phrase, execute: create → action: → *NS: → 92XX

For the text, execute: create → text: → *NS: → \$change

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9200 department code.

SECTION # [92]. Appropriation changes:

(#1) (b)

..... In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development

under section 20.445... (3) (md) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$ 2,000,000 for fiscal year 2001-02 and the dollar amount is increased by \$ 2,000,000 for fiscal year 2002-03 ~~to increase funding~~

~~for the [purpose] [purposes] for which the appropriation is made~~ to increase funding for grants for 2nd-chance homes under section 46.997 of the statutes, as created by this act.

LPS: the number is 46.997

* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

(end of insert)

D-N-te

Erin:

¶ This draft is identical to LRB-0308/1 except that
= it makes certain technical changes suggested by

Anne Sappenfield and Rachel Carabell. Those changes are
= = = = as follows:

¶ 1. In the definition of "eligible person," the draft
= clarifies that the person's [ⓐ] gross income [ⓑ] as
calculated [Ⓐ] under s. 49.145 (3)(b), ~~that is, is~~ ^{must be} at or below
200% of the poverty line. Section 49.145 (3)(b) sets
= forth the method of calculating gross income for purposes
of W-2 eligibility.

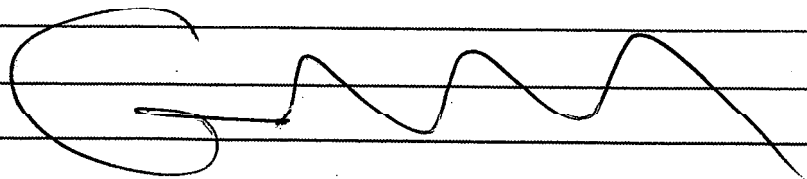
¶ 2. In the definition of "second-chance home,"
the draft supplies a cross reference to the group
home licensing statute, s. 48.625 (1).

¶ 3. In s. 48.63 (5)(b), as created by the draft,
the draft permits ~~that~~ a child welfare agency to place

the child in a 2nd-chance home with the ^{consent} ~~permission~~
of the child ⁽¹²⁾ and her parent or guardian. Under the
previous draft it was theoretically possible for the
child to check herself in, or for the agency to place
the child, with only the consent of the child and not
the consent of the parent or guardian.

4. The draft also includes a necessary
appropriation increase for DWD's federal TRNF
appropriation.

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



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0308/2dn
GMM:ejs:rs

October 6, 2000

Erin:

This draft is identical to LRB-0308/1 except that it makes certain technical changes suggested by Anne Sappenfield and Rachel Carabell. Those changes are as follows:

1. In the definition of "eligible person," the draft clarifies that the person's *gross income as calculated under s. 49.145 (3) (b)* must be at or below 200% of the poverty line. Section 49.145 (3) (b) sets forth the method of calculating gross income for purposes of W-2 eligibility.
2. In the definition of "second-chance home," the draft supplies a cross reference to the group home licensing statute, s. 48.625 (1).
3. In s. 48.63 (5) (b), as created by the draft, the draft permits a child welfare agency to place the child in a 2nd-chance home with the consent of the child *and her parent or guardian*. Under the previous draft it was theoretically possible for the child to check herself in, or for the agency to place the child, with only the consent of the child and not the consent of the parent or guardian.
4. The draft also includes a necessary appropriation increase for DWD's federal TANF appropriation.

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

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

Malaise, Gordon

From: Kiel, Joyce
Sent: Wednesday, October 18, 2000 8:32 AM
To: Malaise, Gordon
Cc: Carabell, Rachel; Arsenault, Yvonne; Sappenfield, Anne; Bilot, Erin; Jeskewitz, Suzanne
Subject: FW: Second Chance Home draft LRB 0308/2

Gordon,

As a follow-up to our recent conversation, would you please draft LRB-0308/3:

1. including the changes to LRB-0308/2 we discussed the other day (p. 4, lines 10-16-- including a reference to s. 48.625 (1m); and p. 7, lines 16-17 and p. 17, lines 4-5--deleting the phrase "which the parent")
2. Including the changes noted below in Rachel's email.

When the draft is ready, could you please make arrangements with Representative Jeskewitz's office to email it to Rachel and Yvonne as well as Anne and me.

Let us know if you have questions.

Thanks,

Joyce L. Kiel, Senior Staff Attorney
Wisconsin Legislative Council Staff
Suite 401, One East Main Street
Madison, WI 53703
608-266-3137
608-266-3830 (fax)
Joyce.Kiel@legis.state.wi.us

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

From: Carabell, Rachel
Sent: Tuesday, October 17, 2000 11:15 AM
To: Kiel, Joyce
Cc: Sappenfield, Anne; Reinhardt, Rob; Carreon, Victoria; Arsenault, Yvonne
Subject: Second Chance Home draft LRB 0308/2

Joyce, Here are a couple of changes to LRB 0308/2 based on today's meeting with Rep. Jeskewitz and based on comments from Rob and Victoria in our office. Can you add these to the list of changes for Gordon.

1. On page 3, line 18: Delete "gross" and "as calculated under s. 49.145 (3)(b)," Reason: Representative Jeskewitz wants to be as flexible as possible in allowing the programs to determine how they would calculate income.
2. On page 18, line 23: delete "to increase funding for grants for 2nd-chance homes under section 46.997, as created by this act." and instead insert "for the purposes for which the appropriation is made." Reason: appropriation s. 20.445 (3) (md) is not being increased to fund second chance homes. It is being increased to offset the reduction in 20.445 (3)(dz). The current language is misleading.

Also, could you ask Gordon to forward a copy of the new draft to either Yvonne or me when it is completed. Thanks.

Rachel Carabell
Legislative Fiscal Bureau
rachel.carabell@legis.state.wi.us
Phone: 608-266-3847



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0308/2

GMM:cjs:rs

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5/1/01

2001 BILL

1 AN ACT to amend 48.13 (9), 48.371 (3) (intro.), 48.38 (2) (d), 48.38 (5) (a), 48.48
2 (3), 48.57 (1) (b), 48.57 (3n) (am) 6. c., 48.60 (2) (d), 48.62 (3), 48.625 (3), 48.63
3 (1), 48.64 (1), 48.64 (1r), 48.78 (1), 146.82 (2) (a) 18m., 252.15 (5) (a) 19., 938.355
4 (1), 938.38 (2) (d) and 938.38 (5) (a); and to create 20.435 (3) (f), 46.997, 48.13
5 (9m), 48.345 (3) (cm), 48.619, 48.625 (1m), 48.63 (5) and 938.34 (3) (cm) of the
6 statutes; relating to: placement of a child who is a custodial parent or an
7 expectant mother in a safe and structured living arrangement in which the
8 child is provided with training in parenting skills and other skills to promote
9 the child's long-term economic independence and the well-being of the child's
10 child, grants for the provision of such living arrangements and related services,
11 granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the court assigned to exercise jurisdiction under the children's code (juvenile court) has jurisdiction over a child who is alleged to be in need of protection or services which can be ordered by the juvenile court and who meets certain grounds. Currently, if a juvenile court finds a child to be in need of

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protection or services, the juvenile court may order certain dispositions to protect the well-being of the child, including placing the child in a group home. Current law also permits a child's parent or guardian to place the child in a group home under a voluntary agreement, but for no longer than 15 days.

This bill grants to the juvenile court jurisdiction over a child who is at least 12 years of age, signs a petition requesting the juvenile court to exercise its jurisdiction over the child, is a custodial parent or expectant mother, is receiving inadequate care, and is in need of a safe and structured living arrangement which the child's parent, guardian or legal custodian is unwilling, neglecting, unable, or needs assistance to provide. Under the bill, if a child who is at least 12 years of age and who is a custodial parent or expectant mother is found to be receiving inadequate care and to be in need of a safe and structured living arrangement, the juvenile court may order the child to be placed in a group home that has been licensed solely to provide such a safe and structured living arrangement for children 12 years of age or over who are custodial parents or expectant mothers and to provide those children with training in parenting skills and other skills to promote those children's long-term economic independence and the well-being of the children of those children. The bill also permits a child who is 12 years of age or over, who is a custodial parent or expectant mother, and who is in need of such a safe and structured living arrangement to be placed in such a group home under a voluntary agreement for no longer than six months, except that such a placement may be extended if an independent reviewing agency contracted with by the agency that placed the child determines that an extension of the placement would be in the best interests of the child and that the child and the child's parent or guardian consent to the extension.

* The bill also requires the department of health and family services to distribute grants to private agencies to provide group homes for children 12 years of age or over who are custodial parents or expectant mothers, whose ~~gross~~ income is at or below 200% of the federal poverty line, and who are homeless, receiving inadequate care, living in an unsafe or unstable living environment, or otherwise in need of a safe and structured living arrangement or meet the criteria for the juvenile court's child or juvenile in need of protection or services or delinquency jurisdiction or would be at risk of meeting those criteria if not placed in such a group home. The bill also permits a grant recipient to provide related services to current or former residents of such a group home up to age 21, the children and families of those residents, and the noncustodial parents of the children of those residents and to pay for the start-up costs of the agency's program funded under the grant.

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

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

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

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

7 (b) "Private agency" means an organization operated for profit or a nonstock
8 corporation organized under ch. 181 that is a nonprofit corporation, as defined in s.
9 181.0103 (17).

10 (c) "Second-chance home" means a group home licensed under s. 48.625 (1)
11 solely to provide a safe and structured living arrangement for children 12 years of
12 age or over who are custodial parents, as defined in s. 49.141 (1) (b), or expectant
13 mothers and to provide those children with training in parenting skills, including
14 child development, family budgeting, health and nutrition, and other skills to
15 promote the long-term economic independence of those children and the well-being
16 of the children of those children. *as described in s. 48.625 (1m)*

17 (2) AWARDING OF GRANTS. (a) From the appropriation under s. 20.435 (3) (f), the
18 department shall distribute not more than \$2,000,000 in each fiscal year as grants
19 to private agencies to provide 2nd-chance homes and related services to eligible
20 persons. A private agency that is awarded a grant under this paragraph may use the
21 amount awarded under the grant to provide care and maintenance to eligible persons
22 who are placed in a 2nd-chance home operated by the private agency; provide
23 services, including the services specified in sub. (3), to eligible persons who are
24 current or former residents of the 2nd-chance home, to the child and family of such
25 an eligible person, and to the noncustodial parent of the child of such an eligible

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1 person; and, in the first year of the grant period, pay for the start-up costs of the
2 private agency's program funded under this paragraph.

3 (b) The department of health and family services shall award the grants under
4 par. (a) on a competitive basis and according to request-for-proposal procedures that
5 the department of health and family services shall prescribe in consultation with the
6 department of workforce development, the adolescent pregnancy prevention and
7 pregnancy services board, local health departments, as defined in s. 250.01 (4), and
8 other providers of services to eligible persons. In awarding the grants under par. (a),
9 the department of health and family services shall consider the need for those grants
10 to be distributed both on a statewide basis and in the areas of the state with the
11 greatest need for 2nd-chance homes and the need to provide placements for children
12 who are voluntarily placed in a 2nd-chance home as well as for children who are
13 placed in a 2nd-chance home by court order.

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

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

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

BILL

1 **(3) PROGRAM REQUIREMENTS.** A private agency that receives a grant under sub.

2 **(2) (a)** shall do all of the following:

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

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

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

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

18 **(4) EVALUATION.** The department shall conduct or shall select an evaluator to
19 conduct an evaluation of the grant program under this section and, by June 1, 2004,
20 shall submit a report on that evaluation to the governor and to the appropriate
21 standing committees under s. 13.172 (3). The evaluation shall measure the economic
22 self-sufficiency, parenting skills, independent living skills, and life choice
23 decision-making skills of the eligible persons who received services under the
24 program and any other criteria that the department determines to be appropriate for
25 evaluation.

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

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

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

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

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

13 48.345 (3) (cm) A group home described in s. 48.625 (1m) if the child is at least
14 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant
15 mother, is receiving inadequate care, and is in need of a safe and structured living
16 arrangement which the child's parent, guardian, or legal custodian is unwilling,
17 neglecting, unable, or needs assistance to provide.

18 **SECTION 7.** 48.371 (3) (intro.) of the statutes is amended to read:

19 48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment
20 foster home, group home or child caring institution or, if the information is not
21 available at that time, as soon as possible after the date on which the court report
22 or permanency plan has been submitted, but no later than 7 days after that date, the
23 agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency
24 plan shall provide to the foster parent, treatment foster parent or operator of the
25 group home or child caring institution information contained in the court report

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1 submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or
2 permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63
3 (4) or (5)(c) or 48.831 (4) (e) relating to findings or opinions of the court or agency that
4 prepared the court report or permanency plan relating to any of the following:

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

6 48.38 (2) (d) The child was placed under a voluntary agreement between the
7 agency and the child's parent under s. 48.63 (1) or (5) (b).

8 **SECTION 9.** 48.38 (5) (a) of the statutes is amended to read:

9 48.38 (5) (a) The court or a panel appointed under this paragraph shall review
10 the permanency plan every 6 months from the date on which the child was first held
11 in physical custody or placed outside of his or her home under a court order. If the
12 court elects not to review the permanency plan, the court shall appoint a panel to
13 review the permanency plan. The panel shall consist of 3 persons who are either
14 designated by an independent agency that has been approved by the chief judge of
15 the judicial administrative district or designated by the agency that prepared the
16 permanency plan. A voting majority of persons on each panel shall be persons who
17 are not employed by the agency that prepared the permanency plan and who are not
18 responsible for providing services to the child or the parents of the child whose
19 permanency plan is the subject of the review.

20 **SECTION 10.** 48.48 (3) of the statutes is amended to read:

21 48.48 (3) ~~To accept guardianship of children when appointed by the court, and~~
22 ~~to provide special treatment and or care when directed by the court.~~ A court may not
23 direct the department to administer psychotropic medications to children who
24 receive special treatment or care under this subsection.

25 **SECTION 11.** 48.57 (1) (b) of the statutes is amended to read:

BILL

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

7 **SECTION 12.** 48.57 (3n) (am) 6. c. of the statutes is amended to read:

8 48.57 (3n) (am) 6. c. The date on which the child is placed outside the long-term
9 kinship care relative's home under a court order or under a voluntary agreement
10 under s. 48.63 (1) or (5) (b).

11 **SECTION 13.** 48.60 (2) (d) of the statutes is amended to read:

12 48.60 (2) (d) A hospital, ~~maternity hospital, maternity home~~ or nursing home
13 licensed, approved or supervised by the department.

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

15 **48.619 Definition.** In this subchapter, "child" means a person under 18 years
16 of age and also includes, for purposes of counting the number of children for whom
17 a foster home, treatment foster home, or group home may provide care and
18 maintenance, a person 18 years of age or over, but under 19 years of age, who is a
19 full-time student at a secondary school or its vocational or technical equivalent, who
20 is reasonably expected to complete the program before reaching 19 years of age, who
21 was residing in the foster home, treatment foster home, or group home immediately
22 prior to his or her 18th birthday, and who continues to reside in that foster home,
23 treatment foster home, or group home.

24 **SECTION 15.** 48.62 (3) of the statutes is amended to read:

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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 16.** 48.625 (1m) of the statutes is created to read:

7 48.625 (1m) The department may issue a license under sub. (1) authorizing a
8 group home solely to provide a safe and structured living arrangement for children
9 12 years of age or over who are custodial parents, as defined in s. 49.141 (1) (b), or
10 expectant mothers, and to provide those children with training in parenting skills,
11 including child development, family budgeting, health and nutrition, and other
12 skills to promote the long-term economic independence of those children and the
13 well-being of the children of those children. The department shall promulgate rules
14 establishing standards for a group home described in this subsection. Those rules
15 shall require such a group home to provide for the health, safety, and welfare of the
16 child of any child custodial parent who has been placed in that group home and to
17 have a policy governing visitation between such a child and the child's noncustodial
18 parent.

19 **SECTION 17.** 48.625 (3) of the statutes is amended to read:

20 48.625 (3) This section does not apply to a foster home licensed under s. 48.62
21 (1) (a) ~~in which care and maintenance is provided for more than 4 siblings~~ or to a
22 treatment foster home licensed under s. 48.62 (1) (b).

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

24 48.63 (1) Acting pursuant to court order or voluntary agreement, the child's
25 parent or guardian or the department of health and family services, the department

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

15 **SECTION 19.** 48.63 (5) of the statutes is created to read:

16 48.63 (5) (a) Subsection (1) does not apply to the voluntary placement under
17 par. (b) of a child in a group home described in s. 48. 625 (1m). Such placements may
18 be made only as provided in par. (b).

19 (b) If a child who is at least 12 years of age, who is a custodial parent, as defined
20 in s. 49.141 (1) (b), or an expectant mother, and who is in need of a safe and structured
21 living arrangement and the parent or guardian of the child consent, a child welfare
22 agency licensed to place children in group homes, may place the child or arrange the
23 placement of the child in a group home described in s. 48.625 (1m). A voluntary
24 agreement to place a child in a group home described in s. 48.625 (1m) may be made
25 only under this paragraph, shall be in writing, and shall specifically state that the

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1 agreement may be terminated at any time by the parent, guardian, or child. An
2 initial placement under this paragraph may not exceed 6 months, but may be
3 extended as provided in par. (d) 3. to 6. An initial placement under this paragraph
4 of a child who is under 16 years of age on the date of the initial placement may be
5 extended as provided in par. (d) 3. to 6. no more than once.

6 (c) A permanency plan under s. 48.38 is required for each child placed in a group
7 home under par. (b). The agency that placed the child or that arranged the placement
8 of the child shall prepare the plan within 60 days after the placement and shall
9 provide a copy of the plan to the child and the child's parent or guardian.

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

13 2. An agency that places children under par. (b) or that arranges those
14 placements shall contract with another agency licensed under s. 48.61 (3) to place
15 children or with a county department to review the permanency plans and
16 placements of those children as provided in subds. 3. to 6.

17 3. If the agency that has placed a child under par. (b) or that has arranged the
18 placement of the child wishes to extend the placement of the child, the agency shall
19 prepare a revised permanency plan and submit the revised permanency plan,
20 together with a request for a review of the revised permanency plan and the child's
21 placement, to the independent reviewing agency before the expiration of the child's
22 placement. The request shall include a statement that an extension of the child's
23 placement would be in the best interests of the child, together with reliable and
24 credible information in support of that statement, a statement that the child and the
25 parent or guardian of the child consent to the extension of the child's placement, and

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1 a request that the independent reviewing agency approve an extension of the child's
2 placement. On receipt of a revised permanency plan and a request for review, the
3 independent reviewing agency shall set a time and place for the review and shall
4 advise the agency that placed the child or that arranged the placement of the child
5 of the time and place of the review.

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

15 5. At the review, any person specified in subd. 4. may present information
16 relevant to the issue of extension and information relevant to the determinations
17 specified in s. 48.38 (5) (c). After receiving that information, the independent
18 reviewing agency shall make the determinations specified in s. 48.38 (5) (c) and
19 determine whether an extension of the child's placement is in the best interests of
20 the child and whether the child and the parent or guardian of the child consent to
21 the extension. If the independent reviewing agency determines that the extension
22 is in the best interests of the child and that the child and the parent or guardian of
23 the child consent to the extension, the independent reviewing agency shall approve,
24 in writing, an extension of the placement for a specified period of time not to exceed
25 6 months, stating the reason for the approval, and the agency that placed the child

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1 or that arranged the placement of the child may extend the child's placement for the
2 period of time approved. If the independent reviewing agency determines that the
3 extension is not in the best interests of the child or that the child and the parent or
4 guardian of the child do not consent to the extension, the independent reviewing
5 agency shall, in writing, disapprove an extension of the placement, stating the
6 reason for the disapproval, and the agency that placed the child or that arranged the
7 placement of the child may not extend the placement of the child past the expiration
8 date of the voluntary placement unless the agency obtains a court order placing the
9 child in the group home after the expiration date of the voluntary placement.
10 Notwithstanding the approval of an extension under this subdivision, the child or the
11 parent or guardian of the child may terminate the placement at any time during the
12 extension period.

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

19 **SECTION 20.** 48.64 (1) of the statutes is amended to read:

20 48.64 (1) DEFINITION. In this section, "agency" means the department of health
21 and family services, the department of corrections, a county department or a licensed
22 child welfare agency authorized to place children in foster homes ~~or~~ treatment foster
23 homes or group homes.

24 **SECTION 21.** 48.64 (1r) of the statutes is amended to read:

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

6 **SECTION 22.** 48.78 (1) of the statutes is amended to read:

7 48.78 (1) In this section, unless otherwise qualified, “agency” means the
8 department, a county department, a licensed child welfare agency, or a licensed day
9 care center ~~or a licensed maternity hospital.~~

10 **SECTION 23.** 146.82 (2) (a) 18m. of the statutes is amended to read:

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

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1 child or juvenile in any of those placements, to the foster parent or treatment foster
2 parent of the child or juvenile or the operator of the group home, child caring
3 institution or secured correctional facility in which the child or juvenile is placed, as
4 provided in s. 48.371 or 938.371.

5 **SECTION 24.** 252.15 (5) (a) 19. of the statutes is amended to read:

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

24 **SECTION 25.** 938.34 (3) (cm) of the statutes is created to read:

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1 938.34 (3) (cm) A group home described in s. 48.625 (1m) if the juvenile is at
2 least 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an
3 expectant mother, is receiving inadequate care, and is in need of a safe and
4 structured living arrangement ~~which the juvenile's parent, guardian, or legal~~
5 ~~custodian is unwilling, neglecting, unable, or needs assistance to provide~~

6 **SECTION 26.** 938.355 (1) of the statutes is amended to read:

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

21 **SECTION 27.** 938.38 (2) (d) of the statutes is amended to read:

22 938.38 (2) (d) The juvenile was placed under a voluntary agreement between
23 the agency and the juvenile's parent under s. 48.63 (1) or (5) (b).

24 **SECTION 28.** 938.38 (5) (a) of the statutes is amended to read:

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1 938.38 (5) PLAN REVIEW. (a) The court or a panel appointed under this
 2 paragraph shall review the permanency plan every 6 months from the date on which
 3 the juvenile was first held in physical custody or placed outside of his or her home
 4 under a court order. If the court elects not to review the permanency plan, the court
 5 shall appoint a panel to review the permanency plan. The panel shall consist of 3
 6 persons who are either designated by an independent agency that has been approved
 7 by the chief judge of the judicial administrative district or designated by the agency
 8 that prepared the permanency plan. A voting majority of persons on each panel shall
 9 be persons who are not employed by the agency that prepared the permanency plan
 10 and who are not responsible for providing services to the juvenile or the parents of
 11 the juvenile whose permanency plan is the subject of the review.

SECTION 9258. Appropriation changes; workforce development.

12 (1) SECOND-CHANCE HOMES. (a) In the schedule under section 20.005 (3) of the
 13 statutes for the appropriation to the department of workforce development under
 14 section 20.445 (3) (dz) of the statutes, as affected by the acts of 2001, the dollar
 15 amount is decreased by \$2,000,000 for fiscal year 2001–02 and the dollar amount is
 16 decreased by \$2,000,000 for fiscal year 2002–03 to decrease funding for the purposes
 17 for which the appropriation is made.
 18

19 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
 20 to the department of workforce development under section 20.445 (3) (md) of the
 21 statutes, as affected by the acts of 2001, the dollar amount is increased by \$2,000,000
 22 for fiscal year 2001–02 and the dollar amount is increased by \$2,000,000 for fiscal
 23 year 2002–03 to increase funding for grants for 2nd-chance homes under section
 24 46.997 of the statutes, as created by this act.

(END)

for the purposes for which
 the appropriation is made

Malaise, Gordon

From: Sappenfield, Anne
Sent: Tuesday, November 07, 2000 11:01 AM
To: Malaise, Gordon
Cc: Bilot, Erin; Kiel, Joyce; Carabell, Rachel; Arsenault, Yvonne
Subject: Second-chance home draft

Hi Gordon!

Per Victoria at LFB's instruction, let's take the MOE language out in the next second-chance home draft. I guess the feds think that we should draft however is consistent with other provisions of our statutes.

Thanks!!

Anne Sappenfield
Senior Staff Attorney
Legislative Council Staff