



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0308/3 (4)

GMM:cjs:km (RAR)

Private

2001 BILL

reagan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 48.345 (3) (cm) A group home described in s. 48.625 (1m) if the child is at least
13 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant
14 mother, is receiving inadequate care, and is in need of a safe and structured living
15 arrangement.

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

17 48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment
18 foster home, group home or child caring institution or, if the information is not
19 available at that time, as soon as possible after the date on which the court report
20 or permanency plan has been submitted, but no later than 7 days after that date, the
21 agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency
22 plan shall provide to the foster parent, treatment foster parent or operator of the
23 group home or child caring institution information contained in the court report
24 submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or
25 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).

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

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1 of a child who is under 16 years of age on the date of the initial placement may be
2 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

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1 expectant mother, is receiving inadequate care, and is in need of a safe and
2 structured living arrangement.

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

BILL

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. (a) 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.

15 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
 16 to the department of workforce development under section 20.445 (3) (md) of the
 17 statutes, as affected by the acts of 2001, the dollar amount is increased by \$2,000,000
 18 for fiscal year 2001-02 and the dollar amount is increased by \$2,000,000 for fiscal
 19 year 2002-03 to increase funding for the purposes for which the appropriation is
 20 made.

21 (END)

D-N-72

Per instructions from Victoria at the LFB, this redraft eliminates the TANF maintenance-of-effort language previously found in s. 20.435 (3)(f), as created by this draft.

GMM

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0308/4dn
GMM:ej:s:pg

November 13, 2000

Per instructions from Victoria at the LFB, this redraft eliminates the TANF maintenance-of-effort language previously found in s. 20.435 (3) (f), as created by this draft.

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

7/16/01

Notes by Joyce Kiel, Leg. Council, showing changes which Rep. Jeskowitz wants made to DTFs suggested changes (plus some editing) -

DRAFT #3, 6/13/01

DEPARTMENT OF HEALTH AND FAMILY SERVICES
PROPOSED CHANGES TO LRB-0308/4
RELATING TO SECOND CHANCE HOMES

The changes are also shown on the enclosed draft.

Page 3, Line 7

✓ OK

Change "\$2,000,000" to a different number — \$0 for now

Page 3, Line 14

✓ change

Change "12" to "14" and ~~"21" to "19"~~

□ Page 4, Line 9

OK

After "over", insert ",if placed under s. 48.345(3)(cm) or 938.34(3)(cm), or 14 years of age or older if placed under s. 48.63(5),"

✓ Page 4, Line 13

OK

After "(1m)", insert "(a)"

✓ Page 4, Line 15

✓ OK

Change "\$2,000,000" to a different number — \$0 for now — (Gordon - can you

✓ Page 4, Line 17

OK

After "persons", insert "served under voluntary placement agreements under s. 48.63(5)" to the appropriation, add language referring to "The amount in the schedule" so this will be self-executing when money is added

Page 4, Line 19

No

After the semicolon, add "and"

Page 4, Lines 23-24

✓ change

Delete "; and, in the first . . . paragraph"

But add language explaining that start-up costs does not include capital costs. (Gordon - see my suggested wordings I don't think we need to define "capital costs" for this purpose, but if you think so, please add it.)

Page 6, Line 16

✓ OK

After "EVALUATION.", add "From the appropriation under s. 20.435(3)(f), ~~The~~ the"

✓ Page 6, before Line 24

Insert the following:

OK

Section 3m. 48.02(7) of the statutes is amended to read:

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

✓ Page 7, Lines 6-7

✓ Delete "signs the petition requesting jurisdiction under this subsection,"

✓ Page 7, before Line 11

Insert the following:

✓ **Section 5g.** 48.13(10g) of the statutes is created to read:

48.13(10g) Who is the child of a child found to be in need of protection or services under par. (m).

✓ Page 7, Line 12

After "(1m)", insert "(a)"

✓ Page 8, Lines 6-17

Delete ~~entire~~ paragraph.

✓ Page 8, Line 6

Insert the following:

✓ **Section 9.** 48.38(2)(g) of the statutes is created to read:

48.38(2)(g) The child is ^{a child} ~~an infant~~ of, and is residing with, a child placed in a facility licensed under this chapter.

✓ Page 8, Lines 18-22

Delete entire section from the bill. ~~The Department requires the authority to accept guardianship of children.~~

✓ Page 10, Line 4

After "(1m)", insert "(a)"

☐ Page 10, Line 6

After "over", insert ", if placed under s. 48.345(3)(cm) or 938.34(3)(cm), or 14 years of age or over, if placed under s. 48.63(5)"

✓ Page 10, before Line 16

Insert the following:

OK, but see suggested changes
Adopt a child
(a)
(b) Infants of children placed in group homes under par. (a), whether or not the infant is placed by court order, shall not be counted toward the number of placements for which the group home is licensed as long as the infant's parent also resides in that group home.
Good - as you think this clause is needed

OK ✓ Page 11, Line 14

After "(1m)", insert "(a)"
if is child's The

OK ✓ Page 11, Line 16

Change "12" to "14"

~~Page 11, Line 18~~

~~Change "consent" to "consents"~~

OK ✓ Page 11, Line 19

Delete the comma

OK ✓ Page 11, Line 20

After "(1m)", insert "(a)"

OK ✓ Page 11, Line 21

After "(1m)", insert "(a)"

OK ✓ Page 11, Line 25

Change "(d)" to "(e)"

OK ✓ Page 12, Line 2

Change "(d)" to "(e)"

✓ Page 12, Line 3

OK Insert the following:

See suggested words
(c) A child welfare agency, prior to placing a child or arranging for the placement of a child in a second-chance home under par. (b), shall report the child under s. 48.981(3)(a).

OK ✓ Page 12, Line 3

Change "(c)" to "(d)"

OK ✓ Page 12, Line 4

After "(b)", insert "and for any child of that child"

OK ✓ Page 12, Line 7

Change "(d)" to "(e)"

OK ✓ Page 12, Line 16

After the first "plan", insert "for the child and any child of the child"

OK ✓ Page 12, Line 16

After the second "plan", insert "or plans"

OK ✓ Page 12, Line 17

After "plan", insert "or plans"

OK ✓ Page 13, Line 5

After "plan", insert "or plans"

OK ✓ Page 14, Line 11

After "plan", insert "or plans"

✓ Page 15, Line 7

Insert the following:

✓ Section 48.981(2) is amended to read:

48.981(2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or mental health professional, social worker, marriage and family therapist, professional counselor, public assistance worker, including a financial and employment planner, as defined in s. 49.141(1)(d), school teacher, administrator or counselor, mediator under s. 767.11, ~~foster parent or treatment foster parent~~ child care worker in a day care center, group home or child caring institution, day care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with . . .

OK ✓ Page 15, Line 18

Change the third "(c)" to "(d)"

OK ✓ Page 16, Line 14

Change the third "(c)" to "(d)"

OK ✓ Page 16, Line 23

After "(1m)", insert "(a)"

Described in
48.625(1m)(a)

✓ Page 17, Line 25

OK → Delete "under a court order"

✓ Page 18, Lines 12, 13, 17 and 18

OK → Change the "\$2,000,000" to a different number

bit of change on p. 17, line 22

2001 BILL

5

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

BILL

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 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:

BILL

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).

*if placed under s. 48.345(3)(cm) or 938.34(3)(cm),
 or 14 years of age or over if placed under s. 48.63(5)*

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

14 (2) AWARDING OF GRANTS. (a) From the appropriation under s. 20.435 (3) (f), the
 15 department shall distribute not more than ~~\$2,000,000~~ *the amount in the schedule* in each fiscal year as grants
 16 to private agencies to provide 2nd-chance homes and related services to eligible
 17 *served under voluntary placement agreements under s. 48.63(5)* persons. A private agency that is awarded a grant under this paragraph may use the
 18 amount awarded under the grant to provide care and maintenance to eligible persons
 19 who are placed in a 2nd-chance home operated by the private agency; provide
 20 services, including the services specified in sub. (3), to eligible persons who are
 21 current or former residents of the 2nd-chance home, to the child and family of such
 22 an eligible person, and to the noncustodial parent of the child of such an eligible
 23 person; and, in the first year of the grant period, pay for the start-up costs of the
 24 private agency's program funded under this paragraph.

other than capital costs,

BILL

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

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

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

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

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

BILL

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

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

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

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

From the appropriation under s. 20.435(3)(f), the

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

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

*Section 3m. 48.02(7) of the statutes is amended to read:
48.02(7) "Group home" means any facility operated by a person required to be licensed by
the department under s. 48.625 (1) for the care and maintenance of 2 to 9 children
except as provided under s. 48.625(1m)(b).*

BILL

Section 5g. 48.13 (10g) is created to read:
48.13(10g) Who is the child of a child found to be
in need of protection or services under par. (9m).

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

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

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

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

12 48.345 (3) (cm) A group home described in s. 48.625 (1m) if the child is at least
13 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant
14 mother, is receiving inadequate care, and is in need of a safe and structured living
15 arrangement.

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

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

Gordon - I am waiting to hear from Rep. Jeskowitz about legal
representation for the baby and minor mother if a petition is filed under
s. 48.13(10g). Based on my preliminary conversation with her staff,
please revise the statute so that the court must appoint GAL for the baby and

amended for the minor mother.

BILL

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) Except as provided in s. 48.63 (5) (c), 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

Section 10g. 48.48 (7) of statutes is repealed.

Handwritten checkmarks and arrows on the left margin.

Handwritten notes at the top: "48,38 (2) (c) 110. ... with a child placed in a facility transferred under TRB chapter."

Handwritten note: "do NOT cross out"

BILL

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

BILL

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) ^(a) 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 *if placed under s. 48.345 (3) (cm) or 48.344 (3) (cm), or 14 years of age or over, & placed under s. 48.345*
7 12 years of age or over, who are custodial parents, as defined in s. 49.141 (1) (b), or
8 expectant mothers, and to provide those children with training in parenting skills,
9 including child development, family budgeting, health and nutrition, and other
10 skills to promote the long-term economic independence of those children and the
11 well-being of the children of those children. The department shall promulgate rules
12 establishing standards for a group home described in this subsection. Those rules
13 shall require such a group home to provide for the health, safety, and welfare of the
14 child of any child custodial parent who has been placed in that group home and to
15 have a policy governing visitation between such a child and the child's noncustodial
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,

(b) A child of a child placed in a group home under par. (a) is not counted toward the number of placements for which the group home is licensed if the child's parent also resides in the group home.

BILL

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). ^(a) Such placements may
15 be made only as provided in par. (b). ^(H)

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

(D)

(c) A child welfare agency, prior to placing a child or arranging for the placement of a child under par. (b), shall report the child under s. 48.981 (3)(w).

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

3 (d) (e) 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 (e) (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 ^{of 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 ^{or plans} 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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(Section 22m. 48.981(2) of the statutes is amended to read: - Gordon - add child law marker in a 2d home as a mandated reporter as shown on other

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) ^(a) 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

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1 expectant mother, is receiving inadequate care, and is in need of a safe and
2 structured living arrangement.

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) Except as provided in s. 48.63(5)(d) 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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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. (a) 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 \$⁰2,000,000 for fiscal year 2001-02 and the dollar amount is
13 decreased by \$⁰2,000,000 for fiscal year 2002-03 to decrease funding for the purposes
14 for which the appropriation is made.

15 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
16 to the department of workforce development under section 20.445 (3) (md) of the
17 statutes, as affected by the acts of 2001, the dollar amount is increased by \$⁰2,000,000
18 for fiscal year 2001-02 and the dollar amount is increased by \$⁰2,000,000 for fiscal
19 year 2002-03 to increase funding for the purposes for which the appropriation is
20 made.

21 (END)

Malaise, Gordon

From: Kiel, Joyce
Sent: Wednesday, July 18, 2001 3:48 PM
To: Malaise, Gordon
Cc: Bilot, Erin; Rep.Jeskewitz
Subject: Drafting Request on Second Chance Homes

Gordon:

As a follow-up to the drafting instructions I sent you July 16 regarding LRB-0308, regarding my note to you on page 7-- Representative Jeskewitz has decided the following:

1. For the CHIPS proceeding for the minor mom under proposed s. **48.13 (9m)**, don't add anything special about a GAL or counsel for the minor mom. That means that s. 48.23, Stats. will apply. Under that statute, the court has the authority to appoint counsel but would not be required to do so. However, it also means the court cannot place the minor mom outside the home unless: (a) It is a contested petition and the minor mom is represented by counsel at the fact-finding hearing and any subsequent hearings; or (b) it is not a contested petition and the minor mom is represented by counsel at the hearing at which the placement is made.
2. For the CHIPS proceeding for the baby under proposed s. **48.13 (10g)**, don't add anything special about a GAL or counsel for the **baby**. That means that s. 48.23, Stats. will apply. Under that statute, the court has the authority to appoint counsel or a GAL, but would not be required to do so. However, it also means the court cannot place the baby "outside the home" unless: (a) it is a contested petition and the baby is represented by counsel at the fact-finding hearing and any subsequent hearings; or (b) it is not a contested petition and the baby is represented by counsel at the hearing at which the placement is made. As a practical matter, it is expected that the court will appoint a GAL for the baby.
3. For the CHIPS proceeding for the baby under proposed s. **48.13 (10g)**, please add a provision requiring the court to appoint counsel for the minor mom. Specify that counsel is not waivable. This means an exception will have to be made to s. 48.23 (3), Stats., which prohibits a court from appointing counsel for a parent in a CHIPS proceeding.

Representative Jeskewitz has now indicated that it will not be necessary to have the draft before her meeting on Friday.

Please send me a copy of the draft when you send it to Representative Jeskewitz.

As always, thanks for your good work.

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