



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0308/56
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1 **AN ACT** to repeal 48.48 (7); to renumber and amend 48.23 (2); to amend 48.02
2 (7), 48.13 (9), 48.20 (8), 48.21 (3) (d), 48.23 (3), 48.27 (4) (a) 2., 48.371 (3) (intro.),
3 48.38 (2) (d), 48.38 (5) (a), 48.48 (3), 48.57 (1) (b), 48.57 (3n) (am) 6. c., 48.60 (2)
4 (d), 48.62 (3), 48.625 (1), 48.625 (3), 48.63 (1), 48.64 (1), 48.64 (1r), 48.78 (1),
5 48.981 (2), 146.82 (2) (a) 18m., 252.15 (5) (a) 19., 938.355 (1), 938.38 (2) (d) and
6 938.38 (5) (a); and to create 20.435 (3) (f), 46.997, 48.13 (9m), 48.13 (9p), 48.23
7 (2) (b), 48.345 (3) (cm), 48.38 (2) (g), 48.619, 48.625 (1m), 48.63 (5) and 938.34
8 (3) (cm) of the statutes; relating to: placement of a child who is a custodial
9 parent or an expectant mother in a safe and structured living arrangement in
10 which the child is provided with training in parenting skills and other skills to
11 promote the child's long-term economic independence and the well-being of the

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

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

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

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

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1 (5), and who, at the time of referral for services under a program funded under this
2 section, meets any of the following requirements:

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

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

9 (b) "Private agency" means an organization operated for profit or a nonstock
10 corporation organized under ch. 181 that is a nonprofit corporation, as defined in s.
11 181.0103 (17).

12 (c) "Second-chance home" means a group home licensed under s. 48.625 (1)
13 solely to provide a safe and structured living arrangement for children 14 years of
14 age or over who are custodial parents, as defined in s. 49.141 (1) (b), or expectant
15 mothers and who are placed in the group home under a voluntary agreement under
16 s. 48.63 (5) and to provide those children with training in parenting skills, including
17 child development, family budgeting, health and nutrition, and other skills to
18 promote the long-term economic independence of those children and the well-being
19 of the children of those children as described in s. 48.625 (1m).

20 (2) AWARDING OF GRANTS. (a) From the appropriation under s. 20.435 (3) (f), the
21 department shall distribute not more than the amount in the schedule for that
22 appropriation in each fiscal year as grants to private agencies to provide 2nd-chance
23 homes and related services to eligible persons who are placed under s. 48.63 (5) in
24 2nd-chance homes operated by those private agencies. A private agency that is
25 awarded a grant under this paragraph may use the amount awarded under the grant

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

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

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

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

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

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

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

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

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

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

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& the 3rd calendar year ~~at~~ beginning after the year in which the first grant under this section is awarded

1 (4) EVALUATION. From the appropriation under s. 20.435 (3) (f), the department
2 shall conduct or shall select an evaluator to conduct an evaluation of the grant
3 program under this section and, by June 1 ~~2004~~, shall submit a report on that
4 evaluation to the governor and to the appropriate standing committees under s.
5 13.172 (3). The evaluation shall measure the economic self-sufficiency, parenting
6 skills, independent living skills, and life choice decision-making skills of the eligible
7 persons who received services under the program and any other criteria that the
8 department determines to be appropriate for evaluation.

9 SECTION 4. 48.02 (7) of the statutes is amended to read:

10 48.02 (7) "Group home" means any facility operated by a person required to be
11 licensed by the department under s. 48.625 for the care and maintenance of 5 to 8
12 children, as provided in s. 48.625 (1).

13 SECTION 5. 48.13 (9) of the statutes is amended to read:

14 48.13 (9) Who is at least age 12 years of age, signs the petition requesting
15 jurisdiction under this subsection and is in need of special treatment or care which
16 the parent, guardian or legal custodian is unwilling, neglecting, unable or needs
17 assistance to provide;

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

19 48.13 (9m) Who is at least 12 years of age, is a custodial parent, as defined in
20 s. 49.141 (1) (b), or an expectant mother, is receiving inadequate care, and is in need
21 of a safe and structured living arrangement which the parent, guardian, or legal
22 custodian is unwilling, neglecting, unable, or needs assistance to provide;

23 SECTION 7. 48.13 (9p) of the statutes is created to read:

24 48.13 (9p) Whose parent is a child who is ~~alleged to~~ *alleged to* has been found to be in need
25 of protection or services under sub. (9m).

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

2 48.20 (8) If a child is held in custody, the intake worker shall notify the child's
3 parent, guardian, and legal custodian of the reasons for holding the child in custody
4 and of the child's whereabouts unless there is reason to believe that notice would
5 present imminent danger to the child. The parent, guardian, and legal custodian
6 shall also be notified of the time and place of the detention hearing required under
7 s. 48.21, the nature and possible consequences of that hearing, the right to counsel
8 under s. 48.23 (2) regardless of ability to pay, and the right to present and
9 cross-examine witnesses at the hearing. If the parent, guardian, or legal custodian
10 is not immediately available, the intake worker or another person designated by the
11 court shall provide notice as soon as possible. When the child is 12 years of age or
12 older, the child shall receive the same notice about the detention hearing as the
13 parent, guardian, or legal custodian. The intake worker shall notify both the child
14 and the child's parent, guardian, or legal custodian. When the child is an expectant
15 mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., the unborn
16 child, through the unborn child's guardian ad litem, shall receive the same notice
17 about the whereabouts of the child expectant mother, about the reasons for holding
18 the child expectant mother in custody, and about the detention hearing as the child
19 expectant mother and her parent, guardian, or legal custodian. The intake worker
20 shall notify the child expectant mother, her parent, guardian, or legal custodian and
21 the unborn child, by the unborn child's guardian ad litem.

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

23 48.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian,
24 or legal custodian shall be informed by the court of the allegations that have been
25 made or may be made, the nature and possible consequences of this hearing as

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1 compared to possible future hearings, the right to counsel under s. 48.23 (2)
 2 regardless of ability to pay, the right to confront and cross-examine witnesses, and
 3 the right to present witnesses.

4 **SECTION 10.** 48.23 (2) of the statutes is renumbered 48.23 (2) (a) and amended
 5 to read:

6 48.23 (2) (a) Whenever a child is alleged to be in need of protection or services
 7 under s. 48.13 (9p) or is the subject of a proceeding involving a contested adoption
 8 or the involuntary termination of parental rights, any parent under 18 years of age
 9 who appears before the court shall be represented by counsel; but no such parent may
 10 waive counsel. A minor parent petitioning for the voluntary termination of parental
 11 rights shall be represented by a guardian ad litem. If a proceeding involves a
 12 contested adoption or the involuntary termination of parental rights, any parent 18
 13 years old or older who appears before the court shall be represented by counsel; but
 14 the parent may waive counsel provided the court is satisfied such waiver is
 15 knowingly and voluntarily made.

child's custodial (use twice)

16 **SECTION 11.** 48.23 (2) (b) of the statutes is created to read:

17 48.23 (2) (b) If a petition under s. 48.13 (9p) is contested, no child may be placed
 18 outside his or her home unless the ~~nonpetitioning~~ parent is represented by counsel
 19 at the fact-finding hearing and subsequent proceedings. If the petition is not
 20 contested, the child may not be placed outside his or her home unless the
 21 ~~nonpetitioning~~ parent is represented by counsel at the hearing at which the
 22 placement is made.

23 **SECTION 12.** 48.23 (3) of the statutes is amended to read:

24 48.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. Except in proceedings under
 25 s. 48.13 as provided in this subsection, at any time, upon request or on its own motion,

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1 the court may appoint counsel for the child or any party, unless the child or the party
2 has or wishes to retain counsel of his or her own choosing. The Except in proceedings
3 under s. 48.13 (9p), the court may not appoint counsel for any party other than the
4 child in a proceeding under s. 48.13 for any party other than the child who is the
5 subject of the proceeding.

6 **SECTION 13.** 48.27 (4) (a) 2. of the statutes is amended to read:

7 48.27 (4) (a) 2. Advise the child and any other party, if applicable, of his or her
8 right to legal counsel regardless of ability to pay.

9 **SECTION 14.** 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.

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

15 48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment
16 foster home, group home or child caring institution or, if the information is not
17 available at that time, as soon as possible after the date on which the court report
18 or permanency plan has been submitted, but no later than 7 days after that date, the
19 agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency
20 plan shall provide to the foster parent, treatment foster parent or operator of the
21 group home or child caring institution information contained in the court report
22 submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or
23 permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63
24 (4) or (5) (c) or 48.831 (4) (e) relating to findings or opinions of the court or agency that
25 prepared the court report or permanency plan relating to any of the following:

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1 **SECTION 16.** 48.38 (2) (d) of the statutes is amended to read:

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

4 **SECTION 17.** 48.38 (2) (g) of the statutes is created to read:

5 48.38 (2) (g) The child's parent is placed in a foster home, treatment foster
6 home, group home, child-caring institution, secure detention facility, or shelter care
7 facility and the child is residing with that parent.

8 **SECTION 18.** 48.38 (5) (a) of the statutes is amended to read:

9 48.38 (5) (a) The Except as provided in s. 48.63 (5) (d), the court or a panel
10 appointed under this paragraph shall review the permanency plan every 6 months
11 from the date on which the child was first held in physical custody or placed outside
12 of his or her home. If the court elects not to review the permanency plan, the court
13 shall appoint a panel to review the permanency plan. The panel shall consist of 3
14 persons who are either designated by an independent agency that has been approved
15 by the chief judge of the judicial administrative district or designated by the agency
16 that prepared the permanency plan. A voting majority of persons on each panel shall
17 be persons who are not employed by the agency that prepared the permanency plan
18 and who are not responsible for providing services to the child or the parents of the
19 child whose permanency plan is the subject of the review.

20 **SECTION 19.** 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 20.** 48.48 (7) of the statutes is repealed.

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1 **SECTION 21.** 48.57 (1) (b) of the statutes is amended to read:

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

8 **SECTION 22.** 48.57 (3n) (am) 6. c. of the statutes is amended to read:

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

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

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

15 **SECTION 24.** 48.619 of the statutes is created to read:

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

25 **SECTION 25.** 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 26.** 48.625 (1) of the statutes is amended to read:

7 48.625 (1) Any person who receives, with or without transfer of legal custody,
8 5 to 8 children, not including children who under sub. (1m) are not counted toward
9 that number, to provide care and maintenance for those children shall obtain a
10 license to operate a group home from the department. To obtain a license under this
11 subsection to operate a group home, a person must meet the minimum requirements
12 for a license established by the department under s. 48.67, meet the requirements
13 specified in s. 48.685 and pay the license fee under sub. (2). A license issued under
14 this subsection is valid until revoked or suspended, but shall be reviewed every 2
15 years as provided in s. 48.66 (5).

16 **SECTION 27.** 48.625 (1m) of the statutes is created to read:

17 48.625 (1m) The department may issue a license under sub. (1) authorizing a
18 group home solely to provide a safe and structured living arrangement for children
19 12 years of age or over who are custodial parents, as defined in s. 49.141 (1) (b), or
20 expectant mothers and who are placed in the group home under s. 48.345 (3) (cm) or
21 938.34 (3) (cm) ~~or solely to provide a safe and structured living arrangement~~ for
22 children 14 years of age or over who are custodial parents, as defined in s. 49.141 (1)
23 (b), or expectant mothers and who are placed in the group home under voluntary
24 agreements under s. 48.63 (5), and to provide those children with training in
25 parenting skills, including child development, family budgeting, health and

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1 nutrition, and other skills to promote the long-term economic independence of those
2 children and the well-being of the children of those children. In licensing a group
3 home described in this subsection, the department may not count toward the number
4 of children whom the group home is licensed to serve the child of a child who is placed
5 in the group home. The department shall promulgate rules establishing standards
6 for a group home described in this subsection. Those rules shall require such a group
7 home to provide for the health, safety, and welfare of the child of any child custodial
8 parent who has been placed in that group home and to have a policy governing
9 visitation between such a child and the child's noncustodial parent.

10 **SECTION 28.** 48.625 (3) of the statutes is amended to read:

11 48.625 (3) This section does not apply to a foster home licensed under s. 48.62
12 (1) (a) ~~in which care and maintenance is provided for more than 4 siblings or to a~~
13 treatment foster home licensed under s. 48.62 (1) (b).

14 **SECTION 29.** 48.63 (1) of the statutes is amended to read:

15 48.63 (1) Acting pursuant to court order or voluntary agreement, the child's
16 parent or guardian or the department of health and family services, the department
17 of corrections, a county department or a child welfare agency licensed to place
18 children in foster homes ~~or~~, treatment foster homes or group homes may place a child
19 or negotiate or act as intermediary for the placement of a child in a foster home,
20 treatment foster home or group home. Voluntary agreements under this subsection
21 may not be used for placements in facilities other than foster, treatment foster or
22 group homes and may not be extended. A foster home or treatment foster home
23 placement under a voluntary agreement may not exceed 6 months. A group home
24 placement under a voluntary agreement may not exceed 15 days, except as provided
25 in sub. (5). These time limitations do not apply to placements made under s. 48.345,

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1 938.183, 938.34 or 938.345. Voluntary agreements may be made only under this
2 subsection and sub. (5) (b) and shall be in writing and shall specifically state that the
3 agreement may be terminated at any time by the parent or guardian or by the child
4 if the child's consent to the agreement is required. The child's consent to the
5 agreement is required whenever the child is 12 years of age or older.

6 **SECTION 30.** 48.63[✓] (5) of the statutes is created to read:

7 48.63 (5) (a) Subsection (1) does not apply to the voluntary placement under
8 par. (b) of a child in a group home described in s. 48. 625 (1m). Such placements may
9 be made only as provided in par. (b).

10 (b) If a child who is at least 14 years of age, who is a custodial parent, as defined
11 in s. 49.141 (1) (b), or an expectant mother, and who is in need of a safe and structured
12 living arrangement and the parent or guardian of the child consent, a child welfare
13 agency licensed to place children in group homes may place the child or arrange the
14 placement of the child in a group home described in s. 48.625 (1m). Before placing
15 a child or arranging the placement of a child under this paragraph, the child welfare
16 agency shall report any suspected abuse or neglect of the child as required under s.
17 48.981 (2). A voluntary agreement to place a child in a group home described in s.
18 48.625 (1m) may be made only under this paragraph, shall be in writing, and shall
19 specifically state that the agreement may be terminated at any time by the parent,
20 guardian, or child. An initial placement under this paragraph may not exceed 6
21 months, but may be extended as provided in par. (d) 3. to 6. An initial placement
22 under this paragraph of a child who is under 16 years of age on the date of the initial
23 placement may be extended as provided in par. (d) 3. to 6. no more than once.

24 (c) A permanency plan under s. 48.38 is required for each child placed in a group
25 home under par. (b) and for any child of that child who is residing with that child.

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1 The agency that placed the child or that arranged the placement of the child shall
2 prepare the plan within 60 days after the placement and shall provide a copy of the
3 plan to the child and the child's parent or guardian.

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

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

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

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1 and shall advise the agency that placed the child or that arranged the placement of
2 the child 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 or plans and the request for review submitted under subd. 3. and
6 notice of 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
12 specified in s. 48.38 (5) (c) that were made under subd. 5. and shall provide a copy
13 of that summary to the independent reviewing agency, the child, the parent,
14 guardian, and legal custodian of the child, and the operator of the group home in
15 which the child was placed.

16 **SECTION 31.** 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 32.** 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 33.** 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 34.** 48.981 (2) of the statutes is amended to read:

8 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
9 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
10 mental health professional, social worker, marriage and family therapist,
11 professional counselor, public assistance worker, including a financial and
12 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
13 counselor, mediator under s. 767.11, child care worker in a day care center, group
14 home, as described in s. 48.625 (1m), or child caring institution, day care provider,
15 alcohol or other drug abuse counselor, member of the treatment staff employed by or
16 working under contract with a county department under s. 46.23, 51.42 or 51.437,
17 physical therapist, occupational therapist, dietitian, speech-language pathologist,
18 audiologist, emergency medical technician, first responder or police or law
19 enforcement officer having reasonable cause to suspect that a child seen in the course
20 of professional duties has been abused or neglected or having reason to believe that
21 a child seen in the course of professional duties has been threatened with abuse or
22 neglect and that abuse or neglect of the child will occur shall, except as provided
23 under sub. (2m), report as provided in sub. (3). A court-appointed special advocate
24 having reasonable cause to suspect that a child seen in the course of the
25 court-appointed special advocate’s activities under s. 48.236 (3) has been abused or

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1 neglected or having reason to believe that a child seen in the course of those activities
2 has been threatened with abuse and neglect and that abuse or neglect of the child
3 will occur shall, except as provided in sub. (2m), report as provided in sub. (3). Any
4 other person, including an attorney, having reason to suspect that a child has been
5 abused or neglected or reason to believe that a child has been threatened with abuse
6 or neglect and that abuse or neglect of the child will occur may make such a report.
7 Any person, including an attorney having reason to suspect that an unborn child has
8 been abused or reason to believe that an unborn child is at substantial risk of abuse
9 may report as provided in sub. (3). No person making a report under this subsection
10 may be discharged from employment for so doing.

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

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

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

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

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

25 **SECTION 37.** 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.

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

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

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

21 938.38 (2) (d) The juvenile was placed under a voluntary agreement between
22 the agency and the juvenile's parent under s. 48.63 (1) or (5) (b).

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

24 938.38 (5) PLAN REVIEW. (a) The Except as provided in s. 48.63 (5) (d), the court
25 or a panel appointed under this paragraph shall review the permanency plan every

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

SECTION 9258. Appropriation changes; workforce development.

10
11 (1) SECOND-CHANCE HOMES. (a) In the schedule under section 20.005 (3) of the
12 statutes for the appropriation to the department of workforce development under
13 section 20.445 (3) (dz) of the statutes, as affected by the acts of 2001, the dollar
14 amount is decreased by \$0 for fiscal year 2001–02 and the dollar amount is decreased
15 by \$0 for fiscal year 2002–03 to decrease funding for the purposes for which the
16 appropriation is made.

17 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
18 to the department of workforce development under section 20.445 (3) (md) of the
19 statutes, as affected by the acts of 2001, the dollar amount is increased by \$0 for fiscal
20 year 2001–02 and the dollar amount is increased by \$0 for fiscal year 2002–03 to
21 increase funding for the purposes for which the appropriation is made.

22 (END)

D NOTE

~~grant money not for at award~~

This redraft makes all of the following changes ^{second}

to the draft:

1. Defines ~~and~~ "And-chance" ^{And-chance} in s. 46.997(1)

(c) ^(a) by simple cross-reference to s. 48.625(1m). ✓

2. Requires the evaluation of the ^{grant} grant program under

s. 46.997(4) to be submitted by June 1 of the

third calendar year beginning after the year in which the awarded.

first grant is awarded. For example, if the first grant is would

awarded in 2001, the report would be due by

June 1, 2004. (9p)

3. Limits ~~and~~ CHIPS ^{under s. 48.13(9p)} jurisdiction over the

infant of a child custodial parent to infants whose

parents ^(I) have been found ^{and} ^{been} not merely allegedly

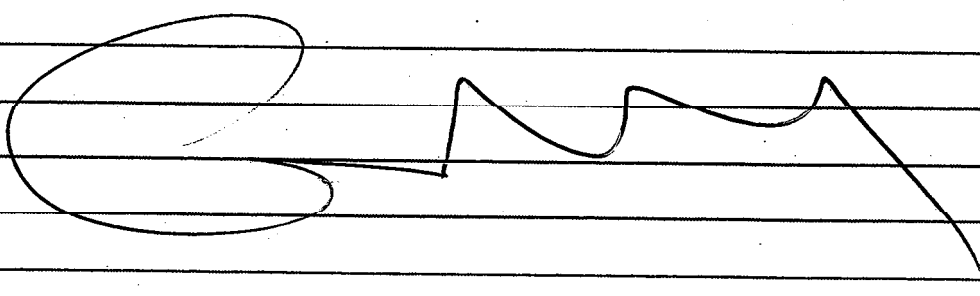
to be in need of protection or services.

4. Prohibits such an infant from being placed

outside the home unless the infant's ^(I) custodial parent,
rather than ^(any) nonpetitioning
nonpetitioning parent, is represented
by counsel under s. 48.23 (2)(b).

DHFS

¶ s. 48.625 (1m) to Permits DHFS to with license a 2nd-change
home for children 12 years of age or over who
are court-ordered into the home ^(I) and for children
14 years of age or over who are voluntarily placed in
the home. In other words, both court-ordered and
voluntary children may be placed in the same home.



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0308/6dn
GMM:cjs:kjf

August 7, 2001

This redraft makes all of the following changes to the draft:

1. Defines "second-chance home" in s. 46.997 (1) (c) by a simple cross-reference to s. 48.625 (1m).
2. Requires the evaluation of the grant program under s. 46.997 (4) to be submitted by June 1 of the third calendar year beginning after the year in which the first grant is awarded. For example, if the first grant is awarded in 2001, the report would be due by June 1, 2004.
3. Limits CHIPS jurisdiction under s. 48.13 (9p) over the infant of a child custodial parent to infants whose parents *have been found*, and not merely been alleged, to be in need of protection or services.
4. Prohibits such an infant from being placed outside the home unless the infant's *custodial parent*, rather than any nonpetitioning parent, is represented by counsel under s. 48.23 (2) (b).
5. Permits DHFS to license a second-chance home under s. 48.625 (1m) to provide a safe and structured living environment for children 12 years of age or over who are court-ordered into the home *and for* children 14 years of age or over who are voluntarily placed in the home. In other words, both court-ordered and voluntary children may be placed in the same home.

Gordon M. Malaise
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Barman, Mike

From: Bilot, Erin

Sent: Tuesday, August 07, 2001 3:50 PM

To: Barman, Mike

Subject: LRB 0308/6

Mike,

Could you please e-mail me LRB 0308/6? Thanks.

Erin Bilot

Office of Suzanne Jeskewitz

Barman, Mike

From: Barman, Mike
Sent: Wednesday, August 08, 2001 8:37 AM
To: Rep.Jeskewitz
Subject: LRB-0308/6 (attached) (requested by Erin)