



State of Wisconsin  
2001 - 2002 LEGISLATURE

DMOTE

LRB-0308/5 7  
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Today - Fri 8/17  
2001 BILL

Regenerate

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.

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

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

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

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

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

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

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

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

1 ~~SECTION 1. 20.005 (3) (schedule) of the statutes. at the appropriate place, insert~~

2 the following amounts for the purposes indicated:

3 ~~At 3 times~~

	<b>2001-02</b>	<b>2002-03</b>
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4 ~~20.435 Health and family services, department~~

5 ~~of~~  
6 ~~(3) CHILDREN AND FAMILY SERVICES~~

7 ~~(f) Second-chance homes GPR A -0- -0-~~

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

9 ~~20.435 (3) (f) Second-chance homes. The amounts in the schedule for~~  
10 ~~2nd-chance home grants under s. 46.997 and for an evaluation of the grant program~~

11 ~~under s. 46.997.~~

12 ~~SECTION 3. 46.997 of the statutes is created to read:~~

13 ~~46.997 Second-chance homes. (1) DEFINITIONS. In this section:~~

14 ~~(a) "Eligible person" means a person 14 years of age or over, but under 21 years~~  
15 ~~of age, who is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant~~  
16 ~~mother, has an income, not including the income of the person's parent, guardian, or~~  
17 ~~legal custodian, that is at or below 200% of the poverty line, as defined in s. 49.001~~

Insert  
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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). (km)

12 (c) "Second-chance home" means a group home described in s. 48.625 (1m).

13 (2) AWARDING OF GRANTS. (a) From the appropriation under s. 20.435 (3) ~~(f)~~ <sup>to</sup>, the  
14 department shall distribute not more than ~~the amount in the schedule for that~~  
15 ~~appropriation~~ in each fiscal year as grants to private agencies to provide 2nd-chance  
16 homes and related services to eligible persons who are placed under s. 48.63 (5) in  
17 2nd-chance homes operated by those private agencies. A private agency that is  
18 awarded a grant under this paragraph may use the amount awarded under the grant  
19 to provide care and maintenance to eligible persons who are placed under s. 48.63  
20 (5) in a 2nd-chance home operated by the private agency; provide services, including  
21 the services specified in sub. (3), to eligible persons who currently are or formerly  
22 were placed under s. 48.63 (5) in the 2nd-chance home, to the children and families  
23 of those eligible persons, and to the noncustodial parents of the children of those  
24 eligible persons; and, in the first year of the grant period, pay for the start-up costs,

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1 other than capital costs, of the private agency's program funded under this  
2 paragraph.

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

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

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

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

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

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

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

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

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

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

18           **(4) EVALUATION.** From the appropriation under s. 20.435 (3) ~~(4)~~, the department  
19 shall conduct or shall select an evaluator to conduct an evaluation of the grant  
20 program under this section and, by June 1 of the 3rd calendar year beginning after  
21 the year in which the first grant under this section is awarded, shall submit a report  
22 on that evaluation to the governor and to the appropriate standing committees under  
23 s. 13.172 (3). The evaluation shall measure the economic self-sufficiency, parenting  
24 skills, independent living skills, and life choice decision-making skills of the eligible

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1 persons who received services under the program and any other criteria that the  
2 department determines to be appropriate for evaluation.

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

4 48.02 (7) "Group home" means any facility operated by a person required to be  
5 licensed by the department under s. 48.625 for the care and maintenance of 5 to 8  
6 children, as provided in s. 48.625 (1).

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

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

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

13 48.13 (9m) Who is at least 12 years of age, is a custodial parent, as defined in  
14 s. 49.141 (1) (b), or an expectant mother, is receiving inadequate care, and is in need  
15 of a safe and structured living arrangement which the parent, guardian, or legal  
16 custodian is unwilling, neglecting, unable, or needs assistance to provide;

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

18 48.13 (9p) Whose parent is a child who has been found to be in need of  
19 protection or services under sub. (9m).

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

21 48.20 (8) If a child is held in custody, the intake worker shall notify the child's  
22 parent, guardian, and legal custodian of the reasons for holding the child in custody  
23 and of the child's whereabouts unless there is reason to believe that notice would  
24 present imminent danger to the child. The parent, guardian, and legal custodian  
25 shall also be notified of the time and place of the detention hearing required under

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

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

17 48.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian,  
18 or legal custodian shall be informed by the court of the allegations that have been  
19 made or may be made, the nature and possible consequences of this hearing as  
20 compared to possible future hearings, the right to counsel under s. 48.23 (2)  
21 regardless of ability to pay, the right to confront and cross-examine witnesses, and  
22 the right to present witnesses.

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



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1           48.23 (2) (a) Whenever a child is alleged to be in need of protection or services  
2 under s. 48.13 (9p) or is the subject of a proceeding involving a contested adoption  
3 or the involuntary termination of parental rights, any parent under 18 years of age  
4 who appears before the court shall be represented by counsel; but no such parent may  
5 waive counsel. A minor parent petitioning for the voluntary termination of parental  
6 rights shall be represented by a guardian ad litem. If a proceeding involves a  
7 contested adoption or the involuntary termination of parental rights, any parent 18  
8 years old or older who appears before the court shall be represented by counsel; but  
9 the parent may waive counsel provided the court is satisfied such waiver is  
10 knowingly and voluntarily made.

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

12           48.23 (2) (b) If a petition under s. 48.13 (9p) is contested, no child may be placed  
13 outside his or her home unless the child's custodial parent is represented by counsel  
14 at the fact-finding hearing and subsequent proceedings. If the petition is not  
15 contested, the child may not be placed outside his or her home unless the child's  
16 custodial parent is represented by counsel at the hearing at which the placement is  
17 made.

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

19           48.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings under~~  
20 ~~s. 48.13 as provided in this subsection,~~ at any time, upon request or on its own motion,  
21 the court may appoint counsel for the child or any party, unless the child or the party  
22 has or wishes to retain counsel of his or her own choosing. ~~The Except in proceedings~~  
23 ~~under s. 48.13 (9p), the~~ court may not appoint counsel ~~for any party other than the~~  
24 ~~child in a proceeding under s. 48.13~~ for any party other than the child who is the  
25 subject of the proceeding.

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

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

4           **SECTION 14.** 48.345 (3) (cm) of the statutes is created to read:

5           48.345 (3) (cm) A group home described in s. 48.625 (1m) if the child is at least  
6 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant  
7 mother, is receiving inadequate care, and is in need of a safe and structured living  
8 arrangement.

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

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

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

22          48.38 (2) (d) The child was placed under a voluntary agreement between the  
23 agency and the child's parent under s. 48.63 (1) or (5) (b).

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

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1           48.38 (2) (g) The child's parent is placed in a foster home, treatment foster  
2 home, group home, child-caring institution, secure detention facility, or shelter care  
3 facility and the child is residing with that parent.

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

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

16           **SECTION 19.** 48.48 (3) of the statutes is amended to read:

17           48.48 (3) To accept guardianship of children when appointed by the court, and  
18 to provide special treatment ~~and~~ or care when directed by the court. A court may not  
19 direct the department to administer psychotropic medications to children who  
20 receive special treatment or care under this subsection.

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

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

23           48.57 (1) (b) To accept legal custody of children transferred to it by the court  
24 under s. 48.355, to accept supervision over expectant mothers of unborn children who  
25 are placed under its supervision under s. 48.355 and to provide special treatment ~~and~~

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1 or care for children and expectant mothers if ordered by the court. A court may not  
2 order a county department to administer psychotropic medications to children and  
3 expectant mothers who receive special treatment or care under this paragraph.

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

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

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

9 48.60 (2) (d) A hospital, ~~maternity hospital, maternity home~~ or nursing home  
10 licensed, approved or supervised by the department.

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

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

21 **SECTION 25.** 48.62 (3) of the statutes is amended to read:

22 48.62 (3) When the department, a county department or a child welfare agency  
23 issues a license to operate a foster home or a treatment foster home, the department,  
24 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 26.** 48.625 (1) of the statutes is amended to read:

4 48.625 (1) Any person who receives, with or without transfer of legal custody,  
5 5 to 8 children, not including children who under sub. (1m) are not counted toward  
6 that number, to provide care and maintenance for those children shall obtain a  
7 license to operate a group home from the department. To obtain a license under this  
8 subsection to operate a group home, a person must meet the minimum requirements  
9 for a license established by the department under s. 48.67, meet the requirements  
10 specified in s. 48.685 and pay the license fee under sub. (2). A license issued under  
11 this subsection is valid until revoked or suspended, but shall be reviewed every 2  
12 years as provided in s. 48.66 (5).

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

14 48.625 (1m) The department may issue a license under sub. (1) authorizing a  
15 group home solely to provide a safe and structured living arrangement for children  
16 12 years of age or over who are custodial parents, as defined in s. 49.141 (1) (b), or  
17 expectant mothers and who are placed in the group home under s. 48.345 (3) (cm) or  
18 938.34 (3) (cm) and for children 14 years of age or over who are custodial parents, as  
19 defined in s. 49.141 (1) (b), or expectant mothers and who are placed in the group  
20 home under voluntary agreements under s. 48.63 (5), and to provide those children  
21 with training in parenting skills, including child development, family budgeting,  
22 health and nutrition, and other skills to promote the long-term economic  
23 independence of those children and the well-being of the children of those children.  
24 In licensing a group home described in this subsection, the department may not  
25 count toward the number of children whom the group home is licensed to serve the

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1 child of a child who is placed in the group home. The department shall promulgate  
2 rules establishing standards for a group home described in this subsection. Those  
3 rules shall require such a group home to provide for the health, safety, and welfare  
4 of the child of any child custodial parent who has been placed in that group home and  
5 to have a policy governing visitation between such a child and the child's  
6 noncustodial parent.

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

8 48.625 (3) This section does not apply to a foster home licensed under s. 48.62  
9 (1) (a) ~~in which care and maintenance is provided for more than 4 siblings or to a~~  
10 treatment foster home licensed under s. 48.62 (1) (b).

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

12 48.63 (1) Acting pursuant to court order or voluntary agreement, the child's  
13 parent or guardian or the department of health and family services, the department  
14 of corrections, a county department or a child welfare agency licensed to place  
15 children in foster homes ~~or~~ treatment foster homes or group homes may place a child  
16 or negotiate or act as intermediary for the placement of a child in a foster home,  
17 treatment foster home or group home. Voluntary agreements under this subsection  
18 may not be used for placements in facilities other than foster, treatment foster or  
19 group homes and may not be extended. A foster home or treatment foster home  
20 placement under a voluntary agreement may not exceed 6 months. A group home  
21 placement under a voluntary agreement may not exceed 15 days, except as provided  
22 in sub. (5). These time limitations do not apply to placements made under s. 48.345,  
23 938.183, 938.34 or 938.345. Voluntary agreements may be made only under this  
24 subsection and sub. (5) (b) and shall be in writing and shall specifically state that the  
25 agreement may be terminated at any time by the parent or guardian or by the child

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1 if the child's consent to the agreement is required. The child's consent to the  
2 agreement is required whenever the child is 12 years of age or older.

3 **SECTION 30.** 48.63 (5) of the statutes is created to read:

4 48.63 (5) (a) Subsection (1) does not apply to the voluntary placement under  
5 par. (b) of a child in a group home described in s. 48. 625 (1m). Such placements may  
6 be made only as provided in par. (b).

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

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

**BILL**

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

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

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

24 4. Not less than 10 days before the review, the agency that placed the child or  
25 that arranged the placement of the child shall provide a copy of the revised



**BILL**

1 permanency plan or plans and the request for review submitted under subd. 3. and  
2 notice of the time and place of the review to the child, the parent, guardian, and legal  
3 custodian of the child, and the operator of the group home in which the child is placed,  
4 together with notice of the issues to be determined as part of the permanency plan  
5 review and notice of the fact that those persons may have the opportunity to be heard  
6 at the review by submitting written comments to that agency or the independent  
7 reviewing agency before the review or by participating at the review.

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

**BILL**

1 date of the voluntary placement unless the agency obtains a court order placing the  
2 child in the group home after the expiration date of the voluntary placement.  
3 Notwithstanding the approval of an extension under this subdivision, the child or the  
4 parent or guardian of the child may terminate the placement at any time during the  
5 extension period.

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

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

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

17 **SECTION 32.** 48.64 (1r) of the statutes is amended to read:

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

23 **SECTION 33.** 48.78 (1) of the statutes is amended to read:

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

4           **SECTION 34.** 48.981 (2) of the statutes is amended to read:

5           48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical  
6 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or  
7 mental health professional, social worker, marriage and family therapist,  
8 professional counselor, public assistance worker, including a financial and  
9 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or  
10 counselor, mediator under s. 767.11, child care worker in a day care center, group  
11 home, as described in s. 48.625 (1m), or child caring institution, day care provider,  
12 alcohol or other drug abuse counselor, member of the treatment staff employed by or  
13 working under contract with a county department under s. 46.23, 51.42 or 51.437,  
14 physical therapist, occupational therapist, dietitian, speech–language pathologist,  
15 audiologist, emergency medical technician, first responder or police or law  
16 enforcement officer having reasonable cause to suspect that a child seen in the course  
17 of professional duties has been abused or neglected or having reason to believe that  
18 a child seen in the course of professional duties has been threatened with abuse or  
19 neglect and that abuse or neglect of the child will occur shall, except as provided  
20 under sub. (2m), report as provided in sub. (3). A court–appointed special advocate  
21 having reasonable cause to suspect that a child seen in the course of the  
22 court–appointed special advocate’s activities under s. 48.236 (3) has been abused or  
23 neglected or having reason to believe that a child seen in the course of those activities  
24 has been threatened with abuse and neglect and that abuse or neglect of the child  
25 will occur shall, except as provided in sub. (2m), report as provided in sub. (3). Any

**BILL**

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

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

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

6  
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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 36.** 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 37.** 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

**BILL**

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

3 **SECTION 38.** 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 39.** 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 40.** 938.38 (5) (a) of the statutes is amended to read:

22 938.38 (5) PLAN REVIEW. (a) The Except as provided in s. 48.63 (5) (d), the court  
23 or a panel appointed under this paragraph shall review the permanency plan every  
24 6 months from the date on which the juvenile was first held in physical custody or  
25 placed outside of his or her home. If the court elects not to review the permanency

**BILL**

Insert 23-9

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

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

8  
9 (1) SECOND-CHANCE HOMES. <sup>(P(6))</sup> ~~(b)~~ 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 \$0 for fiscal year 2001-02 and the dollar amount is decreased  
13 by \$0 for fiscal year 2002-03 to decrease funding for the purposes for which the  
14 appropriation is made.

15 <sup>(c)</sup> ~~(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 \$0 for fiscal  
18 year 2001-02 and the dollar amount is increased by \$0 for fiscal year 2002-03 to  
19 increase funding for the ~~purposes for which the appropriation is made.~~

(END)

~~of providing~~  
purpose & transferring moneys to the department of  
health and family services for 2nd-chance home  
grants under section 46.997 of the statutes, as  
created by this act, and for an evaluation of the  
grant program under ~~that~~ section <sup>46.997</sup> of the statutes

Insert 3-11

and for an evaluation of the grant program under s 46.997

Section #. 20.435 (3) (km) of the statutes is amended to read:

2

2

and 46.997

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

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186.

(ed & msx)



~~for a Public Hearing~~  
Insert 20-7

SEC. CR; 49.175 (1) (2e) 7m.

49.175 (1) (2e) 7m, 'Second-chance homes.' For  
2nd-chance home grants under s. 46.997 and for  
an evaluation of the grant program under s. 46.997,  
\$0 in each fiscal year.

(ed & insert)

Nonstat File Sequence:

DDD

LRB \_\_\_\_\_/\_\_\_\_

\$\$\$ CHANGE

Insert 23-9

1. In the component bar:

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

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

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

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

SECTION # [92]. Appropriation changes; ...

(#1) (a)

In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services

under section 20.435 (3) (km) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$ 0 for fiscal year 2001-02 and the dollar amount is increased by \$ 0 for fiscal year 2002-03

to increase funding for the purpose of providing 2nd-chance home grants under section 46.997 of the statutes, as created by this act, and for an evaluation of the grant program under section 46.997 of the statutes.

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

(add next)

D-Note

Date

0308/7dn

Representative Jeskewitz:

Gmm:hmk

This redraft contains certain technical changes that are necessary in order for the 2nd-chance home grant program to be funded by ~~the~~ federal TANF dollars.

Specifically, the redraft:

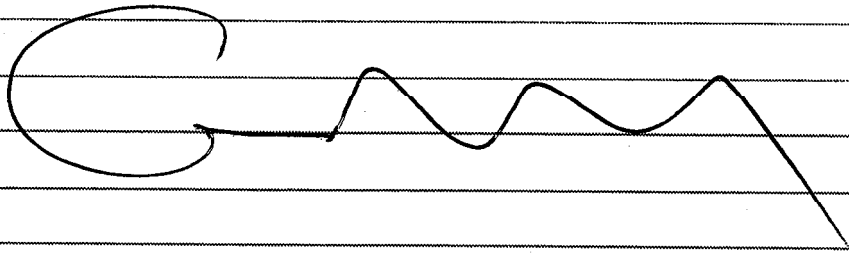
1. Eliminates the creation of  $\text{s. } 20.435 (3) (F)$ , which is a GPR appropriation, and instead amends  $\text{s. } 20.435 (3) (K)$ , which is a PR-S appropriation that was set up to accept transferred FED TANF dollars, so as to permit those dollars to be transferred from  $\text{s. } 20.445 (3) (M2)$  to  $\text{s. } 20.435 (3) (K)$  and expended for 2nd-chance home grants.  
to  $\text{s. } 20.435 (3) (F)$
2. Changes the cross references in  $\text{s. } 46.997 (2) (a)$  and (4) to ~~the~~ cross references to  $\text{s. } 20.435 (3) (K)$ .
3. Creates  $\text{s. } 49.175 (1) (2e) 7m.$  to specify the amounts to be transferred for 2nd-chance home grants.

5.

(c)

As specified in ~~SECTION~~ <sup>CS</sup> 9258 (1) ~~(A)~~ that the purpose of the ~~appropriation~~ increase to the ~~appropriation~~ the FED. TRANS appropriation is to transfer moneys to DIAS for 2nd-chance home grants.

If you have any questions about these changes, please do not hesitate to contact me directly.



4. Creates <sup>CS</sup> SECTION 9258 (1)(a) to increase To increase funding the appropriation under s. 20.435 (3)(km) for ~~providing~~ 2nd-chance home grants.

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

LRB-0308/7dn  
GMM:hmh:pg

August 17, 2001

Representative Jeskewitz:

This redraft contains certain technical changes that are necessary in order for the 2nd-chance home grant program to be funded by federal TANF dollars. Specifically, the redraft:

1. Eliminates the creation of s. 20.435 (3) (f), which is a GPR appropriation, and instead amends s. 20.435 (3) (km), which is a PR-S appropriation that was set up to accept transferred FED TANF dollars, so as to permit those dollars to be transferred from s. 20.445 (3) (md) to s. 20.435 (3) (km) and expended for 2nd-chance home grants.
2. Changes the cross references to s. 20.435 (3) (f) in s. 46.997 (2) (a) and (4) to cross references to s. 20.435 (3) (km).
3. Creates s. 49.175 (1) (ze) 7m. to specify the amounts to be transferred for 2nd-chance home grants.
4. Creates SECTION 9258 (1) (a) to increase the appropriation under s. 20.435 (3) (km) to increase funding for 2nd-chance home grants.
5. Specifies in SECTION 9258 (1) (c) that the purpose of the increase to the FED TANF appropriation is to transfer moneys to DHFS for 2nd-chance home grants.

If you have any questions about these changes, please do not hesitate to contact me directly.

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

## Emery, Lynn

---

**From:** Emery, Lynn  
**Sent:** Monday, August 20, 2001 9:57 AM  
**To:** Bilot, Erin  
**Subject:** LRB-0308/7 (attached as requested)

Lynn Emery

Lynn Emery - Program Asst. (PH. 608-266-3561)  
(E-Mail: [lynn.emery@legis.state.wi.us](mailto:lynn.emery@legis.state.wi.us)) (FAX: 608-264-6948)

Legislative Reference Bureau - Legal Section - Front Office  
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Madison, WI 53703

8/20/2001



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

August 17, 2001

### MEMORANDUM

To: Representative Jeskewitz

From: Gordon M. Malaise, Senior Legislative Attorney

Re: LRB-0308/7 Second-chance homes for teenage mothers

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY     JACKET FOR SENATE

*Gordon M. Malaise*  
If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9738 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.