



1 **SECTION 420.** 938.345 (3) (a) (intro.) and (c) of the statutes are amended to read:

2 938.345 (3) (a) (intro.) If the court finds that a juvenile is in need of protection
3 or services on the basis of a violation, or the solicitation, conspiracy, or attempt to
4 commit a violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the
5 court may require the juvenile to comply with the reporting requirements under s.
6 301.45 if the court determines that the underlying conduct was sexually motivated,
7 as defined in s. 980.01 (5), and that it ~~would be~~ is in the interest of public protection
8 to have the juvenile report under s. 301.45. In determining whether it ~~would be~~ is
9 in the interest of public protection to have the juvenile report under s. 301.45, the
10 court may consider any of the following:

11 (c) If the court orders a juvenile to comply with the reporting requirements
12 under s. 301.45, the clerk of the court in which the order is entered shall promptly
13 forward a copy of the order to the department of ~~corrections~~. If the finding of need
14 of protection or services on which the order is based is reversed, set aside, or vacated,
15 the clerk of the court shall promptly forward to the department of ~~corrections~~ a
16 certificate stating that the finding has been reversed, set aside or vacated.

17 **SECTION 421.** 938.346 (1) (title) of the statutes is created to read:

18 938.346 (1) (title) INFORMATION TO VICTIMS.

19 **SECTION 422.** 938.346 (1) (a) of the statutes is amended to read:

20 938.346 (1) (a) The procedures under s. 938.396 ~~(1r)~~ and ~~(6)~~ (1) (c) 5. and 6. for
21 obtaining the identity of the juvenile and the juvenile's parents.

22 **SECTION 423.** 938.346 (1) (b) of the statutes is amended to read:

23 938.346 (1) (b) The procedure under s. 938.396 ~~(1r)~~ (1) (c) 5. for obtaining the
24 juvenile's police records.

25 **SECTION 424.** 938.346 (1) (d) 2. of the statutes is amended to read:

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1 938.346 (1) (d) 2. The procedure ~~the victim may follow~~ for obtaining the
2 information in subd. 1.

3 **SECTION 425.** 938.346 (1m) and (2) of the statutes are amended to read:

4 938.346 (1m) DUTIES OF INTAKE WORKERS AND DISTRICT ATTORNEYS. The intake
5 worker shall make a reasonable attempt to provide notice of the information
6 ~~specified in~~ under sub. (1) (a), (b), (c), and (h), the information ~~specified in~~ under sub.
7 (1) (d) relating to a deferred prosecution agreement under s. 938.245, the information
8 ~~specified in~~ under sub. (1) (em) relating to the right to confer, if requested, on deferred
9 prosecution agreements and the information ~~specified in~~ under sub. (3) if the
10 juvenile's case is closed. The district attorney or corporation counsel shall make a
11 reasonable attempt to provide notice of the information ~~specified in~~ under sub. (1) (e),
12 ~~(ec)~~, (f), (fm), and (g), the information ~~specified in~~ under sub. (1) (d) relating to a
13 consent decree under s. 938.32 or a dispositional order under ss. 938.34 to 938.345,
14 the information ~~specified in~~ under sub. (1) (em) relating to the right to request an
15 opportunity to confer, if requested, on amendment of petitions, consent decrees and
16 disposition recommendations and the information under sub. (3) if he or she decides
17 not to file a petition or the proceeding is terminated without a consent decree or
18 dispositional order after the filing of a petition.

19 **(2) RESTRICTIONS ON DISCLOSURE OF INFORMATION.** The notice under sub. (1) shall
20 include an explanation of the restrictions on ~~divulging~~ disclosing information
21 obtained under this chapter and the penalties for ~~violations~~ violating the
22 restrictions.

NOTE: Requires, in s. 938.346 (1m), stats., the district attorney or corporation
counsel to provide notice to a victim of how to request testing for communicable diseases
of a juvenile who is alleged to have thrown or expelled a bodily substance at another in
violation of s. 946.43 (2m).

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1 **SECTION 426.** 938.346 (3) (title), (4) (title) and (5) (title) of the statutes are
2 created to read:

3 938.346 (3) (title) CLOSED CASES.

4 (4) (title) CHILD VICTIMS.

5 (5) (title) COURT POLICIES AND RULES.

6 **SECTION 427.** 938.35 (1) (title) of the statutes is created to read:

7 938.35 (1) (title) EFFECT AND ADMISSIBILITY OF JUDGMENT.

8 **SECTION 428.** 938.35 (1m) and (2) of the statutes are amended to read:

9 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court
10 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation
11 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter
12 in criminal court when the juvenile ~~reaches the age of~~ attains 17 years of age. This
13 paragraph does not affect proceedings in criminal court which ~~that~~ that have been
14 transferred under s. 938.18.

15 (2) COURT DISCLOSURE OF INFORMATION. ~~Except as specifically provided in under~~
16 sub. (1), this section does not preclude the court from disclosing information to
17 qualified persons if the court considers the disclosure to be in the best interests of the
18 juvenile or of the administration of justice.

19 **SECTION 429.** 938.355 (1) of the statutes is amended to read:

20 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
21 decide on a placement and treatment finding based on evidence submitted to the
22 court. The disposition shall employ those means necessary to promote the objectives
23 ~~specified in under~~ s. 938.01. If the ~~judge~~ court has determined that any of the
24 conditions specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall
25 be prima facie evidence that a less restrictive alternative than placement in a

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1 secured juvenile correctional facility, ~~a secured child-caring institution,~~ or a secured
2 group-home residential care center for children and youth is not appropriate. If
3 information under s. 938.331 has been provided in a court report under s. 938.33 (1),
4 the court shall consider that information when deciding on a placement and
5 treatment finding.

6 **SECTION 430.** 938.355 (2) (b) 1., 1m., 4m., 5., 6. and 6r. of the statutes are
7 amended to read:

8 938.355 (2) (b) 1. The specific services or continuum of services to be provided
9 to the juvenile and the juvenile's family, the identity of the agencies ~~which~~ that are
10 ~~to be~~ primarily responsible for the provision of the services ~~mandated by the court,~~
11 the identity of the person or agency ~~who~~ that will provide case management or
12 coordination of services, if any, and, if custody is to be transferred to effect the
13 treatment plan, the identity of the legal custodian.

14 1m. A notice that the juvenile's parent, guardian, or legal custodian or the
15 juvenile, if 14 years of age or ~~over~~ older, may request an agency that is providing care
16 or services for the juvenile or that has legal custody of the juvenile to disclose to, or
17 make available for inspection by, the parent, guardian, legal custodian, or juvenile
18 the contents of any record kept or information received by the agency about the
19 juvenile as provided in s. 938.78 (2) (ag).

20 4m. If the juvenile is placed outside the home and if the juvenile's parent has
21 not ~~already~~ provided a statement of the income, assets, debts, and living expenses
22 of the juvenile and the juvenile's parent to the county department under s. 938.30 (6)
23 (b) or (c) or 938.31 (7) (b) or (c), an order for the parent to provide that statement to
24 the county department by a date specified by the court. The county department shall
25 provide, without charge, to the parent a form on which to provide that statement, and

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1 the parent shall provide that statement on ~~that~~ the form. The county department
2 shall use the information ~~provided~~ in the statement to determine whether the
3 department may claim federal foster care and adoption assistance reimbursement
4 under 42 USC 670 to 679a for the cost of providing care for the juvenile.

5 5. For a juvenile placed outside his or her home ~~pursuant to~~ under an order
6 under s. 938.34 (3) or 938.345, a permanency plan under s. 938.38 if one has been
7 prepared.

8 6. If the juvenile is placed outside the home, a finding that continued placement
9 of the juvenile in his or her home would be contrary to the welfare of the juvenile or,
10 if the juvenile has been adjudicated delinquent and is placed outside the home under
11 s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that the juvenile's current residence
12 will not safeguard the welfare of the juvenile or the community due to the serious
13 nature of the act for which the juvenile was adjudicated delinquent. The court order
14 shall also contain a finding as to whether the county department or the agency
15 primarily responsible for providing services under a court order has made reasonable
16 efforts to prevent the removal of the juvenile from the home, while assuring that the
17 juvenile's health and safety are the paramount concerns, unless the court finds that
18 any of the circumstances ~~specified in~~ under sub. (2d) (b) 1. to 4. applies, and a finding
19 as to whether the county department or agency has made reasonable efforts to
20 achieve the goal of the juvenile's permanency plan, unless return of the juvenile to
21 the home is the goal of the permanency plan and the court finds that any of the
22 circumstances ~~specified in~~ under sub. (2d) (b) 1. to 4. applies. The court shall make
23 the findings specified in this subdivision on a case-by-case basis based on
24 circumstances specific to the juvenile and shall document or reference the specific
25 information on which those findings are based in the court order. A court order that

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1 merely references this subdivision without documenting or referencing that specific
2 information in the court order or an amended court order that retroactively corrects
3 an earlier court order that does not comply with this subdivision is not sufficient to
4 comply with this subdivision.

5 6r. If the court finds that any of the circumstances ~~specified in~~ under sub. (2d)
6 (b) 1. to 4. applies with respect to a parent, a determination that the county
7 department or agency primarily responsible for providing services under the court
8 order is not required to make reasonable efforts with respect to the parent to make
9 it possible for the juvenile to return safely to his or her home.

NOTE: For an explanation of the change to s. 938.355 (2) (b) 4m., stats., see the NOTE
to s. 938.30 (6) (b) and (c), stats., as affected by this bill.

10 **SECTION 431.** 938.355 (2c) (a) (intro.) and (b) of the statutes are amended to
11 read:

12 938.355 (2c) (a) (intro.) When a court makes a finding under sub. (2) (b) 6. as
13 to whether a county department which provides social services or the agency
14 primarily responsible for providing services to the juvenile under a court order has
15 made reasonable efforts to prevent the removal of the juvenile from his or her home,
16 while assuring that the juvenile's health and safety are the paramount concerns, the
17 court's consideration of reasonable efforts shall include, ~~but not be limited to,~~
18 whether:

19 (b) When a court makes a finding under sub. (2) (b) 6. as to whether the county
20 department or the agency primarily responsible for providing services to the juvenile
21 under a court order has made reasonable efforts to achieve the goal of the
22 permanency plan, the court's consideration of reasonable efforts shall include the
23 considerations listed under par. (a) 1. to 5. and whether visitation schedules between

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1 the juvenile and his or her parents were implemented, unless visitation was denied
2 or limited by the court.

3 **SECTION 432.** 938.355 (2d) (a) 1. of the statutes is amended to read:

4 938.355 (2d) (a) 1. “Aggravated circumstances” include abandonment in
5 violation of s. 948.20 or in violation of the law of any other state or federal law if that
6 violation would be a violation of s. 948.20 if committed in this state, torture, chronic
7 abuse, and sexual abuse.

8 **SECTION 433.** 938.355 (2d) (c) 1. of the statutes is amended to read:

9 938.355 (2d) (c) 1. If the court finds that any of the circumstances specified in
10 under par. (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
11 within 30 days after the date of that finding to determine the permanency plan for
12 the juvenile. If a hearing is held under this subdivision, the agency responsible for
13 preparing the permanency plan shall file the permanency plan with the court not less
14 than 5 days before the date of the hearing.

15 **SECTION 434.** 938.355 (2e) (b) of the statutes is amended to read:

16 938.355 (2e) (b) Each time a juvenile’s placement is changed under s. 938.357
17 or a dispositional order is revised under s. 938.363 or extended under s. 938.365, the
18 agency that prepared the permanency plan shall revise the plan to conform to the
19 order and shall file a copy of the revised plan with the court. Each plan filed under
20 ~~this paragraph~~ shall be made a part of the court order.

21 **SECTION 435.** 938.355 (2m) of the statutes is amended to read:

22 938.355 (2m) TRANSITIONAL PLACEMENTS. The court order may include the name
23 of transitional placements, but may not designate a specific time when transitions
24 are to take place. The procedures of ss. 938.357 and 938.363 shall govern when such
25 those transitions take place. The court, ~~however,~~ may place specific time limitations

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1 on interim arrangements made for the care of the juvenile pending the availability
2 of the dispositional placement.

3 **SECTION 436.** 938.355 (3) (b) 1. and 1m. of the statutes are amended to read:

4 938.355 (3) (b) 1. Except as provided in subd. 2., the court may not grant
5 visitation under par. (a) to a parent of a juvenile if the parent has been convicted
6 under s. ~~940.01 of the first-degree intentional homicide, or under s. 940.05 of the~~
7 ~~2nd-degree intentional of the~~ homicide, of the juvenile's other parent under s. 940.01
8 or 940.05, and the conviction has not been reversed, set aside, or vacated.

9 1m. Except as provided in subd. 2., if a parent who is granted visitation rights
10 with a juvenile under par. (a) is convicted ~~under s. 940.01 of the first-degree~~
11 ~~intentional homicide, or under s. 940.05 of the 2nd-degree intentional of the~~
12 ~~homicide, of the juvenile's other parent~~ under s. 940.01 or 940.05, and the conviction
13 has not been reversed, set aside, or vacated, the court shall issue an order prohibiting
14 the parent from having visitation with the juvenile on petition of the juvenile, the
15 guardian or legal custodian of the juvenile, a person or agency bound by the
16 dispositional order, or the district attorney or corporation counsel of the county in
17 which the dispositional order was entered, or on the court's own motion, and on notice
18 to the parent.

19 **SECTION 437.** 938.355 (4) of the statutes is amended to read:

20 938.355 (4) TERMINATION OF ORDERS. (a) Except as provided under par. (b) or
21 s. 938.368, an order under this section or s. 938.357 or 938.365 made before the
22 juvenile ~~reaches~~ attains 18 years of age that places or continues the placement of the
23 juvenile in his or her home shall terminate at the end of one year after ~~its entry~~ the
24 date on which the order is granted unless the court specifies a shorter period of time
25 or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368,

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1 an order under this section or s. 938.357 or 938.365 made before the juvenile ~~reaches~~
2 attains 18 years of age that places or continues the placement of the juvenile in a
3 foster home, treatment foster home, group home, or residential care center for
4 children and youth or in the home of a relative other than a parent shall terminate
5 when the juvenile ~~reaches~~ attains 18 years of age, at the end of one year after ~~its entry~~
6 the date on which the order is granted, or, if the juvenile is a full-time student at a
7 secondary school or its vocational or technical equivalent and is reasonably expected
8 to complete the program before ~~reaching~~ attaining 19 years of age, when the juvenile
9 ~~reaches~~ attains 19 years of age, whichever is later, unless the court specifies a shorter
10 period of time or the court terminates the order sooner.

11 (b) Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made
12 before the juvenile ~~reaches~~ attains 18 years of age may apply for up to 2 years after
13 ~~its entry~~ the date on which the order is granted or until the juvenile's 18th birthday,
14 whichever is earlier, unless the court specifies a shorter period of time or the court
15 terminates the order sooner. If the order does not specify a termination date, it shall
16 apply for one year after the date on which the order is granted or until the juvenile's
17 18th birthday, whichever is earlier, unless the court terminates the order sooner.

18 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the
19 juvenile ~~reaches~~ attains 18 years of age shall apply for 5 years after ~~its entry~~ the date
20 on which the order is granted, if the juvenile is adjudicated delinquent for
21 committing a violation of s. 943.10 (2) or for committing an act that would be
22 punishable as a Class B or C felony if committed by an adult, or until the juvenile
23 reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an
24 act that would be punishable as a Class A felony if committed by an adult. Except
25 as provided in s. 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m),

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1 or (4n) made before the juvenile ~~reaches~~ attains 17 years of age shall terminate at
2 the end of one year after ~~its entry~~ the date on which the order is granted unless the
3 court specifies a shorter period of time or the court terminates the order sooner. No
4 extension under s. 938.365 of an original dispositional order under s. 938.34 (4d),
5 (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age or older when
6 the original dispositional order terminates.

NOTE: Under current law, a dispositional order placing a juvenile in a type 2 residential care center for children and youth or in a juvenile correctional facility may apply for up to 2 years or until the juvenile's 18th birthday, whichever is earlier, unless the court specifies a shorter period of time. The bill revises s. 938.355 (4) (b), stats., to provide that an order that does not specify a termination date applies for one year or until the juvenile's 18th birthday, whichever is earlier, unless the court terminates the order sooner.

7 **SECTION 438.** 938.355 (4m) of the statutes is amended to read:

8 938.355 (4m) EXPUNGEMENT OF RECORD. (a) A juvenile who has been adjudged
9 delinquent under s. 48.12, 1993 stats., or s. 938.12 may, on attaining 17 years of age,
10 petition the court to expunge the court's record of the juvenile's adjudication. Subject
11 to par. (b), the court may expunge the ~~court's record of the juvenile's adjudication~~ if
12 the court determines that the juvenile has satisfactorily complied with the conditions
13 of his or her dispositional order and that the juvenile will benefit from, and society
14 will not be harmed by, the expungement.

15 (b) The court shall expunge the court's record of a juvenile's adjudication if it
16 was the juvenile's first adjudication based on a violation of s. 942.08 (2) (b), (c), or (d),
17 and if the court determines that the juvenile has satisfactorily complied with the
18 conditions of his or her dispositional order. Notwithstanding s. 938.396 (2) (a), the
19 court shall notify the department promptly of any expungement under this
20 paragraph.

NOTE: Permits, in s. 938.355 (4m) (a), stats., the court to expunge a juvenile's delinquency adjudication under certain circumstances. This provision only applies to

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persons who were adjudicated delinquent for violations committed on or after the effective date of ch. 938 (July 1, 1996). [*State v. Jason J.C.*, 216 Wis. 2d 12, 573 N.W.2d 564 (1997).] The bill provides that a person who was adjudicated delinquent for an offense committed before July 1, 1996 may also request to have his or her record expunged.

1 **SECTION 439.** 938.355 (6) (a) (title) of the statutes is created to read:

2 938.355 (6) (a) (title) *Juvenile court orders.*

3 **SECTION 440.** 938.355 (6) (a) of the statutes is renumbered 938.355 (6) (a) 1. and
4 amended to read:

5 938.355 (6) (a) 1. If a juvenile who has been adjudged delinquent or to have
6 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
7 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on
8 the juvenile any of the sanctions specified in par. (d). A sanction may be imposed
9 under this subdivision only if, at the dispositional hearing under s. 938.335, the court
10 explained the conditions to the juvenile and informed the juvenile of those possible
11 sanctions or if before the violation the juvenile has acknowledged in writing that he
12 or she has read, or has had read to him or her, those conditions and possible sanctions
13 and that he or she understands those conditions and possible sanctions.

14 2. If a juvenile who has been found to be in need of protection or services under
15 s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in sub. (2) (b) 7., the
16 court may impose on the juvenile any of the sanctions ~~specified in~~ under par. (d),
17 other than placement in a ~~secure~~ juvenile detention facility or juvenile portion of a
18 county jail. A sanction may be imposed under this subdivision only if, at the
19 dispositional hearing under s. 938.335, the court explained the conditions to the
20 juvenile and informed the juvenile of those possible sanctions or if before the
21 violation the juvenile has acknowledged in writing that he or she has read, or has had
22 read to him or her, those conditions and possible sanctions and that he or she
23 understands those conditions and possible sanctions.

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1 **SECTION 441.** 938.355 (6) (an) of the statutes is amended to read:

2 938.355 (6) (an) *Municipal court orders.* 1. If a juvenile who has violated a
3 municipal ordinance, other than an ordinance enacted under s. 118.163 (1m) or (2),
4 violates a condition of a dispositional order imposed by the municipal court, the
5 municipal court may petition the court assigned to exercise jurisdiction under this
6 chapter and ch. 48 to impose on the juvenile the sanction ~~specified in~~ under par. (d)
7 1. or the sanction ~~specified in~~ under par. (d) 3., with monitoring by an electronic
8 monitoring system, A sanction may be imposed under this subdivision only if, at the
9 time of the judgment, the municipal court explained the conditions to the juvenile
10 and informed the juvenile of those possible sanctions for a violation or if before the
11 violation the juvenile has acknowledged in writing that he or she has read, or has had
12 read to him or her, those conditions and possible sanctions and that he or she
13 understands those conditions and possible sanctions. The petition shall contain a
14 statement of whether the juvenile may be subject to the federal Indian child welfare
15 act Child Welfare Act, 25 USC 1911 to 1963.

16 2. If the court assigned to exercise jurisdiction under this chapter and ch. 48
17 imposes the sanction ~~specified in~~ under par. (d) 1. or home detention with monitoring
18 by an electronic monitoring system ~~as specified in~~ under par. (d) 3., on a petition
19 described in subd. 1., ~~that~~ the court shall order the municipality of the municipal
20 court that filed the petition to pay to the county the cost of providing the sanction
21 imposed under par. (d) 1. or 3.

22 **SECTION 442.** 938.355 (6) (b) of the statutes is amended to read:

23 938.355 (6) (b) *Motion to impose sanction.* A motion for imposition of a sanction
24 may be brought by the person or agency primarily responsible for the provision of
25 dispositional services, the district attorney or corporation counsel, or the court that

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1 entered the dispositional order. If the court initiates the motion, that court is
2 disqualified from holding a hearing on the motion. Notice of the motion shall be given
3 to the juvenile, guardian ad litem, counsel, parent, guardian, legal custodian, and all
4 parties present at the original dispositional hearing. The motion shall contain a
5 statement of whether the juvenile may be subject to the federal Indian child-welfare
6 ~~act~~ Child Welfare Act, 25 USC 1911 to 1963.

7 **SECTION 443.** 938.355 (6) (c) (title) of the statutes is created to read:

8 938.355 (6) (c) (title) *Sanction hearing.*

9 **SECTION 444.** 938.355 (6) (cm) of the statutes is amended to read:

10 938.355 (6) (cm) Reasonable efforts finding. The court may not order the
11 sanction of placement in a place of nonsecure custody specified in par. (d) 1. unless
12 the court finds that the agency primarily responsible for providing services for the
13 juvenile has made reasonable efforts to prevent the removal of the juvenile from his
14 or her home and that continued placement of the juvenile in his or her home is
15 contrary to the welfare of the juvenile. These findings are not required if they were
16 made in the dispositional order under which the juvenile is being sanctioned. The
17 court shall make the findings ~~specified in~~ under this paragraph on a case-by-case
18 basis based on circumstances specific to the juvenile and shall document or reference
19 the specific information on which that finding is based in the sanction order. A
20 sanction order that merely references this paragraph without documenting or
21 referencing that specific information in the sanction order or an amended sanction
22 order that retroactively corrects an earlier sanction order that does not comply with
23 this paragraph is not sufficient to comply with this paragraph.

NOTE: Clarifies, in s. 938.355 (6) (cm), stats., that reasonable efforts findings are not required to be made if they have already been made in the dispositional order.

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According to DOC and the Department of Health and Family Services (DHFS), a subsequent finding is not required.

1 **SECTION 445.** 938.355 (6) (d) (title) and (e) (title) of the statutes are created to
2 read:

3 938.355 **(6)** (d) (title) *Sanctions permitted.*

4 (e) (title) *Contempt of court.*

5 **SECTION 446.** 938.355 (6d) (a) 1. and 2. and (b) 1. and 2. of the statutes are
6 amended to read:

7 938.355 **(6d)** (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
8 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
9 policies adopted by the county board relating to the taking into custody and
10 placement of a juvenile under this subdivision, if a juvenile who has been adjudged
11 delinquent violates a condition specified in sub. (2) (b) 7., the juvenile's caseworker
12 or any other person authorized to provide or providing intake or dispositional
13 services for the court under s. 938.067 or 938.069 may, without a hearing, take the
14 juvenile into custody and place the juvenile in a secure detention facility or juvenile
15 portion of a county jail that meets the standards promulgated by the department by
16 rule or in a place of nonsecure custody designated by that person for not more than
17 72 hours while the alleged violation and the appropriateness of a sanction under sub.
18 (6) are being investigated, Short-term detention may be imposed under this
19 subdivision only if at the dispositional hearing the court explained those conditions
20 to the juvenile and informed the juvenile of ~~the possibility of that possible~~ placement
21 or if before the violation the juvenile has acknowledged in writing that he or she has
22 read, or has had read to him or her, those conditions and that possible placement and
23 that he or she understands those conditions and that possible placement.

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1 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
2 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
3 the county board relating to the taking into custody and placement of a juvenile
4 under this subdivision, if a juvenile who has been adjudged delinquent violates a
5 condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person
6 authorized to provide or providing intake or dispositional services for the court under
7 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
8 the juvenile in a secure detention facility or juvenile portion of a county jail that
9 meets the standards promulgated by the department by rule or in a place of
10 nonsecure custody designated by that person for not more than 72 hours as a
11 consequence of that violation. Short-term detention may be imposed under this
12 subdivision only if at the dispositional hearing the court explained those conditions
13 to the juvenile and informed the juvenile of ~~the possibility of that possible~~ placement
14 or if before the violation the juvenile has acknowledged in writing that he or she has
15 read, or has had read to him or her, those conditions and that possible placement and
16 that he or she understands those conditions and that possible placement. A person
17 who takes a juvenile into custody under this subdivision shall permit the juvenile to
18 make a written or oral statement concerning the possible placement of the juvenile
19 and the course of conduct for which the juvenile was taken into custody. A person
20 designated by the court or county department who is employed in a supervisory
21 position by a person authorized to provide or providing intake or dispositional
22 services under s. 938.067 or 938.069 shall review that statement and shall either
23 approve the placement, modify the terms of the placement, or order the juvenile to
24 be released from custody.

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1 (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
2 policies adopted by the court under s. 938.06 (1) or (2), to any policies adopted by the
3 county department relating to aftercare supervision administered by the county
4 department, and to any policies adopted by the county board relating to the taking
5 into custody and placement of a juvenile under this subdivision, if a juvenile who is
6 on aftercare supervision administered by the county department violates a condition
7 of that supervision, the juvenile's caseworker or any other person authorized to
8 provide or providing intake or dispositional services for the court under s. 938.067
9 or 938.069 may, without a hearing, take the juvenile into custody and place the
10 juvenile in a secure detention facility or juvenile portion of a county jail that meets
11 the standards promulgated by the department by rule or in a place of nonsecure
12 custody designated by that person for not more than 72 hours while the alleged
13 violation and the appropriateness of revoking the juvenile's aftercare status are
14 being investigated, Short-term detention may be imposed under this subdivision
15 only if at the dispositional hearing the court explained those conditions to the
16 juvenile and informed the juvenile of that possible placement or if before the
17 violation the juvenile has acknowledged in writing that he or she has read, or has had
18 read to him or her, those conditions and that possible placement and that he or she
19 understands those conditions and that possible placement.

20 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
21 policies adopted by the court under s. 938.06 (1) or (2), to any policies adopted by the
22 county department relating to aftercare supervision administered by the county
23 department, and to any policies adopted by the county board relating to the taking
24 into custody and placement of a juvenile under this subdivision, if a juvenile who is
25 on aftercare supervision administered by the county department violates a condition

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1 of that supervision, the juvenile's caseworker or any other person authorized to
2 provide or providing intake or dispositional services for the court under s. 938.067
3 or 938.069 may, without a hearing, take the juvenile into custody and place the
4 juvenile in a secure detention facility or juvenile portion of a county jail that meets
5 the standards promulgated by the department by rule or in a place of nonsecure
6 custody designated by that person for not more than 72 hours as a consequence of
7 that violation⁷. Short-term detention under this subdivision may be imposed only
8 if at the dispositional hearing the court explained those conditions to the juvenile and
9 informed the juvenile of ~~the possibility of that~~ possible placement or if before the
10 violation the juvenile has acknowledged in writing that he or she has read, or has had
11 read to him or her, those conditions and that possible placement and that he or she
12 understands those conditions and that possible placement. A person who takes a
13 juvenile into custody under this subdivision shall permit the juvenile to make a
14 written or oral statement concerning the possible placement of the juvenile and the
15 course of conduct for which the juvenile was taken into custody. A person designated
16 by the court or the county department who is employed in a supervisory position by
17 a person authorized to provide or providing intake or dispositional services under s.
18 938.067 or 938.069 shall review that statement and ~~shall~~ either approve the
19 placement of the juvenile, modify the terms of the placement, or order the juvenile
20 to be released from custody.

NOTE: Permits, in s. 938.355 (6d) (a) 2. and (b) 2., stats., the supervisor of a caseworker who has placed a juvenile in custody for not more than 72 hours as a consequence for a violation of a dispositional order to modify the terms of the placement. Under current law, the supervisor must either approve the placement or release the juvenile from custody.

Provides, in s. 938.355 (6d) (b) 1., that juvenile may be informed of the possibility of a sanction under this subdivision orally at the dispositional hearing.

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1 **SECTION 447.** 938.355 (6d) (c) 1. and 2. and (d) of the statutes are amended to
2 read:

3 938.355 **(6d)** (c) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
4 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
5 policies adopted by the county board relating to the taking into custody and
6 placement of a juvenile under this subdivision, if a juvenile who has been found to
7 be in need of protection or services under s. 938.13 violates a condition specified in
8 sub. (2) (b) 7., the juvenile's caseworker or any other person authorized to provide or
9 providing intake or dispositional services for the court under s. 938.067 or 938.069
10 may, without a hearing, take the juvenile into custody and place the juvenile in a
11 place of nonsecure custody designated by that person for not more than 72 hours
12 while the alleged violation and the appropriateness of a sanction under sub. (6) or
13 (6m) are being investigated, Short-term detention may be imposed under this
14 subdivision only if at the dispositional hearing the court explained those conditions
15 to the juvenile and informed the juvenile of ~~the possibility of that possible~~ placement
16 or if before the violation the juvenile has acknowledged in writing that he or she has
17 read, or has had read to him or her, those conditions and that possible placement and
18 that he or she understands those conditions and that possible placement.

19 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
20 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
21 the county board relating to the taking into custody and placement of a juvenile
22 under this subdivision, if a juvenile who has been found to be in need of protection
23 or services under s. 938.13 violates a condition specified in sub. (2) (b) 7., the
24 juvenile's caseworker or any other person authorized to provide or providing intake
25 or dispositional services for the court under s. 938.067 or 938.069 may, without a

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1 hearing, take the juvenile into custody and place the juvenile in a place of nonsecure
2 custody designated by that person for not more than 72 hours as a consequence of
3 that violation, Short-term detention may be imposed under this subdivision only
4 if at the dispositional hearing the court explained those conditions to the juvenile and
5 informed the juvenile of the ~~possibility of that~~ possible placement or if before the
6 violation the juvenile has acknowledged in writing that he or she has read, or has had
7 read to him or her, those conditions and that possible placement and that he or she
8 understands those conditions and that possible placement. A person who takes a
9 juvenile into custody under this subdivision shall permit the juvenile to make a
10 written or oral statement concerning the possible placement of the juvenile and the
11 course of conduct for which the juvenile was taken into custody. A person designated
12 by the court or the county department who is employed in a supervisory position by
13 a person authorized to provide or providing intake or dispositional services under s.
14 938.067 or 938.069 shall review that statement and shall either approve the
15 placement, modify the terms of the placement, or order the juvenile to be released
16 from custody.

17 (d) *Hearing; when required.* If a juvenile is held under par. (a), (b), or (c) in a
18 secure detention facility, juvenile portion of a county jail, or place of nonsecure
19 custody for longer than 72 hours, the juvenile is entitled to a hearing under sub. (6)
20 (c) or s. 938.21. The hearing shall be conducted in the manner provided in sub. (6)
21 or s. 938.21, except that ~~for a hearing under,~~ notwithstanding s. 938.21 (1) (a), the
22 hearing shall be conducted within 72 hours, rather than 24 hours, after the time that
23 the decision to hold the juvenile was made and a written statement of the reasons
24 for continuing to hold the juvenile in custody may be filed rather than instead of a
25 petition under s. 938.25.

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NOTE: For an explanation of the change to s. 938.355 (6d) (c) 2., stats., see NOTE to s. 938.355 (6d) (a) 2., stats., as affected by this bill.

1 **SECTION 448.** 938.355 (6g) (a) and (b) (intro.) of the statutes are amended to
2 read:

3 938.355 **(6g)** (a) If a juvenile upon whom the court has imposed a sanction
4 under sub. (6) (a) or (6m) commits a 2nd or subsequent violation of a condition
5 specified in sub. (2) (b) 7., the district attorney may file a petition under s. 938.12
6 charging the juvenile with contempt of court, as defined in s. 785.01 (1), and reciting
7 the recommended disposition under s. 938.34 ~~sought to be imposed~~. The district
8 attorney may ~~bring the motion~~ file the petition on his or her own initiative or on the
9 request of the court that imposed the condition specified in sub. (2) (b) 7. or that
10 imposed the sanction under sub. (6) (a) or (6m). If the district attorney ~~brings the~~
11 ~~motion~~ files the petition on the request of the court that imposed the condition
12 specified in sub. (2) (b) 7. or that imposed the sanction under sub. (6) (a) or (6m), that
13 court is disqualified from holding a hearing on the contempt petition.

14 (b) (intro.) The court may find a juvenile in contempt of court, as defined in s.
15 785.01 (1), and order a disposition under s. 938.34 ~~only~~ if the court makes all of the
16 following findings:

NOTE: In s. 938.355 (6g) (a), stats., makes consistent the references to petitions and motions by referring only to petitions.

17 **SECTION 449.** 938.355 (6m) (a) (intro.), (ag) and (am) of the statutes are
18 amended to read:

19 938.355 **(6m)** (a) Violation of habitual truancy order. (intro.) If the court finds
20 by a preponderance of the evidence that a juvenile who has been found to have
21 violated a municipal ordinance enacted under s. 118.163 (2) or who has been found
22 to be in need of protection or services under s. 938.13 (6) has violated a condition

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1 specified under sub. (2) (b) 7., the court may order as a sanction any combination of
2 the sanctions ~~specified in~~ under subds.1g. to 4. and the dispositions ~~specified in~~
3 under s. 938.342 (1g) (d) to (j) and (1m), regardless of whether the disposition was
4 imposed in the order violated by the juvenile, A sanction may be imposed under this
5 paragraph only if at the dispositional hearing under s. 938.335 the court explained
6 those conditions to the juvenile and informed the juvenile of the possible sanctions
7 under this paragraph for a violation or if before the violation the juvenile has
8 acknowledged in writing that he or she has read, or has had read to him or her, those
9 conditions and possible sanctions and that he or she understands those conditions
10 and possible sanctions. The court may order as a sanction under this paragraph any
11 of the following:

12 (ag) Violation of truancy order. If the court finds by a preponderance of the
13 evidence that a juvenile who has been found to have violated a municipal ordinance
14 enacted under s. 118.163 (1m) has violated a condition specified under sub. (2) (b) 7.,
15 the court may order as a sanction any combination of the operating privilege
16 suspension specified in par. (a) and the dispositions specified in s. 938.342 (1g) (b) to
17 (k) and (1m), regardless of whether the disposition was imposed in the order violated
18 by the juvenile, A sanction may be imposed under this paragraph only if at the
19 dispositional hearing under s. 938.335 the court explained those conditions to the
20 juvenile and informed the juvenile of the possible sanctions under this paragraph for
21 a violation or if before the violation the juvenile has acknowledged in writing that
22 he or she has read, or has had read to him or her, those conditions and possible
23 sanctions and that he or she understands those conditions and possible sanctions.

24 (am) Violation of municipal court order. 1. If a juvenile who has violated a
25 municipal ordinance enacted under s. 118.163 (2) violates a condition of a

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1 dispositional order imposed by the municipal court, the municipal court may petition
2 the court assigned to exercise jurisdiction under this chapter and ch. 48 to impose
3 on the juvenile the sanction specified in par. (a) 1g. A sanction may be imposed under
4 this subdivision only if, at the time of the judgment the municipal court explained
5 the conditions to the juvenile and informed the juvenile of that possible sanction ~~for~~
6 ~~a violation~~ or if before the violation the juvenile has acknowledged in writing that
7 he or she has read, or has had read to him or her, those conditions and that possible
8 sanction and that he or she understands those conditions and that possible sanction.
9 The petition shall contain a statement of whether the juvenile may be subject to the
10 federal Indian ~~child welfare act~~ Child Welfare Act, 25 USC 1911 to 1963.

11 2. If the court assigned to exercise jurisdiction under this chapter and ch. 48
12 imposes the sanction ~~specified in~~ under par. (a) 1g. on a petition ~~described in~~ under
13 subd. 1., that the court shall order the municipality of the municipal court that filed
14 the petition to pay to the county the cost of providing the sanction imposed under par.
15 (a) 1g.

16 **SECTION 450.** 938.355 (6m) (b) (title) of the statutes is created to read:

17 938.355 (6m) (b) (title) *Motion for sanction.*

18 **SECTION 451.** 938.355 (6m) (c) (title) of the statutes is created to read:

19 938.355 (6m) (c) (title) *Sanction hearing.*

20 **SECTION 452.** 938.355 (6m) (cm) of the statutes is amended to read:

21 938.355 (6m) (cm) Reasonable efforts finding. The court may not order the
22 sanction of placement in a place of nonsecure custody ~~specified in~~ under par. (a) 1g.
23 unless the court finds that the agency primarily responsible for providing services
24 for the juvenile has made reasonable efforts to prevent the removal of the juvenile
25 from his or her home and that continued placement of the juvenile in his or her home

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1 is contrary to the welfare of the juvenile. The court shall make the findings specified
2 in under this paragraph on a case-by-case basis based on circumstances specific to
3 the juvenile and shall document or reference the specific information on which that
4 finding is based in the sanction order. A sanction order that merely references this
5 paragraph without documenting or referencing that specific information in the
6 sanction order or an amended sanction order that retroactively corrects an earlier
7 sanction order that does not comply with this paragraph is not sufficient to comply
8 with this paragraph.

9 **SECTION 453.** 938.355 (7) of the statutes is amended to read:

10 938.355 (7) ORDERS APPLICABLE TO PARENTS, GUARDIANS, LEGAL CUSTODIANS, AND
11 OTHER ADULTS. In addition to any dispositional order entered under s. 938.34 or
12 938.345, the court may enter an order applicable to a juvenile's parent, guardian, or
13 legal custodian or to another adult, as provided under s. 938.45.

14 **SECTION 454.** 938.356 (1) (title) and (2) (title) of the statutes are created to read:

15 938.356 (1) (title) ORAL WARNING.

16 (2) (title) WRITTEN WARNING.

17 **SECTION 455.** 938.357 (1) (title) and (a) (title) of the statutes are created to read:

18 938.357 (1) (title) REQUEST BY PERSON OR AGENCY RESPONSIBLE FOR DISPOSITIONAL
19 ORDER OR DISTRICT ATTORNEY. (a) (title) *Applicable procedures.*

20 **SECTION 456.** 938.357 (1) (am) (title) of the statutes is created to read:

21 938.357 (1) (am) (title) *From out-of-home placement.*

22 **SECTION 457.** 938.357 (1) (am) 1. and 3. of the statutes are amended to read:

23 938.357 (1) (am) 1. If the proposed change in placement involves any change
24 in placement other than a change in placement specified in under par. (c), the person
25 or agency primarily responsible for implementing the dispositional order or the

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1 district attorney shall cause written notice of the proposed change in placement to
2 be sent to the juvenile, the parent, guardian, and legal custodian of the juvenile, and
3 any foster parent, treatment foster parent, or other physical custodian described in
4 s. 48.62 (2) of the juvenile. The notice shall contain the name and address of the new
5 placement, the reasons for the change in placement, a statement describing why the
6 new placement is preferable to the present placement, and a statement of how the
7 new placement satisfies objectives of the treatment plan ordered by the court.

8 3. If the court changes the juvenile's placement from a placement outside the
9 home to another placement outside the home, the change in placement order shall
10 contain one of the statements ~~specified in~~ under sub. (2v) (a) 2.

11 **SECTION 458.** 938.357 (1) (c) and (2) of the statutes are amended to read:

12 938.357 (1) (c) *From placement in the home.* 1. If the proposed change in
13 placement would change the placement of a juvenile placed in the home to a
14 placement outside the home, the person or agency primarily responsible for
15 implementing the dispositional order or the district attorney shall submit a request
16 for the change in placement to the court. The request shall contain the name and
17 address of the new placement, the reasons for the change in placement, a statement
18 describing why the new placement is preferable to the present placement, and a
19 statement of how the new placement satisfies objectives of the treatment plan
20 ordered by the court. The request shall also contain specific information showing
21 that continued placement of the juvenile in his or her home would be contrary to the
22 welfare of the juvenile and, unless any of the circumstances ~~specified in~~ under s.
23 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency
24 primarily responsible for implementing the dispositional order has made reasonable

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1 efforts to prevent the removal of the juvenile from the home, while assuring that the
2 juvenile's health and safety are the paramount concerns.

3 2. The court shall hold a hearing prior to ordering ~~any a~~ change in placement
4 requested under subd. 1. ~~Not less than~~ At least 3 days prior to the hearing, the court
5 shall provide notice of the hearing, together with a copy of the request for the change
6 in placement, to the juvenile, the parent, guardian, and legal custodian of the
7 juvenile, and all parties that are bound by the dispositional order. If all parties
8 consent, the court may proceed immediately with the hearing.

9 3. If the court changes the juvenile's placement from a placement in the
10 juvenile's home to a placement outside the juvenile's home, the change in placement
11 order shall contain the findings ~~specified in~~ under sub. (2v) (a) 1., one of the
12 statements ~~specified in~~ under sub. (2v) (a) 2., and, if in addition the court finds that
13 any of the circumstances ~~specified in~~ under s. 938.355 (2d) (b) 1. to 4. applies with
14 respect to a parent, the determination ~~specified in~~ under sub. (2v) (a) 3.

15 **(2) EMERGENCY CHANGE IN PLACEMENT.** If emergency conditions necessitate an
16 immediate change in the placement of a juvenile placed outside the home, the person
17 or agency primarily responsible for implementing the dispositional order may
18 remove the juvenile to a new placement, whether or not authorized by the existing
19 dispositional order, without the prior notice ~~provided in~~ under sub. (1) (am) 1. The
20 notice shall, ~~however,~~ be sent within 48 hours after the emergency change in
21 placement. Any party receiving notice may demand a hearing under sub. (1) (am)
22 2. In emergency situations, a juvenile may be placed in a licensed public or private
23 shelter care facility as a transitional placement for not more than 20 days, ~~as well~~
24 as or in any placement authorized under s. 938.34 (3).

25 **SECTION 459.** 938.357 (2m) and (2r) of the statutes are amended to read:

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1 938.357 (2m) REQUESTS BY OTHERS. (a) Request; information required. The
2 juvenile, the parent, guardian, or legal custodian of the juvenile, or any person or
3 agency primarily bound by the dispositional order, other than the person or agency
4 responsible for implementing the order, may request a change in placement under
5 this paragraph. The request shall contain the name and address of the new
6 placement requested and shall state what new information is available that affects
7 the advisability of the current placement. If the proposed change in placement would
8 change the placement of a juvenile placed in the home to a placement outside the
9 home, the request shall also contain specific information showing that continued
10 placement of the juvenile in the home would be contrary to the welfare of the juvenile
11 and, unless any of the circumstances ~~specified in~~ under s. 938.355 (2d) (b) 1. to 4.
12 applies, specific information showing that the agency primarily responsible for
13 implementing the dispositional order has made reasonable efforts to prevent the
14 removal of the juvenile from the home, while assuring that the juvenile's health and
15 safety are the paramount concerns. The request shall be submitted to the court. ~~In~~
16 ~~addition, the~~ The court may also propose a change in placement on its own motion.

17 (b) Hearing; when required. The court shall hold a hearing ~~on the matter~~ prior
18 to ordering any change in placement requested or proposed under par. (a) if the
19 request states that new information is available that affects the advisability of the
20 current placement, ~~unless.~~ A hearing is not required if the requested or proposed
21 change in placement involves any change in placement other than does not involve
22 a change in placement of a juvenile placed in the home to a placement outside the
23 home ~~and,~~ written waivers of objection to the proposed change in placement are
24 signed by all parties entitled to receive notice under sub. (1) (am) 1., and the court
25 approves. If a hearing is scheduled, the court shall notify the juvenile, the parent,

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1 guardian, and legal custodian of the juvenile, any foster parent, treatment foster
2 parent, or other physical custodian described in s. 48.62 (2) of the juvenile, and all
3 parties who are bound by the dispositional order at least 3 days prior to the hearing.
4 A copy of the request or proposal for the change in placement shall be attached to the
5 notice. If all of the parties consent, the court may proceed immediately with the
6 hearing.

7 (c) *In-home to out-of-home placement; findings required.* If the court changes
8 the juvenile's placement from a placement in the juvenile's home to a placement
9 outside the juvenile's home, the change in placement order shall contain the findings
10 ~~specified in~~ under sub. (2v) (a) 1., one of the statements ~~specified in~~ under sub. (2v)
11 (a) 2., and, if in addition the court finds that any of the circumstances ~~specified in~~
12 under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination
13 ~~specified in~~ under sub. (2v) (a) 3.

14 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing is held
15 under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a
16 juvenile from a foster home, treatment foster home, or other placement with a
17 physical custodian described in s. 48.62 (2), the court shall give the foster parent,
18 treatment foster parent, or other physical custodian ~~described in s. 48.62 (2)~~ an
19 opportunity to be heard at the hearing by permitting the foster parent, treatment
20 foster parent, or other physical custodian to make a written or oral statement during
21 the hearing or to submit a written statement prior to the hearing relating to the
22 juvenile and the requested change in placement. A foster parent, treatment foster
23 parent, or other physical custodian ~~described in s. 48.62 (2)~~ who receives notice of a
24 hearing under sub. (1) (am) 1. or (2m) (b) and an opportunity to be heard under this

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1 subsection does not become a party to the proceeding on which the hearing is held
2 solely on the basis of receiving that notice and opportunity to be heard.

3 **SECTION 460.** 938.357 (2v) (title) and (a) (title) of the statutes are created to
4 read:

5 938.357 (2v) (title) CHANGE-IN-PLACEMENT ORDER. (a) (title) *Contents of order.*

6 **SECTION 461.** 938.357 (2v) (a) 1., 2. and 3. and (b) of the statutes are amended
7 to read:

8 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a
9 placement in the juvenile's home to a placement outside the juvenile's home, a
10 finding that continued placement of the juvenile in his or her home would be contrary
11 to the welfare of the juvenile and, unless a circumstance ~~specified in~~ under s. 938.355
12 (2d) (b) 1. to 4. applies, a finding that the agency primarily responsible for
13 implementing the dispositional order has made reasonable efforts to prevent the
14 removal of the juvenile from the home, while assuring that the juvenile's health and
15 safety are the paramount concerns.

16 2. If the change in placement order would change the placement of the juvenile
17 to a placement outside the home recommended by the person or agency primarily
18 responsible for implementing the dispositional order, whether from a placement in
19 the home or from another placement outside the home, a statement that the court
20 approves the placement recommended by the person or agency ~~or, if,~~ If the change
21 in placement order would change the placement of the juvenile to a placement
22 outside the home that is not a placement recommended by that person or agency,
23 whether from a placement in the home or from another placement outside the home,
24 a statement that the court has given bona fide consideration to the recommendations
25 made by that person or agency and all parties relating to the juvenile's placement.

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1 3. If the court finds that any of the circumstances ~~specified in~~ under s. 938.355
2 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the agency
3 primarily responsible for providing services under the change in placement order is
4 not required to make reasonable efforts with respect to the parent to make it possible
5 for the juvenile to return safely to his or her home.

6 (b) Documentation of basis of findings. The court shall make the findings
7 ~~specified in~~ under par. (a) 1. and 3. on a case-by-case basis based on circumstances
8 specific to the juvenile and shall document or reference the specific information on
9 which those findings are based in the change in placement order. A change in
10 placement order that merely references par. (a) 1. or 3. without documenting or
11 referencing that specific information in the change in placement order or an
12 amended change in placement order that retroactively corrects an earlier change in
13 placement order that does not comply with this paragraph is not sufficient to comply
14 with this paragraph.

15 **SECTION 462.** 938.357 (2v) (c) (title) of the statutes is created to read:

16 938.357 (2v) (c) (title) *Permanency plan hearing.*

17 **SECTION 463.** 938.357 (2v) (c) 1. of the statutes is amended to read:

18 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
19 circumstances ~~specified in~~ under s. 938.355 (2d) (b) 1. to 4. applies with respect to a
20 parent, the court shall hold a hearing within 30 days after the date of that finding
21 to determine the permanency plan for the juvenile. If a hearing is held under this
22 paragraph, the agency responsible for preparing the permanency plan shall file the
23 permanency plan with the court ~~not less than~~ at least 5 days before the date of the
24 hearing.

25 **SECTION 464.** 938.357 (3) of the statutes is amended to read:

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1 938.357 (3) PLACEMENT IN JUVENILE CORRECTIONAL FACILITY. Subject to subs. (4)
2 (b) and (c) and (5) (e), if the proposed change in placement would involve placing a
3 juvenile in a ~~secured juvenile~~ correctional facility, ~~a secured child-caring institution,~~
4 or a secured ~~group home~~ residential care center for children and youth, notice shall
5 be given as provided in sub. (1) (am) 1. A hearing shall be held, unless waived by the
6 juvenile, parent, guardian, and legal custodian, before the judge court makes a
7 decision on the request. The juvenile ~~shall be~~ is entitled to counsel at the hearing,
8 and any party opposing or favoring the proposed new placement may present
9 relevant evidence and cross-examine witnesses. The proposed new placement may
10 be approved only if the judge court finds, on the record, that the conditions set forth
11 in s. 938.34 (4m) have been met.

12 **SECTION 465.** 938.357 (4) (title) of the statutes is created to read:

13 938.357 (4) (title) PLACEMENT WITH DEPARTMENT.

14 **SECTION 466.** 938.357 (4) (a) and (b) 1., 2. and 3. of the statutes are amended
15 to read:

16 938.357 (4) (a) When the juvenile is placed with the department, the
17 department may, after an examination under s. 938.50, place the juvenile in a
18 ~~secured juvenile~~ correctional facility or a ~~secured child-caring institution~~ residential
19 care center for children and youth or on aftercare supervision, either immediately
20 or after a period of placement in a ~~secured juvenile~~ correctional facility or a ~~secured~~
21 ~~child-caring institution~~ residential care center for children and youth. The
22 department shall send written notice of the change in placement to the parent,
23 guardian, legal custodian, county department designated under s. 938.34 (4n), if any,
24 and committing court. If the department places a juvenile in a Type 2 ~~secured~~
25 juvenile correctional facility operated by a child welfare agency, the department shall

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1 reimburse the child welfare agency at the rate established under s. 46.037 that is
2 applicable to the type of placement that the child welfare agency is providing for the
3 juvenile. A juvenile who is placed in a Type 2 ~~secured juvenile~~ correctional facility
4 or a ~~secured child-caring institution~~ residential care center for children and youth
5 remains under the supervision of the department, remains subject to the rules and
6 discipline of that department, and is considered to be in custody, as defined in s.
7 946.42 (1) (a).

8 (b) 1. If a juvenile whom the department has placed in a Type 2 ~~secured juvenile~~
9 correctional facility operated by a child welfare agency violates a condition of his or
10 her placement in the Type 2 ~~secured juvenile~~ correctional facility, the child welfare
11 agency operating the Type 2 ~~secured juvenile~~ correctional facility shall notify the
12 department and the department, after consulting with the child welfare agency, may
13 place the juvenile in a Type 1 ~~secured juvenile~~ correctional facility under the
14 supervision of the department, without a hearing under sub. (1) (am) 2.

15 2. If a juvenile whom the court has placed in a Type 2 ~~child-caring institution~~
16 residential care center for children and youth under s. 938.34 (4d) violates a
17 condition of his or her placement in the Type 2 ~~child-caring institution~~ residential
18 care center for children and youth, the child welfare agency operating the Type 2
19 ~~child-caring institution~~ residential care center for children and youth shall notify the
20 county department that has supervision over the juvenile and, if the county
21 department agrees to a change in placement under this subdivision, the child welfare
22 agency shall notify the department, and the department, after consulting with the
23 child welfare agency, may place the juvenile in a Type 1 ~~secured juvenile~~ correctional
24 facility under the supervision of the department, without a hearing under sub. (1)
25 (am) 2., for not more than 10 days. If a juvenile is placed in a Type 1 ~~secured juvenile~~

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1 correctional facility under this subdivision, the county department that has
2 supervision over the juvenile shall reimburse the child welfare agency operating the
3 ~~Type 2 child-caring institution~~ residential care center for children and youth in which
4 the juvenile was placed at the rate established under s. 46.037, and that child welfare
5 agency shall reimburse the department at the rate specified in s. 301.26 (4) (d) 2. or
6 3., whichever is applicable, for the cost of the juvenile's care while placed in a Type 1
7 ~~secured juvenile~~ correctional facility.

8 3. The child welfare agency operating the Type 2 ~~secured juvenile~~ correctional
9 facility or Type 2 ~~child-caring institution~~ residential care center for children and
10 youth shall send written notice of a change in placement under subd. 1. or 2. to the
11 parent, guardian, legal custodian, county department, and committing court.

12 **SECTION 467.** 938.357 (4) (c) 1., 2. and 3. of the statutes are amended to read:

13 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 ~~secured juvenile~~ correctional
14 facility operated by a child welfare agency under par. (a) and it appears that a less
15 restrictive placement would be appropriate for the juvenile, the department, after
16 consulting with the child welfare agency that is operating the Type 2 ~~secured~~
17 juvenile correctional facility ~~in which the juvenile is placed~~, may place the juvenile
18 in a less restrictive placement, and may return the juvenile to the Type 2 ~~secured~~
19 juvenile correctional facility without a hearing under sub. (1) (am) 2. The child
20 welfare agency shall establish a rate for each type of placement in the manner
21 provided in s. 46.037.

22 2. If a juvenile is placed in a Type 2 ~~child-caring institution~~ residential care
23 center for children and youth under s. 938.34 (4d) and it appears that a less
24 restrictive placement would be appropriate for the juvenile, the child welfare agency
25 operating the Type 2 ~~child-caring institution~~ residential care center for children and

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1 youth shall notify the county department that has supervision over the juvenile and,
2 if the county department agrees to a change in placement under this subdivision, the
3 child welfare agency may place the juvenile in a less restrictive placement. A child
4 welfare agency may also, with the agreement of the county department that has
5 supervision over a juvenile who is placed in a less restrictive placement under this
6 subdivision, return the juvenile to the Type 2 ~~child-caring institution~~ residential care
7 center for children and youth without a hearing under sub. (1) (am) 2. The child
8 welfare agency shall establish a rate for each type of placement in the manner
9 provided in s. 46.037.

10 3. The child welfare agency operating the Type 2 secured juvenile correctional
11 facility or Type 2 ~~child-caring institution~~ residential care center for children and
12 youth shall send written notice of a change in placement under subd. 1. or 2. to the
13 parent, guardian, legal custodian, county department, and committing court.

14 **SECTION 468.** 938.357 (4) (d) of the statutes is repealed.

NOTE: Repeals s. 938.357 (4) (d), stats., which permits a juvenile who was adjudicated delinquent to be transferred to an adult correctional facility.

In *State of Wisconsin v. Hezzie R.*, 219 Wis. 2d 849 (1998), the Wisconsin Supreme Court held that subjecting a juvenile who has no right to a trial by jury under the Juvenile Justice Code to placement in an adult prison violates the juvenile's constitutional right to a trial by jury because placement in an adult prison constitutes criminal punishment rather than juvenile rehabilitation. Accordingly, this bill eliminates the authority of the DOC to transfer a juvenile who has been adjudicated delinquent to an adult prison, including the Intensive Sanctions Program, which is defined in the statutes as a state prison. This change is reflected: (1) in various provisions in the Juvenile Justice Code [ss. 938.183 (3), 938.538 (3) (a) 1., 1m., and 2., (4) (a), (5) (c), and (6), and 938.992 (3)]; and (2) in other provisions affected by this change that are outside of the Juvenile Justice Code.

15 **SECTION 469.** 938.357 (4d) (title) of the statutes is created to read:

16 938.357 (4d) (title) PROHIBITED PLACEMENTS BASED ON HOMICIDE OF PARENT.

17 **SECTION 470.** 938.357 (4d) (a) and (am) of the statutes are amended to read:

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1 938.357 (4d) (a) Except as provided in par. (b), the court may not change a
2 juvenile's placement to a placement in the home of a person who has been convicted
3 ~~under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the~~
4 ~~2nd-degree intentional~~ of the homicide, of a parent of the juvenile under s. 940.01
5 or 940.05, if the conviction has not been reversed, set aside, or vacated.

6 (am) Except as provided in par. (b), if a parent in whose home a juvenile is
7 placed is convicted ~~under s. 940.01 of the first-degree intentional homicide, or under~~
8 ~~s. 940.05 of the 2nd-degree intentional~~ of the homicide, of the juvenile's other parent
9 under s. 940.01 or 940.05, and the conviction has not been reversed, set aside, or
10 vacated, the court shall change the juvenile's placement to a placement out of the
11 home of the parent on petition of the juvenile, the guardian or legal custodian of the
12 juvenile, a person or agency bound by the dispositional order, or the district attorney
13 or corporation counsel of the county in which the dispositional order was entered, or
14 on the court's own motion, ~~and on~~ with notice to the parent.

15 **SECTION 471.** 938.357 (4g) (title) of the statutes is created to read:

16 938.357 (4g) (title) **AFTERCARE PLAN.**

17 **SECTION 472.** 938.357 (4g) (a), (b), (c) (intro.) and (d) of the statutes are
18 amended to read:

19 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile
20 is placed in a ~~secured juvenile~~ juvenile correctional facility, ~~a secured child caring institution~~
21 ~~or a secured group home~~ residential care center for children and youth, or within 30
22 days after the date on which the department requests the aftercare plan, whichever
23 is earlier, the aftercare provider designated under s. 938.34 (4n) shall prepare an
24 aftercare plan for the juvenile. If the designated aftercare provider ~~designated under~~
25 ~~s. 938.34 (4n)~~ is a county department, that county department shall submit the

1 aftercare plan to the department within the time limits specified in this paragraph,
2 unless the department waives those time limits under par. (b).

3 (b) The department may waive the time period within which an aftercare plan
4 must be prepared and submitted under par. (a) if the department anticipates that the
5 juvenile will remain in the ~~secured juvenile~~ correctional facility, ~~secured child caring~~
6 ~~institution~~ or secured ~~group home~~ residential care center for children and youth for
7 a period exceeding 8 months or if the juvenile is subject to s. 48.366 or 938.183. If
8 the department waives that time period, the designated aftercare provider
9 ~~designated under s. 938.34 (4n)~~ shall prepare the aftercare plan within 30 days after
10 the date on which the department requests the aftercare plan.

11 (c) (intro.) An aftercare plan ~~prepared under par. (a) or (b)~~ shall include all of
12 the following:

13 (d) A juvenile may be released from a ~~secured juvenile~~ correctional facility, a
14 ~~secured child caring institution~~ or a secured ~~group home~~ residential care center for
15 children and youth whether or not an aftercare plan has been prepared under this
16 subsection.

17 **SECTION 473.** 938.357 (4m) (title) and (5) (title) of the statutes are created to
18 read:

19 938.357 (4m) (title) RELEASE TO AFTERCARE SUPERVISION.

20 (5) (title) REVOCATION OF AFTERCARE SUPERVISION.

21 **SECTION 474.** 938.357 (5) (a), (c), (d), (e) and (f) of the statutes are amended to
22 read:

23 938.357 (5) (a) The department or a county department, whichever has been
24 designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the
25 aftercare status of that juvenile. ~~Revocation of aftercare supervision shall not~~

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1 ~~require prior~~ Prior notice of a change in placement under sub. (1) (am) 1. is not
2 required.

3 (c) The juvenile ~~shall be~~ is entitled to representation by counsel at all stages
4 of the revocation proceeding.

5 (d) A hearing on the revocation shall be conducted by the division of hearings
6 and appeals in the department of administration within 30 days after the juvenile
7 is taken into custody for an alleged violation of ~~the conditions~~ a condition of the
8 juvenile's aftercare supervision. This time limit may be waived only upon the
9 agreement of the aftercare provider, the juvenile, and the juvenile's counsel.

10 (e) If the hearing examiner finds that the juvenile has violated a condition of
11 aftercare supervision, the hearing examiner shall determine whether confinement
12 in a ~~secured juvenile~~ correctional facility, a secured child caring institution or a
13 ~~secured group home~~ residential care center for children and youth is necessary to
14 protect the public, to provide for the juvenile's rehabilitation, or to not depreciate the
15 seriousness of the violation.

16 (f) Review of a revocation decision shall be by certiorari to the court ~~by whose~~
17 ~~order the juvenile was~~ that placed the juvenile in a secured the juvenile correctional
18 ~~facility, a secured child caring institution or a~~ or secured group home residential care
19 center for children and youth.

20 **SECTION 475.** 938.357 (5m) (title) of the statutes is created to read:

21 938.357 (5m) (title) CHILD SUPPORT.

22 **SECTION 476.** 938.357 (5m) (a) and (b) of the statutes are amended to read:

23 938.357 (5m) (a) If a proposed change in placement ~~changes~~ would change a
24 juvenile's placement from a placement in the juvenile's home to a placement outside
25 the juvenile's home, the court shall order the juvenile's parent to provide a statement

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1 of the income, assets, debts, and living expenses of the juvenile and the juvenile's
2 parent to the court or the person or agency primarily responsible for implementing
3 the dispositional order by a date specified by the court. The clerk of court shall
4 provide, without charge, to any parent ordered to provide ~~a~~ that statement of
5 ~~income, assets, debts and living expenses~~ a document setting forth the percentage
6 standard established by the department of workforce development under s. 49.22 (9)
7 and listing the factors ~~that a court may consider~~ under s. 301.12 (14) (c). If the
8 juvenile is placed outside the juvenile's home, the court shall determine the liability
9 of the parent in the manner provided in s. 301.12 (14).

10 (b) If the court orders the juvenile's parent to provide a statement of the income,
11 assets, debts, and living expenses of the juvenile and juvenile's parent to the court
12 or if the court orders the juvenile's parent to provide that statement to the person or
13 agency primarily responsible for implementing the dispositional order and that
14 person or agency is not the county department, the court shall also order the
15 juvenile's parent to provide that statement to the county department by a date
16 specified by the court. The county department shall provide, without charge, to the
17 parent a form on which to provide that statement, and the parent shall provide that
18 statement on that form. The county department shall use the information provided
19 in the statement to determine whether the department may claim federal foster care
20 and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of
21 providing care for the juvenile.

NOTE: See the NOTE to s. 938.30 (6) (b) and (c), stats., as affected by this bill.

22 **SECTION 477.** 938.357 (6) of the statutes is amended to read:

23 938.357 (6) DURATION OF ORDER. No change in placement may extend the
24 expiration date of the original order, except that if the change in placement is from

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1 a placement in the juvenile's home to a placement in a foster home, treatment foster
2 home, group home, or residential care center for children and youth or in the home
3 of a relative who is not a parent, the court may extend the expiration date of the
4 original order to the date on which the juvenile ~~reaches~~ attains 18 years of age, to the
5 date that is one year after the date of the change in placement order, or, if the juvenile
6 is a full-time student at a secondary school or its vocational or technical equivalent
7 and is reasonably expected to complete the program before ~~reaching~~ attaining 19
8 years of age, to the date on which the juvenile ~~reaches~~ attains 19 years of age,
9 whichever is later, or for a shorter period of time as specified by the court. If the
10 change in placement is from a placement in a foster home, treatment foster home,
11 group home, or residential care center for children and youth or in the home of a
12 relative to a placement in the juvenile's home and if the expiration date of the original
13 order is more than one year after the date of the change in placement order, the court
14 shall shorten the expiration date of the original order to the date that is one year after
15 the date of the change in placement order or to an earlier date as specified by the
16 court.

17 **SECTION 478.** 938.36 (1) (title) of the statutes is created to read:

18 938.36 (1) (title) RESIDENTIAL SERVICES; PARENTAL DUTY TO SUPPORT.

19 **SECTION 479.** 938.36 (1) (b) of the statutes is amended to read:

20 938.36 (1) (b) In determining the amount of support under par. (a), the court
21 may consider all relevant financial information or other information relevant to the
22 parent's earning capacity, including information reported under s. 49.22 (2m) to the
23 department of workforce development, or the county child support agency, under s.
24 59.53 (5). If the court has insufficient information with which to determine the
25 amount of support, the court shall order the juvenile's parent to furnish a statement

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1 of the income, assets, debts, and living expenses of the juvenile and the juvenile's
2 parent, if the parent has not already done so, to the court within 10 days after the
3 court's order transferring custody or designating an alternative placement is entered
4 or at such other time as ordered by the court.

NOTE: See the NOTE to s. 938.30 (6) (b) and (c), stats., as affected by this bill.

5 **SECTION 480.** 938.36 (2) of the statutes is amended to read:

6 **938.36 (2) SERVICES OR TREATMENT; COUNTY PAYMENT; PARENTAL CONTRIBUTION.** If
7 a juvenile whose legal custody has not been taken from a parent or guardian is given
8 educational and social services, or medical, psychological, or psychiatric treatment
9 by order of the court, ~~the cost thereof, if ordered by the court, shall be a charge upon~~
10 court may order the county to pay for those services or treatment. This section does
11 not prevent recovery of reasonable contribution toward the costs from the parent or
12 guardian of the juvenile as the court may order based on the ability of the parent or
13 guardian to pay. This subsection is subject to s. 301.03 (18).

14 **SECTION 481.** 938.36 (3) (title) of the statutes is created to read:

15 **938.36 (3) (title) SERVICES PROVIDED BY SCHOOL DISTRICT.**

16 **SECTION 482.** 938.361 (1) (title) and (2) (title) of the statutes are created to read:

17 **938.361 (1) (title) DEFINITIONS.**

18 **(2) (title) PAYMENT BY PARENT OR INSURER.**

19 **SECTION 483.** 938.361 (2) (a) 2. of the statutes is amended to read:

20 **938.361 (2) (a) 2.** This paragraph applies to payment for alcohol and other drug
21 abuse services in any county, ~~regardless of whether the county is a~~ including pilot
22 county counties under s. 938.547.

23 **SECTION 484.** 938.361 (2) (am), (b) and (c) of the statutes are amended to read:

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1 938.361 (2) (am) 1. If a court assigned to exercise jurisdiction under this
2 chapter and ch. 48 in a pilot county ~~that has a pilot program~~ under s. 938.547 finds
3 that payment is ~~not attainable~~ cannot be attained under par. (a), the court may order
4 payment ~~in accordance with~~ under par. (b).

5 2. If a court assigned to exercise jurisdiction under this chapter and ch. 48 in
6 a county that ~~does not have~~ is not a ~~pilot program~~ county under s. 938.547 finds that
7 payment is ~~not attainable~~ cannot be attained under par. (a), the court may order
8 payment ~~in accordance with~~ under s. 938.34 (6) (ar) or 938.36.

9 3. If a municipal court finds that payment is ~~not attainable~~ cannot be attained
10 under par. (a), the municipal court may order the municipality over which the
11 municipal court has jurisdiction to pay for any alcohol and other drug abuse services
12 ordered by the municipal court.

13 (b) 1. In ~~counties that have a pilot program~~ counties under s. 938.547, in
14 addition to ~~using the alternative provided for~~ ordering payment under par. (a), the
15 court assigned to exercise jurisdiction under this chapter and ch. 48 may order a
16 county department of human services established under s. 46.23 or a county
17 department established under s. 51.42 or 51.437 in the juvenile's county of legal
18 residence to pay for the alcohol and other drug abuse services whether or not custody
19 has been taken from the parent.

20 2. If a ~~judge~~ court orders a county department established under s. 51.42 or
21 51.437 to provide alcohol and other drug abuse services under this paragraph, the
22 provision of the ~~alcohol and other drug abuse services shall be~~ service is subject to
23 conditions specified in ch. 51.

24 (c) Payment for alcohol and other drug abuse services by a county department
25 or municipality under this section does not prohibit the county department or

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1 municipality from contracting with another county department, municipality, school
2 district, or approved treatment facility for the provision of alcohol and other drug
3 abuse services. Payment by the county or municipality under this section does not
4 prevent recovery of reasonable contribution toward the costs of the court-ordered
5 alcohol and other drug abuse services from the parent ~~which is~~ based upon the ability
6 of the parent to pay. This subsection is subject to s. 46.03 (18).

7 **SECTION 485.** 938.362 (1) (title) and (2) (title) of the statutes are created to read:

8 938.362 (1) (title) DEFINITION.

9 (2) (title) APPLICABILITY.

10 **SECTION 486.** 938.362 (3) of the statutes is amended to read:

11 938.362 (3) PAYMENT BY PARENT OR INSURER. If a juvenile's parent neglects,
12 refuses, or is unable to provide court-ordered special treatment or care for the
13 juvenile through his or her health insurance or other 3rd-party payments,
14 notwithstanding s. 938.36 (3), the court may order the parent to pay for the
15 court-ordered special treatment or care. If the parent consents to provide
16 court-ordered special treatment or care for a juvenile through his or her health
17 insurance or other 3rd-party payments but the health insurance provider or other
18 3rd-party payer refuses to provide the ~~court-ordered~~ special treatment or care, the
19 court may order the health insurance provider or 3rd-party payer to pay for the
20 ~~court-ordered~~ special treatment or care in accordance with the terms of the parent's
21 health insurance policy or other 3rd-party payment plan.

22 **SECTION 487.** 938.362 (4) (title) of the statutes is created to read:

23 938.362 (4) (title) PAYMENT BY COUNTY DEPARTMENT.

24 **SECTION 488.** 938.362 (4) (a) of the statutes is amended to read:

ASSEMBLY BILL 443**SECTION 488**

1 938.362 (4) (a) If the court finds that payment is ~~not attainable~~ cannot be
2 attained under sub. (3), the court may order the county department under s. 51.42
3 or 51.437 of the juvenile's county of legal residence to pay the cost of any
4 court-ordered special treatment or care that is provided ~~by or~~ directly by or under
5 contract with ~~that~~ the county department.

6 **SECTION 489.** 938.363 of the statutes is amended to read:

7 **938.363 Revision of dispositional orders. (1) REQUESTS FOR REVISION.** (a)

8 A juvenile, the juvenile's parent, guardian, or legal custodian, any person or agency
9 bound by a dispositional order, or the district attorney or corporation counsel in the
10 county in which the dispositional order was entered may request a revision in the
11 order that does not involve a change in placement, including a revision with respect
12 to the amount of child support to be paid by a parent, ~~or the.~~ The court may ~~on its~~
13 ~~own motion~~ also propose such a revision. The request or court proposal shall set forth
14 in detail the nature of the proposed revision and what new information is available
15 that affects the advisability of the court's disposition. The request or court proposal
16 shall be submitted to the court. The court shall hold a hearing on the matter prior
17 to any revision of the dispositional order if the request or court proposal indicates
18 that new information is available that affects the advisability of the court's
19 dispositional order, unless written waivers of objections to the revision are signed by
20 all parties entitled to receive notice and the court approves.

21 (b) If a hearing is held, the court shall notify the juvenile, the juvenile's parent,
22 guardian, and legal custodian, all parties bound by the dispositional order, the
23 juvenile's foster parent, treatment foster parent, or other physical custodian
24 described in s. 48.62 (2), and the district attorney or corporation counsel in the county
25 in which the dispositional order was entered at least 3 days prior to the hearing. A

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1 copy of the request or proposal shall be attached to the notice. If all parties consent,
2 the court may proceed immediately with the hearing. No revision may extend the
3 effective period of the original order, or revise an original order under s. 938.34 (3)
4 (f) or (6) (am) to impose more than a total of 30 days of detention, nonsecure custody,
5 or inpatient treatment on a juvenile.

6 (c) If the proposed revision is for a change in the amount of child support to be
7 paid by a parent, the court shall order the juvenile's parent to provide a statement
8 of the income, assets, debts, and living expenses of the juvenile and the juvenile's
9 parent to the court and the person or agency primarily responsible for implementing
10 the dispositional order by a date specified by the court. The clerk of court shall
11 provide, without charge, to any parent ordered to provide ~~a~~ that statement of
12 ~~income, assets, debts, and living expenses~~ a document setting forth the percentage
13 standard established by the department of workforce development under s. 49.22 (9)
14 and listing the factors that a court may consider under s. 301.12 (14) (c).

15 (d) If the court orders the juvenile's parent to provide a statement of the income,
16 assets, debts, and living expenses of the juvenile and the juvenile's parent to the court
17 or if the court orders the juvenile's parent to provide that statement to the person or
18 agency primarily responsible for implementing the dispositional order and that
19 person or agency is not the county department, the court shall also order the
20 juvenile's parent to provide that statement to the county department by a date
21 specified by the court. The county department shall provide, without charge, to the
22 parent a form on which to provide that statement, and the parent shall provide that
23 statement on that form. The county department shall use the information provided
24 in the statement to determine whether the department may claim federal foster care

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1 and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of
2 providing care for the juvenile.

3 **(1m) EVIDENCE AND STATEMENTS.** If a hearing is held under sub. (1) (a), any
4 party may present evidence relevant to the issue of revision of the dispositional order.
5 In addition, the court shall give a foster parent, treatment foster parent, or other
6 physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be heard
7 at the hearing by permitting the foster parent, treatment foster parent, or other
8 physical custodian to make a written or oral statement during the hearing, or to
9 submit a written statement prior to the hearing, relevant to the issue of revision. A
10 foster parent, treatment foster parent, or other physical custodian ~~described in s.~~
11 ~~48.62 (2)~~ who receives notice of a hearing under sub. (1) (a) and an opportunity to be
12 heard under this subsection does not become a party to the proceeding on which the
13 hearing is held solely on the basis of receiving that notice and opportunity to be
14 heard.

15 **(2) REVISION OF SUPPORT.** If the court revises ~~a dispositional order with respect~~
16 ~~to~~ the amount of child support to be paid by a parent under the dispositional order
17 for the care and maintenance of the parent's ~~minor~~ juvenile who has been placed by
18 a court order under this chapter in a residential, nonmedical facility, the court shall
19 determine the liability of the parent ~~in the manner provided in~~ under s. 301.12 (14).

NOTE: For an explanation of the change to s. 938.363 (1) (d), stats., see the NOTE
to s. 938.30 (6) (b) and (c), stats., as affected by this bill.

20 **SECTION 490.** 938.364 of the statutes is amended to read:

21 **938.364 Dismissal of certain dispositional orders.** A juvenile, the
22 juvenile's parent, guardian, or legal custodian, or the district attorney or corporation
23 counsel in the county in which the dispositional order was entered may request a

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1 judge the court to dismiss an order made under s. 938.342 (2) if the juvenile shows
2 documentary proof that he or she is enrolled in a school program or a high school
3 equivalency program, ~~or the~~. The court may on its own motion also propose such a
4 dismissal.

5 **SECTION 491.** 938.365 (1) and (1m) of the statutes are amended to read:

6 938.365 (1) DATE ON WHICH JUVENILE PLACED OUTSIDE HOME. In this section, a
7 juvenile is considered to have been placed outside of his or her home on the date on
8 which the juvenile was first removed from his or her home, except that ~~in the case~~
9 of a juvenile who ~~on removal~~ was removed from his or her home ~~was~~ and first placed
10 in a ~~secure~~ juvenile detention facility, a ~~secured~~ juvenile correctional facility, ~~a~~
11 ~~secured child caring institution,~~ or a ~~secured group home~~ residential care center for
12 children and youth for 60 days or more and then moved to a ~~nonsecured~~ nonsecure
13 out-of-home placement, ~~the juvenile~~ is considered to have been placed outside of his
14 or her home on the date on which the juvenile was moved to the ~~nonsecured~~
15 nonsecure out-of-home placement.

16 **(1m) REQUEST FOR EXTENSION.** The parent, juvenile, guardian, legal custodian,
17 any person or agency bound by the dispositional order, the district attorney or
18 corporation counsel in the county in which the dispositional order was entered, or the
19 court on its own motion, may request an extension of an order under s. 938.355. The
20 request shall be submitted to the court which entered the order. ~~No~~ An order under
21 s. 938.355 ~~that placed~~ for placement of a juvenile in detention, nonsecure custody, or
22 inpatient treatment under s. 938.34 (3) (f) or (6) (am) may not be extended. ~~No other~~
23 order Other orders or portions of orders under s. 938.355 may be extended except
24 only as provided in this section.