

**ASSEMBLY BILL 443**

1 **SECTION 492.** 938.365 (2) (title) and (2g) (title) of the statutes are created to
2 read:

3 938.365 (2) (title) NOTICE.

4 (2g) (title) COURT REPORT.

5 **SECTION 493.** 938.365 (2g) (b) 2. and (c) of the statutes are amended to read:

6 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement
7 and of any progress the juvenile has made, suggestions for amendment of the
8 permanency plan, and specific information showing the efforts that have been made
9 to achieve the goal of the permanency plan, including, if applicable, the efforts of the
10 parents to remedy the factors that contributed to the juvenile's placement, unless
11 return of the juvenile to the home is the goal of the permanency plan and any of the
12 circumstances ~~specified in~~ under s. 938.355 (2d) (b) 1. to 4. applies.

13 (c) ~~In cases where~~ If the juvenile has not been placed outside the home, the
14 report shall contain a description of efforts that have been made by all parties
15 concerned toward meeting the objectives of treatment, care, or rehabilitation; an
16 explanation of why these efforts have not yet succeeded in meeting the objective; and
17 anticipated future planning for the juvenile.

18 **SECTION 494.** 938.365 (2m) (title) of the statutes is created to read:

19 938.365 (2m) (title) HEARING AND ORDER.

20 **SECTION 495.** 938.365 (2m) (a), (ad) 1. and (ag) of the statutes are amended to
21 read:

22 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
23 extension. If the juvenile is placed outside of his or her home, the person or agency
24 primarily responsible for providing services to the juvenile shall present as evidence
25 specific information showing that the agency has made reasonable efforts to achieve

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1 the goal of the juvenile’s permanency plan, unless return of the juvenile to the home
2 is the goal of the permanency plan and any of the circumstances ~~specified in~~ under
3 s. 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and
4 conclusions of law based on the evidence. The findings of fact shall include a finding
5 as to whether reasonable efforts were made by the agency primarily responsible for
6 providing services to the juvenile to achieve the goal of the juvenile’s permanency
7 plan, unless return of the juvenile to the home is the goal of the permanency plan and
8 the court finds that any of the circumstances ~~specified in~~ under s. 938.355 (2d) (b) 1.
9 to 4. applies. An order shall be issued under s. 938.355.

10 2. If the court finds that any of the circumstances ~~specified in~~ under s. 938.355
11 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include a
12 determination that the person or agency primarily responsible for providing services
13 to the juvenile is not required to make reasonable efforts with respect to the parent
14 to make it possible for the juvenile to return safely to his or her home.

15 3. The court shall make the findings ~~specified in~~ under subd. 1. relating to
16 reasonable efforts to achieve the goal of the juvenile’s permanency plan and the
17 findings ~~specified in~~ under subd. 2. on a case-by-case basis based on circumstances
18 specific to the juvenile and shall document or reference the specific information on
19 which those findings are based in the order issued under s. 938.355. An order that
20 merely references subd. 1. or 2. without documenting or referencing that specific
21 information in the order or an amended order that retroactively corrects an earlier
22 order that does not comply with this subdivision is not sufficient to comply with this
23 subdivision.

24 (ad) 1. If the court finds that any of the circumstances ~~specified in~~ under s.
25 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing

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1 within 30 days after the date of that finding to determine the permanency plan for
2 the juvenile. If a hearing is held under this subdivision, the agency responsible for
3 preparing the permanency plan shall file the permanency plan with the court not less
4 than 5 days before the date of the hearing.

5 (ag) The court shall give a foster parent, treatment foster parent, or other
6 physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (ad)
7 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster
8 parent, treatment foster parent, or other physical custodian to make a written or oral
9 statement during the hearing, or to submit a written statement prior to the hearing,
10 relevant to the issue of extension. A foster parent, treatment foster parent, or other
11 physical custodian ~~described in s. 48.62 (2)~~ who receives notice of a hearing under
12 par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph does not
13 become a party to the proceeding on which the hearing is held solely on the basis of
14 receiving that notice and opportunity to be heard.

15 **SECTION 496.** 938.365 (3) (title) and (4) (title) of the statutes are created to read:

16 938.365 (3) (title) WAIVER OF APPEARANCE.

17 (4) (title) DISPOSITIONS TO BE CONSIDERED.

18 **SECTION 497.** 938.365 (5) and (6) of the statutes are amended to read:

19 938.365 (5) DURATION OF EXTENSION. Except as provided in s. 938.368, an order
20 under this section that continues the placement of a juvenile in his or her home or
21 that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified
22 length of time not to exceed one year after its date of entry. Except as provided in s.
23 938.368, an order under this section that continues the placement of a juvenile in a
24 foster home, treatment foster home, group home, or residential care center for
25 children and youth or in the home of a relative other than a parent shall be for a

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1 specified length of time not to exceed the date on which the juvenile reaches attains
2 18 years of age, one year after the date ~~of entry of~~ on which the order is granted, or,
3 if the juvenile is a full-time student at a secondary school or its vocational or
4 technical equivalent and is reasonably expected to complete the program before
5 reaching attaining 19 years of age, the date on which the juvenile reaches attains 19
6 years of age, whichever is later.

7 **(6) HEARINGS CONDUCTED AFTER ORDER TERMINATES.** If a request to extend a
8 dispositional order is made prior to the termination of the order, but the court is
9 unable to conduct a hearing on the request prior to the termination date, the court
10 may extend the order for a period of not more than 30 days, not including any period
11 of delay resulting from any of the circumstances ~~specified in~~ under s. 938.315 (1). The
12 court shall grant appropriate relief as provided in s. 938.315 (3) with respect to any
13 request to extend a dispositional order on which a hearing is not held within the time
14 limit specified in this subsection. Failure to object if a hearing is not held within the
15 time limit ~~specified in~~ under this subsection waives that time limit.

NOTE: Modifies s. 938.365 (5), stats., so that an extension of a dispositional order expires one year after the court orally makes, or grants, its order instead of one year after the order is filed with the clerk of court.

16 **SECTION 498.** 938.365 (7) (title) of the statutes is created to read:

17 938.365 (7) (title) CHANGES IN PLACEMENT NOT PERMITTED.

18 **SECTION 499.** 938.368 (1) (title) of the statutes is created to read:

19 938.368 (1) (title) TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.

20 **SECTION 500.** 938.368 (2) (intro.) of the statutes is amended to read:

21 938.368 (2) PLACEMENT WITH GUARDIAN. (intro.) If a juvenile's placement with
22 a guardian appointed under s. 48.977 (2) is designated by the court under s. 48.977
23 (3) as a permanent foster placement for the juvenile while a dispositional order under

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1 s. 938.345, a revision order under s. 938.363, or an extension order under s. 938.365
2 is in effect with respect to the juvenile, ~~such~~ the dispositional order, revision order,
3 or extension order shall remain in effect until the earliest of the following:

4 **SECTION 501.** 938.37 (1) (title) and (3) (title) of the statutes are created to read:

5 938.37 (1) (title) JUVENILE COURT.

6 (3) (title) CIVIL AND CRIMINAL COURTS.

7 **SECTION 502.** 938.371 of the statutes is amended to read:

8 **938.371 Access to certain information by substitute care provider. (1)**

9 MEDICAL INFORMATION. If a juvenile is placed in a foster home, treatment foster home,
10 group home, residential care center for children and youth, or ~~secured~~ juvenile
11 correctional facility, including a placement under s. 938.205 or 938.21, the agency,
12 as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement
13 of the juvenile shall provide the following information to the foster parent, treatment
14 foster parent, or operator of the group home, residential care center for children and
15 youth, or ~~secured~~ juvenile correctional facility at the time of placement or, if the
16 information has not been provided to the agency by that time, as soon as possible
17 after the date on which the agency receives that information, but not more than 2
18 working days after that date:

19 (a) Results of a test or a series of tests of the juvenile to determine the presence
20 of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an
21 antibody to HIV, ~~as provided~~ under s. 252.15 (5) (a) 19., including results included
22 in a court report or permanency plan. At the time that the test results are provided,
23 the agency shall notify the foster parent, treatment foster parent, or operator of the
24 group home, residential care center for children and youth, or ~~secured~~ juvenile
25 correctional facility of the confidentiality requirements under s. 252.15 (6).

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1 (b) Results of any tests of the juvenile to determine the presence of viral
2 hepatitis, type B, including results included in a court report or permanency plan.
3 The foster parent, treatment foster parent, or operator of a group home, residential
4 care center for children and youth, or ~~secured~~ juvenile correctional facility receiving
5 information under this paragraph shall keep the information confidential.

6 (c) Any other medical information concerning the juvenile that is necessary for
7 the care of the juvenile. The foster parent, treatment foster parent, or operator of a
8 group home, residential care center for children and youth, or ~~secured~~ juvenile
9 correctional facility receiving information under this paragraph shall keep the
10 information confidential.

11 **(3) OTHER INFORMATION.** At the time of placement of a juvenile in a foster home,
12 treatment foster home, group home, residential care center for children and youth,
13 or ~~secured~~ juvenile correctional facility or, if the information is not available at that
14 time, as soon as possible after the date on which the court report or permanency plan
15 has been submitted, but no later than 7 days after that date, the agency, as defined
16 in s. 938.38 (1) (a), responsible for preparing the juvenile's permanency plan shall
17 provide to the foster parent, treatment foster parent, or operator of the group home,
18 residential care center for children and youth, or ~~secured~~ juvenile correctional
19 facility information contained in the court report submitted under s. 938.33 (1) or
20 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38 relating
21 to findings or opinions of the court or agency that prepared the court report or
22 permanency plan relating to any of the following:

23 (a) Any mental, emotional, cognitive, developmental, or behavioral disability
24 of the juvenile. The foster parent, treatment foster parent, or operator of a group
25 home, residential care center for children and youth, or ~~secured~~ juvenile correctional

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1 facility receiving information under this subsection shall keep the information
2 confidential.

3 (b) Any involvement of the juvenile in any criminal gang, as defined in s. 939.22
4 (9), or in any other group in which any child was traumatized as a result of his or her
5 association with that group. The foster parent, treatment foster parent, or operator
6 of a group home, residential care center for children and youth, or ~~secured~~ juvenile
7 correctional facility receiving information under this paragraph shall keep the
8 information confidential.

9 (c) Any involvement of the juvenile in any activities that are harmful to the
10 juvenile's physical, mental, or moral well-being. The foster parent, treatment foster
11 parent, or operator of a group home, residential care center for children and youth,
12 or ~~secured~~ juvenile correctional facility receiving information under this paragraph
13 shall keep the information confidential.

14 (d) Any involvement of the juvenile, whether as victim or perpetrator, in sexual
15 intercourse or sexual contact in violation of s. 940.225, 948.02, or 948.025,
16 prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s.
17 948.05, or causing a child to view or listen to sexual activity in violation of s. 948.055,
18 if the information is necessary for the care of the juvenile or for the protection of any
19 person living in the foster home, treatment foster home, group home, residential care
20 center for children and youth, or ~~secured~~ juvenile correctional facility. The foster
21 parent, treatment foster parent, or operator of a group home, residential care center
22 for children and youth, or ~~secured~~ juvenile correctional facility receiving information
23 under this paragraph shall keep the information confidential.

24 (e) The religious affiliation or belief beliefs of the juvenile.

25 **SECTION 503.** 938.373 (1) (title) of the statutes is created to read:

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1 938.373 (1) (title) AUTHORIZATION BY COURT.

2 SECTION 504. 938.373 (2) (title) of the statutes is created to read:

3 938.373 (2) (title) ABORTION; JUDICIAL WAIVER OF PARENTAL CONSENT REQUIREMENT.

4 SECTION 505. 938.38 (2) (intro.), (3) (a) and (b) and (4) (ar) and (h) (intro.) of the
5 statutes are amended to read:

6 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
7 for each juvenile living in a foster home, treatment foster home, group home,
8 residential care center for children and youth, secure juvenile detention facility, or
9 shelter care facility, the agency that placed the juvenile or arranged the placement
10 or the agency assigned primary responsibility for providing services to the juvenile
11 under s. 938.355 shall prepare a written permanency plan, if any of the following
12 conditions exists, and, for each juvenile living in the home of a relative other than
13 a parent, that agency shall prepare a written permanency plan, if any of the
14 conditions specified in under pars. (a) to (e) exists:

15 (3) (a) If the juvenile is alleged to be delinquent and is being held in a secure
16 juvenile detention facility, juvenile portion of a county jail, or shelter care facility, and
17 the agency intends to recommend that the juvenile be placed in a secured juvenile
18 correctional facility, or a secured child caring institution or a secured group home
19 residential care center for children and youth, the agency is not required to submit
20 the permanency plan unless the court does not accept the recommendation of the
21 agency. If the court places the juvenile in any facility outside of the juvenile's home
22 other than a secured juvenile correctional facility, or a secured child caring
23 institution or a secured group home residential care center for children and youth,
24 the agency shall file the permanency plan with the court within 60 days after the date
25 of disposition.

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1 (b) If the juvenile is held for less than 60 days in a ~~secure~~ juvenile detention
2 facility, juvenile portion of a county jail, or a shelter care facility, no permanency plan
3 is required if the juvenile is returned to his or her home within that period.

4 (4) (ar) A description of the services offered and any services provided in an
5 effort to prevent the removal of the juvenile from his or her home, while assuring that
6 the health and safety of the juvenile are the paramount concerns, and to achieve the
7 goal of the permanency plan, except that the permanency plan is not required to
8 include a description of the services offered or provided with respect to a parent of
9 the juvenile to prevent the removal of the juvenile from the home or to achieve the
10 permanency plan goal of returning the juvenile safely to his or her home if any of the
11 circumstances specified under in s. 938.355 (2d) (b) 1. to 4. apply to that parent.

12 (h) (intro.) If the juvenile is 15 years of age or ~~over~~ older, a description of the
13 programs and services that are or will be provided to assist the juvenile in preparing
14 for the transition from out-of-home care to independent living. The description
15 shall include all of the following:

16 **SECTION 506.** 938.38 (5) (a) of the statutes is amended to read:

17 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel
18 appointed under par. (ag) shall review the permanency plan in the manner provided
19 in this subsection not later than 6 months after the date on which the juvenile was
20 first removed from his or her home and every ~~12~~ 6 months after a previous review
21 under this subsection for as long as the juvenile is placed outside the home, except
22 that for the review that is required to be conducted not later than 12 months after
23 the juvenile was first removed from his or her home and the reviews that are required
24 to be conducted every 12 months after that review, the court shall hold a hearing

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1 under sub. (5m) to review the permanency plan, ~~which.~~ The hearing may be instead
2 of or in addition to the review under this subsection.

NOTE: In s. 938.38 (5) (a), stats., substitutes “every 6 months after a previous review” for “every 12 months after a previous review”. The current reference to “12 months” was an inadvertent mistake when the original law was enacted. The provision should parallel s. 48.38 (5) (a), stats., which specifies “6 months.”

3 **SECTION 507.** 938.39 of the statutes is amended to read:

4 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
5 court of any violation of state law coming within its jurisdiction under s. 938.12 bars
6 any future criminal proceeding on the same matter in circuit court when the juvenile
7 reaches the age of 17. This section does not affect criminal proceedings in circuit
8 court ~~which~~ that were transferred under s. 938.18.

9 **SECTION 508.** 938.396 (1) (title) of the statutes is created to read:

10 **938.396 (1) (title) LAW ENFORCEMENT RECORDS.**

NOTE: Relating to s. 938.396, stats., and other provisions, reorganizes provisions in the Juvenile Justice Code relating to the confidentiality of juvenile law enforcement, juvenile court, and municipal court records.

11 **SECTION 509.** 938.396 (1) of the statutes is renumbered 938.396 (1) (a) and
12 amended to read:

13 938.396 (1) (a) Confidentiality. Law enforcement ~~officers'~~ agency records of
14 juveniles shall be kept separate from records of adults. Law enforcement ~~officers'~~
15 agency records of juveniles ~~shall~~ may not be open to inspection or their contents
16 disclosed except under sub. (1b), (1d), (1g), (1m), (1r), (1t), (1x) ~~or (5) par. (b) or (c),~~
17 sub. (1j), or s. 938.293 or by order of the court. ~~This subsection~~

18 (b) Applicability. Paragraph (a) does not apply to any of the following:

19 1. The disclosure of information to representatives of the news media who wish
20 to obtain information for the purpose of reporting news ~~without revealing.~~ A

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1 representative of the news media who obtains information under this subdivision
2 may not reveal the identity of the juvenile involved, to the,

3 2. The confidential exchange of information between the police a law
4 enforcement agency and officials of the school attended by the juvenile ~~or other law~~
5 ~~enforcement or social welfare agencies or to juveniles 10 years of age or older who are~~
6 ~~subject to the jurisdiction of the court of criminal jurisdiction.~~ A public school official
7 who obtains information under this ~~subsection~~ subdivision shall keep the
8 information confidential as required under s. 118.125, and a private school official
9 who obtains information under this ~~subsection~~ subdivision shall keep the
10 information confidential in the same manner as is required of a public school official
11 under s. 118.125.

12 3. The confidential exchange of information between a law enforcement agency
13 and another law enforcement agency. A law enforcement agency that obtains
14 information under this ~~subsection~~ subdivision shall keep the information
15 confidential as required under ~~this subsection par. (a)~~ and s. 48.396 (1).

16 4. The confidential exchange of information between a law enforcement agency
17 and a social welfare agency. A social welfare agency that obtains information under
18 this ~~subsection~~ subdivision shall keep the information confidential as required
19 under ss. 48.78 and 938.78.

NOTE: The language repealed in s. 938.396 (1) (b) 2., stats., as created by this bill
is contained in newly created s. 938.396 (1) (b) 5., stats., as created by this bill.

20 **SECTION 510.** 938.396 (1) (b) 5. of the statutes is created to read:

21 938.396 (1) (b) 5. The disclosure of information relating to a juvenile 10 years
22 of age or over who is subject to the jurisdiction of a court of criminal jurisdiction.

23 **SECTION 511.** 938.396 (1) (c) (intro.) of the statutes is created to read:

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1 938.396 (1) (c) *Exceptions.* (intro.) Notwithstanding par. (a), law enforcement
2 agency records of juveniles may be disclosed as follows:

3 **SECTION 512.** 938.396 (1b) of the statutes is renumbered 938.396 (1) (c) 1.

4 **SECTION 513.** 938.396 (1d) of the statutes is renumbered 938.396 (1) (c) 2.

5 **SECTION 514.** 938.396 (1g) of the statutes is renumbered 938.396 (1) (c) 6. and
6 amended to read:

7 938.396 (1) (c) 6. If requested by the victim–witness coordinator, a law
8 enforcement agency shall disclose to the victim–witness coordinator any information
9 in its records relating to the enforcement of rights under the constitution, this
10 chapter, and s. 950.04 or the provision of services under s. 950.06 (1m), including the
11 name and address of the juvenile and the juvenile’s parents. The victim–witness
12 coordinator may use the information only for the purpose of enforcing those rights
13 and providing those services and may make that information available only as
14 necessary to ensure that victims and witnesses of crimes, as defined in s. 950.02 (1m),
15 receive the rights and services to which they are entitled under the constitution, this
16 chapter, and ch. 950. The victim–witness coordinator may also use the information
17 to disclose the name and address of the juvenile and the juvenile’s parents to the
18 victim of the juvenile’s act.

NOTE: Clarifies, in s. 938.396 (1) (c) 6., stats., as created by the bill, that a law
enforcement agency must disclose to a victim–witness coordinator the name and address
of a juvenile and the juvenile’s parent, upon request. The victim–witness coordinator may
disclose this information to the victim of the juvenile’s act.

19 **SECTION 515.** 938.396 (1j) (title) of the statutes is created to read:

20 938.396 (1j) (title) LAW ENFORCEMENT RECORDS, COURT-ORDERED DISCLOSURE.

21 **SECTION 516.** 938.396 (1m) (a) of the statutes is renumbered 938.396 (1) (c) 3.

22 (intro.) and amended to read:

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1 938.396 (1) (c) 3. (intro.) A law enforcement agency, on its own initiative or on
2 the request of the school district administrator of a public school district, the
3 administrator of a private school, or the designee of the school district administrator
4 or the private school administrator, may, subject to official agency policy, provide to
5 the school district administrator, private school administrator, or designee, for use
6 as provided in s. 118.127 (2), any information in its records relating to the any of the
7 following:

8 a. The use, possession, or distribution of alcohol or a controlled substance or
9 controlled substance analog by a juvenile enrolled in the public school district or
10 private school. The information shall be used by the school district or private school
11 as provided under s. 118.127 (2).

12 **SECTION 517.** 938.396 (1m) (am) of the statutes is renumbered 938.396 (1) (c)
13 3. b. and amended to read:

14 938.396 (1) (c) 3. b. ~~A law enforcement agency, on its own initiative or on the~~
15 ~~request of the school district administrator of a public school district, the~~
16 ~~administrator of a private school or the designee of the school district administrator~~
17 ~~or the private school administrator, may, subject to official agency policy, provide to~~
18 ~~the school district administrator, private school administrator or designee any~~
19 ~~information in its records relating to the~~ The illegal possession by a juvenile of a
20 dangerous weapon, as defined in s. 939.22 (10). ~~The information shall be used by the~~
21 ~~school district or private school as provided in s. 118.127 (2).~~

NOTE: The repealed language is included in s. 938.396 (1) (c) 3. (intro.), as created
by this bill.

22 **SECTION 518.** 938.396 (1m) (ar) of the statutes is renumbered 938.396 (1) (c)
23 3. c. and amended to read:

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1 938.396 (1) (c) 3. c. ~~A law enforcement agency, on its own initiative or on the~~
2 ~~request of the school district administrator of a public school district, the~~
3 ~~administrator of a private school, or the designee of the school district administrator~~
4 ~~or the private school administrator, may, subject to official agency policy, provide to~~
5 ~~the school district administrator, private school administrator, or designee any~~
6 ~~information in its records relating to an An act for which a juvenile enrolled in the~~
7 ~~school district or private school was taken into custody under s. 938.19 based on a~~
8 ~~law enforcement officer's belief that the juvenile was committing or had committed~~
9 ~~a violation of any state or federal criminal law. The information shall be used by the~~
10 ~~school district or private school as provided in s. 118.127 (2).~~

NOTE: The repealed language is included in s. 938.396 (1) (c) 3. (intro.), as created
by this bill.

11 **SECTION 519.** 938.396 (1m) (b) of the statutes is renumbered 938.396 (1) (c) 3.
12 d. and amended to read:

13 938.396 (1) (c) 3. d. ~~A law enforcement agency, on its own initiative or on the~~
14 ~~request of the school district administrator of a public school district, the~~
15 ~~administrator of a private school or the designee of the school district administrator~~
16 ~~or the private school administrator, may, subject to official agency policy, provide to~~
17 ~~the school district administrator, private school administrator or designee any~~
18 ~~information in its records relating to the An act for which a juvenile enrolled in the~~
19 ~~public school district or private school was adjudged delinquent. The information~~
20 ~~shall be used by the school district or private school as provided in s. 118.127 (2).~~

NOTE: The repealed language in s. 938.396 (1) (c) 3. d. is included in s. 938.396 (1)
(c) 3. (intro.), as created by this bill.

21 **SECTION 520.** 938.396 (1m) (c) of the statutes is renumbered 938.396 (1) (d) and
22 amended to read:

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1 938.396 (1) (d) Law enforcement access to school records. On petition of a law
2 enforcement agency to review pupil records, as defined in s. 118.125 (1) (d), other
3 than pupil records that may be disclosed without a court order under s. 118.125 (2)
4 or (2m), for the purpose of investigating pursuing an investigation of any alleged
5 delinquent or criminal activity or on petition of a fire investigator under s. 165.55 (15)
6 to review those pupil records for the purpose of pursuing an investigation under s.
7 165.55 (15), the court may order the school board of the school district, or the
8 governing body of the private school, in which a juvenile is enrolled to disclose to the
9 law enforcement agency or fire investigator the pupil records of that juvenile as
10 necessary for the law enforcement agency or fire investigator to pursue its the
11 investigation. The law enforcement agency or fire investigator may use the pupil
12 records only for the purpose of its the investigation and may make the pupil records
13 available only to employees of the law enforcement agency or fire investigator who
14 are working on the investigation.

15 **SECTION 521.** 938.396 (1m) (d) of the statutes is repealed.

NOTE: Repeals s. 938.396 (1m) (d), stats., which permitted disclosure of pupil records to a fire investigator. This language is included in s. 938.396 (1) (d), stats., as created by this bill.

16 **SECTION 522.** 938.396 (1p) of the statutes is renumbered 938.396 (1) (c) 4. and
17 amended to read:

18 938.396 (1) (c) 4. A law enforcement agency may enter into an interagency
19 agreement with a school board, a private school, a social welfare agency, or another
20 law enforcement agency providing for the routine disclosure of information under
21 subs. (1) and ~~(1m)~~ (b) 2. and (c) 3. to the school board, private school, social welfare
22 agency, or other law enforcement agency.

23 **SECTION 523.** 938.396 (1r) of the statutes is renumbered 938.396 (1) (c) 5.

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1 **SECTION 524.** 938.396 (1t) of the statutes is renumbered 938.396 (1) (c) 7.

2 **SECTION 525.** 938.396 (1x) of the statutes is renumbered 938.396 (1) (c) 8.

3 **SECTION 526.** 938.396 (2) (a) of the statutes is renumbered 938.396 (2) and
4 amended to read:

5 938.396 (2) COURT RECORDS; CONFIDENTIALITY. Records of the court assigned to
6 exercise jurisdiction under this chapter and ch. 48 and of municipal courts exercising
7 jurisdiction under s. 938.17 (2) shall be entered in books or deposited in files kept for
8 that purpose only. Those records shall not be open to inspection or their contents
9 disclosed except by order of the court assigned to exercise jurisdiction under this
10 chapter and ch. 48 or as permitted under ~~this section~~ sub. (2g).

11 **SECTION 527.** 938.396 (2) (ag) of the statutes is renumbered 938.396 (2g) (ag).

12 **SECTION 528.** 938.396 (2) (am) of the statutes is renumbered 938.396 (2g) (am).

13 **SECTION 529.** 938.396 (2) (b) of the statutes is renumbered 938.396 (2g) (b) and
14 amended to read:

15 938.396 (2g) (b) Federal program monitoring. Upon request of the department
16 of health and family services, the department of corrections, or a federal agency to
17 review court records for the purpose of monitoring and conducting periodic
18 evaluations of activities as required by and implemented under 45 CFR 1355, 1356,
19 and 1357, the court shall open those records for inspection by authorized
20 representatives of the that department or federal agency.

21 **SECTION 530.** 938.396 (2) (c) of the statutes is renumbered 938.396 (2g) (c).

22 **SECTION 531.** 938.396 (2) (d) of the statutes is renumbered 938.396 (2g) (d).

23 **SECTION 532.** 938.396 (2) (dm) of the statutes is renumbered 938.396 (2g) (dm).

24 **SECTION 533.** 938.396 (2) (dr) of the statutes is renumbered 938.396 (2g) (dr).

25 **SECTION 534.** 938.396 (2) (e) of the statutes is renumbered 938.396 (2g) (e).

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1 **SECTION 535.** 938.396 (2) (em) of the statutes is renumbered 938.396 (2g) (em)
2 and amended to read:

3 938.396 (2g) (em) Sex offender registration. Upon request of the department
4 to review court records for the purpose of obtaining information concerning a ~~child~~
5 juvenile who is required to register under s. 301.45, the court shall open for
6 inspection by authorized representatives of the department the records of the court
7 relating to any ~~child juvenile~~ who has been adjudicated delinquent or found in need
8 of protection or services or not responsible by reason of mental disease or defect for
9 an offense specified in s. 301.45 (1g) (a). The department may disclose information
10 that it obtains under this paragraph as provided under s. 301.46.

11 **SECTION 536.** 938.396 (2) (f) of the statutes is renumbered 938.396 (2g) (f) and
12 amended to read:

13 938.396 (2g) (f) Victim-witness coordinator. Upon request of the
14 victim-witness coordinator to review court records for the purpose of enforcing rights
15 under the constitution, this chapter, and s. 950.04 and providing services under s.
16 950.06 (1m), the court shall open for inspection by the victim-witness coordinator the
17 records of the court relating to the enforcement of those rights or the provision of
18 those services, including the name and address of the juvenile and the juvenile's
19 parents. The victim-witness coordinator may use any information obtained under
20 this paragraph only for the purpose of enforcing those rights and providing those
21 services and may make that information available only as necessary to ensure that
22 victims and witnesses of crimes, as defined in s. 950.02 (1m), receive the rights and
23 services to which they are entitled under the constitution, this chapter and ch. 950.
24 The victim-witness coordinator may also use that information to disclose the name

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1 and address of the juvenile and the juvenile's parents to the victim of the juvenile's
2 act.

NOTE: See the NOTE to s. 938.396 (1) (c) 6., stats., as created by this bill.

3 **SECTION 537.** 938.396 (2) (fm) of the statutes is renumbered 938.396 (2g) (fm).

4 **SECTION 538.** 938.396 (2) (g) of the statutes is renumbered 938.396 (2g) (g).

5 **SECTION 539.** 938.396 (2) (gm) of the statutes is renumbered 938.396 (2g) (gm).

6 **SECTION 540.** 938.396 (2) (h) of the statutes is renumbered 938.396 (2g) (h).

7 **SECTION 541.** 938.396 (2) (i) of the statutes is renumbered 938.396 (2g) (i).

8 **SECTION 542.** 938.396 (2) (j) of the statutes is renumbered 938.396 (2g) (j) and
9 amended to read:

10 938.396 (2g) (j) *Fire investigator.* Upon request of a fire investigator under s.
11 165.55 (15) to review court records for the purpose of pursuing an investigation under
12 s. 165.55, the court shall open for inspection by authorized representatives of the
13 requester the records of the court relating to any juvenile who has been adjudicated
14 delinquent or found to be in need of protection or services under s. 938.13 (12) or (14)
15 for a violation of s. 940.08, 940.24, 941.10, 941.11, 943.01, 943.012, 943.013, 943.02,
16 943.03, 943.04, 943.05, or 943.06 or for an attempt to commit any of those violations.

17 **SECTION 543.** 938.396 (2g) (intro.) of the statutes is created to read:

18 938.396 (2g) CONFIDENTIALITY OF COURT RECORDS; EXCEPTIONS. (intro.)
19 Notwithstanding sub. (2), records of the court assigned to exercise jurisdiction under
20 this chapter and ch. 48 and of courts exercising jurisdiction under s. 938.17 (2) may
21 be disclosed as follows:

22 **SECTION 544.** 938.396 (2g) (ag) (title) of the statutes is created to read:

23 938.396 (2g) (ag) (title) *Request of parent or juvenile.*

24 **SECTION 545.** 938.396 (2g) (am) (title) of the statutes is created to read:

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1 938.396 (2g) (am) (title) *Permission of parent or juvenile.*

2 **SECTION 546.** 938.396 (2g) (c) (title) of the statutes is created to read:

3 938.396 (2g) (c) (title) *Law enforcement agencies.*

4 **SECTION 547.** 938.396 (2g) (d) (title) of the statutes is created to read:

5 938.396 (2g) (d) (title) *Bail; impeachment; firearm possession.*

6 **SECTION 548.** 938.396 (2g) (dm) (title) of the statutes is created to read:

7 938.396 (2g) (dm) (title) *Delinquency or criminal defense.*

8 **SECTION 549.** 938.396 (2g) (dr) (title) of the statutes is created to read:

9 938.396 (2g) (dr) (title) *Presentence investigation.*

10 **SECTION 550.** 938.396 (2g) (e) (title) of the statutes is created to read:

11 938.396 (2g) (e) (title) *Sexually violent person commitment.*

12 **SECTION 551.** 938.396 (2g) (fm) (title) of the statutes is created to read:

13 938.396 (2g) (fm) (title) *Victim's insurer.*

14 **SECTION 552.** 938.396 (2g) (g) (title) of the statutes is created to read:

15 938.396 (2g) (g) (title) *Paternity of juvenile.*

16 **SECTION 553.** 938.396 (2g) (gm) (title) of the statutes is created to read:

17 938.396 (2g) (gm) (title) *Other courts.*

18 **SECTION 554.** 938.396 (2g) (h) (title) of the statutes is created to read:

19 938.396 (2g) (h) (title) *Custody of juvenile.*

20 **SECTION 555.** 938.396 (2g) (i) (title) of the statutes is created to read:

21 938.396 (2g) (i) (title) *Probate court.*

22 **SECTION 556.** 938.396 (2g) (m) (title) of the statutes is created to read:

23 938.396 (2g) (m) (title) *Notification of juvenile's school.*

24 **SECTION 557.** 938.396 (2m) (a) of the statutes is renumbered 938.396 (2g) (k)

25 and amended to read:

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1 938.396 (2g) (k) *Serious juvenile offenders.* Notwithstanding sub. (2), upon
2 request, ~~a~~ Upon request of any person, the court shall open for inspection by the
3 requester the records of the court, other than reports under s. 938.295 or 938.33 or
4 other records that deal with sensitive personal information of the juvenile and the
5 juvenile's family, relating to a juvenile who has been alleged to be delinquent for
6 committing a violation specified in s. 938.34 (4h) (a). The requester may further
7 disclose the information to anyone.

8 **SECTION 558.** 938.396 (2m) (b) of the statutes is renumbered 938.396 (2g) (L)
9 and amended to read:

10 938.396 (2g) (L) *Repeat offenders.* Notwithstanding sub. (2), upon request, ~~a~~
11 Upon request of any person, the court shall open for inspection by the requester the
12 records of the court, other than reports under s. 938.295 or 938.33 or other records
13 that deal with sensitive personal information of the juvenile and the juvenile's
14 family, relating to a juvenile who has been alleged to be delinquent for committing
15 a violation that would be a felony if committed by an adult if the juvenile has been
16 adjudicated delinquent at any time preceding the present proceeding and that
17 previous adjudication remains of record and unreversed. The requester may further
18 disclose the information to anyone.

19 **SECTION 559.** 938.396 (3) (title) of the statutes is created to read:

20 938.396 (3) (title) MOTOR VEHICLE VIOLATION RECORDS.

21 **SECTION 560.** 938.396 (4) (title) of the statutes is created to read:

22 938.396 (4) (title) OPERATING PRIVILEGE RECORDS.

23 **SECTION 561.** 938.396 (5) (a) (intro.) of the statutes is renumbered 938.396 (1j)

24 (a) (intro.) and amended to read:

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1 938.396 (1j) (a) (intro.) Any person who is denied access to a record under sub.
2 (1), (1b), (1d), (1g), (1m), (1r) or (1t) may petition the court to order the disclosure of
3 the records governed by the applicable subsection record. The petition shall be in
4 writing and shall describe as specifically as possible all of the following:

5 **SECTION 562.** 938.396 (5) (a) 1. to 5. of the statutes are renumbered 938.396 (1j)
6 (a) 1. to 5.

7 **SECTION 563.** 938.396 (5) (b) of the statutes is renumbered 938.396 (1j) (b) and
8 amended to read:

9 938.396 (1j) (b) ~~If the petitioner is seeking access to a record under sub. (1), (1b),~~
10 ~~(1d), (1g), (1m) (c) or (d), (1r), or (1t)~~ Subject to par. (bm), the court, on receipt of a
11 petition, shall notify the juvenile, the juvenile's counsel, the juvenile's parents, and
12 appropriate law enforcement agencies in writing of the petition. If any person
13 notified objects to the disclosure, the court may hold a hearing to take evidence
14 relating to the petitioner's need for the disclosure.

15 **SECTION 564.** 938.396 (5) (bm) of the statutes is renumbered 938.396 (1j) (bm)
16 and amended to read:

17 938.396 (1j) (bm) If the petitioner is seeking access to a record under sub. ~~(1m)~~
18 ~~(a), (am), (ar), or (b) (1) (c) 3.~~, the court shall, without notice or hearing, make the
19 inspection and determinations specified in par. (c) and, if the court determines that
20 disclosure is warranted, shall order disclosure under par. (d). The petitioner shall
21 provide a copy of the disclosure order to the law enforcement agency that denied
22 access to the record, the juvenile, the juvenile's counsel, and the juvenile's parents.
23 Any of those persons may obtain a hearing on the court's determinations by filing a
24 motion to set aside the disclosure order within 10 days after receipt of the order. If
25 no motion is filed within those 10 days or if, after hearing, the court determines that

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1 no good cause has been shown for setting aside the order, the law enforcement agency
2 shall disclose the juvenile's record as ordered.

3 **SECTION 565.** 938.396 (5) (c) (intro.), 1 and 2. of the statutes are renumbered
4 938.396 (1j) (c) (intro.), 1. and 2.

5 **SECTION 566.** 938.396 (5) (c) 3. of the statutes is renumbered 938.396 (1j) (c)
6 3. and amended to read:

7 938.396 (1j) (c) 3. If the petitioner is a person who was denied access to a record
8 under sub. ~~(1m) (a), (am), (ar), or (b) (1) (c) 3.~~, the petitioner's legitimate educational
9 interests, including safety interests, in the information against society's interest in
10 protecting its confidentiality.

11 **SECTION 567.** 938.396 (5) (d) and (e) of the statutes are renumbered 938.396
12 (1j) (d) and (e).

13 **SECTION 568.** 938.396 (6) of the statutes is repealed.

NOTE: Repeals s. 938.396 (6), stats., and places the substance of that provision into
s. 938.396 (1g) and (2g) (f), stats., as created by this bill, which governs the disclosure of
juvenile records to the victim-witness coordinator and that coordinator's subsequent use
of those records.

14 **SECTION 569.** 938.396 (7) (a) of the statutes is renumbered 938.396 (2g) (m) 1.
15 and amended to read:

16 938.396 (2g) (m) 1. ~~Notwithstanding sub. (2) (a), if~~ If a petition under s. 938.12
17 or 938.13 (12) is filed alleging that a juvenile has committed a delinquent act that
18 would be a felony if committed by an adult, the court clerk shall notify the school
19 board of the school district, or the governing body of the private school, in which the
20 juvenile is enrolled or the designee of the school board or governing body of the fact
21 that the petition has been filed and the nature of the delinquent act alleged in the
22 petition. ~~Notwithstanding sub. (2) (a), if~~ If later the proceeding on the petition is
23 closed, dismissed, or otherwise terminated without a finding that the juvenile has

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1 committed a delinquent act, the court clerk shall notify the school board of the school
2 district, or the governing body of the private school, in which the juvenile is enrolled
3 or the school board's designee of the school board or governing body that the
4 proceeding has been terminated without a finding that the juvenile has committed
5 a delinquent act.

6 **SECTION 570.** 938.396 (7) (am) of the statutes is renumbered 938.396 (2g) (m)
7 2. and amended to read:

8 938.396 (2g) (m) 2. ~~Notwithstanding sub. (2) (a) and subject to par. (b)~~ Subject
9 to subd. 4., if a juvenile is adjudged delinquent, within 5 days after the date on which
10 the dispositional order is entered, the court clerk shall notify the school board of the
11 school district, or the governing body of the private school, in which the juvenile is
12 enrolled or the designee of the school board or governing body of the fact that the
13 juvenile has been adjudicated delinquent, the nature of the violation committed by
14 the juvenile, and the disposition imposed on the juvenile under s. 938.34 as a result
15 of the violation.

16 **SECTION 571.** 938.396 (7) (ar) of the statutes is renumbered 938.396 (2g) (m)
17 3. and amended to read:

18 938.396 (2g) (m) 3. ~~Notwithstanding sub. (2) (a), if~~ If school attendance is a
19 condition of a dispositional order under s. 938.342 (1d) or (1g) or 938.355 (2) (b) 7.,
20 within 5 days after the date on which the dispositional order is entered, the clerk of
21 the court assigned to exercise jurisdiction under this chapter and ch. 48 or the clerk
22 of the municipal court exercising jurisdiction under s. 938.17 (2) shall notify the
23 school board of the school district, or the governing body of the private school, in
24 which the juvenile is enrolled or the designee of the school board or governing body
25 of the fact that the juvenile's school attendance is a condition of a dispositional order.

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1 **SECTION 572.** 938.396 (7) (b) of the statutes is renumbered 938.396 (2g) (m) 4.
2 and amended to read:

3 938.396 (2g) (m) 4. If a juvenile is found to have committed a delinquent act
4 at the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that
5 would have been a felony under chs. 939 to 948 or 961 if committed by an adult and
6 is adjudged delinquent on that basis, within 5 days after the date on which the
7 dispositional order is entered the court clerk shall notify the school board of the
8 school district, or the governing body of the private school, in which the juvenile is
9 enrolled or the designee of the school board or governing body of the fact that the
10 juvenile has been adjudicated delinquent on that basis, the nature of the violation
11 committed by the juvenile, and the disposition imposed on the juvenile under s.
12 938.34 as a result of that violation.

13 **SECTION 573.** 938.396 (7) (bm) of the statutes is renumbered 938.396 (2g) (m)
14 5. and amended to read:

15 938.396 (2g) (m) 5. ~~Notwithstanding sub. (2) (a), in~~ In addition to the disclosure
16 made under ~~par. (am) or (b) subd. 2. or 4.,~~ if a juvenile is adjudicated delinquent and
17 as a result of the dispositional order is enrolled in a different school district or private
18 school from the school district or private school in which the juvenile is enrolled at
19 the time of the dispositional order, the court clerk, within 5 days after the date on
20 which the dispositional order is entered, shall provide the school board of the
21 juvenile's new school district, the governing body of the juvenile's new private school,
22 or the designee of the school board or governing body with the information specified
23 in ~~par. (am) or (b) subd. 2. or 4.,~~ whichever is applicable, and, in addition, shall notify
24 that school board, governing body, or designee of whether the juvenile has been
25 adjudicated delinquent previously by that court, the nature of any previous

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1 violations committed by the juvenile, and the dispositions imposed on the juvenile
2 under s. 938.34 as a result of those previous violations.

3 **SECTION 574.** 938.396 (7) (c) of the statutes is renumbered 938.396 (2g) (m) 6.
4 and amended to read:

5 938.396 (2g) (m) 6. ~~No~~ Except as required under subs. 1. to 5. or by order of
6 the court, no information from the juvenile's court records, ~~other than information~~
7 ~~disclosed under par. (a), (am), (ar), (b), or (bm),~~ may be disclosed to the school board
8 of the school district, or the governing body of the private school, in which the juvenile
9 is enrolled or the designee of the school board or governing body ~~except by order of~~
10 ~~the court.~~ Any information from a juvenile's court records provided ~~under this~~
11 ~~subsection~~ to the school board of the school district, or the governing body of the
12 private school, in which the juvenile is enrolled or the designee of the school board
13 or governing body shall be disclosed by the school board, governing body, or designee
14 to employees of the school district or private school who work directly with the
15 juvenile or who have been determined by the school board, governing body, or
16 designee to have legitimate educational interests, including safety interests, in the
17 information. A school district or private school employee to whom that information
18 is disclosed ~~under this paragraph~~ may not further disclose the information. A school
19 board may not use any information ~~provided under this subsection~~ from a juvenile's
20 court records as the sole basis for expelling or suspending a juvenile or as the sole
21 basis for taking any other disciplinary action, including action under the school
22 district's athletic code, against the juvenile. A member of a school board or of the
23 governing body of a private school or an employee of a school district or private school
24 may not be held personally liable for any damages caused by the nondisclosure of any
25 information specified in this ~~paragraph~~ subdivision unless the member or employee

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1 acted with actual malice in failing to disclose the information. A school district or
2 private school may not be held liable for any damages caused by the nondisclosure
3 of any information specified in this ~~paragraph~~ subdivision unless the school district,
4 private school, or its agent acted with gross negligence or with reckless, wanton, or
5 intentional misconduct in failing to disclose the information.

6 **SECTION 575.** 938.396 (8) of the statutes is renumbered 938.396 (2g) (n) and
7 amended to read:

8 938.396 (2g) (n) Firearms restriction record search. ~~Notwithstanding sub. (2),~~
9 if If a juvenile is adjudged delinquent for an act that would be a felony if committed
10 by an adult, the court clerk shall notify the department of justice of that fact. No
11 other information from the juvenile's court records may be disclosed to the
12 department of justice except by order of the court. The department of justice may
13 disclose any information provided under this subsection only as part of a firearms
14 restrictions record search under s. 175.35 (2g) (c).

15 **SECTION 576.** 938.396 (9) of the statutes is renumbered 938.396 (2g) (o) and
16 amended to read:

17 938.396 (2g) (o) Criminal history record search. ~~Notwithstanding sub. (2) (a),~~
18 if If a juvenile is adjudged delinquent for committing a serious crime, as defined in
19 s. 48.685 (1) (c), the court clerk shall notify the department of justice of that fact. No
20 other information from the juvenile's court records may be disclosed to the
21 department of justice except by order of the court. The department of justice may
22 disclose any information provided under this subsection only as part of a criminal
23 history record search under s. 48.685 (2) (am) 1. or (b) 1. a.

24 **SECTION 577.** 938.44 of the statutes is amended to read:

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1 **938.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
2 over persons 17 years of age or ~~over older~~ as provided under ss. 938.355 (4) and 938.45
3 and as otherwise ~~specifically provided~~ specified in this chapter.

4 **SECTION 578.** 938.45 (1) of the statutes is amended to read:

5 **938.45 (1) ORDERS WHEN ADULT CONTRIBUTED TO CONDITION OF JUVENILE.** (a) If
6 in the hearing of a case of a juvenile alleged to be delinquent under s. 938.12 or in
7 need of protection or services under s. 938.13 it appears that any person 17 years of
8 age or ~~over older~~ has been guilty of contributing to, encouraging, or tending to cause
9 by any act or omission, such condition of the juvenile, the court may make orders with
10 respect to the conduct of ~~such~~ that person in his or her relationship to the juvenile,
11 including orders relating to determining the ability of the person to provide for the
12 maintenance or care of the juvenile and directing when, how, and where funds for the
13 maintenance or care shall be paid.

14 (b) An act or failure to act contributes to a condition of a juvenile as described
15 in s. 938.12 or 938.13, ~~although even if the juvenile is not actually adjudicated found~~
16 to come within the provisions of s. 938.12 or 938.13, if the natural and probable
17 consequences of that act or failure to act would be to cause the juvenile to come within
18 the provisions of s. 938.12 or 938.13.

19 **SECTION 579.** 938.45 (1m) (title) of the statutes is created to read:

20 **938.45 (1m) (title) ORDERS IMPOSING CONDITIONS ON JUVENILE'S PARENT, GUARDIAN,**
21 **OR LEGAL CUSTODIAN.**

22 **SECTION 580.** 938.45 (1m) (a), (1r), (2) and (3) of the statutes are amended to
23 read:

24 **938.45 (1m) (a)** In a proceeding in which a juvenile has been adjudicated
25 delinquent or has been found to be in need of protection or services under s. 938.13,

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1 the court may order the juvenile's parent, guardian, or legal custodian to comply with
2 any conditions determined by the court to be necessary for the juvenile's welfare. An
3 order ~~under this paragraph~~ may include ~~an order to participate~~ participation in
4 mental health treatment, anger management, individual or family counseling or
5 parent training and education, and ~~to make~~ a requirement for a reasonable
6 contribution, based on ability to pay, toward the cost of those services.

7 **(1r) ORDER FOR PARENT TO PAY RESTITUTION OR FORFEITURE.** (a) In a proceeding
8 in which a juvenile ~~has been~~ is found to have committed a delinquent act or a civil
9 law or ordinance violation that has resulted in damage to the property of another, or
10 in actual physical injury to another excluding pain and suffering, the court may order
11 a parent who has custody, as defined in s. 895.035 (1), of the juvenile to make
12 reasonable restitution for the damage or injury. Except for recovery for retail theft
13 under s. 943.51, the maximum amount of any restitution ordered ~~under this~~
14 ~~paragraph~~ for damage or injury resulting from any one act of a juvenile or from the
15 same act committed by 2 or more juveniles in the custody of the same parent may not
16 exceed \$5,000. ~~Any~~ The order ~~under this paragraph~~ shall include a finding that the
17 parent ~~who has custody of the juvenile~~ is financially able to pay the amount ordered
18 and may allow up to the date of expiration of the order for the payment. Any recovery
19 under this paragraph shall be reduced by the amount recovered as restitution for the
20 same act under s. 938.34 (5) or 938.343 (4).

21 (b) In a proceeding in which the court has determined under s. 938.34 (8) or
22 938.343 (2) that the imposition of a forfeiture would be in the best interest of the
23 juvenile and in aid of rehabilitation, the court may order a parent who has custody,
24 as defined in s. 895.035 (1), of the juvenile to pay the forfeiture. The amount of any
25 forfeiture ordered ~~under this paragraph~~ may not exceed \$5,000. ~~Any~~ The order

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1 under this paragraph shall include a finding that the parent who has custody of the
2 juvenile is financially able to pay the amount ordered and shall allow up to 12 months
3 after the date of the order for the payment. Any recovery under this paragraph shall
4 be reduced by the amount recovered as a forfeiture for the same act under s. 938.34
5 (8) or 938.343 (2).

6 (2) RIGHT TO HEARING ON ORDERS. No order under sub. (1) (a), (1m) (a), or (1r)
7 (a) or (b) may be entered until the person who is the subject of the contemplated order
8 is given an opportunity to be heard on the contemplated order. The court shall cause
9 notice of the time, place, and purpose of the hearing to be served on the person
10 personally at least 10 days before the date of hearing. The procedure in these cases
11 shall, as far as practicable, be the same as in other cases in the court. At the hearing
12 the person may be represented by counsel and may produce and cross-examine
13 witnesses. Any A person who fails to comply with any an order issued by a court
14 under sub. (1) (a), (1m) (a), or (1r) (a) or (b) may be proceeded against for contempt
15 of court. If the person's conduct involves a crime, the person may be proceeded
16 against under the criminal law.

17 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE. If it
18 appears at a court hearing that any person 17 years of age or older has violated s.
19 948.40, the court shall refer the record to the district attorney for criminal
20 proceedings as may be warranted in the district attorney's judgment. This
21 subsection does not prevent prohibit prosecution of violations of s. 948.40 without the
22 prior reference by the court to the district attorney, as in other criminal cases.

23 **SECTION 581.** 938.48 (1) of the statutes is amended to read:

24 938.48 (1) ENFORCEMENT OF LAWS. Promote the enforcement of the laws relating
25 to delinquent juveniles and juveniles in need of protection or services and take the

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1 initiative in all matters involving the interests of ~~such~~ those juveniles where when
2 adequate provision ~~therefor~~ for those matters is not made. This duty shall be
3 discharged in cooperation with the courts, county departments ~~and~~, licensed child
4 welfare agencies ~~and with~~, parents, and other individuals interested in the welfare
5 of juveniles.

6 **SECTION 582.** 938.48 (2) of the statutes is amended to read:

7 938.48 (2) JUVENILE WELFARE SERVICES. Assist in extending and strengthening
8 juvenile welfare services with appropriate federal agencies and in conformity with
9 the federal ~~social security act~~ Social Security Act and in cooperation with parents,
10 other individuals, and other agencies so that all juveniles needing such services are
11 reached.

12 **SECTION 583.** 938.48 (3) and (4) of the statutes are amended to read:

13 938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over
14 juveniles transferred to it by the court under s. 938.183, 938.34 (4h), (4m), or (4n),
15 or 938.357 (4), and provide special treatment or care to juveniles when directed by
16 the court. Except as provided in s. 938.505 (2), a court may not direct the department
17 to administer psychotropic medications to juveniles who receive special treatment
18 or care under this subsection.

19 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for
20 juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357
21 (4);, including serving those juveniles in their own homes, placing them in licensed
22 foster homes or licensed treatment foster homes ~~in accordance with s. 48.63~~ or
23 licensed group homes under s. 48.63, contracting for their care by licensed child
24 welfare agencies or replacing them in juvenile correctional institutions facilities or
25 secured ~~child caring institutions~~ residential care centers for children and youth in

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1 accordance with rules promulgated under ch. 227, except that the department may
2 not purchase the educational component of private day treatment programs for
3 juveniles a juvenile in its custody unless the department, the school board, as defined
4 in s. 115.001 (7), and the state superintendent of public instruction all determine that
5 an appropriate public education program is not available for the juvenile. Disputes
6 between the department and the school district shall be resolved by the state
7 superintendent of public instruction.

8 **SECTION 584.** 938.48 (4m) (title) of the statutes is created to read:

9 938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES OVER 17.

10 **SECTION 585.** 938.48 (4m) (d), (5) and (6) of the statutes are amended to read:

11 938.48 (4m) (d) Is determined by the department to be in need of care and
12 services designed to fit ~~such~~ the person for gainful employment and has requested
13 and consented to receive ~~such-aid~~ the care and services.

14 (5) MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious training
15 of a juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or
16 938.357 (4) according to the religious ~~belief~~ beliefs of the juvenile or of the juvenile's
17 parents.

18 (6) EMERGENCY SURGERY. Consent to emergency surgery under the direction of
19 a licensed physician or surgeon for any juvenile under its supervision under s.
20 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) upon notification by a licensed
21 physician or surgeon of the need for ~~such~~ the surgery and if reasonable effort,
22 compatible with the nature and time limitation of the emergency, has been made to
23 secure the consent of the juvenile's parent or guardian.

24 **SECTION 586.** 938.48 (13) (title) of the statutes is created to read:

25 938.48 (13) (title) ALLOWANCES AND CASH GRANTS.