

1 **SECTION 460.** 938.357 (4g) (a), (b), (c) (intro.) and (d) of the statutes are amended to
2 read:

3 938.357 (4g) AFTERCARE PLAN. (a) Not later than 120 days after the date on which the
4 juvenile is placed in a ~~secured juvenile~~ correctional facility, ~~a secured child caring institution~~
5 or a secured ~~group home~~ residential care center for children and youth, or within 30 days after
6 the date on which the department requests the aftercare plan, whichever is earlier, the aftercare
7 provider designated under s. 938.34 (4n) shall prepare an aftercare plan for the juvenile. If
8 the designated aftercare provider ~~designated under s. 938.34 (4n)~~ is a county department, that
9 county department shall submit the aftercare plan to the department within the time limits
10 specified in this paragraph, unless the department waives those time limits under par. (b).

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

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

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

23 **SECTION 461.** 938.357 (4m) (title) and (5) (title) of the statutes are created to read:

24 938.357 (4m) (title) **RELEASE TO AFTERCARE SUPERVISION.**

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

2 SECTION 462. 938.357 (5) (a), (c), (d), (e) and (f) of the statutes are amended to read:

3 938.357 (5) (a) The department or a county department, whichever has been designated
4 as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the aftercare status of that
5 juvenile. ~~Revocation of aftercare supervision shall not require prior~~ Prior notice of a change
6 in placement under sub. (1) (am) 1. is not required.

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

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

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

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

23 SECTION 463. 938.357 (5m) (title) of the statutes is created to read:

24 938.357 (5m) (title) CHILD SUPPORT.

1 **SECTION 464.** 938.357 (5m) (a) and (b) of the statutes are amended to read:

2 938.357 **(5m)** (a) If a proposed change in placement ~~changes~~ would change a juvenile's
3 placement from a placement in the juvenile's home to a placement outside the juvenile's home,
4 the court shall order the juvenile's parent to provide a statement of the parent's and the
5 juvenile's income, assets, debts, and living expenses to the court or the person or agency
6 primarily responsible for implementing the dispositional order by a date specified by the court.
7 The clerk of court shall provide, without charge, to any parent ordered to provide a statement
8 of income, assets, debts, and living expenses a document setting forth the percentage standard
9 established by the department of workforce development under s. 49.22 (9) and listing the
10 factors ~~that a court may consider~~ under s. 301.12 (14) (c). If the juvenile is placed outside the
11 juvenile's home, the court shall determine the liability of the parent in the manner provided
12 in s. 301.12 (14).

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

NOTE: See the note to s. 938.30 (6) (b) and (c) in this draft.

1 **SECTION 465.** 938.357 (6) of the statutes is amended to read:

2 938.357 (6) DURATION OF ORDER. No change in placement may extend the expiration
3 date of the original order, except that if the change in placement is from a placement in the
4 juvenile's home to a placement in a foster home, treatment foster home, group home, or
5 residential care center for children and youth or in the home of a relative who is not a parent,
6 the court may extend the expiration date of the original order to the date on which the juvenile
7 reaches attains 18 years of age, to the date that is one year after the date of the change in
8 placement order, or, if the juvenile is a full-time student at a secondary school or its vocational
9 or technical equivalent and is reasonably expected to complete the program before ~~reaching~~
10 attaining 19 years of age, to the date on which the juvenile ~~reaches~~ attains 19 years of age,
11 whichever is later, or for a shorter period of time as specified by the court. If the change in
12 placement is from a placement in a foster home, treatment foster home, group home, or
13 residential care center for children and youth or in the home of a relative to a placement in the
14 juvenile's home and if the expiration date of the original order is more than one year after the
15 date of the change in placement order, the court shall shorten the expiration date of the original
16 order to the date that is one year after the date of the change in placement order or to an earlier
17 date as specified by the court.

18 **SECTION 466.** 938.36 (1) (title) of the statutes is created to read:

19 938.36 (1) (title) RESIDENTIAL SERVICES; PARENTAL DUTY TO SUPPORT.

20 **SECTION 467.** 938.36 (1) (b) of the statutes is amended to read:

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

1 insufficient information with which to determine the amount of support, the court shall order
2 the juvenile's parent to furnish a statement of the juvenile's and the juvenile's parent's income,
3 assets, debts, and living expenses, if the parent has not already done so, to the court within 10
4 days after the court's order transferring custody or designating an alternative placement is
5 entered or at such other time as ordered by the court.

NOTE: See the note to s. 938.30 (6) (b) and (c) in this draft.

6 **SECTION 468.** 938.36 (2) of the statutes is amended to read:

7 938.36 (2) SERVICES OR TREATMENT; COUNTY PAYMENT; PARENTAL CONTRIBUTION. If a
8 juvenile whose legal custody has not been taken from a parent or guardian is given educational
9 and social services, or medical, psychological, or psychiatric treatment by order of the court,
10 the cost thereof, if ordered by the court, shall be a charge upon may order the county to pay
11 for those services or treatment. This section does not prevent recovery of reasonable
12 contribution toward the costs from the parent or guardian of the juvenile as the court may order
13 based on the ability of the parent or guardian to pay. This subsection is subject to s. 301.03
14 (18).

15 **SECTION 469.** 938.36 (3) (title) of the statutes is created to read:

16 938.36 (3) (title) SERVICES PROVIDED BY SCHOOL DISTRICT.

17 **SECTION 470.** 938.361 (1) (title) and (2) (title) of the statutes are created to read:

18 938.361 (1) (title) DEFINITIONS.

19 (2) (title) PAYMENT BY PARENT OR INSURER.

20 **SECTION 471.** 938.361 (2) (a) 2. of the statutes is amended to read:

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

1 **SECTION 472.** 938.361 (2) (am), (b) and (c) of the statutes are amended to read:

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

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

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

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

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

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

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

6 **SECTION 473.** 938.362 (1) (title) and (2) (title) of the statutes are created to read:

7 938.362 (1) (title) DEFINITION.

8 (2) (title) APPLICABILITY.

9 **SECTION 474.** 938.362 (3) and (4) (a) of the statutes are amended to read:

10 938.362 (3) PAYMENT BY PARENT OR INSURER. If a juvenile's parent neglects, refuses, or
11 is unable to provide court-ordered special treatment or care for the juvenile through his or her
12 health insurance or other 3rd-party payments, notwithstanding s. 938.36 (3), the court may
13 order the parent to pay for the court-ordered special treatment or care. If the parent consents
14 to provide court-ordered special treatment or care for a juvenile through his or her health
15 insurance or other 3rd-party payments but the health insurance provider or other 3rd-party
16 payer refuses to provide the court-ordered special treatment or care, the court may order the
17 health insurance provider or 3rd-party payer to pay for the court-ordered special treatment
18 or care in accordance with the terms of the parent's health insurance policy or other 3rd-party
19 payment plan.

20 (4) PAYMENT BY COUNTY DEPARTMENT. (a) If the court finds that payment is ~~not~~
21 attainable cannot be attained under sub. (3), the court may order the county department under
22 s. 51.42 or 51.437 of the juvenile's county of legal residence to pay the cost of any
23 court-ordered special treatment or care that is provided ~~by or~~ directly by or under contract
24 with ~~that,~~ the county department.

1 **SECTION 475.** 938.363 of the statutes is amended to read:

2 938.363 (1) REQUESTS FOR REVISION. (a) A juvenile, the juvenile's parent, guardian, or
3 legal custodian, any person or agency bound by a dispositional order, or the district attorney
4 or corporation counsel in the county in which the dispositional order was entered may request
5 a revision in the order that does not involve a change in placement, including a revision with
6 respect to the amount of child support to be paid by a parent, ~~or the.~~ The court may on its own
7 ~~motion~~ also propose such a revision. The request or court proposal shall set forth in detail the
8 nature of the proposed revision and what new information is available that affects the
9 advisability of the court's disposition. The request or court proposal shall be submitted to the
10 court. The court shall hold a hearing on the matter prior to any revision of the dispositional
11 order if the request or court proposal indicates that new information is available that affects
12 the advisability of the court's dispositional order, unless written waivers of objections to the
13 revision are signed by all parties entitled to receive notice and the court approves.

14 (b) If a hearing is held, the court shall notify the juvenile, the juvenile's parent, guardian
15 and legal custodian, all parties bound by the dispositional order, the juvenile's foster parent,
16 treatment foster parent or other physical custodian described in s. 48.62 (2), and the district
17 attorney or corporation counsel in the county in which the dispositional order was entered at
18 least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the
19 notice. If all parties consent, the court may proceed immediately with the hearing. No revision
20 may extend the effective period of the original order, or revise an original order under s. 938.34
21 (3) (f) or (6) (am) to impose more than a total of 30 days of detention, nonsecure custody, or
22 inpatient treatment on a juvenile.

23 (c) If the proposed revision is for a change in the amount of child support to be paid by
24 a parent, the court shall order the juvenile's parent to provide a statement of the juvenile's and

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

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

NOTE: See the note to s. 938.30 (6) (b) and (c) in this draft.

18 **(1m)** EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a), any party may
19 present evidence relevant to the issue of revision of the dispositional order. In addition, the
20 court shall give a foster parent, treatment foster parent, or other physical custodian described
21 in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by permitting the foster
22 parent, treatment foster parent, or other physical custodian to make a written or oral statement
23 during the hearing, or to submit a written statement prior to the hearing, relevant to the issue

1 of revision. A foster parent, treatment foster parent, or other physical custodian ~~described in~~
2 s. 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard
3 under this subsection does not become a party to the proceeding on which the hearing is held
4 solely on the basis of receiving that notice and opportunity to be heard.

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

10 **SECTION 476.** 938.364 of the statutes is amended to read:

11 **938.364 Dismissal of certain dispositional orders.** A juvenile, the juvenile's parent,
12 guardian, or legal custodian, or the district attorney or corporation counsel in the county in
13 which the dispositional order was entered may request a judge the court to dismiss an order
14 ~~made~~ under s. 938.342 (2) if the juvenile shows documentary proof that he or she is enrolled
15 in a school program or a high school equivalency program, ~~or the~~. The court may ~~on its own~~
16 ~~motion~~ also propose such a dismissal.

17 **SECTION 477.** 938.365 (1) and (1m) of the statutes are amended to read:

18 938.365 (1) DATE ON WHICH JUVENILE PLACED OUTSIDE HOME. In this section, a juvenile
19 is considered to have been placed outside of his or her home on the date on which the juvenile
20 was first removed from his or her home, except that ~~in the case of a juvenile who on removal~~
21 was removed from his or her home and first placed in a secure juvenile detention facility,
22 a secured juvenile correctional facility, ~~a secured child caring institution~~, or a secured group
23 home residential care center for children and youth for 60 days or more and then moved to a
24 ~~nonsecured~~ nonsecure out-of-home placement, ~~the juvenile~~ is considered to have been placed

1 outside of his or her home on the date on which the juvenile was moved to the ~~nonsecured~~
2 nonsecure out-of-home placement.

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

11 **SECTION 478.** 938.365 (2) (title) and (2g) (title) of the statutes are created to read:

12 938.365 (2) (title) NOTICE.

13 (2g) (title) COURT REPORT.

14 **SECTION 479.** 938.365 (2) (intro.) of the statutes is amended to read:

15 938.365 (2) PLACEMENT WITH GUARDIAN. (intro.) If a juvenile's placement with a
16 guardian appointed under s. 48.977 (2) is designated by the court under s. 48.977 (3) as a
17 permanent foster placement for the juvenile while a dispositional order under s. 938.345, a
18 revision order under s. 938.363 or an extension order under s. 938.365 is in effect with respect
19 to the juvenile, ~~such~~ the dispositional order, revision order, or extension order shall remain in
20 effect until the earliest of the following:

21 **SECTION 480.** 938.365 (2g) (b) 2. and (c) of the statutes are amended to read:

22 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement and of
23 any progress the juvenile has made, suggestions for amendment of the permanency plan, and
24 specific information showing the efforts that have been made to achieve the goal of the

1 permanency plan, including, if applicable, the efforts of the parents to remedy the factors that
2 contributed to the juvenile's placement, unless return of the juvenile to the home is the goal
3 of the permanency plan and any of the circumstances ~~specified in~~ under s. 938.355 (2d) (b)
4 1. to 4. applies.

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

9 **SECTION 481.** 938.365 (2m) (title) of the statutes is created to read:

10 938.365 (2m) (title) HEARING AND ORDER.

11 **SECTION 482.** 938.365 (2m) (a), (ad) 1. and (ag) of the statutes are amended to read:

12 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of extension.

13 If the juvenile is placed outside of his or her home, the person or agency primarily responsible
14 for providing services to the juvenile shall present as evidence specific information showing
15 that the agency has made reasonable efforts to achieve the goal of the juvenile's permanency
16 plan, unless return of the juvenile to the home is the goal of the permanency plan and any of
17 the circumstances ~~specified in~~ under s. 938.355 (2d) (b) 1. to 4. applies. The court shall make
18 findings of fact and conclusions of law based on the evidence. The findings of fact shall
19 include a finding as to whether reasonable efforts were made by the agency primarily
20 responsible for providing services to the juvenile to achieve the goal of the juvenile's
21 permanency plan, unless return of the juvenile to the home is the goal of the permanency plan
22 and the court finds that any of the circumstances ~~specified in~~ under s. 938.355 (2d) (b) 1. to
23 4. applies. An order shall be issued under s. 938.355.

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

6 3. The court shall make the findings ~~specified in~~ under subd. 1. relating to reasonable
7 efforts to achieve the goal of the juvenile's permanency plan and the findings ~~specified in~~
8 under subd. 2. on a case-by-case basis based on circumstances specific to the juvenile and
9 shall document or reference the specific information on which those findings are based in the
10 order issued under s. 938.355. An order that merely references subd. 1. or 2. without
11 documenting or referencing that specific information in the order or an amended order that
12 retroactively corrects an earlier order that does not comply with this subdivision is not
13 sufficient to comply with this subdivision.

14 (ad) 1. If the court finds that any of the circumstances ~~specified in~~ under s. 938.355 (2d)
15 (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing within 30 days after
16 the date of that finding to determine the permanency plan for the juvenile. If a hearing is held
17 under this subdivision, the agency responsible for preparing the permanency plan shall file the
18 permanency plan with the court not less than 5 days before the date of the hearing.

19 (ag) The court shall give a foster parent, treatment foster parent, or other physical
20 custodian described in s. 48.62 (2) who is notified of a hearing under par. (ad) 2. or sub. (2)
21 an opportunity to be heard at the hearing by permitting the foster parent, treatment foster
22 parent, or other physical custodian to make a written or oral statement during the hearing, or
23 to submit a written statement prior to the hearing, relevant to the issue of extension. A foster
24 parent, treatment foster parent, or other physical custodian ~~described in s. 48.62 (2)~~ who

1 receives notice of a hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under
2 this paragraph does not become a party to the proceeding on which the hearing is held solely
3 on the basis of receiving that notice and opportunity to be heard.

4 **SECTION 483.** 938.365 (3) (title) and (4) (title) of the statutes are created to read:

5 938.365 (3) (title) WAIVER OF APPEARANCE.

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

7 **SECTION 484.** 938.365 (5) and (6) of the statutes are amended to read:

8 938.365 (5) DURATION OF EXTENSION. Except as ~~provided in~~ under s. 938.368, an order
9 under this section that continues the placement of a juvenile in his or her home or that extends
10 an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time not to
11 exceed one year after its date of entry. Except as ~~provided in~~ under s. 938.368, an order under
12 this section that continues the placement of a juvenile in a foster home, treatment foster home,
13 group home, or residential care center for children and youth or in the home of a relative other
14 than a parent shall be for a specified length of time not to exceed the date on which the juvenile
15 ~~reaches~~ attains 18 years of age, one year after the date of ~~entry of~~ on which the order is granted,
16 or, if the juvenile is a full-time student at a secondary school or its vocational or technical
17 equivalent and is reasonably expected to complete the program before ~~reaching~~ attaining 19
18 years of age, the date on which the juvenile ~~reaches~~ attains 19 years of age, whichever is later.

NOTE: Modifies s. 938.365 (5) 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.

19 (6) HEARINGS CONDUCTED AFTER ORDER TERMINATES. If a request to extend a
20 dispositional order is made prior to the termination of the order, but the court is unable to
21 conduct a hearing on the request prior to the termination date, the court may extend the order
22 for a period of not more than 30 days, not including any period of delay resulting from any

1 of the circumstances ~~specified in~~ under s. 938.315 (1). The court shall grant appropriate relief
2 ~~as provided in~~ under s. 938.315 (3) with respect to any request to extend a dispositional order
3 on which a hearing is not held within the time limit specified in this subsection. Failure to
4 object if a hearing is not held within the time limit ~~specified in~~ under this subsection waives
5 that time limit.

6 **SECTION 485.** 938.365 (7) (title) of the statutes is created to read:

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

8 **SECTION 486.** 938.368 (1) (title) of the statutes is created to read:

9 938.368 (1) (title) TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.

10 **SECTION 487.** 938.368 (2) (intro.) of the statutes is amended to read:

11 938.368 (2) PLACEMENT WITH GUARDIAN. (intro.) If a juvenile's placement with a
12 guardian appointed under s. 48.977 (2) is designated by the court under s. 48.977 (3) as a
13 permanent foster placement for the juvenile while a dispositional order under s. 938.345, a
14 revision order under s. 938.363 or an extension order under s. 938.365 is in effect with respect
15 to the juvenile, ~~such~~ the dispositional order, revision order or extension order shall remain in
16 effect until the earliest of the following:

17 **SECTION 488.** 938.37 (1) (title) and (3) (title) of the statutes are created to read:

18 938.37 (1) (title) JUVENILE COURT.

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

20 **SECTION 489.** 938.371 of the statutes is amended to read:

21 938.371 (1) MEDICAL INFORMATION. If a juvenile is placed in a foster home, treatment
22 foster home, group home, residential care center for children and youth, or ~~secured~~ juvenile
23 correctional facility, including a placement under s. 938.205 or 938.21, the agency, as defined
24 in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall

1 provide the following information to the foster parent, treatment foster parent, or operator of
2 the group home, residential care center for children and youth, or ~~secured~~ juvenile correctional
3 facility at the time of placement or, if the information has not been provided to the agency by
4 that time, as soon as possible after the date on which the agency receives that information, but
5 not more than 2 working days after that date:

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

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

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

22 (3) OTHER INFORMATION. At the time of placement of a juvenile in a foster home,
23 treatment foster home, group home, residential care center for children and youth, or ~~secured~~
24 juvenile correctional facility or, if the information is not available at that time, as soon as

1 possible after the date on which the court report or permanency plan has been submitted, but
2 no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a), responsible for
3 preparing the juvenile's permanency plan shall provide to the foster parent, treatment foster
4 parent, or operator of the group home, residential care center for children and youth, or ~~secured~~
5 juvenile correctional facility information contained in the court report submitted under s.
6 938.33 (1) or 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38
7 relating to findings or opinions of the court or agency that prepared the court report or
8 permanency plan relating to any of the following:

9 (a) Any mental, emotional, cognitive, developmental, or behavioral disability of the
10 juvenile. The foster parent, treatment foster parent, or operator of a group home, residential
11 care center for children and youth, or ~~secured~~ juvenile correctional facility receiving
12 information under this subsection shall keep the information confidential.

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

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

23 (d) Any involvement of the juvenile, whether as victim or perpetrator, in sexual
24 intercourse or sexual contact in violation of s. 940.225, 948.02, or 948.025, prostitution in

1 violation of s. 944.30, sexual exploitation of a child in violation of s. 948.05, or causing a child
2 to view or listen to sexual activity in violation of s. 948.055, if the information is necessary
3 for the care of the juvenile or for the protection of any person living in the foster home,
4 treatment foster home, group home, residential care center for children and youth, or secured
5 juvenile correctional facility. The foster parent, treatment foster parent, or operator of a group
6 home, residential care center for children and youth, or secured juvenile correctional facility
7 receiving information under this paragraph shall keep the information confidential.

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

9 **SECTION 490.** 938.373 (1) of the statutes is amended to read:

10 938.373 (1) AUTHORIZATION BY COURT. The court assigned to exercise jurisdiction
11 under this chapter and ch. 48 may authorize medical services including surgical procedures
12 when needed if the court assigned to exercise jurisdiction under this chapter and ch. 48
13 determines that reasonable cause exists for the services and that the juvenile is within the
14 jurisdiction of the court assigned to exercise jurisdiction under this chapter and ch. 48 and,
15 except as ~~provided in~~ under s. 938.296 (4) and (5), consents.

16 **SECTION 491.** 938.373 (2) (title) of the statutes is created to read:

17 938.373 (2) (title) ABORTION; JUDICIAL WAIVER OF PARENTAL CONSENT REQUIREMENT.

18 **SECTION 492.** 938.38 (2) (intro.), (3) (a) and (b), (4) (ar) and (h) (intro.) of the statutes
19 are amended to read:

20 938.38 (2) **PERMANENCY PLAN REQUIRED.** (intro.) Except as provided in sub. (3), for each
21 juvenile living in a foster home, treatment foster home, group home, residential care center
22 for children and youth, ~~secure~~ juvenile detention facility, or shelter care facility, the agency
23 that placed the juvenile or arranged the placement or the agency assigned primary
24 responsibility for providing services to the juvenile under s. 938.355 shall prepare a written

1 permanency plan, if any of the following conditions exists, and, for each juvenile living in the
2 home of a relative other than a parent, that agency shall prepare a written permanency plan,
3 if any of the conditions ~~specified in~~ under pars. (a) to (e) exists:

4 (3) (a) If the juvenile is alleged to be delinquent and is being held in a secure juvenile
5 detention facility, juvenile portion of a county jail, or shelter care facility, and the agency
6 intends to recommend that the juvenile be placed in a secured juvenile correctional facility,
7 or a secured child-caring institution or a secured group home residential care center for
8 children and youth, the agency is not required to submit the permanency plan unless the court
9 does not accept the recommendation of the agency. If the court places the juvenile in any
10 facility outside of the juvenile's home other than a secured juvenile correctional facility, or a
11 secured child-caring institution or a secured group home residential care center for children
12 and youth, the agency shall file the permanency plan with the court within 60 days after the
13 date of disposition.

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

17 (4) (ar) A description of the services offered and any services provided in an effort to
18 prevent the removal of the juvenile from his or her home, while assuring that the health and
19 safety of the juvenile are the paramount concerns, and to achieve the goal of the permanency
20 plan, ~~except that the.~~ The permanency plan is not required to include a description of the
21 services offered or provided with respect to a parent of the juvenile to prevent the removal of
22 the juvenile from the home or to achieve the permanency plan goal of returning the juvenile
23 safely to his or her home if any of the circumstances specified under in s. 938.355 (2d) (b) 1.
24 to 4. apply to that parent.

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

5 **SECTION 493.** 938.38 (5) (a) of the statutes is amended to read:

6 938.38 (5) (a) Except as ~~provided in~~ under s. 48.63 (5) (d), the court or a panel appointed
7 under par. (ag) shall review the permanency plan in the manner provided in this subsection
8 not later than 6 months after the date on which the juvenile was first removed from his or her
9 home and every ~~12~~ 6 months after a previous review under this subsection for as long as the
10 juvenile is placed outside the home, except that for the review that is required to be conducted
11 not later than 12 months after the juvenile was first removed from his or her home and the
12 reviews that are required to be conducted every 12 months after that review, the court shall
13 hold a hearing under sub. (5m) to review the permanency plan, ~~which.~~ The hearing may be
14 instead of or in addition to the review under this subsection.

NOTE: In s. 938.38 (5) (a), 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".

15 **SECTION 494.** 938.39 of the statutes is amended to read:

16 **938.39 Disposition by court bars criminal proceeding.** Disposition by the court of
17 any violation of state law ~~coming~~ within its jurisdiction under s. 938.12 bars any future
18 criminal proceeding on the same matter in circuit court when the juvenile reaches the age of
19 17. This section does not affect criminal proceedings in circuit court ~~which~~ that were
20 transferred under s. 938.18.

21 **SECTION 495.** 938.396 (1) (title) of the statutes is created to read:

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

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

2 **SECTION 496.** 938.396 (1) of the statutes is renumbered 938.396 (1) (a) and amended
3 to read:

4 938.396 (1) (a) Confidentiality. Law enforcement officers' agency records of juveniles
5 shall be kept separate from records of adults. Law enforcement officers' agency records of
6 juveniles shall may not be open to inspection or their contents disclosed except under sub. (1b),
7 (1d), (1g), (1m), (1r), (1t), (1x) or (5) par. (b) or (c), sub. (1j), or s. 938.293 or by order of the
8 court. This subsection

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

10 1. The disclosure of information to representatives of the news media who wish to
11 obtain information for the purpose of reporting news without revealing. A representative of
12 the news media who obtains information under this subdivision may not reveal the identity
13 of the juvenile involved, ~~to the,~~

14 2. The confidential exchange of information between the police a law enforcement
15 agency and officials of the school attended by the juvenile or other law enforcement or social
16 welfare agencies or to juveniles 10 years of age or older who are subject to the jurisdiction of
17 the court of criminal jurisdiction. A public school official who obtains information under this
18 subsection subdivision shall keep the information confidential as required under s. 118.125,
19 and a private school official who obtains information under this subsection subdivision shall
20 keep the information confidential in the same manner as is required of a public school official
21 under s. 118.125.

NOTE: The language repealed in s. 938.396 (1) (b) 2. is contained in newly created s. 938.396 (1) (b) 5.

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

5 4. The confidential exchange of information between a law enforcement agency and
6 a social welfare agency. A social welfare agency that obtains information under this
7 ~~subsection~~ subdivision shall keep the information confidential as required under ss. 48.78 and
8 938.78.

9 **SECTION 497.** 938.396 (1) (b) 5. of the statutes is created to read:

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

12 **SECTION 498.** 938.396 (1) (c) (intro.) of the statutes is created to read:

13 938.396 (1) (c) *Exceptions.* (intro.) Notwithstanding par. (a), law enforcement agency
14 records of juveniles may be disclosed as follows:

15 **SECTION 499.** 938.396 (1b) of the statutes is renumbered 938.396 (1) (c) 1.

16 **SECTION 500.** 938.396 (1d) of the statutes is renumbered 938.396 (1) (c) 2.

17 **SECTION 501.** 938.396 (1g) of the statutes is renumbered 938.396 (1) (c) 6. and amended
18 to read:

19 938.396 (1) (c) 6. If requested by the victim-witness coordinator, a law enforcement
20 agency shall disclose to the victim-witness coordinator any information in its records relating
21 to the enforcement of rights under the constitution, this chapter, and s. 950.04 or the provision
22 of services under s. 950.06 (1m), including the name and address of the juvenile and the

1 juvenile's parents. The victim-witness coordinator may use the information only for the
2 purpose of enforcing those rights and providing those services and may make that information
3 available only as necessary to ensure that victims and witnesses of crimes, as defined in s.
4 950.02 (1m), receive the rights and services to which they are entitled under the constitution,
5 this chapter, and ch. 950. The victim-witness coordinator may also use the information to
6 disclose the name and address of the juvenile and the juvenile's parents to the victim of the
7 juvenile's act.

NOTE: Clarifies, in s. 938.396 (1) (c) 6., 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.

8 **SECTION 502.** 938.396 (1j) (title) of the statutes is created to read:

9 938.396 (1j) (title) LAW ENFORCEMENT RECORDS, COURT-ORDERED DISCLOSURE.

10 **SECTION 503.** 938.396 (1m) (a) of the statutes is renumbered 938.396 (1) (c) 3. (intro.)
11 and amended to read:

12 938.396 (1) (c) 3. (intro.) A law enforcement agency, on its own initiative or on the
13 request of the school district administrator of a public school district, the administrator of a
14 private school, or the designee of the school district administrator or the private school
15 administrator, may, subject to official agency policy, provide to the school district
16 administrator, private school administrator, or designee, for use as provided in s. 118.127 (2),
17 any information in its records relating to the any of the following:

18 a. The use, possession, or distribution of alcohol or a controlled substance or controlled
19 substance analog by a juvenile enrolled in the public school district or private school. The
20 information shall be used by the school district or private school as provided under s. 118.127
21 (2).

1 **SECTION 504.** 938.396 (1m) (am) of the statutes is renumbered 938.396 (1) (c) 3. b. and
2 amended to read:

3 938.396 (1) (c) 3. b. ~~A law enforcement agency, on its own initiative or on the request~~
4 ~~of the school district administrator of a public school district, the administrator of a private~~
5 ~~school or the designee of the school district administrator or the private school administrator,~~
6 ~~may, subject to official agency policy, provide to the school district administrator, private~~
7 ~~school administrator or designee any information in its records relating to the The illegal~~
8 ~~possession by a juvenile of a dangerous weapon, as defined in s. 939.22 (10). The information~~
9 ~~shall be used by the 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.).

10 **SECTION 505.** 938.396 (1m) (ar) of the statutes is renumbered 938.396 (1) (c) 3. c. and
11 amended to read:

12 938.396 (1) (c) 3. c. ~~A law enforcement agency, on its own initiative or on the request~~
13 ~~of the school district administrator of a public school district, the administrator of a private~~
14 ~~school, or the designee of the school district administrator or the private school administrator,~~
15 ~~may, subject to official agency policy, provide to the school district administrator, private~~
16 ~~school administrator, or designee any information in its records relating to an An act for which~~
17 ~~a juvenile enrolled in the school district or private school was taken into custody under s.~~
18 ~~938.19 based on a law enforcement officer's belief that the juvenile was committing or had~~
19 ~~committed a violation of any state or federal criminal law. The information shall be used by~~
20 ~~the 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.).

21 **SECTION 506.** 938.396 (1m) (b) of the statutes is renumbered 938.396 (1) (c) 3. d. and
22 amended to read:

1 938.396 (1) (c) 3. d. ~~A law enforcement agency, on its own initiative or on the request~~
2 ~~of the school district administrator of a public school district, the administrator of a private~~
3 ~~school or the designee of the school district administrator or the private school administrator,~~
4 ~~may, subject to official agency policy, provide to the school district administrator, private~~
5 ~~school administrator or designee any information in its records relating to the An act for which~~
6 ~~a juvenile enrolled in the public school district or private school was adjudged delinquent. The~~
7 ~~information 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.).

8 **SECTION 507.** 938.396 (1m) (c) of the statutes is renumbered 938.396 (1) (d) and
9 amended to read:

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

1 **SECTION 508.** 938.396 (1m) (d) of the statutes is repealed.

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

2 **SECTION 509.** 938.396 (1p) of the statutes is renumbered 938.396 (1) (c) 4. and amended
3 to read:

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

9 **SECTION 510.** 938.396 (1r) of the statutes is renumbered 938.396 (1) (c) 5.

10 **SECTION 511.** 938.396 (1t) of the statutes is renumbered 938.396 (1) (c) 7.

11 **SECTION 512.** 938.396 (1x) of the statutes is renumbered 938.396 (1) (c) 8.

12 **SECTION 513.** 938.396 (2) (a) of the statutes is renumbered 938.396 (2) and amended
13 to read:

14 938.396 (2) COURT RECORDS: CONFIDENTIALITY. Records of the court assigned to exercise
15 jurisdiction under this chapter and ch. 48 and of municipal courts exercising jurisdiction under
16 s. 938.17 (2) shall be entered in books or deposited in files kept for that purpose only. Those
17 records shall not be open to inspection or their contents disclosed except by order of the court
18 assigned to exercise jurisdiction under this chapter and ch. 48 or as permitted under ~~this section~~
19 sub. (2g).

20 **SECTION 514.** 938.396 (2) (ag) of the statutes is renumbered 938.396 (2g) (ag).

21 **SECTION 515.** 938.396 (2) (am) of the statutes is renumbered 938.396 (2g) (am).

1 **SECTION 516.** 938.396 (2) (b) of the statutes is renumbered 938.396 (2g) (b) and
2 amended to read:

3 938.396 (2g) (b) *Federal program monitoring.* Upon request of the department of
4 health and family services, the department of corrections, or a federal agency to review court
5 records for the purpose of monitoring and conducting periodic evaluations of activities as
6 required by and implemented under 45 CFR 1355, 1356, and 1357, the court shall open those
7 records for inspection by authorized representatives of the that department or federal agency.

8 **SECTION 517.** 938.396 (2) (c) of the statutes is renumbered 938.396 (2g) (c).

9 **SECTION 518.** 938.396 (2) (d) of the statutes is renumbered 938.396 (2g) (d).

10 **SECTION 519.** 938.396 (2) (dm) of the statutes is renumbered 938.396 (2g) (dm).

11 **SECTION 520.** 938.396 (2) (dr) of the statutes is renumbered 938.396 (2g) (dr).

12 **SECTION 521.** 938.396 (2) (e) of the statutes is renumbered 938.396 (2g) (e).

13 **SECTION 522.** 938.396 (2) (em) of the statutes is renumbered 938.396 (2g) (em) and
14 amended to read:

15 938.396 (2g) (em) *Sex offender registration.* Upon request of the department to review
16 court records for the purpose of obtaining information concerning a child juvenile who is
17 required to register under s. 301.45, the court shall open for inspection by authorized
18 representatives of the department the records of the court relating to any child juvenile who
19 has been adjudicated delinquent or found in need of protection or services or not responsible
20 by reason of mental disease or defect for an offense specified in s. 301.45 (1g) (a). The
21 department may disclose information that it obtains under this paragraph as provided under
22 s. 301.46.

23 **SECTION 523.** 938.396 (2) (f) of the statutes is renumbered 938.396 (2g) (f) and
24 amended to read:

1 938.396 (2g) (f) Victim-witness coordinator. Upon request of the victim-witness
2 coordinator to review court records for the purpose of enforcing rights under the constitution,
3 this chapter, and s. 950.04 and providing services under s. 950.06 (1m), the court shall open
4 for inspection by the victim-witness coordinator the records of the court relating to the
5 enforcement of those rights or the provision of those services, including the name and address
6 of the juvenile and the juvenile's parents. The victim-witness coordinator may use any
7 information obtained under this paragraph only for the purpose of enforcing those rights and
8 providing those services and may make that information available only as necessary to ensure
9 that victims and witnesses of crimes, as defined in s. 950.02 (1m), receive the rights and
10 services to which they are entitled under the constitution, this chapter and ch. 950. The
11 victim-witness coordinator may also use that information to disclose the name and address
12 of the juvenile and the juvenile's parents to the victim of the juvenile's act.

NOTE: See the note to s. 938.396 (1) (c) 6. in this draft.

13 **SECTION 524.** 938.396 (2) (fm) of the statutes is renumbered 938.396 (2g) (fm).

14 **SECTION 525.** 938.396 (2) (g) of the statutes is renumbered 938.396 (2g) (g).

15 **SECTION 526.** 938.396 (2) (gm) of the statutes is renumbered 938.396 (2g) (gm).

16 **SECTION 527.** 938.396 (2) (h) of the statutes is renumbered 938.396 (2g) (h).

17 **SECTION 528.** 938.396 (2) (i) of the statutes is renumbered 938.396 (2g) (i).

18 **SECTION 529.** 938.396 (2) (j) of the statutes is renumbered 938.396 (2g) (j) and amended
19 to read:

20 938.396 (2g) (j) Fire investigator. Upon request of a fire investigator under s. 165.55
21 (15) to review court records for the purpose of pursuing an investigation under s. 165.55, the
22 court shall open for inspection by authorized representatives of the requester the records of
23 the court relating to any juvenile who has been adjudicated delinquent or found to be in need

1 of protection or services under s. 938.13 (12) or (14) for a violation of s. 940.08, 940.24,
2 941.10, 941.11, 943.01, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, or 943.06 or for
3 an attempt to commit any of those violations.

4 **SECTION 530.** 938.396 (2g) (intro.) of the statutes is created to read:

5 938.396 (2g) CONFIDENTIALITY OF COURT RECORDS; EXCEPTIONS. (intro.)
6 Notwithstanding sub. (2), records of the court assigned to exercise jurisdiction under this
7 chapter and ch. 48 and of courts exercising jurisdiction under s. 938.17 (2) may be disclosed
8 as follows:

9 **SECTION 531.** 938.396 (2g) (ag) (title) of the statutes is created to read:

10 938.396 (2g) (ag) (title) *Request of parent or juvenile.*

11 **SECTION 532.** 938.396 (2g) (am) (title) of the statutes is created to read:

12 938.396 (2g) (am) (title) *Permission of parent or juvenile.*

13 **SECTION 533.** 938.396 (2g) (c) (title) of the statutes is created to read:

14 938.396 (2g) (c) (title) *Law enforcement agencies.*

15 **SECTION 534.** 938.396 (2g) (d) (title) of the statutes is created to read:

16 938.396 (2g) (d) (title) *Bail; impeachment; firearm possession.*

17 **SECTION 535.** 938.396 (2g) (dm) (title) of the statutes is created to read:

18 938.396 (2g) (dm) (title) *Delinquency or criminal defense.*

19 **SECTION 536.** 938.396 (2g) (dr) (title) of the statutes is created to read:

20 938.396 (2g) (dr) (title) *Presentence investigation.*

21 **SECTION 537.** 938.396 (2g) (e) (title) of the statutes is created to read:

22 938.396 (2g) (e) (title) *Sexually violent person commitment.*

23 **SECTION 538.** 938.396 (2g) (fm) (title) of the statutes is created to read:

24 938.396 (2g) (fm) (title) *Victim's insurer.*

1 **SECTION 539.** 938.396 (2g) (g) (title) of the statutes is created to read:

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

3 **SECTION 540.** 938.396 (2g) (gm) (title) of the statutes is created to read:

4 938.396 (2g) (gm) (title) *Other courts.*

5 **SECTION 541.** 938.396 (2g) (h) (title) of the statutes is created to read:

6 938.396 (2g) (h) (title) *Custody of juvenile.*

7 **SECTION 542.** 938.396 (2g) (i) (title) of the statutes is created to read:

8 938.396 (2g) (i) (title) *Probate court.*

9 **SECTION 543.** 938.396 (2g) (m) (title) of the statutes is created to read:

10 938.396 (2g) (m) (title) *Notification of juvenile's school.*

11 **SECTION 544.** 938.396 (2m) (a) of the statutes is renumbered 938.396 (2g) (k) and

12 amended to read:

13 938.396 (2g) (k) *Serious juvenile offenders.* Notwithstanding sub. (2), upon request,

14 ~~a~~ Upon request of any person, the court shall open for inspection by the requester the records

15 of the court, other than reports under s. 938.295 or 938.33 or other records that deal with

16 sensitive personal information of the juvenile and the juvenile's family, relating to a juvenile

17 who has been alleged to be delinquent for committing a violation specified in s. 938.34 (4h)

18 (a). The requester may further disclose the information to anyone.

19 **SECTION 545.** 938.396 (2m) (b) of the statutes is renumbered 938.396 (2g) (L) and

20 amended to read:

21 938.396 (2g) (L) *Repeat offenders.* Notwithstanding sub. (2), upon request, ~~a~~ Upon

22 request of any person, the court shall open for inspection by the requester the records of the

23 court, other than reports under s. 938.295 or 938.33 or other records that deal with sensitive

24 personal information of the juvenile and the juvenile's family, relating to a juvenile who has

1 been alleged to be delinquent for committing a violation that would be a felony if committed
2 by an adult if the juvenile has been adjudicated delinquent at any time preceding the present
3 proceeding and that previous adjudication remains of record and unreversed. The requester
4 may further disclose the information to anyone.

5 **SECTION 546.** 938.396 (3) (title) of the statutes is created to read:

6 938.396 (3) (title) MOTOR VEHICLE VIOLATION RECORDS.

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

8 938.396 (4) (title) OPERATING PRIVILEGE RECORDS.

9 **SECTION 548.** 938.396 (5) (a) (intro.) of the statutes is renumbered 938.396 (1j) (a)
10 (intro.) and amended to read:

11 938.396 (1j) (a) (intro.) Any person who is denied access to a record under sub. (1), ~~(1b),~~
12 ~~(1d), (1g), (1m), (1r) or (1t)~~ may petition the court to order the disclosure of the records
13 ~~governed by the applicable subsection~~ record. The petition shall be in writing and shall
14 describe as specifically as possible all of the following:

15 **SECTION 549.** 938.396 (5) (a) 1. to 5. of the statutes are renumbered 938.396 (1j) (a)
16 1. to 5.

17 **SECTION 550.** 938.396 (5) (b) of the statutes is renumbered 938.396 (1j) (b) and
18 amended to read:

19 938.396 (1j) (b) ~~If the petitioner is seeking access to a record under sub. (1), (1b), (1d),~~
20 ~~(1g), (1m) (e) or (d), (1r), or (1t)~~ Subject to par. (bm), the court, on receipt of a petition, shall
21 notify the juvenile, the juvenile's counsel, the juvenile's parents, and appropriate law
22 enforcement agencies in writing of the petition. If any person notified objects to the
23 disclosure, the court may hold a hearing to take evidence relating to the petitioner's need for
24 the disclosure.

1 **SECTION 551.** 938.396 (5) (bm) of the statutes is renumbered 938.396 (1j) (bm) and
2 amended to read:

3 938.396 **(1j)** (bm) If the petitioner is seeking access to a record under sub. ~~(1m) (a),~~
4 ~~(am), (ar), or (b) (1) (c) 3.~~, the court shall, without notice or hearing, make the inspection and
5 determinations specified in par. (c) and, if the court determines that disclosure is warranted,
6 shall order disclosure under par. (d). The petitioner shall provide a copy of the disclosure order
7 to the law enforcement agency that denied access to the record, the juvenile, the juvenile's
8 counsel, and the juvenile's parents. Any of those persons may obtain a hearing on the court's
9 determinations by filing a motion to set aside the disclosure order within 10 days after receipt
10 of the order. If no motion is filed within those 10 days or if, after hearing, the court determines
11 that no good cause has been shown for setting aside the order, the law enforcement agency
12 shall disclose the juvenile's record as ordered.

13 **SECTION 552.** 938.396 (5) (c) (intro.), 1 and 2. of the statutes are renumbered 938.396
14 (1j) (c) (intro.), 1. and 2.

15 **SECTION 553.** 938.396 (5) (c) 3. of the statutes is renumbered 938.396 (1j) (c) 3. and
16 amended to read:

17 938.396 **(1j)** (c) 3. If the petitioner is a person who was denied access to a record under
18 sub. ~~(1m) (a), (am), (ar), or (b) (1) (c) 3.~~, the petitioner's legitimate educational interests,
19 including safety interests, in the information against society's interest in protecting its
20 confidentiality.

21 **SECTION 554.** 938.396 (5) (d) and (e) of the statutes are renumbered 938.396 (1j) (d)
22 and (e).

23 **SECTION 555.** 938.396 (6) of the statutes is repealed.

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

1 **SECTION 556.** 938.396 (7) (a) of the statutes is renumbered 938.396 (2g) (m) 1. and
2 amended to read:

3 938.396 (2g) (m) 1. ~~Notwithstanding sub. (2) (a), if~~ If a petition under s. 938.12 or
4 938.13 (12) is filed alleging that a juvenile has committed a delinquent act that would be a
5 felony if committed by an adult, the court clerk shall notify the school board of the school
6 district, or the governing body of the private school, in which the juvenile is enrolled or the
7 designee of the school board or governing body of the fact that the petition has been filed and
8 the nature of the delinquent act alleged in the petition. ~~Notwithstanding sub. (2) (a), if~~ If later
9 the proceeding on the petition is closed, dismissed, or otherwise terminated without a finding
10 that the juvenile has committed a delinquent act, the court clerk shall notify the school board
11 of the school district, or the governing body of the private school, in which the juvenile is
12 enrolled or the school board's designee of the school board or governing body that the
13 proceeding has been terminated without a finding that the juvenile has committed a delinquent
14 act.

15 **SECTION 557.** 938.396 (7) (am) of the statutes is renumbered 938.396 (2g) (m) 2. and
16 amended to read:

17 938.396 (2g) (m) 2. ~~Notwithstanding sub. (2) (a) and subject to par. (b)~~ Subject to subd.
18 4., if a juvenile is adjudged delinquent, within 5 days after the date on which the dispositional
19 order is entered, the court clerk shall notify the school board of the school district, or the
20 governing body of the private school, in which the juvenile is enrolled or the designee of the
21 school board or governing body of the fact that the juvenile has been adjudicated delinquent,

1 the nature of the violation committed by the juvenile, and the disposition imposed on the
2 juvenile under s. 938.34 as a result of the violation.

3 **SECTION 558.** 938.396 (7) (ar) of the statutes is renumbered 938.396 (2g) (m) 3. and
4 amended to read:

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

13 **SECTION 559.** 938.396 (7) (b) of the statutes is renumbered 938.396 (2g) (m) 4. and
14 amended to read:

15 938.396 (2g) (m) 4. If a juvenile is found to have committed a delinquent act at the
16 request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have
17 been a felony under chs. 939 to 948 or 961 if committed by an adult and is adjudged delinquent
18 on that basis, within 5 days after the date on which the dispositional order is entered the court
19 clerk shall notify the school board of the school district, or the governing body of the private
20 school, in which the juvenile is enrolled or the designee of the school board or governing body
21 of the fact that the juvenile has been adjudicated delinquent on that basis, the nature of the
22 violation committed by the juvenile, and the disposition imposed on the juvenile under s.
23 938.34 as a result of that violation.