

## 2007 DRAFTING REQUEST

### Bill

Received: 12/07/2006

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC 6-9791

By/Representing: Laura Rose

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Adl. Drafters:

Subject: Children - abuse and neglect  
Children - child welfare  
Children - day care  
Children - juvenile justice  
Children - out-of-home placement  
Children - TPR and adoption

Extra Copies:

Submit via email: YES

Requester's email: laura.rose@legis.wisconsin.gov

Carbon copy (CC:) to: connoc1@dhfs.state.wi.us  
campbmd@dhfs.state.wi.us  
mitchms@dhfs.state.wi.us

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### Pre Topic:

No specific pre topic given

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### Topic:

DHFS remedial changes

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### Instructions:

See attached--draft technical changes attached.

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 12/07/2006	kfollett 01/10/2007		_____			
/P1			nmatzke	_____	cduerst		

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/1			jfrantze 02/22/2007	_____ _____	sbasford 02/22/2007		
/2	gmalaise 04/17/2007	kfollett 04/17/2007	pgreensl 04/17/2007	_____ _____	cduerst 04/17/2007		
/3	gmalaise 11/21/2007	kfollett 11/30/2007 kfollett 12/04/2007	pgreensl 12/03/2007 pgreensl 12/04/2007	_____ _____ _____ _____	lparisi 12/04/2007	cduerst 12/04/2007	

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→ Not Needed

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? gmalaise kfollett
12/07/2006 01/10/2007

/PI BKF nnatzke 11/30 12/3/08 cdurst

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FE Sent For:

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12.5.08

Hi, Gordon!

Here's DHS  
remedial legislation  
for the upcoming  
session - looks to be  
to some as last  
session's.

Call me if you  
have any questions.

Jane Rose  
6-9791

**Legislative Proposal Summary**  
**Wisconsin Department of Health and Family Services**  
**Division of Children and Family Services**

October 20, 2006

**TITLE: Revisor and Technical Changes**

**DESCRIPTION OF CURRENT LAW AND PROBLEM**

The Children's Code, Chapter 48, Stats., currently contains a number of provisions that are redundant, inconsistent or confusing for child protection caseworkers, judges, court personnel, parents, and foster parents. These sections could be clarified with the introduction of a technical changes bill.

**RECOMMENDATION FOR ACTION**

Submit a technical changes bill with a request that it be referred to the Law Revision Committee.

**ADMINISTRATIVE IMPACT**

Clarification of current law will make it easier for child protection staff, judicial staff, licensing staff, parents, and foster parents to understand the Children's Code and their responsibilities under it.

**POLICY IMPLICATIONS**

The Division proposes the following technical changes:

- ✦ *Requiring termination of parental rights warnings at permanency plan hearings.* When the one year limit on dispositional orders placing a child in out-of-home care was replaced in 2001 Wisconsin Act 109 with an annual permanency plan hearing before the court, the previously required termination of parental rights warnings were inadvertently omitted. These warnings should be reinstated to avoid delaying a petition for termination of parental rights because the necessary warnings were not given to the parent(s) at the earlier hearing. This was drafted in a previous session, 2003 LRB 2995/P1.
- ✦ *Removal of some reasonable efforts language* in the Children's Code and the Juvenile Justice Code that was added in error as a part of 2001 Wisconsin Act 109 and is redundant and confusing. This clarifies that the reasonable efforts to prevent removal language should be made at the first hearing after the child is taken into protective care, and that subsequent findings are not necessary if it is the same removal episode. This should not impact candidacy for Title IV-E since it applies to children who are removed from their homes, not children who remain in the home but are at risk of removal. This was drafted in a previous session, 2003 LRB 2995/P1.
- ✦ *Changing the term "day care center" to "child care center"* to reflect the current terminology in the field and licensing standards. This was drafted in a previous session, 2003 LRB 0757/P1.
- ✦ *Relocating the definition of neglect to the same location as the definition of child abuse.* Currently, the definitions are in different sections of the statute. Several years ago, the definition of "abuse" was moved from s. 48.981 to s. 48.02, but "neglect" was not. This was drafted in a previous session, 2003 LRB 2995/P1.

- ✦ In 2001 Wisconsin Act 59, entities referred to as “child caring institutions,” other than secured child caring institutions and Type 2 child caring institutions, were re-named “residential care centers for children and youth” and defined in s. 48.02(15d), Stats. Not all references to child caring institutions were changed to the new term and definition. Completing the change will allow users to locate the definition and ensure consistency of application. This was drafted in a previous session, 2003 LRB 0778/P1, and LRB 2995/P1.
- ✦ *Termination of parental rights warnings for delinquent youth.* Under current law, the court must provide termination of parental rights warnings for parents when a child is placed in out-of-home care as a child in need of protection or services under Ch. 48 or a juvenile in need of protection or services under Ch. 938. In order to assure that permanency goals are achieved in a timely fashion and that IV-E funding can be claimed, it is necessary that this same warning be provided when a juvenile is placed in out-of-home care as a result of delinquency. This was drafted in a previous session 2003 LRB 2995/P1.
- ✦ *Workers in all group homes as mandatory reporters.* Under current law, child care workers who work in child care centers, residential care centers for children and youth, and group homes for minor custodial parents and expectant mothers are mandatory reporters under s. 48.981(2)(a)18., Stats. The current statutory designation for group homes limits mandatory reporting to only those child care workers who work in group homes with minor custodial parents and expectant mothers, rather than all group homes. All child care workers who work in any group home under s. 48.625, Stats., should be mandatory reporters of child abuse and neglect. The statutory reference limiting mandatory reporting to a subset of group home child care workers appears to be an error.
- ✦ *Correct reference to group home to child care center.* Section 48.65(3)(b), Stats. sets out the penalty for a child care center that fails to pay the licensing fee. The statute refers throughout to “day care center” (which will be changed to child care center), but in the last clause reads, “after the deadline that the group home fails to pay the fee.” This appears to be a drafting error.
- ✦ *Placement and care responsibility.* During the August 2005 federal audit of Wisconsin’s Title IV-E program, reviewers from the federal Administration on Children and Families (ACF) recommended Wisconsin not pass the audit because of a disagreement regarding whether Wisconsin’s statutes imposed on agencies placement and care responsibility for children placed in out-of-home care under a court order. The Wisconsin Attorney General (AG) indicated that statutes did impose that responsibility, and ACF agreed to accept the AG opinion and the Division agreed to seek statutory clarification. This would clarify that statutory responsibility and lead to a necessary modification of court forms. ACF has indicated that in the next review it would not be inclined to accept the AG opinion.
- ✦ *Conforming confidentiality requirements of s. 48.78, Stats., with s. 938.78, Stats.* 2005 Act 344 was a technical and non-substantive recodification of Chapter 938. The Act’s legislative analysis expressly provides that the purpose of amending s. 938.78 was to clarify that the confidentiality provisions applies to information regarding a child who is or was in the custody of the agency. This interpretation was shared by the Department regarding the confidentiality provisions of s. 48.78, Stats. Act 344 amended many provisions of Chapter 48 to conform to changes in Chapter 938. It

appears the failure to amend s. 48.78, Stats., to conform to s. 938.78, Stats., was an oversight.

**FISCAL EFFECT**

The Division does not anticipate a fiscal impact on either the Department or county agencies. The proposed changes should result in more effective and timely protection of children.

**DRAFTING INSTRUCTIONS**

Several of the proposed changes have been drafted in previous sessions. Because of the technical nature of these changes, Department staff would need to meet with staff from the Legislative Reference Bureau to discuss the changes.

**EFFECTIVE DATE FOR CHANGE TO CURRENT LAW OR INITIAL APPLICABILITY FOR NEW PROVISION**

The effective date shall be the day after publication.

**INTERESTED/AFFECTED PARTIES**

The Division is unaware of any parties that would oppose the proposed changes.

**DCFS CONTACT PERSONS**

Mark Campbell, Bureau Director, 6-6799, [campbmd@dhfs.state.wi.us](mailto:campbmd@dhfs.state.wi.us)

Cathleen Connolly, Legislative and Policy Consultant, 6-8306, [connoc1@dhfs.state.wi.us](mailto:connoc1@dhfs.state.wi.us)

Mark Mitchell, Manager, Policy Coordination Section, 1-8316, [mitchms@dhfs.state.wi.us](mailto:mitchms@dhfs.state.wi.us)



PWF

1/8  
1/11  
CMT

1064/P2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Repeals

1 AN ACT *to repeal* 48.982 (1) (c); *to renumber* 48.981 (1) (d), 49.137 (1) (a) and  
2 101.123 (1) (a); *to renumber and amend* 49.136 (1) (d), 49.136 (1) (e), 49.137  
3 (1) (b) and 49.137 (1) (d); and *to amend* 13.48 (2) (j), 16.85 (1), 20.435 (3) (jm),  
4 20.907 (5) (e) 6., 36.25 (26), 46.03 (7) (cm), 46.03 (22) (a), 46.043 (1), 46.16 (2m)  
5 (title), 46.16 (2s), 46.261 (2) (a) 2., 46.515 (1) (g), 48.195 (2) (a), 48.195 (2) (b),  
6 48.195 (2) (c), 48.245 (2) (b), 48.345 (2m), 48.355 (2c) (a) 3. c., 48.48 (10),  
7 subchapter XV (title) of chapter 48 [precedes 48.65], 48.65 (title), 48.65 (1),  
8 48.65 (3) (a), 48.65 (3) (b), 48.651 (title), 48.651 (1) (intro.), 48.651 (1) (a), 48.651  
9 (1) (b), 48.653, 48.655, 48.656, 48.657 (title), 48.657 (1) (intro.), 48.657 (1) (a),  
10 48.657 (1) (b), 48.657 (1) (c), 48.657 (2), 48.657 (2g), 48.657 (2r), 48.657 (3),  
11 subchapter XVI (title) of chapter 48 [precedes 48.66], 48.66 (1) (a), 48.66 (2),  
12 48.66 (2m) (a) 1., 48.66 (2m) (b), 48.66 (5), 48.67, 48.685 (1) (b), 48.685 (2) (am)  
13 (intro.), 48.685 (2) (b) 4., 48.685 (3) (a), 48.685 (3) (b), 48.685 (4m) (a) (intro.),  
14 48.685 (4m) (a) 1., 48.685 (4m) (ad), 48.685 (4m) (b) 1., 48.685 (5m), 48.685 (6)  
15 (a), 48.685 (6) (b) 1., 48.69, 48.715 (1), 48.715 (2) (a), 48.715 (4) (c), 48.715 (6),

1 48.715 (7), 48.73, 48.735, 48.737, 48.78 (1), 48.981 (2) (a) 18., 48.981 (2) (a) 19.,  
 2 49.136 (1) (j), 49.136 (1) (k), 49.136 (2) (b), 49.137 (1) (e), 49.155 (1) (am), 49.155  
 3 (1) (b), 49.155 (1d) (a), 49.155 (1d) (b), 49.155 (1g) (b), 49.155 (1g) (d), 49.155 (4),  
 4 49.155 (6) (b), 49.155 (6) (c), 49.155 (6) (cm), 66.1017 (title), 66.1017 (1) (a),  
 5 66.1017 (2), 71.07 (2dd) (a) 1., 71.28 (1dd) (a) 1., 71.47 (1dd) (a) 1., 73.0301 (1)  
 6 (d) 2., 77.54 (20) (c) 4., 101.123 (1) (ad), 101.123 (2) (bm), 101.123 (4) (a) 2.,  
 7 115.81 (title), 115.812 (1), 115.817 (8), 118.51 (2), 120.125 (title), 120.125 (1),  
 8 120.125 (2) (a) (intro.), 120.125 (2) (a) 3., 120.125 (2) (a) 4., 120.125 (2) (b),  
 9 120.125 (2) (c), 120.125 (3) (a) (intro.), 120.125 (3) (a) 1., 120.125 (3) (a) 2.,  
 10 120.125 (3) (a) 3., 120.125 (3) (b), 120.125 (4) (intro.), 120.125 (4) (a), 120.125  
 11 (4) (b), 120.125 (4) (c), 120.125 (4) (d), 120.125 (4) (e), 120.125 (4) (f), 120.125 (4)  
 12 (g), 120.125 (4) (h), 120.13 (14), 120.13 (36), 121.54 (2) (am), 121.545 (2), 234.83  
 13 (3) (a) 2., 252.04 (2), 252.04 (3), 252.04 (4), 252.04 (5) (a), 252.04 (5) (b) 1., 252.04  
 14 (5) (b) 2., 252.04 (5) (b) 3., 252.04 (6), 252.21 (1), 254.162 (1) (c), 254.168 (4),  
 15 254.168 (5), 285.63 (10) (d) 5., 301.12 (14) (a), 301.46 (4) (a) 2., 562.06 (3), 767.25  
 16 (1m) (e), 905.04 (4) (e) 1. b., 938.34 (2) (b) and 938.355 (2c) (a) 3. c. of the statutes;

17 **relating to:** changing from child caring institution to residential care center  
 18 for children and youth the term used to describe a facility operated by a licensed  
 19 child welfare agency for the care and maintenance of children residing in that  
 20 facility, changing from day care to child care the term used to describe care and  
 21 supervision for children for less than 24 hours a day, and renumbering the

*and required judicial findings and orders*  
~~placement and care responsibility~~ when a child is placed  
 outside the home, *termination of parental rights warnings,*  
 the confidentiality of *social services* records, ~~concerning an individual who is~~  
 or was in the care or custody of an agency,  
*mandatory child abuse or neglect reporters,*

*Mandatory child abuse or neglect reporters,*

*Social services*

1  
2

*placement and care responsibility, and required judicial findings and orders when a child is placed outside the home, termination of parental rights (TPR) warnings, the confidentiality of records, etc.*  
definition of neglect (suggested as remedial legislation by the Department of Health and Family Services).

**Analysis by the Legislative Reference Bureau**

**Introduction**

This bill makes various changes to the Children's Code and the Juvenile Justice Code, including changes relating to changing from "child caring institution" to "residential care center for children and youth" the term used to describe a facility operated by a licensed child welfare agency for the care and maintenance of children residing in that facility, changing from "day care" to "child care" the term used to describe care and supervision for children for less than 24 hours a day, and renumbering from the section of the Children's Code relating to child abuse and neglect reporting to the definitions section of that code the definition of "neglect."

*Insert A*

**Residential care centers for children and youth**

Under current law, a "residential care center for children and youth" is defined as a facility operated by a licensed child welfare agency for the care and maintenance of children residing in that facility. Under prior law, what is currently called a "residential care center for children and youth" was called a "child caring institution." Certain references to "child caring institution," however, remain in the statutes. This bill changes those references to "residential care center for children and youth."

**Child care**

Current law requires a person who for compensation provides care and supervision for four or more children under the age of seven for less than 24 hours a day to obtain a license from the Department of Health and Family Services to operate a day care center. Current law also permits a school board to provide or contract for the provision of day care programs for children. In addition, current law requires a person who is not licensed to operate a day care center or who is not under contract with a school board to provide a day care program to be certified as a day care provider by a county department of human services or social services to receive reimbursement under the Wisconsin Works program for child care services provided by the person. Current law also includes numerous other references to facilities and services involved in the care of children for less than 24 hours a day that include the term "day care." This bill changes the term used to describe care and supervision for children for less than 24 hours a day from "day care" to "child care."

**Neglect**

Under current law, "neglect" is defined in the section of the Children's Code relating to child abuse and neglect reporting as failure, refusal, or inability on the part of a parent, guardian, legal custodian, or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the

physical health of the child. This bill moves that definition to the definitions section of the Children's Code, thereby making it applicable throughout that code.

For further information, see the NOTES<sup>✓</sup> provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health and Family Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1           **SECTION 1.** 13.48 (2) (j) of the statutes is amended to read:

2           13.48 (2) (j) No later than the first day of the 7th month after the effective date  
3 of each biennial budget act, the director of the office of state employment relations  
4 shall report to the building commission, in writing, regarding the desirability of  
5 including plans for day child care facility space in the plans for any construction or  
6 major remodeling project, enumerated in the state building program in the biennial  
7 budget act, for any state office building. Based upon the report of the director of the  
8 office of state employment relations, the building commission may direct that plans  
9 for day child care facility space be included in the plans for that construction or major  
10 remodeling project.

11           **SECTION 2.** 16.85 (1) of the statutes is amended to read:

12           16.85 (1) To take charge of and supervise all engineering or architectural  
13 services or construction work, as defined in s. 16.87, performed by, or for, the state,  
14 or any department, board, institution, commission, or officer thereof of the state,  
15 including nonprofit-sharing corporations organized for the purpose of assisting the  
16 state in the construction and acquisition of new buildings or improvements and

Insert  
4-10  
→

1 additions to existing buildings as contemplated under ss. 13.488, 36.09, and 36.11,  
2 except the engineering, architectural, and construction work of the department of  
3 transportation, and the engineering service performed by the department of  
4 commerce, department of revenue, public service commission, department of health  
5 and family services, and other departments, boards, and commissions when the  
6 service is not related to the maintenance, and construction and planning, of the  
7 physical properties of the state. The department ~~shall~~ may not authorize  
8 construction work for any state office facility in the city of Madison after May 11,  
9 1990, unless the department first provides suitable space for a day child care center  
10 primarily for use by children of state employees.

11 **SECTION 3.** 20.435 (3) (jm) of the statutes is amended to read:

12 20.435 (3) (jm) *Licensing activities.* The amounts in the schedule for the costs  
13 of licensing child welfare agencies under s. 48.60, foster homes and treatment foster  
14 homes under s. 48.62, group homes under s. 48.625, day child care centers under s.  
15 48.65, and shelter care facilities under s. 938.22 (7). All moneys received for these  
16 licensing activities and from fees under ss. 48.615, 48.625, 48.65 (3), and 938.22 (7)  
17 (b) and (c) shall be credited to this appropriation account.

18 **SECTION 4.** 20.907 (5) (e) 6. of the statutes is amended to read:

19 20.907 (5) (e) 6. Advances from ~~child caring institutions~~ residential care  
20 centers for children and youth and counties and moneys receivable from counties  
21 under s. 46.037.

22 **SECTION 5.** 36.25 (26) of the statutes is amended to read:

23 36.25 (26) DAY CHILD CARE CENTERS. A college campus may establish a day child  
24 care center and may use funds received from the appropriation under s. 20.285 (1)  
25 (a) to operate it.

1           **SECTION 6.** 46.03 (7) (cm) of the statutes is amended to read:

2           46.03 (7) (cm) Promote the establishment of adequate child care facilities and  
3 services in this state by providing start-up grants to newly operating day child care  
4 facilities and services under rules promulgated by the department.

5           **SECTION 7.** 46.03 (22) (a) of the statutes is amended to read:

6           46.03 (22) (a) "Community living arrangement" means any of the following  
7 facilities licensed or operated, or permitted under the authority of the department:  
8 residential care centers for children and youth, as defined in s. 48.02 (15d), operated  
9 by child welfare agencies licensed under s. 48.60, group homes for children, as  
10 defined in s. 48.02 (7), and community-based residential facilities, as defined in s.  
11 50.01 (1g); but does not include adult family homes, as defined in s. 50.01 (1), adult  
12 day care centers, nursing homes, general hospitals, special hospitals, prisons, and  
13 jails.

14           **SECTION 8.** 46.043 (1) of the statutes is amended to read:

15           46.043 (1) In addition to inpatient and outpatient services provided at mental  
16 health institutes under ss. 51.05 and 51.07, the department may authorize mental  
17 health institutes to offer services other than inpatient mental health services when  
18 the department determines that community services need to be supplemented.  
19 Services that may be offered under this section include mental health outpatient  
20 treatment and services, day programming, consultation and services in residential  
21 facilities, including group homes, ~~child caring institutions~~ residential care centers  
22 for children and youth, and community-based residential facilities.

23           **SECTION 9.** 46.16 (2m) (title) of the statutes is amended to read:

24           46.16 (2m) (title) IMMUNIZATION REQUIREMENTS; DAY CHILD CARE CENTERS.

25           **SECTION 10.** 46.16 (2s) of the statutes is amended to read:

1           **46.16 (2s)** LEAD SCREENING, INSPECTION AND REDUCTION REQUIREMENTS: ~~DAY~~ CHILD  
2 CARE CENTERS. The department, after notice to a day child care provider certified  
3 under s. 48.651, or a day child care center that holds a license under s. 48.65 or a  
4 probationary license under s. 48.69, may suspend, revoke, or refuse to renew a  
5 license or certification in any case in which the department finds that there has been  
6 a substantial failure to comply with any rule promulgated under s. 254.162, 254.168,  
7 or 254.172.

8           **SECTION 11.** 46.261 (2) (a) 2. of the statutes is amended to read:

9           **46.261 (2)** (a) 2. A county or, in a county having a population of 500,000 or more,  
10 the department, on behalf of a child in the legal custody of a county department under  
11 s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or on behalf of a child  
12 who was removed from the home of a relative, as defined under s. 48.02 (15), as a  
13 result of a judicial determination that continuance in the home of a relative would  
14 be contrary to the child's welfare for any reason when such child is placed in a  
15 licensed ~~child caring institution~~ residential care center for children and youth by the  
16 county department or the department. Reimbursement shall be made by the state  
17 pursuant to subd. 1.

18           **SECTION 12.** 46.515 (1) (g) of the statutes is amended to read:

19           **46.515 (1)** (g) "Neglect" has the meaning given in s. ~~48.981 (1)~~ (d) 48.02 (12g).

20           **SECTION 13.** 48.195 (2) (a) of the statutes is amended to read:

21           **48.195 (2)** (a) Except as provided in this paragraph, a parent who relinquishes  
22 custody of a child under sub. (1) and any person who assists the parent in that  
23 relinquishment have the right to remain anonymous. The exercise of that right shall  
24 not affect the manner in which a law enforcement officer, emergency medical  
25 technician, or hospital staff member performs his or her duties under this section.

**SECTION 13**

1 No person may induce or coerce or attempt to induce or coerce a parent or person  
2 assisting a parent who wishes to remain anonymous into revealing his or her  
3 identity, unless the person has reasonable cause to suspect that the child has been  
4 the victim of abuse or neglect, ~~as defined in s. 48.981 (1) (d)~~, or that the person  
5 assisting the parent is coercing the parent into relinquishing custody of the child.

6 **SECTION 14.** 48.195 (2) (b) of the statutes is amended to read:

7 48.195 (2) (b) A parent who relinquishes custody of a child under sub. (1) and  
8 any person who assists the parent in that relinquishment may leave the presence of  
9 the law enforcement officer, emergency medical technician, or hospital staff member  
10 who took custody of the child at any time, and no person may follow or pursue the  
11 parent or person assisting the parent, unless the person has reasonable cause to  
12 suspect that the child has been the victim of abuse or neglect, ~~as defined in s. 48.981~~  
13 ~~(1) (d)~~, or that the person assisting the parent has coerced the parent into  
14 relinquishing custody of the child.

15 **SECTION 15.** 48.195 (2) (c) of the statutes is amended to read:

16 48.195 (2) (c) No officer, employee, or agent of this state or of a political  
17 subdivision of this state may attempt to locate or ascertain the identity of a parent  
18 who relinquishes custody of a child under sub. (1) or any person who assists the  
19 parent in that relinquishment, unless the officer, employee, or agent has reasonable  
20 cause to suspect that the child has been the victim of abuse or neglect, ~~as defined in~~  
21 ~~s. 48.981 (1) (d)~~, or that the person assisting the parent has coerced the parent into  
22 relinquishing custody of the child.

23 **SECTION 16.** 48.245 (2) (b) of the statutes is amended to read:

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1 ~~48.245 (2) (b) Informal disposition may not include any form of residential~~  
2 ~~out-of-home placement and may not exceed 6 months, except as provided under sub.~~  
3 ~~(2r).~~

Insert  
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SECTION 17. 48.345 (2m) of the statutes is amended to read:

5 48.345 (2m) Place the child in the child's home under the supervision of an  
6 agency or the department, if the department approves, and order the agency or  
7 department to provide specified services to the child and the child's family, which  
8 may include ~~but are not limited to~~ individual, family, or, group counseling,  
9 homemaker or parent aide services, respite care, housing assistance, ~~day~~ child care,  
10 parent skills training, or prenatal development training or education.

11 SECTION 18. 48.355 (2c) (a) 3. c. of the statutes is amended to read:

12 48.355 (2c) (a) 3. c. Community support services, such as ~~day~~ child care, parent  
13 skills training, housing assistance, employment training, and emergency mental  
14 health services.

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14  
9-14  
A 15

→ Insert 9-14 B here  
SECTION 19. 48.48 (10) of the statutes is amended to read:

16 48.48 (10) To license child welfare agencies and ~~day~~ child care centers as  
provided in s. 48.66 (1) (a).

Insert  
17  
9-17  
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SECTION 20. Subchapter XV (title) of chapter 48 [precedes 48.65] of the statutes  
is amended to read:

CHAPTER 48

SUBCHAPTER XV

~~DAY~~ CHILD CARE PROVIDERS

23 SECTION 21. 48.65 (title) of the statutes is amended to read:

24 48.65 (title) Day Child care centers licensed; fees.

25 SECTION 22. 48.65 (1) of the statutes is amended to read:

1           48.65 (1) No person may for compensation provide care and supervision for 4  
2 or more children under the age of 7 for less than 24 hours a day unless that person  
3 obtains a license to operate a day child care center from the department. To obtain  
4 a license under this subsection to operate a day child care center, a person must meet  
5 the minimum requirements for a license established by the department under s.  
6 48.67, meet the requirements specified in s. 48.685, and pay the license fee under  
7 sub. (3). A license issued under this subsection is valid until revoked or suspended,  
8 but shall be reviewed every 2 years as provided in s. 48.66 (5).

9           **SECTION 23.** 48.65 (3) (a) of the statutes, ~~as affected by 2005 Wisconsin Act 25,~~  
10 is amended to read:

11           48.65 (3) (a) Before the department may issue a license under sub. (1) to a day  
12 child care center that provides care and supervision for 4 to 8 children, the day child  
13 care center must pay to the department a biennial fee of \$60.50. Before the  
14 department may issue a license under sub. (1) to a day child care center that provides  
15 care and supervision for 9 or more children, the day child care center must pay to the  
16 department a biennial fee of \$30.25, plus a biennial fee of \$10.33 per child, based on  
17 the number of children that the day child care center is licensed to serve. A day child  
18 care center that wishes to continue a license issued under sub. (1) shall pay the  
19 applicable fee under this paragraph by the continuation date of the license. A new  
20 day child care center shall pay the applicable fee under this paragraph no later than  
21 30 days before the opening of the day child care center.

22           **SECTION 24.** 48.65 (3) (b) of the statutes is amended to read:

23           48.65 (3) (b) A day child care center that wishes to continue a license issued  
24 under par. (a) and that fails to pay the applicable fee under par. (a) by the  
25 continuation date of the license or a new day child care center that fails to pay the

1 applicable fee under par. (a) by 30 days before the opening of the day child care center ✓  
2 shall pay an additional fee of \$5 per day for every day after the deadline that the  
3 ~~group-home~~ child care center ✓ fails to pay the fee.

4 SECTION 25. 48.651 (title) of the statutes is amended to read:

5 **48.651 (title) Certification of day child care providers.** ✓

6 SECTION 26. 48.651 (1) (intro.) of the statutes is amended to read:

7 48.651 (1) (intro.) Each county department shall certify, according to the  
8 standards adopted by the department of workforce development under s. 49.155 (1d),  
9 each day child care provider ✓ reimbursed for child care services provided to families  
10 determined eligible under s. 49.155, unless the provider is a day child care center ✓  
11 licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each  
12 county may charge a fee to cover the costs of certification. To be certified under this  
13 section, a person must meet the minimum requirements for certification established  
14 by the department of workforce development under s. 49.155 (1d), meet the  
15 requirements specified in s. 48.685, and pay the fee specified in this section. The  
16 county shall certify the following categories of day child care providers: ✓

17 SECTION 27. 48.651 (1) (a) of the statutes is amended to read:

18 48.651 (1) (a) Level I certified family day child care providers, as established ✓  
19 by the department of workforce development under s. 49.155 (1d). No county may  
20 certify a provider under this paragraph if the provider is a relative of all of the  
21 children for whom ~~he or she~~ the provider provides care.

22 SECTION 28. 48.651 (1) (b) of the statutes is amended to read:

23 48.651 (1) (b) Level II certified family day child care providers, as established ✓  
24 by the department of workforce development, under s. 49.155 (1d).

25 SECTION 29. 48.653 of the statutes is amended to read:

1           **48.653 Information for day child care providers.** The department shall  
2 provide each day child care center licensed under s. 48.65 and each county agency  
3 providing child welfare services with a brochure containing information on basic  
4 child care and the licensing and certification requirements for day child care  
5 providers. Each county agency shall provide each day child care provider that it  
6 certifies with a copy of the brochure.

7           **SECTION 30.** 48.655 of the statutes is amended to read:

8           **48.655 Parental access.** A day child care provider that holds a license under  
9 s. 48.65, that is certified under s. 48.651, that holds a probationary license under s.  
10 48.69, or that is established or contracted for under s. 120.13 (14) shall permit any  
11 parent or guardian of a child enrolled in the program to visit and observe the program  
12 of child care at any time during the provider's hours of operation, unless the visit or  
13 observation is contrary to an existing court order.

14           **SECTION 31.** 48.656 of the statutes is amended to read:

15           **48.656 Parent's right to know.** Every parent, guardian, or legal custodian  
16 of a child who is receiving care and supervision, or of a child who is a prospective  
17 recipient of care and supervision, from a day child care center that holds a license  
18 under s. 48.65 (1) or a probationary license under s. 48.69 has the right to know  
19 certain information about the day child care center that would aid the parent,  
20 guardian, or legal custodian in assessing the quality of care and supervision provided  
21 by the day child care center.

22           **SECTION 32.** 48.657 (title) of the statutes is amended to read:

23           **48.657 (title) Day Child care center reports.**

24           **SECTION 33.** 48.657 (1) (intro.) of the statutes is amended to read:

1           48.657 (1) (intro.) The department shall provide each day child care center that  
2 holds a license under s. 48.65 (1) or a probationary license under s. 48.69 with an  
3 annual report that includes the following information:

4           **SECTION 34.** 48.657 (1) (a) of the statutes is amended to read:

5           48.657 (1) (a) Violations of statutes, rules promulgated by the department  
6 under s. 48.67, or provisions of licensure under s. 48.70 (1) by the day child care  
7 center. In providing information under this paragraph, the department may not  
8 disclose the identity of any employee of the day child care center.

9           **SECTION 35.** 48.657 (1) (b) of the statutes is amended to read:

10          48.657 (1) (b) A telephone number at the department that a person may call  
11 to complain of any alleged violation of a statute, rule promulgated by the department  
12 under s. 48.67, or provision of licensure under s. 48.70 (1) by the day child care center.

13          **SECTION 36.** 48.657 (1) (c) of the statutes is amended to read:

14          48.657 (1) (c) The results of the most recent inspection of the day child care  
15 center under s. 48.73.

16          **SECTION 37.** 48.657 (2) of the statutes is amended to read:

17          48.657 (2) A day child care center shall post the report under sub. (1) next to  
18 the day child care center's license or probationary license in a place where the report  
19 and the inspection results can be seen by parents, guardians, or legal custodians  
20 during the day child care center's hours of operation.

21          **SECTION 38.** 48.657 (2g) of the statutes is amended to read:

22          48.657 (2g) If the report under sub. (1) indicates that the day child care center  
23 is in violation of a statute, a rule promulgated by the department under s. 48.67, or  
24 a provision of licensure under s. 48.70 (1), the day child care center shall post with  
25 the report any notices received from the department relating to that violation.