

1 48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall
2 license and supervise child welfare agencies, as required by s. 48.60, group homes,
3 as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day child
4 care centers, as required by s. 48.65. The department may license foster homes or
5 treatment foster homes, as provided by s. 48.62, and may license and supervise
6 county departments in accordance with the procedures specified in this section and
7 in ss. 48.67 to 48.74.

8 **SECTION 43.** 48.66 (2) of the statutes is amended to read:

9 48.66 (2) The department shall prescribe application forms to be used by all
10 applicants for licenses from it. The application forms prescribed by the department
11 shall require that the social security numbers of all applicants for a license to operate
12 a child welfare agency, group home, shelter care facility, or day child care center who
13 are individuals, other than an individual who does not have a social security number
14 and who submits a statement made or subscribed under oath or affirmation as
15 required under sub. (2m) (a) 2., be provided and that the federal employer
16 identification numbers of all applicants for a license to operate a child welfare
17 agency, group home, shelter care facility, or day child care center who are not
18 individuals be provided.

19 **SECTION 44.** 48.66 (2m) (a) 1. of the statutes is amended to read:

20 48.66 (2m) (a) 1. Except as provided in subd. 2., the department of health and
21 family services shall require each applicant for a license under sub. (1) (a) to operate
22 a child welfare agency, group home, shelter care facility, or day child care center who
23 is an individual to provide that department with the applicant's social security
24 number, and shall require each applicant for a license under sub. (1) (a) to operate
25 a child welfare agency, group home, shelter care facility, or day child care center who

1 is not an individual to provide that department with the applicant's federal employer
2 identification number, when initially applying for or applying to continue the license.

3 SECTION 45. 48.66 (2m) (b) of the statutes is amended to read:

4 48.66 (2m) (b) If an applicant who is an individual fails to provide the
5 applicant's social security number to the department of health and family services
6 or if an applicant who is not an individual fails to provide the applicant's federal
7 employer identification number to that department, that department may not issue
8 or continue a license under sub. (1) (a) to operate a child welfare agency, group home,
9 shelter care facility, or day [✓]child care center to or for the applicant unless the
10 applicant is an individual who does not have a social security number and the
11 applicant submits a statement made or subscribed under oath or affirmation as
12 required under par. (a) 2.

13 SECTION 46. 48.66 (5) of the statutes is amended to read:

14 48.66 (5) A child welfare agency, group home, day [✓]child care center, or shelter
15 care facility license, other than a probationary license, is valid until revoked or
16 suspended, but shall be reviewed every 2 years after the date of issuance as provided
17 in this subsection. At least 30 days prior to the continuation date of the license, the
18 licensee shall submit to the department an application for continuance of the license
19 in the form and containing the information that the department requires. If the
20 minimum requirements for a license established under s. 48.67 are met, the
21 application is approved, the applicable fees referred to in ss. 48.68 (1) and 48.685 (8)
22 are paid, and any forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is
23 due is paid, the department shall continue the license for an additional 2-year
24 period, unless sooner suspended or revoked. If the application is not timely filed, the
25 department shall issue a warning to the licensee. If the licensee fails to apply for

1 continuance of the license within 30 days after receipt of the warning, the
2 department may revoke the license as provided in s. 48.715 (4) and (4m) (b).

3 ~~SECTION 47. 48.67 of the statutes is amended to read:~~

4 ~~**48.67 Rules governing child welfare agencies, day child care centers,**
5 ~~**foster homes, treatment foster homes, group homes, shelter care facilities,**
6 ~~**and county departments.** The department shall promulgate rules establishing
7 minimum requirements for the issuance of licenses to, and establishing standards
8 for the operation of, child welfare agencies, day child care centers, foster homes,
9 treatment foster homes, group homes, shelter care facilities, and county
10 departments. These rules shall be designed to protect and promote the health,
11 safety, and welfare of the children in the care of all licensees. The department shall
12 consult with the department of commerce and the department of public instruction
13 before promulgating these rules. In establishing the minimum requirements for the
14 issuance of licenses to day child care centers that provide care and supervision for
15 children under one year of age, the department shall include a requirement that all
16 licensees who are individuals and all employees and volunteers of a licensee who
17 provide care and supervision for children receive, before the date on which the license
18 is issued or the employment or volunteer work commences, whichever is applicable,
19 training in the most current medically accepted methods of preventing sudden infant
20 death syndrome.~~~~~~

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21 **SECTION 48.** 48.685 (1) (b) of the statutes is amended to read:

22 48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s.
23 48.60 to provide care and maintenance for children, to place children for adoption,
24 or to license foster homes or treatment foster homes; a foster home or treatment
25 foster home that is licensed under s. 48.62; a group home that is licensed under s.

1 48.625; a shelter care facility that is licensed under s. 938.22; a day child care center
2 that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14);
3 a day child care provider that is certified under s. 48.651; or a temporary employment
4 agency that provides caregivers to another entity.

5 **SECTION 49.** 48.685 (2) (am) (intro.) of the statutes is amended to read:

6 48.685 (2) (am) (intro.) The department, a county department, a child welfare
7 agency, or a school board shall obtain all of the following with respect to a caregiver
8 specified in sub. (1) (ag) 1. b., a nonclient resident of an entity, and a person under
9 18 years of age, but not under 12 years of age, who is a caregiver of a day child care
10 center that is licensed under s. 48.65 or established or contracted for under s. 120.13
11 (14) or of a day child care provider that is certified under s. 48.651:

12 **SECTION 50.** 48.685 (2) (b) 4. of the statutes is amended to read:

13 48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under
14 18 years of age, but not under 12 years of age, who is a caregiver or nonclient resident
15 of a day child care center that is licensed under s. 48.65 or established or contracted
16 for under s. 120.13 (14) or of a day child care provider that is certified under s. 48.651
17 and with respect to whom the department, a county department, or a school board
18 is required under par. (am) (intro.) to obtain the information specified in par. (am)
19 1. to 5.

20 **SECTION 51.** 48.685 (3) (a) of the statutes is amended to read:

21 48.685 (3) (a) Every 4 years or at any time within that period that the
22 department, a county department, a child welfare agency, or a school board considers
23 appropriate, the department, county department, child welfare agency, or school
24 board shall request the information specified in sub. (2) (am) 1. to 5. for all persons
25 who are licensed, certified, or contracted to operate an entity, for all persons who are

1 nonclient residents of an entity, and for all persons under 18 years of age, but not
2 under 12 years of age, who are caregivers of a day child care center that is licensed
3 under s. 48.65 or established or contracted for under s. 120.13 (4) or of a day child care
4 provider that is certified under s. 48.651.

5 **SECTION 52.** 48.685 (3) (b) of the statutes is amended to read:

6 48.685 (3) (b) Every 4 years or at any time within that period that an entity
7 considers appropriate, the entity shall request the information specified in sub. (2)
8 (b) 1. a. to e. for all persons who are caregivers of the entity other than persons under
9 18 years of age, but not under 12 years of age, who are caregivers of a day child care
10 center that is licensed under s. 48.65 or established or contracted for under s. 120.13
11 (14) or of a day child care provider that is certified under s. 48.651.

12 **SECTION 53.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

13 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
14 par. (ad) and sub. (5), the department may not license, or continue or renew the
15 license of, a person to operate an entity, a county department may not certify a day
16 child care provider under s. 48.651, a county department or a child welfare agency
17 may not license, or renew the license of, a foster home or treatment foster home under
18 s. 48.62, and a school board may not contract with a person under s. 120.13 (14), if
19 the department, county department, child welfare agency, or school board knows or
20 should have known any of the following:

21 **SECTION 54.** 48.685 (4m) (a) 1. of the statutes is amended to read:

22 48.685 (4m) (a) 1. That the person has been convicted of a serious crime or, if
23 the person is an applicant for issuance or continuation of a license to operate a day
24 child care center or for initial certification under s. 48.651 or for renewal of that
25 certification or if the person is proposing to contract with a school board under s.

1 120.13 (14) or to renew a contract under that subsection, that the person has been
2 convicted of a serious crime or adjudicated delinquent on or after his or her 12th
3 birthday for committing a serious crime.

4 **SECTION 55.** 48.685 (4m) (ad) of the statutes is amended to read:

5 48.685 **(4m)** (ad) The department, a county department, or a child welfare
6 agency may license a foster home or treatment foster home under s. 48.62, a county
7 department may certify a day [✓]child care provider under s. 48.651, and a school board
8 may contract with a person under s. 120.13 (14), conditioned on the receipt of the
9 information specified in sub. (2) (am) indicating that the person is not ineligible to
10 be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

11 **SECTION 56.** 48.685 (4m) (b) 1. of the statutes is amended to read:

12 48.685 **(4m)** (b) 1. That the person has been convicted of a serious crime or, if
13 the person is a caregiver or nonclient resident of a day [✓]child care center that is
14 licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or of a
15 day [✓]child care provider that is certified under s. 48.651, that the person has been
16 convicted of a serious crime or adjudicated delinquent on or after his or her 12th
17 birthday for committing a serious crime.

18 **SECTION 57.** 48.685 (5m) of the statutes is amended to read:

19 48.685 **(5m)** Notwithstanding s. 111.335, the department may refuse to license
20 a person to operate an entity, a county department or a child welfare agency may
21 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
22 may refuse to employ or contract with a caregiver or permit a nonclient resident to
23 reside at the entity if the person has been convicted of an offense that is not a serious
24 crime, but that is, in the estimation of the department, county department, child
25 welfare agency, or entity, substantially related to the care of a client.

1 Notwithstanding s. 111.335, the department may refuse to license a person to
2 operate a day child care center, a county department may refuse to certify a day child
3 care provider under s. 48.651, a school board may refuse to contract with a person
4 under s. 120.13 (14), a day child care center that is licensed under s. 48.65 or
5 established or contracted for under s. 120.13 (14), and a day child care provider that
6 is certified under s. 48.651 may refuse to employ or contract with a caregiver or
7 permit a nonclient resident to reside at the day child care center or day child care
8 provider if the person has been convicted of or adjudicated delinquent on or after his
9 or her 12th birthday for an offense that is not a serious crime, but that is, in the
10 estimation of the department, county department, school board, day child care center
11 or day child care provider, substantially related to the care of a client.

12 **SECTION 58.** 48.685 (6) (a) of the statutes is amended to read:

13 48.685 (6) (a) The department shall require any person who applies for
14 issuance, continuation, or renewal of a license to operate an entity, a county
15 department shall require any day child care provider who applies for initial
16 certification under s. 48.651 or for renewal of that certification, a county department
17 or a child welfare agency shall require any person who applies for issuance or
18 renewal of a license to operate a foster home or treatment foster home under s. 48.62,
19 and a school board shall require any person who proposes to contract with the school
20 board under s. 120.13 (14) or to renew a contract under that subsection, to complete
21 a background information form that is provided by the department.

22 **SECTION 59.** 48.685 (6) (b) 1. of the statutes is amended to read:

23 48.685 (6) (b) 1. For caregivers who are licensed by the department, for persons
24 under 18 years of age, but not under 12 years of age, who are caregivers of a day child
25 care center that is licensed under s. 48.65 or established or contracted for under s.

1 120.13 (14) or of a day child care provider that is certified under s. 48.651, for persons
2 who are nonclient residents of an entity that is licensed by the department, and for
3 other persons specified by the department by rule, the entity shall send the
4 background information form to the department.

5 **SECTION 60.** 48.69 of the statutes is amended to read:

6 **48.69 Probationary licenses.** Except as provided under s. 48.715 (6) and (7),
7 if any child welfare agency, shelter care facility, group home, or day child care center
8 that has not been previously issued a license under s. 48.66 (1) (a) applies for a
9 license, meets the minimum requirements for a license established under s. 48.67,
10 and pays the applicable fee referred to in s. 48.68 (1), the department shall issue a
11 probationary license to that child welfare agency, shelter care facility, group home,
12 or day child care center. A probationary license is valid for up to 6 months after the
13 date of issuance unless renewed under this section or suspended or revoked under
14 s. 48.715. Before a probationary license expires, the department shall inspect the
15 child welfare agency, shelter care facility, group home, or day child care center
16 holding the probationary license and, except as provided under s. 48.715 (6) and (7),
17 if the child welfare agency, shelter care facility, group home, or day child care center
18 meets the minimum requirements for a license established under s. 48.67, the
19 department shall issue a license under s. 48.66 (1) (a). A probationary license issued
20 under this section may be renewed for one 6-month period.

21 **SECTION 61.** 48.715 (1) of the statutes is amended to read:

22 48.715 (1) In this section, "licensee" means a person who holds a license under
23 s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare
24 agency, shelter care facility, group home, or day child care center.

25 **SECTION 62.** 48.715 (2) (a) of the statutes is amended to read:

1 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care
 2 facility, group home, or day child care center if the child welfare agency, shelter care
 3 facility, group home, or day child care center is without a license in violation of s.
 4 48.66 (1) (a) or a probationary license in violation of s. 48.69.

5 **SECTION 63.** 48.715 (4) (c) of the statutes is amended to read:

6 48.715 (4) (c) The licensee or a person under the supervision of the licensee has
 7 committed an action or has created a condition relating to the operation or
 8 maintenance of the child welfare agency, shelter care facility, group home, or day
 9 child care center that directly threatens the health, safety, or welfare of any child
 10 under the care of the licensee.

11 **SECTION 64.** 48.715 (6) of the statutes is amended to read:

12 48.715 (6) The department of health and family services shall deny, suspend,
 13 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a
 14 probationary license under s. 48.69 to operate a child welfare agency, group home,
 15 shelter care facility, or day child care center, and the department of corrections shall
 16 deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s.
 17 48.66 (1) (b) to operate a secured child caring institution, for failure of the applicant
 18 or licensee to pay court-ordered payments of child or family support, maintenance,
 19 birth expenses, medical expenses, or other expenses related to the support of a child
 20 or former spouse or for failure of the applicant or licensee to comply, after appropriate
 21 notice, with a subpoena or warrant issued by the department of workforce
 22 development or a county child support agency under s. 59.53 (5) and related to
 23 paternity or child support proceedings, as provided in a memorandum of
 24 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action

(plain)
 residential care center for children
 and youth (plain)

1 taken under this subsection is subject to review only as provided in the memorandum
2 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

3 **SECTION 65.** 48.715 (7) of the statutes is amended to read:

4 48.715 (7) The department shall deny an application for the issuance or
5 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
6 to operate a child welfare agency, group home, shelter care facility, or day child care
7 center, or revoke such a license already issued, if the department of revenue certifies
8 under s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An
9 action taken under this subsection is subject to review only as provided under s.
10 73.0301 (5) and not as provided in s. 48.72.

11 **SECTION 66.** 48.73 of the statutes is amended to read:

12 **48.73 Inspection of licensees.** The department may visit and inspect each
13 child welfare agency, foster home, treatment foster home, group home, and day child
14 care center licensed by it, and for such purpose shall be given unrestricted access to
15 the premises described in the license.

16 **SECTION 67.** 48.735 of the statutes is amended to read:

17 **48.735 Immunization requirements; day child care centers.** The
18 department, after notice to a day child care center licensee, may suspend, revoke, or
19 refuse to continue a day child care center license in any case in which the department
20 finds that there has been a substantial failure to comply with the requirements of
21 s. 252.04.

22 **SECTION 68.** 48.737 of the statutes is amended to read:

23 **48.737 Lead screening, inspection and reduction requirements; day**
24 **child care centers.** The department, after notice to a day child care provider
25 certified under s. 48.651, or a day child care center that holds a license under s. 48.65

1 or a probationary license under s. 48.69, may suspend, revoke, or refuse to renew or
2 continue a license or certification in any case in which the department finds that
3 there has been a substantial failure to comply with any rule promulgated under s.
4 254.162, 254.168, or 254.172.

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5 SECTION 69. 48.78 (1) of the statutes is amended to read:

6 48.78 (1) In this section, unless otherwise qualified, "agency" means the
7 department, a county department, a licensed child welfare agency, or a licensed day
8 child care center.

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9 SECTION 70. 48.981 (1) (d) of the statutes is renumbered 48.02 (12g).

10 SECTION 71. 48.981 (2) (a) 18. of the statutes is amended to read:

11 48.981 (2) (a) 18. A ~~child-care~~ child care worker in a day child care center, group
12 home, ~~as described in s. 48.625 (1m)~~, or residential care center for children and youth.

13 SECTION 72. 48.981 (2) (a) 19. of the statutes is amended to read:

14 48.981 (2) (a) 19. A day child care provider.

15 SECTION 73. 48.982 (1) (c) of the statutes is repealed.

16 SECTION 74. 49.136 (1) (d) of the statutes is renumbered 49.136 (1) (ad) and
17 amended to read:

18 49.136 (1) (ad) "Day Child care center" means a facility operated by a child care
19 provider that provides care and supervision for 4 or more children under 7 years of
20 age for less than 24 hours a day.

21 SECTION 75. 49.136 (1) (e) of the statutes is renumbered 49.136 (1) (am) and
22 amended to read:

23 49.136 (1) (am) "Day Child care program" means a program established and
24 provided by a school board under s. 120.13 (14) or purchased by a school board from
25 a provider licensed under s. 48.65, which combines care for a child who resides with

1 a student parent who is a parent of that child with parenting education and
2 experience for that student parent.

3 SECTION 76. 49.136 (1) (j) of the statutes is amended to read:

4 49.136 (1) (j) "Family day child care center" means a day child care center that
5 provides care and supervision for not less than 4 nor more than 8 children.

6 SECTION 77. 49.136 (1) (k) of the statutes is amended to read:

7 49.136 (1) (k) "Group day child care center" means a day child care center that
8 provides care and supervision for 9 or more children.

9 SECTION 78. 49.136 (2) (b) of the statutes, as affected by 2005 Wisconsin Act 25,
10 is amended to read:

11 49.136 (2) (b) If the department awards grants under this section, the
12 department shall attempt to award the grants to head start agencies designated
13 under 42 USC 9836, employers that provide or wish to provide child care services for
14 their employees, family day child care centers, group day child care centers and day
15 child care programs for the children of student parents, organizations that provide
16 child care for sick children, and child care providers that employ participants or
17 former participants in a Wisconsin Works employment position under s. 49.147 (3)
18 to (5).

19 SECTION 79. 49.137 (1) (a) of the statutes is renumbered 49.137 (1) (am).

20 SECTION 80. 49.137 (1) (b) of the statutes is renumbered 49.137 (1) (ab) and
21 amended to read:

22 49.137 (1) (ab) "Day Child care center" has the meaning given in s. 49.136 (1)
23 ~~(d)~~ (ad).

24 SECTION 81. 49.137 (1) (d) of the statutes is renumbered 49.137 (1) (bd) and
25 amended to read:

1 49.137 (1) (bd) "Family day child care center" has the meaning given in s.
2 49.136 (1) (j).

3 **SECTION 82.** 49.137 (1) (e) of the statutes is amended to read:

4 49.137 (1) (e) "Group day child care center" has the meaning given in s. 49.136
5 (1) (k).

6 **SECTION 83.** 49.155 (1) (am) of the statutes is amended to read:

7 49.155 (1) (am) "Level I certified family day child care provider" means a day
8 child care provider certified under s. 48.651 (1) (a).

9 **SECTION 84.** 49.155 (1) (b) of the statutes is amended to read:

10 49.155 (1) (b) "Level II certified family day child care provider" means a day
11 child care provider certified under s. 48.651 (1) (b).

12 ~~**SECTION 85.** 49.155 (1d) (a) of the statutes is amended to read:~~

13 49.155 (1d) (a) The department shall promulgate rules establishing standards
14 for the certification of child care providers under s. 48.651. In establishing the
15 requirements for certification under this paragraph of a child care provider who
16 provides care and supervision for children under one year of age, the department
17 shall include a requirement that all providers and all employees and volunteers of
18 a provider who provide care and supervision for children receive, before the date on
19 which the provider is certified or the employment or volunteer work commences,
20 whichever is applicable, training in the most current medically accepted methods of
21 preventing sudden infant death syndrome. In establishing the requirements for
22 certification as a Level II certified family day child care provider, the department
23 may not include any other requirement for training for providers.

24 **SECTION 86.** 49.155 (1d) (b) of the statutes is amended to read:

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1 49.155 (1d) (b) The department shall promulgate rules to establish quality of
2 care standards for child care providers that are higher than the quality of care
3 standards required for licensure under s. 48.65 or for certification under s. 48.651.
4 The standards established by rules promulgated under this paragraph shall consist
5 of the standards provided for the accreditation of day [✓]child care centers by the
6 ~~national association for the education of young children~~ National Association for the
7 Education of Young Children or any other comparable standards that the
8 department may establish, including standards regarding the turnover of child care
9 provider staff and the training and benefits provided for child care provider staff.

10 **SECTION 87.** 49.155 (1g) (b) of the statutes, ~~as affected by 2005 Wisconsin Act~~
11 ~~25~~, is amended to read:

12 49.155 (1g) (b) From the appropriations under s. 20.445 (3) (cm), (kx), and (mc),
13 distribute \$5,488,500 in each fiscal year for grants under s. 49.134 (2) for child [✓]day
14 care resource and referral services, for grants under s. 49.137 (4m), for a child care
15 scholarship and bonus program, for administration of the department's office of child
16 care, and for the department's share of the costs for the Child Care Information
17 Center operated by the division for libraries, technology, and community learning in
18 the department of public instruction.

19 **SECTION 88.** 49.155 (1g) (d) of the statutes, ~~as created by 2005 Wisconsin Act~~
20 ~~25~~, is amended to read:

21 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), distribute
22 \$3,378,500 in fiscal year 2005–06 and \$3,378,500 in fiscal year 2006–07 for grants
23 under s. 49.134 (2) for child [✓]day care resource and referral services, for contracts
24 under s. 49.137 (4) for training and technical assistance, for grants under s. 49.137
25 (4m), and for a child care scholarship and bonus program.

1 **SECTION 89.** 49.155 (4) of the statutes is amended to read:

2 49.155 (4) CHOICE OF PROVIDER. An eligible individual shall choose whether the
3 child care will be provided by a day child care center licensed under s. 48.65, a Level
4 I certified family day child care provider, a Level II certified family day child care
5 provider, or a day child care program provided or contracted for by a school board
6 under s. 120.13 (14).

7 **SECTION 90.** 49.155 (6) (b) of the statutes is amended to read:

8 49.155 (6) (b) Subject to review and approval by the department, each county
9 shall set a maximum reimbursement rate for Level I certified family day child care
10 providers for services provided to eligible individuals under this section. The
11 maximum rate set under this paragraph may not exceed 75% of the rate established
12 under par. (a).

13 **SECTION 91.** 49.155 (6) (c) of the statutes is amended to read:

14 49.155 (6) (c) Subject to review and approval by the department, each county
15 shall set a maximum reimbursement rate for Level II certified family day child care
16 providers for services provided to eligible individuals under this section. The
17 maximum rate set under this paragraph may not exceed 50% of the rate established
18 under par. (a).

19 **SECTION 92.** 49.155 (6) (cm) of the statutes, ~~as created by 2005 Wisconsin Act~~
20 ~~25~~, is amended to read:

21 49.155 (6) (cm) The department shall modify child care provider
22 reimbursement rates established under pars. (a) to (c) so that reimbursement rates
23 are lower for providers of after-school day child care.

24 **SECTION 93.** 66.1017 (title) of the statutes is amended to read:

25 **66.1017** (title) **Family day child care homes.**

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1 **SECTION 94.** 66.1017 (1) (a) of the statutes is amended to read:

2 66.1017 (1) (a) “Family day child care home” means a dwelling licensed as a day
3 child care center by the department of health and family services under s. 48.65
4 where care is provided for not more than 8 children.

5 **SECTION 95.** 66.1017 (2) of the statutes is amended to read:

6 66.1017 (2) No municipality may prevent a family day child care home from
7 being located in a zoned district in which a single-family residence is a permitted
8 use. No municipality may establish standards or requirements for family day child
9 care homes that are different from the licensing standards established under s.
10 48.65. This subsection does not prevent a municipality from applying to a family day
11 child care home the zoning regulations applicable to other dwellings in the zoning
12 district in which it is located.

13 **SECTION 96.** 71.07 (2dd) (a) 1. of the statutes is amended to read:

14 71.07 (2dd) (a) 1. “Day care center benefits” means benefits provided at a day
15 child care facility that is licensed under s. 48.65 or 48.69 and that for compensation
16 provides care for at least 6 children or benefits provided at a facility for persons who
17 are physically or mentally incapable of caring for themselves.

18 **SECTION 97.** 71.28 (1dd) (a) 1. of the statutes is amended to read:

19 71.28 (1dd) (a) 1. “Day care center benefits” means benefits provided at a day
20 child care facility that is licensed under s. 48.65 or 48.69 and that for compensation
21 provides care for at least 6 children or benefits provided at a facility for persons who
22 are physically or mentally incapable of caring for themselves.

23 **SECTION 98.** 71.47 (1dd) (a) 1. of the statutes is amended to read:

24 71.47 (1dd) (a) 1. “Day care center benefits” means benefits provided at a day
25 child care facility that is licensed under s. 48.65 or 48.69 and that for compensation

1 provides care for at least 6 children or benefits provided at a facility for persons who
2 are physically incapable of caring for themselves.

3 **SECTION 99.** 73.0301 (1) (d) 2. of the statutes is amended to read:

4 73.0301 (1) (d) 2. A license issued by the department of health and family
5 services under s. 48.66 (1) (a) to a child welfare agency, group home, shelter care
6 facility, or day child care center, as required by s. 48.60, 48.625, 48.65, or 938.22 (7).

7 **SECTION 100.** 77.54 (20) (c) 4. of the statutes, ~~as affected by 2005 Wisconsin Act~~
8 ~~25~~, is amended to read:

9 77.54 (20) (c) 4. Taxable sales do not include meals, food, food products, or
10 beverages sold by hospitals, sanatoriums, nursing homes, retirement homes,
11 community-based residential facilities, as defined in s. 50.01 (1g), or day child care
12 centers licensed under ch. 48 and served at a hospital, sanatorium, nursing home,
13 retirement home, community-based residential facility, or day child care center. In
14 this subdivision "retirement home" means a nonprofit residential facility where 3 or
15 more unrelated adults or their spouses have their principal residence and where
16 support services, including meals from a common kitchen, are available to residents.
17 Taxable sales do not include meals, food, food products, or beverages sold to the
18 elderly or handicapped by persons providing "mobile meals on wheels".

19 **SECTION 101.** 101.123 (1) (a) of the statutes is renumbered 101.123 (1) (ag).

20 **SECTION 102.** 101.123 (1) (ad) of the statutes is amended to read:

21 101.123 (1) (ad) "Day Child care center" has the meaning given in s. 49.136 (1)
22 (~~d~~) (ad).

23 **SECTION 103.** 101.123 (2) (bm) of the statutes is amended to read:

1 101.123 (2) (bm) Notwithstanding par. (a) and sub. (3), no person may smoke
2 on the premises, indoors or outdoors, of a day child care center when children who
3 are receiving day child care services are present.

4 SECTION 104. 101.123 (4) (a) 2. of the statutes is amended to read:

5 101.123 (4) (a) 2. A person in charge or his or her agent may not designate an
6 entire building as a smoking area or designate any smoking areas in the state capitol
7 building, in the immediate vicinity of the state capitol, in a Type 1 ~~secured~~ ^(plain)
8 correctional facility, on the grounds of a Type 1 ^{Juvenile} ~~secured~~ correctional facility, in a
9 motor bus, hospital, or physician's office or on the premises, indoors or outdoors, of
10 a day child care center when children who are receiving day child care services are
11 present, in a residence hall or dormitory that is owned or operated by the Board of
12 Regents of the University of Wisconsin System or in any location that is 25 feet or
13 less from such a residence hall or dormitory, except that in a hospital or a unit of a
14 hospital that has as its primary purpose the care and treatment of mental illness,
15 alcoholism, or drug abuse a person in charge or his or her agent may designate one
16 or more enclosed rooms with outside ventilation as smoking areas for the use of adult
17 patients who have the written permission of a physician. Subject to this subdivision
18 and sub. (3) (b), a person in charge or his or her agent may not designate an entire
19 room as a smoking area.

20 SECTION 105. 115.81 (title) of the statutes is amended to read:

21 ~~115.81 (title) Children in child caring institutions residential care~~
22 ~~centers for children and youth.~~

23 SECTION 106. 115.812 (1) of the statutes is amended to read:

24 115.812 (1) PLACEMENT DISPUTES. If a dispute arises between a local educational
25 agency and the department of health and family services, the department of

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1 corrections, or a county department under s. 46.215, 46.22, or 46.23, or between local
2 educational agencies under s. 115.81 (4) (c), over the placement of a child, the state
3 superintendent shall resolve the dispute. This subsection applies only to placements
4 in nonresidential educational programs made under s. 48.57 (1) (c) and to placements
5 in ~~child caring institutions~~ residential care centers for children and youth made
6 under s. 115.81. (plan)

7 SECTION 107. 115.817 (8) of the statutes is amended to read:

8 115.817 (8) TRANSPORTATION. The board may promulgate a plan for the
9 transportation at county expense of children who are receiving special education and
10 related services under this section, special education and related services provided
11 at day child care centers, or special education and related services provided by a
12 private organization within whose attendance area the child resides and which is
13 situated not more than 5 miles beyond the boundaries of the area the board serves,
14 as measured along the usually traveled route. The plan, upon approval of the state
15 superintendent, shall govern the transportation of such children. Any such plan for
16 transportation during the school term supersedes ss. 115.88 and 121.54 (3).

17 SECTION 108. 118.51 (2) of the statutes is amended to read:

18 118.51 (2) APPLICABILITY. A pupil may attend a public school, including a
19 prekindergarten, 4-year-old kindergarten, early childhood, or school-operated day
20 child care program, in a nonresident school district under this section, except that
21 a pupil may attend a prekindergarten, 4-year-old kindergarten, early childhood, or
22 school-operated day child care program in a nonresident school district only if the
23 pupil's resident school district offers the same type of program that the pupil wishes
24 to attend and the pupil is eligible to attend that program in his or her resident school
25 district.

1 **SECTION 109.** 120.125 (title) of the statutes is amended to read:

2 **120.125** (title) **Before- and after-school day child care.**

3 **SECTION 110.** 120.125 (1) of the statutes is amended to read:

4 120.125 (1) In this section, “before- and after-school day child care program”
5 means a program which that provides day child care services before school, after
6 school, or both before and after school.

7 **SECTION 111.** 120.125 (2) (a) (intro.) of the statutes is amended to read:

8 120.125 (2) (a) (intro.) A school board shall permit a day child care provider who
9 has submitted a request which meets all of the requirements under sub. (3) to
10 administer a before- and after-school day child care program in any elementary
11 school within the school district unless:

12 **SECTION 112.** 120.125 (2) (a) 3. of the statutes is amended to read:

13 120.125 (2) (a) 3. Before- and after-school day child care programs exist in the
14 elementary school;

15 **SECTION 113.** 120.125 (2) (a) 4. of the statutes is amended to read:

16 120.125 (2) (a) 4. The school board intends to provide before- and after-school
17 day child care services in the elementary school;

18 **SECTION 114.** 120.125 (2) (b) of the statutes is amended to read:

19 120.125 (2) (b) The school board may deny a request under par. (a) 6. if the
20 school board intends to solicit day child care providers to submit requests to provide
21 before- and after-school day child care programs in the elementary school for which
22 a request under par. (a) was submitted. If a school board denies a request under this
23 paragraph, the request submitted under par. (a) shall be considered along with
24 requests that are submitted as a result of the school board solicitation.

25 **SECTION 115.** 120.125 (2) (c) of the statutes is amended to read:

1 120.125 (2) (c) If a school board denies a request under par. (a) or (b), the school
2 board shall specify the reasons for denial, in writing, to the day child care provider
3 within 60 days after the date on which the request is received.

4 **SECTION 116.** 120.125 (3) (a) (intro.) of the statutes is amended to read:

5 120.125 (3) (a) (intro.) A request submitted to a school board under sub. (2)
6 shall be in writing, shall name the elementary school in which the before- and
7 after-school day child care program is to be provided, and shall specify the amount
8 of space needed, the number and ages of the pupils to be served, and the time the
9 provider intends to operate the program. The request shall also contain all of the
10 following assurances:

11 **SECTION 117.** 120.125 (3) (a) 1. of the statutes is amended to read:

12 120.125 (3) (a) 1. That the day child care provider will be responsible for all
13 actual incremental costs incurred by the school as a result of permitting the day child
14 care provider to provide a before- and after-school day child care program in the
15 school building.

16 **SECTION 118.** 120.125 (3) (a) 2. of the statutes is amended to read:

17 120.125 (3) (a) 2. That the day child care provider will be liable to the school
18 district for any damage to property in the operation of the before- and after-school
19 day child care program, that the day child care provider shall hold the school district
20 harmless from any liability, claim, or damages caused by the acts or omissions of the
21 day child care provider, and that the day child care provider will acquire adequate
22 insurance coverage, as determined by the school district.

23 **SECTION 119.** 120.125 (3) (a) 3. of the statutes is amended to read:

1 120.125 (3) (a) 3. That the day child care provider will not provide religious
2 instruction or permit religious practices to be conducted during the before- and
3 after-school day child care program.

4 **SECTION 120.** 120.125 (3) (b) of the statutes is amended to read:

5 120.125 (3) (b) A school board shall conditionally grant a request submitted by
6 a day child care provider if all the requirements under par. (a) are met and sub. (2)
7 (a) 1. to 6. and (b) does not apply.

8 **SECTION 121.** 120.125 (4) (intro.) of the statutes is amended to read:

9 120.125 (4) (intro.) If a request under sub. (3) is conditionally accepted by the
10 school board, the school board shall enter into a written agreement with the day child
11 care provider that specifies the hours during the day in which the day child care
12 provider is to occupy the school premises and the rooms, facilities, or equipment that
13 are to be used by the day child care provider. The agreement shall also provide all
14 of the following:

15 **SECTION 122.** 120.125 (4) (a) of the statutes is amended to read:

16 120.125 (4) (a) Except as provided under s. 121.545 (2), that the school board
17 is not responsible for providing transportation to or from the before- and
18 after-school day child care program.

19 **SECTION 123.** 120.125 (4) (b) of the statutes is amended to read:

20 120.125 (4) (b) That nothing in the agreement would prohibit the school board
21 from permitting other day child care providers to provide day child care services to
22 pupils in the same building during the same time and that nothing in the agreement
23 would prohibit the school district from providing before- and after-school day child
24 care programs in the same building and during the same time in which the day child
25 care provider provides before- and after-school day child care programs.

1 **SECTION 124.** 120.125 (4) (c) of the statutes is amended to read:

2 120.125 (4) (c) That the agreement may be terminated by the school board at
3 the end of a school year if the school board intends to provide day child care for the
4 pupils in the elementary school or intends to solicit other day child care providers to
5 provide services during the following school year.

6 **SECTION 125.** 120.125 (4) (d) of the statutes is amended to read:

7 120.125 (4) (d) That the school board may review and terminate the agreement
8 at any time, with 30 days' prior written notice to the day child care provider, if any
9 of the conditions in the agreement are violated by the day child care provider.

10 **SECTION 126.** 120.125 (4) (e) of the statutes is amended to read:

11 120.125 (4) (e) That the day child care provider shall be responsible for all
12 actual costs incurred by the school district as a result of the agreement, the costs of
13 which shall be paid to the school district at times specified by the school board in the
14 agreement.

15 **SECTION 127.** 120.125 (4) (f) of the statutes is amended to read:

16 120.125 (4) (f) That the day child care provider shall be liable to the school
17 district for any damage to property in the operation of the before- and after-school
18 day child care program, that the day child care provider shall hold the school district
19 harmless from any liability, claim, or damages caused by the acts or omissions of the
20 day child care provider, and that the day child care provider shall acquire adequate
21 insurance, as determined by the school district, to be in effect beginning the first day
22 on which the day child care provider provides the before- and after-school day child
23 care program.

24 **SECTION 128.** 120.125 (4) (g) of the statutes is amended to read:

1 120.125 (4) (g) That the day child care provider shall not provide religious
2 instruction or permit religious practices to be conducted during the before- and
3 after-school day child care program.

4 **SECTION 129.** 120.125 (4) (h) of the statutes is amended to read:

5 120.125 (4) (h) That the day child care provider shall meet the standards for
6 licensed day child care centers established by the department of health and family
7 services.

8 **SECTION 130.** 120.13 (14) of the statutes is amended to read:

9 120.13 (14) DAY CHILD CARE PROGRAMS. Establish and provide or contract for
10 the provision of day child care programs for children. The school board may receive
11 federal or state funds for this purpose. The school board may charge a fee for all or
12 part of the cost of the service for participation in a day child care program established
13 under this subsection. Costs associated with a day child care program under this
14 subsection may not be included in shared costs under s. 121.07 (6). Day Child care
15 programs established under this subsection shall meet the standards for licensed
16 day child care centers established by the department of health and family services.
17 If a school board proposes to contract for or renew a contract for the provision of a day
18 child care program under this subsection or if on July 1, 1996, a school board is a
19 party to a contract for the provision of a day child care program under this subsection,
20 the school board shall refer the contractor or proposed contractor to the department
21 of health and family services for the criminal history and child abuse record search
22 required under s. 48.685. Each school board shall provide the department of health
23 and family services with information about each person who is denied a contract for
24 a reason specified in s. 48.685 (4m) (a) 1. to 5.

25 **SECTION 131.** 120.13 (36) of the statutes is amended to read:

1 120.13 (36) PREKINDERGARTEN AND KINDERGARTEN PROGRAM AGREEMENTS. Enter
2 into an agreement with a licensed public or private nonsectarian day child care
3 center to lease space for prekindergarten or kindergarten programs offered by the
4 school district or to place school district employees in day child care centers to provide
5 instruction in prekindergarten or kindergarten programs offered by the school
6 district.

7 **SECTION 132.** 121.54 (2) (am) of the statutes is amended to read:

8 121.54 (2) (am) In lieu of transporting a pupil who is eligible for transportation
9 under par. (a) to and from his or her residence, a school district may transport the
10 pupil to or from, or both, a before- and after-school day child care program under s.
11 120.125, a day child care program under s. 120.13 (14), or any other day child care
12 program, family day child care home, or child care provider.

13 **SECTION 133.** 121.545 (2) of the statutes is amended to read:

14 121.545 (2) A school board may provide transportation for children residing in
15 the school district whom the school district is not required to transport under s.
16 121.54 to or from, or both, a before- and after-school day child care program under
17 s. 120.125, a prekindergarten class under s. 120.13 (13), a day child care program
18 under s. 120.13 (14), or any other day child care program, family day child care home,
19 child care provider, or prekindergarten class. The school board may charge a fee for
20 the cost of providing such transportation. The school board may waive the fee or any
21 portion of the fee for any person who is unable to pay the fee. State aid shall not be
22 provided for transportation under this subsection.

23 **SECTION 134.** 234.83 (3) (a) 2. of the statutes is amended to read:

24 234.83 (3) (a) 2. The start-up of a day child care business, including the
25 purchase or improvement of land, buildings, machinery, equipment, or inventory.

1 **SECTION 135.** 252.04 (2) of the statutes is amended to read:

2 252.04 (2) Any student admitted to any elementary, middle, junior, or senior
3 high school or into any day [✓]child care center or nursery school shall, within 30 school
4 days after the date on which the student is admitted, present written evidence to the
5 school, day [✓]child care center, or nursery school of having completed the first
6 immunization for each vaccine required for the student's grade and being on
7 schedule for the remainder of the basic and recall (booster) immunization series for
8 mumps, measles, rubella (German measles), diphtheria, pertussis (whooping
9 cough), poliomyelitis, tetanus, and other diseases that the department specifies by
10 rule or shall present a written waiver under sub. (3).

11 **SECTION 136.** 252.04 (3) of the statutes is amended to read:

12 252.04 (3) The immunization requirement is waived if the student, if an adult,
13 or the student's parent, guardian, or legal custodian submits a written statement to
14 the school, day [✓]child care center, or nursery school objecting to the immunization for
15 reasons of health, religion, or personal conviction. At the time any school, day [✓]child
16 care center, or nursery school notifies a student, parent, guardian, or legal custodian
17 of the immunization requirements, it shall inform the person in writing of the
18 person's right to a waiver under this subsection.

19 **SECTION 137.** 252.04 (4) of the statutes is amended to read:

20 252.04 (4) The student, if an adult, or the student's parent, guardian, or legal
21 custodian shall keep the school, day [✓]child care center, or nursery school informed of
22 the student's compliance with the immunization schedule.

23 **SECTION 138.** 252.04 (5) (a) of the statutes is amended to read:

24 252.04 (5) (a) By the 15th and the 25th school day after the date on which the
25 student is admitted to a school, day [✓]child care center, or nursery school, the school,

1 day child care center, or nursery school shall notify in writing any adult student or
2 the parent, guardian, or legal custodian of any minor student who has not met the
3 immunization or waiver requirements of this section. The notices shall cite the terms
4 of those requirements and shall state that court action and forfeiture penalty could
5 result due to noncompliance. The notices shall also explain the reasons for the
6 immunization requirements and include information on how and where to obtain the
7 required immunizations.

8 **SECTION 139.** 252.04 (5) (b) 1. of the statutes is amended to read:

9 252.04 (5) (b) 1. A school, day child care center, or nursery school may exclude
10 from the school, day child care center, or nursery school any student who fails to
11 satisfy the requirements of sub. (2).

12 **SECTION 140.** 252.04 (5) (b) 2. of the statutes is amended to read:

13 252.04 (5) (b) 2. Beginning on July 1, 1993, if the department determines that
14 fewer than 98% of the students in a day child care center, nursery school, or school
15 district who are subject to the requirements of sub. (2) have complied with sub. (2),
16 the day child care center or nursery school shall exclude any child who fails to satisfy
17 the requirements of sub. (2) and the school district shall exclude any student enrolled
18 in grades kindergarten to 6 who fails to satisfy the requirements of sub. (2).

19 **SECTION 141.** 252.04 (5) (b) 3. of the statutes is amended to read:

20 252.04 (5) (b) 3. Beginning on July 1, 1995, if the department determines that
21 fewer than 99% of the students in a day child care center, nursery school, or school
22 district who are subject to the requirements of sub. (2) have complied with sub. (2),
23 the day child care center or nursery school shall exclude any child who fails to satisfy
24 the requirements of sub. (2) and the school district shall exclude any student enrolled
25 in grades kindergarten to 6 who fails to satisfy the requirements of sub. (2).

1 **SECTION 142.** 252.04 (6) of the statutes is amended to read:

2 252.04 (6) The school, day child care center, or nursery school shall notify the
3 district attorney of the county in which the student resides of any minor student who
4 fails to present written evidence of completed immunizations or a written waiver
5 under sub. (3) within 60 school days after being admitted to the school, day child care
6 center, or nursery school. The district attorney shall petition the court exercising
7 jurisdiction under chs. 48 and 938 for an order directing that the student be in
8 compliance with the requirements of this section. If the court grants the petition, the
9 court may specify the date by which a written waiver shall be submitted under sub.
10 (3) or may specify the terms of the immunization schedule. The court may require
11 an adult student or the parent, guardian, or legal custodian of a minor student who
12 refuses to submit a written waiver by the specified date or meet the terms of the
13 immunization schedule to forfeit not more than \$25 per day of violation.

14 **SECTION 143.** 252.21 (1) of the statutes is amended to read:

15 252.21 (1) If a teacher, school nurse, or principal of any school or day child care
16 center knows or suspects that a communicable disease is present in the school or
17 center, he or she shall at once notify the local health officer.

18 **SECTION 144.** 254.162 (1) (c) of the statutes is amended to read:

19 254.162 (1) (c) Day Child care providers certified under s. 48.651 and day child
20 care centers licensed under s. 48.65, provisionally licensed under s. 48.69, or
21 established or contracted for under s. 120.13 (14).

22 **SECTION 145.** 254.168 (4) of the statutes is amended to read:

23 254.168 (4) A day child care provider certified under s. 48.651.

24 **SECTION 146.** 254.168 (5) of the statutes is amended to read:

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42-17

1 254.168 (5) A day [✓]child care center licensed under s. 48.65, provisionally
2 licensed under s. 48.69, or established or contracted for under s. 120.13 (14).

3 **SECTION 147.** 285.63 (10) (d) 5. of the statutes is amended to read:

4 285.63 (10) (d) 5. Schools, churches, hospitals, nursing homes, or day [✓]child care
5 facilities.

6 **SECTION 148.** 301.12 (14) (a) of the statutes is amended to read:

7 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
8 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17
9 years of age in residential, nonmedical facilities such as group homes, foster homes,
10 treatment foster homes, ~~child caring institutions~~ [✓]residential care centers for children
11 and youth, and juvenile correctional institutions is determined in accordance with
12 the cost-based fee established under s. 301.03 (18). The department shall bill the
13 liable person up to any amount of liability not paid by an insurer under s. 632.89 (2)
14 or (2m) or by other 3rd-party benefits, subject to rules which include formulas
15 governing ability to pay promulgated by the department under s. 301.03 (18). Any
16 liability of the resident not payable by any other person terminates when the
17 resident reaches age 17, unless the liable person has prevented payment by any act
18 or omission.

19 **SECTION 149.** 301.46 (4) (a) 2. of the statutes is amended to read:

20 301.46 (4) (a) 2. A day [✓]child care provider that holds a license under s. 48.65,
21 that is certified under s. 48.651, that holds a probationary license under s. 48.69, or
22 that is established or contracted for under s. 120.13 (14).

23 **SECTION 150.** 562.06 (3) of the statutes is amended to read:

767.511

1 562.06 (3) DAY CHILD CARE. Nothing in this section prohibits a licensee from
2 operating a day child care area at a track if the day child care area is licensed by the
3 department of health and family services under s. 48.65.

4 SECTION 151. ~~767.25~~ (1m) (e) of the statutes is amended to read:

5 ~~767.25~~ (1m) (e) The cost of day child care if the custodian works outside the
6 home, or the value of custodial services performed by the custodian if the custodian
7 remains in the home.

8 SECTION 152. 905.04 (4) (e) 1. b. of the statutes is amended to read:

9 905.04 (4) (e) 1. b. "Neglect" has the meaning given in s. 48.981 (1) (d) 48.02
10 (12g).

11 SECTION 153. 938.34 (2) (b) of the statutes is amended to read:

12 938.34 (2) (b) If the juvenile is placed in the juvenile's home under the
13 supervision of an agency or the department, order the agency or department to
14 provide specified services to the juvenile and the juvenile's family, which may include
15 ~~but are not limited to~~ individual, family ^{or plain} or group counseling, homemaker or parent
16 aide services, respite care, housing assistance, day child care ^{or plain} or parent skills
17 training.

18 SECTION 154. 938.355 (2c) (a) 3. c. of the statutes is amended to read:

19 938.355 (2c) (a) 3. c. Community support services, such as day child care,
20 parenting skills training, housing assistance, employment training, and emergency
21 mental health services.

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SECTION 1. 13.83 (4) (a) 4. of the statutes is amended to read:

13.83 (4) (a) 4. Ways in which the results from the scientific study of attachment and brain development can be incorporated into public schools, day [✓] child care centers, and homes.

History: 1971 c. 211; 1973 c. 333; 1975 c. 39; 1977 c. 31, 187, 325, 418; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 8; 1979 c. 34 ss. 6r, 2100; 1979 c. 204, 221; 1981 c. 86 s. 71; 1981 c. 173; 1983 a. 27 ss. 14p, 2202 (45); 1983 a. 308; 1985 a. 29; 1989 a. 31; 1993 a. 52, 490; 1995 a. 27 ss. 9126 (19), 9130 (4), 9145 (1); 1995 a. 417; 1997 a. 3, 27; 1999 a. 60; 2003 a. 33; 2005 a. 25, 467.

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SECTION 2. 48.21 (5) (b) 1. of the statutes is renumbered 48.21 (5) (b) 1. a. and amended to read:

48.21 (5) (b) 1. a. A finding that continued placement of the child in his or her home would be contrary to the welfare of the child. ~~Unless the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, the order shall in addition include a~~

b. A finding as to whether the person who took the child into custody and the intake worker have made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, and a ~~unless the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.~~

c. A finding as to whether the person who took the child into custody and the intake worker have made reasonable efforts to make it possible for the child to return safely home ~~or, if,~~

1m. If for good cause shown sufficient information is not available for the judge or circuit court commissioner to make a finding as to whether those reasonable

efforts were made to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, a finding as to whether those reasonable efforts were made to make it possible for the child to return safely home and an order for the county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services to the child under the custody order to file with the court sufficient information for the judge or circuit court commissioner to make a finding as to whether those reasonable efforts were made to prevent the removal of the child from the home by no later than 5 days after the date of on which the order is granted.

SECTION 3. 48.21 (5) (b) 1. d. of the statutes is created to read:

48.21 (5) (b) 1. d. If the child is being held in custody under the supervision of the county department or, in a county having a population of 500,000 or more, the department, an order ordering the child into the placement and care responsibility of the county department or department as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility for providing services to the child.

SECTION 4. 48.21 (5) (c) of the statutes is amended to read:

48.21 (5) (c) The judge or circuit court commissioner shall make the findings specified in par. (b) 1., 1m., and 3. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the custody order. A custody order that merely references par. (b) 1., 1m., or 3. without documenting or referencing that specific information in the custody order or an amended custody order that retroactively corrects an earlier custody order that does not comply with this paragraph is not sufficient to comply with this paragraph.

SECTION 5. 48.235 (4) (b) of the statutes is amended to read:

48.235 (4) (b) The court shall order the agency identified under s. 48.355 (2) (b) 1. 48.33 (1) (c) as primarily responsible for the provision of services to notify the guardian ad litem, if any, regarding actions to be taken under par. (a).

SECTION 6. 48.235 (4m) (b) of the statutes is amended to read:

48.235 (4m) (b) The court shall order the agency identified under s. 48.355 (2) (b) 1. 48.33 (1) (c) as primarily responsible for the provision of services to notify the guardian ad litem, if any, regarding actions to be taken under par. (a).

SECTION 7. 48.315 (2m) (a) 1. of the statutes is amended to read:

48.315 (2m) (a) 1. The court making an initial finding under s. 48.21 (5) (b) 1. or 1m., 48.355 (2) (b) 6., or 48.357 (2v) (a) 1. that reasonable efforts have been made to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, or an initial finding under s. 48.21 (5) (b) 3., 48.355 (2) (b) 6r., or 48.357 (2v) (a) 3. that those efforts were not required to be made because a circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, more than 60 days after the date on which the child was removed from the home.

SECTION 8. 48.32 (1) (b) 1. of the statutes is renumbered 48.32 (1) (b) 1. (intro.) and amended to read:

48.32 (1) (b) 1. (intro.) If at the time the consent decree is entered into the child is placed outside the home under a voluntary agreement under s. 48.63 or is otherwise living outside the home without a court order and if the consent decree maintains the child in that placement or other living arrangement, the consent decree shall include all of the following:

a. A finding that placement of the child in his or her home would be contrary to the welfare of the child, a.

b. A finding as to whether the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, ~~and a.~~

c. A finding as to whether the county department, department, or agency has made reasonable efforts to achieve the goal of the child's permanency plan, ~~unless return of the child to the home is the goal of the permanency plan and the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.~~

SECTION 9. 48.32 (1) (b) 1. d. of the statutes is created to read:

48.32 (1) (b) 1. d. If the child's placement or other living arrangement is under the supervision of the county department or, in a county having a population of 500,000 or more, the department, an order ordering the child into the placement and care responsibility of the county department or department as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility for providing services to the child.

SECTION 10. 48.33 (4) (c) of the statutes is amended to read:

48.33 (4) (c) Specific information showing that continued placement of the child in his or her home would be contrary to the welfare of the child, specific information showing that the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount

concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, and specific information showing that the county department, department, or agency has made reasonable efforts to achieve the goal of the child's permanency plan, ~~unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.~~

SECTION 11. 48.335 (3g) of the statutes^X is renumbered 48.335 (3g) (intro.) and amended to read:

48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in s. 48.38 (1) (a), is recommending placement of the child in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent, the agency shall present as evidence specific information showing that all of the following:

(a) That continued placement of the child in his or her home would be contrary to the welfare of the child, ~~specific information showing that.~~

(b) That the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, ~~and specific information showing that.~~

(c) That the county department, department, or agency has made reasonable efforts to achieve the goal of the child's permanency plan, ~~unless return of the child~~

to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

(END OF INSERT)

(INSERT 9-14) A

SECTION 12. 48.355 (2) (b) 1. of the statutes is amended to read:

48.355 (2) (b) 1. The specific services ~~or continuum of services~~ to be provided to the child and family, to the child expectant mother and family, or to the adult expectant mother, ~~the identity of the agencies which are to be primarily responsible for the provision of the services ordered by the judge, the identity of the person or agency who will provide case management or coordination of services, if any, and, if custody of the child is to be transferred to effect the treatment plan, the identity of the legal custodian.~~

SECTION 13. 48.355 (2) (b) 6. of the statutes is amended to read:

48.355 (2) (b) 6. If the child is placed outside the home and if the findings specified in s. 48.21 (5) (b) 1. have not previously been made, a finding that continued placement of the child in his or her home would be contrary to the welfare of the child, a finding as to whether the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies, and a finding as to whether the county department, department, or agency has made reasonable efforts to achieve the goal of the child's permanency plan, ~~unless return of the child to the home is the goal of the permanency~~

plan and the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies. The court shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the court order. A court order that merely references this subdivision without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.

SECTION 14. 48.355 (2) (b) 6g. of the statutes is created to read:

48.355 (2) (b) 6g. If the child is placed outside the home under the supervision of the county department or, in a county having a population of 500,000 or more, the department, an order ordering the child into the placement and care responsibility of the county department or department as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility for providing services to the child.

[End Insert 9-14 A]

→ * Insert 9-14 B ↓

SECTION 15. 48.356 (1) of the statutes is amended to read:

48.356 (1) Whenever the court orders a child to be placed outside his or her home, orders an expectant mother of an unborn child to be placed outside of her home, or denies a parent visitation because the child or unborn child has been adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357, 48.363, or 48.365 and whenever the court reviews a permanency plan under s. 48.38 (5m), the court shall orally inform the parent or parents who appear in court or the expectant mother who appears in court of any grounds for termination of parental rights under s. 48.415 which may be applicable and of the conditions necessary for

the child or expectant mother to be returned to the home or for the parent to be granted visitation.

History: 1979 c. 330; 1983 a. 399; 1989 a. 86; 1991 a. 39; 1995 a. 275; 1997 a. 292; 2003 a. 321.

SECTION 16. 48.357 (1) (am) 3. of the statutes is amended to read:

48.357 (1) (am) 3. If the court changes the child's placement from a placement outside the home to another placement outside the home, the change in placement order shall contain ~~one of the statements~~ the applicable order specified in sub. (2v) (a) 1m. and the applicable statement specified in sub. (2v) (a) 2.

SECTION 17. 48.357 (1) (c) 3. of the statutes is amended to read:

48.357 (1) (c) 3. If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the change in placement order shall contain the findings specified in sub. (2v) (a) 1., ~~one of the statements~~ the applicable order specified in sub. (2v) (a) 1m., the applicable statement specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination specified in sub. (2v) (a) 3.

SECTION 18. 48.357 (2m) (c) of the statutes is amended to read:

48.357 (2m) (c) If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the change in placement order shall contain the findings specified in sub. (2v) (a) 1., ~~one of the statements~~ the applicable order specified in sub. (2v) (a) 1m., the applicable statement specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination specified in sub. (2v) (a) 3. If the court changes the child's placement from a placement outside the home to another placement outside the home, the

change in placement order shall include the applicable order specified in sub. (2v) (a) 1m. and the applicable statement specified in sub. (2v) (a) 2.

SECTION 19. 48.357 (2v) (a) 1m. of the statutes is created to read:

48.357 (2v) (a) 1m. If the change in placement order changes the placement of a child who is under the supervision of the county department or, in a county having a population of 500,000 or more, the department to a placement outside the child's home, whether from a placement in the home or from another placement outside the home, an order ordering the child into, or to be continued in, the placement and care responsibility of the county department or department as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility, or continued primary responsibility, for providing services to the child.

SECTION 20. 48.365 (2g) (b) 2. of the statutes is amended to read:

48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and of any progress the child has made, suggestions for amendment of the permanency plan, and specific information showing the efforts that have been made to achieve the goal of the permanency plan, including, if applicable, the efforts of the parents to remedy the factors that contributed to the child's placement, ~~unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.~~

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109.

SECTION 21. 48.365 (2m) (a) 1. of the statutes is amended to read:

48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of extension. If the child is placed outside of his or her home, the person or agency primarily responsible for providing services to the child shall present as evidence

specific information showing that the person or agency has made reasonable efforts to achieve the goal of the child's permanency plan, ~~unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.~~ The judge shall make findings of fact and conclusions of law based on the evidence. The findings of fact shall include a finding as to whether reasonable efforts were made by the agency primarily responsible for providing services to the child to achieve the goal of the child's permanency plan, ~~unless return of the child to the home is the goal of the permanency plan and the judge finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.~~ An order shall be issued under s. 48.355.

SECTION 22. 48.38 (2) (intro.) of the statutes is amended to read:

48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, treatment foster home, group home, residential care center for children and youth, juvenile detention facility, or shelter care facility, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each child living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

SECTION 23. 48.38 (5) (c) 7. of the statutes is amended to read:

48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, ~~unless return of the child to the home is the goal~~

of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.

SECTION 24. 48.417 (2) (c) of the statutes is amended to read:

48.417 (2) (c) The agency primarily responsible for providing services to the child and the family under a court order, if required under s. 48.355 (2) (b) 6. to make reasonable efforts to make it possible for the child to return safely to his or her home, has not provided to the family of the child, consistent with the time period in the child's permanency plan, the services necessary for the safe return of the child to his or her home.

SECTION 25. 48.43 (1) (am) of the statutes is created to read:

48.43 (1) (am) If the department or a county department receives guardianship or custody of the child under par. (a), an order ordering the child into the placement and care responsibility of the department or county department as required under 42 USC 672 (a) (2) and assigning the department or county department primary responsibility for providing services to the child.

(END OF INSERT)

(INSERT 9-17)

SECTION 26. 48.63 (1) of the statutes is amended to read:

48.63 (1) Acting under court order or voluntary agreement, the child's parent or guardian or the department of health and family services, the department of corrections, a county department, or a child welfare agency licensed to place children in foster homes, treatment foster homes, or group homes may place a child or negotiate or act as intermediary for the placement of a child in a foster home, treatment foster home, or group home. Voluntary agreements under this subsection

may not be used for placements in facilities other than foster, treatment foster, or group homes and may not be extended. A foster home or treatment foster home placement under a voluntary agreement may not exceed 180 days from the date on which the child was removed from the home under the voluntary agreement. A group home placement under a voluntary agreement may not exceed 15 days from the date on which the child was removed from the home under the voluntary agreement, except as provided in sub. (5). These time limitations do not apply to placements made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may be made only under this subsection and sub. (5) (b) and shall be in writing and shall specifically state that the agreement may be terminated at any time by the parent or guardian or by the child if the child's consent to the agreement is required. The child's consent to the agreement is required whenever the child is 12 years of age or older. If a county department, the department of health and family services, or the department of corrections places a child or negotiates or acts as intermediary for the placement of a child under this subsection, the voluntary agreement shall also specifically state that the county department, department of health and family services, or department of corrections has placement and care responsibility for the child as required under 42 USC 672 (a) (2) and has primary responsibility for providing services to the child.

(END OF INSERT)

(INSERT 17-20)

SECTION 27. 48.67 of the statutes is amended to read:

48.67 Rules governing child welfare agencies, day child care centers, foster homes, treatment foster homes, group homes, shelter care facilities,

and county departments. The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, day child care centers, foster homes, treatment foster homes, group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. The department shall consult with the department of commerce, the department of public instruction, and the child abuse and neglect prevention board before promulgating those rules. In establishing the minimum requirements for the issuance of licenses to day child care centers, the department shall include a requirement that all licensees who are individuals and all employees and volunteers of a licensee who provide care and supervision for children receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, training in the most current medically accepted methods of preventing sudden infant death syndrome, if the licensee, employee, or volunteer provides care and supervision for children under one year of age, and the training relating to shaken baby syndrome and impacted babies required under s. 253.15 (4), if the licensee, employee, or volunteer provides care and supervision for children under 5 years of age.

History: 1975 c. 307; 1977 c. 29, 205, 271, 418, 447; 1979 c. 300; 1985 a. 176; 1993 a. 375, 446; 1995 a. 27 ss. 2599, 9116 (4), 9145 (1); 1997 a. 27; 2001 a. 16; 2005 a. 165.

(END OF INSERT)

(INSERT 25-4)

SECTION 28. 48.75 (1g) (c) 1. of the statutes is amended to read:

48.75 (1g) (c) 1. A statement that the public licensing agency issuing the license is responsible has placement and care responsibility for the child who is placed in the foster home as required under 42 USC 672 (a) (2) and has primary responsibility for

providing services to the child ~~who is placed in the foster home~~, as specified in the agreement.

(END OF INSERT)

(INSERT 25-8)

SECTION 29. 48.78 (2) (a) of the statutes is amended to read:

48.78 (2) (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual who is or was in its care or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or (5m) (d), 48.432, 48.433, 48.48 (17) (bm), 48.57 (2m), 48.93, 48.981 (7), 938.51, or 938.78 or by order of the court.

History: 1979 c. 34; 1981 c. 359; 1983 a. 471 s. 7; 1985 a. 29 s. 3202 (23); 1985 a. 176, 292, 332; 1987 a. 332; 1989 a. 31, 107, 336; 1991 a. 17, 39; 1993 a. 16, 92, 95, 218, 227, 377, 385, 395, 479, 491; 1995 a. 27 ss. 2610 to 2614p, 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283, 292; 2001 a. 38, 69, 104, 109; 2005 a. 25, 293, 344, 406, 434.

(END OF INSERT)

(INSERT 27-23)

SECTION 30. 49.155 (1d) (a) of the statutes is amended to read:

49.155 (1d) (a) The department shall promulgate rules establishing standards for the certification of child care providers under s. 48.651. The department shall consult with the child abuse and neglect prevention board before promulgating those rules. In establishing the requirements for certification under this paragraph of a child care provider, the department shall include a requirement that all providers and all employees and volunteers of a provider who provide care and supervision for children receive, before the date on which the provider is certified or the employment or volunteer work commences, whichever is applicable, training in the most current medically accepted methods of preventing sudden infant death syndrome, if the provider, employee, or volunteer provides care and supervision for children under

one year of age, and the training relating to shaken baby syndrome and impacted babies required under s. 253.15 (4), if the provider, employee, or volunteer provides care and supervision for children under 5 years of age. In establishing the requirements for certification as a Level II certified family day child care provider, the department may not include any other requirement for training for providers.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165.

(END OF INSERT)

(INSERT 42-17)

SECTION 31. 253.15 (2) of the statutes is amended to read:

253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or arrange with a nonprofit organization to prepare printed and audiovisual materials relating to shaken baby syndrome and impacted babies. The materials shall include information regarding the identification and prevention of shaken baby syndrome and impacted babies, the grave effects of shaking or throwing on an infant or young child, appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child, and a discussion of ways to reduce the risks that can lead a person to shake or throw an infant or young child. The materials shall be prepared in English, Spanish, and other languages spoken by a significant number of state residents, as determined by the board. The board shall make those written and audiovisual materials available to all hospitals, maternity homes, and nurse-midwives licensed under s. 441.15 that are required to provide or make available materials to parents under sub. (3) (a) 1., to the department and to all county departments and nonprofit organizations that are required to provide the materials to day child care providers under sub. (4), and to all school boards and nonprofit organizations that are permitted to provide the materials to pupils in one

of grades 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those written materials available to all county departments and Indian tribes that are providing home visitation services under s. 46.515 (4) (b) 1. or 2. and to all providers of prenatal, postpartum, and young child care coordination services under s. 49.45 (44). The board may make available the materials required under this subsection to be made available by making those materials available at no charge on the board's Internet site.

History: 2005 a. 165.

SECTION 32. 253.15 (4) of the statutes is amended to read:

253.15 (4) TRAINING FOR DAY CHILD CARE PROVIDERS. Before an individual may obtain a license to operate a day child care center under s. 48.65 for the care and supervision of children under 5 years of age or enter into a contract to provide a day child care program under s. 120.13 (14) for the care and supervision of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or that is provided by a nonprofit organization arranged by the department to provide that training. Before an individual may be certified under s. 48.651 as a day child care provider of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the certifying county department or that is provided by a nonprofit organization arranged by that county department to provide that training. Before an employee or volunteer of a day child care center licensed under s. 48.65, a day child care provider certified under s. 48.651, or a day child care program established under s. 120.13 (14) may provide care and supervision for children under 5 years of age, the employee or volunteer shall receive training relating to shaken baby syndrome and

impacted babies that is approved or provided by the department or the certifying county department or that is provided by a nonprofit organization arranged by the department or county department to provide that training. The person conducting the training shall provide to the individual receiving the training, without cost to the individual, a copy of the written materials purchased or prepared under sub. (2), a presentation of the audiovisual materials purchased or prepared under sub. (2), and an oral explanation of those written and audiovisual materials.

History: 2005 a. 165.

(END OF INSERT)

(INSERT 44-10)

SECTION 33. 938.21 (5) (b) 1. ^x of the statutes is renumbered 938.21 (5) (b) 1. a. and amended to read:

938.21 (5) (b) 1. a. A finding that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile. ~~Unless the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, the order shall in addition include a-~~

b. A finding as to whether the person who took the juvenile into custody and the intake worker have made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, and ~~a-~~ unless the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

c. A finding as to whether the person who took the juvenile into custody and the intake worker have made reasonable efforts to make it possible for the juvenile to return safely home.

1m. If for good cause shown sufficient information is not available for the court to make a finding as to whether those reasonable efforts were made to prevent the removal of the juvenile from the home, ~~the order shall include~~ while assuring that the juvenile's health and safety are the paramount concerns, a finding as to whether those reasonable efforts were made to make it possible for the juvenile to return safely home and an order for the county department or agency primarily responsible for providing services to the juvenile under the custody order to file with the court sufficient information for the court to make a finding as to whether those reasonable efforts were made to prevent the removal of the juvenile from the home by no later than 5 days, excluding Saturdays, Sundays, and legal holidays, after the date of on which the order is granted.

SECTION 34. 938.21 (5) (b) 1. d. of the statutes is created to read:

938.21 (5) (b) 1. d. If the juvenile is being held in custody under the supervision of the county department, an order ordering the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and assigning the county department primary responsibility for providing services to the juvenile.

SECTION 35. 938.21 (5) (c) of the statutes is amended to read:

938.21 (5) (c) The court shall make the findings specified in par. (b) 1., 1m., and 3. on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the custody order. A custody order that merely references par. (b) 1., 1m., or 3. without documenting or referencing that specific information in the custody order or an amended custody order that retroactively corrects an earlier custody order that does not comply with this paragraph is not sufficient to comply with this paragraph.

SECTION 36. 938.235 (4) (b) of the statutes is amended to read:

938.235 (4) (b) The court shall order the agency identified under s. 938.355 (2) (b) 1. 938.33 (1) (c) as primarily responsible for the provision of services to notify the guardian ad litem, if any, regarding actions to be taken under par. (a).

SECTION 37. 938.315 (2m) (a) of the statutes is amended to read:

938.315 (2m) (a) The court making an initial finding under s. 938.21 (5) (b) 1. or 1m., 938.355 (2) (b) 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, or an initial finding under s. 938.21 (5) (b) 3., 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not required to be made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, more than 60 days after the date on which the juvenile was removed from the home.

SECTION 38. 938.32 (1) (c) 1. c. of the statutes is amended to read: (p/ain)

938.32 (1) (c) 1. c. A finding as to whether the county department or agency with placement and care responsibility for the juvenile has made reasonable efforts to achieve the goal of the juvenile's permanency plan, ~~unless return of the juvenile to the home is the goal of the permanency plan and the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.~~

SECTION 39. 938.32 (1) (c) 1. d. of the statutes is created to read:

938.32 (1) (c) 1. d. If the juvenile's placement or other living arrangement is under the supervision of the county department, an order ordering the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and assigning the county department primary responsibility for providing services to the juvenile.