

SECTION 40. 938.33 (4) (c) of the statutes is amended to read:

938.33 (4) (c) Specific information showing that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile, specific information showing that the county department or the agency primarily responsible for providing services to the juvenile has 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, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that the county department or agency 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 any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.~~

SECTION 41. 938.335 (3g) (c) of the statutes is amended to read:

938.335 (3g) (c) That the county department or agency 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 any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.~~

(END OF INSERT)

(INSERT 44-17)

SECTION 42. 938.355 (2) (b) 1. of the statutes is amended to read:

938.355 (2) (b) 1. The specific services ~~or continuum of services~~ to be provided to the juvenile and the juvenile's family, ~~the identity of the agencies that are primarily responsible for the provision of the services, the identity of the person or agency that will provide case management or coordination of services, if any, and, if~~

custody is to be transferred to effect the treatment plan, the identity of the legal custodian.

SECTION 43. 938.355 (2) (b) 6. of the statutes is amended to read:

938.355 (2) (b) 6. If the juvenile is placed outside the home and if the findings specified in s. 938.21 (5) (b) 1. have not previously been made, a finding that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile was adjudicated delinquent. The court order shall also contain a finding as to whether the county department or the agency primarily responsible for providing services under a court order has 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, unless the court finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies, and a finding as to whether the county department or agency 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 under sub. (2d) (b) 1. to 4. applies.~~ The court shall make the findings specified in this subdivision 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 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 44. 938.355 (2) (b) 6g. of the statutes is created to read:

938.355 (2) (b) 6g. If the juvenile is placed outside the home 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.

(END OF INSERT)

(INSERT 44-21)

SECTION 45. 938.355 (6) (d) 1. of the statutes is amended to read:

938.355 (6) (d) 1. Placement of the juvenile in a secure detention facility or juvenile portion of a county jail that meets the standards promulgated by the department by rule or in a place of nonsecure custody, for not more than 10 days and the provision of educational services consistent with his or her current course of study during the period of placement. The juvenile shall be given credit against the period of detention or nonsecure custody imposed under this subdivision for all time spent in secure detention in connection with the course of conduct for which the detention or nonsecure custody was imposed. If the court orders placement of the juvenile in a place of nonsecure custody under the supervision of the county department, the court shall order the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and shall assign the county department primary responsibility for providing services to the juvenile.

SECTION 46. 938.355 (6m) (a) 1g. of the statutes is amended to read:

938.355 (6m) (a) 1g. Placement of the juvenile in a secure detention facility or juvenile portion of a county jail that meets the standards promulgated by the department by rule or in a place of nonsecure custody, for not more than 10 days and the provision of educational services consistent with his or her current course of study during the period of placement. The juvenile shall be given credit against the period of detention or nonsecure custody imposed under this subdivision for all time spent in secure detention in connection with the course of conduct for which the detention or nonsecure custody was imposed. The use of placement in a secure detention facility or in a juvenile portion of a county jail as a sanction under this subdivision is subject to the adoption of a resolution by the county board of supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.

If the court orders placement of the juvenile in a place of nonsecure custody under the supervision of the county department, the court shall order the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and shall assign the county department primary responsibility for providing services to the juvenile.

SECTION 47. 938.356 (1) of the statutes is amended to read:

938.356 (1) ORAL WARNING. Whenever the court orders a juvenile to be placed outside his or her home or denies a parent visitation because the juvenile has been adjudged to be delinquent or to be in need of protection or services under s. 938.34, 938.345, 938.357, 938.363, or 938.365 and whenever the court reviews a permanency plan under s. 938.38 (5m), the court shall orally inform the parent or parents who appear 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 juvenile to be returned to the home or for the parent to be granted visitation.

History: 1995 a. 77, 275; 2005 a. 344.

SECTION 48. 938.357 (1) (am) 3. of the statutes is amended to read:

938.357 (1) (am) 3. If the court changes the juvenile'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 under sub. (2v) (a) 1m. and the applicable statement under sub. (2v) (a) 2.

SECTION 49. 938.357 (1) (c) 3. of the statutes is amended to read:

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

SECTION 50. 938.357 (2m) (c) of the statutes is amended to read:

938.357 (2m) (c) ~~In-home to out-of-home placement; findings~~ Findings required. If the court changes the juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, the change in placement order shall contain the findings under sub. (2v) (a) 1., ~~one of the statements~~ the applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination under sub. (2v) (a) 3. If the court changes the juvenile's placement from a placement outside the

home to another placement outside the home, the change in placement order shall include the applicable order under sub. (2v) (a) 1m. and the applicable statement under sub. (2v) (a) 2.

SECTION 51. 938.357 (2v) (a) 1m. of the statutes is created to read:

938.357 (2v) (a) 1m. If the change in placement order changes the placement of a juvenile who is under the supervision of the county department to a placement outside the juvenile's home, whether from a placement in the home or from another placement outside the home, an order ordering the juvenile into, or to be continued in, the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and assigning the county department primary responsibility, or continued primary responsibility, for providing services to the juvenile.

SECTION 52. 938.365 (2g) (b) 2. of the statutes is amended to read:

938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement and of any progress the juvenile 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 juvenile's placement, ~~unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies.~~

History: 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344.

SECTION 53. 938.365 (2m) (a) 1. of the statutes is amended to read:

938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of extension. If the juvenile is placed outside of his or her home, the person or agency primarily responsible for providing services to the juvenile shall present as evidence specific information showing that the person or agency 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 any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies.~~ The court 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 juvenile 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 under s. 938.355 (2d) (b) 1. to 4. applies.~~ An order shall be issued under s. 938.355.

SECTION 54. 938.38 (2) (intro.) of the statutes is amended to read:

938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each juvenile 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 juvenile or arranged the placement or the agency assigned primary responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each juvenile living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions under pars. (a) to (e) exists:

SECTION 55. 938.38 (5) (c) 7. of the statutes is amended to read:

938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, ~~unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.~~

SECTION 56. 948.53 (1) (a) of the statutes is amended to read:

948.53 (1) (a) "Child care provider" means a day child care center that is licensed under s. 48.65 (1), a day child care provider that is certified under s. 48.651, or a day child care program that is established or contracted for under s. 120.13 (14).

History: 2005 a. 184.

SECTION 57. 980.01 (1j) of the statutes is amended to read:

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980.01 (1j) "Incarceration" includes confinement in a secured juvenile correctional facility, as defined in s. 938.02 (~~15m~~) (10p), or a secured child caring institution residential care center for children and youth, as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), if the person was placed in the facility for being adjudicated delinquent under s. 48.34, 1993 stats., or under s. 938.183 or 938.34 on the basis of a sexually violent offense.

NOTE: NOTE: The bracketed language indicates the correct terms and cross-references as modified by 2005 Wis. Act 344. Corrective legislation is pending. NOTE:

History: 1993 a. 479; 1995 a. 27 s. 9126 (19); 1997 a. 284, 295; 2003 a. 187; 2005 a. 277, 2005 a. 434 ss. 60 to 73; s. 13.93 (2) (c).

SECTION 58. 980.02 (1) (b) 3. of the statutes is amended to read:

980.02 (1) (b) 3. The county in which the person is in custody under a sentence, a placement to a secured juvenile correctional facility, as defined in s. 938.02 (~~15m~~) (10p), or a secured child caring institution residential care center for children and youth, as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or a commitment order.

NOTE: NOTE: The bracketed language indicates the correct terms and cross-references as modified by 2005 Wis. Act 344. Corrective legislation is pending. NOTE:

History: 1993 a. 479; 1995 a. 77, 225; 1997 a. 27, 205, 283; 1999 a. 9; 2003 a. 187; 2005 a. 344, 434.

SECTION 59. Initial applicability.

(1) OUT-OF-HOME PLACEMENTS OF CHILDREN.

- (a) *Juvenile court reports.* The treatment of sections 48.33 (4) (c), 48.365 (2g) (b) 2., 938.33 (4) (c), and 938.365 (2g) (b) 2. of the statutes first applies to reports filed

with the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes on the effective date of this paragraph.

(b) *Orders placing child outside home.* The treatment of sections 48.21 (5) (c), 48.235 (4) (b) and (4m) (b), 48.355 (2) (b) 1., 6., and 6g., 48.357 (1) (am) 3. and (c) 3., (2m) (c), and (2v) (a) 1m., 48.365 (2m) (a) 1., 48.38 (2) (intro.), 48.417 (2) (c), 48.43 (1) (am), 938.21 (5) (c), 938.235 (4) (b), 938.32 (1) (c) 1. c. and d., 938.355 (2) (b) 1., 6., and 6g., (6) (d) 1., and (6m) (a) 1g., 938.356 (1) (with respect to court orders), 938.357 (1) (am) 3. and (c) 3., (2m) (c), and (2v) (a) 1m., 938.365 (2m) (a) 1., and 938.38 (2) (intro.) of the statutes, the renumbering and amendment of sections 48.21 (5) (b) 1., 48.32 (1) (b) 1., and 938.21 (5) (b) 1. of the statutes, and the creation of sections 48.21 (5) (b) 1. d., 48.32 (1) (b) 1. d., and 938.21 (5) (b) 1. d. of the statutes first applies to court orders granted on the effective date of this paragraph.

X

(c) *Voluntary agreements placing child outside home.* The treatment of sections 48.63 (1) and 48.75 (1g) (c) 1. of the statutes first applies to voluntary agreements placing a child outside the home entered into on the effective date of this paragraph.

X

(d) *Permanency plan reviews and hearings.* The treatment of sections 48.356 (1), 48.38 (5) (c) 7., 938.356 (1) (with respect to permanency plan reviews), and 938.38 (5) (c) 7. of the statutes first applies to permanency plan reviews and hearings held on the effective date of this paragraph.

(END OF INSERT)

(INSERT A-1)

Required judicial findings and orders when child placed outside the home

Under current law, a court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) is required to include in a dispositional order placing a child outside the home, an extension of a dispositional order continuing the placement of a child outside the home, and a

X

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consent decree maintaining a child in a placement outside the home findings that continued placement of the child in the home would be contrary to the welfare of the child, that reasonable efforts have been made to prevent the removal of the child from the home, and that reasonable efforts have been made to achieve the goal of the child's permanency plan, which is a plan designed to ensure that the child is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability.

The juvenile court, however, is not required to make a finding that reasonable efforts have been made to achieve the goal of the child's permanency plan if return of the child to the home is the goal of the permanency plan and the juvenile court has found that a parent has committed certain crimes of homicide against a child of the parent; has committed battery, sexual assault, or physical or sexual abuse resulting in great bodily harm or substantial bodily harm to a child of the parent; has had his or her parental rights terminated with respect to another child; or has subjected the child to aggravated circumstances, which are defined as including criminal abandonment, torture, chronic abuse, and sexual abuse. This bill eliminates that exception to the requirement that the juvenile court make a finding that reasonable efforts have been made to achieve the goal of the child's permanency plan.

The bill also eliminates the requirement that the juvenile court make the findings that continued placement of the child in the home would be contrary to the welfare of the child, that reasonable efforts have been made to prevent the removal of the child from the home, and that reasonable efforts have been made to achieve the goal of the child's permanency plan in a dispositional order placing the child outside the home if those findings were previously made in a temporary physical custody order.

In addition, the bill requires a juvenile court, when ordering a child to be placed outside the home under the supervision of the county department of human services or social services (county department) or, in Milwaukee County, the Department of Health and Family Services (DHFS), to order the child into the placement and care responsibility of the county department or DHFS and to assign the county department or DHFS primary responsibility for providing services to the child. In addition the bill requires a county department, DHFS, or the Department of Corrections (DOC), when placing a child outside the home under a voluntary agreement, to specifically state in the voluntary agreement that the county department, DHFS, or DOC has placement and care responsibility for the child and has primary responsibility for providing services to the child.

TPR warnings

Under current law, when the juvenile court orders a child to be placed outside the home because the child has been adjudged to be in need of protection or services under a dispositional order, a change-in-placement order, a revision of a dispositional order, or an extension of a dispositional order, the juvenile court is required to inform orally the parent or parents who appear in juvenile court of any grounds for TPR that may be applicable and of the conditions necessary for the child to be returned to the home. This bill requires a TPR warning to be given also when the juvenile court orders a child to be placed outside the home because the child has

been adjudged delinquent and when the juvenile court holds a hearing to review a child's permanency plan.

Mandatory child abuse or neglect reporters

X
X
Current law requires certain persons who have reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected to report that suspected abuse or neglect to the sheriff or police department or to the county department or, in Milwaukee County, DHFS or a child welfare agency under contract with DHFS (mandatory reporter). Currently, a childcare worker in a group home that is authorized solely to provide a safe and structured living arrangement for children 12 years of age or over who are custodial parents or expectant mothers is a mandatory reporter. This bill makes a childcare worker in any group home a mandatory reporter.

Confidentiality of social services records

Under the current Juvenile Justice Code, DOC, a county department, or a child welfare agency, subject to certain exceptions, is required to maintain the confidentiality of records kept or information received about an individual *who is or was* in its care or legal custody. Under the current Children's Code, DHFS, a county department, a child welfare agency, or a day care center (collectively "agency"), subject to certain exceptions, is required to maintain the confidentiality of records kept or information received about an individual who is currently in its care or legal custody. This bill conforms the Children's Code to the Juvenile Justice Code by requiring an agency to maintain the confidentiality of records kept or information received about an individual *who is or was* in its care or legal custody.

(END OF INSERT)

Malaise, Gordon

From: Connolly, Cathleen - DHFS
Sent: Tuesday, February 20, 2007 8:05 AM
To: Malaise, Gordon
Cc: Mitchell, Mark S - DHFS
Subject: LRB 07-1064/P1 DHFS remedial change

Hi Gordon,

We have reviewed bill draft LRB 07-1064/P1 and it looks good. One question we did have was whether some of the changes are to update the various statutes to conform to current drafting standards. For example, in Section 26 of the bill, in addition to taking out the unnecessary reasonable efforts language in new subparagraph (c) that the Dept. requested, the content of s. 48.355(3g) is broken down into different sections and slightly rearranged.

If that is the case, could you do a drafter's note to accompany the bill that would explain the practice of updating or "cleaning up statutes" at the same time substantive changes are made? This would assist us in explaining some of the changes to management.
Thank you.

Cathleen Connolly
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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1064/P4

GMM:kjf:vw

NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Soon

Regen

1 AN ACT *to repeal* 48.982 (1) (c); *to renumber* 48.981 (1) (d), 49.137 (1) (a) and
2 101.123 (1) (a); *to renumber and amend* 48.21 (5) (b) 1., 48.32 (1) (b) 1., 48.335
3 (3g), 49.136 (1) (d), 49.136 (1) (e), 49.137 (1) (b), 49.137 (1) (d) and 938.21 (5) (b)
4 1.; *to amend* 13.48 (2) (j), 13.83 (4) (a) 4., 16.85 (1), 20.435 (3) (jm), 20.907 (5)
5 (e) 6., 36.25 (26), 46.03 (7) (cm), 46.03 (22) (a), 46.043 (1), 46.16 (2m) (title), 46.16
6 (2s), 46.261 (2) (a) 2., 46.515 (1) (g), 48.195 (2) (a), 48.195 (2) (b), 48.195 (2) (c),
7 48.21 (5) (c), 48.235 (4) (b), 48.235 (4m) (b), 48.315 (2m) (a) 1., 48.33 (4) (c),
8 48.345 (2m), 48.355 (2) (b) 1., 48.355 (2) (b) 6., 48.355 (2c) (a) 3. c., 48.356 (1),
9 48.357 (1) (am) 3., 48.357 (1) (c) 3., 48.357 (2m) (c), 48.365 (2g) (b) 2., 48.365 (2m)
10 (a) 1., 48.38 (2) (intro.), 48.38 (5) (c) 7., 48.417 (2) (c), 48.48 (10), 48.63 (1),
11 subchapter XV (title) of chapter 48 [precedes 48.65], 48.65 (title), 48.65 (1),
12 48.65 (3) (a), 48.65 (3) (b), 48.651 (title), 48.651 (1) (intro.), 48.651 (1) (a), 48.651
13 (1) (b), 48.653, 48.655, 48.656, 48.657 (title), 48.657 (1) (intro.), 48.657 (1) (a),
14 48.657 (1) (b), 48.657 (1) (c), 48.657 (2), 48.657 (2g), 48.657 (2r), 48.657 (3),
15 subchapter XVI (title) of chapter 48 [precedes 48.66], 48.66 (1) (a), 48.66 (2),

1 48.66 (2m) (a) 1., 48.66 (2m) (b), 48.66 (5), 48.67, 48.685 (1) (b), 48.685 (2) (am)
2 (intro.), 48.685 (2) (b) 4., 48.685 (3) (a), 48.685 (3) (b), 48.685 (4m) (a) (intro.),
3 48.685 (4m) (a) 1., 48.685 (4m) (ad), 48.685 (4m) (b) 1., 48.685 (5m), 48.685 (6)
4 (a), 48.685 (6) (b) 1., 48.69, 48.715 (1), 48.715 (2) (a), 48.715 (4) (c), 48.715 (6),
5 48.715 (7), 48.73, 48.735, 48.737, 48.75 (1g) (c) 1., 48.78 (1), 48.78 (2) (a), 48.981
6 (2) (a) 18., 48.981 (2) (a) 19., 49.136 (1) (j), 49.136 (1) (k), 49.136 (2) (b), 49.137
7 (1) (e), 49.155 (1) (am), 49.155 (1) (b), 49.155 (1d) (a), 49.155 (1d) (b), 49.155 (1g)
8 (b), 49.155 (1g) (d), 49.155 (4), 49.155 (6) (b), 49.155 (6) (c), 49.155 (6) (cm),
9 66.1017 (title), 66.1017 (1) (a), 66.1017 (2), 71.07 (2dd) (a) 1., 71.28 (1dd) (a) 1.,
10 71.47 (1dd) (a) 1., 73.0301 (1) (d) 2., 77.54 (20) (c) 4., 101.123 (1) (ad), 101.123
11 (2) (bm), 101.123 (4) (a) 2., 115.812 (1), 115.817 (8), 118.51 (2), 120.125 (title),
12 120.125 (1), 120.125 (2) (a) (intro.), 120.125 (2) (a) 3., 120.125 (2) (a) 4., 120.125
13 (2) (b), 120.125 (2) (c), 120.125 (3) (a) (intro.), 120.125 (3) (a) 1., 120.125 (3) (a)
14 2., 120.125 (3) (a) 3., 120.125 (3) (b), 120.125 (4) (intro.), 120.125 (4) (a), 120.125
15 (4) (b), 120.125 (4) (c), 120.125 (4) (d), 120.125 (4) (e), 120.125 (4) (f), 120.125 (4)
16 (g), 120.125 (4) (h), 120.13 (14), 120.13 (36), 121.54 (2) (am), 121.545 (2), 234.83
17 (3) (a) 2., 252.04 (2), 252.04 (3), 252.04 (4), 252.04 (5) (a), 252.04 (5) (b) 1., 252.04
18 (5) (b) 2., 252.04 (5) (b) 3., 252.04 (6), 252.21 (1), 253.15 (2), 253.15 (4), 254.162
19 (1) (c), 254.168 (4), 254.168 (5), 285.63 (10) (d) 5., 301.12 (14) (a), 301.46 (4) (a)
20 2., 562.06 (3), 767.511 (1m) (e), 905.04 (4) (e) 1. b., 938.21 (5) (c), 938.235 (4) (b),
21 938.315 (2m) (a), 938.32 (1) (c) 1. c., 938.33 (4) (c), 938.335 (3g) (c), 938.34 (2)
22 (b), 938.355 (2) (b) 1., 938.355 (2) (b) 6., 938.355 (2c) (a) 3. c., 938.355 (6) (d) 1.,
23 938.355 (6m) (a) 1g., 938.356 (1), 938.357 (1) (am) 3., 938.357 (1) (c) 3., 938.357
24 (2m) (c), 938.365 (2g) (b) 2., 938.365 (2m) (a) 1., 938.38 (2) (intro.), 938.38 (5) (c)
25 7., 948.53 (1) (a), 980.01 (1j) and 980.02 (1) (b) 3.; and **to create** 48.21 (5) (b) 1.

1 d., 48.32 (1) (b) 1. d., 48.355 (2) (b) 6g., 48.357 (2v) (a) 1m., 48.43 (1) (am), 938.21
2 (5) (b) 1. d., 938.32 (1) (c) 1. d., 938.355 (2) (b) 6g. and 938.357 (2v) (a) 1m. of the
3 statutes; **relating to:** required judicial findings and orders when a child is
4 placed outside the home, termination of parental rights warnings, mandatory
5 child abuse or neglect reporters, the confidentiality of social services records,
6 changing from child caring institution to residential care center for children
7 and youth the term used to describe a facility operated by a licensed child
8 welfare agency for the care and maintenance of children residing in that facility,
9 changing from day care to child care the term used to describe care and
10 supervision for children for less than 24 hours a day, and renumbering the
11 definition of neglect (suggested as remedial legislation by the Department of
12 Health and Family Services).

Analysis by the Legislative Reference Bureau

Introduction

This bill makes various changes to the Children's Code and the Juvenile Justice Code, including changes relating to required judicial findings and orders when a child is placed outside the home, termination of parental rights (TPR) warnings, mandatory child abuse or neglect reporters, the confidentiality of social services records, changing from "child caring institution" to "residential care center for children and youth" the term used to describe a facility operated by a licensed child welfare agency for the care and maintenance of children residing in that facility, changing from "day care" to "child care" the term used to describe care and supervision for children for less than 24 hours a day, and renumbering from the section of the Children's Code relating to child abuse and neglect reporting to the definitions section of that code the definition of "neglect."

Required judicial findings and orders when child placed outside the home

Under current law, a court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) is required to include in a dispositional order placing a child outside the home, in an extension of a dispositional order continuing the placement of a child outside the home, and in a consent decree maintaining a child in a placement outside the home findings that continued placement of the child in the home would be contrary to the welfare of the child, that reasonable efforts have been made to prevent the removal of the child from

the home, and that reasonable efforts have been made to achieve the goal of the child's permanency plan, which is a plan designed to ensure that the child is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability.

The juvenile court, however, is not required to make a finding that reasonable efforts have been made to achieve the goal of the child's permanency plan if return of the child to the home is the goal of the permanency plan and the juvenile court has found that a parent has committed certain crimes of homicide against a child of the parent; has committed battery, sexual assault, or physical or sexual abuse resulting in great bodily harm or substantial bodily harm to a child of the parent; has had his or her parental rights terminated with respect to another child; or has subjected the child to aggravated circumstances, which are defined as including criminal abandonment, torture, chronic abuse, and sexual abuse. This bill eliminates that exception to the requirement that the juvenile court make a finding that reasonable efforts have been made to achieve the goal of the child's permanency plan.

The bill also eliminates the requirement that the juvenile court make the findings that continued placement of the child in the home would be contrary to the welfare of the child, that reasonable efforts have been made to prevent the removal of the child from the home, and that reasonable efforts have been made to achieve the goal of the child's permanency plan in a dispositional order placing the child outside the home if those findings were previously made in a temporary physical custody order.

In addition, the bill requires a juvenile court, when ordering a child to be placed outside the home under the supervision of the county department of human services or social services (county department) or, in Milwaukee County, the Department of Health and Family Services (DHFS), to order the child into the placement and care responsibility of the county department or DHFS and to assign the county department or DHFS primary responsibility for providing services to the child. In addition the bill requires a county department, DHFS, or the Department of Corrections (DOC), when placing a child outside the home under a voluntary agreement, to specifically state in the voluntary agreement that the county department, DHFS, or DOC has placement and care responsibility for the child and has primary responsibility for providing services to the child.



TPR warnings

Under current law, when the juvenile court orders a child to be placed outside the home because the child has been adjudged to be in need of protection or services under a dispositional order, a change-in-placement order, a revision of a dispositional order, or an extension of a dispositional order, the juvenile court is required to inform orally the parent or parents who appear in juvenile court of any grounds for TPR that may be applicable and of the conditions necessary for the child to be returned to the home. This bill requires a TPR warning to be given also when the juvenile court orders a child to be placed outside the home because the child has been adjudged delinquent and when the juvenile court holds a hearing to review a child's permanency plan.

Mandatory child abuse or neglect reporters

Current law requires certain persons who have reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected to report that suspected abuse or neglect to the sheriff or police department or to the county department or, in Milwaukee County, DHFS or a child welfare agency under contract with DHFS (mandatory reporter). Currently, a child care worker in a group home that is authorized solely to provide a safe and structured living arrangement for children 12 years of age or over who are custodial parents or expectant mothers is a mandatory reporter. This bill makes a child care worker in any group home a mandatory reporter.

Confidentiality of social services records

Under the current Juvenile Justice Code, DOC, a county department, or a child welfare agency, subject to certain exceptions, is required to maintain the confidentiality of records kept or information received about an individual *who is or was* in its care or legal custody. Under the current Children's Code, DHFS, a county department, a child welfare agency, or a day care center (collectively "agency"), subject to certain exceptions, is required to maintain the confidentiality of records kept or information received about an individual who is currently in its care or legal custody. This bill conforms the Children's Code to the Juvenile Justice Code by requiring an agency to maintain the confidentiality of records kept or information received about an individual *who is or was* in its care or legal custody.

Residential care centers for children and youth

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

Child care

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

Neglect

Under current law, "neglect" is defined in the section of the Children's Code relating to child abuse and neglect reporting as failure, refusal, or inability on the part of a parent, guardian, legal custodian, or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child. This bill moves that definition to the definitions section of the Children's Code, thereby making it applicable throughout that code.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

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

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

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

11 **SECTION 2.** 13.83 (4) (a) 4. of the statutes is amended to read:

1 13.83 (4) (a) 4. Ways in which the results from the scientific study of attachment
2 and brain development can be incorporated into public schools, day child care
3 centers, and homes.

4 **SECTION 3.** 16.85 (1) of the statutes is amended to read:

5 16.85 (1) To take charge of and supervise all engineering or architectural
6 services or construction work, as defined in s. 16.87, performed by, or for, the state,
7 or any department, board, institution, commission, or officer thereof of the state,
8 including nonprofit-sharing corporations organized for the purpose of assisting the
9 state in the construction and acquisition of new buildings or improvements and
10 additions to existing buildings as contemplated under ss. 13.488, 36.09, and 36.11,
11 except the engineering, architectural, and construction work of the department of
12 transportation, and the engineering service performed by the department of
13 commerce, department of revenue, public service commission, department of health
14 and family services, and other departments, boards, and commissions when the
15 service is not related to the maintenance, and construction and planning, of the
16 physical properties of the state. The department ~~shall~~ may not authorize
17 construction work for any state office facility in the city of Madison after May 11,
18 1990, unless the department first provides suitable space for a day child care center
19 primarily for use by children of state employees.

20 **SECTION 4.** 20.435 (3) (jm) of the statutes is amended to read:

21 20.435 (3) (jm) *Licensing activities.* The amounts in the schedule for the costs
22 of licensing child welfare agencies under s. 48.60, foster homes and treatment foster
23 homes under s. 48.62, group homes under s. 48.625, day child care centers under s.
24 48.65, and shelter care facilities under s. 938.22 (7). All moneys received for these

1 licensing activities and from fees under ss. 48.615, 48.625, 48.65 (3), and 938.22 (7)
2 (b) and (c) shall be credited to this appropriation account.

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

4 20.907 (5) (e) 6. Advances from ~~child caring institutions~~ residential care
5 centers for children and youth and counties and moneys receivable from counties
6 under s. 46.037.

7 **SECTION 6.** 36.25 (26) of the statutes is amended to read:

8 36.25 (26) DAY CHILD CARE CENTERS. A college campus may establish a day child
9 care center and may use funds received from the appropriation under s. 20.285 (1)
10 (a) to operate it.

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

12 46.03 (7) (cm) Promote the establishment of adequate child care facilities and
13 services in this state by providing start-up grants to newly operating day child care
14 facilities and services under rules promulgated by the department.

15 **SECTION 8.** 46.03 (22) (a) of the statutes is amended to read:

16 46.03 (22) (a) "Community living arrangement" means any of the following
17 facilities licensed or operated, or permitted under the authority of the department:
18 residential care centers for children and youth, as defined in s. 48.02 (15d), operated
19 by child welfare agencies licensed under s. 48.60, group homes for children, as
20 defined in s. 48.02 (7), and community-based residential facilities, as defined in s.
21 50.01 (1g); but does not include adult family homes, as defined in s. 50.01 (1), adult
22 day care centers, nursing homes, general hospitals, special hospitals, prisons, and
23 jails.

24 **SECTION 9.** 46.043 (1) of the statutes is amended to read:

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

9 **SECTION 10.** 46.16 (2m) (title) of the statutes is amended to read:

10 46.16 (2m) (title) IMMUNIZATION REQUIREMENTS; ~~DAY~~ CHILD CARE CENTERS.

11 **SECTION 11.** 46.16 (2s) of the statutes is amended to read:

12 46.16 (2s) LEAD SCREENING, INSPECTION AND REDUCTION REQUIREMENTS; ~~DAY~~ CHILD
13 CARE CENTERS. The department, after notice to a ~~day~~ child care provider certified
14 under s. 48.651, or a ~~day~~ child care center that holds a license under s. 48.65 or a
15 probationary license under s. 48.69, may suspend, revoke, or refuse to renew a
16 license or certification in any case in which the department finds that there has been
17 a substantial failure to comply with any rule promulgated under s. 254.162, 254.168,
18 or 254.172.

19 **SECTION 12.** 46.261 (2) (a) 2. of the statutes is amended to read:

20 46.261 (2) (a) 2. A county or, in a county having a population of 500,000 or more,
21 the department, on behalf of a child in the legal custody of a county department under
22 s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or on behalf of a child
23 who was removed from the home of a relative, as defined under s. 48.02 (15), as a
24 result of a judicial determination that continuance in the home of a relative would
25 be contrary to the child's welfare for any reason when such child is placed in a

1 licensed ~~child caring institution~~ residential care center for children and youth by the
2 county department or the department. Reimbursement shall be made by the state
3 pursuant to subd. 1.

4 **SECTION 13.** 46.515 (1) (g) of the statutes is amended to read:

5 46.515 (1) (g) "Neglect" has the meaning given in s. ~~48.981 (1) (d)~~ 48.02 (12g).

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

7 48.195 (2) (a) Except as provided in this paragraph, a parent who relinquishes
8 custody of a child under sub. (1) and any person who assists the parent in that
9 relinquishment have the right to remain anonymous. The exercise of that right shall
10 not affect the manner in which a law enforcement officer, emergency medical
11 technician, or hospital staff member performs his or her duties under this section.
12 No person may induce or coerce or attempt to induce or coerce a parent or person
13 assisting a parent who wishes to remain anonymous into revealing his or her
14 identity, unless the person has reasonable cause to suspect that the child has been
15 the victim of abuse or neglect, ~~as defined in s. 48.981 (1) (d)~~, or that the person
16 assisting the parent is coercing the parent into relinquishing custody of the child.

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

18 48.195 (2) (b) A parent who relinquishes custody of a child under sub. (1) and
19 any person who assists the parent in that relinquishment may leave the presence of
20 the law enforcement officer, emergency medical technician, or hospital staff member
21 who took custody of the child at any time, and no person may follow or pursue the
22 parent or person assisting the parent, unless the person has reasonable cause to
23 suspect that the child has been the victim of abuse or neglect, ~~as defined in s. 48.981~~
24 ~~(1) (d)~~, or that the person assisting the parent has coerced the parent into
25 relinquishing custody of the child.

1 **SECTION 16.** 48.195 (2) (c) of the statutes is amended to read:

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

9 **SECTION 17.** 48.21 (5) (b) 1. of the statutes is renumbered 48.21 (5) (b) 1. a. and
10 amended to read:

11 48.21 (5) (b) 1. a. A finding that continued placement of the child in his or her
12 home would be contrary to the welfare of the child. ~~Unless the judge or circuit court~~
13 ~~commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to~~
14 ~~5. applies, the order shall in addition include a-~~

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

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

23 1m. If for good cause shown sufficient information is not available for the judge
24 or circuit court commissioner to make a finding as to whether these reasonable
25 efforts were made to prevent the removal of the child from the home, while assuring

, excluding Saturdays, Sundays, and legal holidays,

SECTION 17

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

9 **SECTION 18.** 48.21 (5) (b) 1. d. of the statutes is created to read:

10 48.21 (5) (b) 1. d. If the child is ~~being held in custody~~ under the supervision of
11 the county department or, in a county having a population of 500,000 or more, the
12 department, an order ordering the child into the placement and care responsibility
13 of the county department or department as required under 42 USC 672 (a) (2) and
14 assigning the county department or department primary responsibility for providing
15 services to the child.

16 **SECTION 19.** 48.21 (5) (c) of the statutes is amended to read:

17 48.21 (5) (c) The judge or circuit court commissioner shall make the findings
18 specified in par. (b) 1., 1m., and 3. on a case-by-case basis based on circumstances
19 specific to the child and shall document or reference the specific information on
20 which those findings are based in the custody order. A custody order that merely
21 references par. (b) 1., 1m., or 3. without documenting or referencing that specific
22 information in the custody order or an amended custody order that retroactively
23 corrects an earlier custody order that does not comply with this paragraph is not
24 sufficient to comply with this paragraph.

25 **SECTION 20.** 48.235 (4) (b) of the statutes is amended to read:

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

4 **SECTION 21.** 48.235 (4m) (b) of the statutes is amended to read:

5 48.235 (4m) (b) The court shall order the agency identified under s. 48.355 (2)
6 (b) ~~1. 48.33 (1) (c)~~ as primarily responsible for the provision of services to notify the
7 guardian ad litem, if any, regarding actions to be taken under par. (a).

8 **SECTION 22.** 48.315 (2m) (a) 1. of the statutes is amended to read:

9 48.315 (2m) (a) 1. The court making an initial finding under s. 48.21 (5) (b) 1.
10 or 1m., 48.355 (2) (b) 6., or 48.357 (2v) (a) 1. that reasonable efforts have been made
11 to prevent the removal of the child from the home, while assuring that the child's
12 health and safety are the paramount concerns, or an initial finding under s. 48.21
13 (5) (b) 3., 48.355 (2) (b) 6r., or 48.357 (2v) (a) 3. that those efforts were not required
14 to be made because a circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, more
15 than 60 days after the date on which the child was removed from the home.

16 **SECTION 23.** 48.32 (1) (b) 1. of the statutes is renumbered 48.32 (1) (b) 1. (intro.)
17 and amended to read:

18 48.32 (1) (b) 1. (intro.) If at the time the consent decree is entered into the child
19 is placed outside the home under a voluntary agreement under s. 48.63 or is
20 otherwise living outside the home without a court order and if the consent decree
21 maintains the child in that placement or other living arrangement, the consent
22 decree shall include ~~a~~ all of the following:

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

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

7 **c.** A finding as to whether the county department, department, or agency has
8 made reasonable efforts to achieve the goal of the child's permanency plan, ~~unless~~
9 ~~return of the child to the home is the goal of the permanency plan and the judge or~~
10 ~~circuit court commissioner finds that any of the circumstances specified in s. 48.355~~
11 ~~(2d) (b) 1. to 5. applies.~~

12 **SECTION 24.** 48.32 (1) (b) 1. d. of the statutes is created to read:

13 **48.32 (1) (b) 1. d.** If the child's placement or other living arrangement is under
14 the supervision of the county department or, in a county having a population of
15 500,000 or more, the department, an order ordering the child into the placement and
16 care responsibility of the county department or department as required under 42
17 USC 672 (a) (2) and assigning the county department or department primary
18 responsibility for providing services to the child.

19 **SECTION 25.** 48.33 (4) (c) of the statutes is amended to read:

20 **48.33 (4) (c)** Specific information showing that continued placement of the child
21 in his or her home would be contrary to the welfare of the child, specific information
22 showing that the county department, the department, in a county having a
23 population of 500,000 or more, or the agency primarily responsible for providing
24 services to the child has made reasonable efforts to prevent the removal of the child
25 from the home, while assuring that the child's health and safety are the paramount

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

6 **SECTION 26.** 48.335 (3g) of the statutes is renumbered 48.335 (3g) (intro.) and
7 amended to read:

8 48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in
9 s. 48.38 (1) (a), is recommending placement of the child in a foster home, treatment
10 foster home, group home, or residential care center for children and youth or in the
11 home of a relative other than a parent, the agency shall present as evidence specific
12 information showing ~~that~~ all of the following:

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

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

21 (c) That the county department, department, or agency has made reasonable
22 efforts to achieve the goal of the child's permanency plan, ~~unless return of the child~~
23 ~~to the home is the goal of the permanency plan and any of the circumstances specified~~
24 ~~in s. 48.355 (2d) (b) 1. to 5. applies.~~

25 **SECTION 27.** 48.345 (2m) of the statutes is amended to read:

1 48.345 (2m) Place the child in the child's home under the supervision of an
2 agency or the department, if the department approves, and order the agency or
3 department to provide specified services to the child and the child's family, which
4 may include ~~but are not limited to~~ individual, family, or, group counseling,
5 homemaker or parent aide services, respite care, housing assistance, day child care,
6 parent skills training, or prenatal development training or education.

7 **SECTION 28.** 48.355 (2) (b) 1. of the statutes is amended to read:

8 48.355 (2) (b) 1. The specific services ~~or continuum of services~~ to be provided
9 to the child and family, to the child expectant mother and family, or to the adult
10 expectant mother, ~~the identity of the agencies which are to be primarily responsible~~
11 ~~for the provision of the services ordered by the judge, the identity of the person or~~
12 ~~agency who will provide case management or coordination of services, if any,~~ and, if
13 custody of the child is to be transferred to effect the treatment plan, the identity of
14 the legal custodian.

15 **SECTION 29.** 48.355 (2) (b) 6. of the statutes is amended to read:

16 48.355 (2) (b) 6. If the child is placed outside the home and if the findings
17 specified in s. 48.21 (5) (b) 1. have not previously been made, a finding that continued
18 placement of the child in his or her home would be contrary to the welfare of the child,
19 a finding as to whether the county department, the department, in a county having
20 a population of 500,000 or more, or the agency primarily responsible for providing
21 services under a court order has made reasonable efforts to prevent the removal of
22 the child from the home, while assuring that the child's health and safety are the
23 paramount concerns, unless the court finds that any of the circumstances specified
24 in sub. (2d) (b) 1. to 5. applies, and a finding as to whether the county department,
25 department, or agency has made reasonable efforts to achieve the goal of the child's

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

10 **SECTION 30.** 48.355 (2) (b) 6g. of the statutes is created to read:

11 48.355 (2) (b) 6g. If the child is placed outside the home under the supervision
12 of the county department or, in a county having a population of 500,000 or more, the
13 department, an order ordering the child into the placement and care responsibility
14 of the county department or department as required under 42 USC 672 (a) (2) and
15 assigning the county department or department primary responsibility for providing
16 services to the child.

17 **SECTION 31.** 48.355 (2c) (a) 3. c. of the statutes is amended to read:

18 48.355 (2c) (a) 3. c. Community support services, such as day child care, parent
19 skills training, housing assistance, employment training, and emergency mental
20 health services.

21 **SECTION 32.** 48.356 (1) of the statutes is amended to read:

22 48.356 (1) Whenever the court orders a child to be placed outside his or her
23 home, orders an expectant mother of an unborn child to be placed outside of her
24 home, or denies a parent visitation because the child or unborn child has been
25 adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,

1 48.363, or 48.365 and whenever the court reviews a permanency plan under s. 48.38
2 (5m), the court shall orally inform the parent or parents who appear in court or the
3 expectant mother who appears in court of any grounds for termination of parental
4 rights under s. 48.415 which may be applicable and of the conditions necessary for
5 the child or expectant mother to be returned to the home or for the parent to be
6 granted visitation.

7 **SECTION 33.** 48.357 (1) (am) 3. of the statutes is amended to read:

8 48.357 (1) (am) 3. If the court changes the child's placement from a placement
9 outside the home to another placement outside the home, the change in placement
10 order shall contain ~~one of the statements~~ the applicable order specified in sub. (2v)
11 (a) 1m. and the applicable statement specified in sub. (2v) (a) 2.

12 **SECTION 34.** 48.357 (1) (c) 3. of the statutes is amended to read:

13 48.357 (1) (c) 3. If the court changes the child's placement from a placement in
14 the child's home to a placement outside the child's home, the change in placement
15 order shall contain the findings specified in sub. (2v) (a) 1., ~~one of the statements~~ the
16 applicable order specified in sub. (2v) (a) 1m., the applicable statement specified in
17 sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances
18 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the
19 determination specified in sub. (2v) (a) 3.

20 **SECTION 35.** 48.357 (2m) (c) of the statutes is amended to read:

21 48.357 (2m) (c) If the court changes the child's placement from a placement in
22 the child's home to a placement outside the child's home, the change in placement
23 order shall contain the findings specified in sub. (2v) (a) 1., ~~one of the statements~~ the
24 applicable order specified in sub. (2v) (a) 1m., the applicable statement specified in
25 sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances

1 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the
2 determination specified in sub. (2v) (a) 3. If the court changes the child's placement
3 from a placement outside the home to another placement outside the home, the
4 change in placement order shall include the applicable order specified in sub. (2v) (a)
5 1m. and the applicable statement specified in sub. (2v) (a) 2.

6 **SECTION 36.** 48.357 (2v) (a) 1m. of the statutes is created to read:

7 48.357 (2v) (a) 1m. If the change in placement order changes the placement of
8 a child who is under the supervision of the county department or, in a county having
9 a population of 500,000 or more, the department to a placement outside the child's
10 home, whether from a placement in the home or from another placement outside the
11 home, an order ordering the child into, or to be continued in, the placement and care
12 responsibility of the county department or department as required under 42 USC
13 672 (a) (2) and assigning the county department or department primary
14 responsibility, or continued primary responsibility, for providing services to the
15 child.

16 **SECTION 37.** 48.365 (2g) (b) 2. of the statutes is amended to read:

17 48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and
18 of any progress the child has made, suggestions for amendment of the permanency
19 plan, and specific information showing the efforts that have been made to achieve the
20 goal of the permanency plan, including, if applicable, the efforts of the parents to
21 remedy the factors that contributed to the child's placement, ~~unless return of the~~
22 ~~child to the home is the goal of the permanency plan and any of the circumstances~~
23 ~~specified in s. 48.355 (2d) (b) 1. to 5. applies.~~

24 **SECTION 38.** 48.365 (2m) (a) 1. of the statutes is amended to read:

1 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
2 extension. If the child is placed outside of his or her home, the person or agency
3 primarily responsible for providing services to the child shall present as evidence
4 specific information showing that the person or agency has made reasonable efforts
5 to achieve the goal of the child's permanency plan, ~~unless return of the child to the~~
6 ~~home is the goal of the permanency plan and any of the circumstances specified in~~
7 ~~s. 48.355 (2d) (b) 1. to 5. applies.~~ The judge shall make findings of fact and
8 conclusions of law based on the evidence. The findings of fact shall include a finding
9 as to whether reasonable efforts were made by the agency primarily responsible for
10 providing services to the child to achieve the goal of the child's permanency plan,
11 ~~unless return of the child to the home is the goal of the permanency plan and the~~
12 ~~judge finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.~~
13 An order shall be issued under s. 48.355.

14 **SECTION 39.** 48.38 (2) (intro.) of the statutes is amended to read:

15 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
16 for each child living in a foster home, treatment foster home, group home, residential
17 care center for children and youth, juvenile detention facility, or shelter care facility,
18 the agency that placed the child or arranged the placement or the agency assigned
19 primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g.
20 shall prepare a written permanency plan, if any of the following conditions exists,
21 and, for each child living in the home of a relative other than a parent, that agency
22 shall prepare a written permanency plan, if any of the conditions specified in pars.
23 (a) to (e) exists:

24 **SECTION 40.** 48.38 (5) (c) 7. of the statutes is amended to read:

1 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
2 the goal of the permanency plan, ~~unless return of the child to the home is the goal~~
3 ~~of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b)~~
4 ~~1. to 5. applies.~~

5 **SECTION 41.** 48.417 (2) (c) of the statutes is amended to read:

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

12 **SECTION 42.** 48.43 (1) (am) of the statutes is created to read:

13 48.43 (1) (am) If the department or a county department receives guardianship
14 or custody of the child under par. (a), an order ordering the child into the placement
15 and care responsibility of the department or county department as required under
16 42 USC 672 (a) (2) and assigning the department or county department primary
17 responsibility for providing services to the child.

18 **SECTION 43.** 48.48 (10) of the statutes is amended to read:

19 48.48 (10) To license child welfare agencies and day child care centers as
20 provided in s. 48.66 (1) (a).

21 **SECTION 44.** 48.63 (1) of the statutes is amended to read:

22 48.63 (1) Acting under court order or voluntary agreement, the child's parent
23 or guardian or the department of health and family services, the department of
24 corrections, a county department, or a child welfare agency licensed to place children
25 in foster homes, treatment foster homes, or group homes may place a child or

SUBCHAPTER XV

DAY CHILD CARE PROVIDERS

SECTION 46. 48.65 (title) of the statutes is amended to read:

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

SECTION 47. 48.65 (1) of the statutes is amended to read:

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

SECTION 48. 48.65 (3) (a) of the statutes is amended to read:

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

1 **SECTION 49.** 48.65 (3) (b) of the statutes is amended to read:

2 48.65 (3) (b) A day child care center that wishes to continue a license issued
3 under par. (a) and that fails to pay the applicable fee under par. (a) by the
4 continuation date of the license or a new day child care center that fails to pay the
5 applicable fee under par. (a) by 30 days before the opening of the day child care center
6 shall pay an additional fee of \$5 per day for every day after the deadline that the
7 group home child care center fails to pay the fee.

8 **SECTION 50.** 48.651 (title) of the statutes is amended to read:

9 **48.651 (title) Certification of day child care providers.**

10 **SECTION 51.** 48.651 (1) (intro.) of the statutes is amended to read:

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

21 **SECTION 52.** 48.651 (1) (a) of the statutes is amended to read:

22 48.651 (1) (a) Level I certified family day child care providers, as established
23 by the department of workforce development under s. 49.155 (1d). No county may
24 certify a provider under this paragraph if the provider is a relative of all of the
25 children for whom ~~he or she~~ the provider provides care.

1 **SECTION 53.** 48.651 (1) (b) of the statutes is amended to read:

2 48.651 (1) (b) Level II certified family day child care providers, as established
3 by the department of workforce development, under s. 49.155 (1d).

4 **SECTION 54.** 48.653 of the statutes is amended to read:

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

11 **SECTION 55.** 48.655 of the statutes is amended to read:

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

18 **SECTION 56.** 48.656 of the statutes is amended to read:

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

1 **SECTION 57.** 48.657 (title) of the statutes is amended to read:

2 **48.657 (title) Day Child care center reports.**

3 **SECTION 58.** 48.657 (1) (intro.) of the statutes is amended to read:

4 48.657 (1) (intro.) The department shall provide each day child care center that
5 holds a license under s. 48.65 (1) or a probationary license under s. 48.69 with an
6 annual report that includes the following information:

7 **SECTION 59.** 48.657 (1) (a) of the statutes is amended to read:

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

12 **SECTION 60.** 48.657 (1) (b) of the statutes is amended to read:

13 48.657 (1) (b) A telephone number at the department that a person may call
14 to complain of any alleged violation of a statute, rule promulgated by the department
15 under s. 48.67, or provision of licensure under s. 48.70 (1) by the day child care center.

16 **SECTION 61.** 48.657 (1) (c) of the statutes is amended to read:

17 48.657 (1) (c) The results of the most recent inspection of the day child care
18 center under s. 48.73.

19 **SECTION 62.** 48.657 (2) of the statutes is amended to read:

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

24 **SECTION 63.** 48.657 (2g) of the statutes is amended to read:

HOMES, DAY CHILD CARE CENTERS,
AND COUNTY DEPARTMENTS

SECTION 67. 48.66 (1) (a) of the statutes is amended to read:

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

SECTION 68. 48.66 (2) of the statutes is amended to read:

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

SECTION 69. 48.66 (2m) (a) 1. of the statutes is amended to read:

48.66 (2m) (a) 1. Except as provided in subd. 2., the department of health and family services shall require each applicant for a license under sub. (1) (a) to operate a child welfare agency, group home, shelter care facility, or day child care center who

1 is an individual to provide that department with the applicant's social security
2 number, and shall require each applicant for a license under sub. (1) (a) to operate
3 a child welfare agency, group home, shelter care facility, or day child care center who
4 is not an individual to provide that department with the applicant's federal employer
5 identification number, when initially applying for or applying to continue the license.

6 **SECTION 70.** 48.66 (2m) (b) of the statutes is amended to read:

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

16 **SECTION 71.** 48.66 (5) of the statutes is amended to read:

17 48.66 (5) A child welfare agency, group home, day child care center, or shelter
18 care facility license, other than a probationary license, is valid until revoked or
19 suspended, but shall be reviewed every 2 years after the date of issuance as provided
20 in this subsection. At least 30 days prior to the continuation date of the license, the
21 licensee shall submit to the department an application for continuance of the license
22 in the form and containing the information that the department requires. If the
23 minimum requirements for a license established under s. 48.67 are met, the
24 application is approved, the applicable fees referred to in ss. 48.68 (1) and 48.685 (8)
25 are paid, and any forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is

1 due is paid, the department shall continue the license for an additional 2-year
2 period, unless sooner suspended or revoked. If the application is not timely filed, the
3 department shall issue a warning to the licensee. If the licensee fails to apply for
4 continuance of the license within 30 days after receipt of the warning, the
5 department may revoke the license as provided in s. 48.715 (4) and (4m) (b).

6 SECTION 72. 48.67 of the statutes is amended to read:

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

1 and impacted babies required under s. 253.15 (4), if the licensee, employee, or
2 volunteer provides care and supervision for children under 5 years of age.

3 **SECTION 73.** 48.685 (1) (b) of the statutes is amended to read:

4 48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s.
5 48.60 to provide care and maintenance for children, to place children for adoption,
6 or to license foster homes or treatment foster homes; a foster home or treatment
7 foster home that is licensed under s. 48.62; a group home that is licensed under s.
8 48.625; a shelter care facility that is licensed under s. 938.22; a day child care center
9 that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14);
10 a day child care provider that is certified under s. 48.651; or a temporary employment
11 agency that provides caregivers to another entity.

12 **SECTION 74.** 48.685 (2) (am) (intro.) of the statutes is amended to read:

13 48.685 (2) (am) (intro.) The department, a county department, a child welfare
14 agency, or a school board shall obtain all of the following with respect to a caregiver
15 specified in sub. (1) (ag) 1. b., a nonclient resident of an entity, and a person under
16 18 years of age, but not under 12 years of age, who is a caregiver of a day child care
17 center that is licensed under s. 48.65 or established or contracted for under s. 120.13
18 (14) or of a day child care provider that is certified under s. 48.651:

19 **SECTION 75.** 48.685 (2) (b) 4. of the statutes is amended to read:

20 48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under
21 18 years of age, but not under 12 years of age, who is a caregiver or nonclient resident
22 of a day child care center that is licensed under s. 48.65 or established or contracted
23 for under s. 120.13 (14) or of a day child care provider that is certified under s. 48.651
24 and with respect to whom the department, a county department, or a school board

1 is required under par. (am) (intro.) to obtain the information specified in par. (am)
2 1. to 5.

3 **SECTION 76.** 48.685 (3) (a) of the statutes is amended to read:

4 48.685 (3) (a) Every 4 years or at any time within that period that the
5 department, a county department, a child welfare agency, or a school board considers
6 appropriate, the department, county department, child welfare agency, or school
7 board shall request the information specified in sub. (2) (am) 1. to 5. for all persons
8 who are licensed, certified, or contracted to operate an entity, for all persons who are
9 nonclient residents of an entity, and for all persons under 18 years of age, but not
10 under 12 years of age, who are caregivers of a day child care center that is licensed
11 under s. 48.65 or established or contracted for under s. 120.13 (4) or of a day child care
12 provider that is certified under s. 48.651.

13 **SECTION 77.** 48.685 (3) (b) of the statutes is amended to read:

14 48.685 (3) (b) Every 4 years or at any time within that period that an entity
15 considers appropriate, the entity shall request the information specified in sub. (2)
16 (b) 1. a. to e. for all persons who are caregivers of the entity other than persons under
17 18 years of age, but not under 12 years of age, who are caregivers of a day child care
18 center that is licensed under s. 48.65 or established or contracted for under s. 120.13
19 (14) or of a day child care provider that is certified under s. 48.651.

20 **SECTION 78.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

21 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
22 par. (ad) and sub. (5), the department may not license, or continue or renew the
23 license of, a person to operate an entity, a county department may not certify a day
24 child care provider under s. 48.651, a county department or a child welfare agency
25 may not license, or renew the license of, a foster home or treatment foster home under

1 s. 48.62, and a school board may not contract with a person under s. 120.13 (14), if
2 the department, county department, child welfare agency, or school board knows or
3 should have known any of the following:

4 **SECTION 79.** 48.685 (4m) (a) 1. of the statutes is amended to read:

5 48.685 **(4m)** (a) 1. That the person has been convicted of a serious crime or, if
6 the person is an applicant for issuance or continuation of a license to operate a day
7 child care center or for initial certification under s. 48.651 or for renewal of that
8 certification or if the person is proposing to contract with a school board under s.
9 120.13 (14) or to renew a contract under that subsection, that the person has been
10 convicted of a serious crime or adjudicated delinquent on or after his or her 12th
11 birthday for committing a serious crime.

12 **SECTION 80.** 48.685 (4m) (ad) of the statutes is amended to read:

13 48.685 **(4m)** (ad) The department, a county department, or a child welfare
14 agency may license a foster home or treatment foster home under s. 48.62, a county
15 department may certify a day child care provider under s. 48.651, and a school board
16 may contract with a person under s. 120.13 (14), conditioned on the receipt of the
17 information specified in sub. (2) (am) indicating that the person is not ineligible to
18 be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

19 **SECTION 81.** 48.685 (4m) (b) 1. of the statutes is amended to read:

20 48.685 **(4m)** (b) 1. That the person has been convicted of a serious crime or, if
21 the person is a caregiver or nonclient resident of a day child care center that is
22 licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or of a
23 day child care provider that is certified under s. 48.651, that the person has been
24 convicted of a serious crime or adjudicated delinquent on or after his or her 12th
25 birthday for committing a serious crime.