

1 **SECTION 82.** 48.685 (5m) of the statutes is amended to read:

2 48.685 **(5m)** Notwithstanding s. 111.335, the department may refuse to license
3 a person to operate an entity, a county department or a child welfare agency may
4 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
5 may refuse to employ or contract with a caregiver or permit a nonclient resident to
6 reside at the entity if the person has been convicted of an offense that is not a serious
7 crime, but that is, in the estimation of the department, county department, child
8 welfare agency, or entity, substantially related to the care of a client.
9 Notwithstanding s. 111.335, the department may refuse to license a person to
10 operate a day child care center, a county department may refuse to certify a day child
11 care provider under s. 48.651, a school board may refuse to contract with a person
12 under s. 120.13 (14), a day child care center that is licensed under s. 48.65 or
13 established or contracted for under s. 120.13 (14), and a day child care provider that
14 is certified under s. 48.651 may refuse to employ or contract with a caregiver or
15 permit a nonclient resident to reside at the day child care center or day child care
16 provider if the person has been convicted of or adjudicated delinquent on or after his
17 or her 12th birthday for an offense that is not a serious crime, but that is, in the
18 estimation of the department, county department, school board, day child care center
19 or day child care provider, substantially related to the care of a client.

20 **SECTION 83.** 48.685 (6) (a) of the statutes is amended to read:

21 48.685 **(6)** (a) The department shall require any person who applies for
22 issuance, continuation, or renewal of a license to operate an entity, a county
23 department shall require any day child care provider who applies for initial
24 certification under s. 48.651 or for renewal of that certification, a county department
25 or a child welfare agency shall require any person who applies for issuance or

1 renewal of a license to operate a foster home or treatment foster home under s. 48.62,
2 and a school board shall require any person who proposes to contract with the school
3 board under s. 120.13 (14) or to renew a contract under that subsection, to complete
4 a background information form that is provided by the department.

5 **SECTION 84.** 48.685 (6) (b) 1. of the statutes is amended to read:

6 48.685 (6) (b) 1. For caregivers who are licensed by the department, for persons
7 under 18 years of age, but not under 12 years of age, who are caregivers of a day child
8 care center that is licensed under s. 48.65 or established or contracted for under s.
9 120.13 (14) or of a day child care provider that is certified under s. 48.651, for persons
10 who are nonclient residents of an entity that is licensed by the department, and for
11 other persons specified by the department by rule, the entity shall send the
12 background information form to the department.

13 **SECTION 85.** 48.69 of the statutes is amended to read:

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

1 meets the minimum requirements for a license established under s. 48.67, the
2 department shall issue a license under s. 48.66 (1) (a). A probationary license issued
3 under this section may be renewed for one 6-month period.

4 **SECTION 86.** 48.715 (1) of the statutes is amended to read:

5 48.715 (1) In this section, "licensee" means a person who holds a license under
6 s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare
7 agency, shelter care facility, group home, or day child care center.

8 **SECTION 87.** 48.715 (2) (a) of the statutes is amended to read:

9 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care
10 facility, group home, or day child care center if the child welfare agency, shelter care
11 facility, group home, or day child care center is without a license in violation of s.
12 48.66 (1) (a) or a probationary license in violation of s. 48.69.

13 **SECTION 88.** 48.715 (4) (c) of the statutes is amended to read:

14 48.715 (4) (c) The licensee or a person under the supervision of the licensee has
15 committed an action or has created a condition relating to the operation or
16 maintenance of the child welfare agency, shelter care facility, group home, or day
17 child care center that directly threatens the health, safety, or welfare of any child
18 under the care of the licensee.

19 **SECTION 89.** 48.715 (6) of the statutes is amended to read:

20 48.715 (6) The department of health and family services shall deny, suspend,
21 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a
22 probationary license under s. 48.69 to operate a child welfare agency, group home,
23 shelter care facility, or day child care center, and the department of corrections shall
24 deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s.
25 48.66 (1) (b) to operate a secured residential care center for children and youth, for

1 failure of the applicant or licensee to pay court-ordered payments of child or family
2 support, maintenance, birth expenses, medical expenses, or other expenses related
3 to the support of a child or former spouse or for failure of the applicant or licensee
4 to comply, after appropriate notice, with a subpoena or warrant issued by the
5 department of workforce development or a county child support agency under s.
6 59.53 (5) and related to paternity or child support proceedings, as provided in a
7 memorandum of understanding entered into under s. 49.857. Notwithstanding s.
8 48.72, an action taken under this subsection is subject to review only as provided in
9 the memorandum of understanding entered into under s. 49.857 and not as provided
10 in s. 48.72.

11 **SECTION 90.** 48.715 (7) of the statutes is amended to read:

12 48.715 (7) The department shall deny an application for the issuance or
13 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
14 to operate a child welfare agency, group home, shelter care facility, or day child care
15 center, or revoke such a license already issued, if the department of revenue certifies
16 under s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An
17 action taken under this subsection is subject to review only as provided under s.
18 73.0301 (5) and not as provided in s. 48.72.

19 **SECTION 91.** 48.73 of the statutes is amended to read:

20 **48.73 Inspection of licensees.** The department may visit and inspect each
21 child welfare agency, foster home, treatment foster home, group home, and day child
22 care center licensed by it, and for such purpose shall be given unrestricted access to
23 the premises described in the license.

24 **SECTION 92.** 48.735 of the statutes is amended to read:

1 **48.735 Immunization requirements; day child care centers.** The
2 department, after notice to a day child care center licensee, may suspend, revoke, or
3 refuse to continue a day child care center license in any case in which the department
4 finds that there has been a substantial failure to comply with the requirements of
5 s. 252.04.

6 **SECTION 93.** 48.737 of the statutes is amended to read:

7 **48.737 Lead screening, inspection and reduction requirements; day**
8 **child care centers.** The department, after notice to a day child care provider
9 certified under s. 48.651, or a day child care center that holds a license under s. 48.65
10 or a probationary license under s. 48.69, may suspend, revoke, or refuse to renew or
11 continue a license or certification in any case in which the department finds that
12 there has been a substantial failure to comply with any rule promulgated under s.
13 254.162, 254.168, or 254.172.

14 **SECTION 94.** 48.75 (1g) (c) 1. of the statutes is amended to read:

15 48.75 (1g) (c) 1. A statement that the public licensing agency issuing the license
16 is responsible has placement and care responsibility for the child who is placed in the
17 foster home as required under 42 USC 672 (a) (2) and has primary responsibility for
18 providing services to the child who is placed in the foster home, as specified in the
19 agreement.

20 **SECTION 95.** 48.78 (1) of the statutes is amended to read:

21 48.78 (1) In this section, unless otherwise qualified, "agency" means the
22 department, a county department, a licensed child welfare agency, or a licensed day
23 child care center.

24 **SECTION 96.** 48.78 (2) (a) of the statutes is amended to read:

1 48.78 (2) (a) No agency may make available for inspection or disclose the
2 contents of any record kept or information received about an individual who is or was
3 in its care or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or
4 (5m) (d), 48.432, 48.433, 48.48 (17) (bm), 48.57 (2m), 48.93, 48.981 (7), 938.51, or
5 938.78 or by order of the court.

6 **SECTION 97.** 48.981 (1) (d) of the statutes is renumbered 48.02 (12g).

7 **SECTION 98.** 48.981 (2) (a) 18. of the statutes is amended to read:

8 48.981 (2) (a) 18. A ~~child-care~~ child care worker in a day child care center, group
9 home, as described in s. 48.625 (1m), or residential care center for children and youth.

10 **SECTION 99.** 48.981 (2) (a) 19. of the statutes is amended to read:

11 48.981 (2) (a) 19. A day child care provider.

12 **SECTION 100.** 48.982 (1) (c) of the statutes is repealed.

13 **SECTION 101.** 49.136 (1) (d) of the statutes is renumbered 49.136 (1) (ad) and
14 amended to read:

15 49.136 (1) (ad) “Day Child care center” means a facility operated by a child care
16 provider that provides care and supervision for 4 or more children under 7 years of
17 age for less than 24 hours a day.

18 **SECTION 102.** 49.136 (1) (e) of the statutes is renumbered 49.136 (1) (am) and
19 amended to read:

20 49.136 (1) (am) “Day Child care program” means a program established and
21 provided by a school board under s. 120.13 (14) or purchased by a school board from
22 a provider licensed under s. 48.65, which combines care for a child who resides with
23 a student parent who is a parent of that child with parenting education and
24 experience for that student parent.

25 **SECTION 103.** 49.136 (1) (j) of the statutes is amended to read:

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

3 **SECTION 104.** 49.136 (1) (k) of the statutes is amended to read:

4 49.136 (1) (k) "Group day child care center" means a day child care center that
5 provides care and supervision for 9 or more children.

6 **SECTION 105.** 49.136 (2) (b) of the statutes is amended to read:

7 49.136 (2) (b) If the department awards grants under this section, the
8 department shall attempt to award the grants to head start agencies designated
9 under 42 USC 9836, employers that provide or wish to provide child care services for
10 their employees, family day child care centers, group day child care centers and day
11 child care programs for the children of student parents, organizations that provide
12 child care for sick children, and child care providers that employ participants or
13 former participants in a Wisconsin Works employment position under s. 49.147 (3)
14 to (5).

15 **SECTION 106.** 49.137 (1) (a) of the statutes is renumbered 49.137 (1) (am).

16 **SECTION 107.** 49.137 (1) (b) of the statutes is renumbered 49.137 (1) (ab) and
17 amended to read:

18 49.137 (1) (ab) "Day Child care center" has the meaning given in s. 49.136 (1)
19 (~~d~~) (ad).

20 **SECTION 108.** 49.137 (1) (d) of the statutes is renumbered 49.137 (1) (bd) and
21 amended to read:

22 49.137 (1) (bd) "Family day child care center" has the meaning given in s.
23 49.136 (1) (j).

24 **SECTION 109.** 49.137 (1) (e) of the statutes is amended to read:

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

3 **SECTION 110.** 49.155 (1) (am) of the statutes is amended to read:

4 49.155 (1) (am) "Level I certified family day child care provider" means a day
5 child care provider certified under s. 48.651 (1) (a).

6 **SECTION 111.** 49.155 (1) (b) of the statutes is amended to read:

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

9 **SECTION 112.** 49.155 (1d) (a) of the statutes is amended to read:

10 49.155 (1d) (a) The department shall promulgate rules establishing standards
11 for the certification of child care providers under s. 48.651. The department shall
12 consult with the child abuse and neglect prevention board before promulgating those
13 rules. In establishing the requirements for certification under this paragraph of a
14 child care provider, the department shall include a requirement that all providers
15 and all employees and volunteers of a provider who provide care and supervision for
16 children receive, before the date on which the provider is certified or the employment
17 or volunteer work commences, whichever is applicable, training in the most current
18 medically accepted methods of preventing sudden infant death syndrome, if the
19 provider, employee, or volunteer provides care and supervision for children under
20 one year of age, and the training relating to shaken baby syndrome and impacted
21 babies required under s. 253.15 (4), if the provider, employee, or volunteer provides
22 care and supervision for children under 5 years of age. In establishing the
23 requirements for certification as a Level II certified family day child care provider,
24 the department may not include any other requirement for training for providers.

25 **SECTION 113.** 49.155 (1d) (b) of the statutes is amended to read:

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 114.** 49.155 (1g) (b) of the statutes is amended to read:

11 49.155 (1g) (b) From the appropriations under s. 20.445 (3) (cm), (kx), and (mc),
12 distribute \$5,488,500 in each fiscal year for grants under s. 49.134 (2) for child day
13 care resource and referral services, for grants under s. 49.137 (4m), for a child care
14 scholarship and bonus program, for administration of the department's office of child
15 care, and for the department's share of the costs for the Child Care Information
16 Center operated by the division for libraries, technology, and community learning in
17 the department of public instruction.

18 **SECTION 115.** 49.155 (1g) (d) of the statutes is amended to read:

19 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), distribute
20 \$3,378,500 in fiscal year 2005-06 and \$3,378,500 in fiscal year 2006-07 for grants
21 under s. 49.134 (2) for child day care resource and referral services, for contracts
22 under s. 49.137 (4) for training and technical assistance, for grants under s. 49.137
23 (4m), and for a child care scholarship and bonus program.

24 **SECTION 116.** 49.155 (4) of the statutes is amended to read:

1 49.155 (4) CHOICE OF PROVIDER. An eligible individual shall choose whether the
2 child care will be provided by a day child care center licensed under s. 48.65, a Level
3 I certified family day child care provider, a Level II certified family day child care
4 provider, or a day child care program provided or contracted for by a school board
5 under s. 120.13 (14).

6 **SECTION 117.** 49.155 (6) (b) of the statutes is amended to read:

7 49.155 (6) (b) Subject to review and approval by the department, each county
8 shall set a maximum reimbursement rate for Level I certified family day child care
9 providers for services provided to eligible individuals under this section. The
10 maximum rate set under this paragraph may not exceed 75% of the rate established
11 under par. (a).

12 **SECTION 118.** 49.155 (6) (c) of the statutes is amended to read:

13 49.155 (6) (c) Subject to review and approval by the department, each county
14 shall set a maximum reimbursement rate for Level II certified family day child care
15 providers for services provided to eligible individuals under this section. The
16 maximum rate set under this paragraph may not exceed 50% of the rate established
17 under par. (a).

18 **SECTION 119.** 49.155 (6) (cm) of the statutes is amended to read:

19 49.155 (6) (cm) The department shall modify child care provider
20 reimbursement rates established under pars. (a) to (c) so that reimbursement rates
21 are lower for providers of after-school day child care.

22 **SECTION 120.** 66.1017 (title) of the statutes is amended to read:

23 **66.1017 (title) Family day child care homes.**

24 **SECTION 121.** 66.1017 (1) (a) of the statutes is amended to read:

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

4 **SECTION 122.** 66.1017 (2) of the statutes is amended to read:

5 66.1017 (2) No municipality may prevent a family day child care home from
6 being located in a zoned district in which a single-family residence is a permitted
7 use. No municipality may establish standards or requirements for family day child
8 care homes that are different from the licensing standards established under s.
9 48.65. This subsection does not prevent a municipality from applying to a family day
10 child care home the zoning regulations applicable to other dwellings in the zoning
11 district in which it is located.

12 **SECTION 123.** 71.07 (2dd) (a) 1. of the statutes is amended to read:

13 71.07 (2dd) (a) 1. "Day care center benefits" means benefits provided at a day
14 child care facility that is licensed under s. 48.65 or 48.69 and that for compensation
15 provides care for at least 6 children or benefits provided at a facility for persons who
16 are physically or mentally incapable of caring for themselves.

17 **SECTION 124.** 71.28 (1dd) (a) 1. of the statutes is amended to read:

18 71.28 (1dd) (a) 1. "Day care center benefits" means benefits provided at a day
19 child care facility that is licensed under s. 48.65 or 48.69 and that for compensation
20 provides care for at least 6 children or benefits provided at a facility for persons who
21 are physically or mentally incapable of caring for themselves.

22 **SECTION 125.** 71.47 (1dd) (a) 1. of the statutes is amended to read:

23 71.47 (1dd) (a) 1. "Day care center benefits" means benefits provided at a day
24 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 126.** 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 127.** 77.54 (20) (c) 4. of the statutes is amended to read:

8 77.54 (20) (c) 4. Taxable sales do not include meals, food, food products, or
9 beverages sold by hospitals, sanatoriums, nursing homes, retirement homes,
10 community-based residential facilities, as defined in s. 50.01 (1g), or day child care
11 centers licensed under ch. 48 and served at a hospital, sanatorium, nursing home,
12 retirement home, community-based residential facility, or day child care center. In
13 this subdivision "retirement home" means a nonprofit residential facility where 3 or
14 more unrelated adults or their spouses have their principal residence and where
15 support services, including meals from a common kitchen, are available to residents.
16 Taxable sales do not include meals, food, food products, or beverages sold to the
17 elderly or handicapped by persons providing "mobile meals on wheels".

18 **SECTION 128.** 101.123 (1) (a) of the statutes is renumbered 101.123 (1) (ag).

19 **SECTION 129.** 101.123 (1) (ad) of the statutes is amended to read:

20 101.123 (1) (ad) "Day Child care center" has the meaning given in s. 49.136 (1)
21 (~~d~~) (ad).

22 **SECTION 130.** 101.123 (2) (bm) of the statutes is amended to read:

23 101.123 (2) (bm) Notwithstanding par. (a) and sub. (3), no person may smoke
24 on the premises, indoors or outdoors, of a day child care center when children who
25 are receiving day child care services are present.

1 **SECTION 131.** 101.123 (4) (a) 2. of the statutes is amended to read:

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

17 **SECTION 132.** 115.812 (1) of the statutes is amended to read:

18 115.812 (1) **PLACEMENT DISPUTES.** If a dispute arises between a local educational
19 agency and the department of health and family services, the department of
20 corrections, or a county department under s. 46.215, 46.22, or 46.23, or between local
21 educational agencies under s. 115.81 (4) (c), over the placement of a child, the state
22 superintendent shall resolve the dispute. This subsection applies only to placements
23 in nonresidential educational programs made under s. 48.57 (1) (c) and to placements
24 in residential care centers for children and youth made under s. 115.81.

25 **SECTION 133.** 115.817 (8) of the statutes is amended to read:

1 115.817 (8) TRANSPORTATION. The board may promulgate a plan for the
2 transportation at county expense of children who are receiving special education and
3 related services under this section, special education and related services provided
4 at day child care centers, or special education and related services provided by a
5 private organization within whose attendance area the child resides and which is
6 situated not more than 5 miles beyond the boundaries of the area the board serves,
7 as measured along the usually traveled route. The plan, upon approval of the state
8 superintendent, shall govern the transportation of such children. Any such plan for
9 transportation during the school term supersedes ss. 115.88 and 121.54 (3).

10 **SECTION 134.** 118.51 (2) of the statutes is amended to read:

11 118.51 (2) APPLICABILITY. A pupil may attend a public school, including a
12 prekindergarten, 4-year-old kindergarten, early childhood, or school-operated day
13 child care program, in a nonresident school district under this section, except that
14 a pupil may attend a prekindergarten, 4-year-old kindergarten, early childhood, or
15 school-operated day child care program in a nonresident school district only if the
16 pupil's resident school district offers the same type of program that the pupil wishes
17 to attend and the pupil is eligible to attend that program in his or her resident school
18 district.

19 **SECTION 135.** 120.125 (title) of the statutes is amended to read:

20 **120.125 (title) Before- and after-school day child care.**

21 **SECTION 136.** 120.125 (1) of the statutes is amended to read:

22 120.125 (1) In this section, "before- and after-school day child care program"
23 means a program which ~~that~~ provides day child care services before school, after
24 school, or both before and after school.

25 **SECTION 137.** 120.125 (2) (a) (intro.) of the statutes is amended to read:

1 120.125 (2) (a) (intro.) A school board shall permit a day child care provider who
2 has submitted a request which meets all of the requirements under sub. (3) to
3 administer a before- and after-school day child care program in any elementary
4 school within the school district unless:

5 **SECTION 138.** 120.125 (2) (a) 3. of the statutes is amended to read:

6 120.125 (2) (a) 3. Before- and after-school day child care programs exist in the
7 elementary school;

8 **SECTION 139.** 120.125 (2) (a) 4. of the statutes is amended to read:

9 120.125 (2) (a) 4. The school board intends to provide before- and after-school
10 day child care services in the elementary school;

11 **SECTION 140.** 120.125 (2) (b) of the statutes is amended to read:

12 120.125 (2) (b) The school board may deny a request under par. (a) 6. if the
13 school board intends to solicit day child care providers to submit requests to provide
14 before- and after-school day child care programs in the elementary school for which
15 a request under par. (a) was submitted. If a school board denies a request under this
16 paragraph, the request submitted under par. (a) shall be considered along with
17 requests that are submitted as a result of the school board solicitation.

18 **SECTION 141.** 120.125 (2) (c) of the statutes is amended to read:

19 120.125 (2) (c) If a school board denies a request under par. (a) or (b), the school
20 board shall specify the reasons for denial, in writing, to the day child care provider
21 within 60 days after the date on which the request is received.

22 **SECTION 142.** 120.125 (3) (a) (intro.) of the statutes is amended to read:

23 120.125 (3) (a) (intro.) A request submitted to a school board under sub. (2)
24 shall be in writing, shall name the elementary school in which the before- and
25 after-school day child care program is to be provided, and shall specify the amount

1 of space needed, the number and ages of the pupils to be served, and the time the
2 provider intends to operate the program. The request shall also contain all of the
3 following assurances:

4 **SECTION 143.** 120.125 (3) (a) 1. of the statutes is amended to read:

5 120.125 (3) (a) 1. That the day child care provider will be responsible for all
6 actual incremental costs incurred by the school as a result of permitting the day child
7 care provider to provide a before- and after-school day child care program in the
8 school building.

9 **SECTION 144.** 120.125 (3) (a) 2. of the statutes is amended to read:

10 120.125 (3) (a) 2. That the day child care provider will be liable to the school
11 district for any damage to property in the operation of the before- and after-school
12 day child care program, that the day child care provider shall hold the school district
13 harmless from any liability, claim, or damages caused by the acts or omissions of the
14 day child care provider, and that the day child care provider will acquire adequate
15 insurance coverage, as determined by the school district.

16 **SECTION 145.** 120.125 (3) (a) 3. of the statutes is amended to read:

17 120.125 (3) (a) 3. That the day child care provider will not provide religious
18 instruction or permit religious practices to be conducted during the before- and
19 after-school day child care program.

20 **SECTION 146.** 120.125 (3) (b) of the statutes is amended to read:

21 120.125 (3) (b) A school board shall conditionally grant a request submitted by
22 a day child care provider if all the requirements under par. (a) are met and sub. (2)
23 (a) 1. to 6. and (b) does not apply.

24 **SECTION 147.** 120.125 (4) (intro.) of the statutes is amended to read:

1 120.125 (4) (intro.) If a request under sub. (3) is conditionally accepted by the
2 school board, the school board shall enter into a written agreement with the day child
3 care provider that specifies the hours during the day in which the day child care
4 provider is to occupy the school premises and the rooms, facilities, or equipment that
5 are to be used by the day child care provider. The agreement shall also provide all
6 of the following:

7 **SECTION 148.** 120.125 (4) (a) of the statutes is amended to read:

8 120.125 (4) (a) Except as provided under s. 121.545 (2), that the school board
9 is not responsible for providing transportation to or from the before- and
10 after-school day child care program.

11 **SECTION 149.** 120.125 (4) (b) of the statutes is amended to read:

12 120.125 (4) (b) That nothing in the agreement would prohibit the school board
13 from permitting other day child care providers to provide day child care services to
14 pupils in the same building during the same time and that nothing in the agreement
15 would prohibit the school district from providing before- and after-school day child
16 care programs in the same building and during the same time in which the day child
17 care provider provides before- and after-school day child care programs.

18 **SECTION 150.** 120.125 (4) (c) of the statutes is amended to read:

19 120.125 (4) (c) That the agreement may be terminated by the school board at
20 the end of a school year if the school board intends to provide day child care for the
21 pupils in the elementary school or intends to solicit other day child care providers to
22 provide services during the following school year.

23 **SECTION 151.** 120.125 (4) (d) of the statutes is amended to read:

1 120.125 (4) (d) That the school board may review and terminate the agreement
2 at any time, with 30 days' prior written notice to the day child care provider, if any
3 of the conditions in the agreement are violated by the day child care provider.

4 **SECTION 152.** 120.125 (4) (e) of the statutes is amended to read:

5 120.125 (4) (e) That the day child care provider shall be responsible for all
6 actual costs incurred by the school district as a result of the agreement, the costs of
7 which shall be paid to the school district at times specified by the school board in the
8 agreement.

9 **SECTION 153.** 120.125 (4) (f) of the statutes is amended to read:

10 120.125 (4) (f) That the day child care provider shall be liable to the school
11 district for any damage to property in the operation of the before- and after-school
12 day child care program, that the day child care provider shall hold the school district
13 harmless from any liability, claim, or damages caused by the acts or omissions of the
14 day child care provider, and that the day child care provider shall acquire adequate
15 insurance, as determined by the school district, to be in effect beginning the first day
16 on which the day child care provider provides the before- and after-school day child
17 care program.

18 **SECTION 154.** 120.125 (4) (g) of the statutes is amended to read:

19 120.125 (4) (g) That the day child care provider shall not provide religious
20 instruction or permit religious practices to be conducted during the before- and
21 after-school day child care program.

22 **SECTION 155.** 120.125 (4) (h) of the statutes is amended to read:

23 120.125 (4) (h) That the day child care provider shall meet the standards for
24 licensed day child care centers established by the department of health and family
25 services.

1 **SECTION 156.** 120.13 (14) of the statutes is amended to read:

2 120.13 (14) DAY CHILD CARE PROGRAMS. Establish and provide or contract for
3 the provision of day child care programs for children. The school board may receive
4 federal or state funds for this purpose. The school board may charge a fee for all or
5 part of the cost of the service for participation in a day child care program established
6 under this subsection. Costs associated with a day child care program under this
7 subsection may not be included in shared costs under s. 121.07 (6). Day Child care
8 programs established under this subsection shall meet the standards for licensed
9 day child care centers established by the department of health and family services.
10 If a school board proposes to contract for or renew a contract for the provision of a day
11 child care program under this subsection or if on July 1, 1996, a school board is a
12 party to a contract for the provision of a day child care program under this subsection,
13 the school board shall refer the contractor or proposed contractor to the department
14 of health and family services for the criminal history and child abuse record search
15 required under s. 48.685. Each school board shall provide the department of health
16 and family services with information about each person who is denied a contract for
17 a reason specified in s. 48.685 (4m) (a) 1. to 5.

18 **SECTION 157.** 120.13 (36) of the statutes is amended to read:

19 120.13 (36) PREKINDERGARTEN AND KINDERGARTEN PROGRAM AGREEMENTS. Enter
20 into an agreement with a licensed public or private nonsectarian day child care
21 center to lease space for prekindergarten or kindergarten programs offered by the
22 school district or to place school district employees in day child care centers to provide
23 instruction in prekindergarten or kindergarten programs offered by the school
24 district.

25 **SECTION 158.** 121.54 (2) (am) of the statutes is amended to read:

1 121.54 (2) (am) In lieu of transporting a pupil who is eligible for transportation
2 under par. (a) to and from his or her residence, a school district may transport the
3 pupil to or from, or both, a before- and after-school day child care program under s.
4 120.125, a day child care program under s. 120.13 (14), or any other day child care
5 program, family day child care home, or child care provider.

6 **SECTION 159.** 121.545 (2) of the statutes is amended to read:

7 121.545 (2) A school board may provide transportation for children residing in
8 the school district whom the school district is not required to transport under s.
9 121.54 to or from, or both, a before- and after-school day child care program under
10 s. 120.125, a prekindergarten class under s. 120.13 (13), a day child care program
11 under s. 120.13 (14), or any other day child care program, family day child care home,
12 child care provider, or prekindergarten class. The school board may charge a fee for
13 the cost of providing such transportation. The school board may waive the fee or any
14 portion of the fee for any person who is unable to pay the fee. State aid shall not be
15 provided for transportation under this subsection.

16 **SECTION 160.** 234.83 (3) (a) 2. of the statutes is amended to read:

17 234.83 (3) (a) 2. The start-up of a day child care business, including the
18 purchase or improvement of land, buildings, machinery, equipment, or inventory.

19 **SECTION 161.** 252.04 (2) of the statutes is amended to read:

20 252.04 (2) Any student admitted to any elementary, middle, junior, or senior
21 high school or into any day child care center or nursery school shall, within 30 school
22 days after the date on which the student is admitted, present written evidence to the
23 school, day child care center, or nursery school of having completed the first
24 immunization for each vaccine required for the student's grade and being on
25 schedule for the remainder of the basic and recall (booster) immunization series for

1 mumps, measles, rubella (German measles), diphtheria, pertussis (whooping
2 cough), poliomyelitis, tetanus, and other diseases that the department specifies by
3 rule or shall present a written waiver under sub. (3).

4 **SECTION 162.** 252.04 (3) of the statutes is amended to read:

5 252.04 (3) The immunization requirement is waived if the student, if an adult,
6 or the student's parent, guardian, or legal custodian submits a written statement to
7 the school, day child care center, or nursery school objecting to the immunization for
8 reasons of health, religion, or personal conviction. At the time any school, day child
9 care center, or nursery school notifies a student, parent, guardian, or legal custodian
10 of the immunization requirements, it shall inform the person in writing of the
11 person's right to a waiver under this subsection.

12 **SECTION 163.** 252.04 (4) of the statutes is amended to read:

13 252.04 (4) The student, if an adult, or the student's parent, guardian, or legal
14 custodian shall keep the school, day child care center, or nursery school informed of
15 the student's compliance with the immunization schedule.

16 **SECTION 164.** 252.04 (5) (a) of the statutes is amended to read:

17 252.04 (5) (a) By the 15th and the 25th school day after the date on which the
18 student is admitted to a school, day child care center, or nursery school, the school,
19 day child care center, or nursery school shall notify in writing any adult student or
20 the parent, guardian, or legal custodian of any minor student who has not met the
21 immunization or waiver requirements of this section. The notices shall cite the terms
22 of those requirements and shall state that court action and forfeiture penalty could
23 result due to noncompliance. The notices shall also explain the reasons for the
24 immunization requirements and include information on how and where to obtain the
25 required immunizations.

1 **SECTION 165.** 252.04 (5) (b) 1. of the statutes is amended to read:

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

5 **SECTION 166.** 252.04 (5) (b) 2. of the statutes is amended to read:

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

12 **SECTION 167.** 252.04 (5) (b) 3. of the statutes is amended to read:

13 252.04 (5) (b) 3. Beginning on July 1, 1995, if the department determines that
14 fewer than 99% 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 168.** 252.04 (6) of the statutes is amended to read:

20 252.04 (6) The school, day child care center, or nursery school shall notify the
21 district attorney of the county in which the student resides of any minor student who
22 fails to present written evidence of completed immunizations or a written waiver
23 under sub. (3) within 60 school days after being admitted to the school, day child care
24 center, or nursery school. The district attorney shall petition the court exercising
25 jurisdiction under chs. 48 and 938 for an order directing that the student be in

1 compliance with the requirements of this section. If the court grants the petition, the
2 court may specify the date by which a written waiver shall be submitted under sub.
3 (3) or may specify the terms of the immunization schedule. The court may require
4 an adult student or the parent, guardian, or legal custodian of a minor student who
5 refuses to submit a written waiver by the specified date or meet the terms of the
6 immunization schedule to forfeit not more than \$25 per day of violation.

7 **SECTION 169.** 252.21 (1) of the statutes is amended to read:

8 252.21 (1) If a teacher, school nurse, or principal of any school or day child care
9 center knows or suspects that a communicable disease is present in the school or
10 center, he or she shall at once notify the local health officer.

11 **SECTION 170.** 253.15 (2) of the statutes is amended to read:

12 253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or
13 arrange with a nonprofit organization to prepare printed and audiovisual materials
14 relating to shaken baby syndrome and impacted babies. The materials shall include
15 information regarding the identification and prevention of shaken baby syndrome
16 and impacted babies, the grave effects of shaking or throwing on an infant or young
17 child, appropriate ways to manage crying, fussing, or other causes that can lead a
18 person to shake or throw an infant or young child, and a discussion of ways to reduce
19 the risks that can lead a person to shake or throw an infant or young child. The
20 materials shall be prepared in English, Spanish, and other languages spoken by a
21 significant number of state residents, as determined by the board. The board shall
22 make those written and audiovisual materials available to all hospitals, maternity
23 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or
24 make available materials to parents under sub. (3) (a) 1., to the department and to
25 all county departments and nonprofit organizations that are required to provide the

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

10 **SECTION 171.** 253.15 (4) of the statutes is amended to read:

11 253.15 (4) TRAINING FOR DAY CHILD CARE PROVIDERS. Before an individual may
12 obtain a license to operate a day child care center under s. 48.65 for the care and
13 supervision of children under 5 years of age or enter into a contract to provide a day
14 child care program under s. 120.13 (14) for the care and supervision of children under
15 5 years of age, the individual shall receive training relating to shaken baby syndrome
16 and impacted babies that is approved or provided by the department or that is
17 provided by a nonprofit organization arranged by the department to provide that
18 training. Before an individual may be certified under s. 48.651 as a day child care
19 provider of children under 5 years of age, the individual shall receive training
20 relating to shaken baby syndrome and impacted babies that is approved or provided
21 by the certifying county department or that is provided by a nonprofit organization
22 arranged by that county department to provide that training. Before an employee
23 or volunteer of a day child care center licensed under s. 48.65, a day child care
24 provider certified under s. 48.651, or a day child care program established under s.
25 120.13 (14) may provide care and supervision for children under 5 years of age, the

1 employee or volunteer shall receive training relating to shaken baby syndrome and
2 impacted babies that is approved or provided by the department or the certifying
3 county department or that is provided by a nonprofit organization arranged by the
4 department or county department to provide that training. The person conducting
5 the training shall provide to the individual receiving the training, without cost to the
6 individual, a copy of the written materials purchased or prepared under sub. (2), a
7 presentation of the audiovisual materials purchased or prepared under sub. (2), and
8 an oral explanation of those written and audiovisual materials.

9 **SECTION 172.** 254.162 (1) (c) of the statutes is amended to read:

10 254.162 (1) (c) Day Child care providers certified under s. 48.651 and day child
11 care centers licensed under s. 48.65, provisionally licensed under s. 48.69, or
12 established or contracted for under s. 120.13 (14).

13 **SECTION 173.** 254.168 (4) of the statutes is amended to read:

14 254.168 (4) A day child care provider certified under s. 48.651.

15 **SECTION 174.** 254.168 (5) of the statutes is amended to read:

16 254.168 (5) A day child care center licensed under s. 48.65, provisionally
17 licensed under s. 48.69, or established or contracted for under s. 120.13 (14).

18 **SECTION 175.** 285.63 (10) (d) 5. of the statutes is amended to read:

19 285.63 (10) (d) 5. Schools, churches, hospitals, nursing homes, or day child care
20 facilities.

21 **SECTION 176.** 301.12 (14) (a) of the statutes is amended to read:

22 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
23 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17
24 years of age in residential, nonmedical facilities such as group homes, foster homes,
25 treatment foster homes, child caring institutions residential care centers for children

1 and youth, and juvenile correctional institutions is determined in accordance with
2 the cost-based fee established under s. 301.03 (18). The department shall bill the
3 liable person up to any amount of liability not paid by an insurer under s. 632.89 (2)
4 or (2m) or by other 3rd-party benefits, subject to rules which include formulas
5 governing ability to pay promulgated by the department under s. 301.03 (18). Any
6 liability of the resident not payable by any other person terminates when the
7 resident reaches age 17, unless the liable person has prevented payment by any act
8 or omission.

9 **SECTION 177.** 301.46 (4) (a) 2. of the statutes is amended to read:

10 301.46 (4) (a) 2. A day child care provider that holds a license under s. 48.65,
11 that is certified under s. 48.651, that holds a probationary license under s. 48.69, or
12 that is established or contracted for under s. 120.13 (14).

13 **SECTION 178.** 562.06 (3) of the statutes is amended to read:

14 562.06 (3) DAY CHILD CARE. Nothing in this section prohibits a licensee from
15 operating a day child care area at a track if the day child care area is licensed by the
16 department of health and family services under s. 48.65.

17 **SECTION 179.** 767.511 (1m) (e) of the statutes is amended to read:

18 767.511 (1m) (e) The cost of day child care if the custodian works outside the
19 home, or the value of custodial services performed by the custodian if the custodian
20 remains in the home.

21 **SECTION 180.** 905.04 (4) (e) 1. b. of the statutes is amended to read:

22 905.04 (4) (e) 1. b. "Neglect" has the meaning given in s. ~~48.981 (1) (d)~~ 48.02
23 (12g).

24 **SECTION 181.** 938.21 (5) (b) 1. of the statutes is renumbered 938.21 (5) (b) 1. a.

25 and amended to read:

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

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

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

13 1m. If for good cause shown sufficient information is not available for the court
14 to make a finding as to whether those reasonable efforts were made to prevent the
15 removal of the juvenile from the home, the order shall include while assuring that
16 the juvenile's health and safety are the paramount concerns, a finding as to whether
17 those reasonable efforts were made to make it possible for the juvenile to return
18 safely home and an order for the county department or agency primarily responsible
19 for providing services to the juvenile under the custody order to file with the court
20 sufficient information for the court to make a finding as to whether those reasonable
21 efforts were made to prevent the removal of the juvenile from the home by no later
22 than 5 days, excluding Saturdays, Sundays, and legal holidays, after the date of on
23 which the order is granted.

24 **SECTION 182.** 938.21 (5) (b) 1. d. of the statutes is created to read:

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

6 **SECTION 183.** 938.21 (5) (c) of the statutes is amended to read:

7 938.21 (5) (c) The court shall make the findings specified in par. (b) 1., 1m., and
8 3. on a case-by-case basis based on circumstances specific to the juvenile and shall
9 document or reference the specific information on which those findings are based in
10 the custody order. A custody order that merely references par. (b) 1., 1m., or 3.
11 without documenting or referencing that specific information in the custody order
12 or an amended custody order that retroactively corrects an earlier custody order that
13 does not comply with this paragraph is not sufficient to comply with this paragraph.

14 **SECTION 184.** 938.235 (4) (b) of the statutes is amended to read:

15 938.235 (4) (b) The court shall order the agency identified under s. 938.355 (2)
16 ~~(b) 1.~~ 938.33 (1) (c) as primarily responsible for the provision of services to notify the
17 guardian ad litem, if any, regarding actions to be taken under par. (a).

18 **SECTION 185.** 938.315 (2m) (a) of the statutes is amended to read:

19 938.315 (2m) (a) The court making an initial finding under s. 938.21 (5) (b) 1.
20 or 1m., 938.355 (2) (b) 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made
21 to prevent the removal of the juvenile from the home, while assuring that the
22 juvenile's health and safety are the paramount concerns, or an initial finding under
23 s. 938.21 (5) (b) 3., 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not
24 required to be made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4.

1 applies, more than 60 days after the date on which the juvenile was removed from
2 the home.

3 **SECTION 186.** 938.32 (1) (c) 1. c. of the statutes is amended to read:

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

8 **SECTION 187.** 938.32 (1) (c) 1. d. of the statutes is created to read:

9 938.32 (1) (c) 1. d. If the juvenile's placement or other living arrangement is
10 under the supervision of the county department, an order ordering the juvenile into
11 the placement and care responsibility of the county department as required under
12 42 USC 672 (a) (2) and assigning the county department primary responsibility for
13 providing services to the juvenile.

14 **SECTION 188.** 938.33 (4) (c) of the statutes is amended to read:

15 938.33 (4) (c) Specific information showing that continued placement of the
16 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
17 information showing that the county department or the agency primarily
18 responsible for providing services to the juvenile has made reasonable efforts to
19 prevent the removal of the juvenile from the home, while assuring that the juvenile's
20 health and safety are the paramount concerns, unless any of the circumstances
21 specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that
22 the county department or agency has made reasonable efforts to achieve the goal of
23 the juvenile's permanency plan, ~~unless return of the juvenile to the home is the goal~~
24 ~~of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)~~
25 ~~1. to 4. applies.~~

1 **SECTION 189.** 938.335 (3g) (c) of the statutes is amended to read:

2 938.335 (3g) (c) That the county department or agency has made reasonable
3 efforts to achieve the goal of the juvenile's permanency plan, ~~unless return of the~~
4 ~~juvenile to the home is the goal of the permanency plan and any of the circumstances~~
5 ~~specified in s. 938.355 (2d) (b) 1. to 4. applies.~~

6 **SECTION 190.** 938.34 (2) (b) of the statutes is amended to read:

7 938.34 (2) (b) If the juvenile is placed in the juvenile's home under the
8 supervision of an agency or the department, order the agency or department to
9 provide specified services to the juvenile and the juvenile's family, including
10 individual, family, or group counseling, homemaker or parent aide services, respite
11 care, housing assistance, ~~day~~ child care, or parent skills training.

12 **SECTION 191.** 938.355 (2) (b) 1. of the statutes is amended to read:

13 938.355 (2) (b) 1. The specific services ~~or continuum of services~~ to be provided
14 to the juvenile and the juvenile's family, ~~the identity of the agencies that are~~
15 ~~primarily responsible for the provision of the services, the identity of the person or~~
16 ~~agency that will provide case management or coordination of services, if any, and, if~~
17 ~~custody is to be transferred to effect the treatment plan, the identity of the legal~~
18 ~~custodian.~~

19 **SECTION 192.** 938.355 (2) (b) 6. of the statutes is amended to read:

20 938.355 (2) (b) 6. If the juvenile is placed outside the home and if the findings
21 specified in s. 938.21 (5) (b) 1. have not previously been made, a finding that
22 continued placement of the juvenile in his or her home would be contrary to the
23 welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is
24 placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that
25 the juvenile's current residence will not safeguard the welfare of the juvenile or the

1 community due to the serious nature of the act for which the juvenile was adjudicated
2 delinquent. The court order shall also contain a finding as to whether the county
3 department or the agency primarily responsible for providing services under a court
4 order has made reasonable efforts to prevent the removal of the juvenile from the
5 home, while assuring that the juvenile's health and safety are the paramount
6 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.
7 to 4. applies, and a finding as to whether the county department or agency has made
8 reasonable efforts to achieve the goal of the juvenile's permanency plan, ~~unless~~
9 ~~return of the juvenile to the home is the goal of the permanency plan and the court~~
10 ~~finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies.~~ The court shall
11 make the findings specified in this subdivision on a case-by-case basis based on
12 circumstances specific to the juvenile and shall document or reference the specific
13 information on which those findings are based in the court order. A court order that
14 merely references this subdivision without documenting or referencing that specific
15 information in the court order or an amended court order that retroactively corrects
16 an earlier court order that does not comply with this subdivision is not sufficient to
17 comply with this subdivision.

18 **SECTION 193.** 938.355 (2) (b) 6g. of the statutes is created to read:

19 938.355 (2) (b) 6g. If the juvenile is placed outside the home under the
20 supervision of the county department, an order ordering the juvenile into the
21 placement and care responsibility of the county department as required under 42
22 USC 672 (a) (2) and assigning the county department primary responsibility for
23 providing services to the juvenile.

24 **SECTION 194.** 938.355 (2c) (a) 3. c. of the statutes is amended to read:

1 938.355 (2c) (a) 3. c. Community support services, such as day child care,
2 parenting skills training, housing assistance, employment training, and emergency
3 mental health services.

4 **SECTION 195.** 938.355 (6) (d) 1. of the statutes is amended to read:

5 938.355 (6) (d) 1. Placement of the juvenile in a secure detention facility or
6 juvenile portion of a county jail that meets the standards promulgated by the
7 department by rule or in a place of nonsecure custody, for not more than 10 days and
8 the provision of educational services consistent with his or her current course of
9 study during the period of placement. The juvenile shall be given credit against the
10 period of detention or nonsecure custody imposed under this subdivision for all time
11 spent in secure detention in connection with the course of conduct for which the
12 detention or nonsecure custody was imposed. If the court orders placement of the
13 juvenile in a place of nonsecure custody under the supervision of the county
14 department, the court shall order the juvenile into the placement and care
15 responsibility of the county department as required under 42 USC 672 (a) (2) and
16 shall assign the county department primary responsibility for providing services to
17 the juvenile.

18 **SECTION 196.** 938.355 (6m) (a) 1g. of the statutes is amended to read:

19 938.355 (6m) (a) 1g. Placement of the juvenile in a secure detention facility or
20 juvenile portion of a county jail that meets the standards promulgated by the
21 department by rule or in a place of nonsecure custody, for not more than 10 days and
22 the provision of educational services consistent with his or her current course of
23 study during the period of placement. The juvenile shall be given credit against the
24 period of detention or nonsecure custody imposed under this subdivision for all time
25 spent in secure detention in connection with the course of conduct for which the

1 detention or nonsecure custody was imposed. The use of placement in a secure
2 detention facility or in a juvenile portion of a county jail as a sanction under this
3 subdivision is subject to the adoption of a resolution by the county board of
4 supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.
5 If the court orders placement of the juvenile in a place of nonsecure custody under
6 the supervision of the county department, the court shall order the juvenile into the
7 placement and care responsibility of the county department as required under 42
8 USC 672 (a) (2) and shall assign the county department primary responsibility for
9 providing services to the juvenile.

10 **SECTION 197.** 938.356 (1) of the statutes is amended to read:

11 938.356 (1) ORAL WARNING. Whenever the court orders a juvenile to be placed
12 outside his or her home or denies a parent visitation because the juvenile has been
13 adjudged to be delinquent or to be in need of protection or services under s. 938.34,
14 938.345, 938.357, 938.363, or 938.365 and whenever the court reviews a permanency
15 plan under s. 938.38 (5m), the court shall orally inform the parent or parents who
16 appear in court of any grounds for termination of parental rights under s. 48.415
17 which may be applicable and of the conditions necessary for the juvenile to be
18 returned to the home or for the parent to be granted visitation.

19 **SECTION 198.** 938.357 (1) (am) 3. of the statutes is amended to read:

20 938.357 (1) (am) 3. If the court changes the juvenile's placement from a
21 placement outside the home to another placement outside the home, the change in
22 placement order shall contain one of the statements the applicable order under sub.
23 (2v) (a) 1m. and the applicable statement under sub. (2v) (a) 2.

24 **SECTION 199.** 938.357 (1) (c) 3. of the statutes is amended to read:

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

8 **SECTION 200.** 938.357 (2m) (c) of the statutes is amended to read:

9 938.357 (2m) (c) ~~In-home to out-of-home placement; findings~~ Findings
10 required. If the court changes the juvenile's placement from a placement in the
11 juvenile's home to a placement outside the juvenile's home, the change in placement
12 order shall contain the findings under sub. (2v) (a) 1., ~~one of the statements~~ the
13 applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a)
14 2., and, if in addition the court finds that any of the circumstances under s. 938.355
15 (2d) (b) 1. to 4. applies with respect to a parent, the determination under sub. (2v)
16 (a) 3. If the court changes the juvenile's placement from a placement outside the
17 home to another placement outside the home, the change in placement order shall
18 include the applicable order under sub. (2v) (a) 1m. and the applicable statement
19 under sub. (2v) (a) 2.

20 **SECTION 201.** 938.357 (2v) (a) 1m. of the statutes is created to read:

21 938.357 (2v) (a) 1m. If the change in placement order changes the placement
22 of a juvenile who is under the supervision of the county department to a placement
23 outside the juvenile's home, whether from a placement in the home or from another
24 placement outside the home, an order ordering the juvenile into, or to be continued
25 in, the placement and care responsibility of the county department as required under

1 42 USC 672 (a) (2) and assigning the county department primary responsibility, or
2 continued primary responsibility, for providing services to the juvenile.

3 **SECTION 202.** 938.365 (2g) (b) 2. of the statutes is amended to read:

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

11 **SECTION 203.** 938.365 (2m) (a) 1. of the statutes is amended to read:

12 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
13 extension. If the juvenile is placed outside of his or her home, the person or agency
14 primarily responsible for providing services to the juvenile shall present as evidence
15 specific information showing that the person or agency has made reasonable efforts
16 to achieve the goal of the juvenile's permanency plan, ~~unless return of the juvenile~~
17 ~~to the home is the goal of the permanency plan and any of the circumstances under~~
18 ~~s. 938.355 (2d) (b) 1. to 4. applies.~~ The court shall make findings of fact and
19 conclusions of law based on the evidence. The findings of fact shall include a finding
20 as to whether reasonable efforts were made by the agency primarily responsible for
21 providing services to the juvenile to achieve the goal of the juvenile's permanency
22 plan, ~~unless return of the juvenile to the home is the goal of the permanency plan and~~
23 ~~the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies.~~
24 An order shall be issued under s. 938.355.

25 **SECTION 204.** 938.38 (2) (intro.) of the statutes is amended to read:

1 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
2 for each juvenile living in a foster home, treatment foster home, group home,
3 residential care center for children and youth, juvenile detention facility, or shelter
4 care facility, the agency that placed the juvenile or arranged the placement or the
5 agency assigned primary responsibility for providing services to the juvenile under
6 s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following
7 conditions exists, and, for each juvenile living in the home of a relative other than
8 a parent, that agency shall prepare a written permanency plan, if any of the
9 conditions under pars. (a) to (e) exists:

10 **SECTION 205.** 938.38 (5) (c) 7. of the statutes is amended to read:

11 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
12 the goal of the permanency plan, ~~unless return of the juvenile to the home is the goal~~
13 ~~of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)~~
14 ~~1. to 4. applies.~~

15 **SECTION 206.** 948.53 (1) (a) of the statutes is amended to read:

16 948.53 (1) (a) "Child care provider" means a day child care center that is
17 licensed under s. 48.65 (1), a day child care provider that is certified under s. 48.651,
18 or a day child care program that is established or contracted for under s. 120.13 (14).

19 **SECTION 207.** 980.01 (1j) of the statutes is amended to read:

20 980.01 (1j) "Incarceration" includes confinement in a secured juvenile
21 correctional facility, as defined in s. 938.02 (15m) (10p), or a secured child-caring
22 institution residential care center for children and youth, as defined in s. 938.02
23 (15g), ~~or a secured group home, as defined in s. 938.02 (15p)~~, if the person was placed
24 in the facility for being adjudicated delinquent under s. 48.34, 1993 stats., or under
25 s. 938.183 or 938.34 on the basis of a sexually violent offense.

1 **SECTION 208.** 980.02 (1) (b) 3. of the statutes is amended to read:

2 980.02 (1) (b) 3. The county in which the person is in custody under a sentence,
3 a placement to a secured juvenile correctional facility, as defined in s. 938.02 (15m),
4 (10p), or a secured child caring institution residential care center for children and
5 youth, as defined in s. 938.02 (15g), ~~or a secured group home, as defined in s. 938.02~~
6 ~~(15p)~~, or a commitment order.

7 **SECTION 209. Initial applicability.**

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

9 (a) *Juvenile court reports.* The treatment of sections 48.33 (4) (c), 48.365 (2g)
10 (b) 2., 938.33 (4) (c), and 938.365 (2g) (b) 2. of the statutes first applies to reports filed
11 with the court assigned to exercise jurisdiction under chapters 48 and 938 of the
12 statutes on the effective date of this paragraph.

13 (b) *Orders placing child outside home.* The treatment of sections 48.21 (5) (c),
14 48.235 (4) (b) and (4m) (b), 48.355 (2) (b) 1., 6., and 6g., 48.357 (1) (am) 3. and (c) 3.,
15 (2m) (c), and (2v) (a) 1m., 48.365 (2m) (a) 1., 48.38 (2) (intro.), 48.417 (2) (c), 48.43 (1)
16 (am), 938.21 (5) (c), 938.235 (4) (b), 938.32 (1) (c) 1. c. and d., 938.355 (2) (b) 1., 6., and
17 6g., (6) (d) 1., and (6m) (a) 1g., 938.356 (1) (with respect to court orders), 938.357 (1)
18 (am) 3. and (c) 3., (2m) (c), and (2v) (a) 1m., 938.365 (2m) (a) 1., and 938.38 (2) (intro.)
19 of the statutes, the renumbering and amendment of sections 48.21 (5) (b) 1., 48.32
20 (1) (b) 1., and 938.21 (5) (b) 1. of the statutes, and the creation of sections 48.21 (5)
21 (b) 1. d., 48.32 (1) (b) 1. d., and 938.21 (5) (b) 1. d. of the statutes first apply to court
22 orders granted on the effective date of this paragraph.

23 (c) *Voluntary agreements placing child outside home.* The treatment of sections
24 48.63 (1) and 48.75 (1g) (c) 1. of the statutes first applies to voluntary agreements
25 placing a child outside the home entered into on the effective date of this paragraph.

Insert A

adequately or is fit and proper to have care and custody of the child, the circuit court may declare the child to be in need of protection or services and transfer legal custody of the child to a relative of the child, to the county department of human services or social services (county department), or to a licensed child welfare agency. This bill also permits a circuit court to transfer legal custody of a child found to be in need of protection or services in an action affecting the family in Milwaukee County to DHFS. In addition, if the circuit court transfers legal custody of a child found to be in need of protection or services in an action affecting the family to a county department, DHFS, or a licensed child welfare agency, the bill requires the circuit court to refer the matter to the juvenile court intake worker, who is required to conduct an intake inquiry to determine whether a petition alleging the child to be in need of protection or services should be filed with the juvenile court. Further, the bill requires a circuit court to include in an order transferring legal custody of a child found to be in need of protection or services in an action affecting the family a finding that placement of the child in his or her home would be contrary to the welfare of the child and, subject to certain exceptions, a finding that reasonable efforts have been made to prevent the removal of the child from the home.

The bill also requires a juvenile court, when ordering a child to be placed outside the home under the supervision of a county department or, in Milwaukee County, 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 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.

P Under current law, if a child who has been taken into custody under the Children's Code ~~or the Juvenile Justice Code~~ is not released, the juvenile court is required to hold a hearing to determine whether the child should continue to be held in custody and is required to include in an order to hold a child in temporary physical custody certain findings, including a finding that reasonable efforts have been made to prevent the removal of the child from the home. Currently, if for good cause shown sufficient information is not available for the juvenile court to make that finding, the county department, DHFS in Milwaukee County, or the agency primarily responsible for providing services to the child is required to file with the juvenile court sufficient information for the juvenile court to make that finding within five days after the date of the temporary physical custody order. This bill requires that information to be filed with the juvenile court within five days, excluding Saturdays, Sundays, and legal holidays, after the date on which the temporary physical custody order is granted.

(see draft)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1064/1dn
GMM...kjf

Date

Cathy:

LRB policy permits a drafter to clarify and modernize a statute when amending it. Accordingly, this draft, in addition to implementing the drafting instructions, makes the following changes:

1. In SECTIONS 17 and 181, the draft clarifies in ss. 48.21 (5) (b) 1m. and 938.21 (5) (b) 1m. as created by the draft, that the information relating to reasonable efforts must be filed with the court within five days after the date on which the order *is granted*. The draft also excludes Saturdays, Sundays, and legal holidays from those five days in s. 48.21 (5) (b) 1m. for conformity with s. 938.21 (5) (b) 1m. and with the treatment of s. 48.21 (5) (b) 1m. in the budget bill.
2. In SECTION 26, the draft splits s. 48.335 (3g) into s. 48.335 (3g) (intro.), (a), (b), and (c) for improved readability and for conformity with s. 938.335 (3g).
3. In SECTION 113, the draft capitalizes a proper name for conformity with modern drafting style.

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4. In SECTIONS 161 and 164 the draft clarifies in
s. 252.04 (2) and (5) (a) that the deadline for
providing ^{of} proof of immunization is measured from
the date on which the student ^{is} admitted to school.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1064/1dn
GMM:kjf:jf

February 22, 2007

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