

Malaise, Gordon

From: Connolly, Cathleen - DHFS
Sent: Tuesday, April 17, 2007 9:52 AM
To: Duerst, Christina
Cc: Mitchell, Mark S - DHFS; Malaise, Gordon
Subject: Re: Draft review: LRB 07-1064/P1 Topic: DHFS remedial changes

49,355 (2)066.

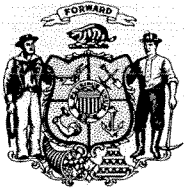
Hi Gordon,
We have finished reviewing LRB 07-1064/P1 and have only two requested changes. Please remove the revisions in Section 29, lines 16 and 17; and Section 192, lines 20 and 21. I am assuming the bill draft number will change, does the Drafter's Note that you did for us go forward with the new bill draft?

The Bureau Director wants to look at the new draft before he OKs it to be submitted to the Law Revision committee. Do you have any idea when that Committee will start up? Thank you.

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>>> "Duerst, Christina" <Christina.Duerst@legis.wisconsin.gov>
1/12/2007 2:39 PM >>>
Draft Requester: Legislative Council - LRC

Following is the PDF version of draft LRB 07-1064/P1.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1064/1

GMM:kjf/jt

2
NMP

NOTE

Soon - FY 4,16,63

2007 BILL

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),

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1 subchapter XVI (title) of chapter 48 [precedes 48.66], 48.66 (1) (a), 48.66 (2),
2 48.66 (2m) (a) 1., 48.66 (2m) (b), 48.66 (5), 48.67, 48.685 (1) (b), 48.685 (2) (am)
3 (intro.), 48.685 (2) (b) 4., 48.685 (3) (a), 48.685 (3) (b), 48.685 (4m) (a) (intro.),
4 48.685 (4m) (a) 1., 48.685 (4m) (ad), 48.685 (4m) (b) 1., 48.685 (5m), 48.685 (6)
5 (a), 48.685 (6) (b) 1., 48.69, 48.715 (1), 48.715 (2) (a), 48.715 (4) (c), 48.715 (6),
6 48.715 (7), 48.73, 48.735, 48.737, 48.75 (1g) (c) 1., 48.78 (1), 48.78 (2) (a), 48.981
7 (2) (a) 18., 48.981 (2) (a) 19., 49.136 (1) (j), 49.136 (1) (k), 49.136 (2) (b), 49.137
8 (1) (e), 49.155 (1) (am), 49.155 (1) (b), 49.155 (1d) (a), 49.155 (1d) (b), 49.155 (1g)
9 (b), 49.155 (1g) (d), 49.155 (4), 49.155 (6) (b), 49.155 (6) (c), 49.155 (6) (cm),
10 66.1017 (title), 66.1017 (1) (a), 66.1017 (2), 71.07 (2dd) (a) 1., 71.28 (1dd) (a) 1.,
11 71.47 (1dd) (a) 1., 73.0301 (1) (d) 2., 77.54 (20) (c) 4., 101.123 (1) (ad), 101.123
12 (2) (bm), 101.123 (4) (a) 2., 115.812 (1), 115.817 (8), 118.51 (2), 120.125 (title),
13 120.125 (1), 120.125 (2) (a) (intro.), 120.125 (2) (a) 3., 120.125 (2) (a) 4., 120.125
14 (2) (b), 120.125 (2) (c), 120.125 (3) (a) (intro.), 120.125 (3) (a) 1., 120.125 (3) (a)
15 2., 120.125 (3) (a) 3., 120.125 (3) (b), 120.125 (4) (intro.), 120.125 (4) (a), 120.125
16 (4) (b), 120.125 (4) (c), 120.125 (4) (d), 120.125 (4) (e), 120.125 (4) (f), 120.125 (4)
17 (g), 120.125 (4) (h), 120.13 (14), 120.13 (36), 121.54 (2) (am), 121.545 (2), 234.83
18 (3) (a) 2., 252.04 (2), 252.04 (3), 252.04 (4), 252.04 (5) (a), 252.04 (5) (b) 1., 252.04
19 (5) (b) 2., 252.04 (5) (b) 3., 252.04 (6), 252.21 (1), 253.15 (2), 253.15 (4), 254.162
20 (1) (c), 254.168 (4), 254.168 (5), 285.63 (10) (d) 5., 301.12 (14) (a), 301.46 (4) (a)
21 2., 562.06 (3), 767.511 (1m) (e), 905.04 (4) (e) 1. b., 938.21 (5) (c), 938.235 (4) (b),
22 938.315 (2m) (a), 938.32 (1) (c) 1. c., 938.33 (4) (c), 938.335 (3g) (c), 938.34 (2)
23 (b), 938.355 (2) (b) 1., 938.355 (2) (b) 6., 938.355 (2c) (a) 3. c., 938.355 (6) (d) 1.,
24 938.355 (6m) (a) 1g., 938.356 (1), 938.357 (1) (am) 3., 938.357 (1) (c) 3., 938.357
25 (2m) (c), 938.365 (2g) (b) 2., 938.365 (2m) (a) 1., 938.38 (2) (intro.), 938.38 (5) (c)

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1 7., 948.53 (1) (a), 980.01 (1j) and 980.02 (1) (b) 3.; and **to create** 48.21 (5) (b) 1.
2 d., 48.32 (1) (b) 1. d., 48.355 (2) (b) 6g., 48.357 (2v) (a) 1m., 48.43 (1) (am), 938.21
3 (5) (b) 1. d., 938.32 (1) (c) 1. d., 938.355 (2) (b) 6g. and 938.357 (2v) (a) 1m. of the
4 statutes; **relating to:** required judicial findings and orders when a child is
5 placed outside the home, termination of parental rights warnings, mandatory
6 child abuse or neglect reporters, the confidentiality of social services records,
7 changing from child caring institution to residential care center for children
8 and youth the term used to describe a facility operated by a licensed child
9 welfare agency for the care and maintenance of children residing in that facility,
10 changing from day care to child care the term used to describe care and
11 supervision for children for less than 24 hours a day, and renumbering the
12 definition of neglect (suggested as remedial legislation by the Department of
13 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

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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.

Under current law, if a child who has been taken into custody under the Children's 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

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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.

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."

BILL***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

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1 major remodeling project, enumerated in the state building program in the biennial
2 budget act, for any state office building. Based upon the report of the director of the
3 office of state employment relations, the building commission may direct that plans
4 for day child care facility space be included in the plans for that construction or major
5 remodeling project.

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

7 13.83 (4) (a) 4. Ways in which the results from the scientific study of attachment
8 and brain development can be incorporated into public schools, day child care
9 centers, and homes.

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

11 16.85 (1) To take charge of and supervise all engineering or architectural
12 services or construction work, as defined in s. 16.87, performed by, or for, the state,
13 or any department, board, institution, commission, or officer thereof of the state,
14 including nonprofit-sharing corporations organized for the purpose of assisting the
15 state in the construction and acquisition of new buildings or improvements and
16 additions to existing buildings as contemplated under ss. 13.488, 36.09, and 36.11,
17 except the engineering, architectural, and construction work of the department of
18 transportation, and the engineering service performed by the department of
19 commerce, department of revenue, public service commission, department of health
20 and family services, and other departments, boards, and commissions when the
21 service is not related to the maintenance, and construction and planning, of the
22 physical properties of the state. The department ~~shall~~ may not authorize
23 construction work for any state office facility in the city of Madison after May 11,
24 1990, unless the department first provides suitable space for a day child care center
25 primarily for use by children of state employees.

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

2 20.435 (3) (jm) *Licensing activities.* The amounts in the schedule for the costs
3 of licensing child welfare agencies under s. 48.60, foster homes and treatment foster
4 homes under s. 48.62, group homes under s. 48.625, ~~day~~ child care centers under s.
5 48.65, and shelter care facilities under s. 938.22 (7). All moneys received for these
6 licensing activities and from fees under ss. 48.615, 48.625, 48.65 (3), and 938.22 (7)
7 (b) and (c) shall be credited to this appropriation account.

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

9 20.907 (5) (e) 6. Advances from ~~child caring institutions~~ residential care
10 centers for children and youth and counties and moneys receivable from counties
11 under s. 46.037.

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

13 36.25 (26) DAY CHILD CARE CENTERS. A college campus may establish a ~~day~~ child
14 care center and may use funds received from the appropriation under s. 20.285 (1)
15 (a) to operate it.

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

17 46.03 (7) (cm) Promote the establishment of adequate child care facilities and
18 services in this state by providing start-up grants to newly operating day child care
19 facilities and services under rules promulgated by the department.

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

21 46.03 (22) (a) "Community living arrangement" means any of the following
22 facilities licensed or operated, or permitted under the authority of the department:
23 residential care centers for children and youth, as defined in s. 48.02 (15d), operated
24 by child welfare agencies licensed under s. 48.60, group homes for children, as
25 defined in s. 48.02 (7), and community-based residential facilities, as defined in s.

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1 50.01 (1g); but does not include adult family homes, as defined in s. 50.01 (1), adult
2 day care centers, nursing homes, general hospitals, special hospitals, prisons, and
3 jails.

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

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

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

14 46.16 (2m) (title) IMMUNIZATION REQUIREMENTS; ~~DAY~~ CHILD CARE CENTERS.

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

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

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

24 46.261 (2) (a) 2. A county or, in a county having a population of 500,000 or more,
25 the department, on behalf of a child in the legal custody of a county department under

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1 s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or on behalf of a child
2 who was removed from the home of a relative, as defined under s. 48.02 (15), as a
3 result of a judicial determination that continuance in the home of a relative would
4 be contrary to the child's welfare for any reason when such child is placed in a
5 licensed ~~child-caring institution~~ residential care center for children and youth by the
6 county department or the department. Reimbursement shall be made by the state
7 pursuant to subd. 1.

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

9 46.515 (1) (g) "Neglect" has the meaning given in s. ~~48.981 (1) (d)~~ 48.02 (12g).

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

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

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

22 48.195 (2) (b) A parent who relinquishes custody of a child under sub. (1) and
23 any person who assists the parent in that relinquishment may leave the presence of
24 the law enforcement officer, emergency medical technician, or hospital staff member
25 who took custody of the child at any time, and no person may follow or pursue the

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1 parent or person assisting the parent, unless the person has reasonable cause to
2 suspect that the child has been the victim of abuse or neglect, ~~as defined in s. 48.981~~
3 ~~(1) (d)~~, or that the person assisting the parent has coerced the parent into
4 relinquishing custody of the child.

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

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

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

15 48.21 (5) (b) 1. a. A finding that continued placement of the child in his or her
16 home would be contrary to the welfare of the child. ~~Unless the judge or circuit court~~
17 ~~commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to~~
18 ~~5. applies, the order shall in addition include a~~

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

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

4 1m. If for good cause shown sufficient information is not available for the judge
5 or circuit court commissioner to make a finding as to whether ~~those~~ reasonable
6 efforts were made to prevent the removal of the child from the home, while assuring
7 that the child's health and safety are the paramount concerns, a finding as to
8 whether ~~those~~ reasonable efforts were made to make it possible for the child to return
9 safely home and an order for the county department, department, in a county having
10 a population of 500,000 or more, or agency primarily responsible for providing
11 services to the child under the custody order to file with the court sufficient
12 information for the judge or circuit court commissioner to make a finding as to
13 whether those reasonable efforts were made to prevent the removal of the child from
14 the home by no later than 5 days, excluding Saturdays, Sundays, and legal holidays,
15 after the date of on which the order is granted.

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

17 48.21 (5) (b) 1. d. If the child is under the supervision of the county department
18 or, in a county having a population of 500,000 or more, the department, an order
19 ordering the child into the placement and care responsibility of the county
20 department or department as required under 42 USC 672 (a) (2) and assigning the
21 county department or department primary responsibility for providing services to
22 the child.

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

24 48.21 (5) (c) The judge or circuit court commissioner shall make the findings
25 specified in par. (b) 1., 1m., and 3. on a case-by-case basis based on circumstances

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1 specific to the child and shall document or reference the specific information on
2 which those findings are based in the custody order. A custody order that merely
3 references par. (b) 1., 1m., or 3. without documenting or referencing that specific
4 information in the custody order or an amended custody order that retroactively
5 corrects an earlier custody order that does not comply with this paragraph is not
6 sufficient to comply with this paragraph.

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

8 48.235 (4) (b) The court shall order the agency identified under s. 48.355 (2) (b)
9 ~~1.~~ 48.33 (1) (c) as primarily responsible for the provision of services to notify the
10 guardian ad litem, if any, regarding actions to be taken under par. (a).

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

12 48.235 (4m) (b) The court shall order the agency identified under s. 48.355 (2)
13 (b) ~~1.~~ 48.33 (1) (c) as primarily responsible for the provision of services to notify the
14 guardian ad litem, if any, regarding actions to be taken under par. (a).

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

16 48.315 (2m) (a) 1. The court making an initial finding under s. 48.21 (5) (b) 1.
17 or 1m., 48.355 (2) (b) 6., or 48.357 (2v) (a) 1. that reasonable efforts have been made
18 to prevent the removal of the child from the home, while assuring that the child's
19 health and safety are the paramount concerns, or an initial finding under s. 48.21
20 (5) (b) 3., 48.355 (2) (b) 6r., or 48.357 (2v) (a) 3. that those efforts were not required
21 to be made because a circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, more
22 than 60 days after the date on which the child was removed from the home.

23 **SECTION 23.** 48.32 (1) (b) 1. of the statutes is renumbered 48.32 (1) (b) 1. (intro.)

24 and amended to read:

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

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

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

14 c. A finding as to whether the county department, department, or agency has
15 made reasonable efforts to achieve the goal of the child's permanency plan, ~~unless~~
16 ~~return of the child to the home is the goal of the permanency plan and the judge or~~
17 ~~circuit court commissioner finds that any of the circumstances specified in s. 48.355~~
18 ~~(2d) (b) 1. to 5. applies.~~

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

20 48.32 (1) (b) 1. d. If the child's placement or other living arrangement is under
21 the supervision of the county department or, in a county having a population of
22 500,000 or more, the department, an order ordering the child into the placement and
23 care responsibility of the county department or department as required under 42
24 USC 672 (a) (2) and assigning the county department or department primary
25 responsibility for providing services to the child.

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

2 48.33 (4) (c) Specific information showing that continued placement of the child
3 in his or her home would be contrary to the welfare of the child, specific information
4 showing that the county department, the department, in a county having a
5 population of 500,000 or more, or the agency primarily responsible for providing
6 services to the child has made reasonable efforts to prevent the removal of the child
7 from the home, while assuring that the child's health and safety are the paramount
8 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
9 applies, and specific information showing that the county department, department,
10 or agency has made reasonable efforts to achieve the goal of the child's permanency
11 plan, ~~unless return of the child to the home is the goal of the permanency plan and~~
12 ~~any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.~~

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

15 48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in
16 s. 48.38 (1) (a), is recommending placement of the child in a foster home, treatment
17 foster home, group home, or residential care center for children and youth or in the
18 home of a relative other than a parent, the agency shall present as evidence specific
19 information showing that all of the following:

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

22 (b) 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

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1 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
2 applies, and ~~specific information showing that.~~

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

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

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

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

15 48.355 (2) (b) 1. The specific services ~~or continuum of services~~ to be provided
16 to the child and family, to the child expectant mother and family, or to the adult
17 expectant mother, ~~the identity of the agencies which are to be primarily responsible~~
18 ~~for the provision of the services ordered by the judge, the identity of the person or~~
19 ~~agency who will provide case management or coordination of services, if any, and, if~~
20 custody of the child is to be transferred to effect the treatment plan, the identity of
21 the legal custodian.

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

23 48.355 (2) (b) 6. If the child is placed outside the home ~~and if the findings~~
24 ~~specified in s. 48.21 (5) (b) 1. have not previously been made,~~ a finding that continued
25 placement of the child in his or her home would be contrary to the welfare of the child,

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1 a finding as to whether the county department, the department, in a county having
2 a population of 500,000 or more, or the agency primarily responsible for providing
3 services under a court order has made reasonable efforts to prevent the removal of
4 the child from the home, while assuring that the child's health and safety are the
5 paramount concerns, unless the court finds that any of the circumstances specified
6 in sub. (2d) (b) 1. to 5. applies, and a finding as to whether the county department,
7 department, or agency has made reasonable efforts to achieve the goal of the child's
8 permanency plan, ~~unless return of the child to the home is the goal of the permanency~~
9 ~~plan and the court finds that any of the circumstances specified in sub. (2d) (b) 1. to~~
10 ~~5. applies.~~ The court shall make the findings specified in this subdivision on a
11 case-by-case basis based on circumstances specific to the child and shall document
12 or reference the specific information on which those findings are based in the court
13 order. A court order that merely references this subdivision without documenting
14 or referencing that specific information in the court order or an amended court order
15 that retroactively corrects an earlier court order that does not comply with this
16 subdivision is not sufficient to comply with this subdivision.

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

18 48.355 (2) (b) 6g. If the child is placed outside the home under the supervision
19 of the county department or, in a county having a population of 500,000 or more, the
20 department, an order ordering the child into the placement and care responsibility
21 of the county department or department as required under 42 USC 672 (a) (2) and
22 assigning the county department or department primary responsibility for providing
23 services to the child.

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

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1 48.355 (2c) (a) 3. c. Community support services, such as day child care, parent
2 skills training, housing assistance, employment training, and emergency mental
3 health services.

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

5 48.356 (1) Whenever the court orders a child to be placed outside his or her
6 home, orders an expectant mother of an unborn child to be placed outside of her
7 home, or denies a parent visitation because the child or unborn child has been
8 adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,
9 48.363, or 48.365 and whenever the court reviews a permanency plan under s. 48.38
10 (5m), the court shall orally inform the parent or parents who appear in court or the
11 expectant mother who appears in court of any grounds for termination of parental
12 rights under s. 48.415 which may be applicable and of the conditions necessary for
13 the child or expectant mother to be returned to the home or for the parent to be
14 granted visitation.

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

16 48.357 (1) (am) 3. If the court changes the child's placement from a placement
17 outside the home to another placement outside the home, the change in placement
18 order shall contain ~~one of the statements~~ the applicable order specified in sub. (2v)
19 (a) 1m. and the applicable statement specified in sub. (2v) (a) 2.

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

21 48.357 (1) (c) 3. 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

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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.

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

4 48.357 (2m) (c) If the court changes the child's placement from a placement in
5 the child's home to a placement outside the child's home, the change in placement
6 order shall contain the findings specified in sub. (2v) (a) 1., ~~one of the statements the~~
7 applicable order specified in sub. (2v) (a) 1m., the applicable statement specified in
8 sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances
9 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the
10 determination specified in sub. (2v) (a) 3. If the court changes the child's placement
11 from a placement outside the home to another placement outside the home, the
12 change in placement order shall include the applicable order specified in sub. (2v) (a)
13 1m. and the applicable statement specified in sub. (2v) (a) 2.

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

15 48.357 (2v) (a) 1m. If the change in placement order changes the placement of
16 a child who is under the supervision of the county department or, in a county having
17 a population of 500,000 or more, the department to a placement outside the child's
18 home, whether from a placement in the home or from another placement outside the
19 home, an order ordering the child into, or to be continued in, the placement and care
20 responsibility of the county department or department as required under 42 USC
21 672 (a) (2) and assigning the county department or department primary
22 responsibility, or continued primary responsibility, for providing services to the
23 child.

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

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

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

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

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

23 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
24 for each child living in a foster home, treatment foster home, group home, residential
25 care center for children and youth, juvenile detention facility, or shelter care facility,

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1 the agency that placed the child or arranged the placement or the agency assigned
2 primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g.
3 shall prepare a written permanency plan, if any of the following conditions exists,
4 and, for each child living in the home of a relative other than a parent, that agency
5 shall prepare a written permanency plan, if any of the conditions specified in pars.
6 (a) to (e) exists:

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

8 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
9 the goal of the permanency plan, ~~unless return of the child to the home is the goal~~
10 ~~of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b)~~
11 ~~1. to 5. applies.~~

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

13 48.417 (2) (c) The agency primarily responsible for providing services to the
14 ~~child and the family~~ under a court order, if required under s. 48.355 (2) (b) 6. to make
15 reasonable efforts to make it possible for the child to return safely to his or her home,
16 has not provided to the family of the child, consistent with the time period in the
17 child's permanency plan, the services necessary for the safe return of the child to his
18 or her home.

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

20 48.43 (1) (am) If the department or a county department receives guardianship
21 or custody of the child under par. (a), an order ordering the child into the placement
22 and care responsibility of the department or county department as required under
23 42 USC 672 (a) (2) and assigning the department or county department primary
24 responsibility for providing services to the child.

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

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

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

4 48.63 (1) Acting under court order or voluntary agreement, the child's parent
5 or guardian or the department of health and family services, the department of
6 corrections, a county department, or a child welfare agency licensed to place children
7 in foster homes, treatment foster homes, or group homes may place a child or
8 negotiate or act as intermediary for the placement of a child in a foster home,
9 treatment foster home, or group home. Voluntary agreements under this subsection
10 may not be used for placements in facilities other than foster, treatment foster, or
11 group homes and may not be extended. A foster home or treatment foster home
12 placement under a voluntary agreement may not exceed 180 days from the date on
13 which the child was removed from the home under the voluntary agreement. A group
14 home placement under a voluntary agreement may not exceed 15 days from the date
15 on which the child was removed from the home under the voluntary agreement,
16 except as provided in sub. (5). These time limitations do not apply to placements
17 made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may be
18 made only under this subsection and sub. (5) (b) and shall be in writing and shall
19 specifically state that the agreement may be terminated at any time by the parent
20 or guardian or by the child if the child's consent to the agreement is required. The
21 child's consent to the agreement is required whenever the child is 12 years of age or
22 older. If a county department, the department of health and family services, or the
23 department of corrections places a child or negotiates or acts as intermediary for the
24 placement of a child under this subsection, the voluntary agreement shall also
25 specifically state that the county department, department of health and family

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1 services, or department of corrections has placement and care responsibility for the
2 child as required under 42 USC 672 (a) (2) and has primary responsibility for
3 providing services to the child.

4 **SECTION 45.** Subchapter XV (title) of chapter 48 [precedes 48.65] of the statutes
5 is amended to read:

CHAPTER 48**SUBCHAPTER XV****DAY CHILD CARE PROVIDERS**

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

10 **48.65 (title) Day Child care centers licensed; fees.**

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

12 **48.65 (1)** No person may for compensation provide care and supervision for 4
13 or more children under the age of 7 for less than 24 hours a day unless that person
14 obtains a license to operate a day child care center from the department. To obtain
15 a license under this subsection to operate a day child care center, a person must meet
16 the minimum requirements for a license established by the department under s.
17 48.67, meet the requirements specified in s. 48.685, and pay the license fee under
18 sub. (3). A license issued under this subsection is valid until revoked or suspended,
19 but shall be reviewed every 2 years as provided in s. 48.66 (5).

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

21 **48.65 (3) (a)** Before the department may issue a license under sub. (1) to a day
22 child care center that provides care and supervision for 4 to 8 children, the day child
23 care center must pay to the department a biennial fee of \$60.50. Before the
24 department may issue a license under sub. (1) to a day child care center that provides
25 care and supervision for 9 or more children, the day child care center must pay to the

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1 department a biennial fee of \$30.25, plus a biennial fee of \$10.33 per child, based on
2 the number of children that the day child care center is licensed to serve. A day child
3 care center that wishes to continue a license issued under sub. (1) shall pay the
4 applicable fee under this paragraph by the continuation date of the license. A new
5 day child care center shall pay the applicable fee under this paragraph no later than
6 30 days before the opening of the day child care center.

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

8 48.65 (3) (b) A day child care center that wishes to continue a license issued
9 under par. (a) and that fails to pay the applicable fee under par. (a) by the
10 continuation date of the license or a new day child care center that fails to pay the
11 applicable fee under par. (a) by 30 days before the opening of the day child care center
12 shall pay an additional fee of \$5 per day for every day after the deadline that the
13 ~~group-home~~ child care center fails to pay the fee.

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

15 **48.651 (title) Certification of day child care providers.**

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

17 48.651 (1) (intro.) Each county department shall certify, according to the
18 standards adopted by the department of workforce development under s. 49.155 (1d),
19 each day child care provider reimbursed for child care services provided to families
20 determined eligible under s. 49.155, unless the provider is a day child care center
21 licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each
22 county may charge a fee to cover the costs of certification. To be certified under this
23 section, a person must meet the minimum requirements for certification established
24 by the department of workforce development under s. 49.155 (1d), meet the

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1 requirements specified in s. 48.685, and pay the fee specified in this section. The
2 county shall certify the following categories of day child care providers:

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

4 48.651 (1) (a) Level I certified family day child care providers, as established
5 by the department of workforce development under s. 49.155 (1d). No county may
6 certify a provider under this paragraph if the provider is a relative of all of the
7 children for whom ~~he or she~~ the provider provides care.

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

9 48.651 (1) (b) Level II certified family day child care providers, as established
10 by the department of workforce development, under s. 49.155 (1d).

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

12 **48.653 Information for day child care providers.** The department shall
13 provide each day child care center licensed under s. 48.65 and each county agency
14 providing child welfare services with a brochure containing information on basic
15 child care and the licensing and certification requirements for day child care
16 providers. Each county agency shall provide each day child care provider that it
17 certifies with a copy of the brochure.

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

19 **48.655 Parental access.** A day child care provider that holds a license under
20 s. 48.65, that is certified under s. 48.651, that holds a probationary license under s.
21 48.69, or that is established or contracted for under s. 120.13 (14) shall permit any
22 parent or guardian of a child enrolled in the program to visit and observe the program
23 of child care at any time during the provider's hours of operation, unless the visit or
24 observation is contrary to an existing court order.

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

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

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

9 **48.657 (title) Day Child care center reports.**

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

11 **48.657 (1) (intro.)** The department shall provide each day child care center that
12 holds a license under s. 48.65 (1) or a probationary license under s. 48.69 with an
13 annual report that includes the following information:

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

15 **48.657 (1) (a)** Violations of statutes, rules promulgated by the department
16 under s. 48.67, or provisions of licensure under s. 48.70 (1) by the day child care
17 center. In providing information under this paragraph, the department may not
18 disclose the identity of any employee of the day child care center.

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

20 **48.657 (1) (b)** A telephone number at the department that a person may call
21 to complain of any alleged violation of a statute, rule promulgated by the department
22 under s. 48.67, or provision of licensure under s. 48.70 (1) by the day child care center.

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

24 **48.657 (1) (c)** The results of the most recent inspection of the day child care
25 center under s. 48.73.

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

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

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

7 48.657 (2g) If the report under sub. (1) indicates that the day child care center
8 is in violation of a statute, a rule promulgated by the department under s. 48.67, or
9 a provision of licensure under s. 48.70 (1), the day child care center shall post with
10 the report any notices received from the department relating to that violation.

11 **SECTION 64.** 48.657 (2r) of the statutes is amended to read:

12 48.657 (2r) Each day child care center that receives a report under sub. (1) shall
13 make available to a parent, guardian, or legal custodian of a child who is receiving,
14 or who is a prospective recipient of, care and supervision from the day child care
15 center the reports under sub. (1) from the previous 2 years and any notices received
16 from the department relating to any violations identified in those reports. In
17 providing information under this subsection, a day child care center may withhold
18 any information that would disclose the identity of an employee of the day child care
19 center.

20 **SECTION 65.** 48.657 (3) of the statutes is amended to read:

21 48.657 (3) The department may require a day child care center to provide to
22 the department any information that is necessary for the department to prepare the
23 report under sub. (1).

24 **SECTION 66.** Subchapter XVI (title) of chapter 48 [precedes 48.66] of the
25 statutes is amended to read:

BILL**CHAPTER 48****SUBCHAPTER XVI****LICENSING PROCEDURES AND
REQUIREMENTS FOR CHILD WELFARE
AGENCIES, FOSTER HOMES,
TREATMENT FOSTER HOMES, GROUP
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

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1 agency, group home, shelter care facility, or day child care center who are not
2 individuals be provided.

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

4 48.66 (2m) (a) 1. Except as provided in subd. 2., the department of health and
5 family services shall require each applicant for a license under sub. (1) (a) to operate
6 a child welfare agency, group home, shelter care facility, or day child care center who
7 is an individual to provide that department with the applicant's social security
8 number, and shall require each applicant for a license under sub. (1) (a) to operate
9 a child welfare agency, group home, shelter care facility, or day child care center who
10 is not an individual to provide that department with the applicant's federal employer
11 identification number, when initially applying for or applying to continue the license.

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

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

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

23 48.66 (5) A child welfare agency, group home, day child care center, or shelter
24 care facility license, other than a probationary license, is valid until revoked or
25 suspended, but shall be reviewed every 2 years after the date of issuance as provided

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1 in this subsection. At least 30 days prior to the continuation date of the license, the
2 licensee shall submit to the department an application for continuance of the license
3 in the form and containing the information that the department requires. If the
4 minimum requirements for a license established under s. 48.67 are met, the
5 application is approved, the applicable fees referred to in ss. 48.68 (1) and 48.685 (8)
6 are paid, and any forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is
7 due is paid, the department shall continue the license for an additional 2-year
8 period, unless sooner suspended or revoked. If the application is not timely filed, the
9 department shall issue a warning to the licensee. If the licensee fails to apply for
10 continuance of the license within 30 days after receipt of the warning, the
11 department may revoke the license as provided in s. 48.715 (4) and (4m) (b).

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

13 **48.67 Rules governing child welfare agencies, day child care centers,**
14 **foster homes, treatment foster homes, group homes, shelter care facilities,**
15 **and county departments.** The department shall promulgate rules establishing
16 minimum requirements for the issuance of licenses to, and establishing standards
17 for the operation of, child welfare agencies, day child care centers, foster homes,
18 treatment foster homes, group homes, shelter care facilities, and county
19 departments. Those rules shall be designed to protect and promote the health,
20 safety, and welfare of the children in the care of all licensees. The department shall
21 consult with the department of commerce, the department of public instruction, and
22 the child abuse and neglect prevention board before promulgating those rules. In
23 establishing the minimum requirements for the issuance of licenses to day child care
24 centers, the department shall include a requirement that all licensees who are
25 individuals and all employees and volunteers of a licensee who provide care and

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1 supervision for children receive, before the date on which the license is issued or the
2 employment or volunteer work commences, whichever is applicable, training in the
3 most current medically accepted methods of preventing sudden infant death
4 syndrome, if the licensee, employee, or volunteer provides care and supervision for
5 children under one year of age, and the training relating to shaken baby syndrome
6 and impacted babies required under s. 253.15 (4), if the licensee, employee, or
7 volunteer provides care and supervision for children under 5 years of age.

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

9 48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s.
10 48.60 to provide care and maintenance for children, to place children for adoption,
11 or to license foster homes or treatment foster homes; a foster home or treatment
12 foster home that is licensed under s. 48.62; a group home that is licensed under s.
13 48.625; a shelter care facility that is licensed under s. 938.22; a day child care center
14 that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14);
15 a day child care provider that is certified under s. 48.651; or a temporary employment
16 agency that provides caregivers to another entity.

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

18 48.685 (2) (am) (intro.) The department, a county department, a child welfare
19 agency, or a school board shall obtain all of the following with respect to a caregiver
20 specified in sub. (1) (ag) 1. b., a nonclient resident of an entity, and a person under
21 18 years of age, but not under 12 years of age, who is a caregiver of a day child care
22 center that is licensed under s. 48.65 or established or contracted for under s. 120.13
23 (14) or of a day child care provider that is certified under s. 48.651:

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

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

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

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

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

19 48.685 (3) (b) Every 4 years or at any time within that period that an entity
20 considers appropriate, the entity shall request the information specified in sub. (2)
21 (b) 1. a. to e. for all persons who are caregivers of the entity other than persons under
22 18 years of age, but not under 12 years of age, who are caregivers of a day child care
23 center that is licensed under s. 48.65 or established or contracted for under s. 120.13
24 (14) or of a day child care provider that is certified under s. 48.651.

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

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1 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
2 par. (ad) and sub. (5), the department may not license, or continue or renew the
3 license of, a person to operate an entity, a county department may not certify a day
4 child care provider under s. 48.651, a county department or a child welfare agency
5 may not license, or renew the license of, a foster home or treatment foster home under
6 s. 48.62, and a school board may not contract with a person under s. 120.13 (14), if
7 the department, county department, child welfare agency, or school board knows or
8 should have known any of the following:

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

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

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

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

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

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

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

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