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2007 BILL

Revised

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).

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***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.

~~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 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

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

***Mandatory child abuse or neglect reporters***

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

***Confidentiality of social services records***

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

***Residential care centers for children and youth***

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

***Child care***

Current law requires a person who for compensation provides care and supervision for four or more children under the age of seven for less than 24 hours a day to obtain a license from the Department of Health and Family Services to operate a day care center. Current law also permits a school board to provide or contract for the provision of day care programs for children. In addition, current law requires a person who is not licensed to operate a day care center or who is not under contract with a school board to provide a day care program to be certified as a day

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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.

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***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.

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

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

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

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

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

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

as affected by 2007 Wisconsin Act 20,

21           **SECTION 4.** 20.43<sup>7</sup>~~5~~ (3)<sup>2</sup> (jm) of the statutes is amended to read:

22           20.43<sup>7</sup>~~5~~ (3)<sup>2</sup> (jm) *Licensing activities.* The amounts in the schedule for the costs  
23 of licensing child welfare agencies under s. 48.60, foster homes and treatment foster  
24 homes under s. 48.62, group homes under s. 48.625, day child care centers under s.  
25 48.65, and shelter care facilities under s. 938.22 (7). All moneys received for these

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1 licensing activities and from fees under ss. 48.615, 48.625, 48.65 (3), and 938.22 (7)

2 (b) and (c) shall be credited to this appropriation account.

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

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

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

8 36.25 (26) DAY CHILD CARE CENTERS. A college campus may establish a day child  
9 care center and may use funds received from the appropriation under s. 20.285 (1)  
10 (a) to operate it. *48.47* , as affected by 2007 Wisconsin Act 20,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 SECTION 20. 48.235 (4) (b) of the statutes is amended to read:  
 2 48.235 (4) (b) The court shall order the agency identified under s. 48.355 (2) (b)  
 3 1. 48.33 (1) (c) as primarily responsible for the provision of services to notify the  
 4 guardian ad litem, if any, regarding actions to be taken under par. (a).

5 SECTION 21. 48.235 (4m) (b) of the statutes is amended to read:  
 6 48.235 (4m) (b) The court shall order the agency identified under s. 48.355 (2)  
 7 (b) 1. 48.33 (1) (c) as primarily responsible for the provision of services to notify the  
 8 guardian ad litem, if any, regarding actions to be taken under par. (a).

9 SECTION 22. 48.315 (2m) (a) 1. of the statutes is amended to read:  
 10 48.315 (2m) (a) 1. The court making an initial finding under s. 48.21 (5) (b) 1  
 11 or 1m., 48.355 (2) (b) 6., or 48.357 (2v) (a) 1. that reasonable efforts have been made  
 12 to prevent the removal of the child from the home, while assuring that the child's  
 13 health and safety are the paramount concerns, or an initial finding under s. 48.21  
 14 (5) (b) 3., 48.355 (2) (b) 6r., or 48.357 (2v) (a) 3. that those efforts were not required  
 15 to be made because a circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, more  
 16 than 60 days after the date on which the child was removed from the home.

17 SECTION 23. 48.32 (1) (b) 1. of the statutes is ~~renumbered 48.32 (1) (b) 1. (intro.)~~  
 18 ~~and~~ amended to read: *as collected by 2007 Wisconsin Act 20, 15*

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

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

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48.32 (1) (b) (1) (d)

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

7 ~~no P~~ ~~A finding as to whether the county department, department, or agency has~~  
 8 ~~made reasonable efforts to achieve the goal of the child's permanency plan, unless~~  
 9 ~~return of the child to the home is the goal of the permanency plan and the judge or~~  
 10 ~~circuit court commissioner finds that any of the circumstances specified in s. 48.355~~  
 11 ~~(2d) (b) 1. to 5. applies.~~

12 ~~SECTION 24. 48.32 (1) (b) 1. d. of the statutes is created to read.~~  
 13 ~~48.32 (1) (b) 1. d. If the child's placement or other living arrangement is under~~  
 14 ~~the supervision of the county department or, in a county having a population of~~  
 15 ~~500,000 or more, the department, an order ordering the child into the placement and~~  
 16 ~~care responsibility of the county department or department as required under 42~~  
 17 ~~USC 672 (a) (2) and assigning the county department or department primary~~  
 18 ~~responsibility for providing services to the child.~~

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

**BILL**

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

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6 **SECTION 26.** 48.335 (3g) <sup>(c)</sup> of the statutes is ~~renumbered 48.335 (3g)~~ (intro.) and  
7 ~~amended to read:~~ *as affected by 2007 Wisconsin Act 26, 13*

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

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

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

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

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



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

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

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

15           <sup>18 ← create</sup> SECTION 29. 48.355 (2) (b) 6. of the statutes is amended to read:

16           48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued  
17 placement of the child in his or her home would be contrary to the welfare of the child,  
18 a finding as to whether the county department, the department, in a county having  
19 a population of 500,000 or more, or the agency primarily responsible for providing  
20 services under a court order has made reasonable efforts to prevent the removal of  
21 the child from the home, while assuring that the child's health and safety are the  
22 paramount concerns, unless the court finds that any of the circumstances specified  
23 in sub. (2d) (b) 1. to 5. applies, and a finding as to whether the county department,  
24 department, or agency has made reasonable efforts to achieve the goal of the child's  
25 permanency plan, ~~unless return of the child to the home is the goal of the permanency~~



**BILL**

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

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

10 ~~48.355 (2) (b) 6g. If the child is placed outside the home under the supervision~~  
 11 ~~of the county department or, in a county having a population of 500,000 or more, the~~  
 12 ~~department, an order ordering the child into the placement and care responsibility~~  
 13 ~~of the county department or department as required under 42 USC 672 (a) (2) and~~  
 14 ~~assigning the county department or department primary responsibility for providing~~  
 15 ~~services to the child.~~

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

17 ~~48.355 (2c) (a) 3. c. Community support services, such as day child care, parent~~  
 18 ~~skills training, housing assistance, employment training, and emergency mental~~  
 19 ~~health services.~~

20 ~~SECTION 32. 48.356 (1) of the statutes is amended to read:~~

21 ~~48.356 (1) Whenever the court orders a child to be placed outside his or her~~  
 22 ~~home, orders an expectant mother of an unborn child to be placed outside of her~~  
 23 ~~home, or denies a parent visitation because the child or unborn child has been~~  
 24 ~~adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,~~  
 25 ~~48.363, or 48.365 and whenever the court reviews a permanency plan under s. 48.38~~

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

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

7 48.357 (1) (am) 3. If the court changes the child's placement from a placement  
8 outside the home to another placement outside the home, the change in placement  
9 order shall contain ~~one of the statements~~ the applicable order specified in sub. (2v)  
10 (a) 1m. and the applicable statement specified in sub. (2v) (a) 2.

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

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

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

20 48.357 (2m) (c) If the court changes the child's placement from a placement in  
21 the child's home to a placement outside the child's home, the change in placement  
22 order shall contain the findings specified in sub. (2v) (a) 1., ~~one of the statements~~ the  
23 applicable order specified in sub. (2v) (a) 1m., the applicable statement specified in  
24 sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances  
25 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the

**BILL**

1 ~~determination specified in sub. (2v) (a) 3. If the court changes the child's placement~~  
 2 ~~from a placement outside the home to another placement outside the home, the~~  
 3 ~~change in placement order shall include the applicable order specified in sub. (2v) (a)~~  
 4 ~~1m. and the applicable statement specified in sub. (2v) (a) 2.~~

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

6 48.357 (2v) (a) 1m. If the change in placement order changes the placement of  
 7 a child who is under the supervision of the county department or, in a county having  
 8 a population of 500,000 or more, the department to a placement outside the child's  
 9 home, whether from a placement in the home or from another placement outside the  
 10 home, an order ordering the child into, or to be continued in, the placement and care  
 11 responsibility of the county department or department as required under 42 USC  
 12 672 (a) (2) and assigning the county department or department primary  
 13 responsibility, or continued primary responsibility, for providing services to the  
 14 child.

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

16 48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and  
 17 of any progress the child has made, suggestions for amendment of the permanency  
 18 plan, and specific information showing the efforts that have been made to achieve the  
 19 goal of the permanency plan, including, if applicable, the efforts of the parents to  
 20 remedy the factors that contributed to the child's placement, ~~unless return of the~~  
 21 ~~child to the home is the goal of the permanency plan and any of the circumstances~~  
 22 ~~specified in s. 48.355 (2d) (b) 1. to 5. applies.~~

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

24 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of  
 25 extension. If the child is placed outside of his or her home, the person or agency

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

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

13 ~~48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),~~  
 14 ~~for each child living in a foster home, treatment foster home, group home, residential~~  
 15 ~~care center for children and youth, juvenile detention facility, or shelter care facility,~~  
 16 ~~the agency that placed the child or arranged the placement or the agency assigned~~  
 17 ~~primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g.~~  
 18 ~~shall prepare a written permanency plan, if any of the following conditions exists,~~  
 19 ~~and, for each child living in the home of a relative other than a parent, that agency~~  
 20 ~~shall prepare a written permanency plan, if any of the conditions specified in pars.~~

21 (a) to (e) exists:

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

23 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve  
 24 the goal of the permanency plan, ~~unless return of the child to the home is the goal~~

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

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

4 ~~48.417 (2) (c) The agency primarily responsible for providing services to the~~  
5 ~~child and the family under a court order, if required under s. 48.355 (2) (b) 6. to make~~  
6 ~~reasonable efforts to make it possible for the child to return safely to his or her home,~~  
7 ~~has not provided to the family of the child, consistent with the time period in the~~  
8 ~~child's permanency plan, the services necessary for the safe return of the child to his~~  
9 ~~or her home.~~

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

11 48.43 (1) (am) If the department or a county department receives guardianship  
12 or custody of the child under par. (a), an order ordering the child into the placement  
13 and care responsibility of the department or county department as required under  
14 42 USC 672 (a) (2) and assigning the department or county department primary  
15 responsibility for providing services to the child.

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

17 48.48 (10) To license child welfare agencies and day child care centers as  
18 provided in s. 48.66 (1) (a).

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

20 48.63 (1) Acting under court order or voluntary agreement, the child's parent  
21 or guardian or the department of health and family services, the department of  
22 corrections, a county department, or a child welfare agency licensed to place children  
23 in foster homes, treatment foster homes, or group homes may place a child or  
24 negotiate or act as intermediary for the placement of a child in a foster home,  
25 treatment foster home, or group home. Voluntary agreements under this subsection

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**BILL**

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

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

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

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

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1           **48.65** (title) **Day Child care centers licensed; fees.**

2           **SECTION 47.** <sup>23</sup> 48.65 (1) of the statutes is amended to read:

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

11           **SECTION 48.** <sup>24</sup> 48.65 (3) (a) of the statutes is amended to read:

12           48.65 (3) (a) Before the department may issue a license under sub. (1) to a day  
13 child care center that provides care and supervision for 4 to 8 children, the day child  
14 care center must pay to the department a biennial fee of \$60.50. Before the  
15 department may issue a license under sub. (1) to a day child care center that provides  
16 care and supervision for 9 or more children, the day child care center must pay to the  
17 department a biennial fee of \$30.25, plus a biennial fee of \$10.33 per child, based on  
18 the number of children that the day child care center is licensed to serve. A day child  
19 care center that wishes to continue a license issued under sub. (1) shall pay the  
20 applicable fee under this paragraph by the continuation date of the license. A new  
21 day child care center shall pay the applicable fee under this paragraph no later than  
22 30 days before the opening of the day child care center.

23           **SECTION 49.** <sup>25</sup> 48.65 (3) (b) of the statutes is amended to read:

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

**BILL**

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

no affected by 2007 Wisconsin Act 20

<sup>26</sup>  
5 SECTION 50. 48.651 (title) of the statutes is amended to read:

6 48.651 (title) **Certification of day child care providers.**

<sup>27</sup>  
7 SECTION 51. 48.651 (1) (intro.) of the statutes is amended to read:

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

<sup>28</sup>  
18 SECTION 52. 48.651 (1) (a) of the statutes is amended to read:

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

no affected by 2007 Wisconsin Act 20

<sup>29</sup>  
23 SECTION 53. 48.651 (1) (b) of the statutes is amended to read:

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

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1           SECTION <sup>30</sup>54. 48.653 of the statutes is amended to read:

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

8           SECTION <sup>31</sup>55. 48.655 of the statutes is amended to read:

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

15           SECTION <sup>32</sup>56. 48.656 of the statutes is amended to read:

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

23           SECTION <sup>33</sup>57. 48.657 (title) of the statutes is amended to read:

24           **48.657 (title) Day Child care center reports.**

25           SECTION <sup>34</sup>58. 48.657 (1) (intro.) of the statutes is amended to read:

**BILL**

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

4           <sup>35</sup>**SECTION 59.** 48.657 (1) (a) of the statutes is amended to read:

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

9           <sup>36</sup>**SECTION 60.** 48.657 (1) (b) of the statutes is amended to read:

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

13          <sup>37</sup>**SECTION 61.** 48.657 (1) (c) of the statutes is amended to read:

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

16          <sup>38</sup>**SECTION 62.** 48.657 (2) of the statutes is amended to read:

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

21          <sup>39</sup>**SECTION 63.** 48.657 (2g) of the statutes is amended to read:

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

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1           **SECTION 64.** <sup>40</sup> 48.657 (2r) of the statutes is amended to read:

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

10           **SECTION 65.** <sup>41</sup> 48.657 (3) of the statutes is amended to read:

11           48.657 (3) The department may require a day child care center to provide to  
12           the department any information that is necessary for the department to prepare the  
13           report under sub. (1).

14           **SECTION 66.** <sup>42</sup> Subchapter XVI (title) of chapter 48 [precedes 48.66] of the  
15           statutes is amended to read:

**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**

*, as amended by  
2007 Wisconsin Act  
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24           **SECTION 67.** 48.66 (1) (a) of the statutes is amended to read:

**BILL**

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

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

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

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

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

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is not affected by 2007 Wisconsin Act 20,

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*as affected by 2007 Wisconsin Act 20,*

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

3 **SECTION 70.** <sup>46</sup> 48.66 (2m) (b) of the statutes, is amended to read:

4 48.66 (2m) (b) If an applicant who is an individual fails to provide the

5 applicant's social security number to the department of health and family services

6 or if an applicant who is not an individual fails to provide the applicant's federal

7 employer identification number to <sup>the plain</sup> that department, that department may not issue

8 or continue a license under sub. (1) (a) to operate a child welfare agency, group home,

9 shelter care facility, <sup>(plain)</sup> or day child care center to or for the applicant unless the

10 applicant is an individual who does not have a social security number and the

11 applicant submits a statement made or subscribed under oath or affirmation as

12 required under par. (a) 2.

13 **SECTION 71.** <sup>47</sup> 48.66 (5) of the statutes is amended to read:

14 48.66 (5) A child welfare agency, group home, day child care center, or shelter

15 care facility license, other than a probationary license, is valid until revoked or

16 suspended, but shall be reviewed every 2 years after the date of issuance as provided

17 in this subsection. At least 30 days prior to the continuation date of the license, the

18 licensee shall submit to the department an application for continuance of the license

19 in the form and containing the information that the department requires. If the

20 minimum requirements for a license established under s. 48.67 are met, the

21 application is approved, the applicable fees referred to in ss. 48.68 (1) and 48.685 (8)

22 are paid, and any forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is

23 due is paid, the department shall continue the license for an additional 2-year

24 period, unless sooner suspended or revoked. If the application is not timely filed, the

25 department shall issue a warning to the licensee. If the licensee fails to apply for

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**BILL**

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

3 **SECTION 72.** <sup>48</sup> 48.67 of the statutes is amended to read:

4 **48.67 Rules governing child welfare agencies, day child care centers,**  
5 **foster homes, treatment foster homes, group homes, shelter care facilities,**  
6 **and county departments.** The department shall promulgate rules establishing  
7 minimum requirements for the issuance of licenses to, and establishing standards  
8 for the operation of, child welfare agencies, day child care centers, foster homes,  
9 treatment foster homes, group homes, shelter care facilities, and county  
10 departments. Those rules shall be designed to protect and promote the health,  
11 safety, and welfare of the children in the care of all licensees. The department shall  
12 consult with the department of commerce, the department of public instruction, and  
13 the child abuse and neglect prevention board before promulgating those rules. In  
14 establishing the minimum requirements for the issuance of licenses to day child care  
15 centers, the department shall include a requirement that all licensees who are  
16 individuals and all employees and volunteers of a licensee who provide care and  
17 supervision for children receive, before the date on which the license is issued or the  
18 employment or volunteer work commences, whichever is applicable, training in the  
19 most current medically accepted methods of preventing sudden infant death  
20 syndrome, if the licensee, employee, or volunteer provides care and supervision for  
21 children under one year of age, and the training relating to shaken baby syndrome  
22 and impacted babies required under s. 253.15 (4), if the licensee, employee, or  
23 volunteer provides care and supervision for children under 5 years of age.

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

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1           48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s.  
2           48.60 to provide care and maintenance for children, to place children for adoption,  
3           or to license foster homes or treatment foster homes; a foster home or treatment  
4           foster home that is licensed under s. 48.62; a group home that is licensed under s.  
5           48.625; a shelter care facility that is licensed under s. 938.22; a day child care center  
6           that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14);  
7           a day child care provider that is certified under s. 48.651; or a temporary employment  
8           agency that provides caregivers to another entity.

9           <sup>49</sup>**SECTION 74.** 48.685 (2) (am) (intro.) of the statutes is amended to read:

10           48.685 (2) (am) (intro.) The department, a county department, a child welfare  
11           agency, or a school board shall obtain all of the following with respect to a caregiver  
12           specified in sub. (1) (ag) 1. b., a nonclient resident of an entity, and a person under  
13           18 years of age, but not under 12 years of age, who is a caregiver of a day child care  
14           center that is licensed under s. 48.65 or established or contracted for under s. 120.13  
15           (14) or of a day child care provider that is certified under s. 48.651:

16           <sup>50</sup>**SECTION 75.** 48.685 (2) (b) 4. of the statutes is amended to read:

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

24           <sup>51</sup>**SECTION 76.** 48.685 (3) (a) of the statutes is amended to read:

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caregivers specified in sub. (1) (ag) 1. b.

such a caregiver

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specified in sub. (1) (ag) 1. b. 1. a.

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

<sup>52</sup> SECTION 77. 48.685 (3) (b) of the statutes is amended to read:

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

<sup>53</sup> SECTION 78. 48.685 (4m) (a) (intro.) of the statutes is amended to read:

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

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1           **SECTION 79.** <sup>54</sup> 48.685 (4m) (a) 1. of the statutes is amended to read:

2           48.685 (4m) (a) 1. That the person has been convicted of a serious crime or, if  
3           the person is an applicant for issuance or continuation of a license to operate a day  
4           child care center or for initial certification under s. 48.651 or for renewal of that  
5           certification or if the person is proposing to contract with a school board under s.  
6           120.13 (14) or to renew a contract under that subsection, that the person has been  
7           convicted of a serious crime or adjudicated delinquent on or after his or her 12th  
8           birthday for committing a serious crime.

9           **SECTION 80.** <sup>55</sup> 48.685 (4m) (ad) of the statutes is amended to read:

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

16          **SECTION 81.** <sup>56</sup> 48.685 (4m) (b) 1. of the statutes is amended to read:

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

23          **SECTION 82.** <sup>57</sup> 48.685 (5m) of the statutes is amended to read:

24          48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license  
25          a person to operate an entity, a county department or a child welfare agency may

**BILL**

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

17 <sup>58</sup>**SECTION 83.** 48.685 (6) (a) of the statutes is amended to read:

18 48.685 (6) (a) The department shall require any person who applies for  
19 issuance, continuation, or renewal of a license to operate an entity, a county  
20 department shall require any day child care provider who applies for initial  
21 certification under s. 48.651 or for renewal of that certification, a county department  
22 or a child welfare agency shall require any person who applies for issuance or  
23 renewal of a license to operate a foster home or treatment foster home under s. 48.62,  
24 and a school board shall require any person who proposes to contract with the school

**BILL**

1 board under s. 120.13 (14) or to renew a contract under that subsection, to complete  
2 a background information form that is provided by the department.

3 **SECTION 84.** <sup>67</sup> 48.685 (6) (b) 1. of the statutes is amended to read:

4 48.685 (6) (b) 1. For caregivers who are licensed by the department, for persons  
5 under 18 years of age, but not under 12 years of age, who are caregivers of a day child  
6 care center that is licensed under s. 48.65 or established or contracted for under s.  
7 120.13 (14) or of a day child care provider that is certified under s. 48.651, for persons  
8 who are nonclient residents of an entity that is licensed by the department, and for  
9 other persons specified by the department by rule, the entity shall send the  
10 background information form to the department.

11 **SECTION 85.** <sup>66</sup> 48.69 of the statutes is amended to read:

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

**BILL**

1 department shall issue a license under s. 48.66 (1) (a). A probationary license issued  
2 under this section may be renewed for one 6-month period.

3 **SECTION 86.** <sup>61</sup> 48.715 (1) of the statutes is amended to read:

4 48.715 (1) In this section, "licensee" means a person who holds a license under  
5 s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare  
6 agency, shelter care facility, group home, or day child care center.

7 **SECTION 87.** <sup>62</sup> 48.715 (2) (a) of the statutes is amended to read:

8 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care  
9 facility, group home, or day child care center if the child welfare agency, shelter care  
10 facility, group home, or day child care center is without a license in violation of s.  
11 48.66 (1) (a) or a probationary license in violation of s. 48.69.

12 **SECTION 88.** <sup>63</sup> 48.715 (4) (c) of the statutes is amended to read:

13 48.715 (4) (c) The licensee or a person under the supervision of the licensee has  
14 committed an action or has created a condition relating to the operation or  
15 maintenance of the child welfare agency, shelter care facility, group home, or day  
16 child care center that directly threatens the health, safety, or welfare of any child  
17 under the care of the licensee.

*as affected by 2007 Wisconsin Act 20,*

18 **SECTION 89.** <sup>64</sup> 48.715 (6) of the statutes is amended to read:

19 48.715 (6) The department of ~~health and family services~~ shall deny, suspend,  
20 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a  
21 probationary license under s. 48.69 to operate a child welfare agency, group home,  
22 shelter care facility, or day child care center, and the department of corrections shall  
23 deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s.  
24 48.66 (1) (b) to operate a secured residential care center for children and youth, for  
25 failure of the applicant or licensee to pay court-ordered payments of child or family

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**BILL**

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

10 <sup>65</sup> SECTION 90. 48.715 (7) of the statutes is amended to read:

11 48.715 (7) The department shall deny an application for the issuance or  
12 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69  
13 to operate a child welfare agency, group home, shelter care facility, or day child care  
14 center, or revoke such a license already issued, if the department of revenue certifies  
15 under s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An  
16 action taken under this subsection is subject to review only as provided under s.  
17 73.0301 (5) and not as provided in s. 48.72.

18 <sup>66</sup> SECTION 91. 48.73 of the statutes is amended to read:

19 **48.73 Inspection of licensees.** The department may visit and inspect each  
20 child welfare agency, foster home, treatment foster home, group home, and day child  
21 care center licensed by it, and for such purpose shall be given unrestricted access to  
22 the premises described in the license.

23 <sup>67</sup> SECTION 92. 48.735 of the statutes is amended to read:

24 **48.735 Immunization requirements; day child care centers.** The  
25 department, after notice to a day child care center licensee, may suspend, revoke, or

**BILL**

1 refuse to continue a day child care center license in any case in which the department  
2 finds that there has been a substantial failure to comply with the requirements of  
3 s. 252.04.

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

5 **48.737 Lead screening, inspection and reduction requirements; day**  
6 **child care centers.** The department, after notice to a day child care provider  
7 certified under s. 48.651, or a day child care center that holds a license under s. 48.65  
8 or a probationary license under s. 48.69, may suspend, revoke, or refuse to renew or  
9 continue a license or certification in any case in which the department finds that  
10 there has been a substantial failure to comply with any rule promulgated under s.  
11 254.162, 254.168, or 254.172.

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

13 48.75 (1g) (c) 1. ~~A statement that the public licensing agency issuing the license~~  
14 ~~is responsible has placement and care responsibility for the child who is placed in the~~  
15 ~~foster home as required under 42 USC 672 (a) (2) and has primary responsibility for~~  
16 ~~providing services to the child who is placed in the foster home, as specified in the~~  
17 ~~agreement.~~

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

19 48.78 (1) In this section, unless otherwise qualified, "agency" means the  
20 department, a county department, a licensed child welfare agency, or a licensed day  
21 child care center.

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

23 48.78 (2) (a) No agency may make available for inspection or disclose the  
24 contents of any record kept or information received about an individual who is or was  
25 in its care or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or

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**BILL**

1 (5m) (d), 48.432, 48.433, 48.48 (17) (bm), 48.57 (2m), 48.93, 48.981 (7), 938.51, or  
2 938.78 or by order of the court.

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

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

5 48.981 (2) (a) 18. A ~~child-care~~ child care worker in a day child care center, group  
6 home, as described in s. 48.625 (1m), or residential care center for children and youth.

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

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8 48.981 (2) (a) 19. A day child care provider.

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

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

12 49.136 (1) (ad) "Day Child care center" means a facility operated by a child care  
13 provider that provides care and supervision for 4 or more children under 7 years of  
14 age for less than 24 hours a day.

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

17 49.136 (1) (am) "Day Child care program" means a program established and  
18 provided by a school board under s. 120.13 (14) or purchased by a school board from  
19 a provider licensed under s. 48.65, which combines care for a child who resides with  
20 a student parent who is a parent of that child with parenting education and  
21 experience for that student parent.

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

23 49.136 (1) (j) "Family day child care center" means a day child care center that  
24 provides care and supervision for not less than 4 nor more than 8 children.

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

SEC# RP, 48-983 (1) (g), as affected by  
2007 Wisconsin Act 20,

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