

**BILL**

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

3           <sup>80</sup>**SECTION 105.** 49.136 (2) (b) of the statutes is amended to read:

4           49.136 (2) (b) If the department awards grants under this section, the  
5 department shall attempt to award the grants to head start agencies designated  
6 under 42 USC 9836, employers that provide or wish to provide child care services for  
7 their employees, family day child care centers, group day child care centers and day  
8 child care programs for the children of student parents, organizations that provide  
9 child care for sick children, and child care providers that employ participants or  
10 former participants in a Wisconsin Works employment position under s. 49.147 (3)  
11 to (5).

12           <sup>81</sup>**SECTION 106.** 49.137 (1) (a) of the statutes is renumbered 49.137 (1) (am).

13           <sup>82</sup>**SECTION 107.** 49.137 (1) (b) of the statutes is renumbered 49.137 (1) (ab) and  
14 amended to read:

15           49.137 (1) (ab) "Day Child care center" has the meaning given in s. 49.136 (1)  
16 (~~d~~) (ad).

17           <sup>83</sup>**SECTION 108.** 49.137 (1) (d) of the statutes is renumbered 49.137 (1) (bd) and  
18 amended to read:

19           49.137 (1) (bd) "Family day child care center" has the meaning given in s.  
20 49.136 (1) (j).

21           <sup>84</sup>**SECTION 109.** 49.137 (1) (e) of the statutes is amended to read:

22           49.137 (1) (e) "Group day child care center" has the meaning given in s. 49.136  
23 (1) (k).

24           <sup>85</sup>**SECTION 110.** 49.155 (1) (am) of the statutes is amended to read:

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

3           <sup>86</sup>**SECTION 111.** 49.155 (1) (b) of the statutes is amended to read:

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

6           <sup>87</sup>**SECTION 112.** 49.155 (1d) (a) of the statutes is amended to read:

7           49.155 (1d) (a) The department shall promulgate rules establishing standards  
8 for the certification of child care providers under s. 48.651. The department shall  
9 consult with the child abuse and neglect prevention board before promulgating those  
10 rules. In establishing the requirements for certification under this paragraph of a  
11 child care provider, the department shall include a requirement that all providers  
12 and all employees and volunteers of a provider who provide care and supervision for  
13 children receive, before the date on which the provider is certified or the employment  
14 or volunteer work commences, whichever is applicable, training in the most current  
15 medically accepted methods of preventing sudden infant death syndrome, if the  
16 provider, employee, or volunteer provides care and supervision for children under  
17 one year of age, and the training relating to shaken baby syndrome and impacted  
18 babies required under s. 253.15 (4), if the provider, employee, or volunteer provides  
19 care and supervision for children under 5 years of age. In establishing the  
20 requirements for certification as a Level II certified family day child care provider,  
21 the department may not include any other requirement for training for providers.

22           <sup>88</sup>**SECTION 113.** 49.155 (1d) (b) of the statutes is amended to read:

23           49.155 (1d) (b) The department shall promulgate rules to establish quality of  
24 care standards for child care providers that are higher than the quality of care  
25 standards required for licensure under s. 48.65 or for certification under s. 48.651.

**BILL****SECTION 113**

1 The standards established by rules promulgated under this paragraph shall consist  
2 of the standards provided for the accreditation of ~~day~~ child care centers by the  
3 ~~national association for the education of young children~~ National Association for the  
4 Education of Young Children or any other comparable standards that the  
5 department may establish, including standards regarding the turnover of child care  
6 provider staff and the training and benefits provided for child care provider staff.

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

8 49.155 (1g) (b) From the appropriations under s. 20.445 (3) (cm), (kx), and (mc),  
9 distribute \$5,488,500 in each fiscal year for grants under s. 49.134 (2) for child ~~day~~  
10 care resource and referral services, for grants under s. 49.137 (4m), for a child care  
11 scholarship and bonus program, for administration of the department's office of child  
12 care, and for the department's share of the costs for the Child Care Information  
13 Center operated by the division for libraries, technology, and community learning in  
14 the department of public instruction.

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

16 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), distribute  
17 \$3,378,500 in fiscal year 2005-06 and \$3,378,500 in fiscal year 2006-07 for grants  
18 under s. 49.134 (2) for child ~~day~~ care resource and referral services, for contracts  
19 under s. 49.137 (4) for training and technical assistance, for grants under s. 49.137  
20 (4m), and for a child care scholarship and bonus program.

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

22 49.155 (4) CHOICE OF PROVIDER. An eligible individual shall choose whether the  
23 child care will be provided by a ~~day~~ child care center licensed under s. 48.65, a Level  
24 I certified family ~~day~~ child care provider, a Level II certified family ~~day~~ child care

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1 provider, or a day child care program provided or contracted for by a school board  
2 under s. 120.13 (14).

3 <sup>91</sup>**SECTION 117.** 49.155 (6) (b) of the statutes is amended to read:

4 49.155 (6) (b) Subject to review and approval by the department, each county  
5 shall set a maximum reimbursement rate for Level I certified family day child care  
6 providers for services provided to eligible individuals under this section. The  
7 maximum rate set under this paragraph may not exceed 75% of the rate established  
8 under par. (a).

9 <sup>92</sup>**SECTION 118.** 49.155 (6) (c) of the statutes is amended to read:

10 49.155 (6) (c) Subject to review and approval by the department, each county  
11 shall set a maximum reimbursement rate for Level II certified family day child care  
12 providers for services provided to eligible individuals under this section. The  
13 maximum rate set under this paragraph may not exceed 50% of the rate established  
14 under par. (a).

15 <sup>93</sup>**SECTION 119.** 49.155 (6) (cm) of the statutes is amended to read:

16 49.155 (6) (cm) The department shall modify child care provider  
17 reimbursement rates established under pars. (a) to (c) so that reimbursement rates  
18 are lower for providers of after-school day child care.

19 <sup>94</sup>**SECTION 120.** 66.1017 (title) of the statutes is amended to read:

20 **66.1017 (title) Family day child care homes.**

21 <sup>95</sup>**SECTION 121.** 66.1017 (1) (a) of the statutes is amended to read:

22 66.1017 (1) (a) "Family day child care home" means a dwelling licensed as a day  
23 child care center by the department of health and family services under s. 48.65  
24 where care is provided for not more than 8 children.

25 <sup>96</sup>**SECTION 122.** 66.1017 (2) of the statutes is amended to read:

as affected by 2007 Wisconsin Act 20

children and families

(plain)

PWA  
20

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1           66.1017 (2) No municipality may prevent a family ~~day~~ child care home from  
 2 being located in a zoned district in which a single-family residence is a permitted  
 3 use. No municipality may establish standards or requirements for family ~~day~~ child  
 4 care homes that are different from the licensing standards established under s.  
 5 48.65. This subsection does not prevent a municipality from applying to a family ~~day~~  
 6 child care home the zoning regulations applicable to other dwellings in the zoning  
 7 district in which it is located.

8           <sup>97</sup>  
**SECTION 123.** 71.07 (2dd) (a) 1. of the statutes is amended to read:

9           71.07 (2dd) (a) 1. "Day care center benefits" means benefits provided at a ~~day~~  
 10 child care facility that is licensed under s. 48.65 or 48.69 and that for compensation  
 11 provides care for at least 6 children or benefits provided at a facility for persons who  
 12 are physically or mentally incapable of caring for themselves.

13           <sup>98</sup>  
**SECTION 124.** 71.28 (1dd) (a) 1. of the statutes is amended to read:

14           71.28 (1dd) (a) 1. "Day care center benefits" means benefits provided at a ~~day~~  
 15 child care facility that is licensed under s. 48.65 or 48.69 and that for compensation  
 16 provides care for at least 6 children or benefits provided at a facility for persons who  
 17 are physically or mentally incapable of caring for themselves.

18           <sup>99</sup>  
**SECTION 125.** 71.47 (1dd) (a) 1. of the statutes is amended to read:

19           71.47 (1dd) (a) 1. "Day care center benefits" means benefits provided at a ~~day~~  
 20 child care facility that is licensed under s. 48.65 or 48.69 and that for compensation  
 21 provides care for at least 6 children or benefits provided at a facility for persons who  
 22 are physically incapable of caring for themselves.

23           <sup>100</sup>  
**SECTION 126.** 73.0301 (1) (d) 2. of the statutes is amended to read:

*as amended by 2007 Wisconsin Act 20,*

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*children and families (plan)*

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

<sup>101</sup> SECTION 127. 77.54 (20) (c) 4. of the statutes is amended to read:

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

<sup>102</sup> SECTION 128. 101.123 (1) (a) of the statutes is renumbered 101.123 (1) (ag).

<sup>103</sup> SECTION 129. 101.123 (1) (ad) of the statutes is amended to read:

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

<sup>104</sup> SECTION 130. 101.123 (2) (bm) of the statutes is amended to read:

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

<sup>105</sup> SECTION 131. 101.123 (4) (a) 2. of the statutes is amended to read:

101.123 (4) (a) 2. A person in charge or his or her agent may not designate an entire building as a smoking area or designate any smoking areas in the state capitol

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**SECTION 131**

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

*was affected by 2007 Wisconsin Act 20,*

*children and families (plan)*

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

15 115.812 (1) PLACEMENT DISPUTES. If a dispute arises between a local educational  
 16 agency and the department of ~~health and family services~~, the department of  
 17 corrections, *or a county department* under s. 46.215, 46.22, *or 46.23*, or between local  
 18 educational agencies under s. 115.81 (4) (c), over the placement of a child, the state  
 19 superintendent shall resolve the dispute. This subsection applies only to placements  
 20 in nonresidential educational programs made under s. 48.57 (1) (c) and to placements  
 21 in residential care centers for children and youth made under s. 115.81.

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

23 115.817 (8) TRANSPORTATION. The board may promulgate a plan for the  
 24 transportation at county expense of children who are receiving special education and  
 25 related services under this section, special education and related services provided

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*115.812*

*plan*

*(plan)*

*115.817*

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

7 <sup>108</sup> **SECTION 134.** 118.51 (2) of the statutes is amended to read:

8 118.51 (2) **APPLICABILITY.** A pupil may attend a public school, including a  
9 prekindergarten, 4-year-old kindergarten, early childhood, or school-operated day  
10 child care program, in a nonresident school district under this section, except that  
11 a pupil may attend a prekindergarten, 4-year-old kindergarten, early childhood, or  
12 school-operated day child care program in a nonresident school district only if the  
13 pupil's resident school district offers the same type of program that the pupil wishes  
14 to attend and the pupil is eligible to attend that program in his or her resident school  
15 district.

16 <sup>109</sup> **SECTION 135.** 120.125 (title) of the statutes is amended to read:

17 **120.125 (title) Before- and after-school day child care.**

18 <sup>110</sup> **SECTION 136.** 120.125 (1) of the statutes is amended to read:

19 120.125 (1) In this section, "before- and after-school day child care program"  
20 means a program which ~~which~~ that provides day child care services before school, after  
21 school, or both before and after school.

22 <sup>111</sup> **SECTION 137.** 120.125 (2) (a) (intro.) of the statutes is amended to read:

23 120.125 (2) (a) (intro.) A school board shall permit a day child care provider who  
24 has submitted a request which meets all of the requirements under sub. (3) to



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1 administer a before- and after-school day child care program in any elementary  
2 school within the school district unless:

3 **SECTION 138.** <sup>112</sup> 120.125 (2) (a) 3. of the statutes is amended to read:

4 120.125 (2) (a) 3. Before- and after-school day child care programs exist in the  
5 elementary school;

6 **SECTION 139.** <sup>113</sup> 120.125 (2) (a) 4. of the statutes is amended to read:

7 120.125 (2) (a) 4. The school board intends to provide before- and after-school  
8 day child care services in the elementary school;

9 **SECTION 140.** <sup>114</sup> 120.125 (2) (b) of the statutes is amended to read:

10 120.125 (2) (b) The school board may deny a request under par. (a) 6. if the  
11 school board intends to solicit day child care providers to submit requests to provide  
12 before- and after-school day child care programs in the elementary school for which  
13 a request under par. (a) was submitted. If a school board denies a request under this  
14 paragraph, the request submitted under par. (a) shall be considered along with  
15 requests that are submitted as a result of the school board solicitation.

16 **SECTION 141.** <sup>115</sup> 120.125 (2) (c) of the statutes is amended to read:

17 120.125 (2) (c) If a school board denies a request under par. (a) or (b), the school  
18 board shall specify the reasons for denial, in writing, to the day child care provider  
19 within 60 days after the date on which the request is received.

20 **SECTION 142.** <sup>116</sup> 120.125 (3) (a) (intro.) of the statutes is amended to read:

21 120.125 (3) (a) (intro.) A request submitted to a school board under sub. (2)  
22 shall be in writing, shall name the elementary school in which the before- and  
23 after-school day child care program is to be provided, and shall specify the amount  
24 of space needed, the number and ages of the pupils to be served, and the time the

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1 provider intends to operate the program. The request shall also contain all of the  
2 following assurances:

3 **SECTION 143.** <sup>117</sup> 120.125 (3) (a) 1. of the statutes is amended to read:

4 120.125 (3) (a) 1. That the day child care provider will be responsible for all  
5 actual incremental costs incurred by the school as a result of permitting the day child  
6 care provider to provide a before- and after-school day child care program in the  
7 school building.

8 **SECTION 144.** <sup>118</sup> 120.125 (3) (a) 2. of the statutes is amended to read:

9 120.125 (3) (a) 2. That the day child care provider will be liable to the school  
10 district for any damage to property in the operation of the before- and after-school  
11 day child care program, that the day child care provider shall hold the school district  
12 harmless from any liability, claim, or damages caused by the acts or omissions of the  
13 day child care provider, and that the day child care provider will acquire adequate  
14 insurance coverage, as determined by the school district.

15 **SECTION 145.** <sup>119</sup> 120.125 (3) (a) 3. of the statutes is amended to read:

16 120.125 (3) (a) 3. That the day child care provider will not provide religious  
17 instruction or permit religious practices to be conducted during the before- and  
18 after-school day child care program.

19 **SECTION 146.** <sup>120</sup> 120.125 (3) (b) of the statutes is amended to read:

20 120.125 (3) (b) A school board shall conditionally grant a request submitted by  
21 a day child care provider if all the requirements under par. (a) are met and sub. (2)  
22 (a) 1. to 6. and (b) does not apply.

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

24 120.125 (4) (intro.) If a request under sub. (3) is conditionally accepted by the  
25 school board, the school board shall enter into a written agreement with the day child

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1 care provider that specifies the hours during the day in which the day child care  
2 provider is to occupy the school premises and the rooms, facilities, or equipment that  
3 are to be used by the day child care provider. The agreement shall also provide all  
4 of the following:

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

6 120.125 (4) (a) Except as provided under s. 121.545 (2), that the school board  
7 is not responsible for providing transportation to or from the before- and  
8 after-school day child care program.

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

10 120.125 (4) (b) That nothing in the agreement would prohibit the school board  
11 from permitting other day child care providers to provide day child care services to  
12 pupils in the same building during the same time and that nothing in the agreement  
13 would prohibit the school district from providing before- and after-school day child  
14 care programs in the same building and during the same time in which the day child  
15 care provider provides before- and after-school day child care programs.

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

17 120.125 (4) (c) That the agreement may be terminated by the school board at  
18 the end of a school year if the school board intends to provide day child care for the  
19 pupils in the elementary school or intends to solicit other day child care providers to  
20 provide services during the following school year.

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

22 120.125 (4) (d) That the school board may review and terminate the agreement  
23 at any time, with 30 days' prior written notice to the day child care provider, if any  
24 of the conditions in the agreement are violated by the day child care provider.

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

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1           120.125 (4) (e) That the day child care provider shall be responsible for all  
2 actual costs incurred by the school district as a result of the agreement, the costs of  
3 which shall be paid to the school district at times specified by the school board in the  
4 agreement.

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

6           120.125 (4) (f) That the day child care provider shall be liable to the school  
7 district for any damage to property in the operation of the before- and after-school  
8 day child care program, that the day child care provider shall hold the school district  
9 harmless from any liability, claim, or damages caused by the acts or omissions of the  
10 day child care provider, and that the day child care provider shall acquire adequate  
11 insurance, as determined by the school district, to be in effect beginning the first day  
12 on which the day child care provider provides the before- and after-school day child  
13 care program.

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

15           120.125 (4) (g) That the day child care provider shall not provide religious  
16 instruction or permit religious practices to be conducted during the before- and  
17 after-school day child care program. *, as affected by 2007 Wisconsin Act 20*

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

19           120.125 (4) (h) That the day child care provider shall meet the standards for  
20 licensed day child care centers established by the department of health and family  
21 ~~services~~ *children and families* *, as affected by 2007 Wisconsin Act 20,*

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

23           120.13 (14) **DAY CHILD CARE PROGRAMS.** Establish and provide or contract for  
24 the provision of day child care programs for children. The school board may receive  
25 federal or state funds for this purpose. The school board may charge a fee for all or

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**SECTION 156**

(part two)  
(plain)  
children and families

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

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

15 120.13 (36) PREKINDERGARTEN AND KINDERGARTEN PROGRAM AGREEMENTS. Enter  
 16 into an agreement with a licensed public or private nonsectarian day child care  
 17 center to lease space for prekindergarten or kindergarten programs offered by the  
 18 school district or to place school district employees in day child care centers to provide  
 19 instruction in prekindergarten or kindergarten programs offered by the school  
 20 district.

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

22 121.54 (2) (am) In lieu of transporting a pupil who is eligible for transportation  
 23 under par. (a) to and from his or her residence, a school district may transport the  
 24 pupil to or from, or both, a before- and after-school day child care program under s.

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1 120.125, a day child care program under s. 120.13 (14), or any other day child care  
2 program, family day child care home, or child care provider.

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

4 121.545 (2) A school board may provide transportation for children residing in  
5 the school district whom the school district is not required to transport under s.  
6 121.54 to or from, or both, a before- and after-school day child care program under  
7 s. 120.125, a prekindergarten class under s. 120.13 (13), a day child care program  
8 under s. 120.13 (14), or any other day child care program, family day child care home,  
9 child care provider, or prekindergarten class. The school board may charge a fee for  
10 the cost of providing such transportation. The school board may waive the fee or any  
11 portion of the fee for any person who is unable to pay the fee. State aid shall not be  
12 provided for transportation under this subsection.

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

14 234.83 (3) (a) 2. The start-up of a day child care business, including the  
15 purchase or improvement of land, buildings, machinery, equipment, or inventory.

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

17 252.04 (2) Any student admitted to any elementary, middle, junior, or senior  
18 high school or into any day child care center or nursery school shall, within 30 school  
19 days after the date on which the student is admitted, present written evidence to the  
20 school, day child care center, or nursery school of having completed the first  
21 immunization for each vaccine required for the student's grade and being on  
22 schedule for the remainder of the basic and recall (booster) immunization series for  
23 mumps, measles, rubella (German measles), diphtheria, pertussis (whooping  
24 cough), poliomyelitis, tetanus, and other diseases that the department specifies by  
25 rule or shall present a written waiver under sub. (3).

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

2           252.04 (3) The immunization requirement is waived if the student, if an adult,  
3 or the student's parent, guardian, or legal custodian submits a written statement to  
4 the school, ~~day~~ child care center, or nursery school objecting to the immunization for  
5 reasons of health, religion, or personal conviction. At the time any school, ~~day~~ child  
6 care center, or nursery school notifies a student, parent, guardian, or legal custodian  
7 of the immunization requirements, it shall inform the person in writing of the  
8 person's right to a waiver under this subsection.

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

10          252.04 (4) The student, if an adult, or the student's parent, guardian, or legal  
11 custodian shall keep the school, ~~day~~ child care center, or nursery school informed of  
12 the student's compliance with the immunization schedule.

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

14          252.04 (5) (a) By the 15th and the 25th school day after the date on which the  
15 student is admitted to a school, ~~day~~ child care center, or nursery school, the school,  
16 ~~day~~ child care center, or nursery school shall notify in writing any adult student or  
17 the parent, guardian, or legal custodian of any minor student who has not met the  
18 immunization or waiver requirements of this section. The notices shall cite the terms  
19 of those requirements and shall state that court action and forfeiture penalty could  
20 result due to noncompliance. The notices shall also explain the reasons for the  
21 immunization requirements and include information on how and where to obtain the  
22 required immunizations.

23          **SECTION 165.** <sup>140139</sup> 252.04 (5) (b) 1. of the statutes is amended to read:

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

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

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

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

12           252.04 (5) (b) 3. Beginning on July 1, 1995, if the department determines that  
13 fewer than 99% of the students in a day child care center, nursery school, or school  
14 district who are subject to the requirements of sub. (2) have complied with sub. (2),  
15 the day child care center or nursery school shall exclude any child who fails to satisfy  
16 the requirements of sub. (2) and the school district shall exclude any student enrolled  
17 in grades kindergarten to 6 who fails to satisfy the requirements of sub. (2).

18           **SECTION 168.** 252.04 (6) of the statutes is amended to read:

19           252.04 (6) The school, day child care center, or nursery school shall notify the  
20 district attorney of the county in which the student resides of any minor student who  
21 fails to present written evidence of completed immunizations or a written waiver  
22 under sub. (3) within 60 school days after being admitted to the school, day child care  
23 center, or nursery school. The district attorney shall petition the court exercising  
24 jurisdiction under chs. 48 and 938 for an order directing that the student be in  
25 compliance with the requirements of this section. If the court grants the petition, the



**BILL****SECTION 168**

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

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

7 252.21 (1) If a teacher, school nurse, or principal of any school or day child care  
8 center knows or suspects that a communicable disease is present in the school or  
9 center, he or she shall at once notify the local health officer.

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

11 253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or  
12 arrange with a nonprofit organization to prepare printed and audiovisual materials  
13 relating to shaken baby syndrome and impacted babies. The materials shall include  
14 information regarding the identification and prevention of shaken baby syndrome  
15 and impacted babies, the grave effects of shaking or throwing on an infant or young  
16 child, appropriate ways to manage crying, fussing, or other causes that can lead a  
17 person to shake or throw an infant or young child, and a discussion of ways to reduce  
18 the risks that can lead a person to shake or throw an infant or young child. The  
19 materials shall be prepared in English, Spanish, and other languages spoken by a  
20 significant number of state residents, as determined by the board. The board shall  
21 make those written and audiovisual materials available to all hospitals, maternity  
22 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or  
23 make available materials to parents under sub. (3) (a) 1., to the department and to  
24 all county departments and nonprofit organizations that are required to provide the  
25 materials to day child care providers under sub. (4), and to all school boards and

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

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

10 253.15 (4) TRAINING FOR DAY CHILD CARE PROVIDERS. Before an individual may  
11 obtain a license to operate a day child care center under s. 48.65 for the care and  
12 supervision of children under 5 years of age or enter into a contract to provide a day  
13 child care program under s. 120.13 (14) for the care and supervision of children under  
14 5 years of age, the individual shall receive training relating to shaken baby syndrome  
15 and impacted babies that is approved or provided by the department or that is  
16 provided by a nonprofit organization arranged by the department to provide that  
17 training. Before an individual may be certified under s. 48.651 as a day child care  
18 provider of children under 5 years of age, the individual shall receive training  
19 relating to shaken baby syndrome and impacted babies that is approved or provided  
20 by the certifying county department or that is provided by a nonprofit organization  
21 arranged by that county department to provide that training. Before an employee  
22 or volunteer of a day child care center licensed under s. 48.65, a day child care  
23 provider certified under s. 48.651, or a day child care program established under s.  
24 120.13 (14) may provide care and supervision for children under 5 years of age, the  
25 employee or volunteer shall receive training relating to shaken baby syndrome and

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

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

9 254.162 (1) (c) Day Child care providers certified under s. 48.651 and day child  
10 care centers licensed under s. 48.65, provisionally licensed under s. 48.69, or  
11 established or contracted for under s. 120.13 (14).

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

13 254.168 (4) A day child care provider certified under s. 48.651.

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

15 254.168 (5) A day child care center licensed under s. 48.65, provisionally  
16 licensed under s. 48.69, or established or contracted for under s. 120.13 (14).

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

18 285.63 (10) (d) 5. Schools, churches, hospitals, nursing homes, or day child care  
19 facilities.

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

21 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person  
22 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17  
23 years of age in residential, nonmedical facilities such as group homes, foster homes,  
24 treatment foster homes, child caring institutions residential care centers for children  
25 and youth, and juvenile correctional institutions is determined in accordance with

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

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

9 301.46 (4) (a) 2. A day child care provider that holds a license under s. 48.65,  
10 that is certified under s. 48.651, that holds a probationary license under s. 48.69, or  
11 that is established or contracted for under s. 120.13 (14).

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

13 562.06 (3) DAY CHILD CARE. Nothing in this section prohibits a licensee from  
14 operating a day child care area at a track if the day child care area is licensed by the  
15 department of health and family services under s. 48.65.

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

17 767.511 (1m) (e) The cost of day child care if the custodian works outside the  
18 home, or the value of custodial services performed by the custodian if the custodian  
19 remains in the home.

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

21 905.04 (4) (e) 1. b. "Neglect" has the meaning given in s. 48.981 (1) (d) 48.02  
22 (12g).

23 **SECTION 181.** 938.21 (5) (b) 1. of the statutes is renumbered 938.21 (5) (b) 1. a.  
24 and amended to read:

**BILL****SECTION 181**

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

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

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

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

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

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

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

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

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

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

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

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

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**SECTION 185**

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

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

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

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

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

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

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

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<sup>1578</sup>  
SECTION 189. 938.335 (3g) (c) of the statutes is amended to read:

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

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<sup>1589</sup>  
SECTION 190. 938.34 (2) (b) of the statutes is amended to read:

6 938.34 (2) (b) If the juvenile is placed in the juvenile's home under the  
7 supervision of an agency or the department, order the agency or department to  
8 provide specified services to the juvenile and the juvenile's family, including  
9 individual, family, or group counseling, homemaker or parent aide services, respite  
10 care, housing assistance, ~~day~~ child care, or parent skills training.

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

12 ~~938.355 (2) (b) 1. The specific services or continuum of services to be provided~~  
13 ~~to the juvenile and the juvenile's family, the identity of the agencies that are~~  
14 ~~primarily responsible for the provision of the services, the identity of the person or~~  
15 ~~agency that will provide case management or coordination of services, if any, and, if~~  
16 ~~custody is to be transferred to effect the treatment plan, the identity of the legal~~  
17 ~~custodian.~~

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<sup>159360</sup>  
SECTION 192. 938.355 (2) (b) 6. of the statutes is amended to read:

18 938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that  
19 continued placement of the juvenile in his or her home would be contrary to the  
20 welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is  
21 placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that  
22 the juvenile's current residence will not safeguard the welfare of the juvenile or the  
23 community due to the serious nature of the act for which the juvenile was adjudicated  
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1 delinquent. The court order shall also contain a finding as to whether the county  
 2 department or the agency primarily responsible for providing services under a court  
 3 order has made reasonable efforts to prevent the removal of the juvenile from the  
 4 home, while assuring that the juvenile's health and safety are the paramount  
 5 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.  
 6 to 4. applies, and a finding as to whether the county department or agency has made  
 7 reasonable efforts to achieve the goal of the juvenile's permanency plan, ~~unless~~  
 8 ~~return of the juvenile to the home is the goal of the permanency plan and the court~~  
 9 ~~finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies.~~ The court shall  
 10 make the findings specified in this subdivision on a case-by-case basis based on  
 11 circumstances specific to the juvenile and shall document or reference the specific  
 12 information on which those findings are based in the court order. A court order that  
 13 merely references this subdivision without documenting or referencing that specific  
 14 information in the court order or an amended court order that retroactively corrects  
 15 an earlier court order that does not comply with this subdivision is not sufficient to  
 16 comply with this subdivision.

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

18 938.355 (2) (b) 6g. If the juvenile is placed outside the home under the  
 19 supervision of the county department, an order ordering the juvenile into the  
 20 placement and care responsibility of the county department as required under 42  
 21 USC 672 (a) (2) and assigning the county department primary responsibility for  
 22 providing services to the juvenile.

23 <sup>110</sup> SECTION 194. 938.355 (2c) (a) 3. c. of the statutes is amended to read:

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

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

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

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

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

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## SECTION 196

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

10 SECTION <sup>1612</sup>197. 938.356 (1) of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

An order shall be issued under s. 938.355.

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

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162a  
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**BILL**

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

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

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

Insert  
69-14

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

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

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69-18

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

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

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BILL

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

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

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70-6

SECTION 209. Initial applicability.

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

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

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

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

**BILL**

1 (d) <sup>C</sup> *Permanency plan reviews and hearings*. The treatment of sections 48.356  
 2 (1), 48.38 (5) (c) 7., 938.356 (1) (with respect to permanency plan reviews), and 938.38  
 3 (5) (c) 7. of the statutes first applies to permanency plan reviews and hearings held  
 4 on the effective date of this paragraph.

(END)

text \* N set date A

action: NS: eff date

→ SECTION #. Effective date, # (1) This act takes effect  
 on July 1, 2008, or on the day after publication,  
 whichever is later.



2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1064/3ins  
GMM.....

(INSERT 19-14)

NOTE: This SECTION requires termination of parental rights warnings to be given at annual permanency plan review hearings, which requirement was inadvertently omitted when 2001 Wisconsin Act 109 replaced annual dispositional order extension hearings with annual permanency plan review hearings. According to the Department of Health and Family Services (DHFS), these warnings must be given at permanency plan review hearings to avoid delaying a petition for termination of parental rights.

(END OF INSERT)

(INSERT 24-4)

xx  
NOTE: This SECTION corrects an erroneous reference in s. 48.65 (3) (b), stats., which provides a penalty for a ~~child~~ care center that is late in paying its licensing fee. The statute contains a reference to a group home, but should instead refer to a child care center. child

(END OF INSERT)

(INSERT 28-7)

43  
SECTION 1. 48.66 (1) (a) of the statutes, as affected by 2007 Wisconsin Act 20,  
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. In the discharge of this duty the department may inspect the records and visit the premises of all child welfare agencies, group homes, shelter care facilities, and day child care centers and visit the premises of all foster homes and treatment foster homes in which children are placed.

History: 2007 a. 20.

(END OF INSERT)

(INSERT 39-2)

NOTE: This SECTION conforms s. 48.78, stats., of the Children's Code to s. 938.78, stats., its analogous provision in the Juvenile Justice Code, by requiring an agency that provides services under the Children's Code to maintain the confidentiality of records kept or information received about an individual who *is or was* in the agency's care or custody. According to DHFS, 2005 Wisconsin Act 344, which recodified ch. 938, stats., (the Juvenile Justice Code), amended s. 938.78, stats., but did not conform the analogous provision of s. 48.78, stats.

(END OF INSERT)

(INSERT 39-6)

NOTE: This SECTION makes a child care worker in any group home a mandatory child abuse or neglect reporter. Under current law, only a child care worker in a group home that is authorized solely to provide a safe and structured living arrangement for children who are custodial parents or expectant mothers is a mandatory reporter. According to DHFS, all child care workers in group homes should be mandatory reporters and the reference limiting mandatory reporting to a subset of group home child care workers appears to be an error.

(END OF INSERT)

(INSERT 42-20)

<sup>99.89</sup>  
SECTION 2. 49.155 (1g) (a) 2. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

49.155 (1g) (a) 2. Grants under s. 49.134 (2) for child day care resource and referral services, in the amount of at least \$1,225,000 per fiscal year.

History: 2007 a. 20.

(END OF INSERT)

(INSERT 62-2)

NOTE: SECTIONS <sup>a.r. (c)</sup> 6 to <sup>a.r. (d)</sup> 8, <sup>a.r. (p)</sup> 75 to 78 and 154 move the definition of "neglect" from the child abuse and neglect reporting statute (s. 48.981, stats.) to the beginning of ch. 48, stats., (the Children's Code). The term "neglect" is used throughout the Children's Code, so it is more appropriate to define that term at the beginning of that chapter.

(END OF INSERT)

(INSERT 68-2)

NOTE: This SECTION requires the same termination of parental rights warning when a juvenile is placed outside the home as a result of delinquency as when a child or juvenile is placed outside the home due to a need for protection or services.



Insert 28-7

49.155 (1)(a)  
48.66 (1)(a)

as affected by 2007 Wisconsin Act 20

LPS:  
Need to get this from Act 20 by doing Add Act

child

48.66 (1) (a)

SECTION 1338. 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 care centers, as required by s. 48.65. The department may license foster homes or treatment

child

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. In the discharge of this duty the department may inspect the records and visit the premises of all child welfare agencies, group homes, shelter care facilities, and day care centers and visit the premises of all foster homes and treatment foster homes in which children are placed.

(plan)

Child Welfare

Insert 42-20

amended

(a) 2.

as affected by 2007 Wisconsin Act 20,

UPS:  
Get from  
Act 20

~~SECTION 49.155 (1g) of the statutes is repealed and recreated to read:~~

~~49.155 (1g) DISTRIBUTION OF FUNDS. Within the limits of the availability of the federal child care and development block grant funds received under 42 USC 9858, the department shall do all of the following:~~

~~(a) Subject to sub. (1j), spend no more than the minimum amount required under 42 USC 9858 on programs to improve the quality and availability of child care. From the appropriations under s. 20.415 (3) (cm), (kx), (mc), and (md), the department shall allocate and distribute funding in each fiscal year for all of the following:~~

- ~~1. A child care scholarship and bonus program, in the amount of at least \$3,175,000 per fiscal year.~~
- ~~2. Grants under s. 49.151 (2) for child care resource and referral services, in the amount of at least \$1,225,000 per fiscal year.~~

strike

Get it from

**Duerst, Christina**

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**From:** Rose, Laura  
**Sent:** Tuesday, December 04, 2007 10:37 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-1064/3 Topic: DHFS remedial changes

Please Jacket LRB 07-1064/3 for the SENATE.