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1           **48.14 Jurisdiction over other matters relating to children.** (intro.) The  
2           Except as provided in s. 48.028 (3), the court has exclusive jurisdiction over:

3           **SECTION 16.** 48.14 (12) of the statutes is created to read:

4           **48.14 (12)** Proceedings under s. 48.028 (8) for the return of custody of an Indian  
5           child to his or her former parent, as defined in s. 48.028 (2) (c), or former Indian  
6           custodian, as defined in s. 48.028 (2) (b), following a vacation or setting aside of an  
7           order granting adoption of the Indian child or following an order voluntarily  
8           terminating parental rights to an Indian child of all adoptive parents of the Indian  
9           child.

10           **SECTION 17.** 48.15 of the statutes is amended to read:

11           **48.15 Jurisdiction of other courts to determine legal custody.** Nothing  
12           contained in ~~ss. 48.13, 48.133 and 48.14~~ Except as provided in s. 48.028 (3), nothing  
13           in this chapter deprives ~~other courts~~ another court of the right to determine the legal  
14           custody of ~~children~~ a child by habeas corpus or to determine the legal custody or  
15           guardianship of ~~children~~ a child if the legal custody or guardianship is incidental to  
16           the determination of ~~causes~~ an action pending in the ~~other courts.~~ But that court.  
17           Except as provided in s. 48.028 (3), the jurisdiction of the court assigned to exercise  
18           jurisdiction under this chapter and ch. 938 is paramount in all cases involving  
19           children alleged to come within the provisions of ss. 48.13 and 48.14 and unborn  
20           children and their expectant mothers alleged to come within the provisions of ss.  
21           48.133 and 48.14 (5).

22           **SECTION 18.** 48.19 (2) of the statutes is amended to read:

23           **48.19 (2)** When a child is taken into physical custody ~~as provided in~~ under this  
24           section, the person taking the child into custody shall immediately attempt to notify  
25           the parent, guardian ~~and,~~ legal custodian, and Indian custodian of the child by the

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1 most practical means. The person taking the child into custody shall continue such  
2 attempt until the parent, guardian ~~and~~, legal custodian, and Indian custodian of the  
3 child are notified, or the child is delivered to an intake worker under s. 48.20 (3),  
4 whichever occurs first. If the child is delivered to the intake worker before the  
5 parent, guardian ~~and~~, legal custodian, and Indian custodian are notified, the intake  
6 worker, or another person at his or her direction, shall continue the attempt to notify  
7 until the parent, guardian ~~and~~, legal custodian, and Indian custodian of the child are  
8 notified.

9 **SECTION 19.** 48.195 (2) (d) 7. of the statutes is amended to read:

10 48.195 (2) (d) 7. A tribal court, or other adjudicative body authorized by an  
11 ~~American~~ Indian tribe ~~or band~~ to perform child welfare functions, that is exercising  
12 jurisdiction over proceedings relating to the child, an attorney representing the  
13 interests of the ~~American~~ Indian tribe ~~or band~~ in those proceedings, or an attorney  
14 representing the interests of the child in those proceedings.

15 **SECTION 20.** 48.20 (2) (ag) of the statutes is amended to read:

16 48.20 (2) (ag) Except as provided in pars. (b) to (d), a person taking a child into  
17 custody shall make every effort to release the child immediately to the child's parent,  
18 guardian ~~or~~, legal custodian, or Indian custodian.

19 **SECTION 21.** 48.20 (2) (b) of the statutes is amended to read:

20 48.20 (2) (b) If the child's parent, guardian ~~or~~, legal custodian, or Indian  
21 custodian is unavailable, unwilling, or unable to provide supervision for the child,  
22 the person who took the child into custody may release the child to a responsible  
23 adult after counseling or warning the child as may be appropriate.

24 **SECTION 22.** 48.20 (3) of the statutes is amended to read:

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1           48.20 (3) If the child is released under sub. (2) (b) to (d), the person who took  
2 the child into custody shall immediately notify the child's parent, guardian and, legal  
3 custodian, and Indian custodian of the time and circumstances of the release and the  
4 person, if any, to whom the child was released. If the child is not released under sub.  
5 (2), the person who took the child into custody shall arrange in a manner determined  
6 by the court and law enforcement agencies for the child to be interviewed by the  
7 intake worker under s. 48.067 (2), ~~and. The person who took the child into custody~~  
8 ~~shall make a statement in writing with supporting facts of the reasons why the child~~  
9 ~~was taken into physical custody and shall give any child 12 years of age or older a~~  
10 ~~copy of the statement in addition to giving a copy to the intake worker. When and~~  
11 ~~to any child 12 years of age or older. If the intake interview is not done in person, the~~  
12 report may be read to the intake worker.

13           **SECTION 23.** 48.20 (7) (c) (intro.) of the statutes is amended to read:

14           48.20 (7) (c) (intro.) The intake worker may release the child as follows:

15           **SECTION 24.** 48.20 (7) (c) 1. of the statutes is amended to read:

16           48.20 (7) (c) 1. To a parent, guardian ~~or~~, legal custodian, or Indian  
17 or, to a responsible adult if the parent, guardian ~~or~~, legal custodian, or Indian  
18 custodian is unavailable, unwilling, or unable to provide supervision for the child,  
19 ~~release the child to a responsible adult, counseling or warning the child as may be~~  
20 ~~appropriate;~~ or, if a the child is 15 years of age or older, ~~release the child without~~  
21 immediate adult supervision, counseling or warning the child as may be appropriate;  
22 ~~or~~.

23           **SECTION 25.** 48.20 (7) (d) of the statutes is amended to read:

24           48.20 (7) (d) If the child is released from custody, the intake worker shall  
25 immediately notify the child's parent, guardian and, legal custodian, and Indian

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1 custodian of the time and circumstances of the release and the person, if any, to whom  
2 the child was released.

3 **SECTION 26.** 48.20 (8) of the statutes is renumbered 48.20 (8) (a) and amended  
4 to read:

5 48.20 (8) (a) If a child is held in custody, the intake worker shall notify the  
6 child's parent, guardian ~~and~~, legal custodian, and Indian custodian of the reasons for  
7 holding the child in custody and of the child's whereabouts unless there is reason to  
8 believe that notice would present imminent danger to the child. The parent,  
9 guardian ~~and~~, legal custodian, and Indian custodian shall also be notified of the time  
10 and place of the detention hearing required under s. 48.21, the nature and possible  
11 consequences of that hearing, ~~and the right to present and cross-examine witnesses~~  
12 at the hearing, and, in the case of a parent or Indian custodian of an Indian child, the  
13 right to counsel under s. 48.028 (4) (b). If the parent, guardian ~~or~~, legal custodian,  
14 or Indian custodian is not immediately available, the intake worker or another  
15 person designated by the court shall provide notice as soon as possible. When the  
16 child is 12 years of age or older, the child shall receive the same notice about the  
17 detention hearing as the parent, guardian ~~or~~, legal custodian, or Indian custodian.  
18 The intake worker shall notify both the child and the child's parent, guardian ~~or~~,  
19 legal custodian. ~~When, or Indian custodian.~~

20 (b) If the child is an expectant mother who has been taken into custody under  
21 s. 48.19 (1) (cm) or (d) 8., the unborn child, through the unborn child's guardian ad  
22 litem, shall receive the same notice about the whereabouts of the child expectant  
23 mother, about the reasons for holding the child expectant mother in custody and  
24 about the detention hearing as the child expectant mother and her parent, guardian  
25 ~~or~~, legal custodian, or Indian custodian. The intake worker shall notify the child

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1 expectant mother, her parent, guardian ~~or~~, legal custodian, or Indian custodian and  
2 the unborn child, by the unborn child's guardian ad litem.

3 **SECTION 27.** 48.21 (3) (am) of the statutes is amended to read:

4 48.21 (3) (am) The parent, guardian, ~~or~~ legal custodian, or Indian custodian  
5 may waive his or her right to participate in the hearing under this section. After any  
6 waiver, a rehearing shall be granted at the request of the parent, guardian, legal  
7 custodian, Indian custodian, or any other interested party for good cause shown.

8 **SECTION 28.** 48.21 (3) (b) of the statutes is amended to read:

9 48.21 (3) (b) If present at the hearing, a copy of the petition or request shall be  
10 given to the parent, guardian ~~or~~, legal custodian, or Indian custodian, and to the child  
11 if he or she is 12 years of age or older, before the hearing begins. If the child is an  
12 expectant mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8.,  
13 a copy of the petition shall also be given to the unborn child, through the unborn  
14 child's guardian ad litem, before the hearing begins. Prior notice of the hearing shall  
15 be given to the child's parent, guardian ~~and~~, legal custodian, and Indian custodian,  
16 to the child if he or she is 12 years of age or older and, if the child is an expectant  
17 mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., to the unborn  
18 child, through the unborn child's guardian ad litem, ~~in accordance with~~ under s.  
19 48.20 (8).

20 **SECTION 29.** 48.21 (3) (d) of the statutes is amended to read:

21 48.21 (3) (d) Prior to the commencement of the hearing, the court shall inform  
22 the parent, guardian ~~or~~, legal custodian ~~shall be informed by the court, or Indian~~  
23 custodian of the allegations that have been made or may be made, the nature and  
24 possible consequences of this hearing as compared to possible future hearings, the  
25 right to present, confront, and cross-examine witnesses ~~and the right to present~~

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1 witnesses, and, in the case of a parent or Indian custodian of an Indian child, the  
2 right to counsel under s. 48.028 (4) (b).

3 **SECTION 30.** 48.21 (3) (e) of the statutes is amended to read:

4 48.21 (3) (e) If the parent, guardian ~~or~~, legal custodian, Indian custodian, or the  
5 child is not represented by counsel at the hearing and the child is continued in  
6 custody as a result of the hearing, the parent, guardian, legal custodian, Indian  
7 custodian, or child may request through counsel subsequently appointed or retained  
8 or through a guardian ad litem that the order to hold the child in custody be reheard.  
9 If the request is made, a rehearing shall take place as soon as possible. ~~Any~~ An order  
10 to hold the child in custody shall be ~~subject to rehearing~~ reheard for good cause,  
11 whether or not counsel was present.

12 **SECTION 31.** 48.21 (5) (d) 1. of the statutes is renumbered 48.21 (5) (d) and  
13 amended to read:

14 48.21 (5) (d) If the judge or circuit court commissioner finds that any of the  
15 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
16 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)  
17 within 30 days after the date of that finding to determine the permanency plan for  
18 the child. ~~If a hearing is held under this subdivision, the agency responsible for~~  
19 ~~preparing the permanency plan shall file the permanency plan with the court not less~~  
20 ~~than 5 days before the date of the hearing.~~

21 **SECTION 32.** 48.21 (5) (d) 2. of the statutes is repealed.

22 **SECTION 33.** 48.21 (5) (d) 3. of the statutes is repealed.

23 **SECTION 34.** 48.23 (2) of the statutes is amended to read:

24 48.23 (2) Whenever a child is the subject of a proceeding involving a contested  
25 adoption or the involuntary termination of parental rights, any parent under 18

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1 years of age who appears before the court shall be represented by counsel; but no such  
2 parent may waive counsel. ~~A~~ Except as provided in sub. (2g), a minor parent  
3 petitioning for the voluntary termination of parental rights shall be represented by  
4 a guardian ad litem. If a proceeding involves a contested adoption or the involuntary  
5 termination of parental rights, any parent 18 years old or older who appears before  
6 the court shall be represented by counsel; but the parent may waive counsel provided  
7 the court is satisfied such waiver is knowingly and voluntarily made.

8 **SECTION 35.** 48.23 (2g) of the statutes is created to read:

9 **48.23 (2g) RIGHT OF INDIAN CHILD'S PARENT OR INDIAN CUSTODIAN TO COUNSEL.**  
10 Whenever an Indian child is the subject of a proceeding involving the removal of the  
11 Indian child from his or her home, placement of the Indian child in an out-of-home  
12 care placement or termination of parental rights to the Indian child, the Indian  
13 child's parent or Indian custodian shall have the right to be represented by  
14 court-appointed counsel as provided in sub. (4).

15 **SECTION 36.** 48.23 (4) of the statutes is amended to read:

16 **48.23 (4) PROVIDING COUNSEL.** ~~In any situation under this section in which~~ If  
17 a child has a right to be represented by counsel or is provided counsel at the discretion  
18 of the court under this section and counsel is not knowingly and voluntarily waived,  
19 the court shall refer the child to the state public defender and counsel shall be  
20 appointed by the state public defender under s. 977.08 without a determination of  
21 indigency. If the referral is of a child who has filed a petition under s. 48.375 (7), the  
22 state public defender shall appoint counsel within 24 hours after that referral. Any  
23 counsel appointed in a petition filed under s. 48.375 (7) shall continue to represent  
24 the child in any appeal brought under s. 809.105 unless the child requests  
25 substitution of counsel or extenuating circumstances make it impossible for counsel

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1 to continue to represent the child. In any situation under sub. (2), (2g), or (2m) in  
2 which a parent 18 years of age or over or an adult expectant mother is entitled to  
3 representation by counsel; counsel is not knowingly and voluntarily waived; and it  
4 appears that the parent or adult expectant mother is unable to afford counsel in full,  
5 or the parent or adult expectant mother so indicates; the court shall refer the parent  
6 or adult expectant mother to the authority for indigency determinations specified  
7 under s. 977.07 (1). In any other situation under this section in which a person has  
8 a right to be represented by counsel or is provided counsel at the discretion of the  
9 court, competent and independent counsel shall be provided and reimbursed in any  
10 manner suitable to the court regardless of the person's ability to pay, except that the  
11 court may not order a person who files a petition under s. 813.122 or 813.125 to  
12 reimburse counsel for the child who is named as the respondent in that petition.

13 **SECTION 37.** 48.235 (4) (a) 7. of the statutes is amended to read:

14 48.235 (4) (a) 7. Petition for relief from a judgment terminating parental rights  
15 under s. 48.028 or 48.46.

16 **SECTION 38.** 48.235 (4m) (a) 7. of the statutes is amended to read:

17 48.235 (4m) (a) 7. Petition for relief from a judgment terminating parental  
18 rights under s. 48.028 or 48.46 after the child is born.

19 **SECTION 39.** 48.255 (1) (cm) of the statutes is amended to read:

20 48.255 (1) (cm) Whether the child may be subject to the federal Indian child  
21 welfare act Child Welfare Act, 25 USC 1911 to 1963, and, if the child may be subject  
22 to that act, the names and addresses of the child's Indian custodian, if any, and  
23 Indian tribe, if known.

24 **SECTION 40.** 48.255 (1) (g) of the statutes is created to read:



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1           48.255 (1) (g) If the child is or may be an Indian child, reliable and credible  
2 information showing that continued custody of the child by the child's parent or  
3 Indian custodian is likely to result in serious emotional or physical damage to the  
4 child under s. 48.028 (4) (d) 1. and reliable and credible information showing that the  
5 person who took the child into custody and the intake worker have made active  
6 efforts under s. 48.028 (4) (d) 2. to prevent the breakup of the Indian family and that  
7 those efforts have proved unsuccessful. If the child is or may be an Indian child and  
8 is being held in custody outside of his or her home, the petition shall set forth with  
9 specificity both the information required under this paragraph and the information  
10 required under par. (f).

11           **SECTION 41.** 48.255 (1m) (d) of the statutes is amended to read:

12           48.255 (1m) (d) Whether the unborn child, when born, may be subject to the  
13 federal Indian Child Welfare Act, 25 USC 1911 to 1963, and, if the unborn child may  
14 be subject to that act, the name and address of the Indian tribe in which the unborn  
15 child may be eligible for affiliation when born, if known.

16           **SECTION 42.** 48.255 (1m) (g) of the statutes is created to read:

17           48.255 (1m) (g) If the expectant mother is or may be an Indian child, reliable  
18 and credible information showing that continued custody of the child expectant  
19 mother by her parent or Indian custodian is likely to result in serious emotional or  
20 physical damage to the child expectant mother under s. 48.028 (4) (d) 1. and reliable  
21 and credible information showing that the person who took the child expectant  
22 mother into custody and the intake worker have made active efforts under s. 48.028  
23 (4) (d) 2. to prevent the breakup of the Indian family and that those efforts have  
24 proved unsuccessful. If the child expectant mother is or may be an Indian child and  
25 is being held in custody outside of her home, the petition shall set forth with

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1 specificity both the information required under this paragraph and the information  
2 required under par. (f).

3 **SECTION 43.** 48.255 (2) of the statutes is amended to read:

4 48.255 (2) If any of the facts required under sub. (1) (a) to (cm) ~~and, (f), and (g)~~  
5 or (1m) (a) to (d) ~~and, (f), and (g)~~ are not known or cannot be ascertained by the  
6 petitioner, the petition shall so state.

7 **SECTION 44.** 48.255 (4) of the statutes is amended to read:

8 48.255 (4) A copy of a petition under sub. (1) shall be given to the child if the  
9 child is 12 years of age or over and to the parents, guardian, legal custodian and  
10 physical custodian. A copy of a petition under sub. (1m) shall be given to the child  
11 expectant mother, if 12 years of age or over, her parents, guardian, legal custodian  
12 and physical custodian and the unborn child by the unborn child's guardian ad litem  
13 or to the adult expectant mother, the unborn child through the unborn child's  
14 guardian ad litem and the physical custodian of the expectant mother, if any. ~~A- If~~  
15 the child is an Indian child or the unborn child may be an Indian child when born,  
16 a copy of a petition under sub. (1) or (1m) shall also be given to the tribe or band with  
17 which the child is affiliated or Indian child's Indian custodian and tribe or the Indian  
18 tribe with which the unborn child may be eligible for affiliation when born, ~~if the~~  
19 ~~child is an Indian child or the unborn child may be an Indian child when born.~~

20 **SECTION 45.** 48.27 (3) (a) 1. of the statutes is amended to read:

21 48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a  
22 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother  
23 who is a child, the court shall also notify, under s. 48.273, the child, any parent,  
24 guardian, and legal custodian of the child, any foster parent, treatment foster parent,  
25 or other physical custodian described in s. 48.62 (2) of the child, the unborn child by

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1 the unborn child's guardian ad litem, if applicable, and any person specified in par.  
2 (b), (d), or (e), if applicable, of all hearings involving the child except hearings on  
3 motions for which notice ~~need only~~ must be provided only to the child and his or her  
4 counsel. ~~When~~ If parents who are entitled to notice have the same place of residence,  
5 notice to one ~~shall constitute~~ constitutes notice to the other. The first notice to any  
6 interested party, foster parent, treatment foster parent, or other physical custodian  
7 described in s. 48.62 (2) shall be ~~written~~ in writing and may have a copy of the petition  
8 attached to it. ~~Thereafter, notice of~~ Notices of subsequent hearings may be given by  
9 telephone at least 72 hours before the time of the hearing. The person giving  
10 telephone notice shall place in the case file a signed statement of the time notice was  
11 given and the person to whom he or she spoke.

12 **SECTION 46.** 48.27 (3) (d) of the statutes is amended to read:

13 48.27 (3) (d) If the petition that was filed relates to facts concerning a situation  
14 under s. 48.13 involving an Indian child or a situation under s. 48.133 concerning  
15 involving an unborn child who, when born, will be an Indian child, the court shall  
16 notify, under s. 48.273, the Indian child's Indian custodian and tribe or the Indian  
17 tribe or band with which the unborn child will be affiliated may be eligible for  
18 affiliation when born and that Indian custodian or tribe or band may, ~~at the court's~~  
19 ~~discretion,~~ intervene at any point in the proceeding ~~before the unborn child is born.~~

20 **SECTION 47.** 48.27 (4) (a) 2. of the statutes is amended to read:

21 48.27 (4) (a) 2. Advise the child and any party, if applicable, of his or her right  
22 to legal counsel regardless of ability to pay.

23 **SECTION 48.** 48.273 (1) of the statutes is renumbered 48.273 (1) (a) and  
24 amended to read:

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1           48.273 (1) (a) Service Except as provided in pars. (ag), (ar), and (b), service of  
2           summons or notice required by s. 48.27 may be made by mailing a copy thereof of the  
3           summons or notice to the persons person summoned or notified. If

4           (ar) Except as provided in par. (b), if the persons fail person fails to appear at  
5           the hearing or otherwise to acknowledge service, a continuance shall be granted,  
6           ~~except where the court determines otherwise because the child is in secure custody,~~  
7           and service shall be made personally by delivering to the persons person a copy of the  
8           summons or notice; except that if the court ~~is satisfied~~ determines that it is  
9           impracticable to serve the summons or notice personally, it ~~the court~~ may make an  
10          order ~~providing for the service of the summons or notice by certified mail addressed~~  
11          to the last-known ~~addresses~~ address of the ~~persons.~~ person.

12          (b) The court may refuse to grant a continuance when the child is being held  
13          in secure custody, but ~~in such a case the court~~ if the court so refuses, the court shall  
14          order that service of notice of the next hearing be made personally or by certified mail  
15          to the last-known address of the person who failed to appear at the hearing.

16          (c) Personal service shall be made at least 72 hours before ~~the time of the~~  
17          hearing. Mail shall be sent at least 7 days before ~~the time of the hearing,~~ except  
18          where as follows:

19                1. When the petition is filed under s. 48.13 and the person to be notified lives  
20          outside the state, ~~in which case the mail shall be sent at least 14 days before the time~~  
21          of the hearing.

22          **SECTION 49.** 48.273 (1) (ag) of the statutes is created to read:

23                48.273 (1) (ag) Service of summons or notice required by s. 48.27 to an Indian  
24          child's parent, Indian custodian, or tribe, or to the Indian tribe in which an unborn

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1 child who may be an Indian child when born may be eligible for affiliation when born,  
2 shall be made as provided in s. 48.028 (4) (a).

3 **SECTION 50.** 48.273 (1) (c) 2. of the statutes is created to read:

4 48.273 (1) (c) 2. When a petition under s. 48.13 involves an Indian child and  
5 the person to be notified is the Indian child's parent, Indian custodian, or tribe or  
6 when a petition under s. 48.133 involves an unborn child who, when born, may be an  
7 Indian child and the person to be notified is the child's expectant mother or the  
8 Indian tribe with which the unborn child may be eligible for affiliation when born,  
9 the mail shall be sent so that it is received by the person to be notified at least 10 days  
10 before the time of the hearing or by the U.S. secretary of the interior at least 25 days  
11 before the time of the hearing.

12 **SECTION 51.** 48.299 (6) (d) of the statutes is amended to read:

13 48.299 (6) (d) The court may stay the proceedings under this chapter pending  
14 the outcome of the paternity proceedings under subch. IX of ch. 767 if the court  
15 determines that the paternity proceedings will not unduly delay the proceedings  
16 under this chapter and the determination of paternity is necessary to the court's  
17 disposition of the child if the child is found to be in need of protection or services or  
18 if the court determines that the paternity proceedings may result in a finding that  
19 the child is an Indian child and in a petition by the child's parent, Indian custodian,  
20 or tribe for transfer of the proceeding to the jurisdiction of the tribe.

21 **SECTION 52.** 48.299 (9) of the statutes is created to read:

22 48.299 (9) If at any point in the proceeding the court determines that the child  
23 is or may be an Indian child or that the unborn child, when born, may be an Indian  
24 child, the court shall provide notice of the proceeding to the child's parent, Indian  
25 custodian, and tribe, or to the expectant mother and the Indian tribe in which the

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1 unborn child may be eligible for affiliation when born, in the manner specified in s.  
2 48.028 (4) (a). The next hearing in the proceeding may not be held until at least 10  
3 days after receipt of the notice by the parent, Indian custodian, and tribe or by the  
4 expectant mother and tribe or until at least 25 days after receipt of the notice by the  
5 U.S. secretary of the interior. On request of the parent, Indian custodian, expectant  
6 mother, or tribe, the court shall grant a continuance of up to 20 additional days to  
7 enable the requester to prepare for that hearing.

8 **SECTION 53.** 48.30 (1) of the statutes is amended to read:

9 48.30 (1) Except as provided in ~~this subsection~~ s. 48.299 (9), the hearing to  
10 determine whether any party wishes to contest an allegation that the child or unborn  
11 child is in need of protection or services shall take place on a date which allows  
12 reasonable time for the parties to prepare but is within 30 days after the filing of a  
13 petition for a child or an expectant mother who is not being held in secure custody  
14 or within 10 days after the filing of a petition for a child who is being held in secure  
15 custody.

16 **SECTION 54.** 48.30 (2) of the statutes is amended to read:

17 48.30 (2) At the commencement of the hearing under this section the child and  
18 the parent, guardian ~~or~~, legal custodian, or Indian custodian; the child expectant  
19 mother, her parent, guardian ~~or~~, legal custodian, or Indian custodian, and the unborn  
20 child through the unborn child's guardian ad litem; or the adult expectant mother  
21 and the unborn child through the unborn child's guardian ad litem; shall be advised  
22 of their rights as specified in s. 48.243 and shall be informed that a request for a jury  
23 trial or for a substitution of judge under s. 48.29 must be made before the end of the  
24 plea hearing or be is waived. Nonpetitioning parties, including the child, shall be

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1 granted a continuance of the plea hearing if they wish to consult with an attorney  
2 on the request for a jury trial or substitution of a judge.

3 **SECTION 55.** 48.30 (6) (a) of the statutes is amended to read:

4 48.30 (6) (a) If a petition is not contested, the court, subject to s. 48.299 (9), shall  
5 set a date for the dispositional hearing which allows reasonable time for the parties  
6 to prepare but is no more than 10 days after the plea hearing for a child who is held  
7 in secure custody and no more than 30 days after the plea hearing for a child or an  
8 expectant mother who is not held in secure custody. If all parties consent the court  
9 may proceed immediately with the dispositional hearing.

10 **SECTION 56.** 48.30 (7) of the statutes is amended to read:

11 48.30 (7) If the petition is contested, the court, subject to s. 48.299 (9), shall set  
12 a date for the fact-finding hearing which allows reasonable time for the parties to  
13 prepare but is no more than 20 days after the plea hearing for a child who is held in  
14 secure custody and no more than 30 days after the plea hearing for a child or an  
15 expectant mother who is not held in secure custody.

16 **SECTION 57.** 48.305 of the statutes is amended to read:

17 **48.305 Hearing upon the involuntary removal of a child or expectant**  
18 **mother.** Notwithstanding other time periods for hearings under this chapter, if a  
19 child is removed from the physical custody of the child's parent or guardian under  
20 s. 48.19 (1) (c) or (cm) or (d) 5. or 8. without the consent of the parent or guardian or  
21 if an adult expectant mother is taken into custody under s. 48.193 (1) (c) or (d) 2.  
22 without the consent of the expectant mother, the court, subject to s. 48.299 (9), shall  
23 schedule a plea hearing and fact-finding hearing within 30 days after a request from  
24 the parent or guardian from whom custody was removed or from the adult expectant  
25 mother who was taken into custody. The plea hearing and fact-finding hearing may

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1 be combined. This time period may be extended only with the consent of the  
2 requesting parent, guardian or expectant mother.

3 **SECTION 58.** 48.31 (1) of the statutes is amended to read:

4 48.31 (1) In this section, “fact-finding hearing” means a hearing to determine  
5 if the allegations in a petition under s. 48.13 or 48.133 or a petition to terminate  
6 parental rights are proved by clear and convincing evidence. In the case of a petition  
7 to terminate parental rights to an Indian child, “fact-finding hearing” means a  
8 hearing to determine if the allegations, other than the allegations under s. 48.42 (1)  
9 (f), are proved by clear and convincing evidence and if the allegations under s. 48.42  
10 (1) (f) are proved beyond a reasonable doubt as provided in s. 48.028 (4) (e).

11 **SECTION 59.** 48.31 (7) (a) of the statutes is amended to read:

12 48.31 (7) (a) At the close of the fact-finding hearing, the court, subject to s.  
13 48.299 (9), shall set a date for the dispositional hearing which allows a reasonable  
14 time for the parties to prepare but is no more than 10 days after the fact-finding  
15 hearing for a child in secure custody and no more than 30 days after the fact-finding  
16 hearing for a child or expectant mother who is not held in secure custody. If all parties  
17 consent, the court may immediately proceed with a dispositional hearing.

18 **SECTION 60.** 48.315 (1) (j) of the statutes is created to read:

19 48.315 (1) (j) A reasonable period of delay, not to exceed 20 days, in a proceeding  
20 involving the out-of-home care placement of or termination of parental rights to a  
21 child who is or may be an Indian child, or involving an unborn child who, when born,  
22 may be an Indian child, resulting from a continuance granted at the request of the  
23 child’s parent, Indian custodian, or tribe, or of the unborn child’s expectant mother  
24 or the Indian tribe in which the unborn child may be eligible for affiliation when born,  
25 to enable the requester to prepare for the proceeding.



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1           **SECTION 61.** 48.315 (1m) of the statutes is amended to read:

2           48.315 **(1m)** Subsection (1) (a), (d), (e) ~~and, (fm), (g), and (j)~~ does not apply to  
3 proceedings under s. 48.375 (7).

4           **SECTION 62.** 48.315 (2) of the statutes is amended to read:

5           48.315 **(2)** A continuance shall be granted by the court only upon a showing of  
6 good cause in open court or during a telephone conference under s. 807.13 on the  
7 record and only for so long as is necessary, taking into account the request or consent  
8 of the district attorney or the parties, the request of a person specified in sub. (1) (j),  
9 and the interest of the public in the prompt disposition of cases.

10           **SECTION 63.** 48.32 (1) (c) 1. of the statutes is renumbered 48.32 (1) (c) and  
11 amended to read:

12           48.32 **(1) (c)** If the judge or circuit court commissioner finds that any of the  
13 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
14 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)  
15 within 30 days after the date of that finding to determine the permanency plan for  
16 the child. ~~If a hearing is held under this subdivision, the agency responsible for~~  
17 ~~preparing the permanency plan shall file the permanency plan with the court not less~~  
18 ~~than 5 days before the date of the hearing.~~

19           **SECTION 64.** 48.32 (1) (c) 2. of the statutes is repealed.

20           **SECTION 65.** 48.32 (1) (c) 3. of the statutes is repealed.

21           **SECTION 66.** 48.33 (4) (d) of the statutes is created to read:

22           48.33 **(4) (d)** If the agency knows or has reason to know that the child is an  
23 Indian child, a description of any efforts undertaken to determine whether the child  
24 is an Indian child; specific information showing that continued custody of the child  
25 by the parent or Indian custodian is likely to result in serious emotional or physical

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1 damage to the child under s. 48.028 (4) (d) 1.; specific information showing that the  
2 county department, department in a county having a population of 500,000 or more,  
3 or agency primarily responsible for providing services to the child has made active  
4 efforts under s. 48.028 (4) (d) 2. to prevent the breakup of the Indian family and that  
5 those efforts have proved unsuccessful; a statement as to whether the out-of-home  
6 care placement recommended is in compliance with the order of placement  
7 preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c); and, if the  
8 recommended placement is not in compliance with that order, specific information  
9 showing good cause, as described in s. 48.028 (7) (e), for departing from that order.

10 **SECTION 67.** 48.335 (3j) of the statutes is created to read:

11 48.335 **(3j)** At hearings under this section involving an Indian child, if the  
12 agency, as defined in s. 48.38 (1) (a), is recommending placement of the Indian child  
13 in a foster home, treatment foster home, group home, or residential care center for  
14 children and youth or in the home of a relative other than a parent, the agency shall  
15 present as evidence specific information showing all of the following:

16 (a) That continued custody of the Indian child by the parent or Indian custodian  
17 is likely to result in serious emotional or physical damage to the Indian child under  
18 s. 48.028 (4) (d) 1.

19 (b) That the county department, the department in a county having a  
20 population of 500,000 or more, or the agency primarily responsible for providing  
21 services to the Indian child has made active efforts under s. 48.028 (4) (d) 2. to  
22 prevent the breakup of the Indian family and that those efforts have proved  
23 unsuccessful.

24 (c) That the placement recommended is in compliance with the order of  
25 placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c) or, if that

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1 placement is not in compliance with that order, good cause, as described in s. 48.028  
2 (7) (e), for departing from that order.

3 **SECTION 68.** 48.345 (3) (intro.) of the statutes is amended to read:

4 48.345 (3) (intro.) ~~Designate Subject to sub. (3m), designate~~ one of the following  
5 as the placement for the child:

6 **SECTION 69.** 48.345 (3m) of the statutes is created to read:

7 48.345 (3m) Subject to s. 48.028 (7) (c), if the child is an Indian child who is  
8 being placed in an out-of-home care placement, as defined in s. 48.028 (2) (e),  
9 designate one of the placements listed in s. 48.028 (7) (b) 1. to 4. as the placement for  
10 the Indian child, in the order of preference listed, unless the court finds good cause,  
11 as described in s. 48.028 (7) (e), for departing from that order.

12 **SECTION 70.** 48.355 (2) (b) 6v. of the statutes is created to read:

13 48.355 (2) (b) 6v. If the child is an Indian child who is placed outside the home,  
14 a finding supported by clear and convincing evidence, including the testimony of one  
15 or more qualified expert witnesses, that continued custody of the Indian child by the  
16 parent or Indian custodian is likely to result in serious emotional or physical damage  
17 to the child under s. 48.028 (4) (d) 1. and a finding supported by clear and convincing  
18 evidence as to whether the county department, department in a county having a  
19 population of 500,000 or more, or agency primarily responsible for providing services  
20 under a court order has made active efforts under s. 48.028 (4) (d) 2. to prevent the  
21 breakup of the Indian family and that those efforts have proved unsuccessful. The  
22 findings under this subdivision shall be in addition to the findings under subd. 6.,  
23 except that for the sole purpose of determining whether the cost of providing care for  
24 an Indian child is eligible for reimbursement under 42 USC 670 to 679b, the findings

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1 under this subdivision and the findings under subd. 6. shall be considered to be the  
2 same findings.

3 **SECTION 71.** 48.355 (2) (d) of the statutes is amended to read:

4 48.355 (2) (d) The court shall provide a copy of a dispositional order relating  
5 to a child in need of protection or services to the child's parent, guardian, legal  
6 custodian, or trustee, to the child through the child's counsel or guardian ad litem  
7 ~~and~~, to the child's court-appointed special advocate, and, if the child is an Indian  
8 child, to the Indian child's Indian custodian and tribe. The court shall provide a copy  
9 of a dispositional order relating to an unborn child in need of protection or services  
10 to the expectant mother, to the unborn child through the unborn child's guardian ad  
11 litem ~~and, if the expectant mother is a child, to her,~~ to the parent, guardian, legal  
12 custodian, or trustee of a child expectant mother, and, if the expectant mother is an  
13 Indian child or if the unborn child when born may be an Indian child, to the expectant  
14 mother's Indian custodian and tribe or to the Indian tribe in which the unborn child  
15 may be eligible for affiliation when born.

16 **SECTION 72.** 48.355 (2d) (c) 1. of the statutes is renumbered 48.355 (2d) (c) and  
17 amended to read:

18 48.355 (2d) (c) If the court finds that any of the circumstances ~~specified in~~  
19 under par. (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing  
20 under s. 48.38 (4m) within 30 days after the date of that finding to determine the  
21 permanency plan for the child. ~~If a hearing is held under this subdivision, the agency~~  
22 ~~responsible for preparing the permanency plan shall file the permanency plan with~~  
23 ~~the court not less than 5 days before the date of the hearing.~~

24 **SECTION 73.** 48.355 (2d) (c) 2. of the statutes is repealed.

25 **SECTION 74.** 48.355 (2d) (c) 3. of the statutes is repealed.

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1           **SECTION 75.** 48.355 (2d) (d) of the statutes is created to read:

2           48.355 **(2d)** (d) This subsection does not affect the requirement under sub. (2)  
3           (b) 6v. that the court include in a dispositional order placing an Indian child outside  
4           the home a finding as to whether the county department, department in a county  
5           having a population of 500,000 or more, or agency primarily responsible for providing  
6           services under a court order has made active efforts under s. 48.028 (4) (d) 2. to  
7           prevent the breakup of the Indian family and that those efforts have proved  
8           unsuccessful.

9           **SECTION 76.** 48.357 (1) (am) 1. of the statutes is amended to read:

10           48.357 **(1)** (am) 1. If the proposed change in placement involves any change in  
11           placement other than a change in placement specified in par. (c), the person or agency  
12           primarily responsible for implementing the dispositional order, the district attorney,  
13           or the corporation counsel shall cause written notice of the proposed change in  
14           placement to be sent to the child, the parent, guardian, and legal custodian of the  
15           child, any foster parent, treatment foster parent, or other physical custodian  
16           described in s. 48.62 (2) of the child, the child's court-appointed special advocate,  
17           and, if the child is an Indian child, the Indian child's Indian custodian and tribe. If  
18           the child is the expectant mother of an unborn child under s. 48.133, written notice  
19           shall also be sent to the unborn child by the unborn child's guardian ad litem. If the  
20           change in placement involves an adult expectant mother ~~is an adult~~ of an unborn  
21           child under s. 48.133, written notice shall be sent to the adult expectant mother and  
22           the unborn child by the unborn child's guardian ad litem. The notice shall contain  
23           the name and address of the new placement, the reasons for the change in placement,  
24           a statement describing why the new placement is preferable to the present

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1 placement, and a statement of how the new placement satisfies objectives of the  
2 treatment plan ordered by the court.

3 **SECTION 77.** 48.357 (1) (am) 1g. of the statutes is created to read:

4 48.357 (1) (am) 1g. If the child is an Indian child and if the proposed change  
5 in placement would change the Indian child's placement from a placement outside  
6 the home to another placement outside the home, a notice under subd. 1. shall also  
7 contain a statement as to whether the new placement is in compliance with the order  
8 of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c) and,  
9 if the new placement is not in compliance with that order, specific information  
10 showing good cause, as described in s. 48.028 (7) (e), for departing from that order.

11 **SECTION 78.** 48.357 (1) (am) 1m. of the statutes is created to read:

12 48.357 (1) (am) 1m. If the child is an Indian child, notice under subd. 1. to the  
13 Indian child's parent, Indian custodian, and tribe shall be provided in the manner  
14 specified in s. 48.028 (4) (a). No hearing on the request may be held until at least 10  
15 days after receipt of the notice by the Indian child's parent, Indian custodian, and  
16 tribe or until at least 25 days after receipt of the notice by the U.S. secretary of the  
17 interior. On request of the Indian child's parent, Indian custodian, or tribe, the court  
18 shall grant a continuance of up to 20 additional days to enable the requester to  
19 prepare for the hearing.

20 **SECTION 79.** 48.357 (1) (am) 2. of the statutes is renumbered 48.357 (1) (am)  
21 2. (intro.) and amended to read:

22 48.357 (1) (am) 2. Any person receiving the notice under subd. 1. or notice of  
23 a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed special  
24 advocate, may obtain a hearing on the matter by filing an objection with the court  
25 within 10 days after receipt of the notice. Placements Except as provided in subd.

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1 2m., placements may not be changed until 10 days after that notice is sent to the  
2 court unless written waivers of objection are signed as follows:

3 a. By the parent, guardian, or legal custodian and, or Indian custodian, the  
4 child, if 12 years of age or over, or and the child's tribe, if the child is an Indian child.

5 b. By the child expectant mother, if 12 years of age or over, her parent, guardian,  
6 or legal custodian and, or Indian custodian, the unborn child by the unborn child's  
7 guardian ad litem, or and the child expectant mother's tribe, if she is an Indian child.

8 c. By the adult expectant mother and the unborn child by the unborn child's  
9 guardian ad litem, sign-written waivers of objection, except that changes.

10 2m. Changes in placement that were authorized in the dispositional order may  
11 be made immediately if notice is given as required under subd. 1. In addition, a  
12 hearing is not required for placement changes authorized in the dispositional order  
13 except when an objection filed by a person who received notice alleges that new  
14 information is available that affects the advisability of the court's dispositional order.

15 **SECTION 80.** 48.357 (1) (am) 3. of the statutes, as affected by 2007 Wisconsin  
16 Act 20, is amended to read:

17 48.357 (1) (am) 3. If the court changes the child's placement from a placement  
18 outside the home to another placement outside the home, the change in placement  
19 order shall contain the applicable order ~~specified in~~ under sub. (2v) (a) 1m. and the  
20 applicable statement ~~specified in~~ under sub. (2v) (a) 2. If the court changes the  
21 placement of an Indian child from a placement outside the home to another  
22 placement outside the home, the change in placement order shall, in addition,  
23 comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable,  
24 s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e),  
25 for departing from that order.

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1           **SECTION 81.** 48.357 (1) (c) 1m. of the statutes is created to read:

2           48.357 (1) (c) 1m. If the child is an Indian child, a request under subd. 1. shall  
3 also contain specific information showing that continued custody of the Indian child  
4 by the parent or Indian custodian is likely to result in serious emotional or physical  
5 damage to the child under s. 48.028 (4) (d) 1., specific information showing that the  
6 agency primarily responsible for implementing the dispositional order has made  
7 active efforts under s. 48.028 (4) (d) 2. to prevent the breakup of the Indian family  
8 and that those efforts have proved unsuccessful, a statement as to whether the new  
9 placement is in compliance with the order of placement preference under s. 48.028  
10 (7) (b) or, if applicable, s. 48.028 (7) (c) and, if the new placement is not in compliance  
11 with that order, specific information showing good cause, as described in s. 48.028  
12 (7) (e), for departing from that order.

13           **SECTION 82.** 48.357 (1) (c) 2. of the statutes is amended to read:

14           48.357 (1) (c) 2. The court shall hold a hearing prior to ordering any change in  
15 placement requested under subd. 1. Not less than 3 days prior to the hearing, the  
16 court shall provide notice of the hearing, together with a copy of the request for the  
17 change in placement, to the child, the parent, guardian, and legal custodian of the  
18 child, the child's court-appointed special advocate, ~~and all parties that are bound by~~  
19 the dispositional order, and, if the child is an Indian child, the Indian child's Indian  
20 custodian and tribe. If all parties consent, the court may proceed immediately with  
21 the hearing.

22           **SECTION 83.** 48.357 (1) (c) 2m. of the statutes is created to read:

23           48.357 (1) (c) 2m. If the child is an Indian child, notice under subd. 2. to the  
24 Indian child's parent, Indian custodian, and tribe shall be provided in the manner  
25 specified in s. 48.028 (4) (a). No hearing on the request may be held until at least 10



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1 days after receipt of the notice by the Indian child's parent, Indian custodian, and  
2 tribe or until at least 25 days after receipt of the notice by the U.S. secretary of the  
3 interior. On request of the Indian child's parent, Indian custodian, or tribe, the court  
4 shall grant a continuance of up to 20 additional days to enable the requester to  
5 prepare for the hearing.

6 **SECTION 84.** 48.357 (1) (c) 3. of the statutes, as affected by 2007 Wisconsin Act  
7 20, is amended to read:

8 48.357 (1) (c) 3. If the court changes the child's placement from a placement in  
9 the child's home to a placement outside the child's home, the change in placement  
10 order shall contain the findings ~~specified in~~ under sub. (2v) (a) 1., the applicable order  
11 ~~specified in~~ under sub. (2v) (a) 1m., the applicable statement ~~specified in~~ under sub.  
12 (2v) (a) 2., and, if in addition the court finds that any of the circumstances ~~specified~~  
13 ~~in~~ under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination  
14 ~~specified in~~ under sub. (2v) (a) 3. If the court changes the placement of an Indian  
15 child from a placement in the Indian child's home to a placement outside the Indian  
16 child's home, the change in placement order shall, in addition, contain the findings  
17 under sub. (2v) (a) 4. and comply with the order of placement preference under s.  
18 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good cause, as  
19 described in s. 48.028 (7) (e), for departing from the order.

20 **SECTION 85.** 48.357 (2m) (a) of the statutes is amended to read:

21 48.357 (2m) (a) The child, the parent, guardian, ~~or~~ legal custodian, or Indian  
22 custodian of the child, the expectant mother, the unborn child by the unborn child's  
23 guardian ad litem, or any person or agency primarily bound by the dispositional  
24 order, other than the person or agency responsible for implementing the order, may  
25 request a change in placement under this paragraph. The request shall contain the

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1 name and address of the new placement requested and shall state what new  
2 information is available that affects the advisability of the current placement. If the  
3 proposed change in placement would change the placement of a child placed in the  
4 child's home to a placement outside the child's home, the request shall also contain  
5 specific information showing that continued placement of the child in the home  
6 would be contrary to the welfare of the child and, unless any of the circumstances  
7 specified in under s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that  
8 the agency primarily responsible for implementing the dispositional order has made  
9 reasonable efforts to prevent the removal of the child from the home, while assuring  
10 that the child's health and safety are the paramount concerns. The request shall be  
11 submitted to the court. ~~In addition, the~~ The court may also propose a change in  
12 placement on its own motion.

13 **SECTION 86.** 48.357 (2m) (am) of the statutes is created to read:

14 48.357 **(2m)** (am) 1. If the proposed change of placement would change the  
15 placement of an Indian child placed in the Indian child's home to a placement outside  
16 the Indian child's home, a request under par. (a) shall also contain specific  
17 information showing that continued custody of the Indian child by the parent or  
18 Indian custodian is likely to result in serious emotional or physical damage to the  
19 child under s. 48.028 (4) (d) 1., specific information showing that the agency  
20 primarily responsible for implementing the dispositional order has made active  
21 efforts under s. 48.028 (4) (d) 2. to prevent the breakup of the Indian family and that  
22 those efforts have proved unsuccessful, a statement as to whether the new placement  
23 is in compliance with the order of placement preference under s. 48.028 (7) (b) or, if  
24 applicable, s. 48.028 (7) (c) and, if the new placement is not in compliance with that

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1 order, specific information showing good cause, as described in s. 48.028 (7) (e), for  
2 departing from that order.

3 2. If the proposed change in placement would change the placement of an  
4 Indian child placed outside the home to another placement outside the home, a  
5 request under par. (a) shall also contain a statement as to whether the new  
6 placement is in compliance with the order of placement preference under s. 48.028  
7 (7) (b) or, if applicable, s. 48.028 (7) (c) and, if the new placement is not in compliance  
8 with that order, specific information showing good cause, as described in s. 48.028  
9 (7) (e), for departing from that order.

10 **SECTION 87.** 48.357 (2m) (b) of the statutes is amended to read:

11 48.357 (2m) (b) The court shall hold a hearing ~~on the matter~~ prior to ordering  
12 any change in placement requested or proposed under par. (a) if the request states  
13 that new information is available that affects the advisability of the current  
14 placement, ~~unless. A hearing is not required if~~ the requested or proposed change in  
15 placement ~~involves any change in placement other than~~ does not involve a change  
16 in placement of a child placed in the child's home to a placement outside the child's  
17 home ~~and~~, written waivers of objection to the proposed change in placement are  
18 signed by all persons entitled to receive notice under ~~sub. (1) (am) 1. this paragraph,~~  
19 other than a court-appointed special advocate, and the court approves. If a hearing  
20 is scheduled, not less than 3 days before the hearing the court shall notify the child,  
21 the parent, guardian, and legal custodian of the child, any foster parent, treatment  
22 foster parent, or other physical custodian described in s. 48.62 (2) of the child, the  
23 child's court-appointed special advocate, all parties who are bound by the  
24 dispositional order, and, if the child is an Indian child, the Indian child's Indian  
25 custodian and tribe. If the child is the expectant mother of an unborn child under

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1 s. 48.133, the court shall also notify the unborn child by the unborn child's guardian  
2 ad litem, ~~or. If the change in placement involves an adult expectant mother of an~~  
3 unborn child under s. 48.133, the court shall notify the adult expectant mother, the  
4 unborn child by the unborn child's guardian ad litem, and all parties who are bound  
5 by the dispositional order, at least 3 days prior to the hearing. A copy of the request  
6 or proposal for the change in placement shall be attached to the notice. If all of the  
7 parties consent, the court may proceed immediately with the hearing.

8 **SECTION 88.** 48.357 (2m) (bm) of the statutes is created to read:

9 48.357 (2m) (bm) If the child is an Indian child, notice under par. (b) to the  
10 Indian child's parent, Indian custodian, and tribe shall be provided in the manner  
11 specified in s. 48.028 (4) (a). No hearing on the request or proposal may be held until  
12 at least 10 days after receipt of the notice by the Indian child's parent, Indian  
13 custodian, and tribe or until at least 25 days after receipt of the notice by the U.S.  
14 secretary of the interior. On request of the Indian child's parent, Indian custodian,  
15 or tribe, the court shall grant a continuance of up to 20 additional days to enable the  
16 requester to prepare for the hearing.

17 **SECTION 89.** 48.357 (2m) (c) of the statutes, as affected by 2007 Wisconsin Act  
18 20, is renumbered 48.357 (2m) (c) 1. and amended to read:

19 48.357 (2m) (c) 1. If the court changes the child's placement from a placement  
20 in the child's home to a placement outside the child's home, the change in placement  
21 order shall contain the findings ~~specified in~~ under sub. (2v) (a) 1., the applicable order  
22 ~~specified in~~ under sub. (2v) (a) 1m., the applicable statement ~~specified in~~ under sub.  
23 (2v) (a) 2., and, if in addition the court finds that any of the circumstances ~~specified~~  
24 ~~in~~ under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination  
25 ~~specified in~~ under sub. (2v) (a) 3. If the court changes the placement of an Indian

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1 child from a placement in the Indian child's home to a placement outside the Indian  
2 child's home, the change in placement order shall, in addition, contain the findings  
3 under sub. (2v) (a) 4. and comply with the order of placement preference under s.  
4 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good cause, as  
5 described in s. 48.028 (7) (e), for departing from that order.

6 2. If the court changes the child's placement from a placement outside the home  
7 to another placement outside the home, the change in placement order shall contain  
8 the applicable order specified in under sub. (2v) (a) 1m. and the applicable statement  
9 specified in under sub. (2v) (a) 2. If the court changes the placement of an Indian  
10 child from a placement outside the Indian child's home to another placement outside  
11 the Indian child's home, the change in placement order shall, in addition, comply  
12 with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s.  
13 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e), for  
14 departing from that order.

15 **SECTION 90.** 48.357 (2v) (a) 4. of the statutes is created to read:

16 48.357 (2v) (a) 4. If the change in placement order changes an Indian child's  
17 placement from a placement in the Indian child's home to a placement outside the  
18 Indian child's home, a finding supported by clear and convincing evidence, including  
19 the testimony of one or more qualified expert witnesses, that continued custody of  
20 the Indian child by the parent or Indian custodian is likely to result in serious  
21 emotional or physical damage to the child under s. 48.028 (4) (d) 1. and a finding  
22 supported by clear and convincing evidence that the agency primarily responsible for  
23 implementing the dispositional order has made active efforts under s. 48.028 (4) (d)  
24 2. to prevent the breakup of the Indian family and that those efforts have proved  
25 unsuccessful. The findings under this subdivision shall be in addition to the findings

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1 under subd. 1., except that for the sole purpose of determining whether the cost of  
2 providing care for an Indian child is eligible for reimbursement under 42 USC 670  
3 to 679b, the findings under this subdivision and the findings under subd. 1. shall be  
4 considered to be the same findings.

5 **SECTION 91.** 48.357 (2v) (c) 1. of the statutes is renumbered 48.357 (2v) (c) and  
6 amended to read:

7 48.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances  
8 specified in under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court  
9 shall hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding  
10 to determine the permanency plan for the child. ~~If a hearing is held under this~~  
11 ~~subdivision, the agency responsible for preparing the permanency plan shall file the~~  
12 ~~permanency plan with the court not less than 5 days before the date of the hearing.~~

13 **SECTION 92.** 48.357 (2v) (c) 2. of the statutes is repealed.

14 **SECTION 93.** 48.357 (2v) (c) 3. of the statutes is repealed.

15 **SECTION 94.** 48.363 (1) (a) of the statutes is amended to read:

16 48.363 (1) (a) A child, the child's parent, guardian ~~or~~, legal custodian, or Indian  
17 custodian, an expectant mother, an unborn child by the unborn child's guardian ad  
18 litem, any person or agency bound by a dispositional order, or the district attorney  
19 or corporation counsel in the county in which the dispositional order was entered  
20 may request a revision in the order that does not involve a change in placement,  
21 including a revision with respect to the amount of child support to be paid by a  
22 parent, ~~or the.~~ The court may on its own motion also propose such a revision. The  
23 request or court proposal shall set forth in detail the nature of the proposed revision  
24 and what new information is available that affects the advisability of the court's  
25 disposition. The request or court proposal shall be submitted to the court. The court

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1 shall hold a hearing on the matter prior to any revision of the dispositional order if  
2 the request or court proposal indicates that new information is available which  
3 affects the advisability of the court's dispositional order, unless written waivers of  
4 objections to the revision are signed by all parties entitled to receive notice and the  
5 court approves.

6 **SECTION 95.** 48.363 (1) (b) of the statutes is amended to read:

7 48.363 (1) (b) If a hearing is held, at least 3 days before the hearing the court  
8 shall notify the child, the child's parent, guardian, and legal custodian, all parties  
9 bound by the dispositional order, the child's foster parent, treatment foster parent,  
10 or other physical custodian described in s. 48.62 (2), the child's court-appointed  
11 special advocate, the district attorney or corporation counsel in the county in which  
12 the dispositional order was entered, and, if the child is an Indian child, the Indian  
13 child's Indian custodian and tribe. If the child is the expectant mother of an unborn  
14 child under s. 48.133, the court shall also notify the unborn child by the unborn  
15 child's guardian ad litem; ~~or. If the proceeding involves an adult expectant mother~~  
16 of an unborn child under s. 48.133, the court shall notify the adult expectant mother,  
17 the unborn child through the unborn child's guardian ad litem, all parties bound by  
18 the dispositional order, and the district attorney or corporation counsel in the county  
19 in which the dispositional order was entered, at least 3 days prior to the hearing. A  
20 copy of the request or proposal shall be attached to the notice. If all parties consent,  
21 the court may proceed immediately with the hearing. No revision may extend the  
22 effective period of the original order.

23 **SECTION 96.** 48.365 (1m) of the statutes is amended to read:

24 48.365 (1m) The parent, child, guardian, legal custodian, Indian custodian,  
25 expectant mother, unborn child by the unborn child's guardian ad litem, any person

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1 or agency bound by the dispositional order, the district attorney or corporation  
2 counsel in the county in which the dispositional order was entered, or the court on  
3 its own motion, may request an extension of an order under s. 48.355 including an  
4 order under s. 48.355 that was entered before the child was born. The request shall  
5 be submitted to the court ~~which~~ that entered the order. ~~No~~ An order under s. 48.355  
6 may be extended ~~except~~ only as provided in this section.

7 **SECTION 97.** 48.365 (2) of the statutes is amended to read:

8 48.365 (2) No order may be extended without a hearing. The court shall ~~notify~~  
9 provide notice of the time and place of the hearing to the child, the child's parent,  
10 guardian, and legal custodian, all the parties present at the original hearing, the  
11 child's foster parent, treatment foster parent or other physical custodian described  
12 in s. 48.62 (2), the child's court-appointed special advocate, the district attorney or  
13 corporation counsel in the county in which the dispositional order was entered and,  
14 if the child is an Indian child, the Indian child's Indian custodian and tribe. If the  
15 child is an expectant mother of an unborn child under s. 48.133, the court shall also  
16 notify the unborn child by the unborn child's guardian ad litem, ~~or.~~ If the extension  
17 hearing involves an adult expectant mother of an unborn child under s. 48.133, the  
18 court shall notify the adult expectant mother, the unborn child through the unborn  
19 child's guardian ad litem, all the parties present at the original hearing, and the  
20 district attorney or corporation counsel in the county in which the dispositional order  
21 was entered, of the time and place of the hearing.

22 **SECTION 98.** 48.365 (2g) (b) 4. of the statutes is created to read:

23 48.365 (2g) (b) 4. If the child is an Indian child who is placed outside the home,  
24 specific information showing that active efforts under s. 48.028 (4) (d) 2. have been



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1 made to prevent the breakup of the Indian family and that those efforts have proved  
2 unsuccessful.

3 **SECTION 99.** 48.365 (2m) (a) 1. of the statutes is amended to read:

4 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of  
5 extension. If the child is placed outside of his or her home, the person or agency  
6 primarily responsible for providing services to the child shall present as evidence  
7 specific information showing that the person or agency has made reasonable efforts  
8 to achieve the goal of the child's permanency plan, unless return of the child to the  
9 home is the goal of the permanency plan and any of the circumstances ~~specified in~~  
10 under s. 48.355 (2d) (b) 1. to 5. applies. If an Indian child is placed outside the home,  
11 the person or agency primarily responsible for providing services to the Indian child  
12 shall also present as evidence specific information showing that the person or agency  
13 has made active efforts under s. 48.028 (4) (d) 2. to prevent the breakup of the Indian  
14 family and that those efforts have proved unsuccessful.

15 1m. The judge shall make findings of fact and conclusions of law based on the  
16 evidence. The findings of fact shall include a finding as to whether reasonable efforts  
17 were made by the agency primarily responsible for providing services to the child to  
18 achieve the goal of the child's permanency plan, unless return of the child to the home  
19 is the goal of the permanency plan and the judge finds that any of the circumstances  
20 ~~specified in~~ under s. 48.355 (2d) (b) 1. to 5. applies. If the child is an Indian child who  
21 is placed outside the home, the findings of fact shall also include a finding as to  
22 whether active efforts under s. 48.028 (4) (d) 2. were made to prevent the breakup  
23 of the Indian family and as to whether those efforts have proved unsuccessful. An  
24 order shall be issued under s. 48.355.

25 **SECTION 100.** 48.365 (2m) (a) 3. of the statutes is amended to read:

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1           48.365 (2m) (a) 3. The judge shall make the findings specified in under subd.  
2 ~~1. 1m.~~ relating to reasonable efforts to achieve the goal of the child's permanency plan  
3 and the findings ~~specified in~~ under subd. 2. on a case-by-case basis based on  
4 circumstances specific to the child and shall document or reference the specific  
5 information on which those findings are based in the order issued under s. 48.355.  
6 An order that merely references subd. ~~1. 1m.~~ or 2. without documenting or  
7 referencing that specific information in the order or an amended order that  
8 retroactively corrects an earlier order that does not comply with this subdivision is  
9 not sufficient to comply with this subdivision.

10           **SECTION 101.** 48.365 (2m) (ad) 1. of the statutes is renumbered 48.365 (2m) (ad)  
11 and amended to read:

12           48.365 (2m) (ad) If the judge finds that any of the circumstances specified in  
13 under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold  
14 a hearing under s. 48.38 (4m) within 30 days after the date of that finding to  
15 determine the permanency plan for the child. ~~If a hearing is held under this~~  
16 ~~subdivision, the agency responsible for preparing the permanency plan shall file the~~  
17 ~~permanency plan with the court not less than 5 days before the date of the hearing.~~

18           **SECTION 102.** 48.365 (2m) (ad) 2. of the statutes is repealed.

19           **SECTION 103.** 48.365 (2m) (ag) of the statutes is amended to read:

20           48.365 (2m) (ag) The court shall give a foster parent, treatment foster parent,  
21 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under  
22 ~~par. (ad) 2. or~~ sub. (2) an opportunity to be heard at the hearing by permitting the  
23 foster parent, treatment foster parent, or other physical custodian to make a written  
24 or oral statement during the hearing, or to submit a written statement prior to the  
25 hearing, relevant to the issue of extension. A foster parent, treatment foster parent,

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1 or other physical custodian described in s. 48.62 (2) who receives notice of a hearing  
2 under par. (a) 2. or sub. (2) and an opportunity to be heard under this paragraph  
3 does not become a party to the proceeding on which the hearing is held solely on the  
4 basis of receiving that notice and having the opportunity to be heard.

5 **SECTION 104.** 48.38 (4) (i) of the statutes is created to read:

6 48.38 (4) (i) If the child is an Indian child, all of the following:

7 1. The name, address, and telephone number of the Indian child's Indian  
8 custodian and tribe.

9 2. A description of the remedial services and rehabilitation programs offered  
10 under s. 48.028 (4) (d) 2. in an effort to prevent the breakup of the Indian family.

11 3. A statement as to whether the Indian child's placement is in compliance with  
12 the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028  
13 (7) (c) and, if the placement is not in compliance with that order, a statement as to  
14 whether there is good cause, as described in s. 48.028 (7) (e), for departing from that  
15 order.

16 **SECTION 105.** 48.38 (4m) of the statutes is created to read:

17 48.38 (4m) PERMANENCY PLAN DETERMINATION HEARING. (a) If in a proceeding  
18 under s. 48.21, 48.32, 48.355, 48.357, or 48.365 the court finds that any of the  
19 circumstances under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the  
20 court shall hold a hearing within 30 days after the date of that finding to determine  
21 the permanency plan for the child. If a hearing is held under this paragraph, the  
22 agency responsible for preparing the permanency plan shall file the permanency  
23 plan with the court not less than 5 days before the hearing.

24 (b) At least 10 days before the hearing the court shall notify the child, any  
25 parent, guardian, and legal custodian of the child, any foster parent, treatment foster

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1 parent, or other physical custodian described in s. 48.62 (2) of the child and, if the  
2 child is an Indian child, the Indian child's Indian custodian and tribe of the time,  
3 place, and purpose of the hearing.

4 (c) If the court knows or has reason to know that the child is an Indian child,  
5 notice under par. (b) to the Indian child's parent, Indian custodian, and tribe shall  
6 be provided in the manner specified in s. 48.028 (4) (a). No hearing may be held under  
7 par. (a) until at least 10 days after receipt of the notice by the Indian child's parent,  
8 Indian custodian, and tribe or until at least 25 days after receipt of the notice by the  
9 U.S. secretary of the interior. On request of the Indian child's parent, Indian  
10 custodian, or tribe, the court shall grant a continuance of up to 20 additional days  
11 to enable the requester to prepare for the hearing.

12 (d) The court shall give a foster parent, treatment foster parent, or other  
13 physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (b)  
14 an opportunity to be heard at the hearing by permitting the foster parent, treatment  
15 foster parent, or other physical custodian to make a written or oral statement during  
16 the hearing, or to submit a written statement prior to the hearing, relevant to the  
17 issues to be determined at the hearing. The foster parent, treatment foster parent,  
18 or other physical custodian does not become a party to the proceeding on which the  
19 hearing is held solely on the basis of receiving that notice and having the opportunity  
20 to be heard.

21 **SECTION 106.** 48.38 (5) (b) of the statutes is amended to read:

22 48.38 (5) (b) The court or the agency shall notify ~~the parents of the child, the~~  
23 ~~child, if he or she is 12 years of age or older, and; the child's parent, guardian, and~~  
24 ~~legal custodian;~~ the child's foster parent, the child's treatment foster parent, the  
25 operator of the facility in which the child is living, or the relative with whom the child

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1 is living; and, if the child is an Indian child, the Indian child's Indian custodian and  
2 tribe of the date, time, and place of the review, of the issues to be determined as part  
3 of the review, and of the fact that they may have an opportunity to be heard at the  
4 review by submitting written comments not less than 10 working days before the  
5 review or by participating at the review. The court or agency shall notify the person  
6 representing the interests of the public, the child's counsel, the child's guardian ad  
7 litem, and the child's court-appointed special advocate of the date of the review, of  
8 the issues to be determined as part of the review, and of the fact that they may submit  
9 written comments not less than 10 working days before the review. The notices  
10 under this paragraph shall be provided in writing not less than 30 days before the  
11 review and copies of the notices shall be filed in the child's case record.

12 **SECTION 107.** 48.38 (5) (bm) of the statutes is created to read:

13 48.38 (5) (bm) If the child is an Indian child, notice under par. (b) to the Indian  
14 child's parent, Indian custodian, and tribe shall be provided in the manner specified  
15 in s. 48.028 (4) (a). No review may be held until at least 10 days after receipt of the  
16 notice by the Indian child's parent, Indian custodian, and tribe or until at least 25  
17 days after receipt of the notice by the U.S. secretary of the interior. On request of the  
18 Indian child's parent, Indian custodian, or tribe, the court shall grant a continuance  
19 of up to 20 additional days to enable the requester to prepare for the review.

20 **SECTION 108.** 48.38 (5) (c) 8. of the statutes is created to read:

21 48.38 (5) (c) 8. If the child is an Indian child, whether active efforts under s.  
22 48.028 (4) (d) 2. were made by the agency to prevent the breakup of the Indian family,  
23 whether those efforts have proved unsuccessful, whether the Indian child's  
24 placement is in compliance with the order of placement preference under s. 48.028  
25 (7) (b) or, if applicable, s. 48.028 (7) (c), and, if the placement is not in compliance with

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1 that order, whether there is good cause, as described in s. 48.028 (7) (e), for departing  
2 from that order.

3 **SECTION 109.** 48.38 (5) (d) of the statutes is amended to read:

4 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the  
5 permanency plan shall, at least 5 days before a review by a review panel, provide to  
6 each person appointed to the review panel, the child's parent, guardian, and legal  
7 custodian, the person representing the interests of the public, the child's counsel, the  
8 child's guardian ad litem and, the child's court-appointed special advocate, and, if  
9 the child is an Indian child, the Indian child's Indian custodian and tribe a copy of  
10 the permanency plan and any written comments submitted under par. (b).  
11 Notwithstanding s. 48.78 (2) (a), a person appointed to a review panel, the person  
12 representing the interests of the public, the child's counsel, the child's guardian ad  
13 litem and, the child's court-appointed special advocate, and, if the child is an Indian  
14 child, the Indian child's Indian custodian and tribe may have access to any other  
15 records concerning the child for the purpose of participating in the review. A person  
16 permitted access to a child's records under this paragraph may not disclose any  
17 information from the records to any other person.

18 **SECTION 110.** 48.38 (5) (e) of the statutes is amended to read:

19 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of  
20 the determinations under par. (c) and shall provide a copy to the court that entered  
21 the order,; the child or the child's counsel or guardian ad litem,; the person  
22 representing the interests of the public,; the child's parent or, guardian, or legal  
23 custodian; the child's court-appointed special advocate and; the child's foster parent,  
24 the child's treatment foster parent, or the operator of the facility where the child is

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1 living; and, if the child is an Indian child, the Indian child's Indian custodian and  
2 tribe.

3 **SECTION 111.** 48.38 (5m) (b) of the statutes is amended to read:

4 48.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court  
5 shall notify the child; the child's parent, guardian, and legal custodian; the child's  
6 foster parent or treatment foster parent, the operator of the facility in which the child  
7 is living, or the relative with whom the child is living; the child's counsel, the child's  
8 guardian ad litem, and the child's court-appointed special advocate; the agency that  
9 prepared the permanency plan; ~~and~~ the person representing the interests of the  
10 public; and, if the child is an Indian child, the Indian child's Indian custodian and  
11 tribe of the date, time, and place of the hearing.

12 **SECTION 112.** 48.38 (5m) (bm) of the statutes is created to read:

13 48.38 **(5m)** (bm) If the child is an Indian child, notice under par. (b) to the Indian  
14 child's parent, Indian custodian, and tribe shall be provided in the manner specified  
15 in s. 48.028 (4) (a). No hearing under par. (a) may be held until at least 10 days after  
16 receipt of the notice by the Indian child's parent, Indian custodian, and tribe or until  
17 at least 25 days after receipt of the notice by the U.S. secretary of the interior. On  
18 request of the Indian child's parent, Indian custodian, or tribe, the court shall grant  
19 a continuance of up to 20 additional days to enable the requester to prepare for the  
20 hearing.

21 **SECTION 113.** 48.38 (5m) (d) of the statutes is amended to read:

22 48.38 **(5m)** (d) At least 5 days before the date of the hearing the agency that  
23 prepared the permanency plan shall provide a copy of the permanency plan and any  
24 written comments submitted under par. (c) to the court, to the child's parent,  
25 guardian, and legal custodian, to the person representing the interests of the public,

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1 to the child's counsel or guardian ad litem, and to the child's court-appointed special  
2 advocate, and, if the child is an Indian child, to the Indian child's Indian custodian  
3 and tribe. Notwithstanding s. 48.78 (2) (a), the person representing the interests of  
4 the public, the child's counsel or guardian ad litem, and the child's court-appointed  
5 special advocate, and, if the child is an Indian child, the Indian child's Indian  
6 custodian and tribe may have access to any other records concerning the child for the  
7 purpose of participating in the review. A person permitted access to a child's records  
8 under this paragraph may not disclose any information from the records to any other  
9 person.

10 **SECTION 114.** 48.38 (5m) (e) of the statutes is amended to read:

11 48.38 (5m) (e) After the hearing, the court shall make written findings of fact  
12 and conclusions of law relating to the determinations under sub. (5) (c) and shall  
13 provide a copy of those findings of fact and conclusions of law to the child; the child's  
14 parent, guardian, and legal custodian; the child's foster parent or treatment foster  
15 parent, the operator of the facility in which the child is living, or the relative with  
16 whom the child is living; the child's court-appointed special advocate; the agency  
17 that prepared the permanency plan; and the person representing the interests of the  
18 public; and, if the child is an Indian child, the Indian child's Indian custodian and  
19 tribe. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case  
20 basis based on circumstances specific to the child and shall document or reference  
21 the specific information on which those findings are based in the findings of fact and  
22 conclusions of law prepared under this paragraph. Findings of fact and conclusions  
23 of law that merely reference sub. (5) (c) 7. without documenting or referencing that  
24 specific information in the findings of fact and conclusions of law or amended  
25 findings of fact and conclusions of law that retroactively correct earlier findings of



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1 fact and conclusions of law that do not comply with this paragraph are not sufficient  
2 to comply with this paragraph.

3 **SECTION 115.** 48.41 (2) (e) of the statutes is created to read:

4 48.41 (2) (e) In the case of an Indian child, the consent is given as provided in  
5 s. 48.028 (5) (b).

6 **SECTION 116.** 48.415 (intro.) of the statutes is amended to read:

7 **48.415 Grounds for involuntary termination of parental rights.** (intro.)

8 At the fact-finding hearing the court or jury ~~may make a finding that shall determine~~  
9 whether grounds exist for the termination of parental rights. If services for the child  
10 and family or for the unborn child and expectant mother have been ordered by the  
11 court, the court or jury shall also determine whether the agency responsible for the  
12 care of the child and family or of the unborn child and expectant mother has made  
13 an earnest and conscientious effort to take good faith steps to provide those services  
14 that takes into consideration the characteristics of the parent or child or of the  
15 expectant mother or child, the level of cooperation of the parent or expectant mother,  
16 and other relevant circumstances of the case. If the child is an Indian child, the court  
17 or jury shall also determine whether continued custody of the Indian child by the  
18 Indian child's parent or Indian custodian is likely to result in serious emotional or  
19 physical damage to the Indian child under s. 48.028 (4) (e) 1. and whether the agency  
20 has made active efforts under s. 48.028 (4) (e) 2. to prevent the breakup of the Indian  
21 family and that those efforts have proved unsuccessful. Grounds for termination of  
22 parental rights shall be one of the following:

23 **SECTION 117.** 48.415 (2) (a) 2. of the statutes is repealed.

24 **SECTION 118.** 48.417 (2) (cm) of the statutes is created to read:

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1           48.417 (2) (cm) In the case of an Indian child, the agency primarily responsible  
2 for providing services to the Indian child and the family under a court order, if  
3 required under s. 48.355 (2) (b) 6v. to make active efforts under s. 48.028 (4) (d) 2. to  
4 prevent the breakup of the Indian family, has not provided to the Indian child's  
5 family, consistent with the time period in the child's permanency plan, the services  
6 necessary to prevent the breakup of the Indian family.

7           **SECTION 119.** 48.42 (1) (d) of the statutes is amended to read:

8           48.42 (1) (d) A statement of whether the child may be subject to the federal  
9 Indian child welfare act Child Welfare Act, 25 USC 1911 to 1963, and, if the child may  
10 be subject to that act, the names of the child's Indian custodian, if any, and tribe, if  
11 known.

12           **SECTION 120.** 48.42 (1) (e) of the statutes is created to read:

13           48.42 (1) (e) If services for the child and family or for the unborn child and  
14 expectant mother have been ordered by the court, reliable and credible evidence  
15 showing that the agency responsible for the care of the child and family or of the  
16 unborn child and expectant mother has made an earnest and conscientious effort to  
17 take good faith steps to provide those services that takes into consideration the  
18 characteristics of the parent or child or of the expectant mother or child, the level of  
19 cooperation of the parent or expectant mother, and other relevant circumstances of  
20 the case.

21           **SECTION 121.** 48.42 (1) (f) of the statutes is created to read:

22           48.42 (1) (f) If the child is an Indian child, reliable and credible information  
23 showing that continued custody of the Indian child by the Indian child's parent or  
24 Indian custodian is likely to result in serious emotional or physical damage to the  
25 Indian child under s. 48.028 (4) (e) 1. and reliable and credible information showing

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1 that the agency has made active efforts under s. 48.028 (4) (e) 2. to prevent the  
2 breakup of the Indian family and that those efforts have proved unsuccessful.

3 **SECTION 122.** 48.42 (2) (c) of the statutes is amended to read:

4 48.42 (2) (c) The guardian, guardian ad litem ~~and~~, legal custodian, and Indian  
5 custodian of the child.

6 **SECTION 123.** 48.42 (2g) (ag) of the statutes is created to read:

7 48.42 (2g) (ag) If the petitioner knows or has reason to know that the child is  
8 an Indian child, the petitioner shall cause the summons and petition to be served on  
9 the Indian child's parent and Indian custodian in the manner specified in s. 48.028  
10 (4) (a). In like manner, the petitioner shall also notify the Indian child's tribe of all  
11 hearings on the petition. The first notice to an Indian child's tribe shall be written,  
12 shall have a copy of the petition attached to it, and shall state the nature, location,  
13 date, and time of the initial hearing. No hearing may be held on the petition until  
14 at least 10 days after receipt of notice of the hearing by the Indian child's parent,  
15 Indian custodian, and tribe or until at least 25 days after receipt of the notice by the  
16 U.S. secretary of the interior. On request of the Indian child's parent, Indian  
17 custodian, or tribe, the court shall grant a continuance of up to 20 additional days  
18 to enable the requester to prepare for the hearing.

19 **SECTION 124.** 48.42 (4) (a) of the statutes is amended to read:

20 48.42 (4) (a) *Personal service.* Except as provided in this paragraph ~~and~~, par.  
21 (b), and sub. (2g) (ag), a copy of the summons and petition shall be served personally  
22 upon the parties specified in sub. (2), if known, at least 7 days before the date of the  
23 hearing. Service of summons is not required if the party submits to the jurisdiction  
24 of the court. Service upon parties who are not natural persons and upon persons  
25 under a disability shall be as prescribed in s. 801.11.