



1           **SECTION 3725.** 767.407 (1) (c) 1. of the statutes is amended to read:

2           767.407 (1) (c) 1. Aid is provided under s. ~~46.261~~, 48.57 (3m) or (3n), 48.645,  
3           49.19, or 49.45 on behalf of the child, or benefits are provided to the child's custodial  
4           parent under ss. 49.141 to 49.161, but the state and its delegate under s. 49.22 (7)  
5           are barred by a statute of limitations from commencing an action under s. 767.80 on  
6           behalf of the child.

7           **SECTION 3726.** 767.41 (3) (a) of the statutes is amended to read:

8           767.41 (3) (a) If the interest of any child demands it, and if the court finds that  
9           neither parent is able to care for the child adequately or that neither parent is fit and  
10          proper to have the care and custody of the child, the court may declare the child to  
11          be in need of protection or services and transfer legal custody of the child to a relative  
12          of the child, as defined in s. 48.02 (15), to a county department, as defined under s.  
13          48.02 (2g), ~~or to a licensed child welfare agency, or, in a county having a population~~  
14          of 500,000 or more, the department of health and family services. If the court  
15          transfers legal custody of a child under this subsection, in its order the court shall  
16          notify the parents of any applicable grounds for termination of parental rights under  
17          s. 48.415. If the court transfers legal custody under this section to an agency, the  
18          court shall also refer the matter to the court intake worker, as defined in s. 48.02 (3),  
19          who shall conduct an inquiry under s. 48.24 to determine whether a petition should  
20          be filed under s. 48.13.

21          **SECTION 3727.** 767.41 (3) (a) of the statutes, as affected by 2007 Wisconsin Act  
22          ... (this act), is amended to read:

23          767.41 (3) (a) If the interest of any child demands it, and if the court finds that  
24          neither parent is able to care for the child adequately or that neither parent is fit and  
25          proper to have the care and custody of the child, the court may declare the child to

1 be in need of protection or services and transfer legal custody of the child to a relative  
2 of the child, as defined in s. 48.02 (15), to a county department, as defined under s.  
3 48.02 (2g), to a licensed child welfare agency, or, in a county having a population of  
4 500,000 or more, the department of ~~health and family services~~ children and families.  
5 If the court transfers legal custody of a child under this subsection, in its order the  
6 court shall notify the parents of any applicable grounds for termination of parental  
7 rights under s. 48.415. If the court transfers legal custody under this section to an  
8 agency, the court shall also refer the matter to the court intake worker, as defined in  
9 s. 48.02 (3), who shall conduct an inquiry under s. 48.24 to determine whether a  
10 petition should be filed under s. 48.13.

11 **SECTION 3728.** 767.41 (3) (am) of the statutes is created to read:

12 767.41 (3) (am) If the court transfers legal custody of a child under this  
13 subsection, the order transferring custody shall include a finding that placement of  
14 the child in his or her home would be contrary to the welfare of the child and a finding  
15 that reasonable efforts have been made to prevent the removal of the child from the  
16 home, while assuring that the health and safety of the child are the paramount  
17 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.  
18 applies. If the legal custodian appointed under par. (a) is a county department, the  
19 court shall order the child into the placement and care responsibility of the county  
20 department as required under 42 USC 672 (a) (2) and shall assign the county  
21 department primary responsibility for providing services to the child. The court  
22 shall make the findings specified in this paragraph on a case-by-case basis based  
23 on circumstances specific to the child and shall document or reference the specific  
24 information on which those findings are based in the court order. A court order that  
25 merely references this paragraph without documenting or referencing that specific

1 information in the court order or an amended court order that retroactively corrects  
2 an earlier court order that does not comply with this paragraph is not sufficient to  
3 comply with this paragraph.

4 **SECTION 3729.** 767.451 (7) of the statutes is amended to read:

5 767.451 (7) TRANSFER TO DEPARTMENT. The court may order custody transferred  
6 to the department of health and family services only if that department agrees to  
7 accept custody. If the court orders custody transferred to the department of health  
8 and family services, the order transferring custody shall include the findings and  
9 order specified in s. 767.41 (3) (am).

10 **SECTION 3730.** 767.451 (7) of the statutes, as affected by 2007 Wisconsin Act  
11 .... (this act), is amended to read:

12 767.451 (7) TRANSFER TO DEPARTMENT. The court may order custody transferred  
13 to the department of ~~health and family services~~ only if ~~that~~ the department agrees  
14 to accept custody. If the court orders custody transferred to the department of ~~health~~  
15 ~~and family services~~, the order transferring custody shall include the findings and  
16 order specified in s. 767.41 (3) (am).

17 **SECTION 3731.** 767.521 (intro.) of the statutes is amended to read:

18 **767.521 Action by state for child support.** (intro.) The state or its delegate  
19 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001  
20 (1) (f) or for paternity determination and child support under s. 767.80 if the child's  
21 right to support is assigned to the state under s. ~~46.261~~, 48.57 (3m) (b) 2. or (3n) (b)  
22 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm) and all of the  
23 following apply:

24 **SECTION 3732.** 767.55 (3) (a) 2. of the statutes is amended to read:

1           767.55 (3) (a) 2. The child's right to support is assigned to the state under s.  
2           ~~46.261 (3)~~, 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), or 49.19 (4) (h) 1. b.

3           **SECTION 3733.** 767.57 (1e) (title) of the statutes is amended to read:

4           767.57 (1e) (title) RECEIVING AND DISBURSING ~~FEE~~ FEES.

5           **SECTION 3734.** 767.57 (1e) (a) of the statutes is amended to read:

6           767.57 (1e) (a) For receiving and disbursing maintenance, child support, or  
7           family support payments, including payments in arrears, and for maintaining the  
8           records required under ~~par. (e) sub. (1) (c)~~, the department or its designee shall collect  
9           an annual fee of ~~\$35~~ \$65 from a party ordered to make payments. The court shall  
10          order each party ordered to make payments to pay the fee in each year for which  
11          payments are ordered or in which an arrearage in any of those payments is owed.  
12          In directing the manner of payment, the court shall order that the fee be withheld  
13          from income and sent to the department or its designee, as provided under s. 767.75.  
14          Fees under this paragraph shall be deposited in the appropriation account under s.  
15          20.445 (3) (ja). At the time of ordering payment of the fee, the court shall notify each  
16          party ordered to make payments of the requirement to pay, and the amount of, the  
17          fee. If the fee under this paragraph is not paid when due, the department or its  
18          designee may not deduct the fee from any maintenance, child or family support, or  
19          arrearage payment, but may move the court for a remedial sanction under ch. 785.

20          **SECTION 3735.** 767.57 (1e) (a) of the statutes, as affected by 2007 Wisconsin Act  
21          ... (this act), is amended to read:

22          767.57 (1e) (a) For receiving and disbursing maintenance, child support, or  
23          family support payments, including payments in arrears, and for maintaining the  
24          records required under sub. (1) (c), the department or its designee shall collect an  
25          annual fee of \$65 from a party ordered to make payments. The court shall order each

1 party ordered to make payments to pay the fee in each year for which payments are  
2 ordered or in which an arrearage in any of those payments is owed. In directing the  
3 manner of payment, the court shall order that the fee be withheld from income and  
4 sent to the department or its designee, as provided under s. 767.75. Fees under this  
5 paragraph shall be deposited in the appropriation account under s. ~~20.445 (3)~~ 20.437  
6 (2) (ja). At the time of ordering payment of the fee, the court shall notify each party  
7 ordered to make payments of the requirement to pay, and the amount of, the fee. If  
8 the fee under this paragraph is not paid when due, the department or its designee  
9 may not deduct the fee from any maintenance, child or family support, or arrearage  
10 payment, but may move the court for a remedial sanction under ch. 785.

11 **SECTION 3736.** 767.57 (1e) (b) 1m. of the statutes is amended to read:

12 767.57 (1e) (b) 1m. The department or its designee may collect any unpaid fees  
13 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated  
14 payment and collection system on December 31, 1998, and shall deposit all fees  
15 collected under this subdivision in the appropriation account under s. ~~20.445 (3)~~  
16 20.437 (2) (ja). The department or its designee may collect unpaid fees under this  
17 subdivision through income withholding under s. 767.75 (2m). If the department or  
18 its designee determines that income withholding is inapplicable, ineffective, or  
19 insufficient for the collection of any unpaid fees under this subdivision, the  
20 department or its designee may move the court for a remedial sanction under ch. 785.  
21 The department or its designee may contract with or employ a collection agency or  
22 other person for the collection of any unpaid fees under this subdivision and,  
23 notwithstanding s. 20.930, may contract with or employ an attorney to appear in any  
24 action in state or federal court to enforce the payment obligation. The department

1 or its designee may not deduct the amount of unpaid fees from any maintenance,  
2 child or family support, or arrearage payment.

3 **SECTION 3737.** 767.57 (1e) (c) of the statutes is created to read:

4 767.57 (1e) (c) The department or its designee shall collect an annual fee of \$25  
5 from every individual receiving child support or family support payments. In  
6 applicable cases, the fee shall comply with all requirements under 42 USC 654 (6)  
7 (B). The department or its designee may deduct the fee from maintenance, child or  
8 family support, or arrearage payments. Fees collected under this paragraph shall  
9 be deposited in the appropriation account under s. 20.445 (3) (ja).

10 **SECTION 3737d.** 767.57 (1e) (c) of the statutes, as created by 2007 Wisconsin  
11 Act ... (this act), is amended to read:

12 767.57 (1e) (c) The department or its designee shall collect an annual fee of \$25  
13 from every individual receiving child support or family support payments. In  
14 applicable cases, the fee shall comply with all requirements under 42 USC 654 (6)  
15 (B). The department or its designee may deduct the fee from maintenance, child or  
16 family support, or arrearage payments. Fees collected under this paragraph shall  
17 be deposited in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja).

18 **SECTION 3738.** 767.57 (1m) (c) of the statutes is amended to read:

19 767.57 (1m) (c) The party entitled to the support or maintenance money or a  
20 minor child of the party has applied for or is receiving aid under s. ~~46.261~~ 48.645 or  
21 public assistance under ch. 49 and there is an assignment to the state under s. ~~46.261~~  
22 48.645 (3) or 49.19 (4) (h) 1. b. of the party's right to the support or maintenance  
23 money.

24 **SECTION 3739.** 767.57 (2) of the statutes is amended to read:

1           767.57 (2) PROCEDURE IF RECIPIENT ON PUBLIC ASSISTANCE. If a party entitled to  
2 maintenance or support, or both, is receiving public assistance under ch. 49, the  
3 party may assign the party's right to support or maintenance to the county  
4 department under s. 46.215, 46.22, or 46.23 granting the assistance. The assignment  
5 shall be approved by order of the court granting the maintenance or support. The  
6 assignment may not be terminated if there is a delinquency in the amount to be paid  
7 to the assignee of maintenance and support previously ordered without the written  
8 consent of the assignee or upon notice to the assignee and a hearing. When an  
9 assignment of maintenance or support, or both, has been approved by the order, the  
10 assignee shall be deemed a real party in interest within s. 803.01 solely for the  
11 purpose of securing payment of unpaid maintenance or support ordered to be paid,  
12 by participating in proceedings to secure the payment of unpaid amounts.  
13 Notwithstanding assignment under this subsection, and without further order of the  
14 court, the department or its designee, upon receiving notice that a party or a minor  
15 child of the parties is receiving aid under s. ~~46.261~~ 48.645 or public assistance under  
16 ch. 49 or that a kinship care relative or long-term kinship care relative of the minor  
17 child is receiving kinship care payments or long-term kinship care payments for the  
18 minor child, shall forward all support assigned under s. ~~46.261 (3)~~, 48.57 (3m) (b) 2.  
19 or (3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. ~~46.261~~  
20 ~~(3)~~, 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19).

21           **SECTION 3740.** 767.57 (4) of the statutes is amended to read:

22           767.57 (4) PROCEDURE FOR CERTAIN CHILD RECIPIENTS. If an order or judgment  
23 providing for the support of one or more children not receiving aid under s. ~~46.261~~,  
24 48.57 (3m) or (3n), 48.645, or 49.19 includes support for a minor who is the  
25 beneficiary of aid under s. ~~46.261~~, 48.57 (3m) or (3n), 48.645, or 49.19, any support

1 payment made under the order or judgment is assigned to the state under s. ~~46.261~~  
2 ~~(3)~~, 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), or 49.19 (4) (h) 1. b. in the amount that  
3 is the proportionate share of the minor receiving aid under s. ~~46.261~~, 48.57 (3m) or  
4 (3n), 48.645, or 49.19, except as otherwise ordered by the court on the motion of a  
5 party.

6 **SECTION 3741.** 767.59 (1c) (a) (intro.) of the statutes is amended to read:

7 767.59 (1c) (a) (intro.) On the petition, motion, or order to show cause of either  
8 of the parties, the department, a county department under s. 46.215, 46.22, or 46.23,  
9 or a county child support agency under s. 59.53 (5) if an assignment has been made  
10 under s. ~~46.261~~, 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.19 (4) (h), or 49.45 (19)  
11 or if either party or their minor children receive aid under s. 48.57 (3m) or (3n) or  
12 48.645 or ch. 49, a court may, except as provided in par. (b), do any of the following:

13 **SECTION 3742.** 767.59 (1f) (b) 4. of the statutes is amended to read:

14 767.59 (1f) (b) 4. A difference between the amount of child support ordered by  
15 the court to be paid by the payer and the amount that the payer would have been  
16 required to pay based on the percentage standard established by the department  
17 under s. 49.22 (9) if the court did not use the percentage standard in determining the  
18 child support payments and did not provide the information required under s. 46.10  
19 (14) (d), 49.345 (14) (d), 301.12 (14) (d), or 767.511 (1n), whichever is appropriate.

20 **SECTION 3743.** 767.59 (2) (c) of the statutes is amended to read:

21 767.59 (2) (c) If the court revises a judgment or order providing for child support  
22 that was entered under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4),  
23 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2), the court shall determine child  
24 support in the manner provided in s. ~~46.10~~ 49.345 (14) or 301.12 (14), whichever is  
25 applicable.



1           **SECTION 3744.** 767.59 (2s) of the statutes is amended to read:

2           767.59 (2s) STIPULATION FOR REVISION OF SUPPORT. In an action under sub. (1c),  
3 the court may not approve a stipulation for the revision of a judgment or order with  
4 respect to an amount of child support or family support unless the stipulation  
5 provides for payment of an amount of child support or family support that is  
6 determined in the manner required under s. 46.10 (14), 49.345 (14), 301.12 (14),  
7 767.511, 767.805 (4), or 767.89, whichever is appropriate.

8           **SECTION 3745.** 767.87 (2m) of the statutes is amended to read:

9           767.87 (2m) ADMISSIBILITY OF CERTAIN MEDICAL AND GENETIC INFORMATION.  
10 Medical and genetic information filed with the department of ~~health and family~~  
11 ~~services~~ or the court under s. 48.425 (1) (am) or (2) is not admissible to prove the  
12 paternity of the child.

13           **SECTION 3746.** 767.87 (6) (a) of the statutes is amended to read:

14           767.87 (6) (a) Whenever the state brings the action to determine paternity  
15 pursuant to an assignment under s. ~~46.261~~, 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3),  
16 49.19 (4) (h) 1., or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157,  
17 or 49.159, the natural mother of the child may not be compelled to testify about the  
18 paternity of the child if it has been determined that the mother has good cause for  
19 refusing to cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B)  
20 and the federal regulations promulgated pursuant to this statute, as of July 1, 1981,  
21 and pursuant to any rules promulgated by the department which define good cause  
22 in accordance with the federal regulations, as authorized by 42 USC 602 (a) (26) (B)  
23 in effect on July 1, 1981.

24           **SECTION 3746h.** 767.89 (2) of the statutes is renumbered 767.89 (2) (a).

25           **SECTION 3746i.** 767.89 (2) (b) of the statutes is created to read:

1           767.89 (2) (b) If the clerk of court or county child support agency is unable to  
2 collect any of the following fees under par. (a), the department shall pay the fee and  
3 may not require the county or county child support agency to reimburse the  
4 department for the cost:

5           1. A fee for omitting the father's name on a birth certificate under s. 69.15 (3)  
6 (a) 1.

7           2. A fee for changing the father's name on a birth certificate under s. 69.15 (3)  
8 (a) 2.

9           3. A fee for inserting the father's name on a birth certificate under s. 69.15 (3)  
10 (a) 3.

11           **SECTION 3747.** 769.201 (7) of the statutes is amended to read:

12           769.201 (7) The individual asserted parentage in a declaration of paternal  
13 interest filed with the department of ~~health and family services~~ children and families  
14 under s. 48.025 or in a statement acknowledging paternity filed with the state  
15 registrar under s. 69.15 (3) (b) 1. or 3.

16           **SECTION 3748.** 769.31 (1) of the statutes is amended to read:

17           769.31 (1) The department of ~~workforce development~~ children and families is  
18 the state information agency under this chapter.

19           **SECTION 3751.** 801.02 (1) of the statutes is amended to read:

20           801.02 (1) ~~A~~ Except as provided in s. 20.931 (5) (b), a civil action in which a  
21 personal judgment is sought is commenced as to any defendant when a summons and  
22 a complaint naming the person as defendant are filed with the court, provided service  
23 of an authenticated copy of the summons and of the complaint is made upon the  
24 defendant under this chapter within 90 days after filing.

25           **SECTION 3752.** 803.03 (2) (c) of the statutes is amended to read:

1           803.03 (2) (c) *Scheduling and pretrial conferences.* At the scheduling  
2 conference and pretrial conference, the judge to whom the case has been assigned  
3 shall inquire concerning the existence of and joinder of persons with subrogated,  
4 derivative or assigned rights and shall make such orders as are necessary to  
5 effectuate the purposes of this section. If the case is an action to recover damages  
6 based on alleged criminally injurious conduct, the court shall inquire to see if an  
7 award has been made under subch. I of ch. 949 and if the department of justice is  
8 subrogated to the cause of action under s. 949.15.

9           **SECTION 3753.** 803.09 (1) and (2) of the statutes are amended to read:

10           803.09 (1) ~~Upon~~ Except as provided in s. 20.931, upon timely motion anyone  
11 shall be permitted to intervene in an action when the movant claims an interest  
12 relating to the property or transaction which is the subject of the action and the  
13 movant is so situated that the disposition of the action may as a practical matter  
14 impair or impede the movant's ability to protect that interest, unless the movant's  
15 interest is adequately represented by existing parties.

16           (2) ~~Upon~~ Except as provided in s. 20.931, upon timely motion anyone may be  
17 permitted to intervene in an action when a movant's claim or defense and the main  
18 action have a question of law or fact in common. When a party to an action relies for  
19 ground of claim or defense upon any statute or executive order or rule administered  
20 by a federal or state governmental officer or agency or upon any regulation, order,  
21 rule, requirement or agreement issued or made pursuant to the statute or executive  
22 order, the officer or agency upon timely motion may be permitted to intervene in the  
23 action. In exercising its discretion the court shall consider whether the intervention  
24 will unduly delay or prejudice the adjudication of the rights of the original parties.

25           **SECTION 3754.** 804.01 (2) (intro.) of the statutes is amended to read:

1           804.01 (2) SCOPE OF DISCOVERY. (intro.) ~~Unless~~ Except as provided in s. 20.931  
2           (9), and unless otherwise limited by order of the court in accordance with the  
3           provisions of this chapter, the scope of discovery is as follows:

4           **SECTION 3755.** 805.04 (1) of the statutes is amended to read:

5           805.04 (1) BY PLAINTIFF; BY STIPULATION. ~~An~~ Except as provided in sub. (2m), an  
6           action may be dismissed by the plaintiff without order of court by serving and filing  
7           a notice of dismissal at any time before service by an adverse party of responsive  
8           pleading or motion or by the filing of a stipulation of dismissal signed by all parties  
9           who have appeared in the action. Unless otherwise stated in the notice of dismissal  
10          or stipulation, the dismissal is not on the merits, except that a notice of dismissal  
11          operates as an adjudication on the merits when filed by a plaintiff who has once  
12          dismissed in any court an action based on or including the same claim.

13          **SECTION 3756.** 805.04 (2m) of the statutes is created to read:

14          805.04 (2m) FALSE CLAIMS. An action filed under s. 20.931 may be dismissed  
15          only by order of the court. In determining whether to dismiss the action filed under  
16          s. 20.931, the court shall take into account the best interests of the parties and the  
17          purposes of s. 20.931.

18          **SECTION 3757.** 806.025 (2) (am) of the statutes is amended to read:

19          806.025 (2) (am) If money remains after the payment of all unpaid orders and  
20          judgments under par. (a), order reimbursement to the department of justice for an  
21          award made under subch. I of ch. 949 for which the department is subrogated under  
22          s. 949.15.

23          **SECTION 3758.** 809.105 (13) of the statutes is amended to read:

24          809.105 (13) CERTAIN PERSONS BARRED FROM PROCEEDINGS. No parent, or  
25          guardian or legal custodian, if one has been appointed, or foster parent or treatment

1 foster parent, if the minor has been placed in a foster home or treatment foster home,  
2 and the minor's parent has signed a waiver granting the department of health and  
3 family services children and families, a county department under s. 46.215, 46.22,  
4 or 46.23, the foster parent or the treatment foster parent the authority to consent to  
5 medical services or treatment on behalf of the minor, or adult family member, as  
6 defined in s. 48.375 (2) (b), of any minor who has initiated an appeal under this  
7 section may attend or intervene in any proceeding under this section.

8 **SECTION 3759.** 809.30 (2) (d) of the statutes is amended to read:

9 809.30 (2) (d) *Indigency redetermination.* Except as provided in this  
10 paragraph, whenever a person whose trial counsel is appointed by the state public  
11 defender files a notice under par. (b) requesting public defender representation for  
12 purposes of postconviction or postdisposition relief, the prosecutor may, within 5  
13 days after the notice is served and filed, file in the circuit court and serve upon the  
14 state public defender a request that the person's indigency be redetermined before  
15 counsel is appointed or transcripts are requested. This paragraph does not apply to  
16 a ~~child or juvenile~~ person who is entitled to be represented by counsel under s. 48.23,  
17 51.60 (1), 55.105, or 938.23.

18 **SECTION 3760.** 813.12 (5) (b) of the statutes is amended to read:

19 813.12 (5) (b) The clerk of circuit court shall provide the simplified forms  
20 provided under s. ~~46.95~~ 49.165 (3) (c) to help a person file a petition.

21 **SECTION 3761.** 813.122 (6) (b) of the statutes is amended to read:

22 813.122 (6) (b) Upon request, the clerk of circuit court shall provide, without  
23 cost, the simplified forms obtained under s. ~~46.03~~ 48.47 (7) (d) to a petitioner.

24 **SECTION 3763.** 814.61 (13) of the statutes is amended to read:

1           814.61 **(13)** SUPPORT OR MAINTENANCE PETITION. For the cost of court services,  
2 whenever a person not receiving benefits under s. 49.148 or 49.155 or aid under s.  
3 49.19, 49.46, 49.465, 49.468 or, 49.47, or 49.471 files a petition requesting child  
4 support, maintenance or family support payments, \$10 in addition to any other fee  
5 required under this section. This subsection does not apply to a petition filed by the  
6 state or its delegate.

7           **SECTION 3764.** 814.69 (1) (a) of the statutes is amended to read:

8           814.69 **(1)** (a) For a transcript under SCR 71.04, a fee at the rate of \$1.50 per  
9 25-line page for the original and 50 cents per 25-line page for the duplicate. Except  
10 as provided in s. 967.06 **(3)**, the fee shall be paid by the county treasurer upon the  
11 certificate of the clerk of court.

12           **SECTION 3765.** 814.75 (22m) of the statutes is amended to read:

13           814.75 **(22m)** The supplemental food enforcement surcharge under s. ~~253.06~~  
14 49.17 (4) (c).

15           **SECTION 3766.** 814.76 (15m) of the statutes is amended to read:

16           814.76 **(15m)** The supplemental food enforcement surcharge under s. ~~253.06~~  
17 49.17 (4) (c).

18           **SECTION 3767.** 814.80 (11) of the statutes is amended to read:

19           814.80 **(11)** The supplemental food enforcement surcharge under s. ~~253.06~~  
20 49.17 (4) (c).

21           **SECTION 3768.** 859.07 (2) (a) (intro.) of the statutes is amended to read:

22           859.07 **(2)** (a) (intro.) The personal representative shall provide notice of the  
23 date set under s. 859.01 to the department of health and family services, the  
24 department of children and families, or the department of corrections, as applicable,  
25 and to the county clerk of the decedent's county of residence, as defined in s. 49.001

1 (6) if, at any time prior to or at the time of the decedent's death, any of the following  
2 applied:

3 **SECTION 3769.** 859.07 (2) (a) 2. of the statutes is amended to read:

4 859.07 (2) (a) 2. The decedent was responsible for any obligation owing to the  
5 state or a county under s. 46.03 (18), 46.10, 48.36, 49.32 (1), 49.345, 301.03 (18),  
6 301.12, or 938.36.

7 **SECTION 3770.** 859.15 of the statutes is amended to read:

8 **859.15 Effect of statute of limitations.** Except as provided in ss. 46.10 (11),  
9 49.08 and, 49.195 (1), 49.345 (11), and 301.12 (11), a claim shall not be allowed which  
10 that was barred by any statute of limitations at the time of the decedent's death. A  
11 claim shall not be barred by statutes of limitation ~~which~~ that was not barred at the  
12 time of the decedent's death if the claim is filed against the decedent's estate in the  
13 court on or before the deadline for filing a claim under s. 859.01.

14 **SECTION 3771.** 885.01 (5) of the statutes is amended to read:

15 885.01 (5) By the department of ~~workforce development~~ children and families  
16 or a county child support agency under s. 59.53 (5) in the administration of ss. 49.145,  
17 49.19, 49.22, 49.46 and 49.47 and programs carrying out the purposes of 7 USC 2011  
18 to 2029.

19 **SECTION 3772.** 885.01 (5) of the statutes, as affected by 2007 Wisconsin Act ....  
20 (this act), is amended to read:

21 885.01 (5) By the department of children and families or a county child support  
22 agency under s. 59.53 (5) in the administration of ss. 49.145, 49.19, 49.22, 49.46 and,  
23 49.47, and 49.471 and programs carrying out the purposes of 7 USC 2011 to 2029.

24 **SECTION 3773.** 885.38 (3) (a) (intro.) of the statutes is amended to read:

1           885.38 (3) (a) (intro.) ~~In criminal proceedings and in proceedings under ch. 48,~~  
2           ~~51, 55, or 938, if~~ If the court determines that the person has limited English  
3           proficiency and that an interpreter is necessary, the court shall advise the person  
4           that he or she has the right to a qualified interpreter ~~and that, if the person cannot~~  
5           ~~afford one, an interpreter will be provided~~ at the public's expense if the person is one  
6           of the following:

7           **SECTION 3774.** 885.38 (8) (a) (intro.) of the statutes is amended to read:

8           885.38 (8) (a) (intro.) Except as provided in par. (b), the necessary expenses of  
9           providing qualified interpreters to indigent persons with limited English proficiency  
10          under this section shall be paid as follows:

11          **SECTION 3775.** 893.981 of the statutes is created to read:

12          **893.981 False claims.** An action or claim under s. 20.931 shall be commenced  
13          within 10 years after the cause of the action or claim accrues or be barred.

14          **SECTION 3776.** 895.45 (1) (a) of the statutes is amended to read:

15          895.45 (1) (a) "Abusive conduct" means domestic abuse, as defined under s.  
16          ~~46.95~~ 49.165 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined under  
17          s. 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault  
18          under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under  
19          ss. 948.02 to 948.11.

20          **SECTION 3777.** 895.4803 of the statutes is amended to read:

21          **895.4803 Civil liability exemption; information concerning paternity.**

22          Any member of the staff of a hospital who is designated by the hospital and trained  
23          by the department of ~~workforce development~~ children and families under s. 69.14 (1)  
24          (cm) and who in good faith provides to a child's available parents written information  
25          that is provided by the department of ~~workforce development~~ children and families



1 and oral information or an audio or video presentation about the form that is  
2 prescribed by the state registrar under s. 69.15 (3) (b) 3. and about the significance  
3 and benefits of, and alternatives to, establishing paternity, under the requirements  
4 of s. 69.14 (1) (cm), is immune from civil liability for his or her acts or omissions in  
5 providing that oral information or audio or video presentation and written  
6 information.

7 **SECTION 3778.** 895.485 (4) (a) of the statutes is amended to read:

8 895.485 (4) (a) The agency has failed to provide the foster, treatment foster, or  
9 family-operated group home parent with any information relating to a medical,  
10 physical, mental, or emotional condition of the child that it is required to disclose  
11 under this paragraph. The department of ~~health and family services~~ children and  
12 families shall promulgate rules specifying the kind of information that an agency  
13 shall disclose to a foster, treatment foster, or family-operated group home parent  
14 which relates to a medical, physical, mental, or emotional condition of the child.

15 **SECTION 3778m.** 895.507 (7m) of the statutes is amended to read:

16 895.507 (7m) EFFECT OF FEDERAL LEGISLATION. If the joint committee on  
17 administrative rules determines that the federal government has enacted legislation  
18 that imposes notice requirements substantially similar to the requirements of this  
19 section and determines that the legislation does not preempt this section, the joint  
20 committee on administrative rules shall submit to the ~~revisor of statutes~~ legislative  
21 reference bureau for publication in the Wisconsin administrative register a notice of  
22 its determination. This section does not apply after publication of a notice under this  
23 subsection.

24 **SECTION 3779.** 905.15 (1) of the statutes is amended to read:

1           905.15 (1) An employee of the department of health and family services, the  
2 department of ~~workforce development~~ children and families or a county department  
3 under s. 46.215, 46.22 or 46.23 or a member of a governing body of a federally  
4 recognized American Indian tribe who is authorized by federal law to have access to  
5 or awareness of the federal tax return information of another in the performance of  
6 duties under s. 49.19 or 49.45 or 7 USC 2011 to 2049 may claim privilege to refuse  
7 to disclose the information and the source or method by which he or she received or  
8 otherwise became aware of the information.

9           **SECTION 3780.** 938.02 (6) of the statutes is amended to read:

10           938.02 (6) "Foster home" means any facility that is operated by a person  
11 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for  
12 no more than 4 juveniles or, if necessary to enable a sibling group to remain together,  
13 for no more than 6 juveniles or, if the department of ~~health and family services~~  
14 children and families promulgates rules permitting a different number of juveniles,  
15 for the number of juveniles permitted under those rules.

16           **SECTION 3781.** 938.02 (7) of the statutes is amended to read:

17           938.02 (7) "Group home" means any facility operated by a person required to  
18 be licensed by the department of ~~health and family services~~ children and families  
19 under s. 48.625 for the care and maintenance of 5 to 8 juveniles.

20           **SECTION 3782.** 938.02 (17) of the statutes is amended to read:

21           938.02 (17) "Shelter care facility" means a nonsecure place of temporary care  
22 and physical custody for juveniles, including a holdover room, licensed by the  
23 department of ~~health and family services~~ children and families under s. 48.66 (1) (a).

24           **SECTION 3783.** 938.06 (1) (b) of the statutes is amended to read:

1           938.06 (1) (b) Notwithstanding par. (a), the county board of supervisors may  
2 make changes in the administration of services to the children's court center in order  
3 to qualify for the maximum amount of federal and state aid as provided in sub. (4)  
4 and s. ss. 46.495 and 48.569.

5           **SECTION 3784.** 938.06 (4) of the statutes is amended to read:

6           938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related  
7 court services under this section shall be at the same net effective rate that each  
8 county is reimbursed for county administration under s. ~~46.495~~ 48.569, except as  
9 provided in s. 301.26. Counties having a population of less than 500,000 may use  
10 funds received under ~~ss. 46.495~~ 48.569 (1) (d) and 301.26, including county or federal  
11 revenue sharing funds allocated to match funds received under s. ~~46.495~~ 48.569 (1)  
12 (d), for the cost of providing court attached intake services in amounts not to exceed  
13 50% of the cost of providing court attached intake services or \$30,000 per county per  
14 calendar year, whichever is less.

15           **SECTION 3786.** 938.21 (5) (b) 1. of the statutes is renumbered 938.21 (5) (b) 1.  
16 a. and amended to read:

17           938.21 (5) (b) 1. a. A finding that continued placement of the juvenile in his or  
18 her home would be contrary to the welfare of the juvenile. ~~Unless the court finds that~~  
19 ~~any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, the order shall~~  
20 ~~in addition include a-~~

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

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

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

15           **SECTION 3787.** 938.21 (5) (b) 1. d. of the statutes is created to read:

16           938.21 (5) (b) 1. d. If the juvenile is under the supervision of the county  
17           department, an order ordering the juvenile into the placement and care  
18           responsibility of the county department as required under 42 USC 672 (a) (2) and  
19           assigning the county department primary responsibility for providing services to the  
20           juvenile.

21           **SECTION 3788.** 938.21 (5) (c) of the statutes is amended to read:

22           938.21 (5) (c) The court shall make the findings specified in par. (b) 1., 1m., and  
23           3. on a case-by-case basis based on circumstances specific to the juvenile and shall  
24           document or reference the specific information on which those findings are based in  
25           the custody order. A custody order that merely references par. (b) 1., 1m., or 3.

1 without documenting or referencing that specific information in the custody order  
2 or an amended custody order that retroactively corrects an earlier custody order that  
3 does not comply with this paragraph is not sufficient to comply with this paragraph.

4 **SECTION 3789.** 938.22 (1) (a) of the statutes is amended to read:

5 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of a  
6 county may establish a juvenile detention facility in accordance with ss. 301.36 and  
7 301.37 or the county boards of supervisors for 2 or more counties may jointly  
8 establish a juvenile detention facility in accordance with ss. 46.20, 301.36, and  
9 301.37. The county board of supervisors of a county may establish a shelter care  
10 facility in accordance with ss. ~~46.16 and 46.17~~ 48.576 and 48.578 or the county boards  
11 of supervisors for 2 or more counties may jointly establish a shelter care facility in  
12 accordance with ss. ~~46.16, 46.17, and 46.20~~, 48.576, and 48.578. A private entity may  
13 establish a juvenile detention facility in accordance with ss. 301.36 and 301.37 and  
14 contract with one or more county boards of supervisors under s. 938.222 to hold  
15 juveniles in the private juvenile detention facility.

16 **SECTION 3790.** 938.22 (2) (a) of the statutes is amended to read:

17 938.22 (2) (a) Counties shall submit plans for a juvenile detention facility or  
18 juvenile portion of the county jail to the department of corrections and submit plans  
19 for a shelter care facility to the department of ~~health and family services~~ children and  
20 families. A private entity that proposes to establish a juvenile detention facility shall  
21 submit plans for the facility to the department of corrections. The applicable  
22 department shall review the submitted plans. A county or a private entity may not  
23 implement a plan unless the applicable department has approved the plan. The  
24 department of corrections shall promulgate rules establishing minimum  
25 requirements for the approval and operation of juvenile detention facilities and the

1 juvenile portion of county jails. The plans and rules shall be designed to protect the  
2 health, safety, and welfare of the juveniles placed in those facilities.

3 **SECTION 3791.** 938.22 (7) (a) of the statutes is amended to read:

4 938.22 (7) (a) No person may establish a shelter care facility without first  
5 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to  
6 operate a shelter care facility, a person must meet the minimum requirements for a  
7 license established by the department of ~~health and family services~~ children and  
8 families under s. 48.67, meet the requirements specified in s. 48.685, and pay the  
9 license fee under par. (b). A license issued under s. 48.66 (1) (a) to operate a shelter  
10 care facility is valid until revoked or suspended, but shall be reviewed every 2 years  
11 as provided in s. 48.66 (5).

12 **SECTION 3792.** 938.22 (7) (b) of the statutes is amended to read:

13 938.22 (7) (b) Before the department of ~~health and family services~~ children and  
14 families may issue a license under s. 48.66 (1) (a) to operate a shelter care facility,  
15 the shelter care facility shall pay to that department a biennial fee of \$60.50, plus  
16 a biennial fee of \$18.15 per juvenile, based on the number of juveniles that the shelter  
17 care facility is licensed to serve. A shelter care facility that wishes to continue a  
18 license issued under s. 48.66 (1) (a) shall pay the fee by the continuation date of the  
19 license. A new shelter care facility shall pay the fee by no later than 30 days before  
20 the opening of the shelter care facility.

21 **SECTION 3793.** 938.235 (4) (b) of the statutes is amended to read:

22 938.235 (4) (b) The court shall order the agency identified under s. 938.355 (2)  
23 (b) 1. 938.33 (1) (c) as primarily responsible for the provision of services to notify the  
24 guardian ad litem, if any, regarding actions to be taken under par. (a).

25 **SECTION 3795.** 938.30 (6) (b) of the statutes is amended to read:

1           938.30 (6) (b) If it appears to the court that disposition of the case may include  
2 placement of the juvenile outside the juvenile's home, the court shall order the  
3 juvenile's parent to provide a statement of the income, assets, debts, and living  
4 expenses of the juvenile and the juvenile's parent to the court or the designated  
5 agency under s. 938.33 (1) at least 5 days before the scheduled date of the  
6 dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
7 provide, without charge, to any parent ordered to provide that statement a document  
8 setting forth the percentage standard established by the department of workforce  
9 development children and families under s. 49.22 (9) and listing the factors that a  
10 court may consider under s. 301.12 (14) (c).

11           **SECTION 3796.** 938.31 (7) (b) of the statutes is amended to read:

12           938.31 (7) (b) If it appears to the court that disposition of the case may include  
13 placement of the juvenile outside the juvenile's home, the court shall order the  
14 juvenile's parent to provide a statement of the income, assets, debts, and living  
15 expenses of the juvenile and the juvenile's parent, to the court or the designated  
16 agency under s. 938.33 (1) at least 5 days before the scheduled date of the  
17 dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
18 provide, without charge, to any parent ordered to provide the statement a document  
19 setting forth the percentage standard established by the department of workforce  
20 development children and families under s. 49.22 (9) and listing the factors that a  
21 court may consider under s. 301.12 (14) (c).

22           **SECTION 3797.** 938.315 (2m) (a) of the statutes is amended to read:

23           938.315 (2m) (a) The court making an initial finding under s. 938.21 (5) (b) 1.  
24 or 1m., 938.355 (2) (b) 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made  
25 to prevent the removal of the juvenile from the home, while assuring that the

1 juvenile's health and safety are the paramount concerns, or an initial finding under  
2 s. 938.21 (5) (b) 3., 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not  
3 required to be made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4.  
4 applies, more than 60 days after the date on which the juvenile was removed from  
5 the home.

6 **SECTION 3798.** 938.32 (1) (c) 1. d. of the statutes is created to read:

7 938.32 (1) (c) 1. d. If the juvenile's placement or other living arrangement is  
8 under the supervision of the county department, an order ordering the juvenile into  
9 the placement and care responsibility of the county department as required under  
10 42 USC 672 (a) (2) and assigning the county department primary responsibility for  
11 providing services to the juvenile.

12 **SECTION 3806.** 938.346 (1) (h) 3. of the statutes is amended to read:

13 938.346 (1) (h) 3. The right to compensation, as provided under subch. I of ch.  
14 949.

15 **SECTION 3807.** 938.355 (2) (b) 1. of the statutes is amended to read:

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

22 **SECTION 3808.** 938.355 (2) (b) 6g. of the statutes is created to read:

23 938.355 (2) (b) 6g. If the juvenile is placed outside the home under the  
24 supervision of the county department, an order ordering the juvenile into the  
25 placement and care responsibility of the county department as required under 42



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

3 **SECTION 3809.** 938.355 (2b) of the statutes is amended to read:

4 938.355 **(2b)** CONCURRENT REASONABLE EFFORTS PERMITTED. A county  
5 department or the agency primarily responsible for providing services to a juvenile  
6 under a court order may, at the same time as the county department or agency is  
7 making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal  
8 of the juvenile from the home or to make it possible for the juvenile to return safely  
9 to his or her home, work with the department of ~~health and family services~~ children  
10 and families, a county department under s. 48.57 (1) (e) or (hm), or a child welfare  
11 agency licensed under s. 48.61 (5) in making reasonable efforts to place the juvenile  
12 for adoption, with a guardian, with a fit and willing relative, or in some other  
13 alternative permanent placement.

14 **SECTION 3810.** 938.355 (6) (d) 1. of the statutes is amended to read:

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

1 shall assign the county department primary responsibility for providing services to  
2 the juvenile.

3 **SECTION 3812.** 938.355 (6m) (a) 1g. of the statutes is amended to read:

4 938.355 (6m) (a) 1g. Placement of the juvenile in a secure detention facility or  
5 juvenile portion of a county jail that meets the standards promulgated by the  
6 department by rule or in a place of nonsecure custody, for not more than 10 days and  
7 the provision of educational services consistent with his or her current course of  
8 study during the period of placement. The juvenile shall be given credit against the  
9 period of detention or nonsecure custody imposed under this subdivision for all time  
10 spent in secure detention in connection with the course of conduct for which the  
11 detention or nonsecure custody was imposed. The use of placement in a secure  
12 detention facility or in a juvenile portion of a county jail as a sanction under this  
13 subdivision is subject to the adoption of a resolution by the county board of  
14 supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.  
15 If the court orders placement of the juvenile in a place of nonsecure custody under  
16 the supervision of the county department, the court shall order the juvenile into the  
17 placement and care responsibility of the county department as required under 42  
18 USC 672 (a) (2) and shall assign the county department primary responsibility for  
19 providing services to the juvenile.

20 **SECTION 3814.** 938.357 (1) (am) 3. of the statutes is amended to read:

21 938.357 (1) (am) 3. If the court changes the juvenile's placement from a  
22 placement outside the home to another placement outside the home, the change in  
23 placement order shall contain ~~one of the statements~~ the applicable order under sub.  
24 (2v) (a) 1m. and the applicable statement under sub. (2v) (a) 2.

25 **SECTION 3815.** 938.357 (1) (c) 3. of the statutes is amended to read:

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

8           **SECTION 3816.** 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          contain the applicable order under sub. (2v) (a) 1m. and the applicable statement  
19          under sub. (2v) (a) 2.

20          **SECTION 3817.** 938.357 (2v) (a) 1m. of the statutes is created to read:

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

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

3 **SECTION 3818.** 938.357 (4) (a) of the statutes is amended to read:

4 938.357 (4) (a) When the juvenile is placed with the department, the  
5 department may, after an examination under s. 938.50, place the juvenile in a  
6 juvenile correctional facility or a secured residential care center for children and  
7 youth or on aftercare supervision, either immediately or after a period of placement  
8 in a juvenile correctional facility or a secured residential care center for children and  
9 youth. The department shall send written notice of the change in placement to the  
10 parent, guardian, legal custodian, county department designated under s. 938.34  
11 (4n), if any, and committing court. If the department places a juvenile in a Type 2  
12 juvenile correctional facility operated by a child welfare agency, the department shall  
13 reimburse the child welfare agency at the rate established under s. ~~46.037~~ 49.343  
14 that is applicable to the type of placement that the child welfare agency is providing  
15 for the juvenile. A juvenile who is placed in a Type 2 juvenile correctional facility or  
16 a secured residential care center for children and youth remains under the  
17 supervision of the department, remains subject to the rules and discipline of that  
18 department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

19 **SECTION 3819.** 938.357 (4) (b) 2. of the statutes is amended to read:

20 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 residential  
21 care center for children and youth under s. 938.34 (4d) violates a condition of his or  
22 her placement in the Type 2 residential care center for children and youth, the child  
23 welfare agency operating the Type 2 residential care center for children and youth  
24 shall notify the county department that has supervision over the juvenile and, if the  
25 county department agrees to a change in placement under this subdivision, the child

1 welfare agency shall notify the department, and the department, after consulting  
2 with the child welfare agency, may place the juvenile in a Type 1 juvenile correctional  
3 facility under the supervision of the department, without a hearing under sub. (1)  
4 (am) 2., for not more than 10 days. If a juvenile is placed in a Type 1 juvenile  
5 correctional facility under this subdivision, the county department that has  
6 supervision over the juvenile shall reimburse the child welfare agency operating the  
7 Type 2 residential care center for children and youth in which the juvenile was  
8 placed at the rate established under s. ~~46.037~~ 49.343, and that child welfare agency  
9 shall reimburse the department at the rate specified in s. 301.26 (4) (d) 2. or 3.,  
10 whichever is applicable, for the cost of the juvenile's care while placed in a Type 1  
11 juvenile correctional facility.

12 **SECTION 3820.** 938.357 (4) (c) 1. of the statutes is amended to read:

13 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility  
14 operated by a child welfare agency under par. (a) and it appears that a less restrictive  
15 placement would be appropriate for the juvenile, the department, after consulting  
16 with the child welfare agency that is operating the Type 2 juvenile correctional  
17 facility, may place the juvenile in a less restrictive placement, and may return the  
18 juvenile to the Type 2 juvenile correctional facility without a hearing under sub. (1)  
19 (am) 2. The child welfare agency shall establish a rate for each type of placement in  
20 the manner provided in s. ~~46.037~~ 49.343.

21 **SECTION 3821.** 938.357 (4) (c) 2. of the statutes is amended to read:

22 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 residential care center for  
23 children and youth under s. 938.34 (4d) and it appears that a less restrictive  
24 placement would be appropriate for the juvenile, the child welfare agency operating  
25 the Type 2 residential care center for children and youth shall notify the county

1 department that has supervision over the juvenile and, if the county department  
2 agrees to a change in placement under this subdivision, the child welfare agency may  
3 place the juvenile in a less restrictive placement. A child welfare agency may also,  
4 with the agreement of the county department that has supervision over a juvenile  
5 who is placed in a less restrictive placement under this subdivision, return the  
6 juvenile to the Type 2 residential care center for children and youth without a  
7 hearing under sub. (1) (am) 2. The child welfare agency shall establish a rate for each  
8 type of placement in the manner provided in s. ~~46.037~~ 49.343.

9 **SECTION 3822.** 938.357 (5m) (a) of the statutes is amended to read:

10 938.357 (5m) (a) If a proposed change in placement would change a juvenile's  
11 placement from a placement in the juvenile's home to a placement outside the  
12 juvenile's home, the court shall order the juvenile's parent to provide a statement of  
13 the income, assets, debts, and living expenses of the juvenile and the juvenile's  
14 parent to the court or the person or agency primarily responsible for implementing  
15 the dispositional order by a date specified by the court. The clerk of court shall  
16 provide, without charge, to any parent ordered to provide that statement a document  
17 setting forth the percentage standard established by the department of ~~workforce~~  
18 development children and families under s. 49.22 (9) and listing the factors under  
19 s. 301.12 (14) (c). If the juvenile is placed outside the juvenile's home, the court shall  
20 determine the liability of the parent in the manner provided in s. 301.12 (14).

21 **SECTION 3823.** 938.36 (1) (b) of the statutes is amended to read:

22 938.36 (1) (b) In determining the amount of support under par. (a), the court  
23 may consider all relevant financial information or other information relevant to the  
24 parent's earning capacity, including information reported under s. 49.22 (2m) to the  
25 department of ~~workforce development~~ children and families, or the county child

1 support agency, under s. 59.53 (5). If the court has insufficient information with  
2 which to determine the amount of support, the court shall order the juvenile's parent  
3 to furnish a statement of the income, assets, debts, and living expenses of the juvenile  
4 and the juvenile's parent, if the parent has not already done so, to the court within  
5 10 days after the court's order transferring custody or designating an alternative  
6 placement is entered or at such other time as ordered by the court.

7 **SECTION 3824.** 938.363 (1) (c) of the statutes is amended to read:

8 938.363 (1) (c) If the proposed revision is for a change in the amount of child  
9 support to be paid by a parent, the court shall order the juvenile's parent to provide  
10 a statement of the income, assets, debts, and living expenses of the juvenile and the  
11 juvenile's parent to the court and the person or agency primarily responsible for  
12 implementing the dispositional order by a date specified by the court. The clerk of  
13 court shall provide, without charge, to any parent ordered to provide that statement  
14 a document setting forth the percentage standard established by the department of  
15 ~~workforce development~~ children and families under s. 49.22 (9) and listing the  
16 factors that a court may consider under s. 301.12 (14) (c).

17 **SECTION 3825.** 938.38 (2) (intro.) of the statutes is amended to read:

18 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
19 for each juvenile living in a foster home, treatment foster home, group home,  
20 residential care center for children and youth, juvenile detention facility, or shelter  
21 care facility, the agency that placed the juvenile or arranged the placement or the  
22 agency assigned primary responsibility for providing services to the juvenile under  
23 s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following  
24 conditions exists, and, for each juvenile living in the home of a relative other than

1 a parent, that agency shall prepare a written permanency plan, if any of the  
2 conditions under pars. (a) to (e) exists:

3 **SECTION 3826.** 938.396 (2g) (b) of the statutes is amended to read:

4 938.396 (2g) (b) *Federal program monitoring.* Upon request of the department  
5 of ~~health and family services~~, the department of ~~corrections~~ children and families,  
6 or a federal agency to review court records for the purpose of monitoring and  
7 conducting periodic evaluations of activities as required by and implemented under  
8 45 CFR 1355, 1356, and 1357, the court shall open those records for inspection by  
9 authorized representatives of that department or federal agency.

10 **SECTION 3827.** 938.396 (4) of the statutes is amended to read:

11 938.396 (4) OPERATING PRIVILEGE RECORDS. When a court assigned to exercise  
12 jurisdiction under this chapter and ch. 48 or a municipal court exercising jurisdiction  
13 under s. 938.17 (2) revokes, suspends, or restricts a juvenile's operating privilege  
14 under this chapter, the department of transportation may not disclose information  
15 concerning or relating to the revocation, suspension, or restriction to any person  
16 other than a court assigned to exercise jurisdiction under this chapter and ch. 48, a  
17 municipal court exercising jurisdiction under s. 938.17 (2), a district attorney, county  
18 corporation counsel, or city, village, or town attorney, a law enforcement agency, a  
19 driver licensing agency of another jurisdiction, the juvenile whose operating  
20 privilege is revoked, suspended, or restricted, or the juvenile's parent or guardian.  
21 Persons entitled to receive this information may not disclose the information to other  
22 persons or agencies.

23 **SECTION 3828.** 938.538 (6) of the statutes is amended to read:

24 938.538 (6) PURCHASE OF SERVICES. The department of ~~corrections~~ may contract  
25 with the department of health and family services, the department of children and



1 families, a county department, or any public or private agency for the purchase of  
2 goods, care, and services for participants in the program under this section. The  
3 department of ~~corrections~~ shall reimburse a person from whom it purchases goods,  
4 care, or services under this subsection from the appropriation under s. 20.410 (3) (cg).

5 **SECTION 3829.** 938.547 (2) of the statutes is amended to read:

6 938.547 (2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding  
7 under s. ~~20.435 (7)~~ 20.437 (1) (mb) that is available for the pilot program, the  
8 department of ~~health and family services~~ children and families shall select counties  
9 to participate in the pilot program. Unless a county department of human services  
10 has been established under s. 46.23 in the county that is seeking to implement a pilot  
11 program, the application submitted to the department of ~~health and family services~~  
12 children and families shall be a joint application by the county department that  
13 provides social services and the county department established under s. 51.42 or  
14 51.437. The department of ~~health and family services~~ children and families shall  
15 select counties in accordance with the request-for-proposal procedures established  
16 by that department. The department of ~~health and family services~~ children and  
17 families shall give a preference to county applications that include a plan for case  
18 management.

19 **SECTION 3830.** 938.548 of the statutes is amended to read:

20 **938.548 Multidisciplinary screen and assessment criteria.** The  
21 department of ~~health and family services~~ children and families shall make the  
22 multidisciplinary screen developed under s. 938.547 (3) and the assessment criteria  
23 developed under s. 938.547 (4) available to all counties.

24 **SECTION 3831.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

1           938.57 (3) (a) (intro.) From the reimbursement received under s. ~~46.495~~ 48.569  
2 (1) (d), counties may provide funding for the maintenance of any juvenile who meets  
3 all of the following qualifications:

4           **SECTION 3832.** 938.57 (3) (a) 3. of the statutes is amended to read:

5           938.57 (3) (a) 3. Received funding under s. ~~46.495~~ 48.569 (1) (d) immediately  
6 prior to his or her 17th birthday.

7           **SECTION 3833.** 938.57 (3) (b) of the statutes is amended to read:

8           938.57 (3) (b) The funding provided for the maintenance of a juvenile under par.  
9 (a) shall be in an amount equal to that to which the juvenile would receive under s.  
10 ~~46.495~~ 48.569 (1) (d) if the juvenile were 16 years of age.

11          **SECTION 3834.** 938.78 (2) (h) of the statutes is amended to read:

12          938.78 (2) (h) Paragraph (a) does not prohibit the department of ~~health and~~  
13 ~~family services~~ children and families, a county department, or a licensed child  
14 welfare agency from entering the content of any record kept or information received  
15 by that department, county department, or licensed child welfare agency into the  
16 statewide automated child welfare information system established under s. ~~46.03~~  
17 48.47 (7g).

18          **SECTION 3835.** 948.22 (4) (b) of the statutes is amended to read:

19          948.22 (4) (b) For a person not subject to a court order requiring child,  
20 grandchild or spousal support payments, when the person knows or reasonably  
21 should have known that he or she has a dependent, failure to provide support equal  
22 to at least the amount established by rule by the department of ~~workforce~~  
23 ~~development~~ children and families under s. 49.22 (9) or causing a spouse, grandchild  
24 or child to become a dependent person, or continue to be a dependent person, as  
25 defined in s. 49.01 (2).