

ASSEMBLY BILL 361 (LRB -1747)

An Act to amend 48.977 (2) (a) and 48.977 (4) (b) 3.; and to create 48.13 (4m) of the statutes; relating to: child in need of protection or services, jurisdiction over a child whose guardian is unable or needs assistance to care for or provide necessary special treatment or care for the child, but is unwilling or unable to sign a petition requesting that jurisdiction. (FE)

2007

- 05-29. A. Introduced by Representative **Albers**; cosponsored by Senator **Schultz**.
- 05-29. A. Read first time and referred to committee on Children and Family Law 200
- 06-25. A. Fiscal estimate received.
- 06-28. A. Public hearing held.
- 09-06. A. Executive action taken.
- 10-18. A. Report passage recommended by committee on Children and Family Law, Ayes 8, Noes 0 306
- 10-18. A. Referred to committee on Rules 306
- 12-06. A. Placed on calendar 12-11-2007 by committee on Rules.
- 12-11. A. Read a second time 391
- 12-11. A. Ordered to a third reading 391
- 12-11. A. Rules suspended 391
- 12-11. A. Read a third time and **passed**, Ayes 97, Noes 0 391
- 12-11. A. Ordered immediately messaged 391
- 12-12. S. Received from Assembly 474
- 12-13. S. Read first time and referred to committee on Judiciary, Corrections, and Housing 475

2008

- 01-16. S. Public hearing held.
- 01-22. S. Executive action taken.
- 01-23. S. Report concurrence recommended by committee on Judiciary, Corrections, and Housing, Ayes 5, Noes 0 527
- 01-23. S. Available for scheduling.
- 02-14. S. Placed on calendar 2-19-2008 by committee on Senate Organization.
- 02-19. S. Read a second time.
- 02-19. S. Ordered to a third reading.
- 02-19. S. Rules suspended.
- 02-19. S. Read a third time and **concurred in**.
- 02-19. S. Ordered immediately messaged.
- 02-21. A. Received from Senate concurred in.

AD

**2007
ENROLLED BILL**

07en AB-361

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

07 -1747/2

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Child in need of protection or services and jurisdiction over a child whose guardian is unable or needs assistance to care for the child or provide necessary special treatment or care for the child

2-21-08

[Signature]

Date

Enrolling Drafter

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2007 ASSEMBLY BILL 361

May 29, 2007 - Introduced by Representative ALBERS, cosponsored by Senator SCHULTZ. Referred to Committee on Children and Family Law.

1 **AN ACT to amend** 48.977 (2) (a) and 48.977 (4) (b) 3.; and **to create** 48.13 (4m)
2 of the statutes; **relating to:** child in need of protection or services, jurisdiction
3 over a child whose guardian is unable or needs assistance to care for or provide
4 necessary special treatment or care for the child, but is unwilling or unable to
5 sign a petition requesting that jurisdiction.

Analysis by the Legislative Reference Bureau

Under current law, the court assigned to exercise jurisdiction under the Children's Code (juvenile court) has exclusive original jurisdiction over a child alleged to be in need of protection or services that can be ordered by the juvenile court and who meets certain grounds, such as the child's parent or guardian is unable or needs assistance to care for or provide necessary special treatment or care for the child and signs a petition requesting the juvenile court to exercise jurisdiction over the child (CHIPS jurisdiction). Current law defines "special treatment or care" as professional services that need to be provided to a child or his or her family to protect the well-being of the child, prevent the placement of the child outside the home, or meet the special needs of the child. Currently, the district attorney, corporation counsel, or counsel or guardian ad litem for a parent, relative, guardian, or the child may file a petition alleging that the child is subject to CHIPS jurisdiction.

This bill grants to the juvenile court CHIPS jurisdiction over a child whose guardian is unable or needs assistance to care for or provide necessary special treatment or care for the child, but is unwilling or unable to sign the petition requesting that jurisdiction.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.13 (4m) of the statutes is created to read:

2 48.13 (4m) Whose guardian is unable or needs assistance to care for or provide
3 necessary special treatment or care for the child, but is unwilling or unable to sign
4 the petition requesting jurisdiction under this subsection;

5 **SECTION 2.** 48.977 (2) (a) of the statutes is amended to read:

6 48.977 (2) (a) That the child has been adjudged to be in need of protection or
7 services under s. 48.13 (1), (2), (3), (3m), (4), (4m), (5), (8), (9), (10), (10m), (11), or
8 (11m) or 938.13 (4) and been placed, or continued in a placement, outside of his or her
9 home pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365,
10 938.345, 938.357, 938.363, or 938.365 or that the child has been so adjudged and
11 placement of the child in the home of a guardian under this section has been
12 recommended under s. 48.33 (1) or 938.33 (1).

13 **SECTION 3.** 48.977 (4) (b) 3. of the statutes is amended to read:

14 48.977 (4) (b) 3. The date on which the child was adjudged in need of protection
15 or services under s. 48.13 (1), (2), (3), (3m), (4), (4m), (5), (8), (9), (10), (10m), (11), or
16 (11m) or 938.13 (4) and the dates on which the child has been placed, or continued
17 in a placement, outside of his or her home pursuant to one or more court orders under
18 s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or, if the child
19 has been so adjudged, but not so placed, the date of the report under s. 48.33 (1) or
20 938.33 (1) in which placement of the child in the home of the person is recommended.

21 **SECTION 4. Initial applicability.**

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1 (1) CHILD IN NEED OF PROTECTION OR SERVICES; FAILURE OF GUARDIAN TO SIGN
2 PETITION. This act first applies to a child who meets the conditions specified in section
3 48.13 (4m) of the statutes, as created by this act, on the effective date of this
4 subsection.

5

(END)