



1 defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62
2 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in
3 addition to the surcharge listed in sub. (1m).

4 **SECTION 3240m.** 814.86 (1) of the statutes, as affected by 2009 Wisconsin Act
5 (this act), is amended to read:

6 814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681
7 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
8 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
9 violation, for a financial responsibility violation under s. 344.62 (2), or for a violation
10 under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk
11 of circuit court shall charge and collect a \$21.50 justice information system surcharge
12 from any person, including any governmental unit, as defined in s. 108.02 (17),
13 paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or
14 814.63 (1). The justice information system surcharge is in addition to the surcharge
15 listed in sub. (1m).

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16 **SECTION 3241.** 823.08 (2) (b) of the statutes is amended to read:

17 823.08 (2) (b) "Agricultural use" has the meaning given in s. 91.01 (1) (2).

18 **SECTION 3242.** 846.04 (1) of the statutes is amended to read:

19 846.04 (1) The plaintiff may, in the complaint, demand judgment for any
20 deficiency that may remain due the plaintiff after sale of the mortgaged premises
21 against every party who is personally liable for the debt secured by the mortgage.
22 Judgment may be rendered for any deficiency remaining after applying the proceeds
23 of sale to the amount due. The judgment for deficiency shall be ordered in the original
24 judgment and separately rendered against the party liable on or after the
25 confirmation of sale. The judgment for deficiency shall be entered in the judgment

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1 and lien docket and, except as provided in subs. (2) and (3), enforced as in other cases.
2 A mortgage foreclosure deficiency judgment entered on or after October 14, 1997, on
3 property ~~devoted primarily to~~ under agricultural use, as defined in s. 91.01 (5), ~~on~~
4 ~~and after October 14, 1997~~, (2), for at least 12 consecutive months during the
5 preceding 36-month period shall be recorded as an agriculture judgment.

6 **SECTION 3243.** 846.04 (2) of the statutes is amended to read:

7 846.04 (2) Except as provided in sub. (3), if a mortgage foreclosure deficiency
8 judgment is entered on property ~~devoted primarily to~~ under agricultural use, as
9 defined in s. 91.01 (5), (2), for at least 12 consecutive months during the preceding
10 36-month period, an action on the deficiency judgment shall be commenced within
11 10 years after the date on which the mortgage foreclosure deficiency judgment is
12 entered or be barred.

13 **SECTION 3243c.** 846.35 (1) (c) of the statutes, as created by 2009 Wisconsin Act
14 2, is renumbered 846.35 (6) and amended to read:

15 846.35 (6) PENALTIES. If a plaintiff fails to provide a notice under par. (a) in
16 accordance with pars. (a) and (b), or fails to comply with sub. (5), the court shall
17 award the tenant to whom the notice should have been given or who should not have
18 named as a defendant \$250 in damages, plus reasonable attorney fees. A tenant may
19 not recover under this paragraph for more than one notice violation.

20 **SECTION 3243e.** 846.35 (4) of the statutes, as created by 2009 Wisconsin Act 2,
21 is repealed.

22 **SECTION 3243f.** 846.35 (5) of the statutes is created to read:

23 846.35 (5) **TENANT NOT NAMED IN COMPLAINT.** In an action for foreclosure of
24 residential real property, the complaint may not name a tenant as a defendant unless
25 the tenant has a lien or ownership interest in the real property.

1 **SECTION 3244.** 851.08 of the statutes is created to read:

2 **851.08 Domestic partner.** “Domestic partner” has the meaning given in s.
3 770.01 (1) and “domestic partnership” has the meaning given in s. 770.01 (2).

4 **SECTION 3245.** 851.17 of the statutes is amended to read:

5 **851.17 Net estate.** “Net estate” means all property subject to administration
6 less the property selected by the surviving spouse or surviving domestic partner
7 under s. 861.33, the allowances made by the court under ss. 861.31, 861.35 and
8 861.41 except as those allowances are charged by the court against the intestate
9 share of the recipient, administration, funeral and burial expenses, the amount of
10 claims paid and federal and state estate taxes payable out of such property.

11 **SECTION 3246.** 851.295 of the statutes is created to read:

12 **851.295 Surviving domestic partner.** “Surviving domestic partner” means
13 a person who was in a domestic partnership under ch. 770 with the decedent, at the
14 time of the decedent’s death.

15 **SECTION 3247.** 852.01 (1) (a) (intro.), 1. and 2. (intro.) and b., (b), (c), (d) and (f)
16 (intro.) of the statutes are amended to read:

17 852.01 (1) (a) (intro.) To the spouse or domestic partner:

18 1. If there are no surviving issue of the decedent, or if the surviving issue are
19 all issue of the surviving spouse or surviving domestic partner and the decedent, the
20 entire estate.

21 2. (intro.) If there are surviving issue one or more of whom are not issue of the
22 surviving spouse or surviving domestic partner, one-half of decedent’s property
23 other than the following property:

24 b. The decedent’s interest in property held equally and exclusively with the
25 surviving spouse or surviving domestic partner as tenants in common.

1 (b) To the issue, per stirpes, the share of the estate not passing to the spouse
2 or surviving domestic partner, under par. (a), or the entire estate if there is no
3 surviving spouse or surviving domestic partner.

4 (c) If there is no surviving spouse, surviving domestic partner, or issue, to the
5 parents.

6 (d) If there is no surviving spouse, surviving domestic partner, issue, or parent,
7 to the brothers and sisters and the issue of any deceased brother or sister per stirpes.

8 (f) (intro.) If there is no surviving spouse, surviving domestic partner, issue,
9 parent, or issue of a parent, to the grandparents and their issue as follows:

10 **SECTION 3248.** 852.09 of the statutes is amended to read:

11 **852.09 Assignment of home to surviving spouse or surviving domestic**
12 **partner.** If the intestate estate includes an interest in a home, assignment of that
13 interest to the surviving spouse or surviving domestic partner is governed by s.
14 861.21.

15 **SECTION 3249.** 853.11 (2m) and (3) of the statutes are amended to read:

16 853.11 (2m) **PREMARITAL OR PREDOMESTIC PARTNERSHIP WILL.** Entitlements of a
17 surviving spouse or surviving domestic partner under a decedent's will that was
18 executed before marriage to the surviving spouse or before recording of the domestic
19 partnership under ch. 770 are governed by s. 853.12.

20 **(3) TRANSFER TO FORMER SPOUSE OR FORMER DOMESTIC PARTNER.** A transfer under
21 a will to a former spouse or former domestic partner is governed by s. 854.15.

22 **SECTION 3250.** 853.12 (title) of the statutes is amended to read:

23 **853.12 (title) Premarital will or predomestic partnership will.**

24 **SECTION 3251.** 853.12 (1), (2) (intro.) and (a), (3) (a) and (b) and (4) (a) of the
25 statutes are amended to read:

1 853.12 (1) ENTITLEMENT OF SURVIVING SPOUSE OR SURVIVING DOMESTIC PARTNER.

2 Subject to sub. (3), if the testator married the surviving spouse or recorded a domestic
3 partnership under ch. 770 with the surviving domestic partner after the testator
4 executed his or her will, the surviving spouse or surviving domestic partner is
5 entitled to a share of the probate estate.

6 (2) VALUE OF SHARE. (intro.) The value of the share under sub. (1) is the value
7 of the share that the surviving spouse or surviving domestic partner would have
8 received had the testator died with an intestate estate equal to the value of the
9 testator's net estate, but the value of the net estate shall first be reduced by the value
10 of all of the following:

11 (a) All devises to or for the benefit of the testator's children who were born
12 before the marriage to the surviving spouse or the domestic partnership with the
13 surviving domestic partner and who are not also the children of the surviving spouse
14 or surviving domestic partner.

15 (3) (a) It appears from the will or other evidence that the will was made in
16 contemplation of the testator's marriage to the surviving spouse or domestic
17 partnership with the surviving domestic partner.

18 (b) It appears from the will or other evidence that the will is intended to be
19 effective notwithstanding any subsequent marriage or domestic partnership, or
20 there is sufficient evidence that the testator considered revising the will after
21 marriage or domestic partnership but decided not to.

22 (4) (a) Amounts received by the surviving spouse under s. 861.02 and devises
23 made by will to the surviving spouse or surviving domestic partner are applied first.

24 **SECTION 3252.** 854.15 (title) of the statutes is amended to read:

1 **854.15 (title) Revocation of provisions in favor of former spouse or**
2 **former domestic partner.**

3 **SECTION 3253.** 854.15 (1) (b) of the statutes is renumbered 854.15 (1) (b) (intro.)
4 and amended to read:

5 854.15 (1) (b) (intro.) “Divorce, annulment or similar event” means any of the
6 following:

7 1. A divorce, any annulment, or any other event or proceeding that would
8 exclude a spouse as a surviving spouse under s. 851.30.

9 **SECTION 3254.** 854.15 (1) (b) 2. of the statutes is created to read:

10 854.15 (1) (b) 2. A termination of a domestic partnership or other event or
11 proceeding that would exclude a person as a surviving domestic partner under s.
12 851.295.

13 **SECTION 3255.** 854.15 (1) (c) of the statutes is amended to read:

14 854.15 (1) (c) “Former spouse” means a person whose marriage to the decedent
15 or domestic partnership with the decedent has been the subject of a divorce,
16 annulment or similar event.

17 **SECTION 3256.** 854.15 (5) (am) 5. of the statutes is amended to read:

18 854.15 (5) (am) 5. The decedent and the former spouse have remarried or
19 entered into a new domestic partnership before the death of the decedent.

20 **SECTION 3257.** 859.25 (1) (g) of the statutes is amended to read:

21 859.25 (1) (g) Property assigned to the surviving spouse or surviving domestic
22 partner under s. 861.41.

23 **SECTION 3258.** 861.21 (title) of the statutes is amended to read:

24 **861.21 (title) Assignment of home to surviving spouse or surviving**
25 **domestic partner.**



1 **SECTION 3259.** 861.21 (1) (b) of the statutes is amended to read:

2 861.21 (1) (b) “Home” means any dwelling in which the decedent had an
3 interest and that at the time of the decedent’s death the surviving spouse or surviving
4 domestic partner occupies or intends to occupy. If there are several such dwellings,
5 any one may be designated by the surviving spouse or surviving domestic partner.
6 “Home” includes a house, a mobile home, a manufactured home, a duplex or multiple
7 apartment building one unit of which is occupied by the surviving spouse or
8 surviving domestic partner and a building used in part for a dwelling and in part for
9 commercial or business purposes. “Home” includes all of the surrounding land,
10 unless the court sets off part of the land as severable from the remaining land under
11 sub. (5).

12 **SECTION 3260.** 861.21 (2), (4) and (5) of the statutes are amended to read:

13 861.21 (2) DECEDENT’S PROPERTY INTEREST IN HOME. Subject to subs. (4) and (5),
14 if a married decedent or decedent in a domestic partnership has a property interest
15 in a home, the decedent’s entire interest in the home shall be assigned to the
16 surviving spouse or surviving domestic partner if the surviving spouse or surviving
17 domestic partner petitions the court requesting such a distribution and if a
18 governing instrument does not provide a specific transfer of the decedent’s interest
19 in the home to someone other than the surviving spouse or surviving domestic
20 partner. The surviving spouse or surviving domestic partner shall file the petition
21 within 6 months after the decedent’s death, unless the court extends the time for
22 filing.

23 (4) PAYMENT BY SURVIVING SPOUSE OR SURVIVING DOMESTIC PARTNER. The court
24 shall assign the interest in the home under sub. (2) to the surviving spouse or
25 surviving domestic partner upon payment of the value of the decedent’s interest in

1 the home that does not pass to the surviving spouse or surviving domestic partner
2 under intestacy or under a governing instrument. Payment shall be made to the
3 fiduciary holding title to the interest. The surviving spouse or surviving domestic
4 partner may use assets due him or her from the fiduciary to satisfy all or part of the
5 payment in kind. Unless the court extends the time, the surviving spouse or
6 surviving domestic partner shall have one year from the decedent's death to pay the
7 value of the assigned interest.

8 (5) SEVERANCE OF HOME FROM SURROUNDING LAND. On petition of the surviving
9 spouse or surviving domestic partner or of any interested person that part of the land
10 is not necessary for dwelling purposes and that it would be inappropriate to assign
11 all of the surrounding land as the home under sub. (2), the court may set off for the
12 home as much of the land as is necessary for a dwelling. In determining how much
13 land should be set off, the court shall take into account the use and marketability of
14 the parcels set off as the home and the remaining land.

15 SECTION 3261. 861.31 (1m), (2) and (4) (intro.) and (b) of the statutes are
16 amended to read:

17 861.31 (1m) The court may, without notice or on such notice as the court
18 directs, order payment by the personal representative or special administrator of an
19 allowance as the court determines necessary or appropriate for the support of the
20 surviving spouse or surviving domestic partner and any minor children of the
21 decedent during the administration of the estate. The court shall consider the size
22 of the probate estate, other resources available for support, the existing standard of
23 living, and any other factors it considers relevant.

24 (2) The court may order that an allowance be made to the spouse or surviving
25 domestic partner for support of the spouse or surviving domestic partner and any

1 minor children of the decedent, or that separate allowances be made to the spouse
2 or surviving domestic partner and to the minor children of the decedent or their
3 guardian, if any, if the court finds separate allowances advisable. If there is no
4 surviving spouse or surviving domestic partner, the court may order that an
5 allowance be made to the minor children of the decedent or to their guardian, if any.

6 (4) (intro.) The court may order that the allowance be charged against income
7 or principal, either as an advance or otherwise, but the court may not order that an
8 allowance for support of minor children of the decedent be charged against the
9 income or principal interest of the surviving spouse or surviving domestic partner.
10 The court may order that the allowance for support of the surviving spouse or
11 surviving domestic partner, not including any allowance for support of minor
12 children of the decedent, be applied in satisfaction of any of the following:

13 (b) Any right of the surviving spouse or surviving domestic partner to elect
14 under s. 861.02.

15 **SECTION 3262.** 861.33 (title) of the statutes is amended to read:

16 **861.33 (title) Selection of personalty by surviving spouse or surviving**
17 **domestic partner.**

18 **SECTION 3263.** 861.33 (1) (a) (intro.) and 1. and (b) of the statutes are amended
19 to read:

20 861.33 (1) (a) (intro.) Subject to this section, in addition to all allowances and
21 distributions, the surviving spouse or surviving domestic partner may file with the
22 court a written selection of the following personal property, which shall then be
23 transferred to the spouse or domestic partner by the personal representative:

24 1. Wearing apparel and jewelry held for personal use by the decedent or the
25 surviving spouse or surviving domestic partner;

1 (b) The selection in par. (a) may not include items specifically bequeathed
2 except that the surviving spouse or surviving domestic partner may in every case
3 select the normal household furniture, furnishings, and appliances necessary to
4 maintain the home. For this purpose antiques, family heirlooms, and collections that
5 are specifically bequeathed are not classifiable as normal household furniture or
6 furnishings.

7 **SECTION 3264.** 861.35 (title) of the statutes is amended to read:

8 **861.35 (title) Special allowance for support of spouse or domestic**
9 **partner and support and education of minor children.**

10 **SECTION 3265.** 861.35 (1m), (2), (3) (a) and (4) of the statutes are amended to
11 read:

12 861.35 (1m) If the decedent is survived by a spouse, domestic partner, or by
13 minor children, the court may order an allowance for the support and education of
14 each minor child until he or she reaches a specified age, not to exceed 18, and for the
15 support of the spouse or domestic partner. This allowance may be made whether the
16 estate is testate or intestate. If the decedent is not survived by a spouse or domestic
17 partner, the court also may allot directly to the minor children household furniture,
18 furnishings, and appliances. The court may not order an allowance under this
19 section if any of the following applies:

20 (a) The decedent has amply provided for each minor child and for the spouse
21 or domestic partner by the transfer of probate or nonprobate assets, or support and
22 education have been provided for by any other means.

23 (b) In the case of minor children, the surviving spouse or surviving domestic
24 partner is legally responsible for support and education and has ample means to
25 provide them in addition to his or her own support.

1 (c) In the case of the surviving spouse or surviving domestic partner, he or she
2 has ample means to provide for his or her support.

3 (2) The court may set aside property to provide an allowance and may appoint
4 a trustee to administer the property, subject to the continuing jurisdiction of the
5 court. If a child dies or reaches the age of 18, or if at any time the property held by
6 the trustee is no longer required for the support of the spouse or domestic partner or
7 the support and education of the minor child, any remaining property is to be
8 distributed by the trustee as the court orders in accordance with the terms of the
9 decedent's will or to the heirs of the decedent in intestacy or to satisfy unpaid claims
10 of the decedent's estate.

11 (3) (a) The effect on claims under s. 859.25. The court shall balance the needs
12 of the spouse, domestic partner, or minor children against the nature of the creditors'
13 claims in setting the amount allowed under this section.

14 (4) The court may order that the allowance to the surviving spouse or surviving
15 domestic partner, not including any allowance for the support and education of minor
16 children, be applied in satisfaction of any of the following:

17 (a) Any entitlement of the surviving spouse or surviving domestic partner
18 under s. 853.12.

19 (b) Any right of the surviving spouse or surviving domestic partner to elect
20 under s. 861.02 (1).

21 **SECTION 3266.** 861.41 of the statutes is amended to read:

22 **861.41 Exemption of property to be assigned to surviving spouse or**
23 **surviving domestic partner.** (1) After the amount of claims against the estate
24 has been ascertained, the surviving spouse or surviving domestic partner may
25 petition the court to set aside as exempt from the claims of creditors under s. 859.25

1 (1) (h) an amount of property reasonably necessary for the support of the spouse or
2 domestic partner, not to exceed \$10,000 in value, if it appears that the assets are
3 insufficient to pay all claims and allowances and still leave the surviving spouse or
4 surviving domestic partner such an amount of property in addition to selection and
5 allowances.

6 (2) The court shall grant the petition if it determines that an assignment ahead
7 of creditors is reasonably necessary for the support of the spouse or domestic partner.
8 In determining the necessity and the amount of property to be assigned, the court
9 must take into consideration the availability of a home to the surviving spouse or
10 surviving domestic partner and all other assets and resources available for support.

11 **SECTION 3267.** 867.01 (1) (b) and (3) (f) of the statutes are amended to read:

12 867.01 (1) (b) Whenever the estate, less the amount of the debts for which any
13 property in the estate is security, does not exceed \$50,000 in value and the decedent
14 is survived by a spouse or domestic partner, or one or more minor children or both.

15 (3) (f) *Order.* If the court is satisfied that the estate may be settled under this
16 section, after 30 days have elapsed since notice to the department of health services
17 under par. (d), if that notice is required, the court shall assign the property to the
18 persons entitled to it. If the estate may be settled under sub. (1) (b), any property not
19 otherwise assigned shall be assigned to the surviving spouse or surviving domestic
20 partner, or minor children or both as an allowance under s. 861.31. The court shall
21 order any person indebted to or holding money or other property of the decedent to
22 pay the indebtedness or deliver the property to the persons found to be entitled to
23 receive it. The court shall order the transfer of interests in real estate, stocks or
24 bonds registered in the name of the decedent, the title of a licensed motor vehicle, or
25 any other form of property. If the decedent immediately prior to death had an estate

1 for life or an interest as a joint tenant in any property in regard to which a certificate
2 of termination in accordance with s. 867.04 has not been issued, the order shall set
3 forth the termination of that life estate or the right of survivorship of any joint
4 tenant. Every tract of real property in which an interest is assigned or terminated
5 or which is security for a debt in which an interest is assigned or terminated shall
6 be specifically described.

7 **SECTION 3269.** 895.04 (2) and (6) of the statutes are amended to read:

8 895.04 (2) If the deceased leaves surviving a spouse or domestic partner under
9 ch.770, and domestic partner under s. 770.05, and minor children under 18 years of
10 age with whose support the deceased was legally charged, the court before whom the
11 action is pending, or if no action is pending, any court of record, in recognition of the
12 duty and responsibility of a parent to support minor children, shall determine the
13 amount, if any, to be set aside for the protection of such children after considering the
14 age of such children, the amount involved, the capacity and integrity of the surviving
15 spouse or surviving domestic partner, and any other facts or information it may have
16 or receive, and such amount may be impressed by creation of an appropriate lien in
17 favor of such children or otherwise protected as circumstances may warrant, but
18 such amount shall not be in excess of 50% of the net amount received after deduction
19 of costs of collection. If there are no such surviving minor children, the amount
20 recovered shall belong and be paid to the spouse or domestic partner of the deceased;
21 if no spouse or domestic partner survives, to the deceased's lineal heirs as determined
22 by s. 852.01; if no lineal heirs survive, to the deceased's brothers and sisters. If any
23 such relative dies before judgment in the action, the relative next in order shall be
24 entitled to recover for the wrongful death. A surviving nonresident alien spouse or
25 a nonresident alien domestic partner under ch. 770 and minor children shall be

1 entitled to the benefits of this section. In cases subject to s. 102.29 this subsection
2 shall apply only to the surviving spouse's or surviving domestic partner's interest in
3 the amount recovered. If the amount allocated to any child under this subsection is
4 less than \$10,000, s. 807.10 may be applied. Every settlement in wrongful death
5 cases in which the deceased leaves minor children under 18 years of age shall be void
6 unless approved by a court of record authorized to act hereunder.

7 (6) Where the wrongful death of a person creates a cause of action in favor of
8 the decedent's estate and also a cause of action in favor of a spouse, domestic partner
9 under ch. 770, or relatives as provided in this section, such spouse, domestic partner,
10 or relatives may waive and satisfy the estate's cause of action in connection with or
11 as part of a settlement and discharge of the cause of action of the spouse, domestic
12 partner, or relatives.

13 **SECTION 3272m.** 895.446 (4) of the statutes is amended to read:

14 895.446 (4) Any recovery under this section shall be reduced by the amount
15 recovered as restitution under ss. 800.093 and 973.20 and ch. 938 for the same act
16 ~~or as recompense under s. 969.13 (5) (a) for the same act.~~

17 **SECTION 3273.** 895.485 (title) of the statutes is amended to read:

18 **895.485 (title) Civil liability exemption; agencies, foster parents,**
19 **~~treatment foster parents and family-operated group home parents.~~**

20 **SECTION 3274.** 895.485 (1) (c) of the statutes is repealed.

21 **SECTION 3275.** 895.485 (2) (intro.) of the statutes is amended to read:

22 895.485 (2) (intro.) Except as provided in ss. 167.10 (7) and 343.15 (2), any
23 ~~foster, treatment foster~~ or family-operated group home parent licensed under s.
24 48.62 or 48.625 is immune from civil liability for any of the following:

25 **SECTION 3276.** 895.485 (2) (a) of the statutes is amended to read:

1 895.485 (2) (a) An act or omission of the foster,~~treatment foster~~ or
2 family-operated group home parent while that parent is acting in his or her capacity
3 as a foster,~~treatment foster~~ or family-operated group home parent.

4 **SECTION 3277.** 895.485 (2) (b) of the statutes is amended to read:

5 895.485 (2) (b) An act or omission of a child who is placed in a foster home,
6 ~~treatment foster home~~ or family-operated group home while the child is in the foster,
7 ~~treatment foster~~ or family-operated group home parent's care.

8 **SECTION 3278.** 895.485 (3) of the statutes is amended to read:

9 895.485 (3) The immunity specified in sub. (2) does not apply if the act or
10 omission of a foster,~~treatment foster~~ or family-operated group home parent was not
11 done in good faith or was not in compliance with any written instructions, received
12 from the agency that placed the child, regarding specific care and supervision of the
13 child. The good faith of a foster,~~treatment foster~~ or family-operated group home
14 parent and the compliance of the foster,~~treatment foster~~ or family-operated group
15 home parent with any written instructions received from the agency that placed the
16 child are presumed in a civil action. Any person who asserts that a foster,~~treatment~~
17 ~~foster~~ or family-operated group home parent did not act in good faith, or did not
18 comply with written instructions received from the agency that placed the child, has
19 the burden of proving that assertion.

20 **SECTION 3279.** 895.485 (4) (intro.) of the statutes is amended to read:

21 895.485 (4) (intro.) Any agency that acts in good faith in placing a child with
22 a foster,~~treatment foster~~ or family-operated group home parent is immune from civil
23 liability for any act or omission of the agency, the foster,~~treatment foster~~ or
24 family-operated group home parent, or the child unless all of the following occur:

25 **SECTION 3280.** 895.485 (4) (a) of the statutes is amended to read:

1 895.485 (4) (a) The agency has failed to provide the foster, ~~treatment foster,~~ or
2 family-operated group home parent with any information relating to a medical,
3 physical, mental, or emotional condition of the child that it is required to disclose
4 under this paragraph. The department of children and families shall promulgate
5 rules specifying the kind of information that an agency shall disclose to a foster,
6 ~~treatment foster,~~ or family-operated group home parent ~~which~~ that relates to a
7 medical, physical, mental, or emotional condition of the child.

8 **SECTION 3283g.** 895.61 of the statutes is created to read:

9 **895.61 Asbestos successor corporation; limitation on liability. (1)**

10 DEFINITIONS. In this section:

11 (a) "Asbestos claim" means a claim for damages, losses, indemnification,
12 contribution, or other relief arising out of or related in any way to asbestos, including
13 all of the following:

14 1. A claim related to the health effects of exposure to asbestos, including a claim
15 related to any of the following:

16 a. Personal injury or death.

17 b. Mental or emotional injury.

18 c. Increased risk of disease or other injury.

19 d. Costs of medical monitoring or surveillance.

20 2. A claim made by or on behalf of any person exposed to asbestos, or by a
21 spouse, parent, child, or other relative of the person.

22 3. A claim related to the installation, presence, or removal of asbestos.

23 (b) "Corporation" means a domestic corporation for profit organized under the
24 laws of this state or a foreign corporation for profit organized under laws other than
25 the laws of this state.

1 (c) 1. "Successor asbestos-related liability" means any liability that is related
2 to an asbestos claim and that was assumed or incurred by a corporation as a result
3 of or in connection with any of the following:

4 a. A merger or consolidation with a transferor.

5 b. The plan of merger or consolidation with a transferor related to the merger
6 or consolidation with or into another corporation.

7 c. An asbestos claim based on the exercise of control or ownership of stock or
8 a corporation before the merger or consolidation with a transferor.

9 2. "Successor asbestos-related liability" includes liability that, after the time
10 of the merger or consolidation with a transferor for which the fair market value of
11 the total gross assets of the successor corporation was determined under sub. (4), was
12 paid, discharged, or committed to be paid or discharged by or on behalf of the
13 corporation, successor corporation, or transferor in connection with a settlement,
14 judgment, or discharge in this state or in another jurisdiction.

15 (d) "Successor corporation" means a corporation that has assumed or incurred
16 successor asbestos-related liabilities before January 1, 1972, or that is any of that
17 successor corporation's successors.

18 (e) "Total gross assets" includes intangible assets.

19 (f) "Transferor" means a corporation from which a successor asbestos-related
20 liability is or was assumed or incurred.

21 (2) APPLICABILITY. (a) The limitations in sub. (3) apply to any successor
22 corporation, except as provided in par (b).

23 (b) The limitations in sub. (3) do not apply to any of the following:

24 1. Worker's compensation benefits paid under ch. 102 or a comparable worker's
25 compensation law of another jurisdiction.

1 2. Any claim against a successor corporation that does not constitute a
2 successor asbestos-related liability.

3 3. Any obligation under 29 USC 151, et seq., or under any collective bargaining
4 agreement.

5 4. A successor corporation that, after a merger or consolidation with a
6 transferor, continued in the business of mining asbestos, selling or distributing
7 asbestos fibers, or manufacturing, distributing, removing, or installing
8 asbestos-containing products that were the same or substantially the same as those
9 products that were previously manufactured, distributed, removed, or installed by
10 the transferor.

11 **(3) MEASURE OF LIABILITY.** (a) Except as provide in par. (b), the cumulative
12 successor asbestos-related liabilities of a successor corporation are limited to the fair
13 market value of the total gross assets of the transferor determined as of the time of
14 the merger or consolidation with the successor corporation. Subject to par. (b), the
15 successor corporation does not have responsibility for any successor
16 asbestos-related liabilities in excess of this limitation.

17 (b) If the transferor to the successor corporation had assumed or incurred
18 successor asbestos-related liability in connection with a prior merger or
19 consolidation with a prior transferor, then the fair market value of the total assets
20 of the prior transferor determined as of the time of the earlier merger or consolidation
21 is substituted for the limitation under par. (a) for purposes of determining the
22 limitation on liability of the successor corporation.

23 **(4) ESTABLISHING THE FAIR MARKET VALUE OF TOTAL GROSS ASSETS.** (a) A successor
24 corporation may establish the fair market value of total gross assets for purposes of

1 the limitations under sub. (3) by any reasonable method, including any of the
2 following:

3 1. By reference to the going concern value of the assets.

4 2. By reference to the purchase price attributable to or paid for the assets in
5 an arms-length transaction.

6 3. In the absence of other readily available information from which the fair
7 market value can be determined, by reference to the value of the assets recorded on
8 a balance sheet.

9 (b) To the extent that total gross assets include liability insurance that was
10 issued to the transferor whose assets are being valued under this subsection, the
11 applicability, terms, conditions, and limits of the insurance are not affected by this
12 section. This section does not affect the rights and obligations of an insurer,
13 transferor, or successor corporation under any insurance contract or related
14 agreement, including all of the following:

15 1. A preenactment settlement resolving a coverage-related dispute.

16 2. The right of an insurer to seek payment for applicable deductibles,
17 retrospective premiums, or self-insured retentions.

18 3. The right of an insurer to seek contribution from a successor corporation for
19 an uninsured or self-insured period or for a period when insurance is uncollectible
20 or unavailable.

21 (c) Subject to par. (b), to the extent that total gross assets include any liability
22 insurance, a settlement of a dispute concerning the liability insurance coverage
23 entered into by the transferor or successor corporation with the insurer of the
24 transferor before the effective date of this paragraph ... [LRB inserts date], shall be

1 determinative of the total coverage of the liability insurance for inclusion in the
2 calculation of the transferor's total gross assets.

3 (5) ADJUSTMENT OF FAIR MARKET VALUE. (a) Except as provided in pars. (b) to (d),
4 the fair market value of the total gross assets at the time of the merger or
5 consolidation with the transferor shall increase annually at a rate equal to the sum
6 of the following:

7 1. The weekly prime rate for the first week of each calendar year since the
8 merger or consolidation, as reported by the federal reserve board in federal reserve
9 statistical release H. 15.

10 2. One percent.

11 (b) The rate under par. (a) may not be compounded.

12 (c) The adjustment of the fair market value of the total gross assets shall
13 continue as provided in par. (a) until the date that the adjusted fair market value of
14 the total gross assets is first exceeded by the cumulative amounts of successor
15 asbestos-related liabilities paid or committed to be paid by or on behalf of the
16 successor corporation or a predecessor of the successor corporation or by or on behalf
17 of a transferor after the time of the merger or consolidation for which the fair market
18 value of the total gross assets is determined.

19 (d) No adjustment of the fair market value of total gross assets may be applied
20 to any liability insurance that is included in the definition of total gross assets under
21 sub. (4) (b).

22 (6) LIBERAL CONSTRUCTION INTENDED. This section shall be liberally construed
23 to effect its purposes with regard to successor corporations.

24 **SECTION 3284.** 905.05 (title) of the statutes is amended to read:

25 **905.05 (title) Husband-wife and domestic partner privilege.**



1 **SECTION 3285.** 905.05 (1), (2) and (3) (a), (b), (c) and (d) of the statutes are
2 amended to read:

3 905.05 (1) **GENERAL RULE OF PRIVILEGE.** A person has a privilege to prevent the
4 person's spouse or former spouse or domestic partner or former domestic partner
5 from testifying against the person as to any private communication by one to the
6 other made during their marriage or domestic partnership. As used in this section,
7 "domestic partner" means a domestic partner under ch. 770.

8 (2) **WHO MAY CLAIM THE PRIVILEGE.** The privilege may be claimed by the person
9 or by the spouse or domestic partner on the person's behalf. The authority of the
10 spouse or domestic partner to do so is presumed in the absence of evidence to the
11 contrary.

12 (3) (a) If both spouses or former spouses or domestic partners or former
13 domestic partners are parties to the action.

14 (b) In proceedings in which one spouse or former spouse or domestic partner
15 or former domestic partner is charged with a crime against the person or property
16 of the other or of a child of either, or with a crime against the person or property of
17 a 3rd person committed in the course of committing a crime against the other.

18 (c) In proceedings in which a spouse or former spouse or domestic partner or
19 former domestic partner is charged with a crime of pandering or prostitution.

20 (d) If one spouse or former spouse or domestic partner or former domestic
21 partner has acted as the agent of the other and the private communication relates
22 to matters within the scope of the agency.

23 **SECTION 3285gb.** 908.03 (6m) (title) of the statutes is amended to read:

24 908.03 (6m) (title) ~~HEALTH~~ PATIENT HEALTH CARE PROVIDER RECORDS.

1 **SECTION 3285gc.** 908.03 (6m) (a) of the statutes is renumbered 908.03 (6m) (a)
2 (intro.) and amended to read:

3 908.03 (6m) (a) *Definition.* (intro.) In this subsection, ~~“health;~~

4 1. Health care provider” means ~~a massage therapist or bodyworker issued a~~
5 ~~certificate under ch. 460, a chiropractor licensed under ch. 446, a dentist licensed~~
6 ~~under ch. 447, a physician assistant licensed under ch. 448, or a health care provider~~
7 ~~as defined~~ has the meanings given in s. ss. 146.81 (1) and 655.001 (8).

8 **SECTION 3285ge.** 908.03 (6m) (a) 2. of the statutes is created to read:

9 908.03 (6m) (a) 2. “Patient health care records” has the meaning given in s.
10 146.81 (4).

11 **SECTION 3285gg.** 908.03 (6m) (b) of the statutes is amended to read:

12 908.03 (6m) (b) *Authentication witness unnecessary.* A custodian or other
13 qualified witness required by sub. (6) is unnecessary if the party who intends to offer
14 patient health care provider records into evidence at a trial or hearing does one of the
15 following at least 40 days before the trial or hearing:

16 1. Serves upon all appearing parties an accurate, legible and complete
17 duplicate of the patient health care ~~provider~~ records for a stated period certified by
18 the record custodian.

19 2. Notifies all appearing parties that an accurate, legible and complete
20 duplicate of the patient health care ~~provider~~ records for a stated period certified by
21 the record custodian is available for inspection and copying during reasonable
22 business hours at a specified location within the county in which the trial or hearing
23 will be held.

24 **SECTION 3285gh.** 908.03 (6m) (bm) of the statutes is created to read:

1 908.03 (6m) (bm) *Presumption*. Billing statements or invoices that are patient
2 health care records are presumed to state the reasonable value of the health care
3 services provided and the health care services provided are presumed to be
4 reasonable and necessary to the care of the patient. Any party attempting to rebut
5 the presumption of the reasonable value of the health care services provided may not
6 present evidence of payments made or benefits conferred by collateral sources.

7 **SECTION 3285gi.** 908.03 (6m) (c) (intro.) of the statutes is amended to read:

8 908.03 (6m) (c) *Subpoena limitations*. (intro.) ~~Health Patient health~~ care
9 provider records are subject to subpoena only if one of the following conditions exists:

10 **SECTION 3285gk.** 908.03 (6m) (c) 3. of the statutes is amended to read:

11 908.03 (6m) (c) 3. If upon a properly authorized request of an attorney, the
12 health care provider refuses, fails, or neglects to supply within 2 business days a
13 legible certified duplicate of its records for the fees ~~established under par. (d) s.~~
14 146.83 (1f) (c) or (d) or (1h) (b) or (c), whichever are applicable.

15 **SECTION 3285gm.** 908.03 (6m) (d) of the statutes is repealed.

16 **SECTION 3285p.** 909.02 (11) (title) of the statutes is amended to read:

17 909.02 (11) (title) ~~HEALTH PATIENT HEALTH CARE PROVIDER RECORDS.~~

18 **SECTION 3286.** 911.01 (4) (c) of the statutes is amended to read:

19 911.01 (4) (c) *Miscellaneous proceedings*. Proceedings for extradition or
20 rendition; sentencing, granting or revoking probation, modification of a bifurcated
21 sentence under s. ~~302.113 (9g)~~ 302.1135, adjustment of a bifurcated sentence under
22 s. 973.195 (1r), release to extended supervision under s. 302.113 (2) (b) or 304.06 (1)
23 or discharge under s. 973.01 (4m), issuance of arrest warrants, criminal summonses
24 and search warrants; hearings under s. 980.09 (2); proceedings under s. 971.14 (1)

1 (c); proceedings with respect to pretrial release under ch. 969 except where habeas
2 corpus is utilized with respect to release on bail or as otherwise provided in ch. 969.

3 **SECTION 3287.** 938.02 (6) of the statutes is amended to read:

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

10 **SECTION 3288.** 938.02 (17q) of the statutes is repealed.

11 **SECTION 3289.** 938.207 (1) (c) of the statutes is amended to read:

12 938.207 (1) (c) A licensed foster home ~~or a licensed treatment foster home~~ if the
13 placement does not violate the conditions of the license.

14 **SECTION 3290.** 938.207 (1) (f) of the statutes is amended to read:

15 938.207 (1) (f) The home of a person not a relative if the person has not had a
16 ~~foster home or treatment foster home~~ license under s. 48.62 refused, revoked, or
17 suspended within the previous 2 years. ~~Such a~~ A placement under this paragraph
18 may not exceed 30 days, unless the placement is extended by the court for cause for
19 an additional 30 days.

20 **SECTION 3290n.** 938.21 (2) (e) of the statutes is created to read:

21 938.21 (2) (e) If present at the hearing, the parent shall be requested to provide
22 the names and other identifying information of 3 relatives of the juvenile or family
23 friends 18 years of age or over whose homes the parent requests the court to consider
24 as placements for the juvenile. If the parent does not provide this information at the



1 hearing, the county department shall make a reasonable effort to provide each
2 parent with the opportunity to provide this information.

3 **SECTION 3290p.** 938.21 (3) (f) of the statutes is created to read:

4 938.21 (3) (f) If present at the hearing, the parent shall be requested to provide
5 the names and other identifying information of 3 relatives of the juvenile or family
6 friends 18 years of age or over whose homes the parent requests the court to consider
7 as placements for the juvenile. If the parent does not provide this information at the
8 hearing, the county department shall make a reasonable effort to provide each
9 parent with the opportunity to provide this information.

10 **SECTION 3291.** 938.21 (5) (d) 2. of the statutes is amended to read:

11 938.21 (5) (d) 2. If a hearing is held under subd. 1, at least 10 days before the
12 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal
13 custodian of the juvenile, and any foster parent, ~~treatment foster parent,~~ or other
14 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and
15 purpose of the hearing.

16 **SECTION 3292.** 938.21 (5) (d) 3. of the statutes is amended to read:

17 938.21 (5) (d) 3. The court shall give a foster parent, ~~treatment foster parent,~~
18 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
19 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
20 ~~treatment foster parent,~~ or other physical custodian to make a written or oral
21 statement during the hearing, or to submit a written statement prior to the hearing,
22 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
23 ~~foster parent,~~ or other physical custodian who receives a notice of a hearing under
24 subd. 2. and an opportunity to be heard under this subdivision does not become a

1 party to the proceeding on which the hearing is held solely on the basis of receiving
2 that notice and opportunity to be heard.

3 **SECTION 3292h.** 938.21 (5) (e) of the statutes is created to read:

4 938.21 (5) (e) 1. In this paragraph, "adult relative" means a grandparent,
5 great-grandparent, aunt, uncle, or sibling of a juvenile, whether by blood, marriage,
6 or legal adoption, who has attained 18 years of age.

7 2. The court shall order the county department to conduct a diligent search in
8 order to locate and provide notice of the information specified in this subdivision to
9 all adult relatives of the juvenile and to all other adult individuals whose homes are
10 requested by the juvenile's parent under sub. (2) (e) or (3) (f) to be considered as
11 placement options for the juvenile within 30 days after the date of the hearing unless
12 the juvenile is returned to his or her home within that period. The county
13 department may not provide that notice to an adult relative or other individual if the
14 county department has reason to believe that it would be dangerous to the juvenile
15 or to the parent if the juvenile were placed with that adult relative or individual. The
16 notice shall include all of the following:

17 a. A statement that the juvenile has been removed from the custody of the
18 juvenile's parent.

19 b. A statement that the juvenile may need a temporary or permanent
20 placement outside of his or her home and an explanation of how the individual may
21 request to have the juvenile placed with him or her.

22 c. An explanation of the programs and services that may be available to the
23 adult relative or other individual if the juvenile is placed with him or her including
24 foster care payments, kinship care payments, assistance with health care needs,
25 child care assistance, and nutrition assistance.

1 d. A description of the types of expenses that the adult relative or other
2 individual may incur if the juvenile is placed in his or her home and whether and
3 when the adult relative or other individual may be reimbursed for those expenses.

4 e. An explanation of how to receive notice of future proceedings relating to the
5 juvenile if the adult relative or other individual provides contact information to the
6 county department.

7 **SECTION 3293.** 938.27 (3) (a) 1. of the statutes is amended to read:

8 938.27 (3) (a) 1. The court shall notify, under s. 938.273, the juvenile, any
9 parent, guardian, and legal custodian of the juvenile, any foster parent, ~~treatment~~
10 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) of the juvenile, and
11 any person specified in par. (b), if applicable, of all hearings involving the juvenile
12 under this subchapter, except hearings on motions for which notice must be provided
13 only to the juvenile and his or her counsel. If parents entitled to notice have the same
14 place of residence, notice to one constitutes notice to the other. The first notice to any
15 interested party, foster parent, ~~treatment foster parent~~, or other physical custodian
16 described in s. 48.62 (2) shall be in writing and may have a copy of the petition
17 attached to it. Notices of subsequent hearings may be given by telephone at least 72
18 hours before the time of the hearing. The person giving telephone notice shall place
19 in the case file a signed statement of the date and time notice was given and the
20 person to whom he or she spoke.

21 **SECTION 3294.** 938.27 (3) (a) 1m. of the statutes is amended to read:

22 938.27 (3) (a) 1m. The court shall give a foster parent, ~~treatment foster parent~~
23 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
24 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
25 ~~treatment foster parent~~ or other physical custodian to make a written or oral

1 statement during the hearing, or to submit a written statement prior to the hearing,
2 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
3 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a
4 notice of a hearing under subd. 1. and an opportunity to be heard under this
5 subdivision does not become a party to the proceeding on which the hearing is held
6 solely on the basis of receiving that notice and opportunity to be heard.

7 **SECTION 3295.** 938.27 (3) (a) 2. of the statutes is amended to read:

8 938.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent,
9 ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) does not
10 deprive the court of jurisdiction in the action or proceeding. If a foster parent,
11 ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) is not
12 given notice of a hearing under subd. 1., that person may request a rehearing on the
13 matter during the pendency of an order resulting from the hearing. If the request
14 is made, the court shall order a rehearing.

15 **SECTION 3296.** 938.27 (6) of the statutes is amended to read:

16 938.27 (6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a
17 proceeding is initiated under s. 938.14, all interested parties shall receive notice and
18 appropriate summons shall be issued in a manner specified by the court. If the
19 juvenile who is the subject of the proceeding is in the care of a foster parent,
20 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2), the
21 court shall give the foster parent, ~~treatment foster parent~~, or other physical
22 custodian notice and an opportunity to be heard as provided in sub. (3) (a).

23 **SECTION 3297.** 938.299 (1) (ag) of the statutes is amended to read:

24 938.299 (1) (ag) If a public hearing is not held, in addition to persons permitted
25 to attend under par. (a), the juvenile's foster parent, ~~treatment foster parent~~ or other

1 physical custodian described in s. 48.62 (2) may be present, except that the court may
2 exclude a foster parent, ~~treatment foster parent~~ or other physical custodian
3 described in s. 48.62 (2) from any portion of the hearing if that portion of the hearing
4 deals with sensitive personal information of the juvenile or the juvenile's family or
5 if the court determines that excluding the foster parent, ~~treatment foster parent~~ or
6 other physical custodian would be in the best interests of the juvenile.

7 **SECTION 3298.** 938.32 (1) (d) 2. of the statutes is amended to read:

8 938.32 (1) (d) 2. At least 10 days before the date of the hearing under subd. 1.,
9 the court shall notify the juvenile, any parent, guardian, and legal custodian of the
10 juvenile, and any foster parent, ~~treatment foster parent~~, or other physical custodian
11 described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

12 **SECTION 3299.** 938.32 (1) (d) 3. of the statutes is amended to read:

13 938.32 (1) (d) 3. The court shall give a foster parent, ~~treatment foster parent~~,
14 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
15 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
16 ~~treatment foster parent~~, or other physical custodian to make a written or oral
17 statement during the hearing, or to submit a written statement prior to the hearing,
18 relevant to the issues to be determined at the hearing. The foster parent, ~~treatment~~
19 ~~foster parent~~, or other physical custodian does not become a party to the proceeding
20 on which the hearing is held solely on the basis of receiving the notice and having the
21 opportunity to be heard.

22 **SECTION 3300.** 938.33 (4) (intro.) of the statutes is amended to read:

23 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
24 placement in a foster home, ~~treatment foster home~~, group home, or nonsecured
25 residential care center for children and youth, in the home of a relative other than

1 a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing, except
2 that the report may be presented orally at the dispositional hearing if all parties
3 consent. A report that is presented orally shall be transcribed and made a part of the
4 court record. The report shall include all of the following:

5 **SECTION 3301.** 938.33 (5) of the statutes is amended to read:

6 938.33 (5) IDENTITY OF FOSTER PARENT OR ~~TREATMENT FOSTER PARENT;~~
7 CONFIDENTIALITY. If the report recommends placement in a foster home ~~or a treatment~~
8 ~~foster home~~, and the name of the foster parent ~~or treatment foster parent~~ is not
9 available at the time the report is filed, the agency shall provide the court and the
10 juvenile's parent or guardian with the name and address of the foster parent ~~or~~
11 ~~treatment foster parent~~ within 21 days after the dispositional order is entered,
12 except that the court may order the information withheld from the juvenile's parent
13 or guardian if the court finds that disclosure would result in imminent danger to the
14 juvenile or to the foster parent ~~or treatment foster parent~~. After notifying the
15 juvenile's parent or guardian, the court shall hold a hearing prior to ordering the
16 information withheld.

17 **SECTION 3302.** 938.335 (3g) (intro.) of the statutes is amended to read:

18 938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this
19 section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of
20 the juvenile in a foster home, ~~treatment foster home~~, group home, or residential care
21 center for children and youth, or in the home of a relative other than a parent, the
22 agency shall present as evidence specific information showing all of the following:

23 **SECTION 3303.** 938.34 (3) (c) of the statutes is amended to read:

24 938.34 (3) (c) A foster home ~~or treatment foster home~~ licensed under s. 48.62
25 or a group home licensed under s. 48.625.

1 **SECTION 3304.** 938.355 (2) (b) 2. of the statutes is amended to read:

2 938.355 (2) (b) 2. If the juvenile is placed outside the home, the name of the
3 place or facility, including transitional placements, where the juvenile shall be cared
4 for or treated, except that if the placement is a foster home ~~or treatment foster home~~
5 and the name and address of the foster parent ~~or treatment foster parent~~ is not
6 available at the time of the order, the name and address of the foster parent ~~or~~
7 ~~treatment foster parent~~ shall be furnished to the court and the parent within 21 days
8 of after the order. If, after a hearing on the issue with due notice to the parent or
9 guardian, the court finds that disclosure of the identity of the foster parent ~~or~~
10 ~~treatment foster parent~~ would result in imminent danger to the juvenile, ~~the foster~~
11 ~~parent~~ or the ~~treatment~~ foster parent, the court may order the name and address of
12 the prospective foster parents ~~or treatment foster parents~~ withheld from the parent
13 or guardian.

14 **SECTION 3305.** 938.355 (2d) (c) 2. of the statutes is amended to read:

15 938.355 (2d) (c) 2. If a hearing is held under subd. 1., at least 10 days before
16 the date of the hearing the court shall notify the juvenile, any parent, guardian, and
17 legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or
18 other physical custodian described in s. 48.62 (2) of the juvenile of the time, place,
19 and purpose of the hearing.

20 **SECTION 3306.** 938.355 (2d) (c) 3. of the statutes is amended to read:

21 938.355 (2d) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~,
22 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
23 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
24 ~~treatment foster parent~~, or other physical custodian to make a written or oral
25 statement during the hearing, or to submit a written statement prior to the hearing,

1 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
2 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
3 subd. 2. and an opportunity to be heard under this subdivision does not become a
4 party to the proceeding on which the hearing is held solely on the basis of receiving
5 that notice and opportunity to be heard.

6 **SECTION 3307.** 938.355 (4) (a) of the statutes is amended to read:

7 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under
8 this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age
9 that places or continues the placement of the juvenile in his or her home shall
10 terminate at the end of one year after the date on which the order is granted unless
11 the court specifies a shorter period of time or the court terminates the order sooner.
12 Except as provided in par. (b) or s. 938.368, an order under this section or s. 938.357
13 or 938.365 made before the juvenile attains 18 years of age that places or continues
14 the placement of the juvenile in a foster home, ~~treatment foster home~~, group home,
15 or residential care center for children and youth or in the home of a relative other
16 than a parent shall terminate when the juvenile attains 18 years of age, at the end
17 of one year after the date on which the order is granted, or, if the juvenile is a
18 full-time student at a secondary school or its vocational or technical equivalent and
19 is reasonably expected to complete the program before attaining 19 years of age,
20 when the juvenile attains 19 years of age, whichever is later, unless the court
21 specifies a shorter period of time or the court terminates the order sooner.

22 **SECTION 3308.** 938.357 (1) (am) 1. of the statutes is amended to read:

23 938.357 (1) (am) 1. If the proposed change in placement involves any change
24 in placement other than a change in placement under par. (c), the person or agency
25 primarily responsible for implementing the dispositional order or the district

1 attorney shall cause written notice of the proposed change in placement to be sent
2 to the juvenile, the parent, guardian, and legal custodian of the juvenile, and any
3 foster parent, ~~treatment foster parent~~, or other physical custodian described in s.
4 48.62 (2) of the juvenile. The notice shall contain the name and address of the new
5 placement, the reasons for the change in placement, a statement describing why the
6 new placement is preferable to the present placement, and a statement of how the
7 new placement satisfies objectives of the treatment plan ordered by the court.

8 **SECTION 3309.** 938.357 (1) (am) 2. of the statutes is amended to read:

9 938.357 (1) (am) 2. Any person receiving the notice under subd. 1. or notice of
10 a specific foster or ~~treatment foster~~ placement under s. 938.355 (2) (b) 2. may obtain
11 a hearing on the matter by filing an objection with the court within 10 days after
12 receipt of the notice. Placements may not be changed until 10 days after that notice
13 is sent to the court unless the parent, guardian, or legal custodian and the juvenile,
14 if 12 or more years of age, sign written waivers of objection, except that changes in
15 placement that were authorized in the dispositional order may be made immediately
16 if notice is given as required under subd. 1. In addition, a hearing is not required for
17 placement changes authorized in the dispositional order except when an objection
18 filed by a person who received notice alleges that new information is available that
19 affects the advisability of the court's dispositional order.

20 **SECTION 3310.** 938.357 (2m) (b) of the statutes is amended to read:

21 938.357 (2m) (b) *Hearing; when required.* The court shall hold a hearing prior
22 to ordering any change in placement requested or proposed under par. (a) if the
23 request states that new information is available that affects the advisability of the
24 current placement. A hearing is not required if the requested or proposed change in
25 placement does not involve a change in placement of a juvenile placed in the home

1 to a placement outside the home, written waivers of objection to the proposed change
2 in placement are signed by all parties entitled to receive notice under sub. (1) (am)
3 1., and the court approves. If a hearing is scheduled, the court shall notify the
4 juvenile, the parent, guardian, and legal custodian of the juvenile, any foster parent,
5 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the
6 juvenile, and all parties who are bound by the dispositional order at least 3 days prior
7 to the hearing. A copy of the request or proposal for the change in placement shall
8 be attached to the notice. If all of the parties consent, the court may proceed
9 immediately with the hearing.

10 **SECTION 3311.** 938.357 (2r) of the statutes is amended to read:

11 938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing
12 is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove
13 a juvenile from a foster home, ~~treatment foster home~~, or other placement with a
14 physical custodian described in s. 48.62 (2), the court shall give the foster parent,
15 ~~treatment foster parent~~, or other physical custodian an opportunity to be heard at
16 the hearing by permitting the foster parent, ~~treatment foster parent~~, or other
17 physical custodian to make a written or oral statement during the hearing or to
18 submit a written statement prior to the hearing relating to the juvenile and the
19 requested change in placement. A foster parent, ~~treatment foster parent~~, or other
20 physical custodian who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b)
21 and an opportunity to be heard under this subsection does not become a party to the
22 proceeding on which the hearing is held solely on the basis of receiving that notice
23 and opportunity to be heard.

24 **SECTION 3312.** 938.357 (2v) (c) 2. of the statutes is amended to read:

1 938.357 (2v) (c) 2. If a hearing is held under subd. 1., at least 10 days before
2 the date of the hearing the court shall notify the juvenile, any parent, guardian, and
3 legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or
4 other physical custodian described in s. 48.62 (2) of the juvenile of the time, place,
5 and purpose of the hearing.

6 **SECTION 3313.** 938.357 (2v) (c) 3. of the statutes is amended to read:

7 938.357 (2v) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~,
8 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
9 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
10 ~~treatment foster parent~~, or other physical custodian to make a written or oral
11 statement during the hearing, or to submit a written statement prior to the hearing,
12 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
13 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
14 subd. 2. and an opportunity to be heard under this subdivision does not become a
15 party to the proceeding on which the hearing is held solely on the basis of receiving
16 that notice and opportunity to be heard.

17 **SECTION 3314.** 938.357 (4) (c) 1. of the statutes is amended to read:

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

1 shall be established by the department of children and families, in consultation with
2 the department, in the manner provided in s. 49.343.

3 **SECTION 3315.** 938.357 (4) (c) 2. of the statutes is amended to read:

4 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 residential care center for
5 children and youth under s. 938.34 (4d) and it appears that a less restrictive
6 placement would be appropriate for the juvenile, the child welfare agency operating
7 the Type 2 residential care center for children and youth shall notify the county
8 department that has supervision over the juvenile and, if the county department
9 agrees to a change in placement under this subdivision, the child welfare agency may
10 place the juvenile in a less restrictive placement. A child welfare agency may also,
11 with the agreement of the county department that has supervision over a juvenile
12 who is placed in a less restrictive placement under this subdivision, return the
13 juvenile to the Type 2 residential care center for children and youth without a
14 hearing under sub. (1) (am) 2. ~~The child welfare agency shall establish a rate for each~~
15 ~~type of placement~~ shall be established by the department of children and families,
16 in consultation with the department, in the manner provided in s. 49.343.

17 **SECTION 3316.** 938.357 (6) of the statutes is amended to read:

18 938.357 (6) DURATION OF ORDER. No change in placement may extend the
19 expiration date of the original order, except that if the change in placement is from
20 a placement in the juvenile's home to a placement in a foster home, ~~treatment foster~~
21 ~~home,~~ group home, or residential care center for children and youth or in the home
22 of a relative who is not a parent, the court may extend the expiration date of the
23 original order to the date on which the juvenile attains 18 years of age, to the date
24 that is one year after the date of the change in placement order, or, if the juvenile is
25 a full-time student at a secondary school or its vocational or technical equivalent and

1 is reasonably expected to complete the program before attaining 19 years of age, to
2 the date on which the juvenile attains 19 years of age, whichever is later, or for a
3 shorter period of time as specified by the court. If the change in placement is from
4 a placement in a foster home, ~~treatment foster home~~, group home, or residential care
5 center for children and youth or in the home of a relative to a placement in the
6 juvenile's home and if the expiration date of the original order is more than one year
7 after the date of the change in placement order, the court shall shorten the expiration
8 date of the original order to the date that is one year after the date of the change in
9 placement order or to an earlier date as specified by the court.

10 **SECTION 3317.** 938.363 (1) (b) of the statutes is amended to read:

11 938.363 (1) (b) If a hearing is held, the court shall notify the juvenile, the
12 juvenile's parent, guardian, and legal custodian, all parties bound by the
13 dispositional order, the juvenile's foster parent, ~~treatment foster parent~~, or other
14 physical custodian described in s. 48.62 (2), and the district attorney or corporation
15 counsel in the county in which the dispositional order was entered at least 3 days
16 prior to the hearing. A copy of the request or proposal shall be attached to the notice.
17 If all parties consent, the court may proceed immediately with the hearing. No
18 revision may extend the effective period of the original order, or revise an original
19 order under s. 938.34 (3) (f) or (6) (am) to impose more than a total of 30 days of
20 detention, nonsecure custody, or inpatient treatment on a juvenile.

21 **SECTION 3318.** 938.363 (1m) of the statutes is amended to read:

22 938.363 (1m) EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a),
23 any party may present evidence relevant to the issue of revision of the dispositional
24 order. In addition, the court shall give a foster parent, ~~treatment foster parent~~, or
25 other physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be

1 heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or
2 other physical custodian to make a written or oral statement during the hearing, or
3 to submit a written statement prior to the hearing, relevant to the issue of revision.
4 A foster parent, ~~treatment foster parent~~, or other physical custodian who receives
5 notice of a hearing under sub. (1) (a) and an opportunity to be heard under this
6 subsection does not become a party to the proceeding on which the hearing is held
7 solely on the basis of receiving that notice and opportunity to be heard.

8 **SECTION 3319.** 938.365 (2) of the statutes is amended to read:

9 938.365 (2) NOTICE. No order may be extended without a hearing. The court
10 shall notify the juvenile or the juvenile's guardian ad litem or counsel, the juvenile's
11 parent, guardian, legal custodian, all of the parties present at the original hearing,
12 the juvenile's foster parent, ~~treatment foster parent~~ or other physical custodian
13 described in s. 48.62 (2), and the district attorney or corporation counsel in the county
14 in which the dispositional order was entered of the time and place of the hearing.

15 **SECTION 3320.** 938.365 (2m) (ad) 2. of the statutes is amended to read:

16 938.365 (2m) (ad) 2. If a hearing is held under subd. 1., at least 10 days before
17 the date of the hearing the court shall notify the juvenile, any parent, guardian, and
18 legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or
19 other physical custodian described in s. 48.62 (2) of the juvenile of the time, place,
20 and purpose of the hearing.

21 **SECTION 3321.** 938.365 (2m) (ag) of the statutes is amended to read:

22 938.365 (2m) (ag) The court shall give a foster parent, ~~treatment foster parent~~,
23 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
24 par. (ad) 2. or sub. (2) an opportunity to be heard at the hearing by permitting the
25 foster parent, ~~treatment foster parent~~, or other physical custodian to make a written

1 or oral statement during the hearing, or to submit a written statement prior to the
2 hearing, relevant to the issue of extension. A foster parent, ~~treatment foster parent,~~
3 or other physical custodian who receives notice of a hearing under par. (ad) 2. or sub.
4 (2) and an opportunity to be heard under this paragraph does not become a party to
5 the proceeding on which the hearing is held solely on the basis of receiving that notice
6 and opportunity to be heard.

7 **SECTION 3322.** 938.365 (5) of the statutes is amended to read:

8 938.365 (5) DURATION OF EXTENSION. Except as provided in s. 938.368, an order
9 under this section that continues the placement of a juvenile in his or her home or
10 that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified
11 length of time not to exceed one year after its date of entry. Except as provided in s.
12 938.368, an order under this section that continues the placement of a juvenile in a
13 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 shall be for a
15 specified length of time not to exceed the date on which the juvenile attains 18 years
16 of age, one year after the date on which the order is granted, or, if the juvenile is a
17 full-time student at a secondary school or its vocational or technical equivalent and
18 is reasonably expected to complete the program before attaining 19 years of age, the
19 date on which the juvenile attains 19 years of age, whichever is later.

20 **SECTION 3323.** 938.371 (1) (intro.) of the statutes is amended to read:

21 938.371 (1) MEDICAL INFORMATION. (intro.) If a juvenile is placed in a foster
22 home, ~~treatment foster home,~~ group home, residential care center for children and
23 youth, or juvenile correctional facility or in the home of a relative other than a parent,
24 including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38
25 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall

1 provide the following information to the foster parent, ~~treatment foster parent~~,
2 relative, or operator of the group home, residential care center for children and
3 youth, or juvenile correctional facility at the time of placement or, if the information
4 has not been provided to the agency by that time, as soon as possible after the date
5 on which the agency receives that information, but not more than 2 working days
6 after that date:

7 **SECTION 3324.** 938.371 (1) (a) of the statutes is amended to read:

8 938.371 (1) (a) Results of a test or a series of tests of the juvenile to determine
9 the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products
10 of HIV, or an antibody to HIV, under s. 252.15 (5) (a) 19., including results included
11 in a court report or permanency plan. At the time that the test results are provided,
12 the agency shall notify the foster parent, ~~treatment foster parent~~, relative, or
13 operator of the group home, residential care center for children and youth, or juvenile
14 correctional facility of the confidentiality requirements under s. 252.15 (6).

15 **SECTION 3325.** 938.371 (3) (intro.) of the statutes is amended to read:

16 938.371 (3) OTHER INFORMATION. (intro.) At the time of placement of a juvenile
17 in a foster home, ~~treatment foster home~~, group home, residential care center for
18 children and youth, or juvenile correctional facility or in the home of a relative other
19 than a parent or, if the information is not available at that time, as soon as possible
20 after the date on which the court report or permanency plan has been submitted, but
21 no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a),
22 responsible for preparing the juvenile's permanency plan shall provide to the foster
23 parent, ~~treatment foster parent~~, relative, or operator of the group home, residential
24 care center for children and youth, or juvenile correctional facility information
25 contained in the court report submitted under s. 938.33 (1) or 938.365 (2g) or

1 permanency plan submitted under s. 938.355 (2e) or 938.38 relating to findings or
2 opinions of the court or agency that prepared the court report or permanency plan
3 relating to any of the following:

4 **SECTION 3326.** 938.371 (3) (d) of the statutes is amended to read:

5 938.371 (3) (d) Any involvement of the juvenile, whether as victim or
6 perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02,
7 948.025, or 948.085, prostitution in violation of s. 944.30, sexual exploitation of a
8 child in violation of s. 948.05, or causing a child to view or listen to sexual activity
9 in violation of s. 948.055, if the information is necessary for the care of the juvenile
10 or for the protection of any person living in the foster home, ~~treatment foster home,~~
11 group home, residential care center for children and youth, or juvenile correctional
12 facility.

13 **SECTION 3327.** 938.38 (2) (intro.) of the statutes is amended to read:

14 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
15 for each juvenile living in a foster home, ~~treatment foster home,~~ group home,
16 residential care center for children and youth, juvenile detention facility, or shelter
17 care facility, the agency that placed the juvenile or arranged the placement or the
18 agency assigned primary responsibility for providing services to the juvenile under
19 s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following
20 conditions exists, and, for each juvenile living in the home of a relative other than
21 a parent, that agency shall prepare a written permanency plan, if any of the
22 conditions under pars. (a) to (e) exists:

23 **SECTION 3327p.** 938.38 (4) (bm) of the statutes is amended to read:

24 938.38 (4) (bm) A statement as to the availability of a safe and appropriate
25 placement with a fit and willing relative of the juvenile and, if of what efforts were

1 made to comply with an order under s. 938.21 (2) (e) or (3) (f) requiring notification
2 of all adult relatives of the juvenile and all other adult individuals whose homes have
3 been requested by the juvenile's parent to be considered as potential placements for
4 the juvenile and to notify all other adult individuals whose homes have been
5 requested by the juvenile to be considered as potential placements for the juvenile.
6 If a decision is made not to place the juvenile with an available relative, or individual
7 identified by the juvenile's parent or the juvenile, the permanency plan shall include
8 a statement as to why placement with the relative or other individual is not safe or
9 appropriate.

10 **SECTION 3328.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

11 938.38 (4) (f) (intro.) A description of the services that will be provided to the
12 juvenile, the juvenile's family, and the juvenile's foster parent, ~~the juvenile's~~
13 ~~treatment foster parent,~~ the operator of the facility where the juvenile is living, or
14 the relative with whom the juvenile is living to carry out the dispositional order,
15 including services planned to accomplish all of the following:

16 **SECTION 3329.** 938.38 (5) (b) of the statutes is amended to read:

17 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
18 the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,
19 ~~the juvenile's treatment foster parent,~~ the operator of the facility in which the
20 juvenile is living, or the relative with whom the juvenile is living of the date, time,
21 and place of the review, of the issues to be determined as part of the review, and of
22 the fact that they may have an opportunity to be heard at the review by submitting
23 written comments not less than 10 working days before the review or by
24 participating at the review. The court or agency shall notify the person representing
25 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem

1 of the date of the review, of the issues to be determined as part of the review, and of
2 the fact that they may submit written comments not less than 10 working days before
3 the review. The notices under this paragraph shall be provided in writing not less
4 than 30 days before the review and copies of the notices shall be filed in the juvenile's
5 case record.

6 **SECTION 3330.** 938.38 (5) (e) of the statutes is amended to read:

7 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
8 the determinations under par. (c) and shall provide a copy to the court that entered
9 the order, the juvenile or the juvenile's counsel or guardian ad litem, the person
10 representing the interests of the public, the juvenile's parent or guardian and the
11 juvenile's foster parent, ~~the juvenile's treatment foster parent~~ or the operator of the
12 facility where the juvenile is living.

13 **SECTION 3331.** 938.38 (5m) (b) of the statutes is amended to read:

14 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
15 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the
16 juvenile's foster parent ~~or treatment foster parent~~, the operator of the facility in
17 which the juvenile is living, or the relative with whom the juvenile is living; the
18 juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the
19 permanency plan; and the person representing the interests of the public of the date,
20 time, and place of the hearing.

21 **SECTION 3332.** 938.38 (5m) (c) of the statutes is amended to read:

22 938.38 (5m) (c) Any person who is provided notice of the hearing may have an
23 opportunity to be heard at the hearing by submitting written comments relevant to
24 the determinations specified in sub. (5) (c) not less than 10 working days before the
25 date of the hearing or by participating at the hearing. A foster parent, ~~treatment~~

1 ~~foster parent~~, operator of a facility in which a juvenile is living, or relative with whom
2 a juvenile is living who receives notice of a hearing under par. (b) and an opportunity
3 to be heard under this paragraph does not become a party to the proceeding on which
4 the hearing is held solely on the basis of receiving that notice and opportunity to be
5 heard.

6 **SECTION 3333.** 938.38 (5m) (e) of the statutes is amended to read:

7 938.38 **(5m)** (e) After the hearing, the court shall make written findings of fact
8 and conclusions of law relating to the determinations under sub. (5) (c) and shall
9 provide a copy of those findings of fact and conclusions of law to the juvenile; the
10 juvenile's parent, guardian, and legal custodian; the juvenile's foster parent ~~or~~
11 ~~treatment foster parent~~, the operator of the facility in which the juvenile is living,
12 or the relative with whom the juvenile is living; the agency that prepared the
13 permanency plan; and the person representing the interests of the public. The court
14 shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on
15 circumstances specific to the juvenile and shall document or reference the specific
16 information on which those findings are based in the findings of fact and conclusions
17 of law prepared under this paragraph. Findings of fact and conclusions of law that
18 merely reference sub. (5) (c) 7. without documenting or referencing that specific
19 information in the findings of fact and conclusions of law or amended findings of fact
20 and conclusions of law that retroactively correct earlier findings of fact and
21 conclusions of law that do not comply with this paragraph are not sufficient to comply
22 with this paragraph.

23 **SECTION 3334.** 938.48 (4) of the statutes is amended to read:

24 938.48 **(4)** CARE, TRAINING, AND PLACEMENT. Provide appropriate care and
25 training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or

1 (4n), or 938.357 (4), including serving those juveniles in their own homes, placing
2 them in licensed foster homes ~~or licensed treatment foster homes~~ or licensed group
3 homes under s. 48.63, contracting for their care by licensed child welfare agencies,
4 or replacing them in juvenile correctional facilities or secured residential care
5 centers for children and youth in accordance with rules promulgated under ch. 227,
6 except that the department may not purchase the educational component of private
7 day treatment programs for a juvenile in its custody unless the department, the
8 school board, as defined in s. 115.001 (7), and the state superintendent of public
9 instruction all determine that an appropriate public education program is not
10 available for the juvenile. Disputes between the department and the school district
11 shall be resolved by the state superintendent of public instruction.

12 **SECTION 3334p.** 938.48 (8p) of the statutes is created to read:

13 938.48 (8p) INDIAN JUVENILE PLACEMENTS. Reimburse tribes and county
14 departments, from the appropriation under s. 20.410 (1) (kp), for unexpected or
15 unusually high-cost out-of-home care placements of Indian juveniles who have
16 been adjudicated delinquent. In this subsection, “unusually high-cost out-of-home
17 care placements” means the amount by which the cost to a tribe or to a county
18 department of out-of-home care placements of Indian juveniles who have been
19 adjudicated delinquent exceeds \$50,000 in a fiscal year.

20 **SECTION 3335.** 938.49 (2) (b) of the statutes is amended to read:

21 938.49 (2) (b) Notify the juvenile’s last school district or, if the juvenile was last
22 enrolled in a private school under the program under s. 119.23, the private school,
23 in writing of its obligation under s. 118.125 (4).

24 **SECTION 3336.** 938.52 (1) (b) of the statutes is amended to read:

25 938.52 (1) (b) Foster homes ~~or treatment foster homes~~.