



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 298

**Assembly Substitute
Amendment 1**

Memo published: September 1, 2009

Contact: Laura Rose, Deputy Director (266-9791)

2009 Assembly Bill 298 (hereafter, “the bill”) makes several changes to current law to incorporate new federal law changes that require identification of, and notice to, adult relatives of a child about a removal of the child from parental custody.

One provision of the bill provides that, if a parent is present at a temporary custody hearing, the parent must be requested to provide the names and other identifying information of three relatives of the child or family friends 18 years of age or over whose homes the parent requests the juvenile court to consider as placements for the child. If the parent does not provide this information at the hearing, the county department or, in Milwaukee County, DCF, must make a reasonable effort to provide each parent with the opportunity to provide this information.

Assembly Substitute Amendment 1 provides that the county department or DCF shall permit the parent to provide the information at a later date, rather than making a reasonable effort to provide each parent with the opportunity to provide this information.

The bill defines an “adult relative,” for the purposes of receiving notice of consideration as a placement option for a child, as a grandparent, great-grandparent, aunt, uncle, or sibling of a child, whether by blood marriage, or legal adoption, which has attained 18 years of age.

Assembly Substitute Amendment 1 replaces the word “sibling” with “brother, sister, half brother, or half sister.”

The bill provides that when the juvenile court orders a child to be continued in custody at the temporary custody hearing, the juvenile court must order the county department or DCF to conduct a diligent search in order to locate and provide notice of certain information to all adult relatives of the child and to all other adult individuals whose homes are requested by the child’s parent to be considered as placement options for the child within 30 days after the hearing, unless the child is returned to his or her home within that period. The county department or DCF may not provide that notice to an adult

relative or other individual if the county department or DCF has reason to believe that it would be dangerous to the child or to the parent if the child were placed with that adult relative or other individual.

Assembly Substitute Amendment 1 similarly provides that when the juvenile court orders a child to be continued in custody at the temporary custody hearing, the juvenile court must order the county department or DCF to conduct a diligent search in order to locate and provide notice of certain information to all relatives of the child named by the parents who may be considered as placements for the child. However, the order must be made within 30 days after the child is removed from custody of the child's parent, unless the child is returned home within that period. This court is permitted, rather than required, to order a search to locate *other adult individuals* who may be considered as placements for the child.

Under the bill, the notice to adult relatives who are requested to be considered as placement for the child must:

- Explain that the child has been taken into custody and may need a temporary or permanent placement.
- Explain the various programs and services that may be available if the child is placed with the adult relative or other individual.
- Describe the types of expenses that may be incurred if the child is placed with the adult relative or other individual.
- Explain how the adult relative or other individual may receive notice of future proceedings relating to the child.

Assembly Substitute Amendment 1 changes the requirements of the contents of the notice. The substitute amendment provides that the notice must include:

- A statement that the child has been removed from the custody of the child's parent.
- A statement that explains the options that the person provided with the notice has under state or federal law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice.
- A description of the requirements to obtain a foster home license under s. 48.62 or to receive kinship care or long-term kinship care payments under s. 48.57 (3m) or (3n) and of the additional services and supports that are available for children placed in a foster home or in the home of a person receiving those payments.
- A statement advising the person provided with the notice that he or she may incur additional expenses if the child is placed in his or her home and that reimbursement for some of those expenses may be available.

- The name and contact information of the agency that removed the child from the custody of the child's parent.

Assembly Bill 298 made these changes to ch. 48, the Children's Code. Assembly Substitute Amendment 1 also incorporates these changes into ch. 938, the Juvenile Justice Code.

Legislative History

The Assembly Committee on Children and Families took executive action on Assembly Bill 298 on August 19, 2009. The Committee introduced the substitute amendment by unanimous consent, and recommended adoption of Assembly Substitute Amendment 1 by a vote of Ayes, 7; Noes, 0; and recommended passage of the bill, as amended, by a vote of Ayes, 7; Noes, 0.

LR:ty