

2011 DRAFTING REQUEST

Senate Amendment (SA-SB65)

Received: 03/02/2012

Received By: gmalaise

Wanted: 03/05/2012

Companion to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Andrew Hanus

May Contact:

Drafter: gmalaise

Subject: Children - out-of-home placement

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lazich@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Visitation or other interaction with sibling regardless of denial of parental visitation

Instructions:

See attached--disclose only name and address of adoptive parent and only with the consent of adoptive parent

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 03/02/2012	kfollett 03/05/2012		_____			
/1			chanaman 03/05/2012	_____	mbarman 03/05/2012	mbarman 03/05/2012	

FE Sent For:

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/?	gmalaise	1/16/12 3/5		_____			

FE Sent For:

<END>

Malaise, Gordon

From: Hanus, Andrew
Sent: Thursday, March 01, 2012 11:44 AM
To: Malaise, Gordon
Cc: Sieg, Tricia
Subject: Amendments to SB 64 and SB 65

Hi Gordon,

Could you please draft amendments to SB 64 and 65 that address the concerns of MaryAnn Lippert (below)? Thank you.

Best,

Andrew Hanus
Sen. Lazich's Office
(608) 266-5400

From: Lippert, MaryAnn - DCF [<mailto:MaryAnn.Lippert@wisconsin.gov>]
Sent: Thursday, March 01, 2012 9:02 AM
To: Sieg, Tricia
Cc: Hanus, Andrew
Subject: Bills proposed by Senator Lazich

Hi Tricia --

SB 65 Relating to Sibling Visitation

-We have one technical comment: The bill may have been drafted prior to the Act 79 changes and the author may want to consider companion language in s. 48.355(2)(b)6p. or 938.355(2)(b)6p. Wis. Stats., that speaks about sibling contact.

SB 64 Relating to Disclosure of Adoption Records

As currently drafted, this bill is problematic because it breaches the confidentiality of adoptive parents without their consent, and does not set appropriate boundaries on the scope of adoption information to be released. To address these concerns the following amendments would be needed:

- Specify that only the adoptive parents' name and last known address would be released to the child welfare case worker for the purpose of determining the availability of a placement for a child with an adoptive or proposed adoptive parent of a sibling of the child
- Release of the information described above (i.e., the adoptive parents' name and address to the caseworker) requires prior consent of the adoptive parent(s)
- The following technical revision should be made: on page 2, line 5 of the bill, the word "adoptive" should be inserted before the word "placement" to specify that the information should only be released when an adoptive placement is being considered.

MaryAnn Lippert

Executive Assistant
Department of Children and Families

201 East Washington Avenue
Madison, WI 53703
T 608.261.6588



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2574/A
GMM...

Handwritten initials/signature

IN 3/2
Mon 3/5

SENATE AMENDMENT,
TO 2011 SENATE BILL 65

LPS:
Fix request
sheet please

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 1: delete that line and substitute:

3 "SECTION 1d. 48.21 (5) (b) 2m. of the statutes is amended to read:

4 48.21 (5) (b) 2m. If the child has one or more siblings, as defined in s. 48.38 (4)

5 (br) 1., who have also been removed from the home, a finding as to whether the intake

6 worker has made reasonable efforts to place the child in a placement that enables the

7 sibling group to remain together, unless the judge or circuit court commissioner

8 determines that a joint placement would be contrary to the safety or well-being of

9 the child or any of those siblings, in which case the judge or circuit court

10 commissioner shall order the county department, department in a county having a

11 population of 500,000 or more, or agency primarily responsible for providing services

12 to the child under the custody order to make reasonable efforts to provide for frequent

13 visitation or other ongoing interaction between the child and the siblings, unless the

1 judge or circuit court commissioner determines that such visitation or interaction
 2 would be contrary to the safety or well-being of the child or any of those siblings. The
 3 determination shall be based on the best interests of the child and the siblings
 4 without regard to whether parental visitation has been denied, limited, or
 5 discontinued under an order under s. 48.345, 48.363, or 48.365.

History: 1977 c. 354, 447; 1979 c. 300; 1983 a. 399; 1985 a. 311; 1993 a. 98; 1995 a. 27, 77, 275; 1997 a. 35, 237, 292; 2001 a. 16, 61, 109; 2005 a. 232; 2007 a. 20; 2009 a. 28, 79, 94.

6 **SECTION 1g.** 48.32 (1) (b) 1m. of the statutes is amended to read:

7 48.32 (1) (b) 1m. If the child has one or more siblings, as defined in s. 48.38 (4)
 8 (br) 1., who have also been removed from the home, the consent decree shall include
 9 a finding as to whether the county department, department in a county having a
 10 population of 500,000 or more, or agency primarily responsible for providing services
 11 to the child has made reasonable efforts to place the child in a placement that enables
 12 the sibling group to remain together, unless the judge or circuit court commissioner
 13 determines that a joint placement would be contrary to the safety or well-being of
 14 the child or any of those siblings, in which case the judge or circuit court
 15 commissioner shall order the county department, department, or agency to make
 16 reasonable efforts to provide for frequent visitation or other ongoing interaction
 17 between the child and the siblings, unless the judge or circuit court commissioner
 18 determines that such visitation or interaction would be contrary to the safety or
 19 well-being of the child or any of those siblings. The determination shall be based on
 20 the best interests of the child and the siblings without regard to whether parental
 21 visitation has been denied, limited, or discontinued under an order under s. 48.345,
 22 48.363, or 48.365.

History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292; 1999 a. 149; 2001 a. 61, 109; 2007 a. 20; 2009 a. 28, 79, 94, 185; s. 13.92 (2) (i).

23 **SECTION 1j.** 48.33 (4) (d) 2. of the statutes is amended to read:

1 48.33 (4) (d) 2. If a recommendation is made that the child and his or her
2 siblings not be placed in a joint placement, specific information showing that the
3 county department, department, or agency has made reasonable efforts to provide
4 for frequent visitation or other ongoing interaction between the child and the
5 siblings, unless the county department, department, or agency recommends that
6 such visitation or interaction not be provided, in which case the report shall include
7 specific information showing that such visitation or interaction would be contrary to
8 the safety or well-being of the child or any of those siblings. The recommendation
9 shall be based on the best interests of the child and the siblings without regard to
10 whether parental visitation has been denied, limited, or discontinued under an order
11 under s. 48.345, 48.363, or 48.365.

History: 1977 c. 354; 1979 c. 300; 1983 a. 399; 1987 a. 27, 339; 1989 a. 31, 41, 107; 1993 a. 377, 385, 446, 481; 1995 a. 27, 77, 201; 1997 a. 27, 292; 2001 a. 59, 109; 2005 a. 25; 2007 a. 20; 2009 a. 28, 79, 94, 185, 334; s. 13.92 (1) (bm) 2., (2) (i).

12 **SECTION 1m.** 48.335 (3g) (d) 2. of the statutes is amended to read:

13 48.335 (3g) (d) 2. If a recommendation is made that the child and his or her
14 siblings not be placed in a joint placement, that the county department, department,
15 or agency has made reasonable efforts to provide for frequent visitation or other
16 ongoing interaction between the child and the siblings, unless the county
17 department, department, or agency recommends that such visitation or interaction
18 not be provided, in which case the county department, department, or agency shall
19 present as evidence specific information showing that such visitation or interaction
20 would be contrary to the safety or well-being of the child or any of those siblings. The
21 recommendation shall be based on the best interests of the child and the siblings
22 without regard to whether parental visitation has been denied, limited, or
23 discontinued under an order under s. 48.345, 48.363, or 48.365.

History: 1977 c. 354; 1979 c. 300, 331, 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1993 a. 98, 481; 1995 a. 77; 1997 a. 252, 292; 2001 a. 109; 2007 a. 20; 2009 a. 28, 79, 94, 185; s. 13.92 (2) (i).

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SECTION 1p. 48.355 (2) (b) 6p. of the statutes is amended to read:

48.355 (2) (b) 6p. If the child is placed outside the home and if the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside the home, a finding as to whether the county department, the department in a county having a population of 500,000 or more, or the agency primarily responsible for providing services under a court order has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the court shall order the county department, department, or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings. The determination shall be based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued under an order under s. 48.345, 48.363, or 48.365.

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; s. 13.92 (2) (i).

SECTION 1r. 48.355 (3) (a) of the statutes is amended to read:"

2. Page 1, line 9: after that line insert:

SECTION 1t. 48.357 (2v) (a) 2m. of the statutes is amended to read:

48.357 (2v) (a) 2m. If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been placed outside the home or for whom a change in placement to a placement outside the home is requested, a finding as to whether the county department, the department in a county having a population of 500,000 or more, or the agency primarily responsible for implementing the dispositional order has made

1 reasonable efforts to place the child in a placement that enables the sibling group to
2 remain together, unless the court determines that a joint placement would be
3 contrary to the safety or well-being of the child or any of those siblings, in which case
4 the court shall order the county department, department, or agency to make
5 reasonable efforts to provide for frequent visitation or other ongoing interaction
6 between the child and the siblings, unless the court determines that such visitation
7 or interaction would be contrary to the safety or well-being of the child or any of those
8 siblings. The determination shall be based on the best interests of the child and the
9 siblings without regard to whether parental visitation has been denied, limited, or
10 discontinued under an order under s. 48.345, 48.363, or 48.365.

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20; 2009 a. 28, 79, 94; s. 13.92 (1) (bm) 2.

11 **SECTION 1v.** 48.365 (2m) (a) 1r. of the statutes is amended to read:

12 48.365 (2m) (a) 1r. a. If the child is placed outside of his or her home and if the
13 child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been
14 placed outside the home, the person or agency primarily responsible for providing
15 services to the child shall present as evidence specific information showing that the
16 agency has made reasonable efforts to place the child in a placement that enables the
17 sibling group to remain together, unless the court has determined that a joint
18 placement would be contrary to the safety or well-being of the child or any of those
19 siblings, in which case the agency shall present as evidence specific information
20 showing that agency has made reasonable efforts to provide for frequent visitation
21 or other ongoing interaction between the child and the siblings, unless the court has
22 determined that such visitation or interaction would be contrary to the safety or
23 well-being of the child or any of those siblings. The determination shall be based on
24 the best interests of the child and the siblings without regard to whether parental

1 visitation has been denied, limited, or discontinued under an order under this section
2 or s. 48.345 or 48.363.

3 b. If the child is placed outside the home and if the child has one or more
4 siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside the home,
5 the findings of fact shall include a finding as to whether reasonable efforts have been
6 made by the agency primarily responsible for providing services to the child to place
7 the child in a placement that enables the sibling group to remain together, unless the
8 court has determined that a joint placement would be contrary to the safety or
9 well-being of the child or any of those siblings, in which case the findings of fact shall
10 include a finding as to whether reasonable efforts have been made by the agency to
11 provide for frequent visitation or other ongoing interaction between the child and the
12 siblings, unless the court has determined that such visitation or interaction would
13 be contrary to the safety or well-being of the child or any of those siblings. The
14 determination shall be based on the best interests of the child and the siblings
15 without regard to whether parental visitation has been denied, limited, or
16 discontinued under an order under this section or s. 48.345 or 48.363. fix

NOTE: NOTE: Subd. Ir. was created as subd. 1m. by 2002 Wis. Act 79 and renumbered to subd. Ir. by the legislative reference bureau under s. 13.92 (1) (bm) 2. NOTE:

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

17 **3.** Page 3, line 6: after that line insert:

18 **"SECTION 2d.** 48.38 (5) (c) 8. of the statutes is amended to read:

19 48.38 (5) (c) 8. If the child has one or more siblings, as defined in s. 48.38 (4)
20 (br) 1., who have also been removed from the home, whether reasonable efforts were
21 made by the agency to place the child in a placement that enables the sibling group
22 to remain together, unless the court or panel determines that a joint placement would
23 be contrary to the safety or well-being of the child or any of those siblings, in which

1 case the court or panel shall determine whether reasonable efforts were made by the
 2 agency to provide for frequent visitation or other ongoing interaction between the
 3 child and those siblings, unless the court or panel determines that such visitation or
 4 interaction would be contrary to the safety or well-being of the child or any of those
 5 siblings. The determination shall be based on the best interests of the child and the
 6 siblings without regard to whether parental visitation has been denied, limited, or
 7 discontinued under an order under s. 48.345, 48.363, or 48.365. *fx*

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (1).

8 **4.** Page 3, line 22: after that line insert:

9 **“SECTION 4d.** 48.834 (2) of the statutes is amended to read:

10 48.834 (2) PLACEMENT WITH SIBLINGS. If a child who is being placed for adoption
 11 under s. 48.833 has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have
 12 been adopted or who have been placed for adoption, the department, county
 13 department under s. 48.57 (1) (e) or (hm), or child welfare agency making the
 14 placement shall make reasonable efforts to place the child for adoption with an
 15 adoptive parent or proposed adoptive parent of such a sibling who is identified in the
 16 child’s permanency plan under s. 48.38 or 938.38 or who is otherwise known by the
 17 department, county department, or child welfare agency, unless the department,
 18 county department, or child welfare agency determines that a joint placement would
 19 be contrary to the safety or well-being of the child or any of those siblings, in which
 20 case the department, county department, or child welfare agency shall make
 21 reasonable efforts to provide for frequent visitation or other ongoing interaction
 22 between the child and the siblings, unless the department, county department, or
 23 child welfare agency determines that such visitation or interaction would be contrary
 24 to the safety or well-being of the child or any of those siblings. The determination

1 shall be based on the best interests of the child and the siblings without regard to
2 whether parental visitation has been denied, limited, or discontinued under an order
3 under s. 48.345, 48.363, or 48.365.

History: 2005 a. 448; 2009 a. 79.

4 **SECTION 4g.** 938.21 (5) (b) 2m. of the statutes is amended to read:

5 938.21 (5) (b) 2m. If the juvenile has one or more siblings, as defined in s. 938.38
6 (4) (br) 1., who have also been removed from the home, a finding as to whether the
7 intake worker has made reasonable efforts to place the juvenile in a placement that
8 enables the sibling group to remain together, unless the court determines that a joint
9 placement would be contrary to the safety or well-being of the juvenile or any of those
10 siblings, in which case the court shall order the county department or agency
11 primarily responsible for providing services to the juvenile under the custody order
12 to make reasonable efforts to provide for frequent visitation or other ongoing
13 interaction between the juvenile and the siblings, unless the court determines that
14 such visitation or interaction would be contrary to the safety or well-being of the
15 juvenile or any of those siblings. The determination shall be based on the best
16 interests of the juvenile and the siblings without regard to whether parental
17 visitation has been denied, limited, or discontinued under an order under s. 938.345,
18 938.363, or 938.365.

History: 1995 a. 77, 275; 1997 a. 35, 237, 296; 2001 a. 16, 61, 109; 2005 a. 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 180.

19 **SECTION 4j.** 938.32 (1) (c) 1m. of the statutes is amended to read:

20 938.32 (1) (c) 1m. If the juvenile has one or more siblings, as defined in s. 938.38
21 (4) (br) 1., who have also been removed from the home, the consent decree shall
22 include a finding as to whether the county department or agency primarily
23 responsible for providing services to the juvenile has made reasonable efforts to place
24 the juvenile in a placement that enables the sibling group to remain together, unless

1 the court determines that a joint placement would be contrary to the safety or
 2 well-being of the juvenile or any of those siblings, in which case the court shall order
 3 the county department or agency to make reasonable efforts to provide for frequent
 4 visitation or other ongoing interaction between the child ~~child~~ ^{juvenile} and the siblings,
 5 unless the court determines that such visitation or interaction would be contrary to
 6 the safety or well-being of the juvenile or any of those siblings. The determination
 7 shall be based on the best interests of the juvenile and the siblings without regard
 8 to whether parental visitation has been denied, limited, or discontinued under an
 9 order under s. 938.345, 938.363, or 938.365.

~~NOTE: NOTE: The correct word is shown in brackets. Corrective legislation is pending. NOTE.~~

History: 1995 a. 77, 352, 448; 1997 a. 181, 183, 205, 239; 1999 a. 9, 32; 2001 a. 16, 61, 105, 109; 2003 a. 138; 2005 a. 344; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (2) (i).

10 **SECTION 4m.** 938.33 (4) (d) 2. of the statutes is amended to read:

11 938.33 (4) (d) 2. If a recommendation is made that the juvenile and his or her
 12 siblings not be placed in a joint placement, specific information showing that the
 13 county department or agency has made reasonable efforts to provide for frequent
 14 visitation or other ongoing interaction between the juvenile and the siblings, unless
 15 the county department or agency recommends that such visitation or interaction not
 16 be provided, in which case the report shall include specific information showing that
 17 such visitation or interaction would be contrary to the safety or well-being of the
 18 juvenile or any of those siblings. The recommendation shall be based on the best
 19 interests of the juvenile and the siblings without regard to whether parental
 20 visitation has been denied, limited, or discontinued under an order under s. 938.345,
 21 938.363, or 938.365.

History: 1995 a. 77, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2001 a. 59, 109; 2005 a. 25, 344; 2009 a. 28, 79, 94, 185, 334; s. 13.92 (1) (bm) 2., (2) (i).

22 **SECTION 4p.** 938.335 (3g) (d) 2. of the statutes is amended to read:

1 938.335 (3g) (d) 2. If a recommendation is made that the juvenile and his or
2 her siblings not be placed in a joint placement, that the county department or agency
3 has made reasonable efforts to provide for frequent visitation or other ongoing
4 interaction between the juvenile and the siblings, unless the county department or
5 agency recommends that such visitation or interaction not be provided, in which case
6 the county department or agency shall present as evidence specific information
7 showing that such visitation or interaction would be contrary to the safety or
8 well-being of the juvenile or any of those siblings. The recommendation shall be
9 based on the best interests of the juvenile and the siblings without regard to whether
10 parental visitation has been denied, limited, or discontinued under an order under
11 s. 938.345, 938.363, or 938.365.

History: 1995 a. 77; 1997 a. 181, 252; 2001 a. 109; 2005 a. 344; 2009 a. 28, 79, 94, 185; s. 13.92 (2) (i).

12 **SECTION 4r.** 938.355 (2) (b) 6p. of the statutes is amended to read:

13 938.355 (2) (b) 6p. If the juvenile is placed outside the home and if the juvenile
14 has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed
15 outside the home, a finding as to whether the county department or the agency
16 primarily responsible for providing services under a court order has made reasonable
17 efforts to place the juvenile in a placement that enables the sibling group to remain
18 together, unless the court determines that a joint placement would be contrary to the
19 safety or well-being of the juvenile or any of those siblings, in which case the court
20 shall order the county department or agency to make reasonable efforts to provide
21 for frequent visitation or other ongoing interaction between the juvenile and the
22 siblings, unless the court determines that such visitation or interaction would be
23 contrary to the safety or well-being of the juvenile or any of those siblings. The order
24 shall be based on the best interests of the juvenile and the siblings without regard

1 to whether parental visitation has been denied, limited, or discontinued under an
2 order under s. 938.345, 938.363, or 938.365.”

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 103, 180, 185, 302; s. 13.92 (2) (i).

3 **5.** Page 4, line 7: after that line insert:

4 **“SECTION 5g.** 938.357 (2v) (a) 2m. of the statutes is amended to read:

5 938.357 (2v) (a) 2m. If the juvenile has one or more siblings, as defined in s.
6 938.38 (4) (br) 1., who have been placed outside the home or for whom a change in
7 placement to a placement outside the home is requested, a finding as to whether the
8 county department or the agency primarily responsible for implementing the
9 dispositional order has made reasonable efforts to place the juvenile in a placement
10 that enables the sibling group to remain together, unless the court determines that
11 a joint placement would be contrary to the safety or well-being of the juvenile or any
12 of those siblings, in which case the court shall order the county department or agency
13 to make reasonable efforts to provide for frequent visitation or other ongoing
14 interaction between the juvenile and the siblings, unless the court determines that
15 such visitation or interaction would be contrary to the safety or well-being of the
16 juvenile or any of those siblings. The determination shall be based on the best
17 interests of the juvenile and the siblings without regard to whether parental
18 visitation has been denied, limited, or discontinued under an order under s. 938.345,
19 938.363, or 938.365.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94; s. 13.92 (1) (bm) 2.

20 **SECTION 5m.** 938.365 (2m) (a) 1r. of the statutes is amended to read:

21 938.365 (2m) (a) 1r. a. If the juvenile is placed outside of his or her home and
22 if the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have
23 also been placed outside the home, the person or agency primarily responsible for

1 providing services to the juvenile shall present as evidence specific information
2 showing that the agency has made reasonable efforts to place the juvenile in a
3 placement that enables the sibling group to remain together, unless the court has
4 determined that a joint placement would be contrary to the safety or well-being of
5 the juvenile or any of those siblings, in which case the agency shall present as
6 evidence specific information showing that agency has made reasonable efforts to
7 provide for frequent visitation or other ongoing interaction between the juvenile and
8 the siblings, unless the court has determined that such visitation or interaction
9 would be contrary to the safety or well-being of the juvenile or any of those siblings.

10 The determination shall be based on the best interests of the juvenile and the siblings
11 without regard to whether parental visitation has been denied, limited, or
12 discontinued under an order under this section or s. 938.345[✓] or s. 938.363^{✓ or}.

13 b. If the juvenile is placed outside the home and if the juvenile has one or more
14 siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed outside the
15 home, the findings of fact shall include a finding as to whether reasonable efforts
16 have been made by the agency primarily responsible for providing services to the
17 juvenile to place the juvenile in a placement that enables the sibling group to remain
18 together, unless the court has determined that a joint placement would be contrary
19 to the safety or well-being of the juvenile or any of those siblings, in which case the
20 findings of fact shall include a finding as to whether reasonable efforts have been
21 made by the agency to provide for frequent visitation or other ongoing interaction
22 between the juvenile and the siblings, unless the court has determined that such
23 visitation or interaction would be contrary to the safety or well-being of the juvenile
24 or any of those siblings. The determination shall be based on the best interests of the
25 juvenile and the siblings without regard to whether parental visitation has been

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denied, limited, or discontinued under an order under s. 938.345, 938.363, or 938.365.

NOTE: NOTE: Subd. 1r. was created as subd. 1m. by 2009 Wis. Act 79 and renumbered to subd. 1r. by the legislative reference bureau under s. 13.92 (1) (bm) 2. NOTE:

History: 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344; 2007 a. 199; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

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6. Page 4, line 13: after that line insert:

“SECTION 6d. 938.38 (5) (c) 8. of the statutes is amended to read:

938.38 (5) (c) 8. If the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been removed from the home, whether reasonable efforts were made by the agency to place the juvenile in a placement that enables the sibling group to remain together, unless the court or panel determines that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings, in which case the court or panel shall determine whether reasonable efforts were made by the agency to provide for frequent visitation or other ongoing interaction between the juvenile and those siblings, unless the court or panel determines that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings. The determination shall be based on the best interests of the juvenile and the siblings without regard to whether parental visitation has been denied, limited, or discontinued under an order under s. 938.345, 938.363, or 938.365.”

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448; 2007 a. 20, 97; 2009 a. 28, 79, 94, 185; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

7. Page 4, line 15: delete the material beginning with “The” and ending with “statutes” on line 17 and substitute “Except as provided in subsection (2), this act”.

(END)