

1 (5) EMERGENCY GUARDIANSHIPS. (a) *Duration and extent of authority.* The court
2 may appoint an emergency guardian for a child for a period not to exceed 60 days.
3 The court's determination and order appointing the emergency guardian shall
4 specify the authority of the emergency guardian and shall be limited to those acts
5 that are reasonably related to the reasons for the appointment that are specified in
6 the petition for emergency guardianship. The authority of the emergency guardian
7 is limited to the performance of those acts stated in the order of appointment.

8 (b) *Procedures for appointment.* All of the following procedures apply to the
9 appointment of an emergency guardian:

10 1. Any person may petition for the appointment of an emergency guardian for
11 a child. The petition shall contain the information required under sub. (3) (a) and
12 shall specify the reasons for the appointment of an emergency guardian and the
13 powers requested for the emergency guardian.

14 2. The petitioner shall give notice of the petition and of the time and place of
15 the hearing under subd. 4. to the child, if 12 years of age or over, the child's guardian
16 ad litem, and the child's counsel, if any; the child's parents, guardian, and legal
17 custodian; and the person nominated as emergency guardian. The notice and a copy
18 of the petition shall be served as soon after the filing of the petition as possible, shall
19 be served by the most practical means possible, including personal service or service
20 by electronic mail or telephone, and shall include notice of the right to request the
21 appointment of counsel or to retain counsel of the party's own choosing and of the
22 right to petition for reconsideration or modification of the emergency guardianship
23 under subd. 5. If the petitioner serves notice of the hearing after the hearing is
24 conducted and the court has entered an order, the petitioner shall include the court's
25 order with the notice of the hearing.

1 3. The court shall appoint a guardian ad litem for the child as soon as possible
2 after the filing of the petition. The court shall attempt to appoint the guardian ad
3 litem before the hearing on the petition, but may appoint the guardian ad litem after
4 the hearing if the court finds that exigent circumstances require the immediate
5 appointment of an emergency guardian. The guardian ad litem shall attempt to meet
6 with or observe the child before the hearing or as soon as is practicable after the
7 hearing, but not later than 3 calendar days after the hearing. The guardian ad litem
8 shall report to the court on the advisability of the emergency guardianship at the
9 hearing or, if not appointed until after the hearing, not later than 7 calendar days
10 after the hearing.

11 4. The court shall hold a hearing on the emergency guardianship petition as
12 soon as possible after the filing of the petition or, for good cause shown, may issue a
13 temporary order appointing an emergency guardian without a hearing which shall
14 remain in effect until a hearing is held on the emergency guardianship petition. If
15 appointed prior to the hearing, the guardian ad litem shall attend the hearing in
16 person or by telephone.

17 5. If the court appoints an emergency guardian, any person specified in subd.
18 2. may petition for reconsideration or modification of the emergency guardianship
19 and the court shall hold a rehearing on the issue of appointment of the emergency
20 guardian within 30 calendar days after the filing of the petition.

21 (c) *Immunity.* An emergency guardian of a child is immune from civil liability
22 for his or her acts or omissions in performing the duties of emergency guardianship
23 if he or she performs the duties in good faith, in the best interests of the child, and
24 with the degree of diligence and prudence that an ordinarily prudent person
25 exercises in his or her own affairs.

1 (d) *Cessation of powers.* The duties and powers of the emergency guardian
2 cease upon the expiration of the period specified in par. (a), or the termination as
3 determined by the court of the situation of the child that was the cause of the
4 emergency guardianship. Upon cessation of an emergency guardianship, the
5 emergency guardian shall file with the court any report that the court requires.

6 (6) **STANDBY GUARDIANSHIP.** A petition for the appointment of a standby
7 guardian of the person of a child to assume the duty and authority of guardianship
8 on the incapacity, death, or debilitation and consent, of the child's parent shall be
9 brought under s. 48.978.

10 (7) **SUCCESSOR GUARDIAN.** (a) *Appointment; original petition or during*
11 *guardianship.* 1. As part of a petition for the original appointment of a guardian of
12 a child or at any time after that appointment, a person may petition for the
13 appointment of one or more successor guardians of the child to assume the duty and
14 authority of full, limited, or temporary guardianship in the event of an occurrence
15 specified in subd. 2. Except as provided in par. (b), if the petition for the appointment
16 of a successor guardian is brought after the original appointment of a guardian, the
17 petition shall be heard in the same manner and subject to the same requirements as
18 provided under this section for an original appointment of a guardian.

19 2. After hearing, the court may designate one or more successor guardians
20 whose appointment shall become effective immediately upon the death,
21 unwillingness or inability to act, resignation, or removal by the court of the initially
22 appointed guardian or during a period, as determined by the initially appointed
23 guardian, when the initially appointed guardian is temporarily unable to fulfill his
24 or her duties, including during an extended vacation or illness. The powers and
25 duties of the successor guardian shall be the same as those of the initially appointed

1 guardian. The successor guardian shall receive a copy of the court order establishing
2 or modifying the initial guardianship and of the order designating the successor
3 guardian. Upon the occurrence of an event specified in this subdivision, the
4 successor guardian shall so notify the court and request the court to issue new letters
5 of guardianship. Upon notification, the court shall issue new letters of guardianship
6 that specify that the successor guardianship is permanent or that specify the period
7 for a temporary successor guardianship.

8 (b) *Appointment; when no guardian.* 1. If a guardian dies, is removed by order
9 of the court, or resigns and the resignation is accepted by the court, the court, on its
10 own motion or upon petition of any interested person, may appoint a competent and
11 suitable person as successor guardian. The court may, upon request of any interested
12 person or on its own motion, direct that the petition or motion for the appointment
13 of a successor guardian be heard in the same manner and subject to the same
14 requirements as provided under this section for an original appointment of a
15 guardian.

16 2. If the appointment under subd. 1. is made without hearing, the successor
17 guardian shall provide notice to all interested persons of the appointment, the right
18 to request the appointment of counsel or to retain counsel of the interested person's
19 own choosing, and the right to petition for reconsideration of the appointment of the
20 successor guardian. The notice shall be served personally or by mail not later than
21 10 days after the appointment.

22 (8) MODIFICATION OF GUARDIANSHIP ORDER. (a) Any interested person or other
23 person approved by the court may request a modification of a guardianship order
24 entered under this subsection or sub. (3) (f) 2. or the court may, on its own motion,
25 propose such a modification. The request or motion shall set forth in detail the

1 nature of the proposed modification, shall allege facts sufficient to show that there
2 has been a substantial change in circumstances since the last order affecting the
3 guardianship was entered and that the proposed modification would be in the best
4 interests of the child, and shall allege any other information that affects the
5 advisability of the court's disposition.

6 (b) The court shall hold a hearing on the matter prior to any modification of the
7 guardianship order if the request or motion indicates that new information is
8 available that affects the advisability of the court's guardianship order, unless
9 written waivers of objections to the modification are signed by all interested persons
10 and the court approves the waivers.

11 (c) If a hearing is to be held, the person requesting or proposing the modification
12 shall notify all interested persons at least 7 days prior to the hearing of the date,
13 place, and purpose of the hearing. A copy of the request or proposal shall be attached
14 to the notice. The court may order a modification if, at the hearing, the court finds
15 that the person proposing the modification has proved by clear and convincing
16 evidence that there has been a substantial change in circumstances and determines
17 that a modification would be in the best interests of the child.

18 **(9) REVIEW OF CONDUCT OF GUARDIAN.** (a) *Continuing jurisdiction of court.* The
19 court that appointed the guardian of a child has continuing jurisdiction over the
20 guardian.

21 (b) *Cause for court action against a guardian.* The court may impose a remedy
22 under par. (d) if a guardian of a child does any of the following:

- 23 1. Abuses or neglects the child or knowingly permits others to do so.
- 24 2. Fails to disclose information specified in sub. (3) (c) that would have
25 prevented appointment of the person as guardian.

1 3. Otherwise fails to perform any of his or her duties as a guardian under s.
2 48.023.

3 (c) *Procedure.* Any interested person or other person approved by the court may
4 file a petition requesting a review of the conduct of a guardian or the court, on its own
5 motion, may propose such a review. The request or motion shall allege facts
6 sufficient to show cause under par. (b) for the court to impose a remedy under par.
7 (d). The court shall hold a hearing on the request or motion not more than 30 days
8 after the filing of the request or proposal. Not less than 7 days before the date of the
9 hearing, the person requesting or proposing the review shall provide notice of the
10 hearing to the child, his or her or parents, the guardian, and any other persons
11 required by the court. A copy of the request or motion shall be attached to the notice.

12 (d) *Remedies of the court.* If after hearing the court finds by clear and
13 convincing evidence cause as specified in par. (b) to order a remedy under this
14 paragraph, the court may do any of the following:

- 15 1. Remove the guardian.
- 16 2. Remove the guardian and appoint a successor guardian.
- 17 3. Enter any other order that may be necessary or appropriate to compel the
18 guardian to carry out the guardian's duties, including an order setting reasonable
19 rules of visitation with the child.
- 20 4. Modify the duties and authority of the guardian.
- 21 5. Require the guardian to pay any costs of the proceeding, including costs of
22 service and attorney fees, if the court finds that the guardian's conduct was
23 egregious.

1 (10) TERMINATION OF GUARDIANSHIP. (a) *Term of guardianship.* A guardianship
2 under this section shall continue until the child attains the age of 18 years unless any
3 of the following occurs:

4 1. The guardianship is for a lesser period of time and that time has expired.

5 2. The child marries.

6 3. The child dies.

7 4. The child's residence changes from this state to another state and a guardian
8 is appointed in the new state of residence.

9 5. The guardian dies, or resigns and the resignation is accepted by the court,
10 and a successor guardian is not appointed.

11 6. The guardian is removed for cause under sub. (9) (d) 1. and a successor
12 guardian is not appointed.

13 7. The court terminates the guardianship on the request of a parent of the child
14 under par. (b).

15 (b) *Termination on request of parent.* 1. A parent of the child may file a petition
16 requesting that a guardianship order entered under sub. (3) (f) 2. (4), (5), or (7) be
17 terminated. The petition shall allege facts sufficient to show that there has been a
18 substantial change in circumstances since the last order affecting the guardianship
19 was entered, that the parent is fit, willing, and able to carry out the duties of a
20 guardian, and that termination of the guardianship would be in the best interests
21 of the child.

22 2. The court shall hold a hearing on the petition unless written waivers of
23 objections to termination of the guardianship are signed by all interested persons
24 and the court approves the waivers.

1 3. If a hearing is to be held, by no less than 7 days before the date of the hearing
2 the parent requesting the termination shall provide notice of the hearing to the child,
3 the child's other parent, the guardian, and any other persons required by the court.
4 A copy of the request or proposal shall be attached to the notice. The court shall
5 terminate the guardianship if the court finds that the parent has proved by clear and
6 convincing evidence that he or she has remedied the unfitness, unwillingness, or
7 inability to provide for the care, custody, and control of the child or other compelling
8 facts and circumstances on which the guardianship was granted and that he or she
9 is now fit, willing, and able to carry out the duties of a guardian and the court
10 determines that termination of the guardianship would be in the best interests of the
11 child.

12 **SECTION 26.** 48.977 (2) (a) of the statutes is amended to read:

13 48.977 (2) (a) That the child has been adjudged to be in need of protection or
14 services under s. 48.13 (1), (2), (3), (3m), (4), (4m), (5), (8), (9), (10), (10m), (11), or
15 (11m) or 938.13 (4), or has been adjudged delinquent under s. 938.12, and been
16 placed, or continued in a placement, outside of his or her home pursuant to one or
17 more court orders under s. 48.345, 48.357, 48.363, 48.365, 938.34, 938.345, 938.357,
18 938.363, or 938.365 ~~or~~, that the child has been so adjudged and placement of the child
19 in the home of a guardian under this section has been recommended under s. 48.33
20 (1) or 938.33 (1), or that the child has had a guardian of the person appointed for him
21 or her under ch. 54, 2009 stats., or ch. 880, 2003 stats., and is placed in the home of
22 the guardian.

23 **SECTION 27.** 48.977 (2) (e) of the statutes is amended to read:

24 48.977 (2) (e) That the child's parent is neglecting, refusing, or unable to carry
25 out the duties of a guardian or is not meeting the conditions established in the court

1 order described in par. (a) for the safe return of the child to the home or, if the child
2 has 2 parents, both parents are neglecting, refusing or unable to carry out ~~the duties~~
3 of a guardian those duties or are not meeting those conditions.

4 **SECTION 28.** 48.977 (2) (f) of the statutes is amended to read:

5 48.977 (2) (f) That the agency primarily responsible for providing services to
6 the child under a court order has made reasonable efforts to make it possible for the
7 child to return to his or her home, while assuring that the child's health and safety
8 are the paramount concerns, but that reunification of the child with the child's
9 parent or parents is unlikely or contrary to the best interests of the child and that
10 further reunification efforts are unlikely to be made or are contrary to the best
11 interests of the child or that the agency primarily responsible for providing services
12 to the child under a court order has made reasonable efforts to prevent the removal
13 of the child from his or her home, while assuring the child's health and safety, but that
14 continued placement of the child in the home would be contrary to the welfare of the
15 child, except that the court is not required to find that the agency has made those
16 reasonable efforts with respect to a parent of the child if any of the circumstances
17 specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent. The court shall make the
18 findings specified in this paragraph on a case-by-case basis based on circumstances
19 specific to the child and shall document or reference the specific information on
20 which those findings are based in the guardianship order. A guardianship order that
21 merely references this paragraph without documenting or referencing that specific
22 information in the order or an amended guardianship order that retroactively
23 corrects an earlier guardianship order that does not comply with this paragraph is
24 not sufficient to comply with this paragraph. This paragraph does not apply to a

1 child who is placed in the home of a guardian under ch. 54, 2009 stats., or ch. 880,
2 2003 stats., and who is not receiving services from an agency under a court order.

3 **SECTION 29.** 48.977 (4) (b) 3. of the statutes is amended to read:

4 48.977 (4) (b) 3. The date on which the child was adjudged in need of protection
5 or services under s. 48.13 (1), (2), (3), (3m), (4), (4m), (5), (8), (9), (10), (10m), (11), or
6 (11m) or 938.13 (4), or was adjudicated delinquent under s. 938.12, and the dates on
7 which the child has been placed, or continued in a placement, outside of his or her
8 home pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365,
9 938.34, 938.345, 938.357, 938.363, or 938.365; or, if the child has been so adjudged,
10 but not so placed, the date of the report under s. 48.33 (1) or 938.33 (1) in which
11 placement of the child in the home of the person is recommended; or, if the child has
12 had a guardian of the person appointed for him or her under ch. 54, 2009 stats., or
13 ch. 880, 2003 stats., the date on which the child was placed in the home of the
14 guardian.

15 **SECTION 30.** 48.977 (4) (b) 5. of the statutes is amended to read:

16 48.977 (4) (b) 5. ~~A statement of whether the proceedings are subject to the~~
17 ~~Uniform Child Custody Jurisdiction and Enforcement Act~~ The information required
18 under ~~ch. 822 s. 822.29 (1).~~

19 **SECTION 31.** 48.977 (4) (b) 6. of the statutes is amended to read:

20 48.977 (4) (b) 6. A statement of whether the child may be subject to s. 48.028
21 or the federal Indian Child Welfare Act, 25 USC 1901 to 1963, and, if the child may
22 be subject to s. 48.028 or that act, the names and addresses of the child's Indian
23 custodian, if any, and Indian tribe, if known.

24 **SECTION 32.** 48.977 (4) (c) 2. of the statutes is amended to read:

1 48.977 (4) (c) 2. Except as provided in subd. 2m., service shall be made by 1st
2 class mail at least 7 days before the hearing or by personal service at least 7 days
3 before the hearing ~~or, if with reasonable diligence a party specified in subd. 1. cannot~~
4 ~~be served by mail or personal service, service shall be made by publication of a notice~~
5 ~~published as a class 1 notice under ch. 985. In determining which newspaper is likely~~
6 ~~to give notice as required under s. 985.02 (1), the petitioner shall consider the~~
7 ~~residence of the party, if known, or the residence of the relatives of the party, if~~
8 ~~known, or the last-known location of the party. Service is considered to be made by~~
9 proof that the petition and notice under subd. 1. were mailed to the last-known
10 address of the recipient, by proof of personal delivery of that petition and notice, or,
11 if the recipient is an adult, by the written admission of service of the person served.

12 **SECTION 33.** 48.977 (4) (cm) 1m. of the statutes is created to read:

13 48.977 (4) (cm) 1m. If a man who has been given notice under par. (c) 1. appears
14 at the hearing, alleges that he is the father of the child, and states that he wishes to
15 establish the paternity of the child, s. 48.299 (6) applies.

16 **SECTION 34.** 48.977 (4) (i) of the statutes is amended to read:

17 48.977 (4) (i) *Effect of disposition on permanency plan review process.* After a
18 disposition under par. (h), the child's permanency plan shall continue to be reviewed
19 under s. 48.38 (5) or 938.38 (5), if applicable required under s. 48.38 (2) or 938.38 (2).

20 **SECTION 35.** 48.977 (6) (c) of the statutes is amended to read:

21 48.977 (6) (c) If a hearing is to be held, the ~~court~~ person requesting or proposing
22 the revision shall notify the persons entitled to receive notice under sub. (4) (c) at
23 least 7 days prior to the hearing of the date, place and purpose of the hearing. A copy
24 of the request or proposal shall be attached to the notice. The court may order a
25 revision if, at the hearing, the court finds that it has been proved by clear and

1 convincing evidence that there has been a substantial change in circumstances and
2 if the court determines that a revision would be in the best interests of the child.

3 **SECTION 36.** 48.977 (7) (b) 3. of the statutes is amended to read:

4 48.977 (7) (b) 3. If a hearing is to be held, the ~~court~~ person requesting or
5 proposing the removal shall notify the persons entitled to receive notice under sub.
6 (4) (c) at least 7 days prior to the hearing of the date, place and purpose of the hearing.
7 A copy of the request or court proposal shall be attached to the notice. The court shall
8 remove the guardian for cause if, at the hearing, the court finds that it has been
9 proved by clear and convincing evidence that the guardian is or has been neglecting,
10 is or has been refusing or is or has been unable to discharge the guardian's trust and
11 if the court determines that removal of the guardian would be in the best interests
12 of the child.

13 **SECTION 37.** 48.977 (7) (d) 3. of the statutes is amended to read:

14 48.977 (7) (d) 3. If a hearing is to be held, the ~~court~~ parent requesting the
15 termination shall notify the persons entitled to receive notice under sub. (4) (c) at
16 least 7 days prior to the hearing of the date, place and purpose of the hearing. A copy
17 of the request shall be attached to the notice. The court shall terminate the
18 guardianship if, at the hearing, the court finds that it has been proved by clear and
19 convincing evidence that there has been a substantial change in circumstances since
20 the last order affecting the guardianship was entered and the parent is willing and
21 able to carry out the duties of a guardian and if the court determines that termination
22 of the guardianship would be in the best interests of the child.

23 **SECTION 38.** 48.977 (8) of the statutes is amended to read:

1 48.977 (8) ~~RELATIONSHIP TO CH. 54 AND CH. 880, 2003 STATS~~ OTHER GUARDIANSHIP
2 PROCEDURES. (a) This section does not abridge the duties or authority of a guardian
3 appointed under s. 48.976, ch. 54, 2009 stats., or ch. 880, 2003 stats.

4 (b) Nothing in this section prohibits an individual from petitioning a court
5 under ~~ch. 54 s. 48.976~~ for appointment of a guardian.

6 **SECTION 39.** 48.978 (2) (a) 1. of the statutes is amended to read:

7 48.978 (2) (a) 1. A parent who has legal custody of a child may file a petition
8 for the judicial appointment of a standby guardian of the person or estate or both of
9 the child under this subsection. A parent may include in the petition the nomination
10 of an alternate standby guardian for the court to appoint if the person nominated as
11 standby guardian is unfit, unwilling, or unable to serve as the child's guardian or if
12 the court determines that appointment of the person nominated as standby guardian
13 as the child's guardian is not in the best interests of the child. Subject to subds. 2.
14 and 3., if a petition is filed under this subdivision, the petition shall be joined by each
15 parent who has legal custody of the child.

16 **SECTION 40.** 48.978 (2) (a) 2. of the statutes is amended to read:

17 48.978 (2) (a) 2. If a parent who has legal custody of a child cannot with
18 reasonable diligence locate the other parent who has legal custody of the child, the
19 parent may file a petition under subd. 1. without the that other parent joining in the
20 petition and, if the parent filing the petition submits proof satisfactory to the court
21 of that reasonable diligence, the court may grant the petition.

22 **SECTION 41.** 48.978 (2) (a) 3. of the statutes is amended to read:

23 48.978 (2) (a) 3. If a parent who has legal custody of a child can locate the other
24 parent who has legal custody of the child, but that other parent refuses fails to join
25 in the petition or indicates to indicate that he or she is unwilling or unable fit, willing,

1 and able to exercise the duty and authority of guardianship, the parent may file a
2 petition under subd. 1. without ~~the~~ that other parent joining in the petition and, if
3 the parent filing the petition submits proof satisfactory to the court of that refusal,
4 ~~unwillingness or inability~~ failure, the court may grant the petition.

5 **SECTION 42.** 48.978 (2) (b) 6. of the statutes is amended to read:

6 48.978 (2) (b) 6. A statement that the petitioner has a physical or mental
7 impairment or a physical illness, disease, or injury and that that there is a significant
8 risk that the petitioner will become incapacitated or debilitated or die, as applicable,
9 ~~within 2 years after the date on which the petition is filed~~ as a result of that
10 impairment, illness, disease, or injury and the factual basis for that statement.

11 **SECTION 43.** 48.978 (2) (b) 7. of the statutes is amended to read:

12 48.978 (2) (b) 7. If a parent of the child cannot with reasonable diligence locate
13 the other parent of the child, a statement that the child has no parent, other than the
14 petitioner, who is fit, willing, and able to exercise the duties and authority of
15 guardianship and who, with reasonable diligence, can be located and a statement of
16 the efforts made to locate the other parent.

17 **SECTION 44.** 48.978 (2) (b) 8. of the statutes is amended to read:

18 48.978 (2) (b) 8. If a parent of the child can locate the other parent who has legal
19 custody of the child, but that other parent ~~refuses~~ fails to join in the petition or
20 ~~indicates to indicate~~ that he or she is ~~unwilling or unable~~ fit, willing, and able to
21 exercise the duty and authority of guardianship, a statement that the child has no
22 parent, other than the petitioner, who is fit, willing, and able to exercise the duty and
23 authority of guardianship and a statement that the nonpetitioning parent ~~has~~
24 ~~refused~~ has failed to join in the petition or ~~has indicated to indicate~~ that he or she

1 is ~~unwilling or unable~~ fit, willing, and able to exercise the duty and authority of
2 guardianship.

3 **SECTION 45.** 48.978 (2) (b) 10. of the statutes is amended to read:

4 48.978 (2) (b) 10. ~~A statement of whether the proceedings are subject to the~~
5 ~~Uniform Child Custody Jurisdiction and Enforcement Act~~ The information required
6 under ~~ch. 822 s. 822.29 (1).~~

7 **SECTION 46.** 48.978 (2) (b) 11. of the statutes is amended to read:

8 48.978 (2) (b) 11. A statement of whether the child may be subject to s. 48.028
9 or the federal Indian Child Welfare Act, 25 USC 1901 to 1963, and, if the child may
10 be subject to s. 48.028 or that act, the names and addresses of the child's Indian
11 custodian, if any, and Indian tribe, if known.

12 **SECTION 47.** 48.978 (2) (d) 1m. of the statutes is created to read:

13 48.978 (2) (d) 1m. If a man who has been given notice under par. (c) 1. appears
14 at the hearing, alleges that he is the father of the child, and states that he wishes to
15 establish the paternity of the child, s. 48.299 (6) applies.

16 **SECTION 48.** 48.978 (2) (e) 1. of the statutes is amended to read:

17 48.978 (2) (e) 1. Whether the petitioner has a physical or mental impairment
18 or a physical illness, disease, or injury and there is a significant risk that the
19 petitioner will become incapacitated or debilitated or die ~~within 2 years after the date~~
20 ~~on which the petition was filed~~ as a result of that impairment, illness, disease, or
21 injury.

22 **SECTION 49.** 48.978 (2) (e) 2. of the statutes is amended to read:

23 48.978 (2) (e) 2. Whether the child has any parent, other than the petitioner,
24 who is fit, willing, and able to exercise the duty and authority of guardianship.

25 **SECTION 50.** 48.978 (2) (e) 4. of the statutes is repealed.

1 **SECTION 51.** 48.978 (2) (f) 1. of the statutes is amended to read:

2 48.978 (2) (f) 1. That the petitioner has a physical or mental impairment or a
3 physical illness, disease, or injury and there is a significant risk that the petitioner
4 will become incapacitated or debilitated or die ~~within 2 years after the date on which~~
5 ~~the petition was filed~~ as a result of that impairment, illness, disease, or injury.

6 **SECTION 52.** 48.978 (2) (f) 2. of the statutes is amended to read:

7 48.978 (2) (f) 2. That the child has no parent, other than the petitioner, who is
8 fit, willing, and able to exercise the duty and authority of guardianship.

9 **SECTION 53.** 48.978 (2) (f) 4. of the statutes is repealed.

10 **SECTION 54.** 48.978 (2) (f) 5. of the statutes is amended to read:

11 48.978 (2) (f) 5. That the person nominated as standby guardian is fit, willing,
12 and able to act as standby guardian or, if that person is not so fit, willing, and able,
13 that the person nominated as alternate standby guardian is fit, willing, and able to
14 act as standby guardian.

15 **SECTION 55.** 48.978 (3) (b) 2. of the statutes is amended to read:

16 48.978 (3) (b) 2. A written designation of a standby guardian complies with this
17 subsection if the written designation substantially conforms to the following form:

18 DESIGNATION OF STANDBY GUARDIAN

19 I, (name and address of parent), being of sound mind, do hereby designate
20 (name and address of standby guardian) as standby guardian of the person and
21 estate of my child(ren) (name(s), birth date(s) and address(es) of child(ren)).

22 (You may, if you wish, provide that the duty and authority of the standby
23 guardian shall extend only to the person, or only to the estate, of your child(ren), by
24 crossing out "person and" or "and estate", whichever is inapplicable, above.)

1 person 18 years of age or over to sign the document, who did so in my presence, and
2 that I believe the person whose name appears above to be of sound mind. I further
3 declare that I am 18 years of age or over and that I am not the person designated as
4 standby guardian or alternate standby guardian.

5 Witness No. 1:

6 (print) Name ...

Date

7 Address

8 Signature

9 Witness No. 2:

10 (print) Name

Date

11 Address

12 Signature

13 STATEMENT OF STANDBY GUARDIAN

14 AND ALTERNATE STANDBY GUARDIAN

15 I (name and address of standby guardian), and I, (name and address of
16 alternate standby guardian), understand that (name of parent) has designated
17 me to be the standby guardian or alternate standby guardian of the person and estate
18 (cross out "person and" or "and estate", if inapplicable) of his or her child(ren) if he
19 or she dies, becomes mentally incapacitated, or becomes physically debilitated and
20 consents, to my duty and authority taking effect. I hereby declare that I am fit,
21 willing, and able to undertake the duty and authority of standby guardianship and
22 I understand that within 180 days after that duty and authority begin I must petition
23 the court for an order appointing me as standby guardian. I further understand
24 that (name of parent) retains full parental rights over his or her child(ren) even
25 after the beginning of the standby guardianship, that he or she may revoke the

1 standby guardianship at any time before the standby guardianship begins, that he
2 or she may revoke the standby guardianship at any time after the standby
3 guardianship begins, subject to the approval of the court, and that the standby
4 guardianship will be suspended on his or her recovery or remission from his or her
5 incapacity or debilitation.

6 Standby guardian's signature Date

7 Address

8 Alternate standby guardian' signature Date

9 Address

10 **SECTION 56.** 48.978 (3) (e) 1. of the statutes is amended to read:

11 48.978 (3) (e) 1. The written designation under par. (a) signed or consented to
12 by each parent of the child or, if a parent cannot with reasonable diligence be located
13 or has refused failed to consent to the designation, the written designation under par.
14 (a) signed by one parent and a statement of the efforts made to find the other parent
15 or of the fact that the other parent has refused failed to consent to the designation.

16 **SECTION 57.** 48.978 (3) (e) 3. of the statutes is amended to read:

17 48.978 (3) (e) 3. If the petition is filed by a person who has been designated as
18 an alternate standby guardian, a statement that the person designated as standby
19 guardian is unfit, unwilling, or unable to act as standby guardian and the factual
20 basis for that statement.

21 **SECTION 58.** 48.978 (3) (g) 3. of the statutes is amended to read:

22 48.978 (3) (g) 3. That the child has no parent who is fit, willing, and able to
23 exercise the duty and authority of guardianship.

24 **SECTION 59.** 48.978 (3) (g) 4. of the statutes is amended to read:

1 48.978 (3) (g) 4. That, if a parent cannot be located, the petitioner has made
2 diligent efforts to locate that parent ~~or, if a parent has refused to consent to the~~
3 ~~designation of the standby guardian, the consent was unreasonably withheld.~~

4 **SECTION 60.** 48.978 (3) (g) 5. of the statutes is amended to read:

5 48.978 (3) (g) 5. That, if the petitioner is a person designated as an alternate
6 standby guardian, the person designated as standby guardian is unfit, unwilling, or
7 unable to act as standby guardian.

8 **SECTION 61.** 48.978 (7) of the statutes is amended to read:

9 48.978 (7) ~~RELATIONSHIP TO CH. 54~~ OTHER GUARDIANSHIP PROCEDURES. (a) Except
10 when a different right, remedy, or procedure is provided under this section, the
11 rights, remedies, and procedures provided in s. 48.976 or ch. 54, whichever is
12 applicable, shall govern a standby guardianship created under this section.

13 (b) This section does not abridge the duties or authority of a guardian appointed
14 under s. 48.976, ch. 880, 2003 stats., or ch. 54.

15 (c) Nothing in this section prohibits an individual from petitioning a court for
16 the appointment of a guardian of the person under s. 48.976 or a guardian of the
17 estate under ch. 54.

18 **SECTION 62.** 48.981 (7) (a) 11v. of the statutes is created to read:

19 48.981 (7) (a) 11v. A guardian ad litem for a child who is the subject of a
20 guardianship proceeding under s. 48.976 to the extent necessary for the guardian ad
21 litem to make recommendations to the court concerning the best interests of the
22 child, to report to the court concerning the suitability of the proposed guardian to
23 serve as guardian of the child and on any other matter that the court requests, and
24 otherwise to fulfill the duties and responsibilities required of the guardian ad litem
25 in the proceeding.

1 **SECTION 63.** 49.32 (1) (am) of the statutes is amended to read:

2 49.32 (1) (am) Paragraph (a) does not prevent the department or a county
3 department under s. 46.22 or 46.23 from charging and collecting the cost of adoptive
4 placement investigations and child care as authorized under s. 48.837 (7) or the cost
5 of guardianship investigations as authorized under s. 48.976 (3) (d) 2.

6 **SECTION 64.** 51.30 (4) (b) 18. a. of the statutes is amended to read:

7 51.30 (4) (b) 18. a. In this subdivision, “abuse” has the meaning given in s. 51.62
8 (1) (ag); “neglect” has the meaning given in s. 51.62 (1) (br); and “parent” has the
9 meaning given in s. 48.02 (13), except that “parent” does not include the parent of a
10 minor whose custody is transferred to a legal custodian, as defined in s. 48.02 (11),
11 or for whom a guardian is appointed under, ~~or~~ s. 48.976 or 54.10 or s. 880.33, 2003
12 stats.

13 **SECTION 65.** 51.30 (4) (b) 18. c. of the statutes is amended to read:

14 51.30 (4) (b) 18. c. If the patient, regardless of age, has a guardian appointed
15 under s. 48.976 or 54.10 or s. 880.33, 2003 stats., or if the patient is a minor with
16 developmental disability who has a parent or has a guardian appointed under s.
17 48.831 and does not have a guardian appointed under s. 48.976 or 54.10 or s. 880.33,
18 2003 stats., information concerning the patient that is obtainable by staff members
19 of the agency or nonprofit corporation with which the agency has contracted is
20 limited, except as provided in subd. 18. e., to the nature of an alleged rights violation,
21 if any; the name, birth date and county of residence of the patient; information
22 regarding whether the patient was voluntarily admitted, involuntarily committed
23 or protectively placed and the date and place of admission, placement or
24 commitment; and the name, address and telephone number of the guardian of the
25 patient and the date and place of the guardian’s appointment or, if the patient is a

1 minor with developmental disability who has a parent or has a guardian appointed
2 under s. 48.831 and does not have a guardian appointed under s. 48.976 or 54.10 or
3 s. 880.33, 2003 stats., the name, address and telephone number of the parent or
4 guardian appointed under s. 48.831 of the patient.

5 **SECTION 66.** 54.01 (10) of the statutes is amended to read:

6 54.01 (10) "Guardian" means a person appointed by a court under s. 54.10 to
7 manage the income and assets and provide for the essential requirements for health
8 and safety and the personal needs of ~~a minor~~, an individual found incompetent, or
9 a spendthrift or to manage the income and assets of a minor.

10 **SECTION 67.** 54.10 (1) of the statutes is amended to read:

11 54.10 (1) A court may appoint ~~a guardian of the person or~~ a guardian of the
12 estate, ~~or both~~, for an individual if the court determines that the individual is a
13 minor. Except as provided in ss. 48.831, 48.977, and 48.978, an appointment of a
14 guardian of the person of a minor shall be conducted under the procedures specified
15 in s. 48.976.

16 **SECTION 68.** 54.52 (1) of the statutes is amended to read:

17 54.52 (1) A person may at any time bring a petition for the appointment of a
18 standby guardian of the person or estate of an individual who is determined under
19 s. 54.10 to be incompetent, ~~a minor~~, or a spendthrift or for the appointment of a
20 standby guardian of the estate of a minor, except that, as specified in s. ~~48.97~~ 48.978,
21 a petition for the appointment of a standby guardian of the person or ~~property estate~~,
22 or both, of a minor to assume the duty and authority of guardianship on the
23 incapacity, death, or debilitation and consent, of the minor's parent ~~may~~ shall be
24 brought under s. 48.978.

1 **SECTION 69.** 54.56 of the statutes is renumbered 48.976 (11) and amended to
2 read:

3 48.976 (11) VISITATION BY A ~~MINOR'S~~ CHILD'S GRANDPARENTS AND STEPPARENTS. (a)
4 In this ~~section~~ subsection, "stepparent" means the surviving spouse of a deceased
5 parent of a ~~minor~~ child, whether or not the surviving spouse has remarried.

6 (b) If one or both parents of a ~~minor~~ child are deceased and the ~~minor~~ child is
7 in the custody of the surviving parent or any other person, a grandparent or
8 stepparent of the ~~minor~~ child may petition for visitation privileges with respect to the
9 ~~minor~~ child, whether or not the person with custody is married. The grandparent
10 or stepparent may file the petition in a guardianship or temporary guardianship
11 proceeding under this ~~chapter~~ section that affects the ~~minor~~ child or may file the
12 petition to commence an independent action under this ~~chapter~~ subsection. Except
13 as provided in ~~sub. (3m)~~ par. (cm), the court may grant reasonable visitation
14 privileges to the grandparent or stepparent if the surviving parent or other person
15 who has custody of the ~~minor~~ child has notice of the hearing and if the court
16 determines that visitation is in the best interest of the ~~minor~~ child.

17 (c) Whenever possible, in making a determination under ~~sub. (2)~~ par. (b), the
18 court shall consider the wishes of the ~~minor~~ child.

19 (cm) 1. Except as provided in ~~par. (b)~~ subd. 2., the court may not grant visitation
20 privileges to a grandparent or stepparent under this ~~section~~ subsection if the
21 grandparent or stepparent has been convicted under s. 940.01 of the first-degree
22 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of
23 a parent of the ~~minor~~ child, and the conviction has not been reversed, set aside, or
24 vacated.

1 2. ~~Paragraph (a) Subdivision 1.~~ does not apply if the court determines by clear
2 and convincing evidence that the visitation would be in the best interests of the ~~minor~~
3 child. The court shall consider the wishes of the ~~minor~~ child in making the
4 determination.

5 (d) The court may issue any necessary order to enforce a visitation order that
6 is granted under this ~~section~~ subsection, and may from time to time modify the
7 visitation privileges or enforcement order for good cause shown.

8 (dm) 1. If a grandparent or stepparent granted visitation privileges with
9 respect to a ~~minor~~ child under this ~~section~~ subsection is convicted under s. 940.01 of
10 the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree
11 intentional homicide, of a parent of the ~~minor~~ child, and the conviction has not been
12 reversed, set aside, or vacated, the court shall modify the visitation order by denying
13 visitation with the ~~minor~~ child upon petition, motion, or order to show cause by a
14 person having custody of the ~~minor~~ child, or upon the court's own motion, and upon
15 notice to the grandparent or stepparent granted visitation privileges.

16 2. ~~Paragraph (a) Subdivision 1.~~ does not apply if the court determines by clear
17 and convincing evidence that the visitation would be in the best interests of the ~~minor~~
18 child. The court shall consider the wishes of the ~~minor~~ child in making the
19 determination.

20 (e) This ~~section~~ subsection applies to every ~~minor~~ child in this state whose
21 parent or parents are deceased, regardless of the date of death of the parent or
22 parents.

23 **SECTION 70.** 54.57 of the statutes is renumbered 48.976 (12) and amended to
24 read:

1 48.976 (12) PROHIBITING VISITATION OR PHYSICAL PLACEMENT IF ~~A~~ PARENT KILLS
2 OTHER PARENT. (a) Except as provided in ~~sub. (2), in an action under this chapter that~~
3 ~~affects a minor par. (b)~~, a court may not grant to a parent of ~~the minor~~ a child who
4 is the subject of a proceeding under this section visitation or physical placement
5 rights with the ~~minor~~ child if the parent has been convicted under s. 940.01 of the
6 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
7 homicide, of the ~~minor's~~ child's other parent, and the conviction has not been
8 reversed, set aside, or vacated.

9 (b) ~~Subsection (1) Paragraph (a)~~ does not apply if the court determines by clear
10 and convincing evidence that visitation or periods of physical placement would be in
11 the best interests of the ~~minor~~ child. The court shall consider the wishes of the ~~minor~~
12 child in making the determination.

13 **SECTION 71.** 55.03 (1) of the statutes is amended to read:

14 55.03 (1) AGENCY AS BOTH GUARDIAN AND PROVIDER PROHIBITED. No agency acting
15 as a guardian appointed under s. 48.976, ch. 880, 2003 stats., or ch. 54, 2009 stats.,
16 may be a provider of protective services or protective placement for its ward under
17 this chapter.

18 **SECTION 72.** 55.08 (1) (b) of the statutes is amended to read:

19 55.08 (1) (b) The individual is a minor 14 years of age or over who is ~~not~~ alleged
20 to have a developmental disability ~~and on whose behalf a petition for guardianship~~
21 ~~has been submitted~~, or is an adult who has been determined to be incompetent by a
22 circuit court.

23 **SECTION 73.** 55.08 (2) (a) of the statutes is amended to read:

1 55.08 (2) (a) The individual has been determined to be incompetent by a circuit
2 court or is a minor 14 years of age or over who is alleged to have a developmental
3 disability ~~and on whose behalf a petition for a guardianship has been submitted.~~

4 **SECTION 74.** 55.10 (4) (intro.) of the statutes is amended to read:

5 55.10 (4) RIGHTS. (intro.) Sections 54.42, 54.44, and 54.46 and the following
6 provisions apply to all hearings under this chapter involving protective placement
7 or protective services for an adult, and the following provisions apply to all hearings
8 under this chapter involving protective placement or protective services for a minor,
9 except transfers of placement under s. 55.15 and summary hearings under ss. 55.18
10 (3) (d) and 55.19 (3) (d):

11 **SECTION 75.** 115.76 (12) (b) 2. of the statutes is amended to read:

12 115.76 (12) (b) 2. The state, a county, or a child welfare agency, if a child was
13 made a ward of the state, county, or child welfare agency under ch. 54, 2009 stats.,
14 or ch. 880, 2003 stats., or if a child has been placed in the legal custody or
15 guardianship of the state, county, or child welfare agency under ch. 48 or ~~ch.~~ 767.

16 **SECTION 76.** 118.125 (2) (L) of the statutes is amended to read:

17 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in
18 compliance with a court order under s. 48.235 (3) (c) 5., 48.236 (4) (a), 48.345 (12) (b),
19 938.34 (7d) (b), 938.396 (1) (d), or 938.78 (2) (b) 2. after making a reasonable effort
20 to notify the pupil's parent or legal guardian.

21 **SECTION 77.** 146.82 (2) (a) 9. a. of the statutes is amended to read:

22 146.82 (2) (a) 9. a. In this subdivision, "abuse" has the meaning given in s. 51.62
23 (1) (ag); "neglect" has the meaning given in s. 51.62 (1) (br); and "parent" has the
24 meaning given in s. 48.02 (13), except that "parent" does not include the parent of a

1 minor whose custody is transferred to a legal custodian, as defined in s. 48.02 (11),
2 or for whom a guardian is appointed under s. 48.976 or 54.10 or s. 880.33, 2003 stats.

3 **SECTION 78.** 146.82 (2) (a) 9. c. of the statutes is amended to read:

4 146.82 (2) (a) 9. c. If the patient, regardless of age, has a guardian appointed
5 under s. 48.976 or 54.10 or s. 880.33, 2003 stats., or if the patient is a minor with
6 developmental disability, as defined in s. 51.01 (5) (a), who has a parent or has a
7 guardian appointed under s. 48.831 and does not have a guardian appointed under
8 s. 48.976 or 54.10 or s. 880.33, 2003 stats., information concerning the patient that
9 is obtainable by staff members of the agency or nonprofit corporation with which the
10 agency has contracted is limited, except as provided in subd. 9. e., to the nature of
11 an alleged rights violation, if any; the name, birth date and county of residence of the
12 patient; information regarding whether the patient was voluntarily admitted,
13 involuntarily committed or protectively placed and the date and place of admission,
14 placement or commitment; and the name, address and telephone number of the
15 guardian of the patient and the date and place of the guardian's appointment or, if
16 the patient is a minor with developmental disability who has a parent or has a
17 guardian appointed under s. 48.831 and does not have a guardian appointed under
18 s. 48.976 or 54.10 or s. 880.33, 2003 stats., the name, address and telephone number
19 of the parent or guardian appointed under s. 48.831 of the patient.

20 **SECTION 79.** 214.37 (4) (k) 1. of the statutes is amended to read:

21 214.37 (4) (k) 1. An affidavit stating that the person has standing under s.
22 867.01 (3) (ac) or 867.02 (2) (ac) to petition for summary settlement or assignment
23 of a decedent's estate or that the person is an heir of the decedent, or was guardian,
24 as defined in s. 54.01 (10) or s. 880.01 (3), 2003 stats., of the estate of the decedent

1 at the time of the decedent's death, and may obtain transfer of property of a decedent
2 under s. 867.03.

3 **SECTION 80.** 215.26 (8) (e) 1. of the statutes is amended to read:

4 215.26 (8) (e) 1. Submits an affidavit stating that the person has standing
5 under s. 867.01 (3) (ac) or 867.02 (2) (ac) to petition for summary settlement or
6 assignment of a decedent's estate or that the person is an heir of the decedent, or was
7 guardian, as defined in s. 54.01 (10) or s. 880.01 (3), 2003 stats., of the estate of the
8 decedent at the time of the decedent's death, and may obtain transfer of property of
9 a decedent under s. 867.03; and

10 **SECTION 81.** 757.69 (1m) (e) of the statutes is amended to read:

11 757.69 (1m) (e) Conduct hearings, make findings, or issue orders in
12 proceedings under s. 48.976, 48.977, or 48.978.

13 **SECTION 82.** 808.075 (4) (a) 9m. of the statutes is created to read:

14 808.075 (4) (a) 9m. Review of the conduct of a guardian under s. 48.976 (9).

15 **SECTION 83.** 808.075 (4) (a) 11. of the statutes is amended to read:

16 808.075 (4) (a) 11. Termination of guardianship under s. 48.976 (10) or 48.977
17 (7), including removal of a guardian.

18 **SECTION 84.** 808.075 (4) (a) 13. of the statutes is created to read:

19 808.075 (4) (a) 13. Appointment of a successor guardian under s. 48.976 (7).

20 **SECTION 85.** 808.075 (4) (f) 3. of the statutes is renumbered 808.075 (4) (a) 14.

21 and amended to read:

22 808.075 (4) (a) 14. Order for visitation under s. ~~54.56~~ 48.976 (11).

23 **SECTION 86.** 814.66 (1) (m) of the statutes is amended to read:

1 814.66 (1) (m) For filing a petition under s. ~~54.56~~ 48.976 (11), whether in a
2 guardianship or temporary guardianship proceeding or to commence an
3 independent action, \$60.

4 **SECTION 87.** 938.02 (8) of the statutes is amended to read:

5 938.02 (8) "Guardian" means the person named by the court having the duty
6 and authority of ~~guardianship~~ guardian of the person of a juvenile.

7 **SECTION 88.** 938.255 (1) (cm) of the statutes is amended to read:

8 938.255 (1) (cm) If the petition is initiating proceedings under s. 938.13 (4), (6),
9 (6m), or (7), whether the juvenile may be subject to s. 938.028 or the federal Indian
10 Child Welfare Act, 25 USC 1901 to 1963, and, if the juvenile may be subject to s.
11 938.028 or that act, the names and addresses of the juvenile's Indian custodian, if
12 any, and Indian tribe, if known.

13 **SECTION 89.** 938.34 (3) (a) of the statutes is amended to read:

14 938.34 (3) (a) The home of a parent ~~or~~, other relative, or guardian of the
15 juvenile, except that the court may not designate the home of a parent ~~or~~, other
16 relative, or guardian of the juvenile as the juvenile's placement if the parent ~~or~~, other
17 relative, or guardian has been convicted of the homicide of a parent of the juvenile
18 under s. 940.01 or 940.05, and the conviction has not been reversed, set aside, or
19 vacated, unless the court determines by clear and convincing evidence that the
20 placement would be in the best interests of the juvenile. The court shall consider the
21 wishes of the juvenile in making that determination.

22 **SECTION 90.** 938.34 (3) (c) of the statutes is amended to read:

23 938.34 (3) (c) A foster home licensed under s. 48.62 ~~or~~, a group home licensed
24 under s. 48.625, or the home of a guardian under s. 48.977 (2).

25 **SECTION 91.** 938.345 (1) (e) of the statutes is amended to read:

1 938.345 (1) (e) Place any juvenile not found under ch. 880, 2003 stats., or ch.
2 46, ~~48~~, 49, 51, 54, or 115 to have a developmental disability or a mental illness or to
3 be a child with a disability, as defined in s. 115.76 (5), in a facility that exclusively
4 treats one or more of those categories of juveniles.

5 **SECTION 92.** 938.345 (4) of the statutes is repealed.

6 **SECTION 93.** 938.355 (6) (an) 1. of the statutes is amended to read:

7 938.355 (6) (an) 1. If a juvenile who has violated a municipal ordinance, other
8 than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition of a
9 dispositional order imposed by the municipal court, the municipal court may petition
10 the court assigned to exercise jurisdiction under this chapter and ch. 48 to impose
11 on the juvenile the sanction under par. (d) 1. or the sanction under par. (d) 3., with
12 monitoring by an electronic monitoring system. A sanction may be imposed under
13 this subdivision only if, at the time of the judgment, the municipal court explained
14 the conditions to the juvenile and informed the juvenile of those possible sanctions
15 for a violation or if before the violation the juvenile has acknowledged in writing that
16 he or she has read, or has had read to him or her, those conditions and possible
17 sanctions and that he or she understands those conditions and possible sanctions.
18 The petition shall contain a statement of whether the juvenile may be subject to s.
19 938.028 or the federal Indian Child Welfare Act, 25 USC 1901 to 1963, and, if the
20 juvenile may be subject to s. 938.028 or that act, the names and addresses of the
21 juvenile's Indian custodian, if any, and tribe, if known.

22 **SECTION 94.** 938.355 (6) (b) of the statutes is amended to read:

23 938.355 (6) (b) *Motion to impose sanction.* A motion for imposition of a sanction
24 may be brought by the person or agency primarily responsible for the provision of
25 dispositional services, the district attorney or corporation counsel, or the court that

1 entered the dispositional order. If the court initiates the motion, that court is
2 disqualified from holding a hearing on the motion. Notice of the motion shall be given
3 to the juvenile, guardian ad litem, counsel, parent, guardian, legal custodian, and all
4 parties present at the original dispositional hearing. The motion shall contain a
5 statement of whether the juvenile may be subject to s. 938.028 or the federal Indian
6 Child Welfare Act, 25 USC 1901 to 1963 and, if the juvenile may be subject to s.
7 938.028 or that act, the names and addresses of the juvenile's Indian custodian, if
8 any, and tribe, if known.

9 **SECTION 95.** 938.355 (6m) (am) 1. of the statutes is amended to read:

10 938.355 **(6m)** (am) 1. If a juvenile who has violated a municipal ordinance
11 enacted under s. 118.163 (2) violates a condition of a dispositional order imposed by
12 the municipal court, the municipal court may petition the court assigned to exercise
13 jurisdiction under this chapter and ch. 48 to impose on the juvenile the sanction
14 specified in par. (a) 1g. A sanction may be imposed under this subdivision only if, at
15 the time of the judgment the municipal court explained the conditions to the juvenile
16 and informed the juvenile of that possible sanction or if before the violation the
17 juvenile has acknowledged in writing that he or she has read, or has had read to him
18 or her, those conditions and that possible sanction and that he or she understands
19 those conditions and that possible sanction. The petition shall contain a statement
20 of whether the juvenile may be subject to s. 938.028 or the federal Indian Child
21 Welfare Act, 25 USC 1901 to 1963, and, if the juvenile may be subject to s. 938.028
22 or that act, the names and addresses of the juvenile's Indian custodian, if any, and
23 tribe, if known.

24 **SECTION 96. Nonstatutory provisions.**

