



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Senate Bill 65**

**Senate  
Amendment 1**

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### **Senate Bill 65**

Senate Bill 65 provides that a court action that prohibits or limits parental visitation or contact with a child in need of protection or services\* does not affect visitation between the child and any sibling of the child. The bill provides that visitation between the child and any sibling of the child must be granted, denied, or continued based on the best interests of the child and sibling, regardless of whether parental visitation is denied, limited, discontinued, or prohibited.

The bill also requires an agency that prepares a permanency plan for a child to include a statement as to whether visitation between the child and any sibling of the child would be in the best interests of the child and sibling when parental visitation has been denied, limited, discontinued, or prohibited by the juvenile court or when the agency recommends that parental visitation be denied, limited, discontinued, or prohibited.

### **Senate Amendment 1**

There are numerous provisions in the statutes which require the court to make a determination as to whether visitation or interaction between a child who is in need of protection or services, and his or her siblings, would be contrary to the safety or well-being of the child or any of those siblings.

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\* All provisions of the bill and amendment described in this memorandum that apply to a child in need of protection or services under ch. 48, Stats., also apply to a juvenile in need of protection or services under ch. 938, Stats.

There are also numerous provisions in the statutes in which an agency responsible for providing services to a child who is in need of protection or services must make a recommendation to the court regarding whether visitation or interaction between the child and his or her siblings should be provided.

The statutes also require an agency that places a child for adoption to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and his or her siblings unless the agency determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of the siblings.

Senate Amendment 1 amends each of these provisions to specify that the court determination or agency recommendation regarding ongoing interaction or visitation with a child's siblings must be based on the best interests of the child and his or her siblings, without regard to whether parental visitation has been denied, limited, or discontinued under a court order.

### **Legislative History**

Senator Lazich offered Senate Amendment 1 on March 6, 2012. On March 8, 2012, the Senate Committee on Public Health, Human Services, and Revenue voted to recommend adoption of the amendment on a vote of Ayes, 4; Noes, 1; and to recommend passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

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