

2013 DRAFTING REQUEST

Bill

Received:	10/1/2013	Received By:	eshea
Wanted:	As time permits	Same as LRB:	-3707
For:	Legislative Council - LRC 267-9485	By/Representing:	Anne Sappenfield
May Contact:		Drafter:	eshea
Subject:	Children - abuse and neglect Children - child welfare Children - day care Children - miscellaneous Children - out-of-home placement	Addl. Drafters:	pkahler
		Extra Copies:	

Submit via email: **YES**
 Requester's email: **Anne.Sappenfield@legis.wisconsin.gov**
 Carbon copy (CC) to: **elisabeth.shea@legis.wisconsin.gov**
pam.kahler@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Child-related law revisions

Instructions:

See attached

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>
/P1	pkahler 10/18/2013	scalvin 10/4/2013	rschluet 10/7/2013	_____	sbasford 10/7/2013		
/1	eshea 10/18/2013	scalvin 10/30/2013	jmurphy 10/30/2013	_____	lparisi 10/30/2013	lparisi 11/27/2013	

FE Sent For:

None
Needed

<END>

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/P1	pkahler 10/3/2013	scalvin 10/4/2013	rschlue 10/7/2013	_____	sbasford 10/7/2013		

FE Sent For: 1 sac 10/30/2013
jm 10/30
jmc 10/30

<END>

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/P1	eshea	/P1 sac 10/04/2013	/P1 sac 10/04/2013				

FE Sent For:

20413 JF
<END>

13-3303

Shea, Elisabeth

From: Malaise, Gordon
Sent: Tuesday, October 01, 2013 11:02 AM
To: Sappenfield, Anne; Shea, Elisabeth
Cc: Kahler, Pam
Subject: RE: Law revision draft

Lis:

-0480 to -0484 are Pam's. -0486 to -0489 are yours. So you will have to work with Pam on this one.

Gordon

From: Sappenfield, Anne
Sent: Tuesday, October 01, 2013 9:20 AM
To: Malaise, Gordon; Shea, Elisabeth
Subject: Law revision draft

Hi Gordon and Liz,

Could you please combine LRB—0480/1, 0481/1, 0482/1, 0483/1, 0484/1, 0486/1, 0487/1, 0488/1, and 0489/1 into one draft? I would like a preliminary draft first to make sure the notes make sense when everything is combined.

Thank you, and let me know if you have any questions.
Anne

Anne Sappenfield
Senior Staff Attorney
WI Legislative Council
(608) 267-9485

Compiling '13-3303/P1'...

Parsing Compile List...

Removing duplicates...

There are 9 component drafts...

Exporting Target Draft...

Processing component drafts...

13-0480

13-0481

13-0482

13-0483

13-0484

13-0486

13-0487

13-0488

13-0489

There are 53 sections...

Sorting sections...

Generating Sort List...

Combining nonstat sections...

Updating relating clause...

Updating Anaysis...

removing existing analysis

adding new analysis

Updating sections...

removing existing sections

adding new sections

Writing target draft...

Checking in target draft ...

SortList:

(Note: pastes nicely into Microsoft Excel, when cell format is set to 'Text')

COMPONENT DRAFT ACTION

- 0483/120.437 (2) (r) of the statutes is amended to read:
- 0486/148.20 (8) (b) of the statutes is amended to read:
- 0486/148.203 (7) of the statutes is amended to read:
- 0486/148.21 (3) (b) of the statutes is amended to read:
- 0486/148.213 (2) (c) of the statutes is amended to read:
- 0486/148.213 (2) (d) of the statutes is amended to read:
- 0486/148.245 (3) of the statutes is amended to read:
- 0486/148.245 (8) of the statutes is amended to read:
- 0486/148.255 (4) of the statutes is amended to read:
- 0486/148.27 (3) (a) 1. of the statutes is amended to read:
- 0486/148.27 (3) (c) of the statutes is amended to read:
- 0486/148.29 (1) of the statutes is amended to read:
- 0486/148.293 (2) of the statutes is amended to read:
- 0486/148.293 (3) of the statutes is amended to read:
- 0486/148.297 (6) of the statutes is amended to read:
- 0486/148.299 (1) (a) of the statutes is amended to read:

- 0486/148.30 (2) of the statutes is amended to read:
- 0486/148.31 (2) of the statutes is amended to read:
- 0486/148.315 (1) (b) of the statutes is amended to read:
- 0486/148.32 (1) (a) of the statutes is amended to read:
- 0486/148.32 (2) (c) of the statutes is amended to read:
- 0486/148.355 (2) (b) 1m. of the statutes is amended to read:
- 0486/148.355 (2) (d) of the statutes is amended to read:
- 0486/148.357 (1) (am) 1. of the statutes is amended to read:
- 0486/148.357 (1) (am) 2. b. of the statutes is amended to read:
- 0486/148.357 (1) (am) 2. c. of the statutes is amended to read:
- 0486/148.357 (2m) (a) of the statutes is amended to read:
- 0486/148.357 (2m) (b) of the statutes is amended to read:
- 0486/148.363 (1) (a) of the statutes is amended to read:
- 0486/148.363 (1) (b) of the statutes is amended to read:
- 0486/148.365 (1m) of the statutes is amended to read:
- 0486/148.365 (2) of the statutes is amended to read:
- 0486/148.396 (1b) of the statutes is amended to read:
- 0486/148.396 (1d) of the statutes is amended to read:
- 0486/148.396 (2) (aj) of the statutes is amended to read:
- 0486/148.396 (2) (ap) of the statutes is amended to read:
- 0486/148.396 (5) (b) of the statutes is amended to read:
- 0486/148.46 (1) of the statutes is amended to read:
- 0488/148.675 of the statutes, is repealed.
- 0489/148.685 (5) (br) 3m. of the statutes is amended to read:
- 0486/148.78 (2) (aj) of the statutes is amended to read:

- 0486/148.78 (2) (ap) of the statutes is amended to read:
- 0487/148.981 (3) (c) 1. a. of the statutes is amended to read:
- 0484/149.155 (1m) (a) 4. of the statutes is amended to read:
- 0484/149.155 (1m) (a) 5. of the statutes is amended to read:
- 0483/149.854 (5) (f) of the statutes is amended to read:
- 0480/169.15 (3) (b) 3. of the statutes is amended to read:
- 0480/169.15 (3m) (a) 3. of the statutes is amended to read:
- 0480/169.15 (3m) (a) 4. of the statutes is repealed.
- 0480/169.15 (3m) (b) of the statutes is amended to read:
- 0480/1767.805 (3) (b) of the statutes is amended to read:
- 0482/1767.813 (5) (a) 4. of the statutes is amended to read:
- 0481/1767.865 (1) (a) of the statutes is amended to read:

SortList has been copied to Windows clipboard

(Note: pastes nicely into Microsoft Excel, when cell format is set to 'Text')

Success

(3 sec. 245 ms.)

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN


(Request Made By: Lis Shea) (Date: 10 / 1 / 13)

Note:


BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)



 Please transfer the drafting file for
2011 LRB _____ (For: Rep. / Sen. _____)
to the drafting file for
2013 LRB _____ (For: Rep. / Sen. _____)

----- **OR** -----

 Please copy the drafting file for
2013 LRB 0480, 0481, 0482, / 1 (all) (include the version) (For: Rep. / Sen. LC-LRC)
0483, 0484, 0486
0487, 0488, 0489
and place it in the drafting file for
2013 LRB 3303 (For: Rep. / Sen. LC-LRC)

 Are These "Companion Bills" ?? ... Yes **No**

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU


RESEARCH APPENDIX - PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 10/01/2013


(Per: EHS)


Appendix _____


Appendix A1  The drafting file for LRB 13-0480 (used to create 13-3303)

Appendix A2  The drafting file for LRB 11-0558 (used to create 13-0480)


Appendix B1  The drafting file for LRB 13-0481 (used to create 13-3303)

Appendix B2  The drafting file for LRB 11-0559 (used to create 13-0481)


Appendix C1  The drafting file for LRB 13-0482 (used to create 13-3303)


Appendix C2  The drafting file for LRB 11-0560 (used to create 13-0482)

Appendix D1  The drafting file for LRB 13-0483 (used to create 13-3303)

Appendix D2  The drafting file for LRB 11-0563 (used to create 13-0483)

Appendix E  The drafting file for LRB 13-0484 (used to create 13-3303)

Appendix F  The drafting file for LRB 13-0486 (used to create 13-3303)

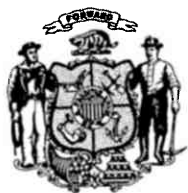
Appendix G  The drafting file for LRB 13-0487 (used to create 13-3303)

Appendix H  The drafting file for LRB 13-0488 (used to create 13-3303)

Appendix I  The drafting file for LRB 13-0489 (used to create 13-3303)

has been transferred to the drafting file for

2013 LRB-3303



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3303/P1

PJK + EHS...)

Stamp

Sac

r m i s n u m

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SOON
(in 10-3)
D-note

LPS: please
add your initials
here

Gen cat

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AN ACT ...; relating to: deleting a reference to minors acknowledging paternity

and a reference to appointing a guardian ad litem for a minor who signs a statement acknowledging paternity (suggested as remedial legislation by the Department of Children and Families); on whom ^{service of} the summons and petition

must be served in a paternity action when the respondent is deceased (suggested as remedial legislation by the Department of Children and Families); maximum prison term length stated in the form for a paternity

action summons (suggested as remedial legislation by the Department of Children and Families); releasing a frozen bank account of a support obligor

(suggested as remedial legislation by the Department of Children and Families); determining eligibility for Wisconsin Shares (suggested as remedial legislation by the Department of Children and Families); the provision of

notices to, and the exercise of rights by, an unborn child's guardian ad litem in ^{an} unborn child in need of protection or services proceedings (suggested as

remedial legislation by the Department of Children and Families); requiring an

a diligent investigation by an

agency that receives a report of child abuse or neglect to initiate a diligent

investigation if the agency cannot identify an individual who is suspected of

the abuse or neglect of the child (suggested as remedial legislation by the

Department of Children and Families); eliminating a voluntary foster care

education program developed by the Department of Children and Families

(suggested as remedial legislation by the Department of Children and

Families); the prohibition against a person who has committed the property

crime of armed robbery *from showing* being permitted to show that he or she has been

rehabilitated for purposes of being licensed, certified, or contracted with to

provide child care (suggested as remedial legislation by the Department of

Children and Families).

This bill makes the following changes to the laws related to children:

Analysis by the Legislative Reference Bureau

***** ANALYSIS FROM -0480/1 *****

1. Under current law, a court may order child support, legal custody, and periods of physical placement on the basis of a statement acknowledging paternity that is signed by both parents and filed with the state registrar. The state registrar may insert the name of the father on a child's birth certificate on the basis of a statement acknowledging paternity. Since January 1, 2007, a minor has been prohibited from signing a statement acknowledging paternity. Current law, however, requires the court to appoint a guardian ad litem for a minor party who signed a statement acknowledging paternity in an action based on the statement and authorizes the state registrar to insert the father's name on a child's birth certificate on the basis of a statement acknowledging paternity that is signed by a minor parent as long as the minor parent's parent or legal guardian signs, too. This bill harmonizes the prohibition against a minor parent signing a statement acknowledging paternity with 1) the statutes related to requirements for when the state registrar may change facts on birth certificates, 2) the statute related to requirements for rescinding a statement acknowledging paternity that has been filed with the state registrar, and 3) the statute that requires the court to appoint a guardian ad litem for a minor who signs a statement acknowledging paternity.

***** ANALYSIS FROM -0481/1 *****

2. Under current law, a personal representative for a deceased respondent in a paternity action may appear for the respondent whenever an appearance is required. If the deceased respondent does not have a personal representative, the court may

Still contains references to minors signing statements acknowledging paternity, such as requiring a

authorizing

The

appoint a guardian ad litem, and the guardian ad litem may appear for the deceased respondent. Current law requires that the summons and petition in the paternity action be served on both the personal representative and the guardian ad litem of a deceased respondent. *The* ~~This~~ bill changes the "and" to an "or." Since the court appoints a guardian ad litem only if there is no personal representative, a deceased respondent in a paternity action would not have both a personal representative and a guardian ad litem. The bill also corrects an incorrect cross-reference to the provision relating to service of the summons and petition.

***** ANALYSIS FROM -0482/1 *****

3. Under current law, the form for a summons in a paternity action provides notice that interfering with the custody of a child, which is a Class I felony, is punishable by imprisonment for up to five years. A Class I felony actually is punishable under current law by imprisonment for up to three years and six months. *The* ~~This~~ bill corrects the maximum length of time for imprisonment for interfering with the custody of a child that is stated in the form for a paternity action summons.

***** ANALYSIS FROM -0483/1 *****

4. Under current law, if a person who has been ordered by a court to pay child support (obligor) is delinquent in the payments, the amount of the delinquency becomes a lien in favor of the Department of Children and Families (DCF). To enforce the lien, DCF may levy against one or more accounts that the obligor has at a financial institution by sending a notice of levy to the financial institution instructing the financial institution to prohibit the closing of or withdrawals from the account, up to the amount that is sufficient to pay the amount of the delinquency plus any financial institution and levying fees. If the obligor requests a hearing and at the hearing the court orders an alternative payment arrangement or determines that the obligor does not owe the support, or owes less than the amount claimed by DCF, the court must, under current law, order DCF to return the seized funds or the excess of the seized funds over the delinquent amount. Since DCF does not actually seize the funds, *the* ~~this~~ bill requires the court to order DCF to instruct the financial institution to release the account, or funds in the account that exceed the delinquent amount, to the obligor.

***** ANALYSIS FROM -0484/1 *****

5. Under current law, except in Milwaukee County, the Department of Children and Families (DCF) is required to contract with a county department, the Milwaukee County enrollment services unit (services unit), a Wisconsin Works agency, a child care resource and referral agency, or another agency to determine the eligibility of individuals for child care subsidies under Wisconsin Shares in a particular geographic region or for a particular Indian tribal unit, and in Milwaukee County DCF may contract with the services unit to determine eligibility. Under former law, Wisconsin Works agencies determined eligibility. *(w-2)*

W-2 ← The statutes currently provide that an individual may be eligible for Wisconsin Shares if the Wisconsin Works agency determines that basic education or a course of study at a technical college would facilitate the individual's efforts to maintain employment and the individual needs child care services to participate in basic education or the course of study. The bill changes this so that the entity that makes

this determination is DCF or the entity with which DCF contracts to determine eligibility, which may be other than a Wisconsin Works agency.

***** ANALYSIS FROM -0486/1 *****

6. Under current law, the court assigned to exercise jurisdiction under the Children's Code (juvenile court) has exclusive original jurisdiction over an unborn child who is alleged to be in need of protection or services on the grounds that the unborn child's expectant mother habitually lacks self-control in the use of alcohol beverages, controlled substances, or controlled substance analogs, exhibited to a severe degree, to the extent that there is a substantial risk that the physical health of the unborn child will be seriously affected or endangered unless the expectant mother receives prompt and adequate treatment for that habitual lack of self-control (commonly referred to as a "UCHIPS proceeding").

In a UCHIPS proceeding, the unborn child, by or through the unborn child's guardian ad litem (GAL), is entitled to receive notice of all hearings involving the unborn child, including hearings involving the temporary physical custody and changes in placement of the expectant mother and revisions to or extensions of the dispositional order. The unborn child, by or through the unborn child's (GAL), is also entitled to exercise certain rights as a party to the proceeding, including the right to request a substitution of judge, to inspect records relevant to the proceeding, to demand a public fact-finding hearing or a jury trial, or to request a change in placement or revision or extension of the dispositional order. In addition, an unborn child, by or through the unborn child's (GAL), may request or authorize the disclosure of law enforcement, juvenile court, or social services records relating to the expectant mother of the unborn child.

guardian ad litem
such as and

This bill eliminates the provision of those notices to, and the exercise of those rights by, an unborn child, by or through the unborn child's (GAL). Instead, the bill requires those notices to be provided to, and permits those rights to be exercised by, the unborn child's (GAL).

The

***** ANALYSIS FROM -0487/1 *****

7. Under current law, if a county department of human services or social services (county department), the Department of Children and Families (DCF) in a county having a population of 500,000 or more, or a licensed child welfare agency under contract with a county department or DCF to perform child abuse and neglect investigations (collectively "agency"), after evaluating a report of suspected or threatened child abuse or neglect, cannot determine who abused or neglected the child, the agency must initiate a diligent investigation to determine if the child is in need of protection or services. This bill instead requires an agency to initiate such an investigation if the agency cannot identify an individual who is suspected of abuse or neglect or of threatened abuse or neglect of the child.

The

***** ANALYSIS FROM -0488/1 *****

8. Current law requires the Department of Children and Families (DCF) to promulgate rules establishing minimum requirements for the issuance of foster home licenses, including rules requiring all foster parents to successfully complete training in the care and support needs of children who have been placed in foster care. That training must be completed before the first child is placed with the foster

parent and on an ongoing basis. Current law also requires DCF to develop a voluntary foster care education program to provide specialized training for foster parents who provide care for children with special treatment needs. ~~This bill eliminates that voluntary foster care education program.~~ *The*

***** ANALYSIS FROM -0489/1 *****

9. Current law prohibits a person who has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime, as defined under current law, from 1) being licensed to operate a child care center; 2) being certified as a child care provider for purposes of reimbursement under ~~the Wisconsin Works Program~~; or 3) contracting with a school board to provide a child care program (collectively, child care provider). Current law similarly prohibits such a person from being an employee or contractor of a child care provider (caregiver) or from being permitted to reside at a premises where child care is provided (nonclient resident). There is an exception to these prohibitions if the person, caregiver, or nonclient resident shows that he or she has been rehabilitated, *except that* ~~Current law, however,~~ bars a person who has committed certain violent crimes, including armed robbery, from showing that he or she has been rehabilitated for purposes of being a child care provider, a caregiver, or a nonclient resident and bars a person who has committed certain property crimes, including armed robbery, from showing that he or she has been rehabilitated for purposes of being a child care provider, but not for purposes of being a caregiver or a nonclient resident. *The* ~~This bill eliminates armed robbery as a property crime for which a person is barred from showing that he or she has been rehabilitated for purposes of being a child care provider, but not for purposes of being a caregiver or a nonclient resident. The bill, however, retains armed robbery as a violent crime for which a person is barred from showing that he or she has been rehabilitated for purposes of being a child care provider, a caregiver, or a nonclient resident.~~

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 SECTION 1. 20.437 (2) (r) of the statutes is amended to read:
- 2 20.437 (2) (r) *Support receipt and disbursement program; payments.* From the
- 3 support collections trust fund, except as provided in par. (qm), all moneys received
- 4 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
- 5 received under ss. 767.57 and 767.75 for child or family support, maintenance,
- 6 spousal support, health care expenses, or birth expenses, all other moneys received

1 under judgments or orders in actions affecting the family, as defined in s. 767.001 (1),
 2 and all moneys received under s. 49.855 (4) from the department of revenue or the
 3 department of administration that were withheld by the department of revenue or
 4 the internal revenue service for delinquent child support, family support, or
 5 maintenance or outstanding court-ordered amounts for past support, medical
 6 expenses, or birth expenses, for disbursement to the persons for whom the payments
 7 are awarded, ~~for returning seized funds under s. 49.854 (5) (f),~~ and, if assigned under
 8 s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775
 9 (2) (bm), for transfer to the appropriation account under par. (k). Estimated
 10 disbursements under this paragraph shall not be included in the schedule under s.
 11 20.005.

NOTE: Removes as a purpose of the support collections trust fund returning funds
 seized from a financial institution. This reflects that a financial institution freezes
 accounts at the request of the Department of Children and Families upon notice of levy
 but the department does not seize the funds until an opportunity for a hearing is afforded.

12 **SECTION 2.** 48.20 (8) (b) of the statutes is amended to read:

13 48.20 (8) (b) If the child is an expectant mother who has been taken into custody
 14 under s. 48.19 (1) (cm) or (d) 8., ~~the unborn child, through~~ the unborn child's guardian
 15 ad litem, shall receive the same notice about the whereabouts of the child expectant
 16 mother, about the reasons for holding the child expectant mother in custody, and
 17 about the detention hearing as the child expectant mother and her parent, guardian,
 18 legal custodian, or Indian custodian. The intake worker shall notify the child
 19 expectant mother, her parent, guardian, legal custodian, or Indian custodian, and
 20 ~~the unborn child, by~~ the unborn child's guardian ad litem.

21 **SECTION 3.** 48.203 (7) of the statutes is amended to read:

22 48.203 (7) If an adult expectant mother is held in custody, the intake worker
 23 shall notify the adult expectant mother and ~~the unborn child, through~~ the unborn

1 child's guardian ad litem, of the reasons for holding the adult expectant mother in
2 custody, the time and place of the detention hearing required under s. 48.213, the
3 nature and possible consequences of that hearing, and the right to present and
4 cross-examine witnesses at the hearing.

5 **SECTION 4.** 48.21^y (3) (b) of the statutes is amended to read:

6 48.21 (3) (b) If present at the hearing, a copy of the petition or request shall be
7 given to the parent, guardian, legal custodian, or Indian custodian, and to the child
8 if he or she is 12 years of age or older, before the hearing begins. If the child is an
9 expectant mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8.,
10 a copy of the petition shall also be given to ~~the unborn child, through~~ the unborn
11 child's guardian ad litem, before the hearing begins. Prior notice of the hearing shall
12 be given to the child's parent, guardian, legal custodian, and Indian custodian, to the
13 child if he or she is 12 years of age or older and, if the child is an expectant mother
14 who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., to ~~the unborn child,~~
15 ~~through~~ the unborn child's guardian ad litem, under s. 48.20 (8).

16 **SECTION 5.** 48.213^y (2) (c) of the statutes is amended to read:

17 48.213 (2) (c) A copy of the petition shall be given to the adult expectant mother,
18 and to ~~the unborn child, through~~ the unborn child's guardian ad litem, before the
19 hearing begins. Prior notice of the hearing shall be given to the adult expectant
20 mother and unborn ~~child~~ child's guardian ad litem in accordance with s. 48.203 (7).

21 **SECTION 6.** 48.213^y (2) (d) of the statutes is amended to read:

22 48.213 (2) (d) Prior to the commencement of the hearing, the adult expectant
23 mother and ~~the unborn child, through~~ the unborn child's guardian ad litem, shall be
24 informed by the court of the allegations that have been made or may be made, the
25 nature and possible consequences of this hearing as compared to possible future

1 hearings, the right to confront and cross-examine witnesses, and the right to present
2 witnesses.

3 **SECTION 7.** 48.245 (3) of the statutes is amended to read:

4 48.245 (3) The obligations imposed under an informal disposition and its
5 effective date shall be set forth in writing. The child and a parent, guardian, and
6 legal custodian; the child expectant mother, her parent, guardian, and legal
7 custodian, and ~~the unborn child by the unborn child's guardian ad litem;~~ or the adult
8 expectant mother and ~~the unborn child by the unborn child's guardian ad litem,~~ shall
9 receive a copy, as shall any agency providing services under the agreement.

10 **SECTION 8.** 48.245 (8) of the statutes is amended to read:

11 48.245 (8) If the obligations imposed under the informal disposition are met,
12 the intake worker shall so inform the child and a parent, guardian, and legal
13 custodian; the child expectant mother, her parent, guardian, and legal custodian,
14 and ~~the unborn child by the unborn child's guardian ad litem;~~ or the adult expectant
15 mother and ~~the unborn child by the unborn child's guardian ad litem,~~ in writing, and
16 no petition may be filed on the charges that brought about the informal disposition
17 nor may the charges be the sole basis for a petition under ss. 48.13 to 48.14.

18 **SECTION 9.** 48.255 (4) of the statutes is amended to read:

19 48.255 (4) A copy of a petition under sub. (1) shall be given to the child if the
20 child is 12 years of age or over and to ~~the parents~~ a parent, guardian, legal custodian,
21 and physical custodian. A copy of a petition under sub. (1m) shall be given to the child
22 expectant mother, if 12 years of age or over, her ~~parents~~ parent, guardian, legal
23 custodian, and physical custodian, and ~~the unborn child by the unborn child's~~
24 guardian ad litem or to the adult expectant mother, ~~the unborn child through the~~
25 unborn child's guardian ad litem, and the physical custodian of the expectant mother,

1 if any. If the child is an Indian child who has been removed from the home of his or
2 her parent or Indian custodian or the unborn child will be an Indian child when born,
3 a copy of a petition under sub. (1) or (1m) shall also be given to the Indian child's
4 Indian custodian and tribe or the Indian tribe with which the unborn child may be
5 eligible for affiliation when born.

6 **SECTION 10.** 48.27 (3) (a) 1. of the statutes is amended to read:

7 48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a
8 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother
9 who is a child, the court shall notify, under s. 48.273, the child, any parent, guardian,
10 and legal custodian of the child, any foster parent or other physical custodian
11 described in s. 48.62 (2) of the child, ~~the unborn child by~~ the unborn child's guardian
12 ad litem, if applicable, and any person specified in par. (b), (d), or (e), if applicable,
13 of all hearings involving the child except hearings on motions for which notice must
14 be provided only to the child and his or her counsel and, if applicable, to the unborn
15 child's guardian ad litem. If parents who are entitled to notice have the same place
16 of residence, notice to one constitutes notice to the other. The first notice to any
17 interested party, foster parent, or other physical custodian described in s. 48.62 (2)
18 shall be in writing and may have a copy of the petition attached to it. Notices of
19 subsequent hearings may be given by telephone at least 72 hours before the time of
20 the hearing. The person giving telephone notice shall place in the case file a signed
21 statement of the time notice was given and the person to whom he or she spoke.

22 **SECTION 11.** 48.27 (3) (c) of the statutes is amended to read:

23 48.27 (3) (c) If the petition that was filed relates to facts concerning a situation
24 under s. 48.133 involving an expectant mother who is an adult, the court shall notify,
25 under s. 48.273, ~~the unborn child by~~ the unborn child's guardian ad litem, the

1 expectant mother, the physical custodian of the expectant mother, if any, and any
2 person specified in par. (d), if applicable, of all hearings involving the unborn child
3 and expectant mother except hearings on motions for which notice need only be
4 provided to the expectant mother and her counsel and ~~the unborn child through the~~
5 unborn child's guardian ad litem. The first notice to any interested party shall be
6 written and may have a copy of the petition attached to it. Thereafter, notice of
7 hearings may be given by telephone at least 72 hours before the time of the hearing.
8 The person giving telephone notice shall place in the case file a signed statement of
9 the time notice was given and the person to whom he or she spoke.

10 **SECTION 12.** 48.29^y (1) of the statutes is amended to read:

11 48.29 (1) The child, the child's parent, guardian or legal custodian, the
12 expectant mother, or ~~the unborn child~~ by the unborn child's guardian ad litem, either
13 before or during the plea hearing, may file a written request with the clerk of the
14 court or other person acting as the clerk for a substitution of the judge assigned to
15 the proceeding. Upon filing the written request, the filing party shall immediately
16 mail or deliver a copy of the request to the judge named in the request. When any
17 person has the right to request a substitution of judge, that person's counsel or
18 guardian ad litem may file the request. Not more than one such written request may
19 be filed in any one proceeding, nor may any single request name more than one judge.
20 This section does not apply to proceedings under s. 48.21 or 48.213.

21 **SECTION 13.** 48.293^x (2) of the statutes is amended to read:

22 48.293 (2) All records relating to a child, or to an unborn child and the unborn
23 child's expectant mother, ~~which~~ that are relevant to the subject matter of a
24 proceeding under this chapter shall be open to inspection by a guardian ad litem or
25 counsel for any party and to inspection by the court-appointed special advocate for

1 the child, upon demand and upon presentation of releases when necessary, at least
2 48 hours before the proceeding. ~~Persons and unborn children, by their guardians ad~~
3 ~~litem,~~ entitled to inspect the records may obtain copies of the records with the
4 permission of the custodian of the records or with permission of the court. The court
5 may instruct counsel, a guardian ad litem, or a court-appointed special advocate not
6 to disclose specified items in the materials to the child or the parent, or to the
7 expectant mother, if the court reasonably believes that the disclosure would be
8 harmful to the interests of the child or the unborn child.

9 ^x
SECTION 14. 48.293 (3) of the statutes is amended to read:

10 48.293 (3) Upon request prior to the fact-finding hearing, counsel for the
11 interests of the public shall disclose to the child, through his or her counsel or
12 guardian ad litem, or to ~~the unborn child, through~~ the unborn child's guardian ad
13 litem, the existence of any audiovisual recording of an oral statement of a child under
14 s. 908.08 ~~which~~ that is within the possession, custody, or control of the state and shall
15 make reasonable arrangements for the requesting person to view the statement. If,
16 after compliance with this subsection, the state obtains possession, custody, or
17 control of such a statement, counsel for the interests of the public shall promptly
18 notify the requesting person of that fact and make reasonable arrangements for the
19 requesting person to view the statement.

20 ^x
SECTION 15. 48.297 (6) of the statutes is amended to read:

21 48.297 (6) A motion required to be served on a child may be served on his or
22 her attorney of record. ~~A motion required to be served on an unborn child may be~~
23 ~~served on the unborn child's guardian ad litem.~~

24 ^x
SECTION 16. 48.299 (1) (a) of the statutes is amended to read:

1 persons. If a jury trial is demanded in a proceeding under s. 48.42, the jury shall
2 consist of 12 persons unless the parties agree to a lesser number. Chapters 756 and
3 805 shall govern the selection of jurors. If the hearing involves a child victim or
4 witness, as defined in s. 950.02, the court may order that a deposition be taken by
5 audiovisual means and allow the use of a recorded deposition under s. 967.04 (7) to
6 (10) and, with the district attorney, shall comply with s. 971.105. At the conclusion
7 of the hearing, the court or jury shall make a determination of the facts, except that
8 in a case alleging a child or an unborn child to be in need of protection or services
9 under s. 48.13 or 48.133, the court shall make the determination under s. 48.13
10 (intro.) or 48.133 relating to whether the child or unborn child is in need of protection
11 or services that can be ordered by the court. If the court finds that the child or unborn
12 child is not within the jurisdiction of the court or, in a case alleging a child or an
13 unborn child to be in need of protection or services under s. 48.13 or 48.133, that the
14 child or unborn child is not in need of protection or services that can be ordered by
15 the court, or if the court or jury finds that the facts alleged in the petition have not
16 been proved, the court shall dismiss the petition with prejudice.

17 **SECTION 19.** 48.315[✓] (1) (b) of the statutes is amended to read:

18 48.315 (1) (b) Any period of delay resulting from a continuance granted at the
19 request of or with the consent of the child and his or her counsel or of ~~the unborn child~~
20 by the unborn child's guardian ad litem.

21 **SECTION 20.** 48.32^x (1) (a) of the statutes is amended to read:

22 48.32 (1) (a) At any time after the filing of a petition for a proceeding relating
23 to s. 48.13 or 48.133 and before the entry of judgment, the judge or a circuit court
24 commissioner may suspend the proceedings and place the child or expectant mother
25 under supervision in the home or present placement of the child or expectant mother.

1 The court may establish terms and conditions applicable to the child and the child's
2 parent, guardian, or legal custodian, to the child expectant mother and her parent,
3 guardian or legal custodian, or to the adult expectant mother, including the condition
4 specified in sub. (1b). The order under this section shall be known as a consent decree
5 and must be agreed to by the child if 12 years of age or older, the parent, guardian,
6 or legal custodian, and the person filing the petition under s. 48.25; by the child
7 expectant mother, her parent, guardian, or legal custodian, ~~the unborn child~~ by the
8 unborn child's guardian ad litem, and the person filing the petition under s. 48.25;
9 or by the adult expectant mother, ~~the unborn child~~ by the unborn child's guardian
10 ad litem, and the person filing the petition under s. 48.25. The consent decree shall
11 be reduced to writing and given to the parties.

12 ^x
SECTION 21. 48.32 (2) (c) of the statutes is amended to read:

13 48.32 (2) (c) Upon the motion of the court or the application of the child, parent,
14 guardian, legal custodian, expectant mother, ~~unborn child~~ by the unborn child's
15 guardian ad litem, intake worker, or any agency supervising the child or expectant
16 mother under the consent decree, the court may, after giving notice to the parties to
17 the consent decree, their counsel or guardian ad litem, and the court-appointed
18 special advocate for the child, if any, extend the decree for up to an additional 6
19 months in the absence of objection to extension by the parties to the initial consent
20 decree. If the child, parent, guardian, legal custodian, expectant mother, or ~~unborn~~
21 ~~child~~ by the unborn child's guardian ad litem objects to the extension, the judge shall
22 schedule a hearing and make a determination on the issue of extension. An
23 extension under this paragraph of a consent decree relating to an unborn child who
24 is alleged to be in need of protection or services may be granted after the child is born.

25 ^y
SECTION 22. 48.355 (2) (b) 1m. of the statutes is amended to read:

1 or the corporation counsel shall cause written notice of the proposed change in
2 placement to be sent to the child, the parent, guardian, and legal custodian of the
3 child, any foster parent or other physical custodian described in s. 48.62 (2) of the
4 child, the child's court-appointed special advocate, and, if the child is an Indian child
5 who has been removed from the home of his or her parent or Indian custodian, the
6 Indian child's Indian custodian and tribe. If the child is the expectant mother of an
7 unborn child under s. 48.133, written notice shall also be sent to ~~the unborn child by~~
8 ~~the unborn child's guardian ad litem.~~ If the change in placement involves an adult
9 expectant mother of an unborn child under s. 48.133, written notice shall be sent to
10 the adult expectant mother and ~~the unborn child by~~ the unborn child's guardian ad
11 litem. The notice shall contain the name and address of the new placement, the
12 reasons for the change in placement, a statement describing why the new placement
13 is preferable to the present placement, and a statement of how the new placement
14 satisfies objectives of the treatment plan ordered by the court.

15 **SECTION 25.** 48.357 (1) (am) 2. b. of the statutes is amended to read:

16 48.357 (1) (am) 2. b. By the child expectant mother, if 12 years of age or over,
17 her parent, guardian, legal custodian, or Indian custodian, ~~the unborn child by the~~
18 ~~unborn child's guardian ad litem,~~ and the child expectant mother's tribe, if she is an
19 Indian child who has been removed from the home of her parent or Indian custodian.

20 **SECTION 26.** 48.357 (1) (am) 2. c. of the statutes is amended to read:

21 48.357 (1) (am) 2. c. By the adult expectant mother and ~~the unborn child by the~~
22 ~~unborn child's guardian ad litem.~~

23 **SECTION 27.** 48.357 (2m) (a) of the statutes is amended to read:

24 48.357 (2m) (a) The child, the parent, guardian, legal custodian, or Indian
25 custodian of the child, the expectant mother, ~~the unborn child by the unborn child's~~

1 guardian ad litem, or any person or agency primarily bound by the dispositional
2 order, other than the person or agency responsible for implementing the order, may
3 request a change in placement under this paragraph. The request shall contain the
4 name and address of the new placement requested and shall state what new
5 information is available that affects the advisability of the current placement. If the
6 proposed change in placement would change the placement of a child placed in the
7 child's home to a placement outside the child's home, the request shall also contain
8 specific information showing that continued placement of the child in the home
9 would be contrary to the welfare of the child and, unless any of the circumstances
10 under s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that the agency
11 primarily responsible for implementing the dispositional order has made reasonable
12 efforts to prevent the removal of the child from the home, while assuring that the
13 child's health and safety are the paramount concerns. The request shall be
14 submitted to the court. The court may also propose a change in placement on its own
15 motion.

16 **SECTION 28.** 48.357 (2m) (b) of the statutes is amended to read:

17 48.357 (2m) (b) The court shall hold a hearing prior to ordering any change in
18 placement requested or proposed under par. (a) if the request states that new
19 information is available that affects the advisability of the current placement. A
20 hearing is not required if the requested or proposed change in placement does not
21 involve a change in placement of a child placed in the child's home to a placement
22 outside the child's home, written waivers of objection to the proposed change in
23 placement are signed by all persons entitled to receive notice under this paragraph,
24 other than a court-appointed special advocate, and the court approves. If a hearing
25 is scheduled, not less than 3 days before the hearing the court shall notify the child,

1 the parent, guardian, and legal custodian of the child, any foster parent or other
2 physical custodian described in s. 48.62 (2) of the child, the child's court-appointed
3 special advocate, all parties who are bound by the dispositional order, and, if the child
4 is an Indian child, the Indian child's Indian custodian and tribe. If the child is the
5 expectant mother of an unborn child under s. 48.133, the court shall also notify ~~the~~
6 ~~unborn child by~~ the unborn child's guardian ad litem. If the change in placement
7 involves an adult expectant mother of an unborn child under s. 48.133, the court shall
8 notify the adult expectant mother, ~~the unborn child by~~ the unborn child's guardian
9 ad litem, and all parties who are bound by the dispositional order, at least 3 days prior
10 to the hearing. A copy of the request or proposal for the change in placement shall
11 be attached to the notice. Subject to par. (br), if all of the parties consent, the court
12 may proceed immediately with the hearing.

13 **SECTION 29.** 48.363 (1) (a) of the statutes is amended to read:

14 48.363 (1) (a) A child, the child's parent, guardian, legal custodian, or Indian
15 custodian, an expectant mother, an ~~unborn child by~~ the unborn child's guardian ad
16 litem, any person or agency bound by a dispositional order, or the district attorney
17 or corporation counsel in the county in which the dispositional order was entered
18 may request a revision in the order that does not involve a change in placement or
19 a trial reunification, including a revision with respect to the amount of child support
20 to be paid by a parent. The court may also propose a revision. The request or court
21 proposal shall set forth in detail the nature of the proposed revision and what new
22 information is available that affects the advisability of the court's disposition. The
23 request or court proposal shall be submitted to the court. The court shall hold a
24 hearing on the matter prior to any revision of the dispositional order if the request
25 or court proposal indicates that new information is available ~~which~~ that affects the

1 advisability of the court's dispositional order, unless written waivers of objections to
2 the revision are signed by all parties entitled to receive notice and the court approves.

3 **SECTION 30.** 48.363 (1) (b) of the statutes is amended to read:

4 48.363 (1) (b) If a hearing is held, at least 3 days before the hearing the court
5 shall notify the child, the child's parent, guardian, legal custodian, and Indian
6 custodian, all parties bound by the dispositional order, the child's foster parent or
7 other physical custodian described in s. 48.62 (2), the child's court-appointed special
8 advocate, the district attorney or corporation counsel in the county in which the
9 dispositional order was entered, and, if the child is an Indian child who is placed
10 outside the home of his or her parent or Indian custodian, the Indian child's tribe.
11 If the child is the expectant mother of an unborn child under s. 48.133, the court shall
12 also notify ~~the unborn child~~ by the unborn child's guardian ad litem. If the
13 proceeding involves an adult expectant mother of an unborn child under s. 48.133,
14 the court shall notify the adult expectant mother, ~~the unborn child through~~ the
15 unborn child's guardian ad litem, all parties bound by the dispositional order, and
16 the district attorney or corporation counsel in the county in which the dispositional
17 order was entered, at least 3 days prior to the hearing. A copy of the request or
18 proposal shall be attached to the notice. If all parties consent, the court may proceed
19 immediately with the hearing. No revision may extend the effective period of the
20 original order.

21 **SECTION 31.** 48.365 (1m) of the statutes is amended to read:

22 48.365 (1m) The parent, child, guardian, legal custodian, Indian custodian,
23 expectant mother, ~~unborn child~~ by the unborn child's guardian ad litem, any person
24 or agency bound by the dispositional order, the district attorney or corporation
25 counsel in the county in which the dispositional order was entered, or the court on

1 its own motion may request an extension of an order under s. 48.355 including an
2 order under s. 48.355 that was entered before the child was born. The request shall
3 be submitted to the court that entered the order. An order under s. 48.355 may be
4 extended only as provided in this section.

5 **SECTION 32.** 48.365^y (2) of the statutes is amended to read:

6 48.365 (2) No order may be extended without a hearing. The court shall
7 provide notice of the time and place of the hearing to the child, the child's parent,
8 guardian, legal custodian, and Indian custodian, all the parties present at the
9 original hearing, the child's foster parent or other physical custodian described in s.
10 48.62 (2), the child's court-appointed special advocate, the district attorney or
11 corporation counsel in the county in which the dispositional order was entered and,
12 if the child is an Indian child who is placed outside the home of his or her parent or
13 Indian custodian, the Indian child's tribe. If the child is an expectant mother of an
14 unborn child under s. 48.133, the court shall also notify ~~the unborn child~~ by the
15 unborn child's guardian ad litem. If the extension hearing involves an adult
16 expectant mother of an unborn child under s. 48.133, the court shall notify the adult
17 expectant mother, ~~the unborn child through~~ the unborn child's guardian ad litem, all
18 the parties present at the original hearing, and the district attorney or corporation
19 counsel in the county in which the dispositional order was entered, of the time and
20 place of the hearing.

21 **SECTION 33.** 48.396^x (1b) of the statutes is amended to read:

22 48.396 (1b) If requested by the parent, guardian, or legal custodian of a child
23 who is the subject of a law enforcement officer's report, or if requested by the child,
24 if 14 years of age or over, a law enforcement agency may, subject to official agency
25 policy, provide to the parent, guardian, legal custodian, or child a copy of that report.

1 If requested by the parent, guardian, or legal custodian of a child expectant mother
2 of an unborn child who is the subject of a law enforcement officer's report, if requested
3 by an expectant mother of an unborn child who is the subject of a law enforcement
4 officer's report, if 14 years of age or over, or if requested by an ~~unborn child through~~
5 ~~the~~ unborn child's guardian ad litem, a law enforcement agency may, subject to
6 official agency policy, provide to the parent, guardian, legal custodian, expectant
7 mother or ~~unborn child by the~~ unborn child's guardian ad litem a copy of that report.

8 **SECTION 34.** 48.396 (1d) of the statutes is amended to read:

9 48.396 (1d) Upon the written permission of the parent, guardian, or legal
10 custodian of a child who is the subject of a law enforcement officer's report or upon
11 the written permission of the child, if 14 years of age or over, a law enforcement
12 agency may, subject to official agency policy, make available to the person named in
13 the permission any reports specifically identified by the parent, guardian, legal
14 custodian or child in the written permission. Upon the written permission of the
15 parent, guardian, or legal custodian of a child expectant mother of an unborn child
16 who is the subject of a law enforcement officer's report, or of an expectant mother of
17 an unborn child who is the subject of a law enforcement officer's report, if 14 years
18 of age or over, and of ~~the unborn child by the~~ unborn child's guardian ad litem, a law
19 enforcement agency may, subject to official agency policy, make available to the
20 person named in the permission any reports specifically identified by the parent,
21 guardian, legal custodian or expectant mother, and ~~unborn child by the~~ unborn
22 child's guardian ad litem in the written permission.

23 **SECTION 35.** 48.396 (2) (aj) of the statutes is amended to read:

24 48.396 (2) (aj) Upon request of the parent, guardian, or legal custodian of a
25 child expectant mother of an unborn child who is the subject of a record of a court

1 specified in par. (a), upon request of an expectant mother of an unborn child who is
2 the subject of a record of a court specified in par. (a), if 14 years of age or over, or upon
3 request of an ~~unborn child by the~~ unborn child's guardian ad litem, the court shall
4 open for inspection by the parent, guardian, legal custodian, expectant mother, or
5 ~~unborn child by the~~ unborn child's guardian ad litem the records of the court relating
6 to that expectant mother, unless the court finds, after due notice and hearing, that
7 inspection of those records by the parent, guardian, legal custodian, expectant
8 mother, or ~~unborn child by the~~ unborn child's guardian ad litem would result in
9 imminent danger to anyone.

10 **SECTION 36.** 48.396^x (2) (ap) of the statutes is amended to read:

11 48.396 (2) (ap) Upon the written permission of the parent, guardian, or legal
12 custodian of a child expectant mother of an unborn child who is the subject of a record
13 of a court specified in par. (a), or of an expectant mother of an unborn child who is
14 the subject of a record of a court specified in par. (a), if 14 years of age or over, and
15 of ~~the unborn child by the~~ unborn child's guardian ad litem, the court shall open for
16 inspection by the person named in the permission any records specifically identified
17 by the parent, guardian, legal custodian, or expectant mother, and ~~unborn child by~~
18 ~~the~~ unborn child's guardian ad litem in the written permission, unless the court
19 finds, after due notice and hearing, that inspection of those records by the person
20 named in the permission would result in imminent danger to anyone.

21 **SECTION 37.** 48.396^x (5) (b) of the statutes is amended to read:

22 48.396 (5) (b) The court shall notify the child, the child's counsel, the child's
23 parents, appropriate law enforcement agencies, and, if the child is an expectant
24 mother of an unborn child under s. 48.133, ~~the unborn child by the~~ unborn child's
25 guardian ad litem, or shall notify the adult expectant mother, ~~the unborn child by the~~

1 unborn child's guardian ad litem, and appropriate law enforcement agencies, in
 2 writing of the petition. If any person notified objects to the disclosure, the court may
 3 hold a hearing to take evidence relating to the petitioner's need for the disclosure.

4 **SECTION 38.** 48.46 (1) of the statutes is amended to read:

5 48.46 (1) Except as provided in subs. (1m), (2), and (3), the child whose status
 6 is adjudicated by the court, the parent, guardian, or legal custodian of that child, the
 7 guardian ad litem of an unborn child whose status is adjudicated by the court, or the
 8 expectant mother of that unborn child may at any time within one year after the
 9 entering of the court's order petition the court for a rehearing on the ground that new
 10 evidence has been discovered affecting the advisability of the court's original
 11 adjudication. Upon a showing that such evidence does exist, the court shall order a
 12 new hearing.

NOTE: SECTIONS 2 to 32, 37, and 38 modify provisions of the Children's Code relating
 to proceedings in which an unborn child is alleged to be in need of protection or services
 so that notices must be given to and rights must be exercised by the unborn child's
 guardian ad litem instead of by the unborn child through the unborn child's guardian ad
 litem.

13

SECTION 39. 48.675 of the statutes is repealed.

NOTE: Repeals a statute that requires the Department of Children and Families
 to develop a voluntary foster parent education program for foster parents who provide
 care for children with special treatment needs.

14

SECTION 40. 48.685 (5) (br) 3m. of the statutes is amended to read:

15

48.685 (5) (br) 3m. Except for purposes of permitting a person to be a nonclient

16

resident or caregiver specified in sub. (1) (ag) 1. a. of a child care center or child care

17

provider, a violation of s. 943.201, 943.203, ~~943.32 (2)~~, or 943.38 (1) or (2); a violation

18

of s. 943.34 (1), 943.395 (1), 943.41 (3) (e), (4) (a), (5), (6), or (6m), 943.45 (1), 943.455

19

(2), 943.46 (2), 943.47 (2), 943.50 (1m), or 943.70 (2) (a) or (am) or (3) (a) that is a

20

felony; or an offense under subch. IV of ch. 943 that is a felony.

NOTE: The reference to armed robbery in violation of s. 943.32 (2), stats., in s. 48.685 (5) (br) 3m., stats., is redundant insofar as that crime is also referenced in s. 48.685 (5) (br) 3., stats. A review of the drafting record for 2009 Wisconsin Act 76 indicates that a reference to s. 943.32 (2), stats., was already included in s. 48.685 (5) (br) 3., stats., when s. 48.685 (5) (br) 3m., stats., was drafted and that, therefore, the inclusion of the reference to s. 943.32 (2), stats., in s. 48.685 (5) (br) 3m., was done in error.

1 **SECTION 41.** 48.78 (2) (aj) of the statutes is amended to read:

2 48.78 (2) (aj) Paragraph (a) does not prohibit an agency from making available
3 for inspection or disclosing the contents of a record, upon the request of a parent,
4 guardian, or legal custodian of a child expectant mother of an unborn child who is
5 the subject of the record, upon the request of an expectant mother of an unborn child
6 who is the subject of the record, if 14 years of age or over, or upon the request of an
7 ~~unborn child by the~~ unborn child's guardian ad litem, to the parent, guardian, legal
8 custodian, expectant mother, or ~~unborn child by the~~ unborn child's guardian ad
9 litem, unless the agency determines that inspection of the record by the parent,
10 guardian, legal custodian, expectant mother, or ~~unborn child by the~~ unborn child's
11 guardian ad litem would result in imminent danger to anyone.

12 **SECTION 42.** 48.78 (2) (ap) of the statutes is amended to read:

13 48.78 (2) (ap) Paragraph (a) does not prohibit an agency from making available
14 for inspection or disclosing the contents of a record, upon the written permission of
15 the parent, guardian, or legal custodian of a child expectant mother of an unborn
16 child who is the subject of the record, or of an expectant mother of an unborn child
17 who is the subject of the record, if 14 years of age or over, and of ~~the unborn child by~~
18 the unborn child's guardian ad litem, to the person named in the permission if the
19 parent, guardian, legal custodian, or expectant mother, and ~~unborn child by the~~
20 unborn child's guardian ad litem, specifically identify the record in the written
21 permission, unless the agency determines that inspection of the record by the person
22 named in the permission would result in imminent danger to anyone.

✓ ✓ ✓

NOTE: SECTIONS 33 to 36, 41, and 42 provide that law enforcement, juvenile court, and agency records governed by the Children's Code may be released to certain persons upon the request or with the permission of an unborn child's guardian ad litem instead of upon the request or with the permission of the unborn child by the unborn child's guardian ad litem.

*

1 **SECTION 43.** 48.981 (3) (c) 1. a. of the statutes is amended to read:

2 48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the
3 agency shall evaluate the report to determine whether there is reason to suspect that
4 a caregiver has abused or neglected the child, has threatened the child with abuse
5 or neglect, or has facilitated or failed to take action to prevent the suspected or
6 threatened abuse or neglect of the child. Except as provided in sub. (3m), if the
7 agency determines that a caregiver is suspected of abuse or neglect or of threatened
8 abuse or neglect of the child, determines that a caregiver is suspected of facilitating
9 or failing to take action to prevent the suspected or threatened abuse or neglect of
10 the child, or cannot ~~determine who abused or neglected the child~~ identify an
11 individual who is suspected of abuse or neglect or of threatened abuse or neglect of
12 the child, within 24 hours after receiving the report the agency shall, in accordance
13 with the authority granted to the department under s. 48.48 (17) (a) 1. or the county
14 department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the
15 child is in need of protection or services. If the agency determines that a person who
16 is not a caregiver is suspected of abuse or of threatened abuse, the agency may, in
17 accordance with that authority, initiate a diligent investigation to determine if the
18 child is in need or protection or services. Within 24 hours after receiving a report
19 under par. (a) of suspected unborn child abuse, the agency, in accordance with that
20 authority, shall initiate a diligent investigation to determine if the unborn child is
21 in need of protection or services. An investigation under this subd. 1. a. shall be
22 conducted in accordance with standards established by the department for

1 conducting child abuse and neglect investigations or unborn child abuse
2 investigations.

NOTE: Under current law, if an agency that investigates a report of alleged child abuse or neglect cannot determine who abused or neglected the child, the agency must initiate a diligent investigation to determine if the child is in need of protection or services within 24 hours after receiving the report. This SECTION instead requires an investigation to be initiated within 24 hours after receiving such a report if the agency cannot identify an individual who is suspected of abuse or neglect or of threatened abuse or neglect of the child.

v

3 SECTION 44. 49.155 (1m) (a) 4. of the statutes is amended to read:

4 49.155 (1m) (a) 4. ~~If the Wisconsin works agency determines that basic~~
5 ~~education would facilitate the individual's efforts to maintain employment,~~
6 ~~participate~~ Participate in basic education, including an English as a 2nd language
7 course; literacy tutoring; or a course of study meeting the standards established by
8 the state superintendent of public instruction under s. 115.29 (4) for the granting of
9 a declaration of equivalency of high school graduation, if the department or the
10 county department or agency determining eligibility determines that basic
11 education would facilitate the individual's efforts to maintain employment. An
12 individual may receive aid under this subdivision for up to 2 years.

x

13 SECTION 45. 49.155 (1m) (a) 5. of the statutes is amended to read:

14 49.155 (1m) (a) 5. Participate in a course of study at a technical college, or
15 participate in educational courses that provide an employment skill, as determined
16 by the department, ~~if the Wisconsin works~~ department or the county department or
17 agency determining eligibility determines that the course or courses would facilitate
18 the individual's efforts to maintain employment. An individual may receive aid
19 under this subdivision for up to 2 years.

NOTE: Provides that the Department of Children and Families or a county department or agency may determine for purposes of eligibility for a Wisconsin Shares child care subsidy that certain educational activities would facilitate the individual's efforts to maintain employment. This change reflects that, under current law, the

department or a county department or agency with which the department contracts determines eligibility for the Wisconsin Shares child care subsidy program.

*

1 **SECTION 46.** 49.854 (5) (f) of the statutes is amended to read:

2 49.854 (5) (f) *Hearings.* A hearing requested under par. (d) 6. shall be
3 conducted before the circuit court rendering the order to pay support. Within 45
4 business days after receiving a request for hearing under par. (d) 6., the court shall
5 conduct the hearing. A circuit court commissioner may conduct the hearing. The
6 hearing shall be limited to a review of whether the account holder owes the amount
7 of support certified and whether any alternative payment arrangement offered by
8 the department or the county child support agency is reasonable. If the court or
9 circuit court commissioner makes a written determination that an alternative
10 payment arrangement offered by the department or county child support agency is
11 not reasonable, the court or circuit court commissioner may order an alternative
12 payment arrangement. If the court or circuit court commissioner orders an
13 alternative payment arrangement, the court or circuit court commissioner shall
14 order the department to instruct the financial institution to release all or a portion
15 of the funds. If the court or circuit court commissioner determines that the account
16 holder does not owe support or owes less than the amount claimed by the
17 department, the court shall order the department to ~~return the seized funds~~ instruct
18 the financial institution to release the funds in the account or the excess of ~~the seized~~
19 those funds over the amount of the delinquency to the account holder. If a circuit
20 court commissioner conducts the hearing under this paragraph, the department or
21 the obligor may, within 15 business days after the date that the circuit court
22 commissioner makes his or her decision, request review of the decision by the court
23 with jurisdiction over the action.

NOTE: In a hearing relating to a levy against a delinquent obligor's financial account, provides that the court may order the department to instruct the financial institution to release all or a portion of the funds, instead of ordering the department to release the funds.

x

1 SECTION 47. 69.15 (3) (b) 3. of the statutes is amended to read:

2 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives
3 a statement acknowledging paternity on a form prescribed by the state registrar and
4 signed by both parents, ~~and by a parent or legal guardian of any parent who is neither~~
5 of whom was under the age of 18 years when the form was signed, along with the fee
6 under s. 69.22, the state registrar shall insert the name of the father under subd. 1.
7 The state registrar shall mark the certificate to show that the form is on file. The
8 form shall be available to the department of children and families or a county child
9 support agency under s. 59.53 (5) pursuant to the program responsibilities under s.
10 49.22 or to any other person with a direct and tangible interest in the record. The
11 state registrar shall include on the form for the acknowledgment the information in
12 s. 767.805 and the items in s. 767.813 (5g).

NOTE: Modifies the statute relating to inserting the name of a father on a birth certificate pursuant to an acknowledgment of paternity so that it is consistent with current law, under which a minor father may not sign an acknowledgment of paternity.

x

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13 SECTION ~~48~~ 69.15 (3m) (a) 3. of the statutes is amended to read:

14 69.15 (3m) (a) 3. ~~Except as provided in subd. 4, the~~ The person rescinding the
15 statement files the document under subd. 2. before the day on which a court or circuit
16 court commissioner makes an order in an action affecting the family involving the
17 man who signed the statement and the child who is the subject of the statement or
18 before 60 days elapse after the statement was filed, whichever occurs first.

x

19 SECTION 49. 69.15 (3m) (a) 4. of the statutes is repealed.

x

20 SECTION ~~50~~ 69.15 (3m) (b) of the statutes is amended to read:

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1 69.15 (3m) (b) If the state registrar, within the time required under par. (a) 3.
 2 ~~or 4., whichever is appropriate~~, receives a document prescribed by the state registrar
 3 for rescinding a statement acknowledging paternity under sub. (3) (b) 3., along with
 4 the proper fee under s. 69.22, the state registrar shall prepare under sub. (6) a new
 5 certificate omitting the father's name if it was inserted under sub. (3) (b).

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X ****NOTE: SECTIONS 2 and 4 modify the statute relating to rescinding a statement
 acknowledging paternity so that it is consistent with current law, under which a minor
 father may not sign a statement acknowledging paternity.

x

6 **SECTION 51.** 767.805 (3) (b) of the statutes is amended to read:

7 767.805 (3) (b) Except as provided in s. 767.407, in an action specified in par.
 8 (a) the court may appoint a guardian ad litem for the child ~~and shall appoint a~~
 9 ~~guardian ad litem for a party who is a minor, unless the minor party is represented~~
 10 ~~by an attorney.~~

 ****NOTE: Removes a reference to appointing a guardian ad litem for a minor party
 in an action to establish child custody and placement for a father who has acknowledged
 paternity because a minor may not acknowledge paternity under current law.

x

11 **SECTION 52.** 767.813 (5) (a) 4. of the statutes is amended to read:

12 767.813 (5) (a) 4. You are also notified that interference with the custody of a
 13 child is punishable by a fine of up to \$10,000 and imprisonment for up to 5 3 years
 14 and 6 months. Section 948.31, stats.

 NOTE: Changes the form for a summons in a paternity action to correctly reflect
 that interfering with the custody of a child may be punished by imprisonment not to
 exceed 3 years and 6 months instead of 5 years.

,

15 **SECTION 53.** 767.865 (1) (a) of the statutes is amended to read:

16 767.865 (1) (a) The personal representative or, if there is no personal
 17 representative, a guardian ad litem appointed in accordance with par. (b) may
 18 appear for a deceased respondent whenever an appearance by the respondent is
 19 required. The summons and petition shall be served on the deceased respondent's

1 personal representative of and or guardian ad litem for the deceased respondent, as
 2 the case may be, under s. 767.813 (3) (4).

NOTE: Provides that in a paternity action in which the respondent is deceased, either the personal representative or the guardian ad litem for the deceased respondent must be served with the summons and petition. Under current law, a personal representative or a guardian ad litem may appear for a deceased respondent; however, current law requires both to be served with the summons or petition. Also corrects a cross-reference.

3

(END)

D - note

Does this bill need a fiscal estimate? I'm thinking of DCF no longer having to develop a voluntary foster care education program, in particular.

FJK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3303/P1dn
PJK:sac:rs

October 4, 2013

Does this bill need a fiscal estimate? I'm thinking of DCF no longer having to develop a voluntary foster care education program, in particular.

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