

State of Wisconsin



2015 Assembly Bill 193

Date of enactment: **November 11, 2015**
Date of publication*: **November 12, 2015**

2015 WISCONSIN ACT 101

AN ACT *to amend* 48.02 (15), 48.21 (5) (e) 1., 938.02 (15) and 938.21 (5) (e) 1. of the statutes; **relating to:** the notification of relatives when a child is removed from the custody of the child's parent and placement of a child with a parent of a sibling of the child who has custody of the sibling.

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

SECTION 1. 48.02 (15) of the statutes is amended to read:

48.02 (15) "Relative" means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, stepaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "relative" includes an extended family member, as defined in s. 48.028 (2) (am), whether by blood, marriage, or adoption, including adoption under tribal law or custom. For purposes of placement of a child, "relative" also includes a parent of a sibling of the child who has legal custody of that sibling.

SECTION 2. 48.21 (5) (e) 1. of the statutes is amended to read:

48.21 (5) (e) 1. In this paragraph, "adult relative" means a grandparent, great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of a child or a parent of a sibling of the child who has legal custody of

that sibling, whether by blood, marriage, or legal adoption, who has attained 18 years of age.

SECTION 3. 938.02 (15) of the statutes is amended to read:

938.02 (15) "Relative" means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, stepaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 938.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "relative" includes an extended family member, as defined in s. 938.028 (2) (a), whether by blood, marriage, or adoption, including adoption under tribal law or custom. For purposes of placement of a juvenile, "relative" also includes a parent of a sibling of the juvenile who has legal custody of that sibling.

SECTION 4. 938.21 (5) (e) 1. of the statutes is amended to read:

938.21 (5) (e) 1. In this paragraph, "adult relative" means a grandparent, great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of a juvenile or a parent of a sibling of the juvenile who has legal custody

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

of that sibling, whether by blood, marriage, or legal adoption, who has attained 18 years of age.

SECTION 5. Initial applicability.

(1) TEMPORARY PHYSICAL CUSTODY ORDERS. The treatment of sections 48.21 (5) (e) 1. and 938.21 (5) (e) 1. of the statutes first applies to a temporary physical custody order entered on the effective date of this subsection.

(2) PLACEMENTS OF CHILDREN. The treatment of sections 48.02 (15) and 938.02 (15) of the statutes first applies to a placement of a child made on the effective date of this subsection.
