

**2015 Assembly Bill 193 (LRB -1439)**

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.

**2015**

04-27.	A.	Introduced by Representatives <b>Loudenbeck, Rodriguez, Ballweg, Billings, E. Brooks, Doyle, Edming, Jagler, Johnson, Kahl, Kitchens, Kleefisch, Kolste, Krug, Murphy, Ohnstad, A. Ott, Quinn, Subeck and Zamarripa</b> ; cosponsored by Senators <b>Petrowski, Harris Dodd, Moulton, Olsen and Ringhand</b> .	140
04-27.	A.	Read first time and referred to Committee on Children and Families	140
05-06.	A.	Public hearing held	
05-06.	A.	Executive session held	
05-07.	A.	Report passage recommended by Committee on Children and Families, Ayes 12, Noes 0	152
05-07.	A.	Referred to committee on Rules	152
05-07.	A.	Placed on calendar 5-13-2015 by Committee on Rules	
05-13.	A.	Rules suspended to withdraw from calendar and take up	163
05-13.	A.	Read a second time	163
05-13.	A.	Ordered to a third reading	163
05-13.	A.	Rules suspended	163
05-13.	A.	Read a third time and <b>passed</b>	163
05-13.	A.	Representative Zepnick added as a coauthor	159
05-13.	A.	Ordered immediately messaged	163
05-14.	S.	Received from Assembly	234
05-21.	S.	Read first time and referred to committee on Judiciary and Public Safety	242
09-10.	S.	Executive action taken	
09-10.	S.	Report concurrence recommended by Committee on Judiciary and Public Safety, Ayes 5, Noes 0	407
09-10.	S.	Available for scheduling	
09-15.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 4, Noes 0	
09-15.	S.	Placed on calendar 9-16-2015 pursuant to Senate Rule 18(1)	
09-16.	S.	Senator Wanggaard added as a cosponsor	
09-16.	S.	Read a second time	
09-16.	S.	Ordered to a third reading	
09-16.	S.	Rules suspended	
09-16.	S.	Read a third time and <b>concurred in</b>	
09-16.	S.	Senator L. Taylor added as a cosponsor	
09-16.	S.	Ordered immediately messaged	
09-16.	A.	Received from Senate concurred in	

**2015**  
**ENROLLED BILL**

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**ADOPTED DOCUMENTS:**

**Orig**     **Engr**         **SubAmdt**     

15 1439/1

**Amendments to above (if none, write "NONE"):** \_\_\_\_\_

*None*

**Corrections - show date (if none, write "NONE"):** \_\_\_\_\_

*None*

**Topic** relating clause

9/17/15

**Date**

*Carol A.*

**Enrolling Drafter**



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1439/1  
EHS:wlj&cjs:jf

## 2015 ASSEMBLY BILL 193

April 27, 2015 – Introduced by Representatives LOUDENBECK, RODRIGUEZ, BALLWEG, BILLINGS, E. BROOKS, DOYLE, EDMING, JAGLER, JOHNSON, KAHL, KITCHENS, KLEEFISCH, KOLSTE, KRUG, MURPHY, OHNSTAD, A. OTT, QUINN, SUBECK and ZAMARRIPA, cosponsored by Senators PETROWSKI, HARRIS DODD, MOULTON, OLSEN and RINGHAND. Referred to Committee on Children and Families.

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

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### *Analysis by the Legislative Reference Bureau*

Under the Children’s Code and the Juvenile Justice Code, a child may be placed with a relative when the child is taken into temporary custody, as a disposition, or as a permanent placement. In addition, in a dispositional order for a child in need of protection or services (CHIPS) proceeding, if there is no less drastic alternative for a child than transferring custody from the parent, the court assigned to exercise jurisdiction under the Children’s Code (juvenile court) must consider transferring custody to a relative whenever possible. The agency preparing a permanency plan for a child must also include in the plan a statement as to the availability of a safe and appropriate placement with a fit and willing relative of the child and, if a decision is made not to place the child with an available relative, a statement as to why placement with the relative is not safe or appropriate. Finally, before the Department of Children and Families (DCF), a county department of human services or social services (county department), or a child welfare agency may place a child for adoption, that agency must consider the availability of an adoptive placement with a relative of the child who is identified in the permanency plan or otherwise known by that agency. This bill adds to the relatives with whom a child may be placed

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under these circumstances a parent of a sibling of the child who has legal custody of that sibling.

Under current law, when a child is removed from the custody of the child's parent, the juvenile court must order DCF, the county department, or the agency primarily responsible for providing services to the child under the custody order to attempt to locate certain adult relatives of the child and provide them with certain information related to the removal within 30 days after the removal. That information includes notice that the child has been removed from the custody of the child's parents and an explanation of the options that the adult relative has to participate in the care and placement of the child. This bill adds to the adult relatives to whom such notice must be provided a parent of a sibling of the child who has legal custody of that sibling.

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

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

2           48.02 (15) "Relative" means a parent, stepparent, brother, sister, stepbrother,  
3           stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd  
4           cousin, nephew, niece, uncle, aunt, stepuncle, stepaunt, or any person of a preceding  
5           generation as denoted by the prefix of grand, great, or great-great, whether by blood,  
6           marriage, or legal adoption, or the spouse of any person named in this subsection,  
7           even if the marriage is terminated by death or divorce. For purposes of the  
8           application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to  
9           1963, "relative" includes an extended family member, as defined in s. 48.028 (2) (am),  
10          whether by blood, marriage, or adoption, including adoption under tribal law or  
11          custom. For purposes of placement of a child, "relative" also includes a parent of a  
12          sibling of the child who has legal custody of that sibling.

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

14          48.21 (5) (e) 1. In this paragraph, "adult relative" means a grandparent,  
15          great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of a child

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1 or a parent of a sibling of the child who has legal custody of that sibling, whether by  
2 blood, marriage, or legal adoption, who has attained 18 years of age.

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

4 938.02 (15) "Relative" means a parent, stepparent, brother, sister, stepbrother,  
5 stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd  
6 cousin, nephew, niece, uncle, aunt, stepuncle, stepaunt, or any person of a preceding  
7 generation as denoted by the prefix of grand, great, or great-great, whether by blood,  
8 marriage, or legal adoption, or the spouse of any person named in this subsection,  
9 even if the marriage is terminated by death or divorce. For purposes of the  
10 application of s. 938.028 and the federal Indian Child Welfare Act, 25 USC 1901 to  
11 1963, "relative" includes an extended family member, as defined in s. 938.028 (2) (a),  
12 whether by blood, marriage, or adoption, including adoption under tribal law or  
13 custom. For purposes of placement of a juvenile, "relative" also includes a parent of  
14 a sibling of the juvenile who has legal custody of that sibling.

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

16 938.21 (5) (e) 1. In this paragraph, "adult relative" means a grandparent,  
17 great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of a  
18 juvenile or a parent of a sibling of the juvenile who has legal custody of that sibling,  
19 whether by blood, marriage, or legal adoption, who has attained 18 years of age.

20 **SECTION 5. Initial applicability.**

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

