



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1030/en
CMH:emw:rs

2015 ASSEMBLY BILL 42

1 **AN ACT** *to renumber and amend* 48.981 (9) (a) and 48.981 (9) (b); *to amend*
2 48.245 (3), 48.255 (1) (a), 48.42 (1) (a), 48.63 (1) (c), 48.977 (4) (b) 1., 48.979 (1m)
3 (a) 1., 48.981 (9) (title), 49.32 (1) (a), 54.34 (1) (a), 938.245 (3) and 938.255 (1)
4 (a); and *to create* 48.47 (8) (b) and (c) of the statutes; **relating to:** including a
5 statement as to whether a child has been adopted in a petition for a proceeding
6 under the Children’s Code or Juvenile Justice Code, in a petition for
7 guardianship of a minor, in an informal disposition under the Children’s Code
8 or the Juvenile Justice Code, or in a voluntary out-of-home care agreement
9 under the Children’s Code, and requiring an annual report to the governor and
10 the legislature on children who enter out-of-home care after they have been
11 adopted or placed under a guardianship.

Analysis by the Legislative Reference Bureau

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

ASSEMBLY BILL 42**SECTION 1**

1 **SECTION 1.** 48.245 (3) of the statutes is amended to read:

2 48.245 (3) The obligations imposed under an informal disposition and its
3 effective date shall be set forth in writing. The written agreement shall state
4 whether the child has been adopted. The child and a parent, guardian, and legal
5 custodian; the child expectant mother, her parent, guardian, and legal custodian,
6 and the unborn child's guardian ad litem; or the adult expectant mother and the
7 unborn child's guardian ad litem, shall receive a copy, as shall any agency providing
8 services under the agreement.

9 **SECTION 2.** 48.255 (1) (a) of the statutes is amended to read:

10 48.255 (1) (a) The name, birth date, and address of the child and whether the
11 child has been adopted.

12 **SECTION 3.** 48.42 (1) (a) of the statutes is amended to read:

13 48.42 (1) (a) The name, birth date or anticipated birth date, and address of the
14 child and whether the child has been adopted.

15 **SECTION 4.** 48.47 (8) (b) and (c) of the statutes are created to read:

16 48.47 (8) (b) The number of adoptions under the special needs adoption
17 program granted in the preceding calendar year and the costs to the state for services
18 relating to those adoptions.

19 (c) The number of children during the preceding calendar year who entered
20 out-of-home care under the placement and care responsibility of a county
21 department or the department under ch. 48 or 938 after finalization of an adoption
22 or guardianship. For each child enumerated in the report, the report may include
23 information concerning the length of the adoption or guardianship, the age of the
24 child at the time of the adoption or guardianship, the age at which the child entered
25 out-of-home care, the type of agency involved in making the adoptive or

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1 guardianship placement, and any other information determined necessary to better
2 understand factors associated with a child entering out-of-home care after
3 finalization of an adoption or guardianship.

4 **SECTION 5.** 48.63 (1) (c) of the statutes is amended to read:

5 48.63 (1) (c) Voluntary agreements may be made only under par. (a) or (b) or
6 sub. (5) (b), shall be in writing, shall state whether the child has been adopted, and
7 shall specifically state that the agreement may be terminated at any time by the
8 parent, guardian, or Indian custodian or by the child if the child's consent to the
9 agreement is required. In the case of an Indian child who is placed under par. (a) or
10 (b) by the voluntary agreement of the Indian child's parent or Indian custodian, the
11 voluntary consent of the parent or Indian custodian to the placement shall be given
12 as provided in s. 48.028 (5) (a). The child's consent to an agreement under par. (a)
13 or (b) is required whenever the child is 12 years of age or older.

14 **SECTION 6.** 48.977 (4) (b) 1. of the statutes is amended to read:

15 48.977 (4) (b) 1. The name, birth date, and address of the child and whether
16 the child has been adopted.

17 **SECTION 7.** 48.979 (1m) (a) 1. of the statutes is amended to read:

18 48.979 (1m) (a) 1. The name, address, and date of birth of the child who is the
19 subject of the delegation of powers and whether the child has been adopted.

20 **SECTION 8.** 48.981 (9) (title) of the statutes is amended to read:

21 48.981 (9) (title) ~~ANNUAL AND QUARTERLY~~ QUARTERLY REPORTS.

22 **SECTION 9.** 48.981 (9) (a) of the statutes is renumbered 48.47 (8) (intro.) and

23 amended to read:

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1 48.47 (8) ANNUAL REPORTS. (intro.) Annually, the department shall prepare and
2 transmit to the governor, and to the legislature under s. 13.172 (2), a report on the
3 all of the following:

4 (a) The status of child abuse and neglect programs and on the status of unborn
5 child abuse programs. The report shall include a full statistical analysis of the child
6 abuse and neglect reports, and the unborn child abuse reports, made through the last
7 calendar year, an evaluation of services offered under this section and their
8 effectiveness, and recommendations for additional legislative and other action to
9 fulfill the purpose of this section. The department shall provide statistical
10 breakdowns by county, if requested by a county.

11 **SECTION 10.** 48.981 (9) (b) of the statutes is renumbered 48.981 (9) and
12 amended to read:

13 48.981 (9) *Quarterly reports.* (a) Within 30 days after the end of each calendar
14 quarter, the department shall prepare and transmit to the governor, and to the
15 appropriate standing committees of the legislature under s. 13.172 (3), a summary
16 report of all reports received by the department under sub. (3) (c) 8. during the
17 previous calendar quarter of abuse, as defined in s. 48.02 (1) (b) to (f), of a child who
18 is placed in the home of a foster parent or relative other than a parent or in a group
19 home, shelter care facility, or residential care center for children and youth. For each
20 report included in the summary report, the department shall provide the number of
21 incidents of abuse reported; the dates of those incidents; the county in which those
22 incidents occurred; the age or age group of the child who is the subject of the report;
23 the type of placement in which the child was placed at the time of the incident;
24 whether it was determined under sub. (3) (c) 4. that abuse occurred; and, if so, the
25 nature of the relationship between the child and the person who abused the child,

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1 but may not provide any of the information specified in sub. (7) (cr) 6. or any
2 information that would jeopardize an investigation, prosecution, or proceeding
3 described in sub. (7) (cr) 7. a. or b.

4 (b) In every 4th summary report prepared and transmitted under ~~subd. 1. par.~~
5 (a), the department shall provide for all reports of abuse, as defined in s. 48.02 (1) (b)
6 to (f), of a child who is placed as described in ~~subd. 1. par. (a)~~ received by the
7 department under sub. (3) (c) 8. during the previous year information indicating
8 whether the abuse resulted in any injury, disease, or pregnancy that is known to be
9 directly caused by the abuse, but may not provide any of the information specified
10 in sub. (7) (cr) 6. or any information that would jeopardize an investigation,
11 prosecution, or proceeding described in sub. (7) (cr) 7. a. or b. A county department
12 reporting under sub. (3) (c) 8. shall make an active effort to obtain that information
13 and report the information to the department under sub. (3) (c) 8.

14 (c) The appropriate standing committees of the legislature shall review all
15 summary reports transmitted under ~~subd. 1. par. (a)~~, conduct public hearings on
16 those summary reports no less often than annually, and submit recommendations to
17 the department regarding those summary reports. The department shall also make
18 those summary reports available to the public.

19 **SECTION 11.** 49.32 (1) (a) of the statutes is amended to read:

20 49.32 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department
21 shall establish a uniform system of fees for services provided or purchased under this
22 subchapter and ch. 48 by the department, or a county department under s. 46.215,
23 46.22, or 46.23, except as provided in s. 49.22 (6) and except when, as determined by
24 the department, a fee is administratively unfeasible or would significantly prevent
25 accomplishing the purpose of the service. A county department under s. 46.215,

ASSEMBLY BILL 42**SECTION 11**

1 46.22, or 46.23 shall apply the fees that it collects under this program to cover the
2 cost of those services. ~~The department shall report to the joint committee on finance~~
3 ~~no later than March 1 of each year on the number of children placed for adoption by~~
4 ~~the department during the previous year and the costs to the state for services~~
5 ~~relating to such adoptions.~~

6 **SECTION 12.** 54.34 (1) (a) of the statutes is amended to read:

7 54.34 (1) (a) The name, date of birth, residence, and post-office address of the
8 proposed ward and, if the proposed ward is a minor, whether the minor has been
9 adopted.

10 **SECTION 13.** 938.245 (3) of the statutes is amended to read:

11 938.245 (3) OBLIGATIONS IN WRITING. The obligations imposed under a deferred
12 prosecution agreement and its effective date shall be set forth in writing. The written
13 agreement shall state whether the juvenile has been adopted. The intake worker
14 shall provide a copy of the agreement and order to the juvenile, to the juvenile's
15 parent, guardian, and legal custodian, and to any agency providing services under
16 the agreement.

17 **SECTION 14.** 938.255 (1) (a) of the statutes is amended to read:

18 938.255 (1) (a) The name, birth date, and address of the juvenile and whether
19 the juvenile has been adopted.

20 **SECTION 15. Effective dates.** This act takes effect on the day after publication,
21 except as follows:

22 (1) ANNUAL REPORT. The treatment of sections 48.47 (8) (b) and (c) and 48.981
23 (9) (title), (a), and (b) of the statutes takes effect on December 31, 2017.

24

(END)