



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBs0238/1  
EAW:kjf

**SENATE SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 563**

January 28, 2020 - Offered by Senator JACQUE.

1 **AN ACT to renumber and amend** 48.38 (5) (d) and 48.38 (5m) (d); and **to create**  
2 48.38 (5) (d) 1. c., 48.38 (5) (d) 2. (intro.), 48.38 (5m) (d) 1. c. and 48.38 (5m) (d)  
3 2. (intro.) of the statutes; **relating to:** providing permanency plan and  
4 comments to foster parents in advance of a permanency plan review or hearing.

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***Analysis by the Legislative Reference Bureau***

This bill adds a child's foster parent to the list of individuals who receive a copy of a permanency plan and any written comments submitted to the agency that is preparing the permanency plan before a permanency review and a permanency hearing. Under current law, the agency that prepared the permanency plan is required to send a copy of the plan and the written comments that the agency received on the plan to members of the review panel; the child's parent, guardian, and legal custodian; the person representing the interests of the public; the child's counsel, guardian ad litem, or court-appointed special advocate; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe.

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

1           **SECTION 1.** 48.38 (5) (d) of the statutes is renumbered 48.38 (5) (d) 1. (intro.)  
2 and amended to read:

3           48.38 **(5)** (d) 1. (intro.) ~~Notwithstanding s. 48.78 (2) (a), the~~ The agency that  
4 prepared the permanency plan shall, at least 5 days before a review by a review  
5 panel, provide to each a copy of the permanency plan and any written comments  
6 submitted under par. (bm) 1. to all of the following:

7           a. Each person appointed to the review panel, ~~the.~~

8           b. The child's parent, guardian, and legal custodian, ~~the.~~

9           d. The person representing the interests of the public, ~~the.~~

10           e. The child's counsel, the child's guardian ad litem, and the child's  
11 court-appointed special advocate, ~~and, if,~~

12           f. If the child is an Indian child who is placed outside the home of his or her  
13 parent or Indian custodian, the Indian child's Indian custodian and tribe ~~a copy of~~  
14 ~~the permanency plan and any written comments submitted under par. (bm) 1.~~  
15 ~~Notwithstanding s. 48.78 (2) (a), a.~~

16           2. a. A person appointed to a review panel, ~~the.~~

17           b. The person representing the interests of the public, ~~the.~~

18           c. The child's counsel, the child's guardian ad litem, and the child's  
19 court-appointed special advocate, ~~and, if,~~

20           d. If the child is an Indian child who is placed outside the home of his or her  
21 parent or Indian custodian, the Indian child's Indian custodian and tribe ~~may have~~  
22 ~~access to any other records concerning the child for the purpose of participating in~~  
23 ~~the review.~~

24           3. A person permitted access to a child's records under this paragraph may not  
25 disclose any information from the records to any other person.

1           **SECTION 2.** 48.38 (5) (d) 1. c. of the statutes is created to read:

2           48.38 (5) (d) 1. c. The child's foster parent.

3           **SECTION 3.** 48.38 (5) (d) 2. (intro.) of the statutes is created to read:

4           48.38 (5) (d) 2. (intro.) An agency, as defined under s. 48.78 (1) may grant access  
5 to any other records concerning the child to any of the following individuals for the  
6 purpose of participating in the review:

7           **SECTION 4.** 48.38 (5m) (d) of the statutes is renumbered 48.38 (5m) (d) 1. (intro.)  
8 and amended to read:

9           48.38 (5m) (d) 1. (intro.) At least 5 days before the date of the hearing the  
10 agency that prepared the permanency plan shall provide a copy of the permanency  
11 plan and any written comments submitted under par. (c) 1. to ~~the~~ all of the following  
12 individuals:

13           a. The court, to the

14           b. The child's parent, guardian, and legal custodian, to the

15           d. The person representing the interests of the public, to the

16           e. The child's counsel or, the child's guardian ad litem, to and the child's  
17 court-appointed special advocate, and, if,

18           f. If the child is an Indian child who is placed outside the home of his or her  
19 parent or Indian custodian, to the Indian child's Indian custodian and tribe.  
20 Notwithstanding s. 48.78 (2) (a), the

21           2. a. The person representing the interests of the public, the

22           b. The child's counsel or, the child's guardian ad litem, and the child's  
23 court-appointed special advocate, and, if,

24           c. If the child is an Indian child who is placed outside of the home of his or her  
25 parent or Indian custodian, the Indian child's Indian custodian and tribe may have

1 ~~access to any other records concerning the child for the purpose of participating in~~  
2 ~~the review.~~

3 3. A person permitted access to a child's records under this paragraph may not  
4 disclose any information from the records to any other person.

5 **SECTION 5.** 48.38 (5m) (d) 1. c. of the statutes is created to read:

6 48.38 **(5m)** (d) 1. c. The child's foster parent.

7 **SECTION 6.** 48.38 (5m) (d) 2. (intro.) of the statutes is created to read:

8 48.38 **(5m)** (d) 2. (intro.) An agency, as defined under s. 48.78 (1) may grant  
9 access to any other records concerning the child to any of the following individuals  
10 for the purpose of participating in the review:

11 **SECTION 7. Effective date.**

12 (1) This act takes effect on the 30th day after publication.

13 (END)