

2019 DRAFTING REQUEST

Senate Substitute Amendment (SSA-AB563)

For: **André Jacque (608) 266-3512** Drafter: **ewheeler**
 By: **Bill** Secondary Drafters:
 Date: **1/27/2020** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Sen.Jacque@legis.wisconsin.gov**
 Carbon copy (CC) to: **Elizabeth.Wheeler@legis.wisconsin.gov**
elisabeth.shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Permanency plans

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 1/27/2020	kfollett 1/28/2020			
/P1			lparisi 1/28/2020		
/1			mbarman 1/28/2020	mbarman 1/28/2020	

FE Sent For: **<END>**

Wheeler, Elizabeth

From: Cosh, Bill
Sent: Monday, January 27, 2020 11:33 AM
To: Wheeler, Elizabeth
Cc: Jacque, Andre; Rettinger, Nik
Subject: amendment request
Attachments: LRB a0778_1.pdf

Good Morning Elizabeth,

I am going to call you shortly, but wanted to also send this first.

I wanted to submit the following drafting request. I need an amendment to AB 563 – the permanency plan bill that was passed by the State Assembly last week that takes that bill and returns it to the original language of SB 531 with the attached amendment language included.

Let me know if that makes sense. I thought it would also be easier to call and discuss. Thank you.

Bill Cosh

From: Sen.Jacque <Sen.Jacque@legis.wisconsin.gov>
Sent: Tuesday, November 26, 2019 1:04 PM
To: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>; Hafenbreadl, Evan <Evan.Hafenbreadl@legis.wisconsin.gov>; Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Subject: FW: LRB 19a0778 Topic: Permanency plan notice to foster parents and children

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Tuesday, November 26, 2019 1:00 PM
To: Sen.Jacque <Sen.Jacque@legis.wisconsin.gov>
Subject: LRB 19a0778 Topic: Permanency plan notice to foster parents and children

The attached proposal has been jacketed for introduction.

A copy has also been sent to: Elizabeth.Wheeler@legis.wisconsin.gov; elisabeth.shea@legis.wisconsin.gov



State of Wisconsin
2019 - 2020 LEGISLATURE

50238/pi

LRB-4695/1
EAW:kjf

In: 1/27
due: 1/27 or 1/28

2019 BILL

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 and foster children over the age of 12 in advance of
5 a permanency plan review or hearing.

Analysis by the Legislative Reference Bureau

This bill adds a child's foster parent and a child in foster care who is 12 years or older to the list of individuals that 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.

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

9 d. ~~The~~ 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

BILL

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

6 48.38 (5) (d) 1. c. The child's foster parent and, if the child has been placed in
7 a foster home and has attained the age of 12 years at the time of the review, the child.

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

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

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

14 48.38 (5m) (d) 1. (intro.) At least 5 days before the date of the hearing the
15 agency that prepared the permanency plan shall provide a copy of the permanency
16 plan and any written comments submitted under par. (c) 1. to ~~the~~ all of the following
17 individuals:

18 a. The court, to the,

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

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

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

23 f. If the child is an Indian child who is placed outside the home of his or her
24 parent or Indian custodian, to the Indian child's Indian custodian and tribe.

25 ~~Notwithstanding s. 48.78 (2) (a), the~~



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBs0238/P1
EAW:kjf

No
change

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO ASSEMBLY BILL 563

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.

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

