



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0691/R1

EAW:kjf

in 1129

DOA:.....Bork, BB0059 - Family first prevention services

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

INSUR

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

This bill makes certain changes to child welfare laws to allow foster care payments to be made on behalf of a child who is placed with his or her parent in a licensed family-based residential alcohol or drug abuse treatment facility using federal funding under Title IV-E of the federal Social Security Act. Under current law, the court assigned to exercise jurisdiction under the Children's Code ("children's court") has jurisdiction over a child alleged to be in need of protection or services ("CHIPS"). Current law establishes the grounds for alleging CHIPS. This bill adds that the children's court has jurisdiction over a child whose parent is residing in a residential family-based alcohol or drug abuse treatment program, if the parent needs assistance to have his or her child reside at the program. The bill requires DCF to prepare a permanency plan for such a child, and allows DCF to place the child with the parent at the treatment program under a voluntary agreement or by an order of the children's court if the parent consents and if such a placement is recommended by the permanency plan. If a child is placed with his or her parent under such a voluntary agreement or an order of the children's court, the bill authorizes DCF to provide federal foster care funding for the placement.

For further information see the *state* 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.** 48.02 (14m) of the statutes is created to read:

2 **48.02 (14m)** "Qualifying residential family-based treatment facility" means a
3 certified residential family-based alcohol or drug abuse treatment facility that
4 meets all of the following criteria:

5 (a) The treatment facility provides, as part of the treatment for substance
6 abuse, parenting skills training, parent education, and individual and family
7 counseling.

8 (b) The substance abuse treatment, parenting skills training, parent
9 education, and individual and family counseling is provided under an organizational
10 structure and treatment framework that involves understanding, recognizing, and
11 responding to the effects of all types of trauma and in accordance with recognized
12 principles of a trauma-informed approach and trauma-specific interventions to
13 address the consequences of trauma and facilitate healing.

****NOTE: I used the term "certified" because that is what DHS provides for alcohol or drug abuse treatment facilities. If you are aware of other licensing requirements under the federal law please let me know. Also, are there any further requirements or specifications you would like to include in this definition?

14 **SECTION 2.** 48.13 of the statutes is amended to read:

15 **48.13 Jurisdiction over children alleged to be in need of protection or**
16 **services.** Except as provided in s. 48.028 (3), the court has exclusive original
17 jurisdiction over a child alleged to be in need of protection or services which can be
18 ordered by the court, and if one of the following applies:

19 (1) ~~Who~~ The child is without a parent or guardian;

1 (2) ~~Who~~ The child has been abandoned;.

2 (2m) ~~Whose~~ The child's parent has relinquished custody of the child under s.
3 48.195 (1);.

4 (3) ~~Who~~ The child has been the victim of abuse, as defined in s. 48.02 (1) (a) or
5 (b) to (g), including injury that is self-inflicted or inflicted by another;.

6 (3m) ~~Who~~ The child is at substantial risk of becoming the victim of abuse, as
7 defined in s. 48.02 (1) (a) or (b) to (g), including injury that is self-inflicted or inflicted
8 by another, based on reliable and credible information that another child in the home
9 has been the victim of such abuse;.

10 (4) ~~Whose~~ The child's parent or guardian signs the petition requesting
11 jurisdiction under this subsection and is unable or needs assistance to care for or
12 provide necessary special treatment or care for the child;.

13 (4m) ~~Whose~~ The child's guardian is unable or needs assistance to care for or
14 provide necessary special treatment or care for the child, but is unwilling or unable
15 to sign the petition requesting jurisdiction under this subsection;.

16 (5) ~~Who~~ The child has been placed for care or adoption in violation of law;.

17 (8) ~~Who~~ The child is receiving inadequate care during the period of time a
18 parent is missing, incarcerated, hospitalized or institutionalized;.

19 (9) ~~Who~~ The child is at least age 12, signs the petition requesting jurisdiction
20 under this subsection and is in need of special treatment or care which the parent,
21 guardian or legal custodian is unwilling, neglecting, unable or needs assistance to
22 provide;.

23 (10) ~~Whose~~ The child's parent, guardian or legal custodian neglects, refuses or
24 is unable for reasons other than poverty to provide necessary care, food, clothing,

1 medical or dental care or shelter so as to seriously endanger the physical health of
2 the child;

3 (10m) ~~Whose~~ The child's parent, guardian or legal custodian is at substantial
4 risk of neglecting, refusing or being unable for reasons other than poverty to provide
5 necessary care, food, clothing, medical or dental care or shelter so as to endanger
6 seriously the physical health of the child, based on reliable and credible information
7 that the child's parent, guardian or legal custodian has neglected, refused or been
8 unable for reasons other than poverty to provide necessary care, food, clothing,
9 medical or dental care or shelter so as to endanger seriously the physical health of
10 another child in the home;

11 (11) ~~Who~~ The child is suffering emotional damage for which the parent,
12 guardian or legal custodian has neglected, refused or been unable and is neglecting,
13 refusing or unable, for reasons other than poverty, to obtain necessary treatment or
14 to take necessary steps to ameliorate the symptoms;

15 (11m) ~~Who~~ The child is suffering from an alcohol and other drug abuse
16 impairment, exhibited to a severe degree, for which the parent, guardian or legal
17 custodian is neglecting, refusing or unable to provide treatment; ~~or~~.

18 (13) ~~Who~~ The child has not been immunized as required by s. 252.04 and not
19 exempted under s. 252.04 (3).

****NOTE: I have updated this list to reflect current drafting conventions. An
update to subs. (11m) and (13) would have been necessary to maintain the existing list
format anyway. Please let me know if you have concerns about this.

20 SECTION 3. 48.13 (14) of the statutes is created to read:

21 48.13 (14) The child's parent is residing in a qualifying residential
22 family-based treatment facility ^{and} signs the petition requesting jurisdiction under

1 this subsection ^{and} because he or she needs assistance for the child to reside with him
2 or her at the qualifying residential family-based treatment facility.

****NOTE: Do you want this to be the child's parent, or the child's parent, guardian, or legal custodian? If you want to include guardian or legal custodian, I will update throughout the draft.

3 SECTION 4. 48.207 (1) (L) of the statutes is created to read:

4 48.207 (1) (L) With a parent in a qualifying family-based residential treatment
5 facility if the child's permanency plan includes a recommendation for such a
6 placement under s. 48.38 (4) (em) and the parent consents to the placement.

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7 SECTION 5. 48.345 (5) of the statutes is created to read:

8 48.345 (5) Place the child with a parent in a qualifying family-based
9 residential treatment facility if the child's permanency plan includes a
10 recommendation for such a placement under s. 48.38 (4) (em) and the parent
11 consents to the placement. *or such a facility regulated in another state,*

12 SECTION 6. 48.38 (2) (intro.) of the statutes is amended to read:

13 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
14 for each child living in a foster home, group home, residential care center for children
15 and youth, juvenile detention facility, shelter care facility, qualifying residential
16 family-based treatment facility, or supervised independent living arrangement, the
17 agency that placed the child or arranged the placement or the agency assigned
18 primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g.
19 shall prepare a written permanency plan, if any of the following conditions exists,
20 and, for each child living in the home of a guardian or a relative other than a parent,
21 that agency shall prepare a written permanency plan, if any of the conditions
22 specified in pars. (a) to (e) exists:

23 SECTION 7. 48.38 (2) (d) of the statutes is amended to read:

1 48.38 (2) (d) The child was placed under a voluntary agreement between the
2 agency and the child's parent under s. 48.63 (1) (a) or (bm) or (5) (b) or under a
3 voluntary transition-to-independent-living agreement under s. 48.366 (3).

4 **SECTION 8.** 48.38 (2) (h) of the statutes is created to read:

5 48.38 (2) (h) The child's parent is residing in a qualifying residential
6 family-based treatment facility and the child is residing with the parent.

7 **SECTION 9.** 48.38 (4) (em) of the statutes is created to read:

8 48.38 (4) (em) A recommendation for placement with a parent in a qualifying
9 family-based treatment facility, if the parent consents to the placement.

10 **SECTION 10.** 48.48 (17) (a) 12. of the statutes is created to read:

11 48.48 (17) (a) 12. Place children with a parent in a qualifying residential
12 family-based treatment facility, and place children in facilities in other states that
13 are licensed or regulated by other states.

****NOTE: This is the language requested, but the second half is very broad. Do you mean to place children in residential family-based treatment facilities in other states, or do you intend for it to be this broad? If not, should I add facilities in other states to the definition of "qualifying residential family-based treatment centers"?

14 **SECTION 11.** 48.48 (17) (c) 4. of the statutes is amended to read:

15 48.48 (17) (c) 4. Is living in a foster home, group home, ~~or~~ residential care center
16 for children and youth, or qualifying family-based treatment facility or in a
17 supervised independent living arrangement.

18 **SECTION 12.** 48.57 (3) (a) 4. of the statutes is amended to read:

19 48.57 (3) (a) 4. Is living in a foster home, group home, residential care center
20 for children and youth, ~~or~~ subsidized guardianship home, or qualifying family-based
21 treatment facility or in a supervised independent living arrangement.

22 **SECTION 13.** 48.63 (1) (bm) of the statutes is created to read:

INS 6-14

INS 6-18

residential

or such a facility regulated in another state

or such a facility regulated in another state

SECTION 13

the department, or a county department

1 48.63 (1) (bm) Acting under a voluntary agreement, a child's parent may place
2 the child in a qualifying family-based residential treatment facility, if such a
3 placement is recommended in the child's permanency plan under s. 48.38. A
4 placement under this paragraph may not exceed 180 days from the date on which the
5 child was removed from the home under the voluntary agreement.

with a parent

****NOTE: Is the six-month limit on the amount of time that a child may be placed under a voluntary agreement correct here? Should other entities (e.g., DCF) be able to place a child under this section?

6 **SECTION 14.** 48.63 (1) (c) of the statutes is amended to read:

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

16 **SECTION 15.** 48.63 (1) (d) of the statutes is amended to read:

17 48.63 (1) (d) If a county department, the department, or the department of
18 corrections places a child or negotiates or acts as intermediary for the placement of
19 a child under par. (a) ~~or~~, (b), or (bm), the voluntary agreement shall also specifically
20 state that the county department, department, or department of corrections has
21 placement and care responsibility for the child as required under 42 USC 672 (a) (2)
22 and has primary responsibility for providing services to the child.

23 **SECTION 16.** 48.645 (1) (a) of the statutes is amended to read:

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**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0691/P1ins
EAW:kjf

INS 5-7

SECTION 1. 48.345 (3) (c) of the statutes is amended to read:

48.345 (3) (c) A foster home licensed under s. 48.62, a group home licensed under s. 48.625, a foster home or group home regulated in another state, or in the home of a guardian under s. 48.977 (2).

History: 1971 c. 125; 1977 c. 354; 1979 c. 300; 1987 a. 285; 1989 a. 31, 107; 1993 a. 363, 377, 385, 491; 1995 a. 27; 1995 a. 77 ss. 235 to 237, 239, 241, 249, 250, 257 to 263; 1995 a. 225, 448; 1997 a. 27, 80, 164, 292; 1999 a. 9, 149; 2001 a. 59, 69; 2005 a. 25, 387; 2009 a. 28, 94, 185, 302, 334; 2013 a. 20; 2015 a. 172.

SECTION 2. 48.345 (3) (cm) of the statutes is amended to read:

48.345 (3) (cm) A group home described in s. 48.625 (1m) or such a facility regulated in another state, if the child is at least 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother, is receiving inadequate care, and is in need of a safe and structured living arrangement.

History: 1971 c. 125; 1977 c. 354; 1979 c. 300; 1987 a. 285; 1989 a. 31, 107; 1993 a. 363, 377, 385, 491; 1995 a. 27; 1995 a. 77 ss. 235 to 237, 239, 241, 249, 250, 257 to 263; 1995 a. 225, 448; 1997 a. 27, 80, 164, 292; 1999 a. 9, 149; 2001 a. 59, 69; 2005 a. 25, 387; 2009 a. 28, 94, 185, 302, 334; 2013 a. 20; 2015 a. 172.

SECTION 3. 48.345 (3) (d) of the statutes is amended to read:

X 48.345 (3) (d) A residential ~~treatment~~ care center for children and youth operated by a child welfare agency licensed under s. 48.60, or such a facility regulated in another state. ✓

History: 1971 c. 125; 1977 c. 354; 1979 c. 300; 1987 a. 285; 1989 a. 31, 107; 1993 a. 363, 377, 385, 491; 1995 a. 27; 1995 a. 77 ss. 235 to 237, 239, 241, 249, 250, 257 to 263; 1995 a. 225, 448; 1997 a. 27, 80, 164, 292; 1999 a. 9, 149; 2001 a. 59, 69; 2005 a. 25, 387; 2009 a. 28, 94, 185, 302, 334; 2013 a. 20; 2015 a. 172.

INS 6-14

SECTION 4. 48.48 (17) (a) 3. of the statutes is amended to read:

48.48 (17) (a) 3. Provide appropriate protection and services for children and the expectant mothers of unborn children in its care, including providing services for those children and their families and for those expectant mothers in their own homes, placing the those children in licensed foster homes or group homes in this

with a parent

state or another state within a reasonable proximity to the agency with legal custody, placing the those children in the homes of guardians under s. 48.977 (2), placing those children in a qualifying family-based residential treatment facility or in a regulated facility in another state, or contracting for services for those children by licensed child welfare agencies in this state or a regulated child welfare agency in another state, except that the department may not purchase the educational component of private day treatment programs unless the department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

History: 1973 c. 90, 333; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 354, 418, 447, 449; 1979 c. 34 ss. 833m, 834, 2102 (20) (a); 1979 c. 221, 300; 1983 a. 27 s. 2202 (20); 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 135, 176; 1985 a. 332 s. 251 (3); 1987 a. 339; 1989 a. 31, 107, 359; 1991 a. 316; 1993 a. 16, 375, 385, 446, 491; 1995 a. 27 ss. 2526 to 2534m, 9126 (19), 9145 (1); 1995 a. 77; 1997 a. 27, 35, 80, 105, 292; 1999 a. 9; 2001 a. 38, 59, 69; 2005 a. 25, 293; 2007 a. 20; 2009 a. 28, 71, 94, 180, 185; 2011 a. 258; 2013 a. 20; 2013 a. 165 s. 115; 2013 a. 334; 2015 a. 55.

Cross-reference: See also ch. DCF 51, Wis. adm. code.

INS 6-18

SECTION 5. 48.57 (1) (c) of the statutes is amended to read:

48.57 (1) (c) To provide appropriate protection and services for children and the expectant mothers of unborn children in its care, including providing services for those children and their families and for those expectant mothers in their own homes, placing those children in licensed foster homes or group homes in this state or another state within a reasonable proximity to the agency with legal custody, placing those children in the homes of guardians under s. 48.977 (2), placing those children in a qualifying family-based residential treatment facility, or in a regulated facility in another state, or contracting for services for those children by licensed child welfare agencies in this state or a regulated child welfare agency in another

state, except that the county department may not purchase the educational component of private day treatment programs unless the county department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the state superintendent of public instruction.

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20; 2009 a. 28, 71, 94, 180; 2011 a. 32; 2013 a. 20, 334, 335, 362; 2015 a. 55, 166, 172; 2017 a. 59, 145, 365, 366.

INS 7-23

SECTION 6. 48.645 (2) (a) 5. of the statutes is created to read:

48.645 (2) (a) 5. A qualifying family-based residential treatment facility when the child is residing there with a parent under a voluntary agreement under s. 48.63 (1) (bm) or when the child is placed there with a parent by an order of the court.

Shea, Elisabeth

From: Bork, Matthew - DOA
Sent: Wednesday, February 20, 2019 1:34 PM
To: Shea, Elisabeth
Cc: Kraus, Jennifer - DOA
Subject: FFPSA 19-0691_P2

Hi Lis,

DCF just contacted me with these changes regarding children placed with parents in AODA centers. I have included them below. Let me know if you have any questions.

Kind regards,
Matt

- ✓ 1. P. 1, line 3 change "using federal funding" to "in order to claim federal funding".
2. P. 1, line 6, add "which can be ordered by the court" from 48.13. There is no jurisdiction based on just the allegation of CHIPS.
3. P. 1, lines 9-10 Please take out "if the parent needs assistance to have his or her child reside at the program". Although we asked for this language before, we don't want the agency counsel to have to prove that the parent needs assistance. We suggest that it read to the effect that the parent "signs the petition requesting jurisdiction under this subsection for the child to reside...". Or, we suggest that it could read: "The child's parent is residing in a qualifying residential family-based treatment facility, signs a petition requesting jurisdiction under this subsection and requesting that the child be placed with the parent in the qualifying residential family-based treatment facility, and the county agency or Department is in agreement with such request."
- ✓ 4. P. 1, last line – delete "federal" - the bill authorizes foster care funding for the placement but it will not necessarily be federally funded foster care since other eligibility requirements must be met to capture the federal portion of funding for the placement.
5. P1 – Should summary include changes to 48.63 that allow parent to make a voluntary placement into a facility?
- ✓ 6. P. 4, lines 21-22, delete ", and needs assistance" so it reads to the effect that the parent "signs the petition requesting jurisdiction under this subsection for the child to reside...". Or, we suggest that it could read: "The child's parent is residing in a qualifying residential family-based treatment facility, signs a petition requesting jurisdiction under this subsection and requesting that the child be placed with the parent in the qualifying residential family-based treatment facility, and the county agency or Department is in agreement with such a request."
7. P. 5 line 3 – add "before the child is placed with the parent in the qualifying residential family-based treatment facility" after "placement" and before "under". Also, related to that change is made, should "includes" in line 2 be changed to "included"?
- ✓ 8. P. 5, line 20, add "before the child is placed with the parent in the qualifying residential family-based treatment facility" after "placement" and before "under". Also, related to that change is made, should "includes" in line 2 be changed to "included"?
9. P. 5, lines 5-20 – change "such a facility" to "a similar facility" because all states may not call similar facilities the same thing. Line 5- 6 is drafted to say 'A foster home licensed under s. 48.62, a group home licensed under s. 48.625, a foster home or group home regulated in another state,...Should line 6 say...a foster home or a home similar to a group home in another state? Or should it say "a similar home in another state"? See also p. 6, line 19.
- ✓ 10. Section 6 does not track what we requested – I think we want vaguer language.
- ✓ 11. P. 6, line 12 – change to "A recommendation for or regarding placement with a parent...". A recommendation for placement makes it sound like the plan must contain a recommendation for placement.
- ✓ 12. P. 6 lines 19-24 – make modifications consistent with comment 8. -97
- ✓ 13. P. 7, line 8 – make modification consistent with comment 8. -97

14. P. 7, lines 14 -20 – make modifications consistent with comment 8. -97
15. P. 8, lines 3-4 – make modifications consistent with comment 8. -97
16. P. 8, lines 24 -25 – did we say that we don't want DOC to be able to do a VPA for these placements? Separate the provisions for voluntary placement into another provision so that it only allows a county department or department to do a VPA for these placements – so that DOC cannot do a VPA for these placements. OK
17. Add that the perm plan recommends the placement before the child's placement with the parent in the facility for a change in placement under s. 48.217 or 48.357. We believe the language in s. 48.21 and 48.207 would limit the court's authority in a Temporary Physical Custody order to place a child in these facilities only when a perm plan recommends the placement before the child is placed in these facilities, despite the broader language in 48.21(4)(a). However, we raise this issue for your input if you believe more clarification is needed in 48.21 to so limit the court's authority.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0691/P3
EAW:kjf&cde

DOA:.....Bork, BB0059 - Family first prevention services

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

1. Family first prevention services

This bill makes certain changes to child welfare laws to allow foster care payments to be made on behalf of a child who is placed with his or her parent in a licensed family-based residential alcohol or drug abuse treatment facility in order to claim federal funding under Title IV-E of the federal Social Security Act. Under current law, the court assigned to exercise jurisdiction under the Children's Code ("children's court") has jurisdiction over a child alleged to be in need of protection or services ("CHIPS"). Current law establishes the grounds for alleging CHIPS. This bill adds that the children's court has jurisdiction over a child whose parent is residing in a residential family-based alcohol or drug abuse treatment program, if the parent requests jurisdiction in order to have his or her child reside at the program. The bill requires DCF to prepare a permanency plan for such a child, and allows DCF to place the child with the parent at the treatment program under a voluntary agreement or by an order of the children's court if the parent consents and if such a placement is recommended by the permanency plan. If a child is placed with his or her parent under such a voluntary agreement or an order of the children's court, the bill authorizes DCF to provide foster care funding for the placement.

For further information see the *state* 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:

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3 certified residential family-based alcohol or drug abuse treatment facility that
4 meets all of the following criteria:

5 (a) The treatment facility provides, as part of the treatment for substance
6 abuse, parenting skills training, parent education, and individual and family
7 counseling.

8 (b) The substance abuse treatment, parenting skills training, parent
9 education, and individual and family counseling is provided under an organizational
10 structure and treatment framework that involves understanding, recognizing, and
11 responding to the effects of all types of trauma and in accordance with recognized
12 principles of a trauma-informed approach and trauma-specific interventions to
13 address the consequences of trauma and facilitate healing.

14 **SECTION 2.** 48.13 of the statutes is amended to read:

15 **48.13 Jurisdiction over children alleged to be in need of protection or**
16 **services.** Except as provided in s. 48.028 (3), the court has exclusive original
17 jurisdiction over a child alleged to be in need of protection or services which can be
18 ordered by the court, and if one of the following applies:

19 (1) Who The child is without a parent or guardian;

20 (2) Who The child has been abandoned;

1 **(2m)** Whose The child's parent has relinquished custody of the child under s.
2 48.195 (1);.

3 **(3)** Who The child has been the victim of abuse, as defined in s. 48.02 (1) (a) or
4 (b) to (g), including injury that is self-inflicted or inflicted by another;.

5 **(3m)** Who The child is at substantial risk of becoming the victim of abuse, as
6 defined in s. 48.02 (1) (a) or (b) to (g), including injury that is self-inflicted or inflicted
7 by another, based on reliable and credible information that another child in the home
8 has been the victim of such abuse;.

9 **(4)** Whose The child's parent or guardian signs the petition requesting
10 jurisdiction under this subsection and is unable or needs assistance to care for or
11 provide necessary special treatment or care for the child;.

12 **(4m)** Whose The child's guardian is unable or needs assistance to care for or
13 provide necessary special treatment or care for the child, but is unwilling or unable
14 to sign the petition requesting jurisdiction under this subsection;.

15 **(5)** Who The child has been placed for care or adoption in violation of law;.

16 **(8)** Who The child is receiving inadequate care during the period of time a
17 parent is missing, incarcerated, hospitalized or institutionalized;.

18 **(9)** Who The child is at least age 12, signs the petition requesting jurisdiction
19 under this subsection and is in need of special treatment or care which the parent,
20 guardian or legal custodian is unwilling, neglecting, unable or needs assistance to
21 provide;.

22 **(10)** Whose The child's parent, guardian or legal custodian neglects, refuses or
23 is unable for reasons other than poverty to provide necessary care, food, clothing,
24 medical or dental care or shelter so as to seriously endanger the physical health of
25 the child;.

1 (10m) ~~Whose~~ The child's parent, guardian or legal custodian is at substantial
2 risk of neglecting, refusing or being unable for reasons other than poverty to provide
3 necessary care, food, clothing, medical or dental care or shelter so as to endanger
4 seriously the physical health of the child, based on reliable and credible information
5 that the child's parent, guardian or legal custodian has neglected, refused or been
6 unable for reasons other than poverty to provide necessary care, food, clothing,
7 medical or dental care or shelter so as to endanger seriously the physical health of
8 another child in the home;.

9 (11) ~~Who~~ The child is suffering emotional damage for which the parent,
10 guardian or legal custodian has neglected, refused or been unable and is neglecting,
11 refusing or unable, for reasons other than poverty, to obtain necessary treatment or
12 to take necessary steps to ameliorate the symptoms;.

13 (11m) ~~Who~~ The child is suffering from an alcohol and other drug abuse
14 impairment, exhibited to a severe degree, for which the parent, guardian or legal
15 custodian is neglecting, refusing or unable to provide treatment; ~~or~~.

16 (13) ~~Who~~ The child has not been immunized as required by s. 252.04 and not
17 exempted under s. 252.04 (3).

18 **SECTION 3.** 48.13 (14) of the statutes is created to read:

19 48.13 (14) The child's parent is residing in a qualifying residential
20 family-based treatment facility, signs the petition requesting jurisdiction under this
21 subsection, and, with the department's consent, requests that the child reside with
22 him or her at the qualifying residential family-based treatment facility.

23 **SECTION 4.** 48.207 (1) (L) of the statutes is created to read:

24 48.207 (1) (L) With a parent in a qualifying residential family-based treatment
25 facility if the child's permanency plan includes a recommendation for such a

1 placement under s. 48.38 (4) (em) before the placement is made and the parent
2 consents to the placement.

3 **SECTION 5.** 48.345 (3) (c) of the statutes is amended to read:

4 48.345 (3) (c) A foster home licensed under s. 48.62, a group home licensed
5 under s. 48.625, a foster home, group home, or similar facility regulated in another
6 state, or in the home of a guardian under s. 48.977 (2).

7 **SECTION 6.** 48.345 (3) (cm) of the statutes is amended to read:

8 48.345 (3) (cm) A group home described in s. 48.625 (1m) or a similar facility
9 regulated in another state, if the child is at least 12 years of age, is a custodial parent,
10 as defined in s. 49.141 (1) (b), or an expectant mother, is receiving inadequate care,
11 and is in need of a safe and structured living arrangement.

12 **SECTION 7.** 48.345 (3) (d) of the statutes is amended to read:

13 48.345 (3) (d) A residential treatment care center for children and youth
14 operated by a child welfare agency licensed under s. 48.60, or a similar facility
15 regulated in another state.

16 **SECTION 8.** 48.345 (3) (e) of the statutes is created to read:

17 48.345 (3) (e) With a parent in a qualifying residential family-based treatment
18 facility, or a similar facility regulated in another state, if the child's permanency plan
19 includes a recommendation for such a placement under s. 48.38 (4) (em) before the
20 placement is made.

21 **SECTION 9.** 48.38 (2) (intro.) of the statutes is amended to read:

22 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
23 for each child living in a foster home, group home, residential care center for children
24 and youth, juvenile detention facility, shelter care facility, qualifying residential
25 family-based treatment facility with a parent, or supervised independent living

1 arrangement, the agency that placed the child or arranged the placement or the
2 agency assigned primary responsibility for providing services to the child under s.
3 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following
4 conditions exists, and, for each child living in the home of a guardian or a relative
5 other than a parent, that agency shall prepare a written permanency plan, if any of
6 the conditions specified in pars. (a) to (e) exists:

7 **SECTION 10.** 48.38 (2) (d) of the statutes is amended to read:

8 48.38 (2) (d) The child was placed under a voluntary agreement between the
9 agency and the child's parent under s. 48.63 (1) (a) or (bm) or (5) (b) or under a
10 voluntary transition-to-independent-living agreement under s. 48.366 (3).

11 **SECTION 11.** 48.38 (4) (em) of the statutes is created to read:

12 48.38 (4) (em) A recommendation regarding placement with a parent in a
13 qualifying residential family-based treatment facility.

14 **SECTION 12.** 48.48 (17) (a) 3. of the statutes is amended to read:

15 48.48 (17) (a) 3. Provide appropriate protection and services for children and
16 the expectant mothers of unborn children in its care, including providing services for
17 those children and their families and for those expectant mothers in their own
18 homes, placing the those children in licensed foster homes or group homes in this
19 state or a similar facility regulated in another state within a reasonable proximity
20 to the agency with legal custody, placing the those children in the homes of guardians
21 under s. 48.977 (2), placing those children in a qualifying residential family-based
22 treatment facility with a parent or in a similar facility regulated in another state, or
23 contracting for services for those children by licensed child welfare agencies in this
24 state or a similar child welfare agency regulated in another state, except that the
25 department may not purchase the educational component of private day treatment

1 programs unless the department, the school board, as defined in s. 115.001 (7), and
2 the state superintendent of public instruction all determine that an appropriate
3 public education program is not available. Disputes between the department and the
4 school district shall be resolved by the state superintendent of public instruction.

5 **SECTION 13.** 48.48 (17) (c) 4. of the statutes is amended to read:

6 48.48 (17) (c) 4. Is living in a foster home, group home, or residential care center
7 for children and youth, qualifying residential family-based treatment facility, or a
8 similar facility regulated in another state or in a supervised independent living
9 arrangement.

10 **SECTION 14.** 48.57 (1) (c) of the statutes is amended to read:

11 48.57 (1) (c) To provide appropriate protection and services for children and the
12 expectant mothers of unborn children in its care, including providing services for
13 those children and their families and for those expectant mothers in their own
14 homes, placing those children in licensed foster homes or group homes in this state
15 or similar facilities regulated in another state within a reasonable proximity to the
16 agency with legal custody, placing those children in the homes of guardians under
17 s. 48.977 (2), placing those children in a qualifying residential family-based
18 treatment facility, or in a similar facility regulated in another state, or contracting
19 for services for those children by licensed child welfare agencies in this state or a
20 child welfare agency regulated in another state, except that the county department
21 may not purchase the educational component of private day treatment programs
22 unless the county department, the school board, as defined in s. 115.001 (7), and the
23 state superintendent of public instruction all determine that an appropriate public
24 education program is not available. Disputes between the county department and
25 the school district shall be resolved by the state superintendent of public instruction.

1 **SECTION 15.** 48.57 (3) (a) 4. of the statutes is amended to read:

2 48.57 (3) (a) 4. Is living in a foster home, group home, residential care center
3 for children and youth, ~~or~~ subsidized guardianship home, qualifying residential
4 family-based treatment facility, or a similar facility regulated in another state or in
5 a supervised independent living arrangement.

6 **SECTION 16.** 48.63 (1) (bm) of the statutes is created to read:

7 48.63 (1) (bm) Acting under a voluntary agreement, a child's parent, the
8 department, or a county department may place the child in a qualifying residential
9 family-based treatment facility with a parent, if such a placement is recommended
10 in the child's permanency plan under s. 48.38. A placement under this paragraph
11 may not exceed 180 days from the date on which the child was removed from the
12 home under the voluntary agreement.

13 **SECTION 17.** 48.63 (1) (c) of the statutes is amended to read:

14 48.63 (1) (c) Voluntary agreements may be made only under par. (a) ~~or~~, (b), or
15 (bm) or sub. (5) (b), shall be in writing, shall state whether the child has been adopted,
16 and shall specifically state that the agreement may be terminated at any time by the
17 parent, guardian, or Indian custodian or by the child if the child's consent to the
18 agreement is required. In the case of an Indian child who is placed under par. (a) ~~or~~,
19 (b), or (bm) by the voluntary agreement of the Indian child's parent or Indian
20 custodian, the voluntary consent of the parent or Indian custodian to the placement
21 shall be given as provided in s. 48.028 (5) (a). The child's consent to an agreement
22 under par. (a) ~~or~~, (b), or (bm) is required whenever the child is 12 years of age or older.

23 **SECTION 18.** 48.645 (1) (a) of the statutes is amended to read:

24 48.645 (1) (a) The child is living in a foster home licensed under s. 48.62 if a
25 license is required under that section, in a foster home located within the boundaries

1 of a reservation in this state and licensed by the tribal governing body of the
2 reservation, in a group home licensed under s. 48.625, in a subsidized guardianship
3 home under s. 48.623, in a residential care center for children and youth licensed
4 under s. 48.60, with a parent in a qualifying residential family-based treatment
5 facility, or in a supervised independent living arrangement and has been placed in
6 that home, center, or arrangement by a county department under s. 46.215, 46.22,
7 or 46.23, by the department, or by a governing body of an Indian tribe in this state
8 under an agreement with a county department under s. 46.215, 46.22, or 46.23.

9 **SECTION 19.** 48.645 (2) (a) 5. of the statutes is created to read:

10 48.645 (2) (a) 5. A qualifying residential family-based treatment facility when
11 the child is residing there with a parent under a voluntary agreement under s. 48.63
12 (1) (bm) or when the child is placed there with a parent by an order of the court.

13 (END)