

1979 Assembly Bill 1168

Date published: May 14, 1980

**CHAPTER 300, Laws of 1979**

AN ACT to repeal 48.18 (7), 48.21 (3) (c), 48.23 (3) (a) and (b), 48.31 (3), (5) and (6), 48.335 (2) and (4) and 48.58 (1) (a); to renumber 48.12, 48.25 (2) and 48.29; to renumber and amend 48.357 (3), (4) and (5); to amend 20.435 (2) (bb) and (cd), 48.02 (15), 48.06 (1) (am), (2) and (4), 48.065 (2) (g) and (3) (b), 48.067 (2), 48.069 (3), 48.08 (2), 48.13 (7), 48.135 (title) and (1), 48.17 (2), 48.18 (2), (3) (a) and (5) (intro.), (a) and (c), 48.19 (1) (d) 3, 6 and 7 and (2), 48.20 (2), (3), (5), (7) and (8), 48.205 (1) (c), 48.208 (intro.), (1) and (2), 48.21 (1) (a), (2) (intro.), (b) and (d), (3) (b) and (d) and (4) (a), 48.22 (2) (a), 48.23 (1) (a) and

(b), (2) (b), (3) (intro.) and (3m), 48.24 (1) and (5), 48.243 (1) (intro.) and (h) and (3), 48.245 (5) and (7), 48.25 (1), 48.263 (2), 48.27 (3) and (5), 48.273 (1), 48.29 (1), as renumbered, 48.295 (1) and (2), 48.30 (1), (2), (4) (intro.) and (c), (5) (intro.) and (a) and (8) (intro.), 48.305, 48.31 (1), (2) and (4), 48.33 (intro.), 48.34 (5), (8) and (9), 48.343 (2) and (6), 48.345 (5), 48.35 (1) (b), 48.355 (2) (a) and (b) (intro.), 48.357 (1) and (2), 48.363, 48.37, 48.396 (2) and (3), 48.41, 48.425 (2), 48.46, 48.48 (4), 48.58 (1) (intro.), (b) and (c) and (2) (intro.), 48.61 (1) and (3), 48.63 (1), 48.67 (title) and (1), 48.73, 48.74, 48.76, 48.77, 48.981 (3) (b) 2, 48.84 (1) (a), 51.13 (4) (h) 4, 51.15 (1) (a) (intro.) and (b), 51.20 (12), 118.15 (5) and 343.30 (5); to repeal and recreate 48.227, 48.297 (4), 48.30 (5) (b), 48.365 and 48.981 (3) (c) 5; and to create 48.065 (3) (d) and (e), 48.08 (3), 48.12 (2), 48.14 (8), 48.207 (1) (cm), 48.237, 48.25 (2) (a) and (5), 48.27 (7), 48.29 (2), 48.299, 48.30 (4) (bm), (5) (c) and (9), 48.343 (7) and (8), 48.345 (6), 48.35 (1) (b) 2 and 3, 48.355 (2) (b) 5, (2m) and (3m), 48.357 (2m) and (6), 48.396 (4), 48.60 (2) (g) and 51.45 (11) (bm) of the statutes, relating to miscellaneous changes in the children's code and other laws affecting children, granting rule-making authority and providing a penalty.

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

SECTION 1. 20.435 (2) (bb) and (cd) of the statutes, as affected by chapter 34, laws of 1979, are amended to read:

20.435 (2) (bb) *County social services.* The amounts in the schedule for reimbursement for county administration of social services under ss. 46.22 (5m) and 49.51 (3) and (4), including foster care under ss. 49.19 (10) and 49.50 and reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services as provided in s. 48.06 (4). Disbursements may be made from this appropriation under s. 46.03 (20) (b). Refunds received relating to payments made under s. 46.03 (20) (b) shall be returned to this appropriation. Counties shall be liable for any share of the disbursements according to the rate established under s. 49.52. The receipt of the counties' payments for their share of the cost of services under s. 46.03 (20) (d) shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years. Beginning January 1, 1980, the amounts in the schedule shall be less all reimbursement amounts under 42 USC 1397 et seq., on the ~~effective date of this act (1979)~~ July 29, 1979 and federal reimbursement amounts relating to provision of care provided in foster homes, group homes or child care institutions allocated for county social services, except as the reimbursement is conditioned upon expansion of a particular service or services or is to be passed through to counties in ~~accord~~ accordance with par. (o). Ninety percent of funds allocated under s. 49.52 (1) (d) and (e) and not spent or encumbered by counties by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year under s. 13.101. Beginning January 1, 1980, the department may allocate the 10% not lapsing for emergencies, justifiable unit costs above planned levels, and to recognize shifts among counties in service populations during the following calendar year.

(cd) *Community youth and family aids.* Beginning January 1, 1980, the amounts in the schedule for the improvement and provision of juvenile delinquency-related services under s. 46.26 and for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services as provided in s. 48.06 (4), less all payments received for department juvenile correctional services under s. 46.26 (4). Disbursements may be made from this appropriation under s. 46.03 (20). Refunds received relating to payments made under s. 46.03 (20) shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and social services may transfer moneys under this paragraph between fiscal years. All funds allocated under s. 46.26 (3) and not spent or encumbered by counties by December 31 of each year

shall lapse into the general fund on the succeeding January 1 unless transferred to the next calendar year under s. 13.101.

SECTION 2. 48.02 (15) of the statutes is amended to read:

48.02 (15) "Relative" means a parent, grandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle or aunt. This relationship may be by consanguinity or direct affinity.

SECTION 3. 48.06 (1) (am), (2), and (4), as affected by chapter 34, laws of 1979, of the statutes are amended to read:

48.06 (1) (am) All intake workers beginning employment after ~~November 18, 1978~~ the effective date of this act (1979) shall have such qualifications as are required of persons having comparable responsibilities under the county merit system to perform entry level social work in county departments of social services and shall have successfully completed 30 hours of intake training prior to the completion of the first 6 months of employment in the position.

(2) COUNTIES WITH A POPULATION UNDER 500,000. In counties having less than 500,000 population, the county board of supervisors shall authorize the county social services department or court or both to provide intake services required by s. 48.067 and agency staff needed to carry out the objectives and provisions of this chapter under s. 48.069. Intake services shall be provided by employes of the court or county social services department and may not be subcontracted to other individuals or agencies, except any county which had intake services subcontracted from the county sheriff's department on April 1, 1980, may continue to subcontract intake services from the county sheriff's department. All intake workers beginning employment after ~~November 18, 1978~~ the effective date of this act (1979) shall have those qualifications as are required of persons having comparable responsibilities under the county merit system to perform entry level social work in a county department of social services and shall have successfully completed 30 hours of intake training prior to the completion of the first 6 months of employment in the position. All such workers shall be governed in their intake work, including their responsibilities for recommending the filing of a petition and entering into an informal disposition, by general written policies which shall be formulated by the circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district.

(4) STATE AID. State aid to any county for court services under this section shall be at the same net effective rate that each county is reimbursed for county administration under s. 49.52, except as provided in s. 46.26. Counties having a population of less than 500,000 may use funds received under ss. 46.26 and 49.52 (1) (d), including county or federal revenue sharing funds allocated to match funds received under s. 49.52 (1) (d) 2. c and 3. c, for the cost of providing court attached intake services in amounts not to exceed 50% of the cost of providing court attached intake services or \$30,000 per county per calendar year, whichever is less.

SECTION 4. 48.065 (2) (g) and (3) (b) of the statutes are amended to read:

48.065 (2) (g) Conduct all proceedings on petitions or citations under s. 48.125.

(3) (b) Conduct fact-finding or dispositional hearings except petitions or citations under s. 48.125 ~~or hearings on the termination of parental rights or on adoptions.~~

SECTION 5. 48.065 (3) (d) and (e) of the statutes are created to read:

48.065 (3) (d) Conduct hearings for the termination of parental rights or for adoptions.

(e) Make changes in placements of children, or revisions or extensions of dispositional orders, except pursuant to petitions or citations under s. 48.125.

SECTION 5m. 48.067 (2) of the statutes is amended to read:

48.067 (2) Interview, unless impossible, any child who is taken into physical custody and not released, and where appropriate interview other available concerned parties. If the child cannot be interviewed, the intake worker shall consult with the child's parent or a responsible adult. No child may be placed in a secure detention facility unless and until he or she has been interviewed in person by an intake worker, except that if the intake worker is in a place which is distant from the place where the child is or the hour is unreasonable, as defined by written court intake rules, the intake worker may, if the child meets the criteria under s. 48.208, authorize the secure holding of the child while the intake worker is enroute to the in-person interview.

SECTION 6. 48.069 (3) of the statutes is amended to read:

48.069 (3) ~~The~~ A court or county social services agency responsible for disposition staff may agree with the court or county social services agency responsible for providing intake services that the disposition staff may be designated to provide some or all of the intake services.

SECTION 7. 48.08 (2) of the statutes is amended to read:

48.08 (2) ~~Each~~ Any person designated to furnish authorized to provide or providing intake or dispositional services for the court under ss. 48.067 and 48.069 has the power of police officers and deputy sheriffs only for the purpose of taking children into physical custody where the child comes voluntarily or is suffering from illness or injury or is in immediate danger from his or her surroundings and removal from the surroundings is necessary.

SECTION 8. 48.08 (3) of the statutes is created to read:

48.08 (3) In addition to the law enforcement authority specified in sub. (2), the superintendent of a juvenile correctional institution and personnel designated by the superintendent of the juvenile correctional institution have the power of law enforcement authorities to take a child into physical custody when they are in prompt pursuit of a child who has run away from a secured correctional facility. The child may be returned directly to the secured correctional facility and shall have a hearing regarding placement in a disciplinary cottage or in disciplinary status in accordance with ch. 227.

SECTION 8m. 48.12 of the statutes, as affected by chapter .... (Assembly Bill 793), laws of 1979, is renumbered 48.12 (1).

SECTION 8n. 48.12 (2) of the statutes is created to read:

48.12 (2) If a court proceeding has been commenced under this section before a child is 18 years of age, but the child becomes 18 years of age before admitting the facts of the petition at the plea hearing or if the child denies the facts, before an adjudication, the court retains jurisdiction over the case to dismiss the action with prejudice, to waive its jurisdiction under s. 48.18, or to enter into a consent decree. If the court finds that the child has failed to fulfill the express terms and conditions of the consent decree or the child objects to the continuation of the consent decree, the court may waive its jurisdiction.

SECTION 9. 48.13 (7) of the statutes is amended to read:

48.13 (7) Who is habitually truant from home and either the child or a parent, guardian or a relative in whose home the child resides signs the petition requesting jurisdiction and attests in court that reconciliation efforts have been attempted and have failed;

SECTION 10. 48.135 (title) and (1) of the statutes is amended to read:

**48.135 (title) Referral of children to proceedings under chapter 51 or 55.** (1) If a child alleged to be delinquent or in need of protection or services is before the court and it appears that the child is developmentally disabled, mentally ill, alcoholic or drug dependent, the court as defined in ch. 51 may proceed under ch. 51 or 55.

SECTION 11. 48.14 (8) of the statutes is created to read:

48.14 (8) Runaway children, but only as provided under s. 48.227 for the limited purpose described in that section.

SECTION 12. 48.17 (2) of the statutes is amended to read:

48.17 (2) CIVIL LAW AND ORDINANCE VIOLATIONS. Courts of civil jurisdiction (a) Except as provided in sub. (1), municipal courts have concurrent jurisdiction with the court assigned to exercise jurisdiction under this chapter in proceedings against children aged 16 14 or older for violations of law punishable by forfeiture or violations of county, town or other municipal ordinances. When a child is alleged to have violated a municipal ordinance, the child may be:

1. Issued a citation directing the child to appear in municipal court or make a deposit or stipulation and deposit in lieu of appearance;

2. Issued a citation directing the child to appear in the court assigned to exercise jurisdiction under this chapter or make a deposit or stipulation and deposit in lieu of appearance as provided in s. 48.237; or

3. Referred to intake for a determination whether a petition should be filed in the court assigned to exercise jurisdiction under this chapter pursuant to s. 48.125.

(b) When a child 14 years of age or older is alleged to have violated a civil law punishable by a forfeiture or where a child is alleged to have violated a municipal ordinance but there is no municipal court in the municipality, the child may be:

1. Issued a citation directing the child to appear in the court assigned to exercise jurisdiction under this chapter or make a deposit or stipulation and deposit in lieu of appearance as provided in s. 48.237; or

2. Referred to intake for a determination whether a petition should be filed in the court assigned to exercise jurisdiction under this chapter pursuant to s. 48.125.

(c) The citation procedures described in ss. 23.50 to 23.85 and 66.119, respectively, may be used in such cases where applicable to adults charged with the same offense ch. 800 shall govern proceedings involving children in municipal court, except that this chapter shall govern the taking and holding of a child in custody. When a child is before the court assigned to exercise jurisdiction under this chapter upon a citation alleging the child to have violated a civil law or municipal ordinance, the procedures specified in s. 48.237 shall apply. If a citation is issued to a child, the issuing agency shall, within 7 days, notify the child's parent or guardian.

(d) If a municipal court of civil jurisdiction finds that the child violated a law punishable by forfeiture or violated a municipal ordinance, it may shall enter any of the dispositional orders permitted under s. 48.343 (1), (2) or, (5), (6), (7) or (8). If a child fails to pay the forfeiture imposed by the municipal court of civil jurisdiction, the court shall not impose a jail sentence but may suspend any license issued under ch. 29 for not less than 30 nor more than 90 days, or suspend the child's operating privilege, as defined in s. 340.01 (40), for not less than 30 nor more than 90 days. If a court of civil jurisdiction suspends a license under this section, it shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the court shall immediately notify the department, which shall thereupon return the license to the person. If it is paid after the end of the 30 days, the suspension shall be reduced to the time period which has already elapsed and the court shall immediately notify the department which shall then return the license to the child.

SECTION 13. 48.18 (2), (3) (a) and (5) (intro.), (a) and (c) of the statutes are amended to read:

48.18 (2) The waiver hearing shall be brought on by filing a petition alleging delinquency drafted under s. 48.255 and a petition for waiver of jurisdiction which shall contain a brief statement of the facts supporting the request for waiver. The petition for waiver of jurisdiction shall be filed prior to the plea hearing.

(3) (a) The child shall be represented by counsel at the waiver hearing. Written notice of the time, place and purpose of the hearing shall be given to the child, any parent, guardian or legal custodian, and counsel at least 3 days prior to the hearing. The notice shall contain a statement of the requirements of s.48.29 (2) with regard to substitution of the judge. Where parents entitled to notice have the same address, notice to one constitutes notice to the other. Counsel for the child shall have access to the social records and other reports consistent with s. 48.293.

(5) (intro.) If prosecutive merit is found, the judge, after taking relevant testimony which the district attorney shall present and considering other relevant evidence, shall base its decision whether to waive jurisdiction on the following criteria:

(a) The personality and prior record of the child, including whether the child is a ~~proper subject for commitment to a facility for the~~ mentally ill or developmentally disabled, whether the child has been previously found delinquent, whether such delinquency involved the infliction of serious bodily injury, the child's motives and attitudes, the child's physical and mental maturity, the child's pattern of living, prior offenses, prior treatment history and apparent potential for responding to future treatment.

(c) The adequacy and suitability of facilities, services and procedures available for treatment of the child and protection of the public within the juvenile justice system, and, where applicable, the mental health system.

SECTION 15. 48.18 (7) of the statutes is repealed.

SECTION 16. 48.19 (1) (d) 3, 6 and 7 and (2) of the statutes are amended to read:

48.19 (1) (d) 3. The child is committing or has committed an act which ~~if committed by an adult would be a crime~~ is a violation of a state or federal criminal law;

6. The child has violated the terms of court-ordered supervision or aftercare supervision administered by the department;

7. The child has violated the conditions of an order under s. 48.21 (4) or the conditions of an order for temporary physical custody by an intake worker; or

(2) When a child is taken into physical custody as provided in this section, ~~an intake worker, or another at his or her direction,~~ the person taking the child into custody shall immediately attempt to notify the parent, guardian or and legal custodian of the child by the most practical means and. The person taking the child into custody shall continue such attempt until the parent, guardian or and legal custodian of the child is are notified, or the child is delivered to an intake worker under s. 48.20 (3), whichever occurs first. If the child is delivered to the intake worker before the parent, guardian and legal custodian are notified, the intake worker, or another person at his or her direction, shall continue the attempt to notify until the parent, guardian and legal custodian of the child are notified.

SECTION 17. 48.20 (2), (3), (5), (7) and (8) of the statutes are amended to read:

48.20 (2) A person taking a child into custody shall make every effort to immediately to release the child to ~~the~~:

(a) The child's parent, guardian or legal custodian or, if the parent, guardian or legal custodian is unavailable, unwilling or unable to provide supervision for the child, may release the child to a responsible adult, and verbally counsel or warn as may be appropriate, or, in the case of a child 15 years of age or older, may release the child without immediate adult supervision, counseling or warning the child as may be appropriate; or ~~in~~

(b) In the case of a runaway child, may release the child to a home authorized under s. 48.227.

(3) If the child is released under sub. (2), the person who took the child into custody shall immediately notify the child's parent, guardian and legal custodian of the time and circumstances of the release and the person, if any, to whom the child was released. If the child is not released under sub. (2), the person who took the child into custody shall deliver the child to the intake worker arrange in a manner determined by the court and law enforcement agencies, stating for the child to be interviewed by the intake worker under s. 48.067 (2), and shall make a statement in writing with supporting facts of the reasons why the child was taken into physical custody and giving shall give any child 12 years of age or older a copy of the statement in addition to giving a copy to the intake worker. When the intake interview is not done in person, the report may be read to the intake worker.

(5) If the child is believed to be mentally ill, drug dependent or developmentally disabled, and exhibits conduct which constitutes a substantial risk probability of physical harm to the child or to others, or a very substantial probability of physical impairment or injury to the child exists due to the impaired judgment of the child, and the standards of s. 51.15 are met, the person taking the child into physical custody, the intake worker or other appropriate person shall proceed under s. 51.15.

(7) (a) When a child is interviewed by an intake worker, the intake worker shall inform the any child possibly involved in a delinquent act of his or her right to counsel and, in the case of a child possibly involved in a delinquent act, the right against self-incrimination. If the child is alleged to be in need of protection or services and is 12 years of age or older, the intake worker shall inform the child of his or her right to counsel.

(b) The intake worker shall review the need to hold the child in custody and shall make every effort to release the child from custody under s. 48.205 and criteria promulgated under s. 48.06 (1) or (2). If the child is released from custody, the intake worker shall immediately notify the child's parent, guardian and legal custodian of the time and circumstances of the release and the person, if any, to whom the child was released. If a child is taken into custody, the

(c) The intake worker may release the child to:

1. To a parent, guardian or legal custodian, or, if the parent, guardian or legal custodian is unavailable, unwilling or unable to provide supervision for the child, release the child to a responsible adult, counseling or warning the child as may be appropriate, or, if a child is 15 years of age or older, release the child without immediate adult supervision, counseling or warning the child as may be appropriate; or

2. In the case of a runaway child, to a home authorized under s. 48.227.

(d) If the child is released from custody, the intake worker shall immediately notify the child's parent, guardian and legal custodian of the time and circumstances of the release and the person, if any, to whom the child was released.

(8) The intake worker shall base his or her decision to hold a child in custody on the criteria specified in s. 48.205 and criteria promulgated under s. 48.06 (1) or (2). If a child is held in custody, the intake worker shall notify the child's parent, guardian or and legal custodian of the reasons for holding the child in custody and of the child's whereabouts unless there is reason to believe that notice would present imminent danger to the child. The parent, guardian or and legal custodian shall also be notified of the time and place of the detention hearing required under s. 48.21, the nature and possible consequences of that hearing, the right to counsel under s. 48.23 regardless of ability to pay, and the right to present and cross-examine witnesses at the hearing. If the parent, guardian or legal custodian is not immediately available, the intake worker or another person

designated by the court shall provide notice shall be given as soon as possible. Where the child is possibly involved in a delinquent act, and where the child is alleged to be in need of protection or services and is 12 years of age or older, the child shall receive the same notice about the detention hearing as the parent, guardian or legal custodian. The intake worker shall notify both the child and the child's parent, guardian or legal custodian.

SECTION 18. 48.205 (1) (c) of the statutes is amended to read:

48.205 (1) (c) Probable cause exists to believe that the child will run away or be taken away so as to be unavailable for proceedings of the court or its officers or proceedings of the department for revocation of aftercare supervision.

SECTION 19. 48.207 (1) (cm) of the statutes is created to read:

48.207 (1)(cm) A licensed group home provided that the placement does not violate the conditions of the license.

SECTION 20. 48.208 (intro.), (1) and (2) of the statutes are amended to read:

**48.208 Criteria for holding a child in a secure detention facility.** (intro.) A child may be held in a secure detention facility if the intake worker ~~personally interviews the child and determines that~~ one of the following conditions applies:

(1) Probable cause exists to believe that the child has committed a delinquent act and either presents a substantial risk of physical harm to another person or a substantial risk of running away as evidenced by ~~previous acts or attempts~~ a previous act or attempt so as to be unavailable for a court or revocation hearing for children on departmental aftercare. For children on departmental aftercare, the delinquent act referred to in this section may be the act for which the child was committed to a secured correctional facility.

(2) Probable cause exists to believe that the child is a fugitive from another state or has run away from a secured correctional facility and there has been no reasonable opportunity to return the child.

SECTION 21. 48.21 (1) (a), (2) (intro.), (b) and (d), (3) (b) and (e) and (4) (a) of the statutes are amended to read:

48.21 (1) (a) If a child who has been taken into custody is not released under s. 48.20, a hearing to determine whether the child shall continue to be held in custody under the criteria of ss. 48.205 to 48.209 shall be conducted by the judge or juvenile court commissioner within 24 hours of the time the decision to hold the child was made, excluding Saturdays, Sundays and legal holidays. ~~Except for a child taken into custody under s. 48.19 (1) (b) and (d) 7, by~~ By the time of the hearing a petition under s. 48.25 shall be filed, except that no petition need be filed where a child is taken into custody under s. 48.19 (1) (b) or (d) 2, 6 or 7 or where the child is a runaway from another state, in which case a written statement of the reasons for holding a child in custody shall be substituted if the petition is not filed. If no hearing has been held within 24 hours or if no petition or statement has been filed at the time of the hearing, the child shall be released except as provided in par. (b). A parent not present at the hearing shall be granted a rehearing upon request.

(2) (title) PROCEEDINGS CONCERNING RUNAWAY OR DELINQUENT CHILDREN. (intro.) Proceedings concerning a child who comes within the jurisdiction of the court under s. 48.12 or 48.13 ~~(6)~~, (7) or (12) shall be conducted according to this subsection.

(b) A copy of the petition shall be given to the child at or prior to the time of the hearing. ~~If possible, prior~~ Prior notice of the hearing, ~~either oral or written, stating the time, place and purpose of the hearing shall be given by the person designated by the court to the child's parent, guardian and legal custodian and to the child in accordance with s. 48.20 (8).~~



(d) If the child is not represented by counsel at the hearing and the child is continued in custody as a result of the hearing, the child may request through counsel subsequently appointed or retained or through a guardian ad litem that the order to hold in custody be reheard. If the request is made, a rehearing shall take place as soon as may be possible. Any Whether or not counsel was present, any order to hold the child in custody shall be subject to rehearing for good cause.

(3) (b) If present at the hearing, a copy of the petition shall be given to the parent, guardian or legal custodian, and to the child if he or she is ~~over~~ 12 years of age ~~or older~~, before the hearing begins. ~~A person designated by the court shall diligently attempt to give prior actual notice of the time, place and purpose of the hearing to the parent, guardian and legal custodian and to the child if he or she is over 12 years of age. Prior notice of the hearing shall be given to the child's parent, guardian and legal custodian and to the child if he or she is 12 years of age or older in accordance with s. 48.20 (8).~~

(e) If the parent, guardian or legal custodian or the child is not represented by counsel at the hearing and the child is continued in custody as a result of the hearing, the parent, guardian, legal custodian or child may request through counsel subsequently appointed or retained or through a guardian ad litem that the order to hold the child in custody be reheard. If the request is made, a rehearing shall take place as soon as may be possible. Any order to hold the child in custody shall be subject to rehearing for good cause, whether or not counsel was present.

(4) (a) Place the child with a parent, guardian, legal custodian or other responsible person and may impose reasonable restrictions on the child's travel, association with other persons or places of abode during the period of placement, including a condition requiring the child to return to other custody as requested; or subject the child to the supervision of an agency agreeing to supervise the child. Reasonable restrictions may be placed upon the conduct of the parent, guardian, legal custodian or other responsible person which may be necessary to ensure the safety of the child.

SECTION 22. 48.21 (3) (c) of the statutes is repealed.

SECTION 23. 48.22 (2) (a) of the statutes is amended to read:

48.22 (2) (a) Plans for the secure detention facility, juvenile portion of the county jail or shelter care facility shall be approved by the department. The department shall adopt rules establishing minimum requirements for the approval of the operation of secure detention facilities and the juvenile portion of county jails. The plans and rules shall be designed to protect the health, safety and welfare of the children in these facilities.

SECTION 26. 48.227 of the statutes is repealed and recreated to read:

**48.227 Runaway homes.** (1) Nothing contained in this section prohibits a home licensed under s. 48.48 or 48.75 from providing housing and services to a runaway child with the consent of the child and the consent of the child's parent, guardian or legal custodian, under the supervision of a county social services agency, a child welfare agency or the department. When the parent, guardian or legal custodian and the child both consent to the provision of these services and the child has not been taken into custody, no hearing as described in this section is required.

(2) Any person who operates a home under sub. (1) and licensed under s. 48.48 or 48.75, when engaged in sheltering a runaway child without the consent of the child's parent, guardian or legal custodian, shall notify the intake worker of the presence of the child in the home within 12 hours. The intake worker shall notify the parent, guardian and legal custodian as soon as possible of the child's presence in that home. A hearing shall be held under sub. (4). The child shall not be removed from the home except with the approval of the court under sub. (4). This subsection does not prohibit the parent, guardian or legal custodian from conferring with the child or the person operating the home.

(3) For runaway children who have been taken into custody and then released, the judge may, with the agreement of the persons operating the homes, designate homes licensed under ss. 48.48 and 48.75 as places for the temporary care and housing of such children. If the parent, guardian or legal custodian refuses to consent, the person taking the child into custody or the intake worker may release the child to one of the homes designated under this section; however, a hearing shall be held under sub. (4). The child shall not be removed from the home except with the approval of the court under sub. (4). This subsection does not prohibit the parent, guardian, or legal custodian from conferring with the child or the person operating the home.

(4) (a) If the child's parent, guardian or legal custodian does not consent to the temporary care and housing of the child at the runaway home as provided under sub. (2) or (3), a hearing shall be held on the issue by the judge or juvenile court commissioner within 24 hours of the time that the child entered the runaway home, excluding Saturdays, Sundays and legal holidays. The intake worker shall notify the child and the child's parent, guardian or legal custodian of the time, place and purpose of the hearing.

(b) If, in addition to jurisdiction under par. (c), the court has jurisdiction over the child under ss. 48.12 to 48.14, excluding s. 48.14 (8), a hearing may be held under s. 48.21.

(c) For the purposes of this section, the court has jurisdiction over a runaway child only to the extent that it may hold the hearings and make the orders provided in this section.

(d) At the hearing, the child, the child's parent, guardian or legal custodian and a representative of the runaway home may present evidence, cross-examine and confront witnesses and be represented by counsel or guardian ad litem.

(e) At the conclusion of the hearing, the court may order:

1. That the child be released to his or her parent, guardian or legal custodian; or
2. That, with the consent of the child and the runaway home, the child remain in the care of the runaway home for a period of not more than 20 days. Without further proceedings, the child shall be released whenever the child indicates, either by statement or conduct, that he or she wishes to leave the home or whenever the runaway home withdraws its consent. During this time period not to exceed 20 days ordered by the court, the child's parent, guardian or legal custodian may not remove the child from the home but may confer with the child or with the person operating the home. If, at the conclusion of the time period ordered by the court the child has not left the home, and no petition concerning the child has been filed under s. 48.12 or 48.13, the child shall be released from the home. If a petition concerning the child has been filed under s. 48.12 or 48.13, the child may be held in temporary physical custody under ss. 48.20 to 48.21.

(5) No person operating an approved or licensed home in compliance with this section is subject to civil or criminal liability by virtue of false imprisonment.

SECTION 27. 48.23 (1) (a) and (b), (2) (b), (3) (intro.) and (3m) of the statutes are amended to read:

48.23 (1) (a) Any child alleged to be delinquent under s. 48.12 or held in a secure detention facility shall be represented by counsel at all stages of the proceedings, but a child 15 years of age or older may waive counsel provided the court is satisfied such waiver is knowingly and voluntarily made and the court accepts the waiver. If the waiver is accepted, the court may not ~~make a disposition under s. 48.34 (4m)~~ transfer legal custody of the child to the subunit of the department administering corrections for placement in a secured correctional facility or transfer jurisdiction over the child to adult court.

(b) 1. If a child is alleged to be in need of protection or services under s. 48.13, the child may be represented by counsel at the discretion of the court; ~~but.~~ Except as provided in subd. 2, a child 15 years of age or older may waive counsel provided if the court is satisfied such waiver is knowingly and voluntarily made and the court accepts the waiver.

2. ~~If the child is not represented by counsel at the fact-finding hearing and subsequent proceedings petition is contested,~~ the court may not place the child outside his or her home ~~in making a disposition under s. 48.345 or in approving a change of placement under s. 48.357 or an extension of placement under s. 48.365~~ unless the child is represented by counsel at the fact-finding hearing and subsequent proceedings. If the petition is not contested, the court may not place the child outside his or her home unless the child is represented by counsel at the hearing at which the placement is made. For a child under 12 years of age, the judge may appoint a guardian ad litem instead of counsel.

(2) (b) ~~No~~ If a petition under s. 48.13 is contested, no child alleged to be in need of protection or services under s. 48.13 may be placed outside his or her home under s. 48.345 unless counsel has been appointed for a the nonpetitioning parent. ~~The is represented by counsel at the fact-finding hearing and subsequent proceedings. If the petition is not contested, the child may not be placed outside his or her home unless the nonpetitioning parent is represented by counsel at the hearing at which the placement is made.~~ However, the parent may waive counsel provided if the court is satisfied such waiver is knowingly and voluntarily made and the court may place the child outside the home even though the parent was not represented by counsel.

(3) POWER OF THE COURT TO REQUIRE REPRESENTATION AND APPOINT GUARDIANS AD LITEM. (intro.) At any time, upon request or on its own motion, the court may: appoint a guardian ad litem for the child or any party and may appoint counsel for the child or any party, unless the child or the party has or wishes to retain counsel of his or her own choosing.

(3m) (title) GUARDIANS AD LITEM OR COUNSEL FOR ABUSED OR NEGLECTED CHILDREN. The court shall appoint a guardian ad litem counsel for each any child subject to a judicial proceeding regarding child abuse or neglect alleged to be in need of protection or services under s. 48.13 (3), (10) and (11), except that if the child is less than 12 years of age the court may appoint a guardian ad litem instead of counsel. The guardian ad litem or counsel for the child shall not be the same as counsel for ~~the alleged abuser or neglecter~~ any party or any governmental or social agency involved.

SECTION 28. 48.23 (3) (a) and (b) of the statutes are repealed.

SECTION 29. 48.237 of the statutes is created to read:

**48.237 Civil law and ordinance proceedings initiated by citation in the court assigned to exercise jurisdiction under this chapter.** (1) The citation forms under s. 23.54, 66.119 or 800.02 may be used to commence an action for a violation of civil laws and ordinances in the court assigned to exercise jurisdiction under this chapter.

(2) The procedures for issuance and filing of a citation, and for forfeitures, stipulations and deposits set forth in ss. 23.50 to 23.67, 23.75 (3) and (4), 66.119 and 800.01 to 800.04 except s. 800.04 (2) (b), when the citation is issued by a law enforcement officer, shall be used as appropriate, except that this chapter shall govern taking and holding a child in custody, s. 48.37 shall govern costs and penalty assessments, and a capias shall be substituted for an arrest warrant. Sections 66.119 (3) (c), 66.12 (1) and 778.10 as they relate to collection of forfeitures do not apply.

(3) If a child to whom a citation has been issued does not submit a deposit or a stipulation and deposit, the child shall appear in the court assigned to exercise jurisdiction under this chapter for a plea hearing under s. 48.30 at the date, time and place for the court appearance specified on the citation. If the child does not submit a stipulation and deposit or if the court refuses to accept a deposit unaccompanied by a stipulation, the

child may be summoned to appear and the procedures which govern petitions for civil law or ordinance violations under s. 48.125 shall govern all proceedings initiated by a citation, except that the citation shall not be referred to the court intake worker for an intake inquiry and if the citation issued is a uniform municipal citation issued under ch. 800, the child may request a jury trial at any time prior to the fact-finding hearing and within 20 days after the plea hearing. If the court finds that a child violated a municipal ordinance or a civil law punishable by a forfeiture under this section, the court may enter any of the dispositional orders under s. 48.343.

SECTION 30. 48.24 (1) and (5) of the statutes are amended to read:

48.24 (1) ~~Information~~ Except where a citation has been issued under s. 48.17 (2), information indicating that a child should be referred to the court as delinquent, in need of protection or services or in violation of a civil law or a county, town or municipal ordinance shall be referred to the intake worker, who shall conduct an intake inquiry on behalf of the court to determine whether the available facts establish prima facie jurisdiction and to determine the best interests of the child and of the public with regard to any action to be taken.

(5) The intake worker shall recommend that a petition be filed or shall enter into an informal disposition or close the case within 40 days or sooner of receipt of referral information. If the case is closed or an informal disposition is entered into, the district attorney, corporation counsel or other official under s. 48.09 shall receive written notice of such action. A notice of informal disposition of an alleged delinquency case shall include a summary of facts surrounding the allegation and a list of prior intake referrals and dispositions. If a law enforcement officer has made a recommendation concerning the child, the intake worker shall forward this recommendation to the district attorney, corporation counsel or other official under s. 48.09. With respect to petitioning a child to be in need of protection or services, information received more than 40 days before filing the petition may be included to establish a condition or pattern which, together with information received within the 40-day period, provides a basis for conferring jurisdiction on the court. ~~The judge shall dismiss with prejudice any petition which is referred after the time limits specified in this subsection.~~ Notwithstanding the requirements of this section, the district attorney may initiate a delinquency petition under s. 48.25 within 20 days after notice that the case has been closed or that an informal disposition has been made. ~~If an informal disposition is entered into within 40 days but is subsequently canceled, the intake worker may recommend that a petition be filed within 40 days of the date of cancellation.~~ The judge shall dismiss with prejudice any such petition which is not referred or filed within the 40-day period time limits specified within this subsection.

SECTION 31. 48.243 (1) (intro.) and (h) and (3) of the statutes are amended to read:

48.243 (1) (intro.) Before conferring with the parent or child during the intake inquiry, the intake worker shall personally inform a child alleged to have committed a delinquent act, and parents and children ~~over~~ 12 years of age or older who are the focus of an inquiry regarding the need for protection or services, that the referral may result in a petition to the court and:

(h) The right to have the allegations of the petition proved ~~beyond a reasonable doubt by clear and convincing evidence unless the child comes within the court's jurisdiction under s. 48.125 or is alleged to be in need of protection or services under s. 48.13 (3), (7), (9) or (10) or unless the proceeding is for the termination of parental rights s. 48.12 or 48.13 (12), in which case the standard of proof shall be clear and convincing evidence beyond a reasonable doubt.~~

(3) If the child has not had a hearing under s. 48.21 and was not present at an intake conference under s. 48.24, ~~the judge or juvenile court commissioner shall summon intake worker shall inform~~ the child, parent, guardian ~~or~~ and legal custodian as appropriate ~~to an~~

~~appearance where he or she shall be informed~~ of basic rights under this section. This notice shall be given verbally, either in person or by telephone, and in writing. This notice shall be given so as to allow the child, parent, guardian or legal custodian sufficient time to prepare for the plea hearing. This subsection does not apply to cases of informal disposition under s. 48.245.

SECTION 32. 48.245 (5) and (7) of the statutes are amended to read:

48.245 (5) Informal disposition ~~may~~ shall be terminated ~~at any time~~ upon the request of the child, parent, guardian or legal custodian.

(7) If at any time during the period of informal disposition the intake worker determines that the obligations imposed under it are not being met, the intake worker may cancel the informal disposition ~~and recommend to the district attorney or corporation counsel that a petition be filed. In delinquency cases notice of cancellation shall be sent to the district attorney who may initiate a delinquency petition within 20 days after notice that the informal disposition has been canceled.~~ Within 10 days after the cancellation of the informal disposition, the intake worker shall notify the district attorney, corporation counsel or other official under s. 48.09 of the cancellation and recommend whether or not a petition should be filed. In delinquency cases, the district attorney may initiate a petition within 20 days after the date of the notice regardless of whether the intake worker has recommended that a petition be filed. The judge shall dismiss with prejudice any petition which is not filed within the time limit specified in this subsection.

SECTION 33. 48.25 (1) of the statutes is amended to read:

48.25 (1) A petition initiating proceedings under this chapter shall be signed by a person who has knowledge of the facts alleged or is informed of them and believes them to be true. If a petition under s. 48.12 is to be filed, it shall be prepared, signed and filed by the district attorney ~~if the proceeding is under s. 48.12, or by the~~ The district attorney, city attorney or corporation counsel or other appropriate official specified under s. 48.09 may file the petition if the proceeding is under s. 48.125 or 48.13. The counsel or guardian ad litem for a parent, relative, guardian or child may file a petition under s. 48.13 or 48.14. The district attorney, corporation counsel or other appropriate person designated by the court may initiate proceedings under s. 48.14 in a manner specified by the court. ~~Counsel or a guardian ad litem for the child, parent, relative or guardian may file a petition under s. 48.13 or 48.14.~~

SECTION 34. 48.25 (2) of the statutes is renumbered 48.25 (2) (b).

SECTION 35. 48.25 (2) (a) and (5) of the statutes are created to read:

48.25 (2) (a) If the proceeding is brought under s. 48.12, 48.125 or 48.13, the district attorney, corporation counsel or other appropriate official shall file the petition, close the case, or refer the case back to intake within 20 days after the date that the intake worker's recommendation was filed. A referral back to intake may be made only when the district attorney, corporation counsel or other appropriate official decides not to file a petition or determines that further investigation is necessary. If the case is referred back to intake upon a decision not to file a petition, the intake worker shall close the case or enter into an informal disposition within 20 days. If the case is referred back to intake for further investigation, the appropriate agency or person shall complete the investigation within 20 days. If another referral is made to the district attorney, corporation counsel or other appropriate official, it shall be considered a new referral to which the time limits of this subsection shall apply. The time limits in this subsection may only be extended by a judge upon a showing of good cause under s. 48.315. If a petition is not filed within the time limitations set forth in this subsection and the court has not granted an extension, the petition shall be accompanied by a statement of reasons for the delay. The court shall dismiss with prejudice a petition which was not timely filed unless the court finds at the plea hearing that good cause has been shown for failure to meet the time limitations.

(5) A citation issued under s. 48.17 (2) may serve as the initial pleading and is sufficient to confer the court with jurisdiction over the child when the citation is filed with the court.

SECTION 36. 48.263 (2) of the statutes is amended to read:

48.263 (2) With reasonable notification to the interested parties and prior to the taking of a plea under s. 48.30, the petition may be amended at the discretion of the court or person authorizing who filed the petition. After the taking of a plea, if the child is alleged to be delinquent, the court may allow amendment of the petition to conform to the proof if such the amendment is not prejudicial to the child. If the child is alleged to be in need of protection or services, the petition may be amended provided any objecting party is allowed a continuance for a reasonable time.

SECTION 37. 48.27 (3) and (5) of the statutes are amended to read:

48.27 (3) The court shall also notify, under s. 48.273, the child and any parent, guardian and legal custodian of the child of all hearings involving the child except hearings on motions ~~and probable cause~~ for which notice need only be provided to the child and his or her counsel. Where parents entitled to notice have the same place of residence, notice to one shall constitute notice to the other. The first such written notice to any interested party shall have ~~attached to it~~ a copy of the petition attached to it.

(5) Notice as specified in this section shall be provided to The court shall make every reasonable effort to identify and notify any person who has filed a declaration of interest under s. 48.025 and any person who has been adjudged to be the biological father of the child in a judicial proceeding unless the biological father's rights have been terminated.

SECTION 38. 48.27 (7) of the statutes is created to read:

48.27 (7) When a citation has been issued under s. 48.17 (2) and the child's parent or guardian has been notified of the citation, subs. (3) and (4) do not apply.

SECTION 39. 48.273 (1) of the statutes is amended to read:

48.273 (1) Service of summons or notice required by s. 48.27 may be made by mailing a copy thereof to the persons summoned or notified. If the persons fail to appear at the hearing or otherwise to acknowledge service, a continuance shall be granted, except where the court determines otherwise because the child is in secure custody, and service shall be made personally by delivering to the persons a copy of the summons or notice; except that if the court is satisfied that it is impracticable to serve the summons or notice personally, it may make an order providing for the service of the summons or notice by certified mail addressed to the last-known addresses of the persons. The court may refuse to grant a continuance when the child is being held in secure custody, but in such a case the court shall order that service of notice of the next hearing be made personally or by certified mail to the last-known address of the person who failed to appear at the hearing. Personal service shall be made at least 72 hours before the time of the hearing; mail. Mail shall be sent at least 7 days before the time of the hearing if within the state or 14 days if outside the state, except where the petition is filed under s. 48.13 and the person to be notified lives outside the state, in which case the mail shall be sent at least 14 days before the time of the hearing.

SECTION 40. 48.29 of the statutes, as affected by chapter 32, laws of 1979, is renumbered 48.29 (1) and amended to read:

48.29 (1) The child, or the child's parent, guardian or legal custodian, either before or during the plea hearing, may file a written request with the clerk of the court or other person acting as the clerk for a substitution of the judge assigned to the proceeding. Upon filing the written request, the filing party shall immediately mail or deliver a copy of the request to the judge named therein. In a proceeding under s. 48.12 or 48.13 (12), only the child may request a substitution of the judge. After Whenever any person has the right to request a substitution of judge, that person's counsel or guardian ad litem may file

the request. Except as provided in sub. (2), after a request has been filed, the judge shall be disqualified to act in relation to the matter and shall promptly request assignment of another judge under s. 751.03. Not more than one such written request may be filed in any one proceeding, nor may any single request name more than one judge. This section shall not apply to proceedings under s. 48.21.

SECTION 41. 48.29 (2) of the statutes is created to read:

48.29 (2) If the request for substitution of a judge is made for the judge scheduled to conduct a waiver hearing under s. 48.18, the request shall be filed before the close of the working day preceding the day that the waiver hearing is scheduled. However, the judge may allow an authorized party to make a request for substitution on the day of the waiver hearing. If the request for substitution is made subsequent to the waiver hearing, the judge who conducted the waiver hearing may also conduct the plea hearing.

SECTION 42. 48.295 (1) and (2) of the statutes are amended to read:

48.295 (1) After the filing of a petition and upon a finding by the court that reasonable cause exists to warrant an examination, the court may order any child coming within its jurisdiction to be examined as an outpatient by a physician, psychiatrist or licensed psychologist, or by another expert appointed by the court holding at least a masters degree in social work or another related field of child development, in order that the child's physical, psychological, mental or developmental condition may be considered ~~in the disposition of the case.~~ The court may also order an examination of a parent, guardian or legal custodian whose ability to care for a child is at issue before the court. The court shall hear any objections by the child, the child's parents, guardian or legal custodian to the request for such an examination before ordering the examination. The expenses of an examination, if approved by the court, shall be paid by the county of the court ordering the examination.

(2) If there is probable cause to believe that the child has committed the alleged offense and is not competent to proceed, or upon entry of a plea under s. 48.30 (4) (c) the court shall order the child to be examined by a psychiatrist or licensed psychologist. The expenses of an examination, if approved by the court, shall be paid by the county of the court ordering the examination. Evaluation shall be made on an outpatient basis unless the child presents a substantial risk of physical harm to the child or others; or the child, parent or guardian, and legal counsel or guardian ad litem consent to an inpatient evaluation. Any inpatient evaluation shall be for a specified period no longer than is necessary to complete the evaluation.

SECTION 43. 48.297 (4) of the statutes is repealed and recreated to read:

48.297 (4) Although the taking of a child into custody is not an arrest, it shall be considered an arrest for the purpose of deciding motions which require a decision about the propriety of taking into custody, including but not limited to motions to suppress evidence as illegally seized, motions to suppress statements as illegally obtained and motions challenging the lawfulness of the taking into custody.

SECTION 44. 48.299 of the statutes is created to read:

**48.299 Procedures at hearings.** (1) The general public shall be excluded from hearings under this chapter and from hearings by courts exercising jurisdiction under s. 48.17 (2) unless a public fact-finding hearing is demanded by a child through his or her counsel. However, the court shall refuse to grant the public hearing if the victim of an alleged sexual assault objects or, in a nondelinquency proceeding, if a parent or guardian objects. If a public hearing is not held, only the parties, their counsel, witnesses and other persons requested by a party and approved by the court may be present. Any other person the court finds to have a proper interest in the case or in the work of the court, including a member of the bar, may be admitted by the court. Any person who divulges any information which would identify the child or the family involved in any proceeding under this chapter shall be subject to ch. 785.

(2) Every hearing under this chapter shall be reported. The record may be transcribed upon the request of any party with the approval of the court or under s. 48.47 (2).

(3) If the court finds that it is in the best interest of the child, and if the child's counsel or guardian ad litem consents, the child may be temporarily excluded by the court from a hearing on a petition alleging that the child is in need of protection or services. If the court finds that a child under 7 years of age is too young to comprehend the hearing, and that it is in the best interest of the child, the child may be excluded from the entire hearing.

(4) (a) Chapters 901 to 911 shall govern the presentation of evidence at the fact-finding hearings under ss. 48.31 and 48.42.

(b) Neither common law nor statutory rules of evidence are binding at a waiver hearing under s. 48.18, a hearing for a child held in custody under s. 48.21, a runaway home hearing under s. 48.227 (4), a dispositional hearing, or a hearing about changes in placement, revision of dispositional orders or extension of dispositional orders. At those hearings, the court shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony. Hearsay evidence may be admitted if it has demonstrable circumstantial guarantees of trustworthiness. The court shall give effect to the rules of privilege recognized by law. The court shall apply the basic principles of relevancy, materiality and probative value to proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

SECTION 45. 48.30 (1), (2) and (4) (intro.) of the statutes are amended to read:

48.30 (1) The hearing to determine the child's plea to a citation or a petition under s. 48.12, 48.125 or 48.13 (12), or to determine whether any party wishes to contest an allegation that the child is in need of protection or services, shall take place on a date which allows reasonable time for the parties to prepare but is within 30 days of the filing of a petition for a child who is not being held in secure custody or within 10 days of the filing of a petition for a child who is being held in secure custody.

(2) At the commencement of the hearing under this section the child and the parent, guardian or legal custodian shall be advised of their rights as specified in s. 48.243 and shall be informed that a request for a jury trial or for a substitution of judge must be made before the end of the plea hearing or be waived, except where the child is before the court on a uniform municipal citation, issued under ch. 800 in which case the court shall inform the child that a request for a jury trial may be made at any time prior to the fact-finding hearing and within 20 days after the plea hearing. Nonpetitioning parties, including the child, shall be granted a continuance of the plea hearing if they wish to consult with an attorney on the request for a jury trial or substitution of a judge.

(4) (intro.) If a delinquency petition under s. 48.12, a civil law or ordinance violation petition or citation under s. 48.125, or a petition alleging that a child is in need of protection or services under s. 48.13 (12) is filed, the child may plead as follows:

SECTION 46. 48.30 (4) (bm) of the statutes is created to read:

48.30 (4) (bm) Plead no contest to the allegations, subject to the approval of the court.

SECTION 47. 48.30 (4) (c) and (5) (intro.) and (a) of the statutes are amended to read:

48.30 (4) (c) ~~State~~ Except pursuant to petitions or citations under s. 48.125, state that he or she is not responsible for the acts alleged in the petition by reason of mental disease or defect. This plea may shall be joined with an admission of under par. (a) or, a denial under par. (b) or a plea of no contest under par. (bm).



(5) (intro.) If the child enters a plea of not responsible by reason of mental disease or mental defect the court shall order an examination under s. 48.295 and set a date for hearing ~~on the issue~~ as follows:

(a) ~~The~~ If the child admits or pleads no contest to the allegations in the petition, the hearing to determine whether the child was not responsible by reason of mental disease or mental defect shall be held no more than 10 days from the plea hearing for a child held in secure custody and no more than 30 days from the plea hearing for a child who is not held in secure custody.

SECTION 48. 48.30 (5) (b) of the statutes is repealed and recreated to read:

48.30 (5) (b) If the child denies the allegations in the petition, the court shall hold a fact-finding hearing on the allegations in the petition as provided under s. 48.31. If, at the end of the fact-finding hearing, the court finds that the allegations in the petition have been proven, the court shall immediately hold a hearing to determine whether the child was not responsible by reason of mental disease or mental defect.

SECTION 49. 48.30 (5) (c) of the statutes is created to read:

48.30 (5) (c) If the court finds that the child was not responsible by reason of mental disease or mental defect, the court shall dismiss the petition with prejudice and the court may order the filing of a petition under ch. 51. If the court does not so find, the court shall proceed to a dispositional hearing.

SECTION 50. 48.30 (8) (intro.) of the statutes is amended to read:

48.30 (8) (intro.) Before accepting an admission or plea of no contest of the alleged facts in a petition, the court shall:

SECTION 51. 48.30 (9) of the statutes is created to read:

48.30 (9) If a court commissioner conducts the plea hearing and accepts an admission of the alleged facts in a petition brought under s. 48.12 or 48.13, the judge shall review the admission at the beginning of the dispositional hearing by addressing the parties and making the inquires set forth in sub. (8).

SECTION 52. 48.305 of the statutes is amended to read:

**48.305 Hearing upon the involuntary removal of a child.** If Notwithstanding other time periods for hearings under this chapter, if a child is removed from the physical custody of the child's parent or guardian under s. 48.19 (1) (c) or (d) 5 without the consent of the parent or guardian, the court shall schedule a plea hearing and fact-finding hearing within 30 days of a request from the parent or guardian from whom custody was removed. The plea hearing and fact-finding hearing may be combined. This time period may be extended only with the consent of the requesting parent or guardian.

SECTION 53. 48.31 (1), (2) and (4) of the statutes are amended to read:

48.31 (1) In this section, "fact-finding hearing" means a hearing to determine if the allegations of ~~the a~~ petition under s. 48.12 or 48.13 (12) are supported beyond a reasonable doubt ~~except for petitions under s. 48.125 or 48.13 (3), (7), (10) and (11) and petitions or a hearing to determine if the allegations in a petition or citation under s. 48.125 or 48.13 (1) to (11) or a petition to terminate parental rights, which shall be~~ are proved by clear and convincing evidence.

(2) The hearing shall be to the court unless the child, parent, guardian or legal custodian exercises the right to a jury trial by demanding a jury trial at any time before or during the plea hearing. Chapters 756 and 805 shall govern the selection of jurors except that ss. 972.03 and 972.04 shall apply in cases in which the juvenile is alleged to be delinquent under s. 48.12. ~~Chapters 901 to 911 shall govern the admissibility of evidence at the fact-finding hearing.~~ At the conclusion of the hearing, the court or jury shall make a determination of the facts. If the court finds that the child is not within the jurisdiction

of the court or the court or jury finds that the facts alleged in the petition have not been proved, the court shall dismiss the petition with prejudice.

(4) The court or jury shall make findings of fact and the court shall make conclusions of law relating to the allegations of a petition filed under s. 48.13 (1) to (11). In cases alleging a child to be in need of protection or services under s. 48.13 (11), the court shall not find that the child is suffering serious emotional damage unless a licensed physician specializing in psychiatry or a licensed psychologist appointed by the court to examine the child has testified at the hearing that in his or her opinion the condition exists, and adequate opportunity for the cross-examination of the physician or psychologist has been afforded. The judge may use the written reports if the right to have testimony presented is voluntarily, knowingly and intelligently waived by the guardian ad litem or legal counsel for the child and the parent or guardian. In cases alleging a child delinquent or in need of protection or services under s. 48.13 (12) the court shall make findings relating to the proof of the violation of law and to the proof that the child named in the petition committed the violation alleged.

SECTION 54. 48.31 (3), (5), as affected by chapter 32, laws of 1979, and (6) of the statutes are repealed.

SECTION 55. 48.33 (intro.) of the statutes is amended to read:

**48.33 Court reports.** (intro.) Before the disposition of cases of children adjudged to be delinquent or in need of protection or services an agency under s. 48.069 designated by the judge shall submit a report as specified in this section to the judge. The report shall recommend a plan of rehabilitation or treatment and care which employs the least restrictive means necessary to accomplish the purpose. The report may be presented orally at the dispositional hearing if all the parties consent to an oral report and if the report does not recommend placement of the child outside the child's home or outside the child's present placement. If an oral report is made, a record of the report shall be transcribed and shall be made a part of the court record. The report shall include:

SECTION 56. 48.335 (2) and (4) of the statutes are repealed.

SECTION 57. 48.34 (5), (8) and (9) of the statutes are amended to read:

48.34 (5) If the child is found to have committed a delinquent act which has resulted in damage to the property of another, or actual physical injury to another excluding pain and suffering, the judge may order the child to repair damage to property or to make reasonable restitution for the damage or injury if the judge considers it beneficial to the well-being and behavior of the child. Any such order shall include a finding that the child alone is financially able to pay and shall allow up to 12 months for the payment. Objection by the child to the amount of damages claimed shall entitle the child to a hearing on the question of damages before the amount of restitution is ordered.

(8) If the judge finds that no other court services or alternative services are needed or appropriate it may impose a maximum forfeiture of \$50 based upon a determination that this disposition is in the best interest of the child and in aid of rehabilitation, except that the court may raise the maximum ceiling on the amount of the forfeiture by \$50 for every subsequent adjudication of delinquency concerning an individual child. Any such order shall include a finding that the child alone is financially able to pay the forfeiture and shall allow up to 12 months for payment. If the child fails to pay the forfeiture, the judge may vacate the forfeiture and order other alternatives under this section, in accordance with the conditions specified in this chapter; or the judge may suspend any license issued under ch. 29 for not less than 30 days nor more than 90 days, or suspend the child's operating privilege as defined in s. 340.01 (40) for not less than 30 days nor more than 90 days. If the judge suspends any license under this subsection, the clerk of the court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with a notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid

during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid after the end of the 30 days, the suspension shall be reduced to the time period which has already elapsed and the court shall immediately notify the department which shall then return the license to the child.

(9) (a) The judge may utilize as a dispositional alternative court-ordered participation in a supervised work program. The judge shall set standards for the program within the budgetary limits established by the county board. The work program may provide the child reasonable compensation reflecting a reasonable market value of the work performed, or it may consist of uncompensated community service work, and shall be administered by the county department of public welfare or a community agency approved by the judge.

(b) The supervised work program shall be of a constructive nature designed to promote the rehabilitation of the child, shall be appropriate to the age level and physical ability of the child and shall be combined with counseling from a member of an agency staff or other qualified person. The program may not conflict with the child's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the child's offense.

SECTION 58. 48.343 (2) and (6) of the statutes are amended to read:

48.343 (2) Impose a forfeiture not to exceed \$25. Any such order shall include a finding that the child alone is financially able to pay and shall allow up to 12 months for the payment. If a child fails to pay the forfeiture, the court may suspend any license issued under ch. 29 or suspend the child's operating privilege as defined in s. 340.01 (40), for not less than 30 days nor more than 90 days. The court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the court shall immediately notify the department, which will thereupon return the license to the person.

(6) If the violation is of ch. 29, suspension of the license or licenses of the child issued under that chapter for not ~~less~~ more than one year or until the child is 18 years of age, whichever occurs first.

SECTION 59. 48.343 (7) and (8) of the statutes are created to read:

48.343 (7) If the violation is related to the unsafe use of firearms, order the child to attend a safety course under s. 29.225.

(8) If the violation is one under ch. 350 concerning the use of snowmobiles, order the child to attend a safety course under s. 350.055.

SECTION 60. 48.345 (5) of the statutes is amended to read:

48.345 (5) Place any child not specifically found under chs. 46, 49, 51, 115 and 880 to be developmentally disabled, mentally ill or to have exceptional educational needs in facilities ~~approved for the treatment of which exclusively treat those categories of children under chs. 46, 49, 51, 115 and 880.~~

SECTION 60m. 48.345 (6) of the statutes is created to read:

48.345 (6) Order the child to participate in a supervised work program under s. 48.34 (9).

SECTION 61. 48.35 (1) (b) of the statutes is amended to read:

48.35 (1) (b) The disposition of a child, and any record of evidence given in a hearing in court, shall not be admissible as evidence against the child in any case or proceeding in any other court ~~after the child reaches majority except in:~~

1. In sentencing proceedings after conviction of a felony or misdemeanor and then only for the purpose of a presentence study and report.;

SECTION 62. 48.35 (1) (b) 2 and 3 of the statutes are created to read:

48.35 (1) (b) 2. In a proceeding in any court assigned to exercise jurisdiction under this chapter; or

3. In a court of civil or criminal jurisdiction while it is exercising the jurisdiction of a family court and is considering the custody of children.

SECTION 63. 48.355 (2) (a) and (b) (intro.) of the statutes are amended to read:

48.355 (2) (a) In addition to the order, the judge shall make written findings of fact and conclusions of law based on the evidence presented to the judge to support the disposition of each individual coming before him or her.

(b) (intro.) The court order shall be in writing and shall contain:

SECTION 64. 48.355 (2) (b) 5, (2m) and (3m) of the statutes are created to read:

48.355 (2) (b) 5. If the child is placed outside his or her home pursuant to a finding under s. 48.13 that the child is in need of protection or services, the conditions necessary for the child to be returned home, including any required changes in the conduct of the parent, the nature of the home or the conduct of the child.

(2m) TRANSITIONAL PLACEMENTS. The court order may include the name of transitional placements, but may not designate a specific time when transitions are to take place. The procedures of ss. 48.357 and 48.363 shall govern when such transitions take place. However, the court may place specific time limitations on interim arrangements made for the care of the child pending the availability of the dispositional placement.

(3m) ORDERS BASED ON EVIDENCE. Dispositional orders under s. 48.343 shall be based upon the evidence.

SECTION 65. 48.357 (1) and (2) of the statutes are amended to read:

48.357 (1) ~~Except as provided in subs. (2) to (5), prior to any change in placement authorized by a dispositional order, the~~ The person or agency primarily responsible for implementing the dispositional order may request a change in the placement of the child, whether or not the change requested is authorized in the dispositional order and shall cause written notice to be sent to the court and to the child or the child's counsel or guardian ad litem, parent, guardian and legal custodian. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court. Any party receiving the notice under this subsection or notice of the specific foster placement under s. 48.355 (2) (b) 2 may obtain a hearing on the matter by filing an objection with the court within 10 days of receipt of the notice. Placements shall not be changed until 10 days after such notice is sent to the court unless the parent, guardian or legal custodian and the child, if 14 12 or more years of age, sign written waivers of objection, except that placement changes which were authorized in the dispositional order may be made immediately if notice is given as required in this subsection. In addition, a hearing is not required for placement changes authorized in the dispositional order except where an objection filed by a party who received notice alleges that new information is available which affects the advisability of the court's dispositional order.

(2) If emergency conditions necessitate an immediate change in the placement of a child placed outside the home, the person or agency primarily responsible for implementing the dispositional order may remove the child to a new placement, whether or not authorized by the existing dispositional order, without the prior notice provided in sub.

(1). The notice shall, however, be sent within 48 hours after the emergency change in placement. ~~If a new placement is authorized under the existing dispositional order, any~~

Any party receiving notice may demand a hearing under sub. (1). If the new placement is not so authorized, the person or agency which made the emergency placement shall within 5 days petition the judge for a revision of the order under s. 48.363. In emergency situations, the child may be placed in a licensed public or private shelter care facility as a transitional placement for not more than 20 days, as well as in any placement authorized under s. 48.34 (3).

SECTION 66. 48.357 (2m) of the statutes is created to read:

48.357 (2m) The child, parent, guardian, legal custodian or any person or agency primarily bound by the dispositional order, other than the person or agency responsible for implementing the order, may request a change in placement under this subsection. The request shall contain the name and address of the place of the new placement requested and shall state what new information is available which affects the advisability of the current placement. This request shall be submitted to the court. In addition, the court may propose a change in placement on its own motion. The court shall hold a hearing on the matter prior to ordering any change in placement under this subsection if the request states that new information is available which affects the advisability of the current placement, unless written waivers of objection to the proposed change in placement are signed by all parties entitled to receive notice under sub. (1) and the court approves. If a hearing is scheduled, the court shall notify the child, parent, guardian, legal custodian and all parties who are bound by the dispositional order at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all the parties consent, the court may proceed immediately with the hearing.

SECTION 67. 48.357 (3) of the statutes is renumbered 48.357 (4) and amended to read:

48.357 (4) The When the child is placed with the subunit of the department administering corrections, the department may, after an examination under s. 48.50, allow a child liberty under supervision place the child in a secured correctional facility or on aftercare, either immediately or after a period of placement in a secured correctional facility under s. 48.52. The department shall send written notice of the change to the parent, guardian, legal custodian and committing court.

SECTION 68. 48.357 (4) of the statutes is renumbered 48.357 (5) and amended to read:

48.357 (5) If a child placed with the subunit of the department administering corrections has been released on ~~after care or field supervision~~ aftercare, revocation of the status and return to residential placement aftercare shall not require prior notice under sub. (1), ~~but the notice shall be sent within 48 hours after revocation.~~ A child on ~~after care or field release~~ aftercare status may be taken into custody only as provided in s. ss. 48.19. ~~If charged with a violation of the conditions of release, the~~ to 48.21. The child shall be entitled to representation by counsel at an ~~administrative~~ at all stages of the revocation proceeding. The hearing shall be conducted under ch. 227 by an independent officer of the department. Review of a revocation decision shall be by certiorari to the court by whose order the child was placed with the subunit of the department administering corrections.

SECTION 69. 48.357 (5) of the statutes is renumbered 48.357 (3) and amended to read:

48.357 (3) If the proposed change in placement would involve placing the child with the subunit of the department administering corrections ~~other than in the manner described in sub. (4),~~ a notice shall be given as provided in sub. (1). A hearing shall be held, unless waived by the child, parent, guardian and legal custodian, before the judge makes a decision on the request. The child shall be entitled to counsel at the hearing, and any party opposing or favoring the proposed new placement may present relevant evidence and cross-examine witnesses. The proposed new placement may be approved only

if the judge finds, on the record, that the conditions set forth in s. 48.34 (4m) have been met.

SECTION 70. 48.357 (6) of the statutes is created to read:

48.357 (6) No change in placement may extend the expiration date of the original order.

SECTION 71. 48.363 of the statutes is amended to read:

**48.363 Revision of dispositional orders.** The parent, child, guardian or legal custodian or any person or agency bound by a dispositional order may petition for request a revision in the order, which does not involve a change in placement, or the court may on its own motion propose such a revision. The petition request or court proposal shall set forth in detail the nature of the proposed revision and the reasons why it is alleged to be preferable to the order in light of the information and alternatives currently available under s. 48.33. The petition or court proposal shall be sent to all parties, any of whom may demand a hearing by filing objections to the proposed revision within 10 days. A revision of a dispositional order may transfer custody of a child to the subunit of the department administering corrections only if a hearing is held, unless waived by the child, parent, guardian and legal custodian, before the judge makes a decision on the issue. The child shall be entitled to counsel at the hearing, and any party opposing or favoring the proposed revision may present relevant evidence and cross-examine witnesses. The proposed revision may be approved only if the judge finds, on the record, that the conditions set forth in s. 48.34 (4m) have been met what new information is available which affects the advisability of the court's disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter if the request or court proposal indicates that new information is available which affects the advisability of the court's dispositional order and prior to any revision of the dispositional order, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves. If a hearing is held, the court shall notify the parent, child, guardian and legal custodian, and all parties bound by the dispositional order at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

SECTION 72. 48.365 of the statutes is repealed and recreated to read:

**48.365 Extension of orders.** (1) The parent, child, guardian, legal custodian, any person or agency bound by the dispositional order, or the court on its own motion, may request an extension of an order under s. 48.355. The request shall be submitted to the court which entered the order. No order under s. 48.355 may be extended except as provided in this section.

(2) An order may be extended only pursuant to a hearing before the judge which shall include:

(a) Notice to the child or the child's guardian ad litem or counsel, and to the parent, guardian, legal custodian and all the parties present at the original hearing.

(b) A signed and filed court report by the person or agency designated by the judge who is primarily responsible for the provision of services to the child. The report shall contain a statement to what extent the disposition has been meeting the objectives of treatment, care or rehabilitation as specified in the judge's findings of fact. The statement shall contain:

1. In cases of placements outside the home, an evaluation of the child's adjustment to the placement, progress he or she has made, anticipated future planning for the child, a description of efforts that have been made by all parties concerned towards returning the child to his or her parental home, including efforts of the parents to remedy factors which contributed to the transfer of the child, and an explanation of why returning the child to his or her home is not feasible.

2. In cases where the child has not been placed outside the home, a description of efforts that have been made by all parties concerned toward meeting the objectives of treatment, care or rehabilitation, an explanation of why these efforts have not yet succeeded in meeting the objective, and anticipated future planning for the child.

(c) Any party may present evidence relevant to the issue of extension. The judge shall make findings of fact and conclusions of law based on the evidence. An order shall be issued under s. 48.355.

(3) The appearance of any child may be waived by consent of the child, counsel or guardian ad litem.

(4) The judge shall determine which dispositions are to be considered for extensions.

(5) All orders shall be for a specified length of time not to exceed one year.

(6) If a request to extend a dispositional order is made prior to the termination of the order, but the court is unable to conduct a hearing on the request prior to the termination date, the court may extend the order for a period of not more than 30 days.

(7) Nothing in this section may be construed to allow any changes in placement or revocation of aftercare. Revocation and other changes in placement may take place only under s. 48.357.

SECTION 73. 48.37 of the statutes is amended to read:

**48.37 Costs.** No costs may be assessed against any child in a court assigned to exercise jurisdiction under this chapter. Courts of civil and criminal jurisdiction exercising jurisdiction under s. 48.17 may assess the same costs and penalty assessment against children as they may assess against adults, except that witness fees shall not be charged to the child.

SECTION 74. 48.396 (2) and (3) of the statutes are amended to read:

48.396 (2) Records of the court assigned to exercise jurisdiction under this chapter and of courts exercising jurisdiction under s. 48.17 (2) shall be entered in books or deposited in files kept for that purpose only. They shall not be open to inspection or their contents disclosed except by order of the court assigned to exercise jurisdiction under this chapter.

(3) This section ~~shall~~ does not apply to proceedings for violation of chs. 340 to 349 or any county or municipal ordinance enacted under ch. 349, except that this section does apply to proceedings for violations of ss. 342.06 (2) and 344.48 (1), and s. 346.67 when death or injury occurs.

SECTION 75. 48.396 (4) of the statutes is created to read:

48.396 (4) When a court revokes, suspends or restricts a child's operating privilege under s. 48.17 (2), 48.237, 48.34 (7) or (8) or 48.343 (2), the department of transportation shall not disclose information concerning or relating to the revocation, suspension or restriction to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, or the minor whose operating privilege is revoked, suspended or restricted, or his or her parent or guardian. Persons entitled to receive this information shall not disclose the information to other persons or agencies.

SECTION 76. 48.41 of the statutes is amended to read:

**48.41 (title) Venue for termination of parental rights.** ~~The court has jurisdiction to terminate parental rights if the minor is within the state or as otherwise allowed under s. 822.03.~~ If a court has made an order under s. 48.34 or 48.355 transferring legal custody of the minor, that court shall hear the termination of parental rights proceeding unless it transfers the proceeding along with all appropriate records to the county where the minor or parents are. Otherwise venue for the proceeding is in the county either where the minor is or where the parents whose rights are being terminated are.

SECTION 77. 48.425 (2) of the statutes is amended to read:

48.425 (2) If a person who has filed a declaration under s. 48.025 or a person who alleges himself to be the natural father of the child appears at the hearing, the court shall determine whether he is the natural father by a clear and convincing ~~preponderance of the~~ evidence. Upon a finding that he is the natural father, he shall be adjudged a parent. His parental rights shall be terminated only in accordance with s. 48.43.

SECTION 78. 48.46 of the statutes is amended to read:

**48.46 New evidence.** ~~A~~ The parent, guardian, or legal custodian of the child ~~or next friend of any~~ the child whose status is adjudicated by the court may at any time within one year after the entering of the court's order petition the court for a rehearing on the ground that new evidence has been discovered affecting the advisability of the court's original adjudication ~~or disposition~~. Upon a showing that such evidence does exist, the court shall order a new hearing and ~~make a disposition of the case as the facts and the best interests of the child warrant.~~

SECTION 79. 48.48 (4) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

48.48 (4) To provide appropriate care and training for children in its legal custody; including serving those children in their own homes, placing them in licensed foster homes in accordance with s. 48.63 or licensed group homes ~~or~~, contracting for their care by licensed child welfare agencies or replacements to juvenile correctional institutions in accordance with the administrative rules established under ch. 227, except that the department shall not purchase the educational component of private day treatment programs for children in its custody unless the department, the school board as defined in s. 115.01 (4) 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.

SECTION 80. 48.58 (1) (intro.) of the statutes is amended to read:

48.58 (1) (intro.) Any existing county children's home in counties with a population of 500,000 or more may do any of the following:

SECTION 81. 48.58 (1) (a) of the statutes is repealed.

SECTION 82. 48.58 (1) (b) and (c) and (2) (intro.) of the statutes are amended to read:

48.58 (1) (b) Provide care for children in need of protection or services and delinquent children; provided that the delinquent children are placed in separate facilities referred by the county welfare department or department of social services;

(c) Provide temporary shelter care for children in need of protection or services and delinquent children; provided that the delinquent children are placed in separate facilities.

(2) (intro.) A county shall be reimbursed by the state for 50% of the allowable per capita cost of care of the children who are in a children's home under sub. (1) ~~(a)~~ (b) to (d).

SECTION 83. 48.60 (2) (g) of the statutes is created to read:

48.60 (2) (g) A licensed group home.

SECTION 84. 48.61 (1) and (3) of the statutes are amended to read:

48.61 (1) To accept legal or physical custody of children transferred to it by the court under s. 48.355;

(3) To provide appropriate care and training for children in its legal or physical custody and, if licensed to do so, to place children in licensed foster homes and licensed group homes;



SECTION 85. 48.63 (1) of the statutes is amended to read:

48.63 (1) Acting pursuant to court order or voluntary agreement, the child's parent or guardian or the department, a county agency performing child welfare services under s. 48.56 (1) or a child welfare agency licensed to place children in foster homes, may place a child or negotiate or act as intermediary for the placement of a child in a foster home. Voluntary agreements under this subsection may not be used for placements in facilities other than foster homes. Placements made under this subsection under a voluntary agreement shall be for a period of time not to exceed 6 months and shall not be extended. The 6-month limitation does not apply to placements made ~~with the consent of a parent or guardian~~ under ss. 48.34 and 48.345. Voluntary agreements can only be made under this subsection and shall be in writing and shall specifically state that the agreement can be terminated at any time by the parent or by the child if the child's consent to the agreement is required. The child's consent to the agreement is required whenever the child is 12 years of age or older.

SECTION 86. 48.67 (title) and (1) of the statutes are amended to read:

**48.67 (title) Rules governing child welfare agencies, day care centers, foster homes, group homes, shelter care facilities and county departments of social services or public welfare.** (1) The department shall prescribe rules establishing minimum requirements for the issuance of licenses to and establishing standards for the operation of child welfare agencies, day care centers, foster homes, group homes, shelter care facilities and county departments of social services or public welfare. These rules shall be designed to protect and promote the health, safety and welfare of the children in the care of all licensees. The department shall consult with the department of industry, labor and human relations and the department of public instruction before prescribing these rules.

SECTION 87. 48.73 of the statutes is amended to read:

**48.73 Inspection of licensees.** The department may visit and inspect each child welfare agency, foster home, group home and day care center licensed by it, and for such purpose shall be given unrestricted access to the premises described in the license.

SECTION 88. 48.74 of the statutes is amended to read:

**48.74 Authority of department to investigate alleged violations.** Whenever the department is advised or has reason to believe that any person is violating any of the provisions of ss. 48.60, 48.62, 48.625 or 48.65, it shall make an investigation to determine the facts. For the purposes of this investigation, it shall have authority to inspect the premises where the violation is alleged to occur. If it finds that the person is violating any of the specified sections, it may either issue a license if the person is qualified or may institute a prosecution under s. 48.76.

SECTION 89. 48.76 of the statutes is amended to read:

**48.76 Penalties.** Any person who violates s. 48.60, 48.62, 48.625, 48.63 or 48.65 may be fined not more than \$500 or imprisoned not more than one year in county jail or both.

SECTION 90. 48.77 of the statutes is amended to read:

**48.77 Injunction against violations.** In addition to the penalties provided in s. 48.76, the circuit courts shall have jurisdiction to prevent and restrain by injunction violations of s. 48.60, 48.62, 48.625, 48.63 or 48.65. It shall be the duty of the district attorneys, upon request of the department, to institute action for such injunction under ch. 813.

SECTION 91. 48.84 (1) (a) of the statutes is amended to read:

48.84 (1) (a) The parent or parents, if living, ~~provided that~~ but consent shall not be required from one whose parental rights have been legally terminated; ~~or~~ and

SECTION 92. 48.981 (3) (b) 2 of the statutes is amended to read:

48.981 (3) (b) 2. ~~If an investigation reveals sufficient evidence the investigating officer has reason~~ under s. 48.19 (1) (c) or (d) 5 ~~to establish reasonable cause to believe that any child's health or safety is in immediate danger~~ take a child into custody, the investigating officer shall place the child in protective custody and deliver the child to the county agency intake worker under s. 48.20.

SECTION 93. 48.981 (3) (c) 5 of the statutes is repealed and recreated to read:

48.981 (3) (c) 5. If the person investigating on behalf of the county agency has grounds to take the child into custody under s. 48.08 (2) or 48.19 (1) (c), the person shall place the child in protective custody and shall deliver the child to the intake worker under s. 48.20.

SECTION 94. 51.13 (4) (h) 4 of the statutes is amended to read:

51.13 (4) (h) 4. If there is a reason to believe the minor is ~~neglected or dependent in need of protection or services~~ under s. 48.13, dismiss the petition and authorize the filing of a petition under s. ~~48.20 [48.255] 48.25 (3)~~. The court may release the minor or may order ~~appropriate placement of the minor under s. 48.28 [48.19] pending a hearing on the new petition~~ that the minor be taken and held in custody under s. 48.19 (1) (c).

SECTION 95. 51.15 (1) (a) (intro.) and (b) of the statutes are amended to read:

51.15 (1) (a) (intro.) A law enforcement officer or other person authorized to take a child into custody under ch. 48 may take an individual into custody if the officer or person has cause to believe that such individual is mentally ill, drug dependent or developmentally disabled, and that the individual evidences:

(b) The officer's or person's belief shall be based on specific recent overt acts, attempts or threats to act or on a pattern of recent acts or omissions made by the individual and observed by or reliably reported to the officer or person.

SECTION 96. 51.20 (12) of the statutes is amended to read:

51.20 (12) OPEN HEARINGS; EXCEPTION. Every hearing which is held under this section shall be open, unless the subject individual or the individual's attorney, acting with the individual's consent, moves that it be closed. If the hearing is closed, only persons in interest, including representatives of providers of service and their attorneys and witnesses may be present. If the subject individual is a minor, every hearing shall be closed unless an open hearing is demanded by the minor through his or her counsel.

SECTION 97. 51.45 (11) (bm) of the statutes is created to read:

51.45 (11) (bm) If the person who appears to be incapacitated by alcohol under par. (b) is a minor, either a law enforcement officer or a person authorized to take a child into custody under ch. 48 may take the minor into custody as provided in par. (b).

SECTION 98. 118.15 (5) of the statutes is amended to read:

118.15 (5) Whoever violates this section or files a false statement under s. 118.16 (1) may be fined not less than \$5 nor more than \$50 or imprisoned not more than 3 months or both. In a prosecution under this subsection, if the defendant proves that he is unable to comply with the law because of the disobedience of the child in question, the action shall be dismissed and the child shall be ~~proceeded against as delinquent~~ referred to the court assigned to exercise jurisdiction under ch. 48.

SECTION 99. 343.30 (5) of the statutes is amended to read:

343.30 (5) No court shall may suspend or revoke an operating privilege except as authorized by this chapter or, ch. 48 or 345. When a court revokes, suspends or restricts a child's operating privilege under s. 48.17 (2), 48.34 (7) or (8) or 48.343 (2), the department of transportation shall not disclose information concerning or relating to the revocation, suspension or restriction to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, or the minor

whose operating privilege is revoked, suspended or restricted, or his or her parent or guardian. Persons entitled to receive this information shall not disclose the information to other persons or agencies.

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