

1989 Senate Bill 90

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1989 WISCONSIN ACT 41

AN ACT to amend 48.01 (1) (e), 48.33 (1) (b), 48.355 (1) and 48.981 (3) (c) 2 of the statutes, relating to: children who are abused or neglected.

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

SECTION 1. 48.01 (1) (e) of the statutes is amended to read:

48.01 (1) (e) To respond to children's needs for care and treatment through community-based programs and to keep children in their homes whenever possible and, in cases of child abuse or neglect, to keep children in their homes when it is consistent with the child's best interest in terms of physical safety and physical health for them to remain at home.

SECTION 2. 48.33 (1) (b) of the statutes is amended to read:

48.33 (1) (b) A recommended plan of rehabilitation or treatment and care for the child which is based on the investigation conducted by the agency and any report resulting from an examination or assessment under s. 48.295 ~~and,~~ which employs the least restrictive means available to accomplish the objectives of the plan, and, in cases of child abuse or neglect, which also includes an assessment of risks to the child's physical safety and physical health and a description of a plan for controlling the risks.

SECTION 3. 48.355 (1) of the statutes is amended to read:

48.355 (1) INTENT. In any order under s. 48.34 or 48.345 the judge shall decide on a placement and treatment finding based on evidence submitted to the judge. The disposition shall employ those means necessary to maintain and protect the child's well-being which are the least restrictive of the rights of the parent or child and which assure the care, treatment or rehabilitation of the child and the family, consistent with the protection of the public. Wherever possible, and, in cases of child abuse and neglect, when it is consistent with the child's best interest in terms of physical safety and physical health the family unit shall be preserved and there shall be a policy of transferring custody from the parent only where there is no less drastic alternative. If information under s. 48.331 has been provided in a court report under s. 48.33, the court shall consider that information when deciding on a placement and treatment finding.

SECTION 4. 48.981 (3) (c) 2. of the statutes is amended to read:

48.981 (3) (c) 2. If the person making the investigation determines that ~~any~~ it is consistent with the child's best interest in terms of physical safety and physical health to remove the child in-the ~~from his or her home~~ requires for immediate protection, he or she shall take the child into custody under s. 48.08 (2) or 48.19 (1) (c) and deliver the child to the intake worker under s. 48.20.