



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2594/2
GMM:med:rs

2011 ASSEMBLY BILL 632

February 24, 2012 - Introduced by Representatives KLEEFISCH, GRIGSBY, BIES, JACQUE, SINICKI, BALLWEG, ENDSLEY, SPANBAUER, TOLES, C. TAYLOR, STRACHOTA, MOLEPSKE JR and BERCEAU, cosponsored by Senator LASSA. Referred to Committee on Children and Families.

1 **AN ACT to repeal** 48.27 (3) (e); **to renumber and amend** 48.27 (3) (a) 1.; **to**
2 **amend** 48.19 (2), 48.20 (3), 48.20 (7) (d), 48.20 (8) (a), 48.21 (3) (am), 48.21 (3)
3 (b), 48.21 (3) (d), 48.21 (3) (e), 48.24 (1m), 48.24 (2) (a), 48.243 (1) (intro.), 48.243
4 (3), 48.245 (1) (c), 48.245 (2r), 48.245 (3), 48.245 (4), 48.245 (5), 48.245 (8),
5 48.255 (1) (b), 48.255 (4), 48.27 (3) (a) 1m., 48.27 (3) (a) 2., 48.29 (1), 48.295 (1),
6 48.295 (3), 48.299 (1) (a), 48.30 (2), 48.31 (2), 48.32 (1) (a), 48.32 (2) (c), 48.32
7 (6), 48.355 (2) (b) 1m., 48.355 (2) (d), 48.357 (1) (am) 1., 48.357 (1) (am) 2. a.,
8 48.357 (1) (c) 2., 48.357 (2m) (a), 48.357 (2m) (b), 48.363 (1) (a), 48.363 (1) (b),
9 48.365 (1m), 48.365 (2), 48.38 (4) (ag), 48.38 (4m) (b), 48.38 (5) (b), 48.38 (5) (bm)
10 1., 48.38 (5) (d), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (c) 1., 48.38 (5m) (d),
11 48.38 (5m) (e), 48.396 (1b), 48.396 (1d), 48.396 (2) (ag), 48.396 (2) (am), 48.42
12 (1) (b), 48.42 (2) (c), 48.427 (6) (b) 2., 48.46 (1), 48.46 (1m), 48.63 (5) (d) 4., 48.63
13 (5) (d) 6., 48.78 (2) (ag), 48.78 (2) (am), 48.977 (4) (a) 3., 48.977 (4) (b) 2., 48.977
14 (4) (c) 1. e., 48.981 (7) (a) 3m. and 48.981 (7) (cr) 8.; and **to create** 48.02 (12j)

ASSEMBLY BILL 632

- 1 and 48.27 (3) (a) 1. b. of the statutes; **relating to:** participation of the next of
2 kin of a parental homicide victim in proceedings under the Children's Code.
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Analysis by the Legislative Reference Bureau

Current law grants to the parents, guardian, and legal custodian of a child the right to participate in proceedings under the Children's Code concerning the child. This bill grants similar rights to the next of kin of a parent who is the victim of a homicide for which the child's other parent has been convicted (next of kin of a parental homicide victim), which the bill defines as the next of kin of a parental homicide victim, as determined by the court assigned to exercise jurisdiction under the Children's Code (juvenile court) in the following order of priority:

1. The spouse or domestic partner of the parental homicide victim, unless the spouse or domestic partner committed the homicide.

2. If the parental homicide victim does not have a spouse or domestic partner who has not committed the homicide (spouse or domestic partner), the adult child of that victim whom the juvenile court determines is best able to represent the interests of the family of that victim in a proceeding under the Children's Code.

3. If the parental homicide victim does not have a spouse, domestic partner, or adult child, the parent of that victim whom the juvenile court determines is best able to represent the interests of that family in such a proceeding.

4. If the parental homicide victim does not have a spouse, domestic partner, adult child, or parent, the adult sibling of that victim whom the juvenile court determines is best able to represent the interests of that family in such a proceeding.

5. If the parental homicide victim does not have a spouse, domestic partner, adult child, parent, or adult sibling, the grandparent of that victim whom the juvenile court determines is best able to represent the interests of that family in such a proceeding.

6. If the parental homicide victim does not have a spouse, domestic partner, adult child, parent, adult sibling, or grandparent, the adult relative of that victim in the next degree of kinship whom the juvenile court determines is best able to represent the interests of that family in such a proceeding.

Specifically, the bill:

1. ***Temporary physical custody of a child.*** Requires the next of kin of a parental homicide victim to be notified when a child of that homicide victim is taken into custody and, if the child is held in custody, to be notified of the time and place of the temporary physical custody hearing for the child, the nature and possible consequences of the hearing, and the right to present and cross examine witnesses at the hearing.

2. ***Intake inquiry and informal disposition.*** Requires the next of kin of a parental homicide victim to be notified of intake conferences conducted as part of the intake inquiry conducted by the intake worker of the juvenile court when a child of that homicide victim is referred to the juvenile court as being in need of protection or services. The bill also requires the consent of the next of kin of a parental homicide

ASSEMBLY BILL 632

victim to an agreement that imposes an informal disposition when the intake worker determines that the filing of a child in need of protection or services (CHIPS) petition is not required and permits the next of kin of a parental homicide victim to terminate, or object to an extension of, an informal disposition.

3. **CHIPS proceedings.** Requires the next of kin of a parental homicide victim to be provided with a copy of the petition initiating a CHIPS proceeding concerning a child of that homicide victim, to receive notice of all hearings in such a CHIPS proceeding, and to receive a copy of the dispositional order in such a CHIPS proceeding. The bill also grants to the next of kin of a parental homicide victim the right to request a substitution of the judge and a jury trial, to object to a public hearing, and to object to a physical, psychological, mental, or developmental examination of the child or to an alcohol and other drug abuse assessment of the child in such a CHIPS proceeding. In addition, the bill requires the agreement of the next of kin of a parental homicide victim to a consent decree suspending such a CHIPS proceeding and placing the child under supervision and permits the next of kin of a parental homicide victim to object to an extension of such a consent decree.

4. **Post-dispositional proceedings.** Permits the next of kin of a parental homicide victim to request a change in the placement of a child of that homicide victim who is the subject of a CHIPS order or a revision or extension of a CHIPS order concerning that child. The bill also requires the next of kin of a parental homicide victim to receive notice of a proposed change in placement of such a child or a proposed revision or extension of such an order and permits the next of kin of a parental homicide victim to object to such a proposal.

5. **Permanency planning.** Requires the next of kin of a parental homicide victim to receive notice of permanency plan reviews and hearings concerning a child of that homicide victim who is placed outside the home, to receive a copy of the child's permanency plan before the review or hearing, and to receive a copy of the determinations made at the review or hearing. The bill also grants the next of kin of a parental homicide victim the right to be heard at a permanency plan review or hearing by submitting written comments before the review or hearing or by participating at the review or hearing. Under current law, a permanency plan is a plan designed to ensure that a child is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability.

6. **Other proceedings under the Children's Code.** Requires the next of kin of a parental homicide victim to receive notice of termination of parental rights and guardianship proceedings concerning a child of that homicide victim and permits the next of kin of a parental homicide victim to file a petition for the guardianship of such a child.

7. **Rehearings.** Permits the next of kin of a parental homicide victim to petition the juvenile court for a rehearing on a juvenile court order determining the status of a child of that homicide victim on the grounds of newly discovered evidence. Under current law, those petitions generally must be filed within one year after the date of the order.

ASSEMBLY BILL 632

8. **Records.** Permits the next of kin of a parental homicide victim to request access to law enforcement agency, juvenile court, and social services agency records concerning a child of that homicide victim and to authorize disclosure of those records to a person named by that relative. The bill also permits child abuse and neglect reports and records concerning a child of that homicide victim to be disclosed to the next of kin of a parental homicide victim without revealing the identity of the reporter of the child abuse or neglect. Under current law, law enforcement agency, juvenile court, social services agency, and child abuse and neglect records concerning a child generally are confidential.

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

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

1 **SECTION 1.** 48.02 (12j) of the statutes is created to read:

2 48.02 (**12j**) “Next of kin of a parental homicide victim” means, in a case in which
3 a parent has been convicted under s. 940.01, 940.02, 940.05, 940.06, 940.07, 940.08,
4 940.09, or 940.10 or under any comparable federal law or law of another state of the
5 homicide of the child’s other parent and in which a family member of the parent who
6 is the victim of that homicide is not the guardian, legal custodian, or Indian custodian
7 of the child, the next of kin of the parent who is the victim of that homicide, as
8 determined by the court in the following order of priority:

9 (a) The spouse or domestic partner under ch. 770 of the parent who is the victim
10 of that homicide, unless the spouse or domestic partner committed that homicide.

11 (b) If the parent who is the victim of that homicide does not have a spouse or
12 domestic partner described in par. (a), the adult child of that parent whom the court
13 determines is best able to represent the interests of the family of that parent in a
14 proceeding under this chapter.

15 (c) If the parent who is the victim of that homicide does not have a spouse or
16 domestic partner described in par. (a) or an adult child, the parent of that parent

ASSEMBLY BILL 632

1 whom the court determines is best able to represent the interests of the family of that
2 parent in a proceeding under this chapter.

3 (d) If the parent who is the victim of that homicide does not have a spouse or
4 domestic partner described in par. (a), an adult child, or a parent, the adult sibling
5 of that parent whom the court determines is best able to represent the interests of
6 the family of that parent in a proceeding under this chapter.

7 (e) If the parent who is the victim of that homicide does not have a spouse or
8 domestic partner described in par. (a), an adult child, a parent, or an adult sibling,
9 the grandparent of that parent whom the court determines is best able to represent
10 the interests of the family of that parent in a proceeding under this chapter.

11 (f) If the parent who is the victim of that homicide does not have a spouse or
12 domestic partner described in par. (a), an adult child, a parent, an adult sibling, or
13 a grandparent, the adult relative of that parent in the next degree of kinship, as
14 specified in s. 990.001 (16), whom the court determines is best able to represent the
15 interests of the family of that parent in a proceeding under this chapter.

16 **SECTION 2.** 48.19 (2) of the statutes is amended to read:

17 48.19 (2) When a child is taken into physical custody under this section, the
18 person taking the child into custody shall immediately attempt to notify the parent,
19 guardian, legal custodian, and Indian custodian of the child and the next of kin of a
20 parental homicide victim by the most practical means. The person taking the child
21 into custody shall continue such attempt until ~~the parent, guardian, legal custodian,~~
22 ~~and Indian custodian of the child~~ those individuals are notified, or the child is
23 delivered to an intake worker under s. 48.20 (3), whichever occurs first. If the child
24 is delivered to the intake worker before ~~the parent, guardian, legal custodian, and~~
25 ~~Indian custodian~~ those individuals are notified, the intake worker, or another person

ASSEMBLY BILL 632**SECTION 2**

1 at his or her direction, shall continue the attempt to notify until ~~the parent, guardian,~~
2 ~~legal custodian, and Indian custodian of the child~~ those individuals are notified.

3 **SECTION 3.** 48.20 (3) of the statutes is amended to read:

4 48.20 (3) If the child is released under sub. (2) (b) to (d), the person who took
5 the child into custody shall immediately notify the child's parent, guardian, legal
6 custodian, and Indian custodian and the next of kin of a parental homicide victim of
7 the time and circumstances of the release and the person, if any, to whom the child
8 was released. If the child is not released under sub. (2), the person who took the child
9 into custody shall arrange in a manner determined by the court and law enforcement
10 agencies for the child to be interviewed by the intake worker under s. 48.067 (2). The
11 person who took the child into custody shall make a statement in writing with
12 supporting facts of the reasons why the child was taken into physical custody and
13 shall give a copy of the statement to the intake worker and to any child 12 years of
14 age or older. If the intake interview is not done in person, the report may be read to
15 the intake worker.

16 **SECTION 4.** 48.20 (7) (d) of the statutes is amended to read:

17 48.20 (7) (d) If the child is released from custody, the intake worker shall
18 immediately notify the child's parent, guardian, legal custodian, and Indian
19 custodian and the next of kin of a parental homicide victim of the time and
20 circumstances of the release and the person, if any, to whom the child was released.

21 **SECTION 5.** 48.20 (8) (a) of the statutes is amended to read:

22 48.20 (8) (a) If a child is held in custody, the intake worker shall notify the
23 child's parent, guardian, legal custodian, and Indian custodian and the next of kin
24 of a parental homicide victim of the reasons for holding the child in custody and of
25 the child's whereabouts unless there is reason to believe that notice would present

ASSEMBLY BILL 632

1 imminent danger to the child. ~~The parent, guardian, legal custodian, and Indian~~
2 ~~custodian~~ An individual so notified shall also be notified of the time and place of the
3 detention hearing required under s. 48.21, the nature and possible consequences of
4 that hearing, the right to present and cross-examine witnesses at the hearing, and,
5 in the case of a parent or Indian custodian of an Indian child who is the subject of an
6 Indian child custody proceeding, as defined in s. 48.028 (2) (d) 2., the right to counsel
7 under s. 48.028 (4) (b). If the parent, guardian, legal custodian, ~~or~~ Indian custodian,
8 or next of kin of a parental homicide victim is not immediately available, the intake
9 worker or another person designated by the court shall provide notice as soon as
10 possible. When the child is 12 years of age or older, the child shall receive the same
11 notice about the detention hearing as the parent, guardian, legal custodian, ~~or~~
12 Indian custodian, and the next of kin of a parental homicide victim. The intake
13 worker shall notify ~~both~~ the child ~~and~~, the child's parent, guardian, legal custodian,
14 ~~or~~ and Indian custodian, and the next of kin of a parental homicide victim.

15 **SECTION 6.** 48.21 (3) (am) of the statutes is amended to read:

16 48.21 (3) (am) The parent, guardian, legal custodian, ~~or~~ Indian custodian, or
17 next of kin of a parental homicide victim may waive his or her right to participate in
18 the hearing under this section. After any waiver, a rehearing shall be granted at the
19 request of the parent, guardian, legal custodian, Indian custodian, next of kin of a
20 parental homicide victim, or any other interested party for good cause shown.

21 **SECTION 7.** 48.21 (3) (b) of the statutes is amended to read:

22 48.21 (3) (b) If present at the hearing, a copy of the petition or request shall be
23 given to the parent, guardian, legal custodian, ~~or~~ Indian custodian, or next of kin of
24 a parental homicide victim, and to the child if he or she is 12 years of age or older,
25 before the hearing begins. If the child is an expectant mother who has been taken

ASSEMBLY BILL 632**SECTION 7**

1 into custody under s. 48.19 (1) (cm) or (d) 8., a copy of the petition shall also be given
2 to the unborn child, through the unborn child's guardian ad litem, before the hearing
3 begins. Prior notice of the hearing shall be given to the child's parent, guardian, legal
4 custodian, and Indian custodian, to the next of kin of a parental homicide victim, to
5 the child if he or she is 12 years of age or older and, if the child is an expectant mother
6 who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., to the unborn child,
7 through the unborn child's guardian ad litem, under s. 48.20 (8).

8 **SECTION 8.** 48.21 (3) (d) of the statutes is amended to read:

9 48.21 (3) (d) Prior to the commencement of the hearing, the court shall inform
10 the parent, guardian, legal custodian, ~~or~~ Indian custodian, or next of kin of a parental
11 homicide victim of the allegations that have been made or may be made, the nature
12 and possible consequences of this hearing as compared to possible future hearings,
13 the right to present, confront, and cross-examine witnesses, and, in the case of a
14 parent or Indian custodian of an Indian child who is the subject of an Indian child
15 custody proceeding under s. 48.028 (2) (d) 2., the right to counsel under s. 48.028 (4)
16 (b).

17 **SECTION 9.** 48.21 (3) (e) of the statutes is amended to read:

18 48.21 (3) (e) If the parent, guardian, legal custodian, Indian custodian, next of
19 kin of a parental homicide victim, or child is not represented by counsel at the
20 hearing and the child is continued in custody as a result of the hearing, ~~the parent,~~
21 ~~guardian, legal custodian, Indian custodian, or child~~ that individual may request
22 through counsel subsequently appointed or retained or through a guardian ad litem
23 that the order to hold the child in custody be reheard. If the request is made, a
24 rehearing shall take place as soon as possible. An order to hold the child in custody
25 shall be reheard for good cause, whether or not counsel was present.

ASSEMBLY BILL 632

1 **SECTION 10.** 48.24 (1m) of the statutes is amended to read:

2 48.24 **(1m)** As part of the intake inquiry, the intake worker shall inform the
3 child ~~and, the child's parent, guardian, and legal custodian,~~ and the next of kin of a
4 parental homicide victim that they, or the adult expectant mother of an unborn child
5 that she, may request counseling from a person designated by the court to provide
6 dispositional services under s. 48.069.

7 **SECTION 11.** 48.24 (2) (a) of the statutes is amended to read:

8 48.24 **(2)** (a) As part of the intake inquiry the intake worker may conduct
9 multidisciplinary screens and intake conferences with notice to the child, parent,
10 guardian ~~and, legal custodian,~~ and next of kin of a parental homicide victim or to the
11 adult expectant mother of the unborn child. If sub. (2m) applies, the intake worker
12 shall conduct a multidisciplinary screen under s. 48.547 if the child or expectant
13 mother has not refused to participate under par. (b).

14 **SECTION 12.** 48.243 (1) (intro.) of the statutes is amended to read:

15 48.243 **(1)** (intro.) Before conferring with the parent, next of kin of a parental
16 homicide victim, expectant mother, or child during the intake inquiry, the intake
17 worker shall personally inform ~~parents, expectant mothers and children 12 years of~~
18 ~~age or older who are the focus of an inquiry regarding the need for protection or~~
19 ~~services~~ the parent, next of kin of a parental homicide victim, expectant mother, and
20 child, if 12 years of age or over, that the referral may result in a petition to the court
21 and of all of the following:

22 **SECTION 13.** 48.243 (3) of the statutes is amended to read:

23 48.243 **(3)** If the child or expectant mother has not had a hearing under s. 48.21
24 or 48.213 and was not present at an intake conference under s. 48.24, the intake
25 worker shall inform the child, parent, guardian ~~and, legal custodian,~~ and next of kin

ASSEMBLY BILL 632**SECTION 13**

1 of a parental homicide victim, or expectant mother, as appropriate, of the basic rights
2 provided under this section. The notice shall be given verbally, either in person or
3 by telephone, and in writing. This notice shall be given so as to allow the child,
4 parent, guardian, legal custodian, next of kin of a parental homicide victim, or adult
5 expectant mother sufficient time to prepare for the plea hearing. This subsection
6 does not apply to cases of informal disposition under s. 48.245.

7 **SECTION 14.** 48.245 (1) (c) of the statutes is amended to read:

8 48.245 (1) (c) The child, if 12 years of age or over, and the child's parent,
9 guardian, and legal custodian, and the next of kin of a parental homicide victim; the
10 parent, guardian, and legal custodian of the child expectant mother and the child
11 expectant mother, if 12 years of age or over; or the adult expectant mother, consent.

12 **SECTION 15.** 48.245 (2r) of the statutes is amended to read:

13 48.245 (2r) The intake worker may, after giving written notice to the child, the
14 child's parent, guardian, and legal custodian, and the next of kin of a parental
15 homicide victim, and their counsel, if any, or after giving written notice to the child
16 expectant mother, her parent, guardian, and legal custodian, and their counsel, if
17 any, or after giving written notice to the adult expectant mother and her counsel, if
18 any, extend the informal disposition for up to an additional 6 months unless the
19 ~~parent, guardian, or legal custodian, the child or child expectant mother, if 12 years~~
20 ~~of age or over, or the adult expectant mother~~ any of those individuals objects to the
21 extension. If the parent, guardian, or legal custodian, ~~the child or child expectant~~
22 ~~mother, if 12 years of age or over, or the adult expectant mother~~ any of those
23 individuals objects to the extension, the intake worker may request the district
24 attorney or corporation counsel to file a petition under s. 48.13 or 48.133. An
25 extension under this subsection may be granted only once for any informal

ASSEMBLY BILL 632

1 disposition. An extension under this subsection of an informal disposition relating
2 to an unborn child who is alleged to be in need of protection or services may be
3 granted after the child is born.

4 **SECTION 16.** 48.245 (3) of the statutes is amended to read:

5 48.245 (3) The obligations imposed under an informal disposition and its
6 effective date shall be set forth in writing. The child ~~and a~~, the child's parent,
7 guardian, and legal custodian, and the next of kin of a parental homicide victim, or
8 the child expectant mother, her parent, guardian, and legal custodian and the
9 unborn child by the unborn child's guardian ad litem, or the adult expectant mother
10 and the unborn child by the unborn child's guardian ad litem, shall receive a copy,
11 as shall any agency providing services under the agreement.

12 **SECTION 17.** 48.245 (4) of the statutes is amended to read:

13 48.245 (4) The intake worker shall inform the child, if 12 years of age or over,
14 ~~and the child's parent, guardian, and legal custodian,~~ and the next of kin of a parental
15 homicide victim, or the child expectant mother, if 12 years of age or over, and her
16 parent, guardian, and legal custodian, or the adult expectant mother in writing of
17 their right to terminate the informal disposition at any time or object at any time to
18 the fact or terms of the informal disposition. If there is an objection, the intake
19 worker may alter the terms of the agreement or request the district attorney or
20 corporation counsel to file a petition. If the informal disposition is terminated, the
21 intake worker may request the district attorney or corporation counsel to file a
22 petition.

23 **SECTION 18.** 48.245 (5) of the statutes is amended to read:

24 48.245 (5) Informal disposition shall be terminated upon the request of the
25 child, if 12 years of age or over, ~~or~~ the child's parent, guardian, or legal custodian, or

ASSEMBLY BILL 632**SECTION 18**

1 the next of kin of a parental homicide victim, upon request of the child expectant
2 mother, if 12 years of age or over, or her parent, guardian, or legal custodian, or upon
3 the request of the adult expectant mother.

4 **SECTION 19.** 48.245 (8) of the statutes is amended to read:

5 48.245 (8) If the obligations imposed under the informal disposition are met,
6 the intake worker shall so inform the child ~~and a~~, the child's parent, guardian and
7 legal custodian, and the next of kin of a parental homicide victim, or the child
8 expectant mother, her parent, guardian, and legal custodian and the unborn child
9 by the unborn child's guardian ad litem, or the adult expectant mother and the
10 unborn child by the unborn child's guardian ad litem, in writing, and no petition may
11 be filed on the charges that brought about the informal disposition nor may the
12 charges be the sole basis for a petition under ss. 48.13 to 48.14.

13 **SECTION 20.** 48.255 (1) (b) of the statutes is amended to read:

14 48.255 (1) (b) The names and addresses of the child's parent, guardian, legal
15 custodian ~~or~~, and spouse, if any, and the name and address of the next of kin of a
16 parental homicide victim; or if no such person can be identified, the name and
17 address of the nearest relative.

18 **SECTION 21.** 48.255 (4) of the statutes is amended to read:

19 48.255 (4) A copy of a petition under sub. (1) shall be given to the child if the
20 child is 12 years of age or over and to the parents, guardian, legal custodian ~~and~~,
21 physical custodian, and next of kin of a parental homicide victim. A copy of a petition
22 under sub. (1m) shall be given to the child expectant mother, if 12 years of age or over,
23 her parents, guardian, legal custodian and physical custodian and the unborn child
24 by the unborn child's guardian ad litem or to the adult expectant mother, the unborn
25 child through the unborn child's guardian ad litem and the physical custodian of the

ASSEMBLY BILL 632

1 expectant mother, if any. If the child is an Indian child who has been removed from
2 the home of his or her parent or Indian custodian or the unborn child will be an Indian
3 child when born, a copy of a petition under sub. (1) or (1m) shall also be given to the
4 Indian child's Indian custodian and tribe or the Indian tribe with which the unborn
5 child may be eligible for affiliation when born.

6 **SECTION 22.** 48.27 (3) (a) 1. of the statutes is renumbered 48.27 (3) (a) 1. a. and
7 amended to read:

8 48.27 (3) (a) 1. a. If the petition that was filed relates to facts concerning a
9 situation under s. 48.13 ~~or a situation under s. 48.133 involving an expectant mother~~
10 ~~who is a child~~, the court shall notify, under s. 48.273, the child, any parent, guardian,
11 and legal custodian of the child, any foster parent or other physical custodian
12 described in s. 48.62 (2) of the child, ~~the unborn child by the unborn child's guardian~~
13 ~~ad litem, if applicable, the next of kin of a parental homicide victim, the~~
14 court-appointed special advocate for the child, and any person specified in par. (b),
15 or (d), or (e), if applicable, of all hearings involving the child except hearings on
16 motions for which notice must be provided only to the child and his or her counsel.

17 c. If parents who are entitled to notice under subd. 1. a. or b. have the same place
18 of residence, notice to one constitutes notice to the other. The first notice under subd.
19 1. a. or b. to any interested party, foster parent, or other physical custodian described
20 in s. 48.62 (2) shall be in writing and may have a copy of the petition attached to it.
21 Notices of subsequent hearings may be given by telephone at least 72 hours before
22 the time of the hearing. The person giving telephone notice shall place in the case
23 file a signed statement of the time notice was given and the person to whom he or she
24 spoke.

25 **SECTION 23.** 48.27 (3) (a) 1. b. of the statutes is created to read:

ASSEMBLY BILL 632

1 48.27 (3) (a) 1. b. If the petition that was filed relates to facts concerning a
2 situation under s. 48.133 involving an expectant mother who is a child, the court
3 shall notify, under s. 48.273, the child, any parent, guardian, and legal custodian of
4 the child, any foster parent or other physical custodian described in s. 48.62 (2) of the
5 child, the unborn child by the unborn child's guardian ad litem, and any person
6 specified in par. (b) or (d), if applicable, of all hearings involving the child except
7 hearings on motions for which notice must be provided only to the child and his or
8 her counsel.

9 **SECTION 24.** 48.27 (3) (a) 1m. of the statutes is amended to read:

10 48.27 (3) (a) 1m. The court shall give a foster parent or other physical custodian
11 described in s. 48.62 (2) who is notified of a hearing under subd. 1. a. or b. a right to
12 be heard at the hearing by permitting the foster parent or other physical custodian
13 to make a written or oral statement during the hearing, or to submit a written
14 statement prior to the hearing, relevant to the issues to be determined at the hearing.
15 A foster parent or other physical custodian described in s. 48.62 (2) who receives a
16 notice of a hearing under subd. 1. a. or b. and a right to be heard under this
17 subdivision does not become a party to the proceeding on which the hearing is held
18 solely on the basis of receiving that notice and right to be heard.

19 **SECTION 25.** 48.27 (3) (a) 2. of the statutes is amended to read:

20 48.27 (3) (a) 2. Failure to give notice under subd. 1. a. or b. to a foster parent
21 or other physical custodian described in s. 48.62 (2) does not deprive the court of
22 jurisdiction in the action or proceeding. If a foster parent or other physical custodian
23 described in s. 48.62 (2) is not given notice of a hearing under subd. 1. a. or b., that
24 person may request a rehearing on the matter during the pendency of an order
25 resulting from the hearing. If the request is made, the court shall order a rehearing.

ASSEMBLY BILL 632

1 **SECTION 26.** 48.27 (3) (e) of the statutes is repealed.

2 **SECTION 27.** 48.29 (1) of the statutes is amended to read:

3 48.29 (1) The child, the child's parent, guardian or legal custodian, the next of
4 kin of a parental homicide victim, the expectant mother or the unborn child by the
5 unborn child's guardian ad litem, either before or during the plea hearing, may file
6 a written request with the clerk of the court or other person acting as the clerk for
7 a substitution of the judge assigned to the proceeding. Upon filing the written
8 request, the filing party shall immediately mail or deliver a copy of the request to the
9 judge named in the request. When any person has the right to request a substitution
10 of judge, that person's counsel or guardian ad litem may file the request. Not more
11 than one such written request may be filed in any one proceeding, nor may any single
12 request name more than one judge. This section does not apply to proceedings under
13 s. 48.21 or 48.213.

14 **SECTION 28.** 48.295 (1) of the statutes is amended to read:

15 48.295 (1) After the filing of a petition and upon a finding by the court that
16 reasonable cause exists to warrant a physical, psychological, mental, or
17 developmental examination or an alcohol and other drug abuse assessment that
18 conforms to the criteria specified under s. 48.547 (4), the court may order any child
19 coming within its jurisdiction to be examined as an outpatient by personnel in an
20 approved treatment facility for alcohol and other drug abuse, by a physician,
21 psychiatrist, or licensed psychologist, or by another expert appointed by the court
22 holding at least a master's degree in social work or another related field of child
23 development, in order that the child's physical, psychological, alcohol or other drug
24 dependency, mental, or developmental condition may be considered. The court may
25 also order a physical, psychological, mental, or developmental examination or an

ASSEMBLY BILL 632

1 alcohol and other drug abuse assessment that conforms to the criteria specified
2 under s. 48.547 (4) of a parent, guardian, or legal custodian whose ability to care for
3 a child is at issue before the court or of an expectant mother whose ability to control
4 her use of alcohol beverages, controlled substances, or controlled substance analogs
5 is at issue before the court. The court shall hear any objections by the child ~~or~~ the
6 child's parents, guardian, or legal custodian, or the next of kin of a parental homicide
7 victim to the request for such an examination or assessment before ordering the
8 examination or assessment. The expenses of an examination, if approved by the
9 court, shall be paid by the county of the court ordering the examination in a county
10 having a population of less than 500,000 or by the department in a county having a
11 population of 500,000 or more. The payment for an alcohol and other drug abuse
12 assessment shall be in accordance with s. 48.361.

13 **SECTION 29.** 48.295 (3) of the statutes is amended to read:

14 48.295 (3) If the child, the child's parent, guardian, or legal custodian, the next
15 of kin of a parental homicide victim, or the expectant mother objects to a particular
16 physician, psychiatrist, licensed psychologist, or other expert as required under this
17 section, the court shall appoint a different physician, psychiatrist, psychologist, or
18 other expert as required under this section.

19 **SECTION 30.** 48.299 (1) (a) of the statutes is amended to read:

20 48.299 (1) (a) The general public shall be excluded from hearings under this
21 chapter and from hearings by courts exercising jurisdiction under s. 48.16 unless a
22 public fact-finding hearing is demanded by a child through his or her counsel, by an
23 expectant mother through her counsel or by an unborn child through the unborn
24 child's guardian ad litem. ~~However, the~~ The court shall refuse to grant the public
25 hearing in a proceeding, other than a proceeding under s. 48.375 (7), if a parent,

ASSEMBLY BILL 632

1 guardian, or the next of kin of a parental homicide victim objects or if the expectant
2 mother or unborn child through the unborn child's guardian ad litem objects.

3 **SECTION 31.** 48.30 (2) of the statutes is amended to read:

4 48.30 (2) At the commencement of the hearing under this section the child ~~and,~~
5 the child's parent, guardian, legal custodian, or ~~and~~ Indian custodian, and the next
6 of kin of a parental homicide victim; the child expectant mother, her parent,
7 guardian, legal custodian, or Indian custodian, and the unborn child through the
8 unborn child's guardian ad litem; or the adult expectant mother and the unborn child
9 through the unborn child's guardian ad litem; shall be advised of their rights as
10 specified in s. 48.243 and shall be informed that a request for a jury trial or for a
11 substitution of judge under s. 48.29 must be made before the end of the plea hearing
12 or is waived. Nonpetitioning parties, including the child, shall be granted a
13 continuance of the plea hearing if they wish to consult with an attorney on the
14 request for a jury trial or substitution of a judge.

15 **SECTION 32.** 48.31 (2) of the statutes is amended to read:

16 48.31 (2) The hearing shall be to the court unless the child, the child's parent,
17 guardian, or legal custodian, the next of kin of a parental homicide victim, the unborn
18 child by the unborn child's guardian ad litem, or the expectant mother of the unborn
19 child exercises the right to a jury trial by demanding a jury trial at any time before
20 or during the plea hearing. If a jury trial is demanded in a proceeding under s. 48.13
21 or 48.133, the jury shall consist of 6 persons. If a jury trial is demanded in a
22 proceeding under s. 48.42, the jury shall consist of 12 persons unless the parties
23 agree to a lesser number. Chapters 756 and 805 shall govern the selection of jurors.
24 If the hearing involves a child victim or witness, as defined in s. 950.02, the court may
25 order that a deposition be taken by audiovisual means and allow the use of a recorded

ASSEMBLY BILL 632

1 deposition under s. 967.04 (7) to (10) and, with the district attorney, shall comply with
2 s. 971.105. At the conclusion of the hearing, the court or jury shall make a
3 determination of the facts, except that in a case alleging a child or an unborn child
4 to be in need of protection or services under s. 48.13 or 48.133, the court shall make
5 the determination under s. 48.13 (intro.) or 48.133 relating to whether the child or
6 unborn child is in need of protection or services that can be ordered by the court. If
7 the court finds that the child or unborn child is not within the jurisdiction of the court
8 or, in a case alleging a child or an unborn child to be in need of protection or services
9 under s. 48.13 or 48.133, that the child or unborn child is not in need of protection
10 or services that can be ordered by the court or if the court or jury finds that the facts
11 alleged in the petition have not been proved, the court shall dismiss the petition with
12 prejudice.

13 **SECTION 33.** 48.32 (1) (a) of the statutes is amended to read:

14 48.32 (1) (a) At any time after the filing of a petition for a proceeding relating
15 to s. 48.13 or 48.133 and before the entry of judgment, the judge or a circuit court
16 commissioner may suspend the proceedings and place the child or expectant mother
17 under supervision in the home or present placement of the child or expectant mother.
18 The court may establish terms and conditions applicable to the child and the child's
19 parent, guardian or legal custodian, to the child expectant mother and her parent,
20 guardian or legal custodian or to the adult expectant mother, including the condition
21 specified in sub. (1b). The order under this section shall be known as a consent decree
22 and must be agreed to by the child, if 12 years of age or older, the child's parent,
23 guardian, or legal custodian, the next of kin of a parental homicide victim, and the
24 person filing the petition under s. 48.25; by the child expectant mother, her parent,
25 guardian, or legal custodian, the unborn child by the unborn child's guardian ad

ASSEMBLY BILL 632

1 litem, and the person filing the petition under s. 48.25; or by the adult expectant
2 mother, the unborn child by the unborn child's guardian ad litem, and the person
3 filing the petition under s. 48.25. The consent decree shall be reduced to writing and
4 given to the parties.

5 **SECTION 34.** 48.32 (2) (c) of the statutes is amended to read:

6 48.32 (2) (c) Upon the motion of the court or the application of the child, parent,
7 guardian, legal custodian, next of kin of a parental homicide victim, expectant
8 mother, unborn child by the unborn child's guardian ad litem, intake worker, or any
9 agency supervising the child or expectant mother under the consent decree, the court
10 may, after giving notice to the parties to the consent decree, their counsel or guardian
11 ad litem, and the court-appointed special advocate for the child, if any, extend the
12 decree for up to an additional 6 months in the absence of objection to extension by
13 the parties to the initial consent decree. If the child, parent, guardian, legal
14 custodian, next of kin of a parental homicide victim, expectant mother, or unborn
15 child by the unborn child's guardian ad litem objects to the extension, the judge shall
16 schedule a hearing and make a determination on the issue of extension. An
17 extension under this paragraph of a consent decree relating to an unborn child who
18 is alleged to be in need of protection or services may be granted after the child is born.

19 **SECTION 35.** 48.32 (6) of the statutes is amended to read:

20 48.32 (6) The judge or circuit court commissioner shall inform the child ~~and,~~
21 the child's parent, guardian ~~or,~~ and legal custodian, ~~or~~ and the next of kin of a
22 parental homicide victim, or the adult expectant mother, in writing, of the right of
23 the child or expectant mother to object to the continuation of the consent decree
24 under sub. (3) and of the fact that the hearing under which the child or expectant

ASSEMBLY BILL 632

1 mother was placed on supervision may be continued to conclusion as if the consent
2 decree had never been entered.

3 **SECTION 36.** 48.355 (2) (b) 1m. of the statutes is amended to read:

4 48.355 (2) (b) 1m. A notice that the child's parent, guardian or legal custodian,
5 the child, if 14 years of age or over, the next of kin of a parental homicide victim, the
6 expectant mother, if 14 years of age or over, or the unborn child by the unborn child's
7 guardian ad litem may request an agency that is providing care or services for the
8 child or expectant mother or that has legal custody of the child to disclose to, or make
9 available for inspection by, ~~the parent, guardian, legal custodian, child, expectant~~
10 ~~mother or unborn child by the unborn child's guardian ad litem~~ that individual the
11 contents of any record kept or information received by the agency about the child or
12 expectant mother as provided in s. 48.78 (2) (ag) and (aj).

13 **SECTION 37.** 48.355 (2) (d) of the statutes is amended to read:

14 48.355 (2) (d) The court shall provide a copy of a dispositional order relating
15 to a child in need of protection or services to the child's parent, guardian, legal
16 custodian, or trustee, to the child through the child's counsel or guardian ad litem,
17 to the next of kin of a parental homicide victim, to the child's court-appointed special
18 advocate, and, if the child is an Indian child who has been removed from the home
19 of his or her parent or Indian custodian and placed outside that home, to the Indian
20 child's Indian custodian and tribe. The court shall provide a copy of a dispositional
21 order relating to an unborn child in need of protection or services to the expectant
22 mother, to the unborn child through the unborn child's guardian ad litem, to the
23 parent, guardian, legal custodian, or trustee of a child expectant mother and, if the
24 expectant mother is an Indian child, to the expectant mother's Indian custodian and
25 tribe.

ASSEMBLY BILL 632

1 **SECTION 38.** 48.357 (1) (am) 1. of the statutes is amended to read:

2 48.357 (1) (am) 1. If the proposed change in placement involves any change in
3 placement other than a change in placement specified in par. (c), the person or agency
4 primarily responsible for implementing the dispositional order, the district attorney,
5 or the corporation counsel shall cause written notice of the proposed change in
6 placement to be sent to the child, the parent, guardian, and legal custodian of the
7 child, the next of kin of a parental homicide victim, any foster parent or other
8 physical custodian described in s. 48.62 (2) of the child, the child's court-appointed
9 special advocate, and, if the child is an Indian child who has been removed from the
10 home of his or her parent or Indian custodian, the Indian child's Indian custodian and
11 tribe. If the child is the expectant mother of an unborn child under s. 48.133, written
12 notice shall also be sent to the unborn child by the unborn child's guardian ad litem.
13 If the change in placement involves an adult expectant mother of an unborn child
14 under s. 48.133, written notice shall be sent to the adult expectant mother and the
15 unborn child by the unborn child's guardian ad litem. The notice shall contain the
16 name and address of the new placement, the reasons for the change in placement,
17 a statement describing why the new placement is preferable to the present
18 placement, and a statement of how the new placement satisfies objectives of the
19 treatment plan ordered by the court.

20 **SECTION 39.** 48.357 (1) (am) 2. a. of the statutes is amended to read:

21 48.357 (1) (am) 2. a. By the parent, guardian, legal custodian, or Indian
22 custodian, the next of kin of a parental homicide victim, the child, if 12 years of age
23 or over, and the child's tribe, if the child is an Indian child who has been removed from
24 the home of his or her parent or Indian custodian.

25 **SECTION 40.** 48.357 (1) (c) 2. of the statutes is amended to read:

ASSEMBLY BILL 632**SECTION 40**

1 48.357 (1) (c) 2. The court shall hold a hearing prior to ordering any change in
2 placement requested under subd. 1. Not less than 3 days prior to the hearing, the
3 court shall provide notice of the hearing, together with a copy of the request for the
4 change in placement, to the child, the parent, guardian, and legal custodian of the
5 child, the next of kin of a parental homicide victim, the child's court-appointed
6 special advocate, all parties that are bound by the dispositional order, and, if the child
7 is an Indian child, the Indian child's Indian custodian and tribe. Subject to subd. 2r.,
8 if all parties consent, the court may proceed immediately with the hearing.

9 **SECTION 41.** 48.357 (2m) (a) of the statutes is amended to read:

10 48.357 (2m) (a) The child, the parent, guardian, legal custodian, or Indian
11 custodian of the child, the next of kin of a parental homicide victim, the expectant
12 mother, the unborn child by the unborn child's guardian ad litem, or any person or
13 agency primarily bound by the dispositional order, other than the person or agency
14 responsible for implementing the order, may request a change in placement under
15 this paragraph. The request shall contain the name and address of the new
16 placement requested and shall state what new information is available that affects
17 the advisability of the current placement. If the proposed change in placement would
18 change the placement of a child placed in the child's home to a placement outside the
19 child's home, the request shall also contain specific information showing that
20 continued placement of the child in the home would be contrary to the welfare of the
21 child and, unless any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies,
22 specific information showing that the agency primarily responsible for
23 implementing the dispositional order has made reasonable efforts to prevent the
24 removal of the child from the home, while assuring that the child's health and safety

ASSEMBLY BILL 632

1 are the paramount concerns. The request shall be submitted to the court. The court
2 may also propose a change in placement on its own motion.

3 **SECTION 42.** 48.357 (2m) (b) of the statutes is amended to read:

4 48.357 **(2m)** (b) The court shall hold a hearing prior to ordering any change in
5 placement requested or proposed under par. (a) if the request states that new
6 information is available that affects the advisability of the current placement. A
7 hearing is not required if the requested or proposed change in placement does not
8 involve a change in placement of a child placed in the child's home to a placement
9 outside the child's home, written waivers of objection to the proposed change in
10 placement are signed by all persons entitled to receive notice under this paragraph,
11 other than a court-appointed special advocate, and the court approves. If a hearing
12 is scheduled, not less than 3 days before the hearing the court shall notify the child,
13 the parent, guardian, and legal custodian of the child, the next of kin of a parental
14 homicide victim, any foster parent or other physical custodian described in s. 48.62
15 (2) of the child, the child's court-appointed special advocate, all parties who are
16 bound by the dispositional order, and, if the child is an Indian child, the Indian child's
17 Indian custodian and tribe. If the child is the expectant mother of an unborn child
18 under s. 48.133, the court shall also notify the unborn child by the unborn child's
19 guardian ad litem. If the change in placement involves an adult expectant mother
20 of an unborn child under s. 48.133, the court shall notify the adult expectant mother,
21 the unborn child by the unborn child's guardian ad litem, and all parties who are
22 bound by the dispositional order, at least 3 days prior to the hearing. A copy of the
23 request or proposal for the change in placement shall be attached to the notice.
24 Subject to par. (br), if all of the parties consent, the court may proceed immediately
25 with the hearing.

ASSEMBLY BILL 632

1 **SECTION 43.** 48.363 (1) (a) of the statutes is amended to read:

2 48.363 (1) (a) A child, the child's parent, guardian, legal custodian, or Indian
3 custodian, the next of kin of a parental homicide victim, an expectant mother, an
4 unborn child by the unborn child's guardian ad litem, any person or agency bound
5 by a dispositional order, or the district attorney or corporation counsel in the county
6 in which the dispositional order was entered may request a revision in the order that
7 does not involve a change in placement, including a revision with respect to the
8 amount of child support to be paid by a parent. The court may also propose a revision.
9 The request or court proposal shall set forth in detail the nature of the proposed
10 revision and what new information is available that affects the advisability of the
11 court's disposition. The request or court proposal shall be submitted to the court.
12 The court shall hold a hearing on the matter prior to any revision of the dispositional
13 order if the request or court proposal indicates that new information is available
14 which affects the advisability of the court's dispositional order, unless written
15 waivers of objections to the revision are signed by all parties entitled to receive notice
16 and the court approves.

17 **SECTION 44.** 48.363 (1) (b) of the statutes is amended to read:

18 48.363 (1) (b) If a hearing is held, at least 3 days before the hearing the court
19 shall notify the child, the child's parent, guardian, legal custodian, and Indian
20 custodian, the next of kin of a parental homicide victim, all parties bound by the
21 dispositional order, the child's foster parent or other physical custodian described in
22 s. 48.62 (2), the child's court-appointed special advocate, the district attorney or
23 corporation counsel in the county in which the dispositional order was entered, and,
24 if the child is an Indian child who is placed outside the home of his or her parent or
25 Indian custodian, the Indian child's tribe. If the child is the expectant mother of an

ASSEMBLY BILL 632

1 unborn child under s. 48.133, the court shall also notify the unborn child by the
2 unborn child's guardian ad litem. If the proceeding involves an adult expectant
3 mother of an unborn child under s. 48.133, the court shall notify the adult expectant
4 mother, the unborn child through the unborn child's guardian ad litem, all parties
5 bound by the dispositional order, and the district attorney or corporation counsel in
6 the county in which the dispositional order was entered, at least 3 days prior to the
7 hearing. A copy of the request or proposal shall be attached to the notice. If all
8 parties consent, the court may proceed immediately with the hearing. No revision
9 may extend the effective period of the original order.

10 **SECTION 45.** 48.365 (1m) of the statutes is amended to read:

11 48.365 (1m) The parent, child, guardian, legal custodian, Indian custodian,
12 next of kin of a parental homicide victim, expectant mother, unborn child by the
13 unborn child's guardian ad litem, any person or agency bound by the dispositional
14 order, the district attorney or corporation counsel in the county in which the
15 dispositional order was entered, or the court on its own motion may request an
16 extension of an order under s. 48.355 including an order under s. 48.355 that was
17 entered before the child was born. The request shall be submitted to the court that
18 entered the order. An order under s. 48.355 may be extended only as provided in this
19 section.

20 **SECTION 46.** 48.365 (2) of the statutes is amended to read:

21 48.365 (2) No order may be extended without a hearing. The court shall
22 provide notice of the time and place of the hearing to the child, the child's parent,
23 guardian, legal custodian, and Indian custodian, the next of kin of a parental
24 homicide victim, all the parties present at the original hearing, the child's foster
25 parent or other physical custodian described in s. 48.62 (2), the child's

ASSEMBLY BILL 632

1 court-appointed special advocate, the district attorney or corporation counsel in the
2 county in which the dispositional order was entered and, if the child is an Indian
3 child who is placed outside the home of his or her parent or Indian custodian, the
4 Indian child's tribe. If the child is an expectant mother of an unborn child under s.
5 48.133, the court shall also notify the unborn child by the unborn child's guardian
6 ad litem. If the extension hearing involves an adult expectant mother of an unborn
7 child under s. 48.133, the court shall notify the adult expectant mother, the unborn
8 child through the unborn child's guardian ad litem, all the parties present at the
9 original hearing, and the district attorney or corporation counsel in the county in
10 which the dispositional order was entered, of the time and place of the hearing.

11 **SECTION 47.** 48.38 (4) (ag) of the statutes is amended to read:

12 48.38 (4) (ag) The name, address, and telephone number of the child's parent,
13 guardian, and legal custodian and of the next of kin of a parental homicide victim.

14 **SECTION 48.** 48.38 (4m) (b) of the statutes is amended to read:

15 48.38 (4m) (b) At least 10 days before the date of the hearing, the court shall
16 notify the child; ~~the child's~~ any parent, guardian, and legal custodian; of the child,
17 ~~and the child's;~~ the next of kin of a parental homicide victim; any foster parent or
18 other physical custodian described in s. 48.62 (2) of the child, the operator of the
19 facility in which the child is living, or the relative with whom the child is living; and,
20 if the child is an Indian child, the Indian child's Indian custodian and tribe of the
21 time, of the time, place, and purpose of the hearing, of the issues to be determined
22 at the hearing, and of the fact that they shall have a right to be heard at the hearing.

23 **SECTION 49.** 48.38 (5) (b) of the statutes is amended to read:

24 48.38 (5) (b) The court or the agency shall notify the child, ~~if he or she is 12 years~~
25 ~~of age or older;~~ the child's parent, guardian, and legal custodian; the next of kin of

ASSEMBLY BILL 632

1 a parental homicide victim; the child's foster parent, the operator of the facility in
2 which the child is living, or the relative with whom the child is living; and, if the child
3 is an Indian child who is placed outside the home of his or her parent or Indian
4 custodian, the Indian child's Indian custodian and tribe of the ~~date, time, and place,~~
5 and purpose of the review, of the issues to be determined as part of the review, and
6 of the fact that they ~~may have an opportunity~~ shall have a right to be heard at the
7 review ~~by submitting written comments not less than 10 working days before the~~
8 ~~review or by participating at the review~~ as provided in par. (bm) 1. The court or
9 agency shall notify the person representing the interests of the public, the child's
10 counsel, the child's guardian ad litem, and the child's court-appointed special
11 advocate of the ~~date~~ time, place, and purpose of the review, of the issues to be
12 determined as part of the review, and of the fact that they may ~~submit written~~
13 ~~comments not less than 10 working days before the review~~ have an opportunity to
14 be heard at the review as provided in par. (bm) 1. The notices under this paragraph
15 shall be provided in writing not less than 30 days before the review and copies of the
16 notices shall be filed in the child's case record.

17 **SECTION 50.** 48.38 (5) (bm) 1. of the statutes is amended to read:

18 48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, next of kin of a
19 parental homicide victim, foster parent, operator of a facility, or relative who is
20 provided notice of the review under par. (b) shall have a right to be heard at the
21 review by submitting written comments relevant to the determinations specified in
22 par. (c) not less than 10 working days before the date of the review or by participating
23 at the review. A person representing the interests of the public, counsel, guardian
24 ad litem, or court-appointed special advocate who is provided notice of the review
25 under par. (b) may have an opportunity to be heard at the review by submitting

ASSEMBLY BILL 632**SECTION 50**

1 written comments relevant to the determinations specified in par. (c) not less than
2 10 working days before the date of the review. A foster parent, operator of a facility,
3 or relative who receives notice of a ~~hearing~~ review under par. (b) and a right to be
4 heard under this subdivision does not become a party to the proceeding on which the
5 review is held solely on the basis of receiving that notice and right to be heard.

6 **SECTION 51.** 48.38 (5) (d) of the statutes is amended to read:

7 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the
8 permanency plan shall, at least 5 days before a review by a review panel, provide to
9 each person appointed to the review panel, the child's parent, guardian, and legal
10 custodian, the next of kin of a parental homicide victim, the person representing the
11 interests of the public, the child's counsel, the child's guardian ad litem, the child's
12 court-appointed special advocate, and, if the child is an Indian child who is placed
13 outside the home of his or her parent or Indian custodian, the Indian child's Indian
14 custodian and tribe a copy of the permanency plan and any written comments
15 submitted under par. (bm) 1. Notwithstanding s. 48.78 (2) (a), a person appointed
16 to a review panel, the person representing the interests of the public, the child's
17 counsel, the child's guardian ad litem, the child's court-appointed special advocate,
18 and, if the child is an Indian child who is placed outside the home of his or her parent
19 or Indian custodian, the Indian child's Indian custodian and tribe may have access
20 to any other records concerning the child for the purpose of participating in the
21 review. A person permitted access to a child's records under this paragraph may not
22 disclose any information from the records to any other person.

23 **SECTION 52.** 48.38 (5) (e) of the statutes is amended to read:

24 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
25 the determinations under par. (c) and shall provide a copy to the court that entered

ASSEMBLY BILL 632

1 the order; the child or the child's counsel or guardian ad litem; the person
2 representing the interests of the public; the child's parent, guardian, ~~or~~ and legal
3 custodian; the next of kin of a parental homicide victim; the child's court-appointed
4 special advocate; the child's foster parent ~~or~~, the operator of the facility where the
5 child is living, or the relative with whom the child is living; and, if the child is an
6 Indian child who is placed outside the home of his or her parent or Indian custodian,
7 the Indian child's Indian custodian and tribe.

8 **SECTION 53.** 48.38 (5m) (b) of the statutes is amended to read:

9 48.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court
10 shall notify the child; the child's parent, guardian, and legal custodian; the next of
11 kin of a parental homicide victim; and the child's foster parent, the operator of the
12 facility in which the child is living, or the relative with whom the child is living; ~~of~~
13 the time, place, and purpose of the hearing, of the issues to be determined at the
14 hearing, and of the fact that they shall have a right to be heard at the hearing as
15 provided in par. (c) 1. and shall notify the child's counsel, the child's guardian ad
16 litem, and the child's court-appointed special advocate; the agency that prepared the
17 permanency plan; the person representing the interests of the public; and, if the child
18 is an Indian child who is placed outside the home of his or her parent or Indian
19 custodian, the Indian child's Indian custodian and tribe ~~of the date, time, and place,~~
20 and purpose of the hearing, of the issues to be determined at the hearing, and of the
21 fact that they may have an opportunity to be heard at the hearing as provided in par.
22 (c) 1.

23 **SECTION 54.** 48.38 (5m) (c) 1. of the statutes is amended to read:

24 48.38 **(5m)** (c) 1. A child, parent, guardian, legal custodian, next of kin of a
25 parental homicide victim, foster parent, operator of a facility, or relative who is

ASSEMBLY BILL 632**SECTION 54**

1 provided notice of the hearing under par. (b) shall have a right to be heard at the
2 hearing by submitting written comments relevant to the determinations specified in
3 sub. (5) (c) not less than 10 working days before the date of the hearing or by
4 participating at the hearing. A counsel, guardian ad litem, court-appointed special
5 advocate, agency, or person representing the interests of the public who is provided
6 notice of the hearing under par. (b) may have an opportunity to be heard at the
7 hearing by submitting written comments relevant to the determinations specified in
8 sub. (5) (c) not less than 10 working days before the date of the hearing or by
9 participating at the hearing. A foster parent, operator of a facility, or relative who
10 receives notice of a hearing under par. (b) and a right to be heard under this
11 subdivision does not become a party to the proceeding on which the hearing is held
12 solely on the basis of receiving that notice and right to be heard.

13 **SECTION 55.** 48.38 (5m) (d) of the statutes is amended to read:

14 48.38 (5m) (d) At least 5 days before the date of the hearing the agency that
15 prepared the permanency plan shall provide a copy of the permanency plan and any
16 written comments submitted under par. (c) 1. to the court, to the child's parent,
17 guardian, and legal custodian, to the next of kin of a parental homicide victim, to the
18 person representing the interests of the public, to the child's counsel or guardian ad
19 litem, to the child's court-appointed special advocate, and, if the child is an Indian
20 child who is placed outside the home of his or her parent or Indian custodian, to the
21 Indian child's Indian custodian and tribe. Notwithstanding s. 48.78 (2) (a), the
22 person representing the interests of the public, the child's counsel or guardian ad
23 litem, the child's court-appointed special advocate, and, if the child is an Indian child
24 who is placed outside of the home of his or her parent or Indian custodian, the Indian
25 child's Indian custodian and tribe may have access to any other records concerning

ASSEMBLY BILL 632

1 the child for the purpose of participating in the review. A person permitted access
2 to a child's records under this paragraph may not disclose any information from the
3 records to any other person.

4 **SECTION 56.** 48.38 (5m) (e) of the statutes is amended to read:

5 48.38 **(5m)** (e) After the hearing, the court shall make written findings of fact
6 and conclusions of law relating to the determinations under sub. (5) (c) and shall
7 provide a copy of those findings of fact and conclusions of law to the child; the child's
8 parent, guardian, and legal custodian; the next of kin of a parental homicide victim;
9 the child's foster parent, the operator of the facility in which the child is living, or the
10 relative with whom the child is living; the child's court-appointed special advocate;
11 the agency that prepared the permanency plan; the person representing the
12 interests of the public; and, if the child is an Indian child who is placed outside the
13 home of his or her parent or Indian custodian, the Indian child's Indian custodian and
14 tribe. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case
15 basis based on circumstances specific to the child and shall document or reference
16 the specific information on which those findings are based in the findings of fact and
17 conclusions of law prepared under this paragraph. Findings of fact and conclusions
18 of law that merely reference sub. (5) (c) 7. without documenting or referencing that
19 specific information in the findings of fact and conclusions of law or amended
20 findings of fact and conclusions of law that retroactively correct earlier findings of
21 fact and conclusions of law that do not comply with this paragraph are not sufficient
22 to comply with this paragraph.

23 **SECTION 57.** 48.396 (1b) of the statutes is amended to read:

24 48.396 **(1b)** If requested by the parent, guardian or legal custodian of a child
25 who is the subject of a law enforcement officer's report, if requested by the next of kin

ASSEMBLY BILL 632**SECTION 57**

1 of a parental homicide victim, or if requested by the child, if 14 years of age or over,
2 a law enforcement agency may, subject to official agency policy, provide to the parent,
3 ~~guardian, legal custodian or child requester~~ a copy of that report. If requested by the
4 parent, guardian or legal custodian of a child expectant mother of an unborn child
5 who is the subject of a law enforcement officer's report, if requested by an expectant
6 mother of an unborn child who is the subject of a law enforcement officer's report, if
7 14 years of age or over, or if requested by an unborn child through the unborn child's
8 guardian ad litem, a law enforcement agency may, subject to official agency policy,
9 provide to the parent, guardian, legal custodian, expectant mother or unborn child
10 by the unborn child's guardian ad litem a copy of that report.

11 **SECTION 58.** 48.396 (1d) of the statutes is amended to read:

12 48.396 (1d) Upon the written permission of the parent, guardian or legal
13 custodian of a child who is the subject of a law enforcement officer's report, upon the
14 written permission of the next of kin of a parental homicide victim, or upon the
15 written permission of the child, if 14 years of age or over, a law enforcement agency
16 may, subject to official agency policy, make available to the person named in the
17 permission any reports specifically identified by the parent, guardian, legal
18 custodian, relative, or child in the written permission. Upon the written permission
19 of the parent, guardian or legal custodian of a child expectant mother of an unborn
20 child who is the subject of a law enforcement officer's report, or of an expectant
21 mother of an unborn child who is the subject of a law enforcement officer's report, if
22 14 years of age or over, and of the unborn child by the unborn child's guardian ad
23 litem, a law enforcement agency may, subject to official agency policy, make available
24 to the person named in the permission any reports specifically identified by the

ASSEMBLY BILL 632

1 parent, guardian, legal custodian or expectant mother, and unborn child by the
2 unborn child's guardian ad litem in the written permission.

3 **SECTION 59.** 48.396 (2) (ag) of the statutes is amended to read:

4 48.396 (2) (ag) Upon request of the parent, guardian, or legal custodian of a
5 child who is the subject of a record of a court specified in par. (a), upon request of the
6 next of kin of a parental homicide victim, or upon request of the child, if 14 years of
7 age or over, the court shall open for inspection by the ~~parent, guardian, legal~~
8 ~~custodian or child requester~~ the records of the court relating to that child, unless the
9 court finds, after due notice and hearing, that inspection of those records by the
10 ~~parent, guardian, legal custodian or child requester~~ would result in imminent
11 danger to anyone.

12 **SECTION 60.** 48.396 (2) (am) of the statutes is amended to read:

13 48.396 (2) (am) Upon the written permission of the parent, guardian or legal
14 custodian of a child who is the subject of a record of a court specified in par. (a), upon
15 the written permission of the next of kin of a parental homicide victim, or upon the
16 written permission of the child, if 14 years of age or over, the court shall open for
17 inspection by the person named in the permission any records specifically identified
18 by the parent, guardian, legal custodian, relative, or child in the written permission,
19 unless the court finds, after due notice and hearing, that inspection of those records
20 by the person named in the permission would result in imminent danger to anyone.

21 **SECTION 61.** 48.42 (1) (b) of the statutes is amended to read:

22 48.42 (1) (b) The names and addresses of the child's parent or parents, guardian
23 and legal custodian and the name and address of the next of kin of a parental
24 homicide victim.

25 **SECTION 62.** 48.42 (2) (c) of the statutes is amended to read:

ASSEMBLY BILL 632

1 48.42 (2) (c) The guardian, guardian ad litem, legal custodian, and Indian
2 custodian of the child and the next of kin of a parental homicide victim.

3 **SECTION 63.** 48.427 (6) (b) 2. of the statutes is amended to read:

4 48.427 (6) (b) 2. The names and current addresses of the child's birth parents,
5 guardian, and legal custodian and the name and address of the next of kin of a
6 parental homicide victim.

7 **SECTION 64.** 48.46 (1) of the statutes is amended to read:

8 48.46 (1) Except as provided in subs. (1m), (2), and (3), the child whose status
9 is adjudicated by the court, the parent, guardian or legal custodian of that child, the
10 next of kin of a parental homicide victim, the unborn child whose status is
11 adjudicated by the court, or the expectant mother of that unborn child may at any
12 time within one year after the entering of the court's order petition the court for a
13 rehearing on the ground that new evidence has been discovered affecting the
14 advisability of the court's original adjudication. Upon a showing that such evidence
15 does exist, the court shall order a new hearing.

16 **SECTION 65.** 48.46 (1m) of the statutes is amended to read:

17 48.46 (1m) Except as provided in sub. (2), the parent, guardian or legal
18 custodian of the child, the next of kin of a parental homicide victim, or the child whose
19 status is adjudicated by the court in an order entered under s. 48.43 or an order
20 adjudicating paternity under subch. VIII may, within the time permitted under this
21 subsection, petition the court for a rehearing on the ground that new evidence has
22 been discovered affecting the advisability of the court's adjudication. Upon a
23 showing that such evidence does exist, the court shall order a new hearing. A petition
24 under this subsection shall be filed within one year after the date on which the order
25 under s. 48.43 or order adjudicating paternity under subch. VIII is entered, unless

ASSEMBLY BILL 632

1 within that one-year period a court in this state or in another jurisdiction enters an
2 order granting adoption of the child, in which case a petition under this subsection
3 shall be filed before the date on which the order granting adoption is entered or
4 within 30 days after the date on which the order under s. 48.43 or order adjudicating
5 paternity under subch. VIII is entered, whichever is later.

6 **SECTION 66.** 48.63 (5) (d) 4. of the statutes is amended to read:

7 48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed
8 the child or that arranged the placement of the child shall provide a copy of the
9 revised permanency plan or plans and the request for review submitted under subd.
10 3. and notice of the time and place of the review to the child, the parent, guardian,
11 Indian custodian, and legal custodian of the child, the next of kin of a parental
12 homicide victim, and the operator of the group home in which the child is placed,
13 together with notice of the issues to be determined as part of the permanency plan
14 review and notice of the fact that those persons shall have a right to be heard at the
15 review by submitting written comments to that agency or the independent reviewing
16 agency before the review or by participating at the review.

17 **SECTION 67.** 48.63 (5) (d) 6. of the statutes is amended to read:

18 48.63 (5) (d) 6. Within 30 days after the review, the agency that prepared the
19 revised permanency plan or plans shall prepare a written summary of the
20 determinations specified in s. 48.38 (5) (c) that were made under subd. 5. and shall
21 provide a copy of that summary to the independent reviewing agency, the child, the
22 parent, guardian, Indian custodian, and legal custodian of the child, the next of kin
23 of a parental homicide victim, and the operator of the group home in which the child
24 was placed.

25 **SECTION 68.** 48.78 (2) (ag) of the statutes is amended to read:

ASSEMBLY BILL 632

1 48.78 (2) (ag) Paragraph (a) does not prohibit an agency from making available
2 for inspection or disclosing the contents of a record, upon the request of the parent,
3 guardian, or legal custodian of the child who is the subject of the record, upon the
4 request of the next of kin of a parental homicide victim, or upon the request of the
5 child, if 14 years of age or over, to the ~~parent, guardian, legal custodian, or child~~
6 requester, unless the agency determines that inspection of the record by the ~~child,~~
7 ~~parent, guardian, or legal custodian~~ requester would result in imminent danger to
8 anyone.

9 **SECTION 69.** 48.78 (2) (am) of the statutes is amended to read:

10 48.78 (2) (am) Paragraph (a) does not prohibit an agency from making
11 available for inspection or disclosing the contents of a record, upon the written
12 permission of the parent, guardian, or legal custodian of the child who is the subject
13 of the record, upon the written permission of the next of kin of a parental homicide
14 victim, or upon the written permission of the child, if 14 years of age or over, to the
15 person named in the permission if the parent, guardian, legal custodian, relative, or
16 child specifically identifies the record in the written permission, unless the agency
17 determines that inspection of the record by the person named in the permission
18 would result in imminent danger to anyone.

19 **SECTION 70.** 48.977 (4) (a) 3. of the statutes is amended to read:

20 48.977 (4) (a) 3. The child's parent and the next of kin of a parental homicide
21 victim.

22 **SECTION 71.** 48.977 (4) (b) 2. of the statutes is amended to read:

23 48.977 (4) (b) 2. The names and addresses of the child's parent or parents,
24 guardian, and legal custodian and the name and address of the next of kin of a
25 parental homicide victim.

ASSEMBLY BILL 632

1 **SECTION 72.** 48.977 (4) (c) 1. e. of the statutes is amended to read:

2 48.977 (4) (c) 1. e. The child's parent and the next of kin of a parental homicide
3 victim.

4 **SECTION 73.** 48.981 (7) (a) 3m. of the statutes is amended to read:

5 48.981 (7) (a) 3m. A child's parent, guardian, or legal custodian, the next of kin
6 of a parental homicide victim, or the expectant mother of an unborn child, except that
7 the person or agency maintaining the record or report may not disclose any
8 information that would identify the reporter.

9 **SECTION 74.** 48.981 (7) (cr) 8. of the statutes is amended to read:

10 48.981 (7) (cr) 8. If the department fails to disclose to the governor, to the
11 appropriate standing committees of the legislature under s. 13.172 (3), or to the
12 public any information that the department is required to disclose under this
13 paragraph, any person may request the department to disclose that information. If
14 the person's request is denied, the person may petition the court to order the
15 disclosure of that information. On receiving a petition under this subdivision, the
16 court shall notify the department, the agency, the district attorney, the child, ~~and~~ the
17 child's parent, guardian, or legal custodian, and the next of kin of a parental homicide
18 victim of the petition. If any person notified objects to the disclosure, the court may
19 hold a hearing to take evidence and hear argument relating to the disclosure of the
20 information. The court shall make an in camera inspection of the information sought
21 to be disclosed and shall order disclosure of the information, unless the court finds
22 that any of the circumstances specified in subd. 6. or 7. apply.

23 **SECTION 75. Initial applicability.**

24 (1) TEMPORARY PHYSICAL CUSTODY OF CHILD. The treatment of sections 48.19 (2),
25 48.20 (3), (7) (d), and (8) (a), and 48.21 (3) (am), (b), (d), and (e) of the statutes first

ASSEMBLY BILL 632

1 applies to a child who is taken into temporary physical custody on the effective date
2 of this subsection.

3 (2) INTAKE INQUIRY AND INFORMAL DISPOSITION. The treatment of sections 48.24
4 (1m) and (2) (a), 48.243 (1) (intro.) and (3), and 48.245 (1) (c), (2r), (3), (4), (5), and (8)
5 of the statutes first applies to a child who is referred to the court assigned to exercise
6 jurisdiction under chapter 48 of the statutes on the effective date of this subsection.

7 (3) CHILD IN NEED OF PROTECTION OR SERVICES PROCEEDINGS. The treatment of
8 sections 48.255 (1) (b) and (4), 48.27 (3) (a) 1m. and 2. and (e), 48.29 (1), 48.295 (1)
9 and (3), 48.299 (1) (a), 48.30 (2), 48.31 (2), 48.32 (1) (a), (2) (c), and (6), and 48.355 (2)
10 (b) 1m. and (d) of the statutes, the renumbering and amendment of section 48.27 (3)
11 (a) 1. of the statutes, and the creation of section 48.27 (3) (a) 1. b. of the statutes first
12 apply to a child in need of protection or services proceeding commenced on the
13 effective date of this subsection.

14 (4) POST-DISPOSITIONAL PROCEEDINGS. The treatment of sections 48.357 (1) (am)
15 1. and 2. a. and (c) 2., (2m) (a) and (b), 48.363 (1) (a) and (b), and 48.365 (1m) and (2)
16 of the statutes first applies to a change in placement of a child or a revision or
17 extension of a dispositional order proposed or requested on the effective date of this
18 subsection.

19 (5) PERMANENCY PLANNING.

20 (a) *Permanency plans*. The treatment of section 48.38 (4) (ag) of the statutes
21 first applies to a permanency plan filed on the effective date of this paragraph.

22 (b) *Permanency plan determination hearings*. The treatment of section 48.38
23 (4m) (b) of the statutes first applies to a permanency plan determination hearing for
24 which notice is provided on the effective date of this paragraph.

ASSEMBLY BILL 632

1 (c) *Permanency plan reviews.* The treatment of sections 48.38 (5) (b), (bm) 1.,
2 (d), and (e) and 48.63 (5) (d) 4. and 6. of the statutes first applies to a permanency plan
3 review for which notice is provided on the effective date of this paragraph.

4 (d) *Permanency plan hearings.* The treatment of sections 48.38 (5m) (b), (c) 1.,
5 (d), and (e) of the statutes first applies to a permanency plan hearing for which notice
6 is provided on the effective date of this paragraph.

7 (6) OTHER PROCEEDINGS UNDER THE CHILDREN'S CODE. The treatment of sections
8 48.42 (1) (b) and (2) (c), 48.427 (6) (b) 2., and 48.977 (4) (a) 3., (b) 2., and (c) 1. e. of
9 the statutes first apply to a termination of parental rights or guardianship
10 proceeding commenced on the effective date of this subsection.

11 (7) REHEARINGS. The treatment of section 48.46 (1) and (1m) of the statutes first
12 applies to a petition for rehearing filed on the effective date of this subsection.

SECTION 76. Effective date.

13 (1) PARTICIPATION OF NEXT OF KIN OF PARENTAL HOMICIDE VICTIM IN CHILDREN'S
14 CODE PROCEEDINGS. This act takes effect on the first day of the 2nd month beginning
15 after publication.
16

17 (END)