

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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GMM:jld:rs

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Char:

I spoke to Betty and, in response to her concerns, this redraft changes "15 months or longer" to "a cumulative total period of 15 months" wherever found.

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2003 BILL

1 **AN ACT** *to amend* 48.21 (5) (b) 3., 48.21 (5) (d) 1., 48.32 (1) (b) 2., 48.32 (1) (c) 1.,
2 48.355 (2) (b) 6r., 48.355 (2d) (c) 1., 48.357 (2v) (a) 3., 48.357 (2v) (c) 1., 48.365
3 (2m) (a) 2., 48.365 (2m) (ad) 1., 48.78 (2) (a), 938.21 (5) (b) 3., 938.21 (5) (d) 1.,
4 938.32 (1) (c) 2., 938.32 (1) (d) 1., 938.355 (2) (b) 6r., 938.355 (2d) (c) 1., 938.357
5 (2v) (a) 3., 938.357 (2v) (c) 1., 938.365 (2m) (a) 2., 938.365 (2m) (ad) 1. and 938.78
6 (2) (a); and *to create* 48.02 (17o), 48.48 (17) (bm), 48.57 (2m), 938.02 (17o) and
7 938.57 (2m) of the statutes; **relating to:** providing that an agency is not
8 required to make reasonable efforts to return a child to his or her home if the
9 child and the child's parent have been provided with family reunification
10 services for a cumulative total period of 15 months and requiring the former
11 county of residence of a person who received child welfare services from that

BILL

1 county to notify the person's new county of residence of the change in the
2 person's county of residence.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, the county department of human services or social services (county department) in a county having a population of less than 500,000, the Department of Health and Family Services (DHFS) in a county having a population of 500,000 or more (Milwaukee County), or an agency that is primarily responsible for providing services for a child who is placed in a foster home, treatment foster home, group home, or residential care center for children and youth must make reasonable efforts to make it possible for the child to return safely home. A county department, DHFS, or an agency, however, is not required to make those efforts with respect to a parent if the parent has committed certain crimes of homicide against a child of the parent; has committed battery, sexual assault, or physical or sexual abuse resulting in great bodily harm or substantial bodily harm to the child or to another child of the parent; has had his or her parental rights terminated with respect to another child; or has subject the child to aggravated circumstances, which are defined as abandonment, torture, chronic abuse, or sexual abuse. If any of those circumstances apply, the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) must hold a hearing to determine a permanency plan for the child, which is a plan designed to ensure that the child quickly attains a placement or home providing long-term stability.

This bill provides that a county department, DHFS, or an agency that is primarily responsible for providing services for a child who is placed in a foster home, treatment foster home, group home, or residential care center for children and youth is not required to make reasonable efforts to make it possible for the child to return safely home if the child and the child's parent have been provided with time-limited family reunification services for a cumulative total period of 15 months. The bill also requires the juvenile court to hold a hearing to determine a permanency plan for such a child if the juvenile court finds that the child and the child's parent have been provided with time-limited family reunification services for a cumulative total period of 15 months. The bill defines "time-limited family reunification services" as services and activities, including counseling, substance abuse treatment services, mental health services, domestic violence assistance, temporary child care, and transportation services, that are provided to a child who is removed from his or her home and placed in a foster home, treatment foster home, group home, or residential care center for children and youth and to the parent of the child to facilitate the safe reunification of the child with the child's parent within a timely fashion.

In addition, the bill requires a county department or, in Milwaukee County, DHFS, as soon as practicable after learning that a person who is receiving or who has received child welfare services from the county department or DHFS has changed his or her county of residence, to provide notice of that change to the county department

BILL

of the person's new county of residence or, if that new county of residence is Milwaukee County, DHFS. The notice must include a brief, written description of the services offered or provided to the person by the county department or DHFS and the name, phone number, and address of a person to contact for more information. If the services provided include out-of-home placement of a child, the notice must also specify the number of months in the most recent 22 months that the juvenile has been placed outside the home.

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 (17o) of the statutes is created to read:

2 **48.02 (17o)** "Time-limited family reunification services" mean services and
3 activities, including counseling, substance abuse treatment services, mental health
4 services, domestic violence assistance, temporary child care, and transportation
5 services, that are provided to a child who is removed from his or her home and placed
6 in a foster home, treatment foster home, group home, or residential care center for
7 children and youth and to the parent of the child to facilitate the safe reunification
8 of the child with the child's parent within a timely fashion.

9 **SECTION 2.** 48.21 (5) (b) 3. of the statutes is amended to read:

10 **48.21 (5) (b) 3.** If the judge or circuit court commissioner finds that any of the
11 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent
12 or that the child and the child's parent have been provided with time-limited family
13 reunification services for a cumulative total period of 15 months, a determination
14 that the county department, department, in a county having a population of 500,000
15 or more, or agency primarily responsible for providing services under the custody
16 order is not required to make reasonable efforts with respect to the parent to make
17 it possible for the child to return safely to his or her home.

BILL

1 **SECTION 3.** 48.21 (5) (d) 1. of the statutes is amended to read:

2 48.21 (5) (d) 1. If the judge or circuit court commissioner finds that any of the
3 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent
4 or that the child and the child's parent have been provided with time-limited family
5 reunification services for a cumulative total period of 15 months, the judge or circuit
6 court commissioner shall hold a hearing within 30 days after the date of that finding
7 to determine the permanency plan for the child. If a hearing is held under this
8 subdivision, the agency responsible for preparing the permanency plan shall file the
9 permanency plan with the court not less than 5 days before the date of the hearing.

10 **SECTION 4.** 48.32 (1) (b) 2. of the statutes is amended to read:

11 48.32 (1) (b) 2. If the judge or circuit court commissioner finds that any of the
12 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent
13 or that the child and the child's parent have been provided with time-limited family
14 reunification services for a cumulative total period of 15 months, the consent decree
15 shall include a determination that the county department, department, in a county
16 having a population of 500,000 or more, or agency primarily responsible for providing
17 services under the consent decree is not required to make reasonable efforts with
18 respect to the parent to make it possible for the child to return safely to his or her
19 home.

20 **SECTION 5.** 48.32 (1) (c) 1. of the statutes is amended to read:

21 48.32 (1) (c) 1. If the judge or circuit court commissioner finds that any of the
22 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent
23 or that the child and the child's parent have been provided with time-limited family
24 reunification services for a cumulative total period of 15 months, the judge or circuit
25 court commissioner shall hold a hearing within 30 days after the date of that finding

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1 to determine the permanency plan for the child. If a hearing is held under this
2 subdivision, the agency responsible for preparing the permanency plan shall file the
3 permanency plan with the court not less than 5 days before the date of the hearing.

4 **SECTION 6.** 48.355 (2) (b) 6r. of the statutes is amended to read:

5 48.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
6 sub. (2d) (b) 1. to 5. applies with respect to a parent or that the child and the child's
7 parent have been provided with time-limited family reunification services for a
8 cumulative total period of 15 months, a determination that the county department,
9 department, in a county having a population of 500,000 or more, or agency primarily
10 responsible for providing services under the court order is not required to make
11 reasonable efforts with respect to the parent to make it possible for the child to return
12 safely to his or her home.

13 **SECTION 7.** 48.355 (2d) (c) 1. of the statutes is amended to read:

14 48.355 (2d) (c) 1. If the court finds that any of the circumstances specified in
15 par. (b) 1. to 5. applies with respect to a parent or that the child and the child's parent
16 have been provided with time-limited family reunification services for a cumulative
17 total period of 15 months, the court shall hold a hearing within 30 days after the date
18 of that finding to determine the permanency plan for the child. If a hearing is held
19 under this subdivision, the agency responsible for preparing the permanency plan
20 shall file the permanency plan with the court not less than 5 days before the date of
21 the hearing.

22 **SECTION 8.** 48.357 (2v) (a) 3. of the statutes is amended to read:

23 48.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
24 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent or that the child and the
25 child's parent have been provided with time-limited family reunification services for

BILL

1 a cumulative total period of 15 months, a determination that the agency primarily
2 responsible for providing services under the change in placement order is not
3 required to make reasonable efforts with respect to the parent to make it possible for
4 the child to return safely to his or her home.

5 **SECTION 9.** 48.357 (2v) (c) 1. of the statutes is amended to read:

6 48.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
7 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent
8 or that the child and the child's parent have been provided with time-limited family
9 reunification services for a cumulative total period of 15 months, the court shall hold
10 a hearing within 30 days after the date of that finding to determine the permanency
11 plan for the child. If a hearing is held under this subdivision, the agency responsible
12 for preparing the permanency plan shall file the permanency plan with the court not
13 less than 5 days before the date of the hearing.

14 **SECTION 10.** 48.365 (2m) (a) 2. of the statutes is amended to read:

15 48.365 (2m) (a) 2. If the judge finds that any of the circumstances specified in
16 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent or that the child and the
17 child's parent have been provided with time-limited family reunification services for
18 a cumulative total period of 15 months, the order shall include a determination that
19 the person or agency primarily responsible for providing services to the child is not
20 required to make reasonable efforts with respect to the parent to make it possible for
21 the child to return safely to his or her home.

22 **SECTION 11.** 48.365 (2m) (ad) 1. of the statutes is amended to read:

23 48.365 (2m) (ad) 1. If the judge finds that any of the circumstances specified
24 in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent or that the child and the
25 child's parent have been provided with time-limited family reunification services for

BILL

1 a cumulative total period of 15 months, the judge shall hold a hearing within 30 days
2 after the date of that finding to determine the permanency plan for the child. If a
3 hearing is held under this subdivision, the agency responsible for preparing the
4 permanency plan shall file the permanency plan with the court not less than 5 days
5 before the date of the hearing.

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

7 48.48 (17) (bm) As soon as practicable after learning that a person who is
8 receiving or who has received child welfare services under par. (a) from the
9 department has changed his or her county of residence, the department shall provide
10 notice of that change to the county department of the person's new county of
11 residence. The notice shall include a brief, written description of the services offered
12 or provided to the person by the department and the name, phone number, and
13 address of a person to contact for more information. If the services provided include
14 out-of-home placement of a child, the notice shall also specify the number of months
15 in the most recent 22 months that the child has been placed outside the home.

16 **SECTION 13.** 48.57 (2m) of the statutes is created to read:

17 48.57 (2m) A county department, as soon as practicable after learning that a
18 person who is receiving or who has received child welfare services under sub. (1) from
19 the county department has changed his or her county of residence, shall provide
20 notice of that change to the county department of the person's new county of
21 residence or, if that new county of residence is a county having a population of
22 500,000 or more, the department. The notice shall include a brief, written
23 description of the services offered or provided to the person by the county department
24 and the name, phone number, and address of a person to contact for more
25 information. If the services provided include out-of-home placement of a child, the

BILL

1 notice shall also specify the number of months in the most recent 22 months that the
2 child has been placed outside the home.

3 SECTION 14. 48.78 (2) (a) of the statutes is amended to read:

4 48.78 (2) (a) No agency may make available for inspection or disclose the
5 contents of any record kept or information received about an individual in its care
6 or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or (5m) (d),
7 48.432, 48.433, 48.48 (17) (bm), 48.57 (2m), 48.93, 48.981 (7), 938.51, or 938.78 or by
8 order of the court.

9 SECTION 15. 938.02 (17o) of the statutes is created to read:

10 938.02 (17o) "Time-limited family reunification services" mean services and
11 activities, including counseling, substance abuse treatment services, mental health
12 services, domestic violence assistance, temporary child care, and transportation
13 services, that are provided to a juvenile who is removed from his or her home and
14 placed in a foster home, treatment foster home, group home, or residential care
15 center for children and youth and to the parent of the juvenile to facilitate the safe
16 reunification of the juvenile with the juvenile's parent within a timely fashion.

17 SECTION 16. 938.21 (5) (b) 3. of the statutes is amended to read:

18 938.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the
19 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent
20 or that the juvenile and the juvenile's parent have been provided with time-limited
21 family reunification services for a cumulative total period of 15 months, a
22 determination that the county department or agency primarily responsible for
23 providing services under the custody order is not required to make reasonable efforts
24 with respect to the parent to make it possible for the juvenile to return safely to his
25 or her home.

BILL

1 **SECTION 17.** 938.21 (5) (d) 1. of the statutes is amended to read:

2 938.21 (5) (d) 1. If the judge or circuit court commissioner finds that any of the
3 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent
4 or that the juvenile and the juvenile's parent have been provided with time-limited
5 family reunification services for a cumulative total period of 15 months, the judge or
6 circuit court commissioner shall hold a hearing within 30 days after the date of that
7 finding to determine the permanency plan for the juvenile. If a hearing is held under
8 this subdivision, the agency responsible for preparing the permanency plan shall file
9 the permanency plan with the court not less than 5 days before the date of the
10 hearing.

11 **SECTION 18.** 938.32 (1) (c) 2. of the statutes is amended to read:

12 938.32 (1) (c) 2. If the judge or circuit court commissioner finds that any of the
13 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent
14 or that the juvenile and the juvenile's parent have been provided with time-limited
15 family reunification services for a cumulative total period of 15 months, the consent
16 decree shall include a determination that the county department or agency primarily
17 responsible for providing services under the consent decree is not required to make
18 reasonable efforts with respect to the parent to make it possible for the juvenile to
19 return safely to his or her home.

20 **SECTION 19.** 938.32 (1) (d) 1. of the statutes is amended to read:

21 938.32 (1) (d) 1. If the judge or circuit court commissioner finds that any of the
22 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent
23 or that the juvenile and the juvenile's parent have been provided with time-limited
24 family reunification services for a cumulative total period of 15 months, the judge or
25 circuit court commissioner shall hold a hearing within 30 days after the date of that

BILL

1 finding to determine the permanency plan for the juvenile. If a hearing is held under
2 this subdivision, the agency responsible for preparing the permanency plan shall file
3 the permanency plan with the court not less than 5 days before the date of the
4 hearing.

5 SECTION 20. 938.355 (2) (b) 6r. of the statutes is amended to read:

6 938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
7 sub. (2d) (b) 1. to 4. applies with respect to a parent or that the juvenile and the
8 juvenile's parent have been provided with time-limited family reunification services
9 for a cumulative total period of 15 months, a determination that the county
10 department or agency primarily responsible for providing services under the court
11 order is not required to make reasonable efforts with respect to the parent to make
12 it possible for the juvenile to return safely to his or her home.

13 SECTION 21. 938.355 (2d) (c) 1. of the statutes is amended to read:

14 938.355 (2d) (c) 1. If the court finds that any of the circumstances specified in
15 par. (b) 1. to 4. applies with respect to a parent or that the juvenile and the juvenile's
16 parent have been provided with time-limited family reunification services for a
17 cumulative total period of 15 months, the court shall hold a hearing within 30 days
18 after the date of that finding to determine the permanency plan for the juvenile. If
19 a hearing is held under this subdivision, the agency responsible for preparing the
20 permanency plan shall file the permanency plan with the court not less than 5 days
21 before the date of the hearing.

22 SECTION 22. 938.357 (2v) (a) 3. of the statutes is amended to read:

23 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
24 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent or that the juvenile and the
25 juvenile's parent have been provided with time-limited family reunification services

BILL

1 for a cumulative total period of 15 months, a determination that the agency primarily
2 responsible for providing services under the change in placement order is not
3 required to make reasonable efforts with respect to the parent to make it possible for
4 the juvenile to return safely to his or her home.

5 **SECTION 23.** 938.357 (2v) (c) 1. of the statutes is amended to read:

6 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
7 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent
8 or that the juvenile and the juvenile's parent have been provided with time-limited
9 family reunification services for a cumulative total period of 15 months, the court
10 shall hold a hearing within 30 days after the date of that finding to determine the
11 permanency plan for the juvenile. If a hearing is held under this paragraph, the
12 agency responsible for preparing the permanency plan shall file the permanency
13 plan with the court not less than 5 days before the date of the hearing.

14 **SECTION 24.** 938.365 (2m) (a) 2. of the statutes is amended to read:

15 938.365 (2m) (a) 2. If the court finds that any of the circumstances specified
16 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent or that the juvenile and
17 the juvenile's parent have been provided with time-limited family reunification
18 services for a cumulative total period of 15 months, the order shall include a
19 determination that the person or agency primarily responsible for providing services
20 to the juvenile is not required to make reasonable efforts with respect to the parent
21 to make it possible for the juvenile to return safely to his or her home.

22 **SECTION 25.** 938.365 (2m) (ad) 1. of the statutes is amended to read:

23 938.365 (2m) (ad) 1. If the court finds that any of the circumstances specified
24 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent or that the juvenile and
25 the juvenile's parent have been provided with time-limited family reunification

BILL

1 services for a cumulative total period of 15 months, the court shall hold a hearing
2 within 30 days after the date of that finding to determine the permanency plan for
3 the juvenile. If a hearing is held under this subdivision, the agency responsible for
4 preparing the permanency plan shall file the permanency plan with the court not less
5 than 5 days before the date of the hearing.

6 **SECTION 26.** 938.57 (2m) of the statutes is created to read:

7 938.57 (2m) A county department, as soon as practicable after learning that
8 a person who is receiving or who has received juvenile welfare services under sub.
9 (1) from the county department has changed his or her county of residence, shall
10 provide notice of that change to the county department of the person's new county
11 of residence. The notice shall include a brief, written description of the services
12 offered or provided to the person by the county department and the name, phone
13 number, and address of a person to contact for more information. If the services
14 provided include out-of-home placement of a juvenile, the notice shall also specify
15 the number of months in the most recent 22 months that the juvenile has been placed
16 outside the home.

17 **SECTION 27.** 938.78 (2) (a) of the statutes is amended to read:

18 938.78 (2) (a) No agency may make available for inspection or disclose the
19 contents of any record kept or information received about an individual in its care
20 or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d)
21 or (5m) (d), ~~or 938.51,~~ or 938.57 (2m) or by order of the court.

22 **SECTION 28. Initial applicability.**

23 (1) **TIME-LIMITED FAMILY REUNIFICATION SERVICES.** The treatment of sections
24 48.02 (17o), 48.21 (5) (b) 3. and (d) 1., 48.32 (1) (b) 2. and (c) 1., 48.355 (2) (b) 6r. and
25 (2d) (c) 1., 48.357 (2v) (a) 3. and (c) 1., 48.365 (2m) (a) 2. and (ad) 1., 938.02 (17o),

BILL

1 938.21 (5) (b) 3. and (d) 1., 938.32 (1) (c) 2. and (d) 1., 938.355 (2) (b) 6r. and (2d) (c)
2 1., 938.357 (2v) (a) 3. and (c) 1., and 938.365 (2m) (a) 2. and (ad) 1. of the statutes first
3 applies to findings made on the effective date of this subsection that a child and the
4 child's parent have been provided with time-limited family reunification services, as
5 defined in sections 48.02 (17o) and 938.02 (17o) of the statutes, as created by this act,
6 for a cumulative total period of 15 months.

7 (2) CHANGE IN COUNTY OF RESIDENCE. The treatment of sections 48.48 (17) (bm),
8 48.57 (2m), 48.78 (2) (a), 938.57 (2m), and 938.78 (2) (a) of the statutes first applies
9 to a person who changes his or her county of residence on the effective date of this
10 subsection.

11 (END)

