

1 **AN ACT** *to amend* 938.57 (1) (b), (c), (cm), (d) and (2), 938.57 (4) and 938.59 (1);
2 and *to create* 938.57 (1) (title), 938.57 (3) (title) and 938.59 (2) (title) of the statutes;
3 **relating to:** county juvenile welfare services.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on recodification of ch. 938, the juvenile justice code. The draft proposes initial language for the recodification of subchapter XII, relating to county juvenile welfare services.

4 **SECTION 1.** 938.57 (1) (title) of the statutes is created to read:

5 938.57 (1) (title) COUNTY DEPARTMENT DUTIES; POWERS.

6 **SECTION 2.** 938.57 (1) (b), (c), (cm), (d) and (2) of the statutes are amended to read:

7 938.57 (1) (b) Accept legal custody or supervision of juveniles transferred to it by the
8 court under s. 938.355 and provide special treatment or care if ordered by the court. Except
9 as provided in under s. 938.505 (2), a court may not order a county department to administer
10 psychotropic medications to juveniles who receive special treatment or care ~~under this~~
11 paragraph.

12 (c) Provide appropriate protection and services for juveniles in its care, including
13 providing services for juveniles and their families in their own homes, placing the juveniles
14 in licensed foster homes, licensed treatment foster homes or licensed group homes in this state
15 or another state within a reasonable proximity to the agency with legal custody ~~or~~, contracting
16 for services for them by licensed child welfare agencies, ~~or replacing them in secured~~ juvenile
17 correctional facilities, ~~secured child caring institutions or secured group homes~~ in accordance

1 with rules promulgated under ch. 227, ~~except that the~~. A county department may not purchase
2 the educational component of private day treatment programs unless the county department,
3 the school board as defined in s. 115.001 (7) and the state superintendent of public instruction
4 all determine that an appropriate public education program is not available. Disputes between
5 the county department and the school district shall be resolved by the state superintendent of
6 public instruction.

7 (cm) Provide appropriate services for juveniles who are referred to the county
8 department by a municipal court, ~~except that if~~. If the funding, staffing, or other resources of
9 the county department for juvenile welfare services are insufficient to meet the needs of all
10 juveniles who are eligible to receive services from the county department, the county
11 department shall give first priority to juveniles who are referred to ~~the county department~~ it
12 by the court assigned to exercise jurisdiction under this chapter and ch. 48.

13 (d) Provide for the moral and religious training of juveniles in its care according to the
14 religious belief beliefs of the juvenile or of his or her parents.

15 (2) ASSISTANCE FROM PRIVATE INDIVIDUALS AND ORGANIZATIONS. In performing the
16 functions ~~specified in~~ under sub. (1), the county department may ~~avail itself of the cooperation~~
17 accept the assistance of any an individual or private agency or organization interested in the
18 social welfare of juveniles in the county.

19 **SECTION 3.** 938.57 (3) (title) of the statutes is created to read:

20 938.57 (3) (title) FUNDING FOR CERTAIN JUVENILES.

21 **SECTION 4.** 938.57 (4) of the statutes is amended to read:

22 938.57 (4) AFTERCARE SUPERVISION. A county department may provide aftercare
23 supervision under s. 938.34 (4n) for juveniles who are released from secured juvenile
24 correctional facilities, ~~secured child caring institutions or secured group homes~~. If a county

1 department intends to change its policy regarding whether the county department or the
2 department shall provide aftercare supervision for juveniles released from ~~secured~~ juvenile
3 ~~correctional facilities, secured child caring institutions or secured group homes,~~ the county
4 executive or county administrator, or, if the county has no county executive or county
5 administrator, the chairperson of the county board of supervisors, or, for multicounty
6 departments, the chairpersons of the county boards of supervisors jointly, shall submit a letter
7 to the department stating that intent before July 1 of the year preceding the year in which the
8 policy change will take effect.

9 **SECTION 5.** 938.59 (1) of the statutes is amended to read:

10 938.59 (1) INVESTIGATION AND EXAMINATION. The county department shall investigate
11 the personal and family history and environment of any juvenile transferred to its legal custody
12 or placed under its supervision under s. 938.34 (4d) or (4n) and make any physical or mental
13 examinations of the juvenile considered necessary to determine the type of care necessary for
14 the juvenile. The county department shall screen a juvenile who is examined ~~under this~~
15 ~~subsection~~ to determine whether the juvenile is in need of special treatment or care because
16 of alcohol or other drug abuse, mental illness, or severe emotional disturbance. The county
17 department shall keep a complete record of the information received from the court, the date
18 of reception, all available data on the personal and family history of the juvenile, the results
19 of all tests and examinations given the juvenile, and a complete history of all placements of
20 the juvenile while in the legal custody or under the supervision of the county department.

21 **SECTION 6.** 938.59 (2) (title) of the statutes is created to read:

22 938.59 (2) (title) REPORT TO THE DEPARTMENT.

23 (END)