

AS:ksm;

09/26/2012

1 **AN ACT** *to repeal* 48.27 (3) (e); *to renumber and amend* 48.27 (3) (a) 1.; *to amend*
2 48.19 (2), 48.20 (3), 48.20 (7) (d), 48.20 (8) (a), 48.21 (3) (am), 48.21 (3) (b), 48.21
3 (3) (d), 48.21 (3) (e), 48.24 (1m), 48.24 (2) (a), 48.243 (1) (intro.), 48.243 (3),
4 48.245 (1) (c), 48.245 (2r), 48.245 (3), 48.245 (4), 48.245 (5), 48.245 (8), 48.255 (1)
5 (b), 48.255 (4), 48.27 (3) (a) 1m., 48.27 (3) (a) 2., 48.29 (1), 48.295 (1), 48.295 (3),
6 48.299 (1) (a), 48.30 (2), 48.31 (2), 48.32 (1) (a), 48.32 (2) (c), 48.32 (6), 48.355 (2)
7 (b) 1m., 48.355 (2) (d), 48.357 (1) (am) 1., 48.357 (1) (am) 2. a., 48.357 (1) (c) 2.,
8 48.357 (2m) (a), 48.357 (2m) (b), 48.363 (1) (a), 48.363 (1) (b), 48.365 (1m), 48.365
9 (2), 48.38 (4) (ag), 48.38 (4m) (b), 48.38 (5) (b), 48.38 (5) (bm) 1., 48.38 (5) (d),
10 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (c) 1., 48.38 (5m) (d), 48.38 (5m) (e),
11 48.396 (1b), 48.396 (1d), 48.396 (2) (ag), 48.396 (2) (am), 48.42 (1) (b), 48.42 (2)
12 (c), 48.427 (6) (b) 2., 48.46 (1), 48.46 (1m), 48.63 (5) (d) 4., 48.63 (5) (d) 6., 48.78
13 (2) (ag), 48.78 (2) (am), 48.977 (4) (a) 3., 48.977 (4) (b) 2., 48.977 (4) (c) 1. e.,
14 48.981 (7) (a) 3m. and 48.981 (7) (cr) 8.; and *to create* 48.02 (12j) and 48.27 (3) (a)
15 1. b. of the statutes; **relating to:** participation of the next of kin of a parental
16 homicide victim in proceedings under the children's code.

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 Permanency for Young Children in the Child Welfare System.

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 draft 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 which the draft 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 draft does the following:

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 draft also requires the consent of the next of kin of a parental homicide 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 draft 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 draft 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 draft 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 draft 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 (TPR) 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.

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 draft 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.

COMMENT: This draft contains the same provisions as 2011 Assembly Bill 632, which was introduced by Representative Kleefisch and others; cosponsored by Senator Lassa.

The draft generally gives the next of kin of a parental homicide victim the same standing and rights to participate as a parent of a child in a CHIPS proceeding. Is the intent of the committee to have the deceased parent's family stand in for the parent in the CHIPS proceeding, as the draft provides, or is the goal to provide information to and an opportunity for involvement by a member of that parent's family? In either case, the language could be limited to cases in which the other parent was the perpetrator, as in this draft, or could apply to any case in which a parent is a victim of homicide and the child is taken into custody under the Children's Code.

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 a
 3 parent has been convicted under s. 940.01, 940.02, 940.05, 940.06, 940.07, 940.08, 940.09,
 4 or 940.10 or under any comparable federal law or law of another state of the homicide of the
 5 child's other parent and in which a family member of the parent who is the victim of that

1 homicide is not the guardian, legal custodian, or Indian custodian of the child, the next of kin
2 of the parent who is the victim of that homicide, as determined by the court in the following
3 order of priority:

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

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

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

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

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

21 (f) If the parent who is the victim of that homicide does not have a spouse or domestic
22 partner described in par. (a), an adult child, a parent, an adult sibling, or a grandparent, the adult
23 relative of that parent in the next degree of kinship, as specified in s. 990.001 (16), whom the

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

NOTE: Creates a definition of “next of kin of a parental homicide victim” in the Children’s Code to mean, in cases in which a parent has been convicted of homicide of the child’s other parent and in which a family member of the parent who is the victim of that homicide is not the guardian, legal custodian, or Indian custodian of the child, the next of kin of the parent who is the victim of that homicide. The court must determine who the next of kin is based upon the order of priority listed in the definition.

COMMENT: Should the draft require the court to designate the next of kin of the parental homicide victim based on a standard such as the best ability to represent the interests of the family instead of setting forth the priority for determining who the next of kin is?

In addition, should the draft permit a next of kin to be recognized and receive some information regarding a child if the other parent is alleged to have murdered the child’s parent but has not yet been convicted in order for the provisions to be applied in a timely manner?

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

4 48.19 (2) When a child is taken into physical custody under this section, the person
5 taking the child into custody shall immediately attempt to notify the parent, guardian, legal
6 custodian, and Indian custodian of the child and the next of kin of a parental homicide victim
7 by the most practical means. The person taking the child into custody shall continue such
8 attempt until ~~the parent, guardian, legal custodian, and Indian custodian of the child~~ those
9 individuals are notified, or the child is delivered to an intake worker under s. 48.20 (3),
10 whichever occurs first. If the child is delivered to the intake worker before ~~the parent,~~
11 ~~guardian, legal custodian, and Indian custodian~~ those individuals are notified, the intake
12 worker, or another person at his or her direction, shall continue the attempt to notify until ~~the~~
13 ~~parent, guardian, legal custodian, and Indian custodian of the child~~ those individuals are
14 notified.

NOTE: Provides that, when a child is taken into custody, the person taking the child into custody must immediately attempt to notify the next of kin of a parental homicide victim and to continue to attempt to notify that individual until he or she is notified.

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

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

NOTE: Requires the person who took a child into custody to notify the next of kin of a parental homicide victim if the child is released to an individual other than the child's parent, guardian, legal custodian, or Indian custodian or, if the child is 15 years of age or older, is released without immediate adult supervision. The notification must include the time and circumstances of the release and the person, if any, to whom the child was released.

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

13 48.20 (7) (d) If the child is released from custody, the intake worker shall immediately
14 notify the child's parent, guardian, legal custodian, and Indian custodian and the next of kin
15 of a parental homicide victim of the time and circumstances of the release and the person, if
16 any, to whom the child was released.

NOTE: Adds the next of kin of a parental homicide victim to the persons an intake worker who releases a child from custody must immediately

notify. The notification must include the time and circumstances of the release and the person, if any, to whom the child was released.

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

2 48.20 **(8)** (a) If a child is held in custody, the intake worker shall notify the child's parent,
3 guardian, legal custodian, and Indian custodian and the next of kin of a parental homicide
4 victim of the reasons for holding the child in custody and of the child's whereabouts unless
5 there is reason to believe that notice would present imminent danger to the child. ~~The parent,~~
6 ~~guardian, legal custodian, and Indian custodian~~ An individual so notified shall also be notified
7 of the time and place of the detention hearing required under s. 48.21, the nature and possible
8 consequences of that hearing, the right to present and cross-examine witnesses at the hearing,
9 and, in the case of a parent or Indian custodian of an Indian child who is the subject of an Indian
10 child custody proceeding, as defined in s. 48.028 (2) (d) 2., the right to counsel under s. 48.028
11 (4) (b). If the parent, guardian, legal custodian, ~~or~~ Indian custodian, or next of kin of a parental
12 homicide victim is not immediately available, the intake worker or another person designated
13 by the court shall provide notice as soon as possible. When the child is 12 years of age or older,
14 the child shall receive the same notice about the detention hearing as the parent, guardian, legal
15 custodian, ~~or~~ Indian custodian, and the next of kin of a parental homicide victim. The intake
16 worker shall notify ~~both~~ the child ~~and~~, the child's parent, guardian, legal custodian, ~~or~~ and
17 Indian custodian, and the next of kin of a parental homicide victim.

NOTE: Adds the next of kin of a parental homicide victim to the persons that an intake worker must notify if a child is held in custody. The notice must include the reasons for holding the child in custody, the child's whereabouts, and information regarding the child's detention hearing.

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

19 48.21 **(3)** (am) The parent, guardian, legal custodian, ~~or~~ Indian custodian, or next of kin
20 of a parental homicide victim may waive his or her right to participate in the hearing under

1 this section. After any waiver, a rehearing shall be granted at the request of the parent,
2 guardian, legal custodian, Indian custodian, next of kin of a parental homicide victim, or any
3 other interested party for good cause shown.

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

5 48.21 (3) (b) If present at the hearing, a copy of the petition or request shall be given
6 to the parent, guardian, legal custodian, ~~or~~ Indian custodian, or next of kin of a parental
7 homicide victim, and to the child if he or she is 12 years of age or older, before the hearing
8 begins. If the child is an expectant mother who has been taken into custody under s. 48.19 (1)
9 (cm) or (d) 8., a copy of the petition shall also be given to the unborn child, through the unborn
10 child's guardian ad litem, before the hearing begins. Prior notice of the hearing shall be given
11 to the child's parent, guardian, legal custodian, and Indian custodian, to the next of kin of a
12 parental homicide victim, to the child if he or she is 12 years of age or older and, if the child
13 is an expectant mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., to
14 the unborn child, through the unborn child's guardian ad litem, under s. 48.20 (8).

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

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

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

1 48.21 (3) (e) If the parent, guardian, legal custodian, Indian custodian, next of kin of
2 a parental homicide victim, or child is not represented by counsel at the hearing and the child
3 is continued in custody as a result of the hearing, ~~the parent, guardian, legal custodian, Indian~~
4 ~~custodian, or child~~ that individual may request through counsel subsequently appointed or
5 retained or through a guardian ad litem that the order to hold the child in custody be reheard.
6 If the request is made, a rehearing shall take place as soon as possible. An order to hold the
7 child in custody shall be reheard for good cause, whether or not counsel was present.

NOTE: SECTIONS 6 to 9 apply the provisions of the statute governing a
child's detention hearing that apply to a child's parent, guardian, legal
custodian, or Indian custodian to the next of kin of a parental homicide
victim. For example, under the draft, the next of kin of a parental
homicide victim must be given a copy of the CHIPS petition if present at
the hearing.

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

9 48.24 (1m) As part of the intake inquiry, the intake worker shall inform the child ~~and,~~
10 the child's parent, guardian, and legal custodian, and the next of kin of a parental homicide
11 victim that they, or the adult expectant mother of an unborn child that she, may request
12 counseling from a person designated by the court to provide dispositional services under s.
13 48.069.

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

15 48.24 (2) (a) As part of the intake inquiry the intake worker may conduct
16 multidisciplinary screens and intake conferences with notice to the child, parent, guardian ~~and,~~
17 legal custodian, and next of kin of a parental homicide victim or to the adult expectant mother
18 of the unborn child. If sub. (2m) applies, the intake worker shall conduct a multidisciplinary
19 screen under s. 48.547 if the child or expectant mother has not refused to participate under par.
20 (b).

NOTE: SECTIONS 10 and 11 require an intake worker, as part of an intake inquiry, to inform the next of kin of a parental homicide victim that he or she may request counseling and to notify the next of kin of a parental homicide victim if the intake worker conducts multidisciplinary screens and intake conferences as part of the intake inquiry. This information is currently provided to the child, and the child's parent, guardian, and legal custodian.

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

2 48.243 (1) (intro.) Before conferring with the parent, next of kin of a parental homicide
3 victim, expectant mother, or child during the intake inquiry, the intake worker shall personally
4 inform ~~parents, expectant mothers and children 12 years of age or older who are the focus of~~
5 ~~an inquiry regarding the need for protection or services~~ the parent, next of kin of a parental
6 homicide victim, expectant mother, and child, if 12 years of age or over, that the referral may
7 result in a petition to the court and of all of the following:

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

9 48.243 (3) If the child or expectant mother has not had a hearing under s. 48.21 or 48.213
10 and was not present at an intake conference under s. 48.24, the intake worker shall inform the
11 child, parent, guardian ~~and~~, legal custodian, and next of kin of a parental homicide victim, or
12 expectant mother, as appropriate, of the basic rights provided under this section. The notice
13 shall be given verbally, either in person or by telephone, and in writing. This notice shall be
14 given so as to allow the child, parent, guardian, legal custodian, next of kin of a parental
15 homicide victim, or adult expectant mother sufficient time to prepare for the plea hearing. This
16 subsection does not apply to cases of informal disposition under s. 48.245.

NOTE: SECTIONS 12 and 13 require the intake worker to provide information to the next of kin of a parental homicide victim in the same manner as information is provided to a parent, guardian, and legal custodian during an intake inquiry.

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

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

NOTE: In order for an intake worker to enter into an informal disposition with all parties to a CHIPS action, requires the next of kin of a parental homicide victim to consent, along with the child, if 12 years of age or over, and the child's parent, guardian, and legal custodian.

COMMENT: The draft does not impose any obligations for the rehabilitation, protections, or care for the child on the next of kin of a parental homicide victim in an informal disposition as may be imposed on a parent, guardian, or legal custodian. Is this the committee's intent?

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

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

NOTE: Adds the next of kin of a parental homicide victim to the persons to whom an intake worker must give notice before extending an informal disposition. The next of kin may object to the extension.

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

2 48.245 (3) The obligations imposed under an informal disposition and its effective date
3 shall be set forth in writing. The child ~~and a~~, the child's parent, guardian, and legal custodian,
4 and the next of kin of a parental homicide victim, or the child expectant mother, her parent,
5 guardian, and legal custodian and the unborn child by the unborn child's guardian ad litem,
6 or the adult expectant mother and the unborn child by the unborn child's guardian ad litem,
7 shall receive a copy, as shall any agency providing services under the agreement.

NOTE: Adds the next of kin of a parental homicide victim to the persons to whom the intake worker must provide a written copy of the obligations imposed under an informal disposition and its effective date.

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

9 48.245 (4) The intake worker shall inform the child, if 12 years of age or over, ~~and the~~
10 child's parent, guardian, and legal custodian, and the next of kin of a parental homicide victim,
11 or the child expectant mother, if 12 years of age or over, and her parent, guardian, and legal
12 custodian, or the adult expectant mother in writing of their right to terminate the informal
13 disposition at any time or object at any time to the fact or terms of the informal disposition.
14 If there is an objection, the intake worker may alter the terms of the agreement or request the
15 district attorney or corporation counsel to file a petition. If the informal disposition is
16 terminated, the intake worker may request the district attorney or corporation counsel to file
17 a petition.

NOTE: Adds the next of kin of a parental homicide victim to the persons an intake worker must inform of the right to terminate the informal disposition at any time or object at any time to the fact or terms of the informal disposition.

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

1 48.245 (5) Informal disposition shall be terminated upon the request of the child, if 12
2 years of age or over, ~~or~~ the child's parent, guardian, or legal custodian, or the next of kin of
3 a parental homicide victim, upon request of the child expectant mother, if 12 years of age or
4 over, or her parent, guardian, or legal custodian, or upon the request of the adult expectant
5 mother.

NOTE: Adds the next of kin of a parental homicide victim to the persons
 who may request that an informal disposition be terminated. The
 informal disposition must be terminated upon request of the persons
 listed in the statute.

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

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

NOTE: Adds the next of kin of a parental homicide victim to the persons
 whom the intake worker must inform if the obligations imposed under an
 informal disposition have been met.

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

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

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

1 48.255 (4) A copy of a petition under sub. (1) shall be given to the child if the child is
2 12 years of age or over and to the parents, guardian, legal custodian ~~and~~ physical custodian,
3 and next of kin of a parental homicide victim. A copy of a petition under sub. (1m) shall be
4 given to the child expectant mother, if 12 years of age or over, her parents, guardian, legal
5 custodian and physical custodian and the unborn child by the unborn child's guardian ad litem
6 or to the adult expectant mother, the unborn child through the unborn child's guardian ad litem
7 and the physical custodian of the expectant mother, if any. If the child is an Indian child who
8 has been removed from the home of his or her parent or Indian custodian or the unborn child
9 will be an Indian child when born, a copy of a petition under sub. (1) or (1m) shall also be given
10 to the Indian child's Indian custodian and tribe or the Indian tribe with which the unborn child
11 may be eligible for affiliation when born.

NOTE: SECTIONS 20 and 21 require a CHIPS petition to include the name
 and address of the next of kin of a parental homicide victim and adds to
 the persons who must receive a copy of the petition the next of kin of a
 parental homicide victim.

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

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

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

NOTE: Adds the next of kin of a parental homicide victim to the list of persons to whom the court must notify of all CHIPS hearings involving the child.

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

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

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

17 48.27 (3) (a) 1m. The court shall give a foster parent or other physical custodian
18 described in s. 48.62 (2) who is notified of a hearing under subd. 1. a. or b. a right to be heard
19 at the hearing by permitting the foster parent or other physical custodian to make a written or
20 oral statement during the hearing, or to submit a written statement prior to the hearing, relevant
21 to the issues to be determined at the hearing. A foster parent or other physical custodian
22 described in s. 48.62 (2) who receives a notice of a hearing under subd. 1. a. or b. and a right

1 to be heard under this subdivision does not become a party to the proceeding on which the
2 hearing is held solely on the basis of receiving that notice and right to be heard.

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

4 48.27 **(3)** (a) 2. Failure to give notice under subd. 1. a. or b. to a foster parent or other
5 physical custodian described in s. 48.62 (2) does not deprive the court of jurisdiction in the
6 action or proceeding. If a foster parent or other physical custodian described in s. 48.62 (2)
7 is not given notice of a hearing under subd. 1. a. or b., that person may request a rehearing on
8 the matter during the pendency of an order resulting from the hearing. If the request is made,
9 the court shall order a rehearing.

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

NOTE: SECTIONS 23 to 26 make nonsubstantive changes to the statute
relating to notice and summons in CHIPS proceedings.

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

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

NOTE: Adds the next of kin of a parental homicide victim to the persons
who may request substitution of a judge in a CHIPS proceeding.

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

2 48.295 (1) After the filing of a petition and upon a finding by the court that reasonable
3 cause exists to warrant a physical, psychological, mental, or developmental examination or
4 an alcohol and other drug abuse assessment that conforms to the criteria specified under s.
5 48.547 (4), the court may order any child coming within its jurisdiction to be examined as an
6 outpatient by personnel in an approved treatment facility for alcohol and other drug abuse, by
7 a physician, psychiatrist, or licensed psychologist, or by another expert appointed by the court
8 holding at least a master's degree in social work or another related field of child development,
9 in order that the child's physical, psychological, alcohol or other drug dependency, mental, or
10 developmental condition may be considered. The court may also order a physical,
11 psychological, mental, or developmental examination or an alcohol and other drug abuse
12 assessment that conforms to the criteria specified under s. 48.547 (4) of a parent, guardian, or
13 legal custodian whose ability to care for a child is at issue before the court or of an expectant
14 mother whose ability to control her use of alcohol beverages, controlled substances, or
15 controlled substance analogs is at issue before the court. The court shall hear any objections
16 by the child ~~or~~, the child's parents, guardian, or legal custodian, or the next of kin of a parental
17 homicide victim to the request for such an examination or assessment before ordering the
18 examination or assessment. The expenses of an examination, if approved by the court, shall
19 be paid by the county of the court ordering the examination in a county having a population
20 of less than 500,000 or by the department in a county having a population of 500,000 or more.
21 The payment for an alcohol and other drug abuse assessment shall be in accordance with s.
22 48.361.

NOTE: Adds the next of kin of a parental homicide victim to the list of persons who may object to a court's request for a physical, psychological, mental, or developmental examination or an alcohol or

other drug abuse assessment of the child or of a parent, guardian, or legal custodian whose ability to care for a child is at issue.

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

2 48.295 (3) If the child, the child's parent, guardian, or legal custodian, the next of kin
3 of a parental homicide victim, or the expectant mother objects to a particular physician,
4 psychiatrist, licensed psychologist, or other expert as required under this section, the court
5 shall appoint a different physician, psychiatrist, psychologist, or other expert as required under
6 this section.

NOTE: Provides that, if the child, the child's parent, guardian, or legal custodian, or the next of kin of a parental homicide victim objects to a particular physician, psychiatrist, licensed psychologist, or other expert to conduct an examination or assessment, the court must appoint a different one. Under current law, only the child and the child's parent may object.

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

8 48.299 (1) (a) The general public shall be excluded from hearings under this chapter
9 and from hearings by courts exercising jurisdiction under s. 48.16 unless a public fact-finding
10 hearing is demanded by a child through his or her counsel, by an expectant mother through
11 her counsel or by an unborn child through the unborn child's guardian ad litem. ~~However, the~~
12 The court shall refuse to grant the public hearing in a proceeding, other than a proceeding
13 under s. 48.375 (7), if a parent, guardian, or the next of kin of a parental homicide victim
14 objects or if the expectant mother or unborn child through the unborn child's guardian ad litem
15 objects.

NOTE: Under current law, the general public is generally excluded from CHIPS hearings unless a public fact-finding hearing is demanded by a child through his or her counsel. This SECTION adds the next of kin of a parental homicide victim to the persons who may object to a public hearing. If there is an objection, the court must refuse to grant a public hearing.

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

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

NOTE: Adds the next of kin of a parental homicide victim to the list of
 persons who must be advised of their rights at the commencement of a
 plea hearing.

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

13 48.31 (2) The hearing shall be to the court unless the child, the child's parent, guardian,
14 or legal custodian, the next of kin of a parental homicide victim, the unborn child by the unborn
15 child's guardian ad litem, or the expectant mother of the unborn child exercises the right to
16 a jury trial by demanding a jury trial at any time before or during the plea hearing. If a jury
17 trial is demanded in a proceeding under s. 48.13 or 48.133, the jury shall consist of 6 persons.
18 If a jury trial is demanded in a proceeding under s. 48.42, the jury shall consist of 12 persons
19 unless the parties agree to a lesser number. Chapters 756 and 805 shall govern the selection
20 of jurors. If the hearing involves a child victim or witness, as defined in s. 950.02, the court
21 may order that a deposition be taken by audiovisual means and allow the use of a recorded
22 deposition under s. 967.04 (7) to (10) and, with the district attorney, shall comply with s.

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

NOTE: Adds the next of kin of a parental homicide victim to the list of
persons who may request a jury trial in a CHIPS proceeding.

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

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

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

NOTE: In order for a judge or a court commissioner to suspend a CHIPS proceeding and order a consent decree, requires the next of kin of a parental homicide victim to consent, along with the child, if 12 years of age or over, and the child's parent, guardian, and legal custodian.

COMMENT: The draft does not permit the court to establish terms and conditions applicable to the next of kin of a parental homicide victim in a consent decree as may be established for a parent, guardian, or legal custodian. Is this the committee's intent?

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

5 48.32 (2) (c) Upon the motion of the court or the application of the child, parent,
6 guardian, legal custodian, next of kin of a parental homicide victim, expectant mother, unborn
7 child by the unborn child's guardian ad litem, intake worker, or any agency supervising the
8 child or expectant mother under the consent decree, the court may, after giving notice to the
9 parties to the consent decree, their counsel or guardian ad litem, and the court-appointed
10 special advocate for the child, if any, extend the decree for up to an additional 6 months in the
11 absence of objection to extension by the parties to the initial consent decree. If the child,
12 parent, guardian, legal custodian, next of kin of a parental homicide victim, expectant mother,
13 or unborn child by the unborn child's guardian ad litem objects to the extension, the judge shall
14 schedule a hearing and make a determination on the issue of extension. An extension under
15 this paragraph of a consent decree relating to an unborn child who is alleged to be in need of
16 protection or services may be granted after the child is born.

NOTE: Adds the next of kin of a parental homicide victim to the persons to whom the court must give notice before extending a consent decree. The next of kin may object to the extension.

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

1 48.32 (6) The judge or circuit court commissioner shall inform the child ~~and~~, the child's
2 parent, guardian ~~or~~, and legal custodian, ~~or~~ and the next of kin of a parental homicide victim,
3 or the adult expectant mother, in writing, of the right of the child or expectant mother to object
4 to the continuation of the consent decree under sub. (3) and of the fact that the hearing under
5 which the child or expectant mother was placed on supervision may be continued to
6 conclusion as if the consent decree had never been entered.

NOTE: Adds the next of kin of a parental homicide victim to the list of
 persons who must be notified of and who may object to the continuation
 of a consent decree.

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

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

NOTE: Adds the next of kin of a parental homicide victim to the persons
 listed in a CHIPS dispositional order as persons who may receive the
 content of any record kept or information received about the child who is
 the subject of the order.

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

17 48.355 (2) (d) The court shall provide a copy of a dispositional order relating to a child
18 in need of protection or services to the child's parent, guardian, legal custodian, or trustee, to
19 the child through the child's counsel or guardian ad litem, to the next of kin of a parental

1 homicide victim, to the child's court-appointed special advocate, and, if the child is an Indian
2 child who has been removed from the home of his or her parent or Indian custodian and placed
3 outside that home, to the Indian child's Indian custodian and tribe. The court shall provide
4 a copy of a dispositional order relating to an unborn child in need of protection or services to
5 the expectant mother, to the unborn child through the unborn child's guardian ad litem, to the
6 parent, guardian, legal custodian, or trustee of a child expectant mother and, if the expectant
7 mother is an Indian child, to the expectant mother's Indian custodian and tribe.

NOTE: Adds the next of kin of a parental homicide victim to the list of persons to whom the court must provide a copy of the CHIPS dispositional order.

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

9 48.357 (1) (am) 1. If the proposed change in placement involves any change in
10 placement other than a change in placement specified in par. (c), the person or agency
11 primarily responsible for implementing the dispositional order, the district attorney, or the
12 corporation counsel shall cause written notice of the proposed change in placement to be sent
13 to the child, 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 (2) of the
15 child, the child's court-appointed special advocate, and, if the child is an Indian child who has
16 been removed from the home of his or her parent or Indian custodian, the Indian child's Indian
17 custodian and tribe. If the child is the expectant mother of an unborn child under s. 48.133,
18 written notice shall also be sent to the unborn child by the unborn child's guardian ad litem.
19 If the change in placement involves an adult expectant mother of an unborn child under s.
20 48.133, written notice shall be sent to the adult expectant mother and the unborn child by the
21 unborn child's guardian ad litem. The notice shall contain the name and address of the new
22 placement, the reasons for the change in placement, a statement describing why the new

1 placement is preferable to the present placement, and a statement of how the new placement
2 satisfies objectives of the treatment plan ordered by the court.

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

4 48.357 (1) (am) 2. a. By the parent, guardian, legal custodian, or Indian custodian, the
5 next of kin of a parental homicide victim, the child, if 12 years of age or over, and the child's
6 tribe, if the child is an Indian child who has been removed from the home of his or her parent
7 or Indian custodian.

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

9 48.357 (1) (c) 2. The court shall hold a hearing prior to ordering any change in
10 placement requested under subd. 1. Not less than 3 days prior to the hearing, the court shall
11 provide notice of the hearing, together with a copy of the request for the change in placement,
12 to the child, the parent, guardian, and legal custodian of the child, the next of kin of a parental
13 homicide victim, the child's court-appointed special advocate, all parties that are bound by
14 the dispositional order, and, if the child is an Indian child, the Indian child's Indian custodian
15 and tribe. Subject to subd. 2r., if all parties consent, the court may proceed immediately with
16 the hearing.

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

18 48.357 (2m) (a) The child, the parent, guardian, legal custodian, or Indian custodian of
19 the child, the next of kin of a parental homicide victim, the expectant mother, the unborn child
20 by the unborn child's guardian ad litem, or any person or agency primarily bound by the
21 dispositional order, other than the person or agency responsible for implementing the order,
22 may request a change in placement under this paragraph. The request shall contain the name
23 and address of the new placement requested and shall state what new information is available
24 that affects the advisability of the current placement. If the proposed change in placement

1 would change the placement of a child placed in the child's home to a placement outside the
2 child's home, the request shall also contain specific information showing that continued
3 placement of the child in the home would be contrary to the welfare of the child and, unless
4 any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies, specific information showing
5 that the agency primarily responsible for implementing the dispositional order has made
6 reasonable efforts to prevent the removal of the child from the home, while assuring that the
7 child's health and safety are the paramount concerns. The request shall be submitted to the
8 court. The court may also propose a change in placement on its own motion.

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

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

1 the adult expectant mother, the unborn child by the unborn child's guardian ad litem, and all
2 parties who are bound by the dispositional order, at least 3 days prior to the hearing. A copy
3 of the request or proposal for the change in placement shall be attached to the notice. Subject
4 to par. (br), if all of the parties consent, the court may proceed immediately with the hearing.

NOTE: SECTIONS 38 to 42 apply the provisions in the statute relating to change in placement that currently apply to parents, guardians, and legal custodians to the next of kin of a parental homicide victim. These include notice requirements of proposed changes in placement and the ability to request a change in placement for the child.

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

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

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

20 48.363 (1) (b) If a hearing is held, at least 3 days before the hearing the court shall notify
21 the child, the child's parent, guardian, legal custodian, and Indian custodian, the next of kin

1 of a parental homicide victim, all parties bound by the dispositional order, the child's foster
2 parent or other physical custodian described in s. 48.62 (2), the child's court-appointed special
3 advocate, the district attorney or corporation counsel in the county in which the dispositional
4 order was entered, and, if the child is an Indian child who is placed outside the home of his
5 or her parent or Indian custodian, the Indian child's tribe. If the child is the expectant mother
6 of an unborn child under s. 48.133, the court shall also notify the unborn child by the unborn
7 child's guardian ad litem. If the proceeding involves an adult expectant mother of an unborn
8 child under s. 48.133, the court shall notify the adult expectant mother, the unborn child
9 through the unborn child's guardian ad litem, all parties bound by the dispositional order, and
10 the district attorney or corporation counsel in the county in which the dispositional order was
11 entered, at least 3 days prior to the hearing. A copy of the request or proposal shall be attached
12 to the notice. If all parties consent, the court may proceed immediately with the hearing. No
13 revision may extend the effective period of the original order.

NOTE: SECTIONS 43 and 44 add the next of kin of a parental homicide victim to the persons who may request a revision to a CHIPS dispositional order that does not involve a change in placement and require the next of kin to be notified of a hearing on a requested revision.

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

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

1 to the court that entered the order. An order under s. 48.355 may be extended only as provided
2 in this section.

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

4 48.365 (2) No order may be extended without a hearing. The court shall provide notice
5 of the time and place of the hearing to the child, the child's parent, guardian, legal custodian,
6 and Indian custodian, the next of kin of a parental homicide victim, all the parties present at
7 the original hearing, the child's foster parent or other physical custodian described in s. 48.62
8 (2), the child's court-appointed special advocate, the district attorney or corporation counsel
9 in the county in which the dispositional order was entered and, if the child is an Indian child
10 who is placed outside the home of his or her parent or Indian custodian, the Indian child's tribe.
11 If the child is an expectant mother of an unborn child under s. 48.133, the court shall also notify
12 the unborn child by the unborn child's guardian ad litem. If the extension hearing involves
13 an adult expectant mother of an unborn child under s. 48.133, the court shall notify the adult
14 expectant mother, the unborn child through the unborn child's guardian ad litem, all the parties
15 present at the original hearing, and the district attorney or corporation counsel in the county
16 in which the dispositional order was entered, of the time and place of the hearing.

NOTE: SECTIONS 45 and 46 add the next of kin of a parental homicide
victim to the persons who may request an extension of a CHIPS
dispositional order that does not involve a change in placement and
require the next of kin to be notified of a hearing on a requested
extension.

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

18 48.38 (4) (ag) The name, address, and telephone number of the child's parent, guardian,
19 and legal custodian and of the next of kin of a parental homicide victim.

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

1 48.38 (4m) (b) At least 10 days before the date of the hearing, the court shall notify the
2 child; ~~the child's~~ any parent, guardian, and legal custodian; of the child, ~~and the child's;~~ the
3 next of kin of a parental homicide victim; any foster parent or other physical custodian
4 described in s. 48.62 (2) of the child, the operator of the facility in which the child is living,
5 or the relative with whom the child is living; and, if the child is an Indian child, the Indian
6 child's Indian custodian and tribe of the time, of the time, place, and purpose of the hearing,
7 of the issues to be determined at the hearing, and of the fact that they shall have a right to be
8 heard at the hearing.

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

10 48.38 (5) (b) The court or the agency shall notify the child, ~~if he or she is 12 years of~~
11 ~~age or older;~~ the child's parent, guardian, and legal custodian; the next of kin of a parental
12 homicide victim; the child's foster parent, the operator of the facility in which the child is
13 living, or the relative with whom the child is living; and, if the child is an Indian child who
14 is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian
15 custodian and tribe of the ~~date,~~ time, ~~and place,~~ and purpose of the review, of the issues to be
16 determined as part of the review, and of the fact that they ~~may have an opportunity~~ shall have
17 a right to be heard at the review ~~by submitting written comments not less than 10 working days~~
18 ~~before the review or by participating at the review~~ as provided in par. (bm) 1. The court or
19 agency shall notify the person representing the interests of the public, the child's counsel, the
20 child's guardian ad litem, and the child's court-appointed special advocate of the ~~date~~ time,
21 place, and purpose of the review, of the issues to be determined as part of the review, and of
22 the fact that they may ~~submit written comments not less than 10 working days before the~~
23 ~~review~~ have an opportunity to be heard at the review as provided in par. (bm) 1. The notices

1 under this paragraph shall be provided in writing not less than 30 days before the review and
2 copies of the notices shall be filed in the child's case record.

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

4 48.38 **(5)** (bm) 1. A child, parent, guardian, legal custodian, next of kin of a parental
5 homicide victim, foster parent, operator of a facility, or relative who is provided notice of the
6 review under par. (b) shall have a right to be heard at the review by submitting written
7 comments relevant to the determinations specified in par. (c) not less than 10 working days
8 before the date of the review or by participating at the review. A person representing the
9 interests of the public, counsel, guardian ad litem, or court-appointed special advocate who
10 is provided notice of the review under par. (b) may have an opportunity to be heard at the
11 review by submitting written comments relevant to the determinations specified in par. (c) not
12 less than 10 working days before the date of the review. A foster parent, operator of a facility,
13 or relative who receives notice of a ~~hearing~~ review under par. (b) and a right to be heard under
14 this subdivision does not become a party to the proceeding on which the review is held solely
15 on the basis of receiving that notice and right to be heard.

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

17 48.38 **(5)** (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the permanency
18 plan shall, at least 5 days before a review by a review panel, provide to each person appointed
19 to the review panel, the child's parent, guardian, and legal custodian, the next of kin of a
20 parental homicide victim, the person representing the interests of the public, the child's
21 counsel, the child's guardian ad litem, the child's court-appointed special advocate, and, if the
22 child is an Indian child who is placed outside the home of his or her parent or Indian custodian,
23 the Indian child's Indian custodian and tribe a copy of the permanency plan and any written
24 comments submitted under par. (bm) 1. Notwithstanding s. 48.78 (2) (a), a person appointed

1 to a review panel, the person representing the interests of the public, the child's counsel, the
2 child's guardian ad litem, the child's court-appointed special advocate, and, if the child is an
3 Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian
4 child's Indian custodian and tribe may have access to any other records concerning the child
5 for the purpose of participating in the review. A person permitted access to a child's records
6 under this paragraph may not disclose any information from the records to any other person.

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

8 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of the
9 determinations under par. (c) and shall provide a copy to the court that entered the order; the
10 child or the child's counsel or guardian ad litem; the person representing the interests of the
11 public; the child's parent, guardian, ~~or~~ and legal custodian; the next of kin of a parental
12 homicide victim; the child's court-appointed special advocate; the child's foster parent ~~or~~, the
13 operator of the facility where the child is living, or the relative with whom the child is living;
14 and, if the child is an Indian child who is placed outside the home of his or her parent or Indian
15 custodian, the Indian child's Indian custodian and tribe.

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

17 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court shall notify
18 the child; the child's parent, guardian, and legal custodian; the next of kin of a parental
19 homicide victim; and the child's foster parent, the operator of the facility in which the child
20 is living, or the relative with whom the child is living; of the time, place, and purpose of the
21 hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right
22 to be heard at the hearing as provided in par. (c) 1. and shall notify the child's counsel, the
23 child's guardian ad litem, and the child's court-appointed special advocate; the agency that
24 prepared the permanency plan; the person representing the interests of the public; and, if the

1 child is an Indian child who is placed outside the home of his or her parent or Indian custodian,
2 the Indian child's Indian custodian and tribe of the ~~date, time, and place,~~ and purpose of the
3 hearing, of the issues to be determined at the hearing, and of the fact that they may have an
4 opportunity to be heard at the hearing as provided in par. (c) 1.

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

6 48.38 **(5m)** (c) 1. A child, parent, guardian, legal custodian, next of kin of a parental
7 homicide victim, foster parent, operator of a facility, or relative who is provided notice of the
8 hearing under par. (b) shall have a right to be heard at the hearing by submitting written
9 comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days
10 before the date of the hearing or by participating at the hearing. A counsel, guardian ad litem,
11 court-appointed special advocate, agency, or person representing the interests of the public
12 who is provided notice of the hearing under par. (b) may have an opportunity to be heard at
13 the hearing by submitting written comments relevant to the determinations specified in sub.
14 (5) (c) not less than 10 working days before the date of the hearing or by participating at the
15 hearing. A foster parent, operator of a facility, or relative who receives notice of a hearing
16 under par. (b) and a right to be heard under this subdivision does not become a party to the
17 proceeding on which the hearing is held solely on the basis of receiving that notice and right
18 to be heard.

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

20 48.38 **(5m)** (d) At least 5 days before the date of the hearing the agency that prepared
21 the permanency plan shall provide a copy of the permanency plan and any written comments
22 submitted under par. (c) 1. to the court, to the child's parent, guardian, and legal custodian, to
23 the next of kin of a parental homicide victim, to the person representing the interests of the
24 public, to the child's counsel or guardian ad litem, to the child's court-appointed special

1 advocate, and, if the child is an Indian child who is placed outside the home of his or her parent
2 or Indian custodian, to the Indian child's Indian custodian and tribe. Notwithstanding s. 48.78
3 (2) (a), the person representing the interests of the public, the child's counsel or guardian ad
4 litem, the child's court-appointed special advocate, and, if the child is an Indian child who is
5 placed outside of the home of his or her parent or Indian custodian, the Indian child's Indian
6 custodian and tribe may have access to any other records concerning the child for the purpose
7 of participating in the review. A person permitted access to a child's records under this
8 paragraph may not disclose any information from the records to any other person.

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

10 48.38 **(5m)** (e) After the hearing, the court shall make written findings of fact and
11 conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy
12 of those findings of fact and conclusions of law to the child; the child's parent, guardian, and
13 legal custodian; the next of kin of a parental homicide victim; the child's foster parent, the
14 operator of the facility in which the child is living, or the relative with whom the child is living;
15 the child's court-appointed special advocate; the agency that prepared the permanency plan;
16 the person representing the interests of the public; and, if the child is an Indian child who is
17 placed outside the home of his or her parent or Indian custodian, the Indian child's Indian
18 custodian and tribe. The court shall make the findings specified in sub. (5) (c) 7. on a
19 case-by-case basis based on circumstances specific to the child and shall document or
20 reference the specific information on which those findings are based in the findings of fact and
21 conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that
22 merely reference sub. (5) (c) 7. without documenting or referencing that specific information
23 in the findings of fact and conclusions of law or amended findings of fact and conclusions of

1 law that retroactively correct earlier findings of fact and conclusions of law that do not comply
2 with this paragraph are not sufficient to comply with this paragraph.

NOTE: SECTIONS 47 to 56 add the next of kin of a parental homicide victim to the persons who receive notice and an opportunity to be heard at permanency plan hearings and reviews. Also, under the draft, the permanency plan must include the name, address, and telephone number of the next of kin of a parental homicide victim.

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

4 48.396 (1b) If requested by the parent, guardian or legal custodian of a child who is the
5 subject of a law enforcement officer's report, if requested by the next of kin of a parental
6 homicide victim, or if requested by the child, if 14 years of age or over, a law enforcement
7 agency may, subject to official agency policy, provide to the ~~parent, guardian, legal custodian~~
8 ~~or child requester~~ requester a copy of that report. If requested by the parent, guardian or legal custodian
9 of a child expectant mother of an unborn child who is the subject of a law enforcement officer's
10 report, if requested by an expectant mother of an unborn child who is the subject of a law
11 enforcement officer's report, if 14 years of age or over, or if requested by an unborn child
12 through the unborn child's guardian ad litem, a law enforcement agency may, subject to
13 official agency policy, provide to the parent, guardian, legal custodian, expectant mother or
14 unborn child by the unborn child's guardian ad litem a copy of that report.

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

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

1 written permission of the parent, guardian or legal custodian of a child expectant mother of
2 an unborn child who is the subject of a law enforcement officer's report, or of an expectant
3 mother of an unborn child who is the subject of a law enforcement officer's report, if 14 years
4 of age or over, and of the unborn child by the unborn child's guardian ad litem, a law
5 enforcement agency may, subject to official agency policy, make available to the person
6 named in the permission any reports specifically identified by the parent, guardian, legal
7 custodian or expectant mother, and unborn child by the unborn child's guardian ad litem in
8 the written permission.

NOTE: SECTIONS 57 and 58 require a law enforcement agency to provide to the next of kin of a parental homicide victim a copy of a law enforcement officer's report relating to a child upon request or to make the report available to another person with the permission of the next of kin.

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

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

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

18 48.396 (2) (am) Upon the written permission of the parent, guardian or legal custodian
19 of a child who is the subject of a record of a court specified in par. (a), upon the written
20 permission of the next of kin of a parental homicide victim, or upon the written permission
21 of the child, if 14 years of age or over, the court shall open for inspection by the person named

1 in the permission any records specifically identified by the parent, guardian, legal custodian,
2 relative, or child in the written permission, unless the court finds, after due notice and hearing,
3 that inspection of those records by the person named in the permission would result in
4 imminent danger to anyone.

NOTE: SECTIONS 59 and 60 require the juvenile court to open for inspection by the next of kin, or a person named by the next of kin, court records upon the request of the next of kin of a parental homicide victim.

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

6 48.42 (1) (b) The names and addresses of the child's parent or parents, guardian and
7 legal custodian and the name and address of the next of kin of a parental homicide victim.

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

9 48.42 (2) (c) The guardian, guardian ad litem, legal custodian, and Indian custodian of
10 the child and the next of kin of a parental homicide victim.

NOTE: SECTIONS 61 and 62 require a TPR petition to include the name and current address of the next of kin of a parental homicide victim and that such a petition be served on the next of kin.

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

12 48.427 (6) (b) 2. The names and current addresses of the child's birth parents, guardian,
13 and legal custodian and the name and address of the next of kin of a parental homicide victim.

NOTE: Requires the name and current address of the next of kin of a parental homicide victim to be forwarded to the department of children and families (DCF) as part of a TPR dispositional order.

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

15 48.46 (1) Except as provided in subs. (1m), (2), and (3), the child whose status is
16 adjudicated by the court, the parent, guardian or legal custodian of that child, the next of kin
17 of a parental homicide victim, the unborn child whose status is adjudicated by the court, or
18 the expectant mother of that unborn child may at any time within one year after the entering

1 of the court's order petition the court for a rehearing on the ground that new evidence has been
2 discovered affecting the advisability of the court's original adjudication. Upon a showing that
3 such evidence does exist, the court shall order a new hearing.

NOTE: Adds the next of kin of a parental homicide victim to the persons who may petition for a rehearing in a CHIPS proceeding within one year after the entering of the court's order on the ground that new evidence has been discovered.

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

5 48.46 **(1m)** Except as provided in sub. (2), the parent, guardian or legal custodian of
6 the child, the next of kin of a parental homicide victim, or the child whose status is adjudicated
7 by the court in an order entered under s. 48.43 or an order adjudicating paternity under subch.
8 VIII may, within the time permitted under this subsection, petition the court for a rehearing
9 on the ground that new evidence has been discovered affecting the advisability of the court's
10 adjudication. Upon a showing that such evidence does exist, the court shall order a new
11 hearing. A petition under this subsection shall be filed within one year after the date on which
12 the order under s. 48.43 or order adjudicating paternity under subch. VIII is entered, unless
13 within that one-year period a court in this state or in another jurisdiction enters an order
14 granting adoption of the child, in which case a petition under this subsection shall be filed
15 before the date on which the order granting adoption is entered or within 30 days after the date
16 on which the order under s. 48.43 or order adjudicating paternity under subch. VIII is entered,
17 whichever is later.

NOTE: Adds the next of kin of a parental homicide victim to the persons who may petition for a rehearing in a TPR or paternity proceeding on the ground that new evidence has been discovered. Such a petition must generally be filed within one year after the entering of the court's order.

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

1 48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed the child
2 or that arranged the placement of the child shall provide a copy of the revised permanency plan
3 or plans and the request for review submitted under subd. 3. and notice of the time and place
4 of the review to the child, the parent, guardian, Indian custodian, and legal custodian of the
5 child, the next of kin of a parental homicide victim, and the operator of the group home in
6 which the child is placed, together with notice of the issues to be determined as part of the
7 permanency plan review and notice of the fact that those persons shall have a right to be heard
8 at the review by submitting written comments to that agency or the independent reviewing
9 agency before the review or by participating at the review.

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

11 48.63 (5) (d) 6. Within 30 days after the review, the agency that prepared the revised
12 permanency plan or plans shall prepare a written summary of the determinations specified in
13 s. 48.38 (5) (c) that were made under subd. 5. and shall provide a copy of that summary to the
14 independent reviewing agency, the child, the parent, guardian, Indian custodian, and legal
15 custodian of the child, the next of kin of a parental homicide victim, and the operator of the
16 group home in which the child was placed.

NOTE: SECTIONS 66 and 67 add the next of kin of a parental homicide victim to the persons who must receive a copy of a permanency plan and notice of the review of the plan if the child is placed in a group home and the child is at least 14 years of age and is a custodial parent or an expectant mother. In addition, a summary of the review of the plan must be provided to the next of kin.

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

18 48.78 (2) (ag) Paragraph (a) does not prohibit an agency from making available for
19 inspection or disclosing the contents of a record, upon the request of the parent, guardian, or
20 legal custodian of the child who is the subject of the record, upon the request of the next of

1 kin of a parental homicide victim, or upon the request of the child, if 14 years of age or over,
2 to the ~~parent, guardian, legal custodian, or child requester~~, unless the agency determines that
3 inspection of the record by the ~~child, parent, guardian, or legal custodian requester~~ would
4 result in imminent danger to anyone.

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

6 48.78 (2) (am) Paragraph (a) does not prohibit an agency from making available for
7 inspection or disclosing the contents of a record, upon the written permission of the parent,
8 guardian, or legal custodian of the child who is the subject of the record, upon the written
9 permission of the next of kin of a parental homicide victim, or upon the written permission
10 of the child, if 14 years of age or over, to the person named in the permission if the parent,
11 guardian, legal custodian, relative, or child specifically identifies the record in the written
12 permission, unless the agency determines that inspection of the record by the person named
13 in the permission would result in imminent danger to anyone.

NOTE: SECTIONS 68 and 69 permit DCF, a county department, or a licensed child welfare agency to make available to the next of kin of a parental homicide victim records relating to a child upon request or to make the records available to another person with the written permission of the next of kin.

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

15 48.977 (4) (a) 3. The child's parent and the next of kin of a parental homicide victim.

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

17 48.977 (4) (b) 2. The names and addresses of the child's parent or parents, guardian,
18 and legal custodian and the name and address of the next of kin of a parental homicide victim.

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

20 48.977 (4) (c) 1. e. The child's parent and the next of kin of a parental homicide victim.

NOTE: SECTIONS 70 to 72 permit the next of kin of a parental homicide victim to petition for the appointment of a guardian of a child under the subsidized guardianship program. Under current law, only a parent may file such a petition. A petition for appointment of a guardian under this provision must include the name and address of the next of kin and must be served on the next of kin.

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

2 48.981 (7) (a) 3m. A child's parent, guardian, or legal custodian, the next of kin of a
3 parental homicide victim, or the expectant mother of an unborn child, except that the person
4 or agency maintaining the record or report may not disclose any information that would
5 identify the reporter.

NOTE: Adds the next of kin of a parental homicide victim to the persons to whom confidential child abuse and neglect reports and records may be disclosed, except that information that would identify the reporter may not be disclosed.

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

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

NOTE: Provides that, if DCF fails to disclose, as required under current law, information related to an incident of death or serious injury of a child, any person may request DCF to disclose that information. If the request is disclosed, the person may petition the juvenile court for disclosure of that information. This SECTION adds the next of kin of a parental homicide victim to the persons who must be notified of such a petition and permits the next of kin to object to the petition.

1 **SECTION 75. Initial applicability.**

2 (1) TEMPORARY PHYSICAL CUSTODY OF CHILD. The treatment of sections 48.19 (2), 48.20
3 (3), (7) (d), and (8) (a), and 48.21 (3) (am), (b), (d), and (e) of the statutes first applies to a child
4 who is taken into temporary physical custody on the effective date of this subsection.

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

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

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

19 (5) PERMANENCY PLANNING.

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

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

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

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

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

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

NOTE: Sets forth the initial applicability of various provisions of the
 draft.

18 **SECTION 76. Effective date.**

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

NOTE: Provides that the provisions of the draft take effect on the first day of the 2nd month beginning after publication.

1

(END)