

1       **AN ACT** *to amend* 48.21 (5) (b) 2m., 48.32 (1) (b) 1m., 48.33 (4) (d) 2., 48.335 (3g)  
2           (d) 2., 48.355 (2) (b) 6p., 48.355 (3) (a), 48.357 (2v) (a) 2m., 48.365 (2m) (a) 1r.,  
3           48.38 (5) (c) 8., 48.42 (1m) (d), 48.428 (6) (a), 48.834 (2), 938.21 (5) (b) 2m.,  
4           938.32 (1) (c) 1m., 938.33 (4) (d) 2., 938.335 (3g) (d) 2., 938.355 (2) (b) 6p.,  
5           938.355 (3) (a), 938.357 (2v) (a) 2m., 938.365 (2m) (a) 1r. and 938.38 (5) (c) 8.; and  
6       **to create** 48.38 (4) (bv), 48.935 and 938.38 (4) (bv) of the statutes; **relating to:**  
7       visitation between a child and a sibling.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the Joint Legislative Council's Special Committee on Permanency for Young Children in the Child Welfare System.

Under current law, the court assigned to exercise jurisdiction under the Children's Code (juvenile court) may set reasonable rules of visitation for the parent of a child adjudged to be in need of protection or services (CHIPS). Current law also permits the juvenile court to issue a temporary order or injunction prohibiting a person whose parental rights are sought to be terminated involuntarily from visiting or contacting the child who is the subject of the termination of parental rights (TPR) petition. In addition, current law permits the juvenile court to prohibit visitation by a birth parent of a child who has been placed in sustaining care following a TPR.

This draft provides that a denial, limitation, or discontinuation of parental visitation with a child adjudged to be in need of protection or services, a temporary order or injunction prohibiting a person whose parental rights are sought to be terminated from visiting or contacting the child who is the subject of the TPR petition, or a prohibition on visitation by a birth parent of a child in sustaining care following a TPR does not affect visitation between the child and any sibling of the child, including a person who was a sibling of the child before adoption of or TPR to the person, which visitation shall be granted, denied, or continued based on

the best interests of the child and sibling, regardless of whether parental visitation is denied, limited, discontinued, or prohibited.

The draft also requires an agency preparing a permanency plan for a child, which is a plan designed to ensure that the child is reunified with his or her family whenever appropriate or that the child quickly attains a placement or home providing long-term stability, to include in the permanency plan a statement as to whether visitation between the child and any sibling of the child, including a person who was a sibling of the child before adoption of or TPR to the person, would be in the best interests of the child and sibling when parental visitation has been denied, limited, discontinued, or prohibited by the juvenile court or when the agency recommends that parental visitation be denied, limited, discontinued, or prohibited.

**COMMENT:** This draft makes 2 changes to WLC: 0008/1. The first change is that this draft clarifies that the sibling or siblings must be under the jurisdiction of the juvenile court. The 2nd change is that it creates a mechanism for an adoptive parent of a child to give consent to being contacted for providing any of the following: (1) frequent visitation or other ongoing interaction between the child and the child's sibling or siblings who are within the court's jurisdiction and are being placed outside of the home; and (2) placement within the adoptive parent's home of the child's sibling or siblings who are within the court's jurisdiction and are being placed outside of the home.

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

1           **SECTION 1.** 48.21 (5) (b) 2m. of the statutes is amended to read:

2           48.21 **(5)** (b) 2m. If the child has one or more siblings, as defined in s. 48.38 (4) (br)

3           1., who are within the jurisdiction of the court and who have also been removed from the home,

4           a finding as to whether the intake worker has made reasonable efforts to place the child in a

5           placement that enables the sibling group to remain together, unless the judge or circuit court

6           commissioner determines that a joint placement would be contrary to the safety or well-being

7           of the child or any of those siblings, in which case the judge or circuit court commissioner shall

8           order the county department, department in a county having a population of 500,000 or more,

9           or agency primarily responsible for providing services to the child under the custody order to

1 make reasonable efforts to provide for frequent visitation or other ongoing interaction  
2 between the child and the siblings, unless the judge or circuit court commissioner determines  
3 that such visitation or interaction would be contrary to the safety or well-being of the child  
4 or any of those siblings. The determination shall be based on the best interests of the child and  
5 the siblings without regard to whether parental visitation has been denied, limited, or  
6 discontinued under an order under s. 48.345, 48.363, or 48.365.

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

8 48.32 (1) (b) 1m. If the child has one or more siblings, as defined in s. 48.38 (4) (br)  
9 1., who are within the jurisdiction of the court and who have also been removed from the home,  
10 the consent decree shall include a finding as to whether the county department, department  
11 in a county having a population of 500,000 or more, or agency primarily responsible for  
12 providing services to the child has made reasonable efforts to place the child in a placement  
13 that enables the sibling group to remain together, unless the judge or circuit court  
14 commissioner determines that a joint placement would be contrary to the safety or well-being  
15 of the child or any of those siblings, in which case the judge or circuit court commissioner shall  
16 order the county department, department, or agency to make reasonable efforts to provide for  
17 frequent visitation or other ongoing interaction between the child and the siblings, unless the  
18 judge or circuit court commissioner determines that such visitation or interaction would be  
19 contrary to the safety or well-being of the child or any of those siblings. The determination  
20 shall be based on the best interests of the child and the siblings without regard to whether  
21 parental visitation has been denied, limited, or discontinued under an order under s. 48.345,  
22 48.363, or 48.365.

**NOTE:** SECTION 1 provides that a determination by a judge or circuit court commissioner that visitation or interaction of a child with his or her siblings who are within the jurisdiction of the court who have been

removed from their home and are not placed together would be contrary to the safety or well-being of the child or any of the siblings must be based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued by the juvenile court.

SECTION 2 makes the same change regarding consideration of sibling visitation or interaction under a consent decree.

1           **SECTION 3.** 48.33 (4) (d) 2. of the statutes is amended to read:

2           48.33 **(4)** (d) 2. If a recommendation is made that the child and his or her siblings not  
3 be placed in a joint placement, specific information showing that the county department,  
4 department, or agency has made reasonable efforts to provide for frequent visitation or other  
5 ongoing interaction between the child and the siblings, unless the county department,  
6 department, or agency recommends that such visitation or interaction not be provided, in  
7 which case the report shall include specific information showing that such visitation or  
8 interaction would be contrary to the safety or well-being of the child or any of those siblings.  
9 The recommendation shall be based on the best interests of the child and the siblings without  
10 regard to whether parental visitation has been denied, limited, or discontinued under an order  
11 under s. 48.345, 48.363, or 48.365.

12           **SECTION 4.** 48.335 (3g) (d) 2. of the statutes is amended to read:

13           48.335 **(3g)** (d) 2. If a recommendation is made that the child and his or her siblings not  
14 be placed in a joint placement, that the county department, department, or agency has made  
15 reasonable efforts to provide for frequent visitation or other ongoing interaction between the  
16 child and the siblings, unless the county department, department, or agency recommends that  
17 such visitation or interaction not be provided, in which case the county department,  
18 department, or agency shall present as evidence specific information showing that such  
19 visitation or interaction would be contrary to the safety or well-being of the child or any of

1 those siblings. The recommendation shall be based on the best interests of the child and the  
2 siblings without regard to whether parental visitation has been denied, limited, or discontinued  
3 under an order under s. 48.345, 48.363, or 48.365.

**NOTE:** SECTIONS 3 and 4 provide that, if a recommendation is made that the child and his or her siblings not be placed in a joint placement under the child's CHIPS dispositional order, there must also be a recommendation that visitation or interaction with the siblings would be contrary to the safety or well-being of the child or any of those siblings, based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued by the juvenile court.

4 **SECTION 5.** 48.355 (2) (b) 6p. of the statutes is amended to read:

5 48.355 (2) (b) 6p. If the child is placed outside the home and if the child has one or more  
6 siblings, as defined in s. 48.38 (4) (br) 1., who are within the jurisdiction of the court and who  
7 have also been placed outside the home, a finding as to whether the county department, the  
8 department in a county having a population of 500,000 or more, or the agency primarily  
9 responsible for providing services under a court order has made reasonable efforts to place the  
10 child in a placement that enables the sibling group to remain together, unless the court  
11 determines that a joint placement would be contrary to the safety or well-being of the child  
12 or any of those siblings, in which case the court shall order the county department, department,  
13 or agency to make reasonable efforts to provide for frequent visitation or other ongoing  
14 interaction between the child and the siblings, unless the court determines that such visitation  
15 or interaction would be contrary to the safety or well-being of the child or any of those  
16 siblings. The determination shall be based on the best interests of the child and the siblings  
17 without regard to whether parental visitation has been denied, limited, or discontinued under  
18 an order under s. 48.345, 48.363, or 48.365.

**NOTE:** Provides that, in a CHIPS dispositional hearing, a determination that visitation or interaction of a child with his or her siblings would be

contrary to the safety or well-being of the child or any of those siblings must be based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued by the juvenile court.

1       **SECTION 6.** 48.355 (3) (a) of the statutes is amended to read:

2       48.355 **(3)** (a) Except as provided in par. (b), if, after a hearing on the issue with due  
3 notice to the parent or guardian, the court finds that it would be in the best interest of the child,  
4 the court may set reasonable rules of parental visitation. Any denial, limitation, or  
5 discontinuation of parental visitation under an order under s. 48.345, 48.363, or 48.365 shall  
6 not affect visitation between the child and any sibling, as defined in s. 48.38 (4) (br) 1., of the  
7 child, which visitation shall be granted, denied, or continued based on the best interests of the  
8 child and sibling, without regard to whether parental visitation is denied, limited, or  
9 discontinued.

**NOTE:** Provides that, in a CHIPS dispositional order, any denial, limitation, or discontinuation of parental visitation under a juvenile court order shall not affect visitation between the child and any sibling of the child. Such visitation must be granted, denied, or continued based on the best interests of the child and sibling without regard to parental visitation rights under the draft.

10       **SECTION 7.** 48.357 (2v) (a) 2m. of the statutes is amended to read:

11       48.357 **(2v)** (a) 2m. If the child has one or more siblings, as defined in s. 48.38 (4) (br)  
12 1., who are within the jurisdiction of the court and who have been placed outside the home or  
13 for whom a change in placement to a placement outside the home is requested, a finding as  
14 to whether the county department, the department in a county having a population of 500,000  
15 or more, or the agency primarily responsible for implementing the dispositional order has  
16 made reasonable efforts to place the child in a placement that enables the sibling group to  
17 remain together, unless the court determines that a joint placement would be contrary to the  
18 safety or well-being of the child or any of those siblings, in which case the court shall order

1 the county department, department, or agency to make reasonable efforts to provide for  
2 frequent visitation or other ongoing interaction between the child and the siblings, unless the  
3 court determines that such visitation or interaction would be contrary to the safety or  
4 well-being of the child or any of those siblings. The determination shall be based on the best  
5 interests of the child and the siblings without regard to whether parental visitation has been  
6 denied, limited, or discontinued under an order under s. 48.345, 48.363, or 48.365.

7 **SECTION 8.** 48.365 (2m) (a) 1r. of the statutes is amended to read:

8 48.365 (2m) (a) 1r. a. If the child is placed outside of his or her home and if the child  
9 has one or more siblings, as defined in s. 48.38 (4) (br) 1., who are within the jurisdiction of  
10 the court and who have also been placed outside the home, the person or agency primarily  
11 responsible for providing services to the child shall present as evidence specific information  
12 showing that the agency has made reasonable efforts to place the child in a placement that  
13 enables the sibling group to remain together, unless the court has determined that a joint  
14 placement would be contrary to the safety or well-being of the child or any of those siblings,  
15 in which case the agency shall present as evidence specific information showing that agency  
16 has made reasonable efforts to provide for frequent visitation or other ongoing interaction  
17 between the child and the siblings, unless the court has determined that such visitation or  
18 interaction would be contrary to the safety or well-being of the child or any of those siblings.  
19 The determination shall be based on the best interests of the child and the siblings without  
20 regard to whether parental visitation has been denied, limited, or discontinued under an order  
21 under this section or s. 48.345 or 48.363.

22 b. If the child is placed outside the home and if the child has one or more siblings, as  
23 defined in s. 48.38 (4) (br) 1., who are within the jurisdiction of the court and who have also  
24 been placed outside the home, the findings of fact shall include a finding as to whether

1 reasonable efforts have been made by the agency primarily responsible for providing services  
2 to the child to place the child in a placement that enables the sibling group to remain together,  
3 unless the court has determined that a joint placement would be contrary to the safety or  
4 well-being of the child or any of those siblings, in which case the findings of fact shall include  
5 a finding as to whether reasonable efforts have been made by the agency to provide for  
6 frequent visitation or other ongoing interaction between the child and the siblings, unless the  
7 court has determined that such visitation or interaction would be contrary to the safety or  
8 well-being of the child or any of those siblings. The determination shall be based on the best  
9 interests of the child and the siblings without regard to whether parental visitation has been  
10 denied, limited, or discontinued under an order under this section or s. 48.345 or 48.363.

**NOTE:** SECTIONS 7 and 8 provide that, if a recommendation is made in a proceeding to change the child's placement or revise the child's CHIPS dispositional order that the child and his or her siblings not be placed in a joint placement, then the recommendation that visitation or interaction with the siblings would be contrary to the safety or well-being of the child or any of those siblings must be based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued by the juvenile court.

11 **SECTION 9.** 48.38 (4) (bv) of the statutes is created to read:

12 48.38 (4) (bv) If parental visitation has been denied, limited, or discontinued by an order  
13 under s. 48.345, 48.363, or 48.365 or prohibited by an order under s. 48.428 (6) (a) or if the  
14 agency recommends that parental visitation be denied, limited, discontinued, or prohibited,  
15 a statement as to whether visitation between the child and any sibling, as defined in par. (br)  
16 1., of the child would be in the best interests of the child and sibling.

**NOTE:** Provides that a permanency plan must include a statement as to whether visitation between the child and any sibling would be in the best interests of the child and sibling if parental visitation has been denied, limited, discontinued, or prohibited by the juvenile court or if the agency



preparing the permanency plan recommends that parental visitation be denied, limited, discontinued, or prohibited.

1       **SECTION 10.** 48.38 (5) (c) 8. of the statutes is amended to read:

2       48.38 **(5)** (c) 8. If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1.,  
3       who are within the jurisdiction of the court and who have also been removed from the home,  
4       whether reasonable efforts were made by the agency to place the child in a placement that  
5       enables the sibling group to remain together, unless the court or panel determines that a joint  
6       placement would be contrary to the safety or well-being of the child or any of those siblings,  
7       in which case the court or panel shall determine whether reasonable efforts were made by the  
8       agency to provide for frequent visitation or other ongoing interaction between the child and  
9       those siblings, unless the court or panel determines that such visitation or interaction would  
10      be contrary to the safety or well-being of the child or any of those siblings. The determination  
11      shall be based on the best interests of the child and the siblings without regard to whether  
12      parental visitation has been denied, limited, or discontinued under an order under s. 48.345,  
13      48.363, or 48.365

NOTE: Provides that, in a permanency plan review, a determination that provision of frequent visitation or ongoing interaction between the child and his or her siblings under the permanency plan would be contrary to the safety or well-being of the child or any of those siblings must be based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued by the juvenile court.

14      **SECTION 11.** 48.42 (1m) (d) of the statutes is amended to read:

15      48.42 **(1m)** (d) A temporary order under par. (b) or an injunction under par. (c) suspends  
16      the portion of any order under s. 48.345, 48.363, 48.365, 938.345, 938.363, or 938.365 setting  
17      rules of parental visitation until the termination of the temporary order under par. (b) or  
18      injunction under par. (c). A temporary order under par. (b) or injunction under par. (c) shall

1 not affect visitation between the child and any sibling, as defined in s. 48.38 (4) (br) 1., of the  
2 child, which visitation shall be granted, denied, or continued based on the best interests of the  
3 child and sibling, without regard to whether parental visitation is prohibited.

NOTE: Provides that an injunction prohibiting parental visitation while a TPR petition is pending, or a temporary order prior to the injunction hearing regarding such visitation, shall not affect visitation between the child and any sibling.

4 **SECTION 12.** 48.428 (6) (a) of the statutes is amended to read:

5 48.428 (6) (a) Except as provided in par. (b), the court may order or prohibit visitation  
6 by a birth parent of a child placed in sustaining care. A prohibition on visitation by a birth  
7 parent under this paragraph shall not affect visitation between the child and any sibling, as  
8 defined in s. 48.38 (4) (br) 1., of the child, which visitation shall be granted, denied, or  
9 continued based on the best interests of the child and sibling, without regard to whether  
10 parental visitation is prohibited.

NOTE: Provides that an order prohibiting parental visitation by a birth parent of a child placed in sustaining care shall not affect visitation between the child and any sibling.

11 **SECTION 13.** 48.834 (2) of the statutes is amended to read:

12 48.834 (2) PLACEMENT WITH SIBLINGS. If a child who is being placed for adoption under  
13 s. 48.833 has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been adopted  
14 or who have been placed for adoption, the department, county department under s. 48.57 (1)  
15 (e) or (hm), or child welfare agency making the placement shall make reasonable efforts to  
16 place the child for adoption with an adoptive parent or proposed adoptive parent of such a  
17 sibling who is identified in the child's permanency plan under s. 48.38 or 938.38 or who is  
18 otherwise known by the department, county department, or child welfare agency, unless the  
19 department, county department, or child welfare agency determines that a joint placement

1 would be contrary to the safety or well-being of the child or any of those siblings, in which  
2 case the department, county department, or child welfare agency shall make reasonable efforts  
3 to provide for frequent visitation or other ongoing interaction between the child and the  
4 siblings, unless the department, county department, or child welfare agency determines that  
5 such visitation or interaction would be contrary to the safety or well-being of the child or any  
6 of those siblings. The determination shall be based on the best interests of the child and the  
7 siblings without regard to whether parental visitation has been denied, limited, or discontinued  
8 under an order under s. 48.345, 48.363, or 48.365.

NOTE: Provides that a determination made by the department of children and families, a county department, or a child welfare agency stating that visitation or interaction of a child with his or her siblings who have been adopted or placed for adoption and are not placed together would be contrary to the safety or well-being of the child or any of the siblings must be based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued by the juvenile court.

9 **SECTION 14.** 48.935 of the statutes is created to read:

10 **48.935 Contact of adoptive parent by an agency when authorization is granted.**

11 **(1) DEFINITIONS.** In this section:

12 (a) "Adoptive parent" has the meaning given in s. 48.434 (1) (a).

13 (b) "Agency" means the department, a county department, or a licensed child welfare  
14 agency.

15 **(2)** Any adoptive parent of a child may file with the agency that placed the child for  
16 adoption under s. 48.833 or that was appointed the guardian of the child under s. 48.837 (6)  
17 (d) a written authorization to be contacted by the agency to determine whether the adoptive  
18 parent would consent to any of the following:

1 (a) Visitation or other ongoing interaction between the child and the child's sibling or  
2 siblings, as defined in s. 48.38 (4) (br) 1. or 938.38 (4) (br) 1., who are within the jurisdiction  
3 of the court and who have been removed from the home.

4 (b) Placement within the adoptive parent's home of the child's sibling or siblings, as  
5 defined in s. 48.38 (4) (br) 1. or 938.38 (4) (br) 1., who are within the jurisdiction of the court  
6 and who have been removed from the home.

7 (3) A written authorization under sub. (2) may be revoked at any time by notifying the  
8 agency in writing.

9 (4) This section does not apply if the adopted child is 21 years of age or over.

10 (5) No agency may contact any adoptive parent for the purpose of determining whether  
11 the adoptive parent wishes to authorize the agency to release information under this section.  
12 An agency may contact the adoptive parent of a child who was adopted before the effective  
13 date of this draft, [...lrb inserts date] one time, by mail, to inform the adoptive parent of the  
14 procedure by which contact by an agency may be conducted under this section.

15 (6) A written authorization filed with an agency under this section shall be notarized.

**NOTE:** This SECTION creates a mechanism by which an adoptive parent of a child may consent to being contacted by the department of children and families, a county social services department, or a licensed child welfare agency for providing any of the following: (1) frequent visitation or other ongoing interaction between the child and the child's sibling or siblings who are within the court's jurisdiction and are being placed outside of the home; and (2) placement within the adoptive parent's home of the child's sibling or siblings who are within the court's jurisdiction and are being placed outside of the home.

16 **SECTION 15.** 938.21 (5) (b) 2m. of the statutes is amended to read:

17 938.21 (5) (b) 2m. If the juvenile has one or more siblings, as defined in s. 938.38 (4)  
18 (br) 1., who are within the jurisdiction of the court and who have also been removed from the  
19 home, a finding as to whether the intake worker has made reasonable efforts to place the

1 juvenile in a placement that enables the sibling group to remain together, unless the court  
2 determines that a joint placement would be contrary to the safety or well-being of the juvenile  
3 or any of those siblings, in which case the court shall order the county department or agency  
4 primarily responsible for providing services to the juvenile under the custody order to make  
5 reasonable efforts to provide for frequent visitation or other ongoing interaction between the  
6 juvenile and the siblings, unless the court determines that such visitation or interaction would  
7 be contrary to the safety or well-being of the juvenile or any of those siblings. The  
8 determination shall be based on the best interests of the juvenile and the siblings without  
9 regard to whether parental visitation has been denied, limited, or discontinued under an order  
10 under s. 938.345, 938.363, or 938.365.

11 **SECTION 16.** 938.32 (1) (c) 1m. of the statutes is amended to read:

12 938.32 (1) (c) 1m. If the juvenile has one or more siblings, as defined in s. 938.38 (4)  
13 (br) 1., who are within the jurisdiction of the court and who have also been removed from the  
14 home, the consent decree shall include a finding as to whether the county department or  
15 agency primarily responsible for providing services to the juvenile has made reasonable  
16 efforts to place the juvenile in a placement that enables the sibling group to remain together,  
17 unless the court determines that a joint placement would be contrary to the safety or  
18 well-being of the juvenile or any of those siblings, in which case the court shall order the  
19 county department or agency to make reasonable efforts to provide for frequent visitation or  
20 other ongoing interaction between the ~~child~~ juvenile and the siblings, unless the court  
21 determines that such visitation or interaction would be contrary to the safety or well-being of  
22 the juvenile or any of those siblings. The determination shall be based on the best interests  
23 of the juvenile and the siblings without regard to whether parental visitation has been denied,  
24 limited, or discontinued under an order under s. 938.345, 938.363, or 938.365.

**NOTE:** SECTIONS 15 and 16 make the same changes as SECTIONS 1 and 2 in the Juvenile Justice Code.

**SECTION 17.** 938.33 (4) (d) 2. of the statutes is amended to read:

938.33 **(4)** (d) 2. If a recommendation is made that the juvenile and his or her siblings not be placed in a joint placement, specific information showing that the county department or agency has made reasonable efforts to provide for frequent visitation or other ongoing interaction between the juvenile and the siblings, unless the county department or agency recommends that such visitation or interaction not be provided, in which case the report shall include specific information showing that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings. The recommendation shall be based on the best interests of the juvenile and the siblings without regard to whether parental visitation has been denied, limited, or discontinued under an order under s. 938.345, 938.363, or 938.365.

**SECTION 18.** 938.335 (3g) (d) 2. of the statutes is amended to read:

938.335 **(3g)** (d) 2. If a recommendation is made that the juvenile and his or her siblings not be placed in a joint placement, that the county department or agency has made reasonable efforts to provide for frequent visitation or other ongoing interaction between the juvenile and the siblings, unless the county department or agency recommends that such visitation or interaction not be provided, in which case the county department or agency shall present as evidence specific information showing that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings. The recommendation shall be based on the best interests of the juvenile and the siblings without regard to whether parental visitation has been denied, limited, or discontinued under an order under s. 938.345, 938.363, or 938.365.

**NOTE:** SECTIONS 17 and 18 make the same changes as SECTIONS 3 and 4 in the Juvenile Justice Code.

**SECTION 19.** 938.355 (2) (b) 6p. of the statutes is amended to read:

938.355 (2) (b) 6p. If the juvenile is placed outside the home and if the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who are within the jurisdiction of the court and who have also been placed outside the home, a finding as to whether the county department or the agency primarily responsible for providing services under a court order has made reasonable efforts to place the juvenile in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings, in which case the court shall order the county department or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the juvenile and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings. The order shall be based on the best interests of the juvenile and the siblings without regard to whether parental visitation has been denied, limited, or discontinued under an order under s. 938.345, 938.363, or 938.365.

**NOTE:** Makes the same changes as SECTION 5 in the Juvenile Justice Code.

**SECTION 20.** 938.355 (3) (a) of the statutes is amended to read:

938.355 (3) (a) Except as provided in par. (b), if, after a hearing on the issue with due notice to the parent or guardian, the court finds that it would be in the best interest of the juvenile, the court may set reasonable rules of parental visitation. Any denial, limitation, or discontinuation of parental visitation under an order under s. 938.34, 938.345, 938.363, or 938.365 shall not affect visitation between the juvenile and any sibling, as defined in s. 938.38 (4) (br) 1., of the juvenile, which visitation shall be granted, denied, or continued based on the

1 best interests of the juvenile and sibling, without regard to whether parental visitation is  
2 denied, limited, or discontinued.

NOTE: Makes the same changes as SECTION 6 in the Juvenile Justice Code.

3 **SECTION 21.** 938.357 (2v) (a) 2m. of the statutes is amended to read:

4 938.357 (2v) (a) 2m. If the juvenile has one or more siblings, as defined in s. 938.38  
5 (4) (br) 1., who are within the jurisdiction of the court and who have been placed outside the  
6 home or for whom a change in placement to a placement outside the home is requested, a  
7 finding as to whether the county department or the agency primarily responsible for  
8 implementing the dispositional order has made reasonable efforts to place the juvenile in a  
9 placement that enables the sibling group to remain together, unless the court determines that  
10 a joint placement would be contrary to the safety or well-being of the juvenile or any of those  
11 siblings, in which case the court shall order the county department or agency to make  
12 reasonable efforts to provide for frequent visitation or other ongoing interaction between the  
13 juvenile and the siblings, unless the court determines that such visitation or interaction would  
14 be contrary to the safety or well-being of the juvenile or any of those siblings. The  
15 determination shall be based on the best interests of the juvenile and the siblings without  
16 regard to whether parental visitation has been denied, limited, or discontinued under an order  
17 under s. 938.345, 938.363, or 938.365.

18 **SECTION 22.** 938.365 (2m) (a) 1r. of the statutes is amended to read:

19 938.365 (2m) (a) 1r. a. If the juvenile is placed outside of his or her home and if the  
20 juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who are within the  
21 jurisdiction of the court and who have also been placed outside the home, the person or agency  
22 primarily responsible for providing services to the juvenile shall present as evidence specific



1 information showing that the agency has made reasonable efforts to place the juvenile in a  
2 placement that enables the sibling group to remain together, unless the court has determined  
3 that a joint placement would be contrary to the safety or well-being of the juvenile or any of  
4 those siblings, in which case the agency shall present as evidence specific information  
5 showing that agency has made reasonable efforts to provide for frequent visitation or other  
6 ongoing interaction between the juvenile and the siblings, unless the court has determined that  
7 such visitation or interaction would be contrary to the safety or well-being of the juvenile or  
8 any of those siblings. The determination shall be based on the best interests of the juvenile  
9 and the siblings without regard to whether parental visitation has been denied, limited, or  
10 discontinued under an order under this section or s. 938.345 or 938.363.

11 b. If the juvenile is placed outside the home and if the juvenile has one or more siblings,  
12 as defined in s. 938.38 (4) (br) 1., who are within the jurisdiction of the court and who have  
13 also been placed outside the home, the findings of fact shall include a finding as to whether  
14 reasonable efforts have been made by the agency primarily responsible for providing services  
15 to the juvenile to place the juvenile in a placement that enables the sibling group to remain  
16 together, unless the court has determined that a joint placement would be contrary to the safety  
17 or well-being of the juvenile or any of those siblings, in which case the findings of fact shall  
18 include a finding as to whether reasonable efforts have been made by the agency to provide  
19 for frequent visitation or other ongoing interaction between the juvenile and the siblings,  
20 unless the court has determined that such visitation or interaction would be contrary to the  
21 safety or well-being of the juvenile or any of those siblings. The determination shall be based  
22 on the best interests of the juvenile and the siblings without regard to whether parental  
23 visitation has been denied, limited, or discontinued under an order under this section or s.  
24 938.345 or 938.363.

**NOTE:** SECTIONS 21 and 22 make the same changes as SECTIONS 7 and 8 in the Juvenile Justice Code.

**SECTION 23.** 938.38 (4) (bv) of the statutes is created to read:

938.38 (4) (bv) If parental visitation has been denied, limited, or discontinued by an order under s. 938.34, 938.345, 938.363, or 938.365 or if the agency recommends that parental visitation be denied, limited, or discontinued, a statement as to whether visitation between the juvenile and any sibling, as defined in par. (br) 1., of the juvenile would be in the best interests of the juvenile and sibling.

**NOTE:** Makes the same changes as SECTION 9 in the Juvenile Justice Code.

**SECTION 24.** 938.38 (5) (c) 8. of the statutes is amended to read:

938.38 (5) (c) 8. If the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who are within the jurisdiction of the court and who have also been removed from the home, whether reasonable efforts were made by the agency to place the juvenile in a placement that enables the sibling group to remain together, unless the court or panel determines that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings, in which case the court or panel shall determine whether reasonable efforts were made by the agency to provide for frequent visitation or other ongoing interaction between the juvenile and those siblings, unless the court or panel determines that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings. The determination shall be based on the best interests of the juvenile and the siblings without regard to whether parental visitation has been denied, limited, or discontinued under an order under s. 938.345, 938.363, or 938.365.

**NOTE:** Makes the same changes as SECTION 10 in the Juvenile Justice Code.

**SECTION 25. Initial applicability.**

1 (1) DENIAL OF PARENTAL VISITATION; SIBLING VISITATION UNAFFECTED. The treatment of  
2 sections 48.21 (5) (b) 2m., 48.32 (1) (b) 1m., 48.33 (4) (d) 2., 48.335 (3g) (d) 2., 48.355 (2)  
3 (b) 6p., 48.355 (3) (a), 48.357 (2v) (a) 2m., 48.365 (2m) (a) 1r., 48.38 (5) (c) 8., 48.42 (1m)  
4 (d), 48.428 (6) (a), 48.834 (2), 938.21 (5) (b) 2m., 938.32 (1) (c) 1m., 938.33 (4) (d) 2., 938.335  
5 (3g) (d) 2., 938.355 (2) (b) 6p., 938.355 (3) (a), 938.357 (2v) (a) 2m., 938.365 (2m) (a) 1r. and  
6 938.38 (5) (c) 8. of the statutes first applies to a child whose parent is subject to an order  
7 denying, limiting, or prohibiting visitation with the child on the effective date of this  
8 subsection, regardless of the date of the order..

9 (2) DENIAL OF PARENTAL VISITATION; PERMANENCY PLANS. The treatment of sections 48.38  
10 (4) (bv) and 938.38 (4) (bv) of the statutes first applies to a permanency plan prepared on the  
11 effective date of this subsection.

**NOTE:** Sets forth the initial applicability of the provisions of the draft.  
There is an initial applicability provision for every provision of this draft  
except for changes made in SECTION 14.

12 (END)