

State of Wisconsin



1997 Assembly Bill 266

Date of enactment: April 13, 1998
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1997 WISCONSIN ACT 80

AN ACT *to repeal* 48.345 (11) and 48.357 (4m); *to renumber* 938.368; *to amend* 48.06 (4), 48.067 (6), 48.10, 48.13 (11m), 48.13 (13), 48.185 (1), 48.245 (4), 48.245 (7), 48.357 (1), 48.357 (2m), 48.363 (1m), 48.365 (2g) (a), 48.365 (2m) (ag), 48.365 (7), 48.368 (2) (intro.), 48.396 (1), 48.415 (2) (c), 48.415 (4) (a), 48.415 (8), 48.42 (2) (d), 48.427 (1m), 48.48 (title) and (intro.), 48.977 (1), 48.977 (3), 252.15 (5) (a) 19., 767.53 (1) (c) (intro.), 767.53 (1) (c) 2., 767.53 (1) (c) 3., 767.53 (1) (c) 5., 938.067 (6), 938.10, 938.245 (4), 938.245 (7) (a), 938.245 (7) (b), 938.27 (5), 938.357 (1), 938.357 (2m), 938.363 (1m), 938.365 (2m) (ag) and 938.396 (1); *to create* 48.42 (1m) (d), 48.42 (2g), 938.368 (2) and 938.396 (2) (g) of the statutes; and *to affect* 1995 Wisconsin Act 275, section 9310 (5) (e); **relating to:** substitute care providers of children, termination of parental rights, the appointment of a relative of a child as the guardian of the child, paternity determinations and the duties of juvenile court intake workers.

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

SECTION 1. 48.06 (4) of the statutes is amended to read:

48.06 (4) STATE AID. State aid to any county for court services under this section shall be at the same net effective rate that each county is reimbursed for county administration under s. 46.495, ~~except as provided in s. 301.26.~~ Counties having a population of less than 500,000 may use funds received under ~~ss. s. 46.495 (1) (d) and 301.26,~~ including county or federal revenue sharing funds allocated to match funds received under s. 46.495 (1) (d), for the cost of providing court attached intake services in amounts not to exceed 50% of the cost of providing court attached intake services or \$30,000 per county per calendar year, whichever is less.

SECTION 2. 48.067 (6) of the statutes is amended to read:

48.067 (6) Receive referral information, conduct intake inquiries, ~~make recommendations as to whether re-~~

~~quest that~~ a petition ~~should~~ be filed, and enter into informal dispositions under policies promulgated under s. 48.06 (1) or (2);

SECTION 3. 48.10 of the statutes is amended to read:
48.10 Power of the judge to act as intake worker.

The duties of the intake worker may be carried out from time to time by the judge at his or her discretion, but if a ~~recommendation request~~ request to file a petition is made or an informal disposition is entered into, the judge shall be disqualified from participating further in the proceedings.

SECTION 4. 48.13 (11m) of the statutes is amended to read:

48.13 (11m) Who is suffering from an alcohol and other drug abuse impairment, exhibited to a severe degree, for which the parent, guardian or legal custodian is neglecting, refusing or unable to provide treatment; ~~or~~

SECTION 5. 48.13 (13) of the statutes is amended to read:

48.13 (13) Who has not been immunized as required by s. 252.04 and not exempted under s. 252.04 (3); ~~or~~

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 6. 48.185 (1) of the statutes is amended to read:

48.185 (1) Subject to sub. (2), venue for any proceeding under ss. 48.13, 48.135 and 48.14 (1) to (9) may be in any of the following: the county where the child resides, or the county where the child is present ~~or, in the case of a violation of a state law or a county, town or municipal ordinance, the county where the violation occurred.~~ Venue for proceedings brought under subch. VIII is as provided in this subsection except where the child has been placed and is living outside the home of the child's parent pursuant to a dispositional order, in which case venue is as provided in sub. (2). Venue for a proceeding under s. 48.14 (10) is as provided in s. 801.50 (5s).

SECTION 7. 48.245 (4) of the statutes is amended to read:

48.245 (4) The intake worker shall inform the child and the child's parent, guardian and legal custodian in writing of their right to terminate the informal disposition at any time or object at any time to the fact or terms of the informal disposition. If an objection arises the intake worker may alter the terms of the agreement or ~~recommend to request~~ the district attorney or corporation counsel that to file a petition ~~be filed.~~ If the informal disposition is terminated the intake worker may ~~recommend to request~~ the district attorney or corporation counsel that to file a petition ~~be filed.~~

SECTION 8. 48.245 (7) of the statutes is amended to read:

48.245 (7) If at any time during the period of informal disposition the intake worker determines that the obligations imposed under it are not being met, the intake worker may cancel the informal disposition. Within 10 days after the cancellation of the informal disposition, the intake worker shall notify the district attorney, corporation counsel or other official under s. 48.09 of the cancellation and ~~recommend whether or not request that~~ a petition ~~should~~ be filed. The judge shall dismiss with prejudice any petition which is not filed within the time limit specified in this subsection.

SECTION 9. 48.345 (11) of the statutes is repealed.

SECTION 10. 48.357 (1) of the statutes is amended to read:

48.357 (1) The person or agency primarily responsible for implementing the dispositional order, the district attorney or the corporation counsel may request a change in the placement of the child, whether or not the change requested is authorized in the dispositional order and shall cause written notice to be sent to the child or the child's counsel or guardian ad litem, parent, foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), guardian and legal custodian. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is prefera-

ble to the present placement and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court. Any person receiving the notice under this subsection or notice of the specific foster or treatment foster placement under s. 48.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days of receipt of the notice. Placements shall not be changed until 10 days after such notice is sent to the court unless the parent, guardian or legal custodian and the child, if 12 or more years of age, sign written waivers of objection, except that placement changes which were authorized in the dispositional order may be made immediately if notice is given as required in this subsection. In addition, a hearing is not required for placement changes authorized in the dispositional order except where an objection filed by a person who received notice alleges that new information is available which affects the advisability of the court's dispositional order.

(2r) If a hearing is held under this subsection sub. (1) or (2m) and the change in placement would remove a child from a foster home, treatment foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall permit the foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) to make a written or oral statement during the hearing or to submit a written statement prior to the hearing, relating to the child and the requested change in placement. Any written or oral statement made under this subsection shall be made under oath or affirmation.

SECTION 11. 48.357 (2m) of the statutes is amended to read:

48.357 (2m) The child, the parent, guardian or legal custodian of the child or any person or agency primarily bound by the dispositional order, other than the person or agency responsible for implementing the order, may request a change in placement under this subsection. The request shall contain the name and address of the place of the new placement requested and shall state what new information is available which affects the advisability of the current placement. This request shall be submitted to the court. In addition, the court may propose a change in placement on its own motion. The court shall hold a hearing on the matter prior to ordering any change in placement under this subsection if the request states that new information is available which affects the advisability of the current placement, unless written waivers of objection to the proposed change in placement are signed by all parties entitled to receive notice under sub. (1) and the court approves. If a hearing is scheduled, the court shall notify the child, the parent, guardian and legal custodian of the child, any foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the child and all parties who are bound by the dispositional order at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all the parties consent, the court

may proceed immediately with the hearing. ~~If a hearing is held under this subsection and the change in placement would remove a child from a foster home, treatment foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall permit the foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) to make a written or oral statement during the hearing or to submit a written statement prior to the hearing, relating to the child and the requested change in placement.~~

SECTION 12. 48.357 (4m) of the statutes is repealed.

SECTION 13. 48.363 (1m) of the statutes is amended to read:

48.363 (1m) If a hearing is held under sub. (1), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall permit a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the child to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. Any written or oral statement made under this subsection shall be made under oath or affirmation.

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

48.365 (2g) (a) At the hearing the person or agency primarily responsible for providing services to the child shall file with the court a written report stating to what extent the dispositional order has been meeting the objectives of the plan for the child's rehabilitation or care and treatment. ~~The juvenile offender review program may file a written report regarding any child examined by the program.~~

SECTION 15. 48.365 (2m) (ag) of the statutes is amended to read:

48.365 (2m) (ag) In addition to any evidence presented under par. (a), the court shall permit a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the child to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. Any written or oral statement made under this paragraph shall be made under oath or affirmation.

SECTION 16. 48.365 (7) of the statutes is amended to read:

48.365 (7) Nothing in this section may be construed to allow any changes in placement. ~~Revocation and other changes~~ Changes in placement may take place only under s. 48.357.

SECTION 17. 48.368 (2) (intro.) of the statutes is amended to read:

48.368 (2) (intro.) If a child's placement with a guardian appointed under s. 48.977 (2) is designated by the court under s. 48.977 (3) as a permanent foster home or ~~treatment foster home~~ placement for the child while a dispositional order under s. 48.345, a revision order un-

der s. 48.363 or an extension order under s. 48.365 is in effect with respect to the child, such dispositional order, revision order or extension order shall remain in effect until the earliest of the following:

SECTION 18. 48.396 (1) of the statutes is amended to read:

48.396 (1) Law enforcement officers' records of children shall be kept separate from records of adults. Law enforcement officers' records of children shall not be open to inspection or their contents disclosed except under sub. (1b) ~~or~~ (1d) or (5) or s. 48.293 or by order of the court. This subsection does not apply to the representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news without revealing the identity of the child involved, to the confidential exchange of information between the police and officials of the school attended by the child or other law enforcement or social welfare agencies or to children 10 years of age or older who are subject to the jurisdiction of the court of criminal jurisdiction.

SECTION 18p. 48.415 (2) (c) of the statutes is amended to read:

48.415 (2) (c) That the child has been outside the home for a cumulative total period of 6 months or longer pursuant to such orders; and that the parent has failed to ~~demonstrate substantial progress toward meeting~~ meet the conditions established for the return of the child to the home and there is a substantial likelihood that the parent will not meet these conditions within the 12-month period following the fact-finding hearing under s. 48.424.

SECTION 19. 48.415 (4) (a) of the statutes is amended to read:

48.415 (4) (a) That the parent has been denied periods of physical placement by court order in an action affecting the family or has been denied visitation under an order under s. 48.345, ~~48.357~~, 48.363, 48.365, 938.345, ~~938.357~~, 938.363 or 938.365 containing the notice required by s. 48.356 (2) or 938.356 (2).

SECTION 20. 48.415 (8) of the statutes is amended to read:

48.415 (8) INTENTIONAL OR RECKLESS HOMICIDE OF PARENT. Intentional or reckless homicide of a parent, which shall be established by proving that a parent of the child has been a victim of first-degree intentional homicide in violation of s. 940.01, first-degree reckless homicide in violation of s. 940.02 or 2nd-degree intentional homicide in violation of s. 940.05 or a crime under federal law or the law of any other state that is comparable to a crime specified in this subsection and that the person whose parental rights are sought to be terminated has been convicted of that intentional or reckless homicide or crime under federal law or the law of any other state as evidenced by a final judgment of conviction.

SECTION 21. 48.42 (1m) (d) of the statutes is created to read:

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

SECTION 22. 48.42 (2) (d) of the statutes is amended to read:

48.42 (2) (d) Any other person to whom notice is required to be given by ch. 822, excluding foster parents and treatment foster parents who shall be provided notice as required under sub. (2g).

SECTION 23. 48.42 (2g) of the statutes is created to read:

48.42 (2g) NOTICE REQUIRED. (a) In addition to causing the summons and petition to be served as required under sub. (2), the petitioner shall also notify any foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the child of all hearings on the petition. The first notice to any foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) shall be written, shall have a copy of the petition attached to it, shall state the nature, location, date and time of the initial hearing and shall be mailed to the last-known address of the foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2). Thereafter, notice of hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the time notice was given and the person to whom he or she spoke.

(b) Failure to give notice under par. (a) to a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) does not deprive the court of jurisdiction in the proceeding. If a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) is not given notice of a hearing under par. (a) and if the court is required under s. 48.427 (1m) to permit that person to make a written or oral statement during the hearing or to submit a written statement prior to the hearing and that person does not make or submit such statement, that person may request a rehearing on the matter at any time prior to the entry of an order under s. 48.427 (2) or (3). If the request is made, the court shall order a rehearing.

SECTION 24. 48.427 (1m) of the statutes is amended to read:

48.427 (1m) In addition to any evidence presented under sub. (1), the court shall permit the foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the child to make a written or oral statement during the ~~fact-finding~~ or dispositional hearing or to submit a written statement prior to disposition, relevant to the issue of disposition.

SECTION 25. 48.48 (title) and (intro.) of the statutes are amended to read:

48.48 (title) Authority of department of health and family services. (intro.) The department of health and family services shall have authority:

SECTION 26. 48.977 (1) of the statutes is amended to read:

48.977 (1) DEFINITION. In this section, “relative” means a relative as defined in s. 48.02 (15) or as a person specified in s. 49.19 (1) (a) 2. a 48.57 (3m) (a).

SECTION 27. 48.977 (3) of the statutes is amended to read:

48.977 (3) DESIGNATION AS A PERMANENT PLACEMENT. If a court appoints a guardian for a child under sub. (2), the court may designate the child’s placement with that guardian as the child’s permanent foster placement, but only for purposes of s. 48.368 (2) or 938.368 (2).

SECTION 28. 252.15 (5) (a) 19. of the statutes is amended to read:

252.15 (5) (a) 19. If the test was administered to a child who has been placed in a foster home, treatment foster home, group home ~~or~~ child caring institution or secured correctional facility, as defined in s. 938.02 (15m), including a placement under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home, treatment foster home, group home ~~or~~ child caring institution or secured correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4), 48.831 (4) (e), 938.355 (2e) or 938.38 regarding the child or to an agency that placed the child or arranged for the placement of the child in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or arranged for the placement of the child in any of those placements, to the child’s foster parent or treatment foster parent or the operator of the group home ~~or~~ child caring institution or secured correctional facility in which the child is placed, as provided in s. 48.371 or 938.371.

SECTION 29. 767.53 (1) (c) (intro.) of the statutes is amended to read:

767.53 (1) (c) (intro.) If the child is the subject of a proceeding under ch. 48 or 938, all of the following:

SECTION 30. 767.53 (1) (c) 2. of the statutes is amended to read:

767.53 (1) (c) 2. The parties to the proceeding under ch. 48 or 938 and their attorneys.

SECTION 31. 767.53 (1) (c) 3. of the statutes is amended to read:

767.53 (1) (c) 3. The person under s. 48.09 or 938.09 who represents the interests of the public in the proceeding under ch. 48 or 938.

SECTION 32. 767.53 (1) (c) 5. of the statutes is amended to read:

767.53 (1) (c) 5. Any governmental or social agency involved in the proceeding under ch. 48 or 938.

SECTION 33. 938.067 (6) of the statutes is amended to read:

938.067 (6) Receive referral information, conduct intake inquiries, ~~make recommendations as to whether request that~~ a petition should be filed, and enter into deferred prosecution agreements under policies promulgated under s. 938.06 (1) or (2).

SECTION 34. 938.10 of the statutes is amended to read:

938.10 Power of the judge to act as intake worker.

The duties of the intake worker may be carried out from time to time by the judge at his or her discretion, but if a ~~recommendation request~~ to file a petition is made, a citation is issued or a deferred prosecution agreement is entered into, the judge shall be disqualified from participating further in the proceedings.

SECTION 35. 938.245 (4) of the statutes is amended to read:

938.245 (4) The intake worker shall inform the juvenile and the juvenile's parent, guardian and legal custodian in writing of their right to terminate or, if the juvenile is subject to a deferred prosecution agreement under sub. (2) (a) 9., to request the court to terminate the deferred prosecution agreement at any time or to object at any time to the fact or terms of the deferred prosecution agreement. If an objection arises the intake worker may alter the terms of the agreement or ~~recommend to request~~ the district attorney or corporation counsel ~~that to file~~ a petition ~~be filed~~. If the deferred prosecution agreement is terminated the intake worker may ~~recommend to request~~ the district attorney or corporation counsel ~~that to file~~ a petition ~~be filed~~.

SECTION 36. 938.245 (7) (a) of the statutes is amended to read:

938.245 (7) (a) If at any time during the period of a deferred prosecution agreement the intake worker determines that the obligations imposed under it are not being met, the intake worker may cancel the deferred prosecution agreement. Within 10 days after the cancellation of the deferred prosecution agreement, the intake worker shall notify the district attorney, corporation counsel or other official under s. 938.09 of the cancellation and ~~recommend whether or not request that~~ a petition should be filed. In delinquency cases, the district attorney may initiate a petition within 20 days after the date of the notice regardless of whether the intake worker has ~~recommended requested~~ that a petition be filed. The judge shall grant appropriate relief as provided in s. 938.315 (3) with respect to any petition which is not filed within the time limit specified in this subsection. Failure to object if a petition is not filed within the time limit specified in this subsection waives that time limit.

SECTION 37. 938.245 (7) (b) of the statutes is amended to read:

938.245 (7) (b) In addition to the action taken under par. (a), if the intake worker cancels a deferred prosecution agreement based on a determination that the juvenile's parent, guardian or legal custodian is not meeting the obligations imposed under the agreement, the intake worker shall ~~recommend to request~~ the district attorney, corporation counsel or other official under s. 938.09 ~~whether or not to file~~ a petition ~~should be filed~~ requesting the court to order the juvenile's parent, guardian or legal custodian to show good cause for not meeting the obligations imposed under the agreement. If the district attorney, corporation counsel or other official under s. 938.09 files a petition under this paragraph and if the court finds prosecutive merit for the petition, the court shall grant an order directing the parent, guardian or legal custodian to show good cause, at a time and place fixed by the court, for not meeting the obligations imposed under the agreement. If the parent, guardian or legal custodian does not show good cause for not meeting the obligations imposed under the agreement, the court may impose a forfeiture not to exceed \$1,000.

SECTION 38. 938.27 (5) of the statutes is amended to read:

938.27 (5) ~~The Subject to sub. (3) (b), the~~ court shall make every reasonable effort to identify and notify any person who has filed a declaration of interest under s. 48.025 and any person who has been adjudged to be the biological father of the juvenile in a judicial proceeding unless the biological father's rights have been terminated.

SECTION 39. 938.357 (1) of the statutes is amended to read:

938.357 (1) The person or agency primarily responsible for implementing the dispositional order or the district attorney may request a change in the placement of the juvenile, whether or not the change requested is authorized in the dispositional order and shall cause written notice to be sent to the juvenile or the juvenile's counsel or guardian ad litem, parent, foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), guardian and legal custodian. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court. Any person receiving the notice under this subsection or notice of the specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice. Placements shall not be changed until 10 days after such notice is sent to the court unless the parent, guardian or legal custodian and the juvenile, if 12 or more years of age, sign written

waivers of objection, except that placement changes which were authorized in the dispositional order may be made immediately if notice is given as required in this subsection. In addition, a hearing is not required for placement changes authorized in the dispositional order except where an objection filed by a person who received notice alleges that new information is available which affects the advisability of the court's dispositional order.

~~(2r)~~ If a hearing is held under ~~this subsection sub. (1) or (2m)~~ and the change in placement would remove a juvenile from a foster home or ~~treatment foster home, treatment foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall permit the foster parent or treatment foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the juvenile and the requested change in placement.~~ Any written or oral statement made under this subsection shall be made under oath or affirmation.

SECTION 40. 938.357 (2m) of the statutes is amended to read:

938.357 (2m) The juvenile, the parent, guardian or legal custodian of the juvenile or any person or agency primarily bound by the dispositional order, other than the person or agency responsible for implementing the order, may request a change in placement under this subsection. The request shall contain the name and address of the place of the new placement requested and shall state what new information is available which affects the advisability of the current placement. This request shall be submitted to the court. In addition, the court may propose a change in placement on its own motion. The court shall hold a hearing on the matter prior to ordering any change in placement under this subsection if the request states that new information is available which affects the advisability of the current placement, unless written waivers of objection to the proposed change in placement are signed by all parties entitled to receive notice under sub. (1) and the court approves. If a hearing is scheduled, the court shall notify the juvenile, the parent, guardian and legal custodian of the juvenile, any foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the juvenile and all parties who are bound by the dispositional order at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all the parties consent, the court may proceed immediately with the hearing. ~~If a hearing is held under this subsection and the change in placement would remove a juvenile from a foster home, treatment foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall permit the foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) to make a written or oral statement during the hearing or to submit~~

~~a written statement prior to the hearing, relating to the juvenile and the requested change in placement.~~

SECTION 41. 938.363 (1m) of the statutes is amended to read:

938.363 (1m) If a hearing is held under sub. (1), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall permit a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the child to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. Any written or oral statement made under this subsection shall be made under oath or affirmation.

SECTION 42. 938.365 (2m) (ag) of the statutes is amended to read:

938.365 (2m) (ag) In addition to any evidence presented under par. (a), the court shall permit a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the juvenile to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. Any written or oral statement made under this paragraph shall be made under oath or affirmation.

SECTION 43. 938.368 of the statutes is renumbered 938.368 (1).

SECTION 44. 938.368 (2) of the statutes is created to read:

938.368 (2) If a juvenile's placement with a guardian appointed under s. 48.977 (2) is designated by the court under s. 48.977 (3) as a permanent foster placement for the juvenile while a dispositional order under s. 938.345, a revision order under s. 938.363 or an extension order under s. 938.365 is in effect with respect to the juvenile, such dispositional order, revision order or extension order shall remain in effect until the earliest of the following:

- (a) Thirty days after the guardianship terminates under s. 48.977 (7).
- (b) A court enters a change in placement order under s. 938.357.
- (c) A court order terminates such dispositional order, revision order or extension order.
- (d) The juvenile attains the age of 18 years.

SECTION 45. 938.396 (1) of the statutes is amended to read:

938.396 (1) Law enforcement officers' records of juveniles shall be kept separate from records of adults. Law enforcement officers' records of juveniles shall not be open to inspection or their contents disclosed except under sub. (1b), (1d), (1g), (1m), (1r) ~~or~~ (1t) or (5) or s. 938.293 or by order of the court. This subsection does not apply to representatives of the news media who wish to obtain information for the purpose of reporting news without revealing the identity of the juvenile involved, to

the confidential exchange of information between the police and officials of the school attended by the juvenile or other law enforcement or social welfare agencies or to juveniles 10 years of age or older who are subject to the jurisdiction of the court of criminal jurisdiction.

SECTION 46. 938.396 (2) (g) of the statutes is created to read:

938.396 (2) (g) Upon request of a court having jurisdiction over actions affecting the family, an attorney responsible for support enforcement under s. 59.53 (6) (a) or a party to a paternity proceeding under ss. 767.45 to 767.60, the party's attorney or the guardian ad litem for the juvenile who is the subject of that proceeding to review or be provided with information from the records of the court assigned to exercise jurisdiction under this chapter and ch. 48 relating to the paternity of a juvenile for the purpose of determining the paternity of the juvenile or for the purpose of rebutting the presumption of paternity under s. 891.405 or 891.41, the court assigned to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by the requester its records relating to the paternity of the juvenile or disclose to the requester those records.

SECTION 47g. 1995 Wisconsin Act 275, section 9310 (5) (e) is amended to read:

[1995 Wisconsin Act 275] Section 9310 (5) (e) The treatment of section 48.415 (8) of the statutes first applies to petitions for termination of parental rights under section 48.42 (1) of the statutes filed on the effective date of this paragraph but ~~precludes~~ does not preclude consideration of a conviction under section 940.02 of the statutes obtained before the effective date of this paragraph in determining whether to terminate, or to find grounds to terminate, the parental rights of a person under section 48.415 (8) of the statutes, as affected by this act.

SECTION 47m. Nonstatutory provisions.

(1) TERMINATION OF PARENTAL RIGHTS; CONTINUING NEED OF PROTECTION OR SERVICES.

(a) No person may file a petition under section 48.42 (1) of the statutes for termination of parental rights on the grounds specified in section 48.415 (2) (c) of the statutes, as affected by this act, unless the parent against whom the petition is filed has received the notice under section 48.356 (2) or 938.356 (2) of the statutes of the grounds for termination of parental rights under section 48.415 (2) (c) of the statutes, as affected by this act, and 6 months or longer have elapsed since the date of that notice.

(b) This subsection does not preclude a person from filing a petition under section 48.42 (1) of the statutes for termination of parental rights over a child on the grounds specified in section 48.415 (2) (c), 1995 stats., against a parent who has received notice under section 48.356 (2) or 938.356 (2) of the statutes of the grounds for termination of parental rights under section 48.415 (2) (c), 1995 stats., if 6 months or longer have elapsed since the date of that notice.

SECTION 48. Initial applicability.

(1) TERMINATION OF PARENTAL RIGHTS.

(a) *Homicide of parent.* The treatment of section 48.415 (8) of the statutes first applies to petitions for termination of parental rights under section 48.42 (1) of the statutes filed on the effective date of this paragraph, but does not preclude consideration of a conviction of a crime under federal law or the law of another state obtained before the effective date of this paragraph in determining whether to terminate, or to find grounds to terminate, the parental rights of a person under section 48.415 (8) of the statutes, as affected by this act.

(b) *Notice to substitute care providers.* The treatment of section 48.42 (2g) of the statutes first applies to hearings held on the effective date of this paragraph.

(cm) *Continuing need of protection or services.* Subject to SECTION 47m of this act, the treatment of section 48.415 (2) (c) of the statutes first applies to court orders required to contain the notice under section 48.356 (2) or 938.356 (2) of the statutes entered on the effective date of this paragraph.