



## 1997 SENATE BILL 264

July 22, 1997 - Introduced by Senators HUELSMAN, DARLING, GROBSCHMIDT, FITZGERALD, FARROW, COWLES, DRZEWIECKI and ROESSLER, cosponsored by Representatives LADWIG, PLALE, JENSEN, HUEBSCH, ALBERS, DOBYNS, DUFF, FREESE, GARD, GOETSCH, GUNDERSON, HANDRICK, KELSO, F. LASEE, LAZICH, NASS, OLSEN, OTT, OWENS, PORTER, SCHAFER, STASKUNAS, SYKORA, WARD and ZIEGELBAUER. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1     **AN ACT to renumber and amend** 48.207 (2), 48.243 (2), 48.27 (1), 48.27 (4)  
2           (intro.) and 48.985 (2) (a); **to amend** 15.195 (4) (g), 38.24 (1s), 46.001, 46.03 (7)  
3           (a), 46.40 (7m), 46.51 (title), 46.51 (1), 46.51 (3), 46.51 (4), 46.51 (5), 46.95 (2)  
4           (a), 48.01 (1) (intro.), 48.01 (1) (a), 48.01 (1) (br), 48.01 (1) (dm), 48.02 (1e), 48.02  
5           (17m), 48.06 (1) (a) 1., 48.06 (1) (a) 3., 48.06 (1) (am) 3., 48.06 (2) (c), 48.065 (1),  
6           48.065 (2) (gm), 48.065 (3) (c), 48.065 (3) (e), 48.067 (1), 48.067 (2), 48.067 (3),  
7           48.067 (4), 48.067 (8), 48.069 (1) (a), 48.069 (1) (c), 48.07 (4), 48.08 (1), 48.08 (2),  
8           48.09 (5), 48.135 (title), 48.135 (1), 48.135 (2), 48.14 (5), 48.15, 48.185 (1), 48.185  
9           (2), 48.19 (1) (c), 48.20 (title), 48.20 (7) (b), 48.205 (title), 48.205 (1) (intro.),  
10          48.205 (2), 48.207 (title), 48.207 (1) (intro.), 48.208 (4), 48.23 (4), 48.235 (3),  
11          48.235 (6), 48.24 (1), 48.24 (1m), 48.24 (2) (a), 48.24 (3), 48.24 (5), 48.243 (1)  
12          (intro.), (a), (b), (c), (d), (e), (f) and (g), 48.243 (3), 48.245 (1), 48.245 (2) (a) 1.,  
13          48.245 (2) (a) 2., 48.245 (2) (a) 3., 48.245 (2) (a) 4., 48.245 (2) (c), 48.245 (2r),  
14          48.245 (3), 48.245 (4), 48.245 (5), 48.245 (8), 48.25 (1), 48.25 (2), 48.255 (1)

**SENATE BILL 264**

1 (intro.), 48.255 (2), 48.255 (3), 48.255 (4), 48.263 (1), 48.263 (2), 48.27 (3) (a) 1.,  
2 48.275 (1), 48.275 (2) (a), 48.275 (2) (b), 48.275 (2) (c), 48.275 (2) (cg) (intro.),  
3 48.29 (1), 48.293 (2), 48.293 (3), 48.295 (1), 48.295 (1c), 48.295 (1g), 48.295 (2),  
4 48.295 (3), 48.297 (4), 48.297 (5), 48.297 (6), 48.299 (1) (a), 48.299 (1) (ag), 48.299  
5 (1) (b), 48.299 (4) (b), 48.299 (5), 48.30 (1), 48.30 (2), 48.30 (3), 48.30 (6), 48.30  
6 (7), 48.30 (8) (a), 48.30 (8) (c), 48.30 (9), 48.305, 48.31 (1), 48.31 (2), 48.31 (4),  
7 48.31 (7), 48.315 (1) (a), 48.315 (1) (b), 48.315 (1) (f), 48.32 (1), 48.32 (2) (a), 48.32  
8 (2) (c), 48.32 (3), 48.32 (5) (intro.), 48.32 (5) (a), 48.32 (5) (b), 48.32 (6), 48.33 (1)  
9 (intro.), 48.33 (1) (a), 48.33 (1) (b), 48.33 (1) (c), 48.33 (1) (d), 48.33 (1) (f), 48.33  
10 (2), 48.33 (4) (intro.), 48.335 (1), 48.35 (1) (b) (intro.), 48.35 (1) (b) 1., 48.35 (1)  
11 (b) 2., 48.35 (2), 48.355 (1), 48.355 (2) (a), 48.355 (2) (b) 1., 48.355 (2) (b) 1m.,  
12 48.355 (2) (b) 7., 48.355 (2) (d), 48.355 (2m), 48.355 (4), 48.355 (5), 48.355 (7),  
13 48.357 (1), 48.357 (2), 48.357 (2m), 48.36 (2), 48.361 (1) (b), 48.361 (1) (c), 48.361  
14 (2) (am) 2., 48.361 (2) (c), 48.362 (2), 48.362 (4) (a), 48.362 (4) (c), 48.363 (1),  
15 48.365 (1m), 48.365 (2), 48.365 (2g) (a), 48.365 (2m) (a), 48.365 (2m) (b), 48.396  
16 (1), 48.396 (1b), 48.396 (1d), 48.396 (5) (b), 48.396 (5) (c), 48.396 (5) (e), 48.44  
17 (1), 48.45 (1) (b), 48.45 (2), 48.46 (1), 48.48 (1), 48.48 (16), 48.52 (2) (a), 48.547  
18 (1), 48.547 (3) (intro.), (b) and (d), 48.57 (1) (a), 48.57 (1) (b), 48.57 (1) (c), 48.57  
19 (1) (g), 48.57 (2), 48.59 (1), 48.59 (2), 48.981 (title), 48.981 (1) (h) (intro.), 48.981  
20 (1) (h) 2., 48.981 (2), 48.981 (3) (a), 48.981 (3) (b) 1., 48.981 (3) (bm) (intro.),  
21 48.981 (3) (bm) 1., 48.981 (3) (bm) 2., 48.981 (3) (c) 1., 48.981 (3) (c) 3., 48.981  
22 (3) (c) 5., 48.981 (3) (c) 6., 48.981 (3) (c) 6m., 48.981 (3) (c) 7., 48.981 (3) (c) 8.,  
23 48.981 (3) (d) 1., 48.981 (3) (d) 2., 48.981 (4), 48.981 (7) (a) 1m., 48.981 (7) (a) 3m.,  
24 48.981 (7) (a) 4., 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7) (a) 6m., 48.981 (7)  
25 (a) 10., 48.981 (7) (a) 10m., 48.981 (7) (a) 11., 48.981 (7) (a) 11m., 48.981 (7) (a)

**SENATE BILL 264**

1 11r., 48.981 (7) (a) 17., 48.981 (8) (a), 48.981 (8) (b), 48.981 (8) (c), 48.981 (8) (d)  
2 1., 48.981 (9), 48.982 (1) (d), 48.982 (2) (a), 48.982 (2) (g) 1., 48.982 (2) (g) 2.,  
3 48.982 (2) (g) 3., 48.982 (2) (g) 4., 48.982 (2) (g) 5., 48.982 (2) (gm), 48.982 (4) (d)  
4 (intro.), 48.982 (4) (d) 1., 48.982 (4) (d) 3., 48.982 (4) (e), 48.985 (1), 146.82 (2)  
5 (a) 11., 757.69 (1) (g), 808.075 (4) (a) 4., 813.122 (1) (a), 904.085 (4) (d), 905.04  
6 (4) (e) (title) and 938.245 (8); and **to create** 48.01 (1) (am), 48.01 (1) (bm), 48.02  
7 (1) (am), 48.02 (19), 48.065 (2) (bm), 48.133, 48.193, 48.203, 48.205 (1m), 48.207  
8 (1m), 48.207 (2) (b), 48.213, 48.23 (2m), 48.235 (1) (f), 48.235 (4m), 48.24 (2m)  
9 (a) 6., 48.255 (1m), 48.27 (1) (b), 48.27 (3) (c), 48.27 (4) (b), 48.347, 48.355 (2) (b)  
10 2m., 48.361 (2) (a) 1m., 48.361 (2) (b) 1m., 48.362 (3m), 48.396 (2) (aj), 48.396  
11 (2) (ap), 48.45 (1) (am), 48.45 (1r), 48.78 (2) (aj), 48.78 (2) (ap), 48.981 (1) (ct),  
12 48.981 (1) (h) 1m., 48.981 (3) (b) 2m., 48.981 (3) (c) 2m., 301.01 (2) (cm) and  
13 905.04 (4) (e) 3. of the statutes; **relating to:** unborn children who are at  
14 substantial risk of serious physical injury due to the habitual lack of  
15 self-control of their expectant mothers in the use of alcohol beverages,  
16 controlled substances or controlled substance analogs, exhibited to a severe  
17 degree.

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***Analysis by the Legislative Reference Bureau***

Under current law, the children's code grants to the court assigned to exercise jurisdiction under the children's code (juvenile court) jurisdiction over children alleged to be in need of protection or services and authorizes the juvenile court to impose certain dispositions on a child found to be in need of protection or services. The children's code also requires certain individuals to report to the sheriff, local police department or county department of human services or social services (county department) any suspected or threatened abuse or neglect of a child seen in the course of the individual's professional duties and requires the sheriff or police department, and the county department, to investigate those reports. Finally, the children's code permits children to be taken into and held in custody under certain circumstances.

**SENATE BILL 264**

This bill extends, as explained in this analysis, the coverage of the children's code to unborn children, which are defined in the bill as unborn humans who are at that stage of fetal development when there is a reasonable likelihood of sustained survival outside the womb, with or without artificial support.

***Jurisdiction***

Under current law, the juvenile court has exclusive original jurisdiction over a child who is alleged to be in need of protection or services which can be ordered by the juvenile court and who meets certain jurisdictional grounds, including the ground that the child has been the victim of abuse, which is defined under current law, in part, as physical injury inflicted on a child by other than accidental means.

This bill grants to the juvenile court exclusive original jurisdiction over an unborn child who is alleged to be in need of protection or services which can be ordered by the court and whose expectant mother habitually lacks self-control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, to the extent that there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered unless the expectant mother receives prompt and adequate treatment for that habitual lack of self-control. The bill also grants to the juvenile court exclusive original jurisdiction over the expectant mother of such an unborn child.

***Dispositions***

Under current law, if the juvenile court finds that a child is in need of protection or services, the juvenile court must enter a dispositional order imposing one or more of the dispositions authorized under current law. Those dispositions include all of the following:

1. Counseling the child or the child's parent, guardian or legal custodian.
2. Placing the child under the supervision of the county department, a licensed child welfare agency, the department of health and family services (DHFS) or a suitable adult under conditions prescribed by the juvenile court, including reasonable rules for the child's conduct, designed for the well-being of the child.
3. Ordering the child's parents to provide the child with special treatment and care, which is defined under current law as professional services, including medical, psychological or psychiatric treatment, alcohol or other drug abuse treatment or other services, which need to be provided to a child and his or her family to protect the well-being of the child, prevent placement of the child outside of the child's home or meet the special needs of the child.
4. Ordering the child to enter an outpatient alcohol or other drug abuse treatment program or to participate in an alcohol or other drug abuse education program.

In addition, under current law, the juvenile court may order the parent, guardian or legal custodian of a child who has been found to be in need of protection or services to comply with any conditions determined by the juvenile court to be necessary for the child's welfare. Such an order may include an order to participate in mental health treatment, anger management, individual or family counseling or parent training and education. Such an order, however, may not include inpatient

**SENATE BILL 264**

treatment. Currently, a parent, guardian or legal custodian of a child who is found to be in need of protection or services may be ordered into inpatient treatment only under the mental health act.

This bill authorizes the juvenile court to impose one or more of the following dispositions on the expectant mother of an unborn child who is found to be in need of protection or services:

1. Counsel the expectant mother.
2. Place the expectant mother under the supervision of the county department, DHFS or a suitable adult under conditions prescribed by the juvenile court, including reasonable rules for the expectant mother's conduct, designed for the physical well-being of the unborn child. Such an order may include an order to participate in mental health treatment, anger management, individual or family counseling or parent or prenatal development training and education.
3. Order the expectant mother to obtain special treatment or care, which is defined in the bill as professional services, including medical, psychological or psychiatric treatment, alcohol or other drug abuse treatment or other services, which need to be provided to the expectant mother to protect the physical health of the unborn child and of the child when born.
4. Order the expectant mother to enter an outpatient alcohol or other drug abuse treatment program or to participate in an alcohol or other drug abuse education program.
5. Order the expectant mother to enter an inpatient alcohol or other drug abuse treatment program, but only if the juvenile court finds that the expectant mother is in need of inpatient treatment, that inpatient treatment is appropriate for the expectant mother's needs and that inpatient treatment is the least restrictive treatment consistent with the expectant mother's needs.

***Abuse investigations***

Under current law, certain individuals, such as physicians, nurses, social workers, teachers, day care providers and law enforcement officers (mandated reporters) having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect will occur must, and any person (discretionary reporter) having reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect will occur may, report that suspected or threatened abuse or neglect to the sheriff, local police department or county department. If the reporter requests an immediate investigation, the sheriff or local police department must immediately investigate to determine if there is reason to believe that the child's health or safety is in immediate danger and take necessary action, including taking the child into custody, to protect the child. The county department must initiate a diligent investigation within 24 hours after receiving a report to determine if the child is in need of protection or services and, if the county department determines that the child is in need of services, the county department must offer to provide those services.

**SENATE BILL 264**

If those services are refused, the county department may request the district attorney to file a petition alleging that the child is in need of protection or services.

This bill extends the child abuse and neglect reporting law to unborn children who are suspected of having been abused or who are at substantial risk of abuse, which is defined in the bill as serious physical injury inflicted on an unborn child, and on the child when born, by the habitual lack of self-control of the expectant mother of the unborn child in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.

Specifically, under the bill, a mandatory reporter having reasonable cause to suspect that an unborn child seen in the course of professional duties has been abused or having reason to believe that an unborn child seen in the course of professional duties is at substantial risk of abuse must, and a discretionary reporter having reason to suspect that an unborn child has been abused or reason to believe that an unborn child is at substantial risk of abuse may, report that suspected or threatened abuse to the sheriff, local police department or county department. The sheriff or local police department, and county department, then must investigate and take action in the same manner as they investigate and take action with respect to a child abuse or neglect report under current law.

***Taking and holding expectant mother in custody***

Under current law, a child may be taken into custody under a warrant, a capias or an order of the juvenile court if made on a showing that the welfare of the child demands that the child be immediately removed from his or her present custody. Current law also permits a child to be taken into custody under circumstances in which a law enforcement officer believes on reasonable grounds that the child is suffering from illness or injury or is in immediate danger from his or her surroundings and that removal from those surroundings is necessary or that the child has violated the conditions of the temporary physical custody order. The person taking the child into custody must make every effort to release the child immediately to the child's parent, guardian or legal custodian, but, if the child is not released, that person must deliver the child to the juvenile court intake worker (intake worker). The intake worker must also make every effort to release the child, but may decide to hold the child in custody if the intake worker determines that there is probable cause to believe that the child is within the jurisdiction of the juvenile court and that certain criteria are met, including the criterion that if the child is not held he or she will be subject to injury by others. A child who is held in custody may be held in custody in various places, including the home of a relative; a hospital or a physician's office, if the child is suffering from a serious physical condition that requires prompt diagnosis or treatment; or a treatment facility, if the child is believed to be mentally ill, drug dependent or intoxicated and to be dangerous to himself or herself or others. A child who is held in custody and who is not released must have a hearing within 48 hours, excluding Saturdays, Sundays and holidays, after the decision to hold the child was made to determine whether the child should continue to be held in custody.

This bill permits an expectant mother of an unborn child to be taken into custody under a warrant, a capias or an order of the juvenile court if made on a showing that due to the expectant mother's habitual lack of self-control in the use

**SENATE BILL 264**

of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered unless the expectant mother is taken into custody. The bill also permits an expectant mother of an unborn child to be taken into custody under circumstances in which a law enforcement officer believes on reasonable grounds that there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered due to the expectant mother's habitual lack of self-control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, unless the expectant mother is taken into custody, or that the expectant mother has violated the terms of a temporary physical custody order.

The person taking the expectant mother into custody must make every effort to release the expectant mother to an adult relative or friend of the expectant mother or under her own supervision, but, if the expectant mother is not released, that person must deliver the expectant mother to the intake worker. The intake worker must also make every effort to release the expectant mother, but may decide to hold the expectant mother in custody if the intake worker determines that there is probable cause to believe that the expectant mother is within the jurisdiction of the juvenile court and that, if the expectant mother is not held, there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered by the expectant mother's habitual lack of self-control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.

Under the bill, an expectant mother of an unborn child may be held in custody in the home of an adult relative or friend of the expectant mother; a hospital or a physician's office, if the unborn child or expectant mother is suffering from a serious physical condition that requires prompt diagnosis or treatment; or a treatment facility, if the expectant mother is believed to be mentally ill, drug dependent or intoxicated and dangerous to herself, others, the unborn child or the child when born. An expectant mother who is held in custody and who is not released must have a hearing within 48 hours, excluding Saturdays, Sundays and holidays, after the decision to held the expectant mother in custody was made to determine whether she should continue to be held in custody.

***Procedures***

Under current law, the children's code specifies the procedures governing a child who is referred to the juvenile court as in need of protection or services. Those procedures govern the intake inquiry by the intake worker, which may include administering a multidisciplinary screen for alcohol or other drug abuse or entering into an informal disposition rather than referring the case to the district attorney for the filing of a petition; the authority to file, and the form and content of, a petition alleging the child to be in need of protection or services; the issuing of summonses and notices of hearings on such a petition; prehearing procedures such as substitution of a judge, discovery, motions and physical, psychological, mental or developmental examinations; procedures at hearings on the petition, that is, the plea

**SENATE BILL 264**

hearing, the fact-finding hearing and the dispositional hearing; delays, continuances and extensions; and the entering into of a consent decree rather than proceeding to disposition. This bill applies the procedures under current law governing a child alleged to be in need of protection or services to the expectant mother of an unborn child alleged to be in need of protection or services.

***Duties and authority***

Under current law, DHFS is required to promote the enforcement of laws for the protection of children in need of protection or services. This bill extends that duty to unborn children in need of protection or services.

Under current law, county departments have authority to investigate the conditions surrounding children in need of protection or services and to take every reasonable action within their powers to secure for them the full benefit of all laws enacted for their benefit. This bill extends that authority to include unborn children in need of protection or services.

Under current law, the child abuse and neglect prevention board awards grants and performs other duties to promote the prevention of child abuse and neglect. This bill extends the duties of the board to include the prevention of unborn child abuse.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 15.195 (4) (g) of the statutes is amended to read:

2           15.195 (4) (g) Eight public members appointed by the governor for staggered  
3 3-year terms. Six of the public members shall be appointed on the basis of expertise,  
4 experience and interest in the prevention of child abuse and neglect or in the  
5 prevention of unborn child abuse or on the basis of expertise and experience in  
6 intervention in cases of child abuse and neglect or unborn child abuse. One public  
7 member shall be an adult who was a victim of abuse or neglect as a child or of abuse  
8 as an unborn child. One public member shall be a parent who formerly abused or  
9 neglected one or more of his or her children, or who formerly abused one or more of  
10 her unborn children, and who has received treatment or advice from an organization  
11 that provides child abuse and neglect or unborn child abuse prevention and  
12 intervention services.



**SENATE BILL 264**

1           **SECTION 2.** 38.24 (1s) of the statutes is amended to read:

2           38.24 (1s) ADDITIONAL FEES. A district board may establish and charge a fee in  
3 addition to the fees under sub. (1m) for a court-approved alcohol or other drug abuse  
4 education program offered to individuals under s. 48.245 (2) (a) 4., 48.345 (13) (b),  
5 48.347 (4) (b), 938.245 (2) (a) 4., 938.32 (1g) (b), 938.34 (6r) (b) or (14s) (b) 3., 938.343  
6 (10) (c) or 938.344 (2g) (a).

7           **SECTION 3.** 46.001 of the statutes is amended to read:

8           **46.001 Purposes of chapter.** The purposes of this chapter are to conserve  
9 human resources in Wisconsin; to provide a just and humane program of services to  
10 children and unborn children in need of protection or services ~~and~~, nonmarital  
11 children and the expectant mothers of those unborn children; to prevent dependency,  
12 mental illness, developmental disability, mental infirmity and other forms of social  
13 maladjustment by a continuous attack on causes; to provide effective aid and services  
14 to all persons in need thereof and to assist those persons to achieve or regain  
15 self-dependence at the earliest possible date; to avoid duplication and waste of effort  
16 and money on the part of public and private agencies; and to coordinate and integrate  
17 a social welfare program.

18           **SECTION 4.** 46.03 (7) (a) of the statutes is amended to read:

19           46.03 (7) (a) Promote the enforcement of laws for the protection of  
20 developmentally disabled children, children and unborn children in need of  
21 protection or services and nonmarital children; and to this end cooperate with courts  
22 assigned to exercise jurisdiction under chs. 48 and 938 ~~and~~, licensed child welfare  
23 agencies and public and private institutions (~~public and private~~) and take the  
24 initiative in all matters involving the interests of such those children where and  
25 unborn children when adequate provision ~~therefor~~ for those interests has not

**SENATE BILL 264****SECTION 4**

1 already been made, including the establishment and enforcement of standards for  
2 services provided under s. ss. 48.345 and 48.347.

3 **SECTION 5.** 46.40 (7m) of the statutes is amended to read:

4 **46.40 (7m)** USE BY COUNTY OF COMMUNITY AIDS FUNDS TO PAY PRIVATE ATTORNEYS  
5 FOR CERTAIN PROCEEDINGS UNDER THE CHILDREN'S CODE. Upon application by a county  
6 department under s. 46.215, 46.22 or 46.23 to the department for permission to use  
7 funds allocated to that county department under sub. (2) to employ private counsel  
8 for the purposes specified in this subsection and a determination by the department  
9 that use of funds for those purposes does not affect any federal grants or federal  
10 funding allocated under this section, the department and the county department  
11 shall execute a contract authorizing the county department to expend, as agreed  
12 upon in the contract, funds allocated to that county department under sub. (2) to  
13 permit the county department to employ private counsel to represent the interests  
14 of the state or county in proceedings under ch. 48 relating to child abuse or neglect  
15 cases, unborn child abuse cases, proceedings to terminate parental rights and any  
16 ch. 48 cases or proceedings involving the Indian child welfare act, 25 USC 1901 to  
17 1963.

18 **SECTION 6.** 46.51 (title) of the statutes is amended to read:

19 **46.51 (title) Child abuse and neglect and unborn child abuse services.**

20 **SECTION 7.** 46.51 (1) of the statutes is amended to read:

21 **46.51 (1)** From the amounts distributed under s. 46.40 (1) for services for  
22 children and families, the department shall distribute funds to eligible counties for  
23 services related to child abuse and neglect and to unborn child abuse, including child  
24 abuse and neglect and unborn child abuse prevention, investigation and treatment.

25 **SECTION 8.** 46.51 (3) of the statutes is amended to read:

**SENATE BILL 264**

1           46.51 (3) The department shall distribute the funds under sub. (1) to counties  
2           that have a serious problem with child abuse and neglect or with unborn child abuse  
3           according to eligibility criteria and distribution criteria to be developed by the  
4           department.

5           **SECTION 9.** 46.51 (4) of the statutes is amended to read:

6           46.51 (4) A county may use the funds distributed under this section to fund  
7           additional foster parents and treatment foster parents to care for abused and  
8           neglected children and to fund additional staff positions to provide services related  
9           to child abuse and neglect and to unborn child abuse.

10          **SECTION 10.** 46.51 (5) of the statutes is amended to read:

11          46.51 (5) A county may not use the funds distributed under this section to  
12          reduce its expenditures from other sources for services related to child abuse and  
13          neglect or to unborn child abuse below the level in the year before the year for which  
14          the funds are distributed.

15          **SECTION 11.** 46.95 (2) (a) of the statutes is amended to read:

16          46.95 (2) (a) The secretary shall make grants from the appropriations under  
17          s. 20.435 (1) (cd) and (hh) to organizations for the provision of any of the services  
18          specified in sub. (1) (d). Grants may be made to organizations which have provided  
19          those domestic abuse services in the past or to organizations which propose to  
20          provide those services in the future. No grant may be made to fund services for child  
21          or unborn child abuse or abuse of elderly persons.

22          **SECTION 12.** 48.01 (1) (intro.) of the statutes is amended to read:

23          48.01 (1) (intro.) This chapter may be cited as “The Children’s Code”. In  
24          construing this chapter, the best interests of the child or unborn child shall always

**SENATE BILL 264****SECTION 12**

1 be of paramount consideration. This chapter shall be liberally construed to  
2 effectuate the following express legislative purposes:

3 **SECTION 13.** 48.01 (1) (a) of the statutes is amended to read:

4 48.01 (1) (a) While recognizing that the paramount goal of this chapter is to  
5 protect children and unborn children, to preserve the unity of the family, whenever  
6 appropriate, by strengthening family life through assisting parents and the  
7 expectant mothers of unborn children, whenever appropriate, in fulfilling their  
8 ~~parental~~ responsibilities as parents or expectant mothers. The courts and agencies  
9 responsible for child welfare should assist parents and the expectant mothers of  
10 unborn children in changing any circumstances in the home which might harm the  
11 child or unborn child, which may require the child to be placed outside the home or  
12 which may require the expectant mother to be taken into custody. The courts should  
13 recognize that they have the authority, in appropriate cases, not to reunite a child  
14 with his or her family. The courts and agencies responsible for child welfare should  
15 also recognize that instability and impermanence in family relationships are  
16 contrary to the welfare of children and should therefore recognize the importance of  
17 eliminating the need for children to wait unreasonable periods of time for their  
18 parents to correct the conditions that prevent their return to the family.

19 **SECTION 14.** 48.01 (1) (am) of the statutes is created to read:

20 48.01 (1) (am) To recognize that unborn children have certain basic needs  
21 which must be provided for, including the need to be free from physical injury and  
22 the need to develop physically to their potential. It is further recognized that, when  
23 an expectant mother of an unborn child suffers from an alcohol or other drug abuse  
24 impairment, in order to ensure that the needs of the unborn child, as described in this  
25 paragraph, are provided for, the court may determine that it is in the best interests

**SENATE BILL 264**

1 of the unborn child for the expectant mother to be ordered to receive treatment,  
2 including inpatient treatment, for her alcohol or other drug abuse impairment,  
3 consistent with any applicable law relating to the rights of the expectant mother.

4 **SECTION 15.** 48.01 (1) (bm) of the statutes is created to read:

5 48.01 (1) (bm) To ensure that unborn children are protected against the  
6 harmful effects resulting from the destructive behavior of their expectant mothers  
7 in providing care and protection for their unborn children.

8 **SECTION 16.** 48.01 (1) (br) of the statutes is amended to read:

9 48.01 (1) (br) To encourage innovative and effective prevention, intervention  
10 and treatment approaches, including collaborative community efforts and the use of  
11 community-based programs, as significant strategies in planning and  
12 implementing legislative, executive and local government policies and programs  
13 relating to children and their families and substitute families and to unborn children  
14 and their expectant mothers.

15 **SECTION 17.** 48.01 (1) (dm) of the statutes is amended to read:

16 48.01 (1) (dm) To divert children and unborn children from formal proceedings  
17 under this chapter to the extent that this is consistent with protection of children,  
18 unborn children and the public safety.

19 **SECTION 18.** 48.02 (1) (am) of the statutes is created to read:

20 48.02 (1) (am) Serious physical injury inflicted on an unborn child, and on the  
21 child when born, by the habitual lack of self-control of the expectant mother of the  
22 unborn child in the use of alcohol beverages, controlled substances or controlled  
23 substance analogs, exhibited to a severe degree.

24 **SECTION 19.** 48.02 (1e) of the statutes is amended to read:

**SENATE BILL 264**

1           48.02 (1e) “Alcohol and other drug abuse impairment” means a condition of a  
2 person which is exhibited by characteristics of habitual lack of self-control in the use  
3 of alcohol beverages, controlled substances or controlled substance analogs to the  
4 extent that the person’s health, or the health of the person’s unborn child, is  
5 substantially affected or endangered or the person’s social or economic functioning  
6 is substantially disrupted.

7           **SECTION 20.** 48.02 (17m) of the statutes is amended to read:

8           48.02 (17m) “Special treatment or care” means professional services which  
9 need to be provided to a child or his or her family to protect the well-being of the child,  
10 prevent placement of the child outside the home or meet the special needs of the  
11 child. “Special treatment or care” also means professional services which need to be  
12 provided to the expectant mother of an unborn child to protect the physical health  
13 of the unborn child and of the child when born. This term includes, but is not limited  
14 to, medical, psychological or psychiatric treatment, alcohol or other drug abuse  
15 treatment or other services which the court finds to be necessary and appropriate.

16           **SECTION 21.** 48.02 (19) of the statutes is created to read:

17           48.02 (19) “Unborn child” means an unborn human who is at that stage of fetal  
18 development when there is a reasonable likelihood of sustained survival outside the  
19 womb, with or without artificial support.

20           **SECTION 22.** 48.06 (1) (a) 1. of the statutes is amended to read:

21           48.06 (1) (a) 1. In counties with a population of 500,000 or more, the county  
22 board of supervisors shall provide the court with the services necessary for  
23 investigating and supervising cases by operating a children’s court center under the  
24 supervision of a director who is appointed as provided in s. 46.21 (1m) (a). The  
25 director is the chief administrative officer of the center and of the intake and

**SENATE BILL 264**

1 probation sections and secure detention facilities of the center except as otherwise  
2 provided in this subsection. The director is charged with administration of the  
3 personnel and services of the sections and of the secure detention facilities, and is  
4 responsible for supervising both the operation of the physical plant and the  
5 maintenance and improvement of the buildings and grounds of the center. The  
6 center shall include investigative services for all children and unborn children  
7 alleged to be in need of protection or services to be provided by the county  
8 department, and the services of an assistant district attorney or assistant  
9 corporation counsel or both, who shall be assigned to the center to provide  
10 investigative as well as legal work in the cases.

11 **SECTION 23.** 48.06 (1) (a) 3. of the statutes is amended to read:

12 48.06 (1) (a) 3. The county board of supervisors shall develop policies and  
13 establish necessary rules for the management and administration of the nonjudicial  
14 operations of the children's court center. The director of the center shall report and  
15 is responsible to the director of the county department for the execution of all  
16 nonjudicial operational policies and rules governing the center, including activities  
17 of probation officers whenever they are not performing services for the court. The  
18 director of the center is also responsible for the preparation and submission to the  
19 county board of supervisors of the annual budget for the center except for the judicial  
20 functions or responsibilities which are delegated by law to the judge or judges and  
21 clerk of circuit court. The county board of supervisors shall make provision in the  
22 organization of the office of director for the devolution of the director's authority in  
23 the case of temporary absence, illness, disability to act or a vacancy in position and  
24 shall establish the general qualifications for the position. The county board of  
25 supervisors also has the authority to investigate, arbitrate and resolve any conflict

**SENATE BILL 264**

1 in the administration of the center as between judicial and nonjudicial operational  
2 policy and rules. The county board of supervisors does not have authority and may  
3 not assert jurisdiction over the disposition of any case ~~or~~ child, unborn child or  
4 expectant mother of an unborn child after a written order is made under s. 48.21 or  
5 48.213 or if a petition is filed under s. 48.25. All personnel of the intake and probation  
6 sections and of the secure detention facilities shall be appointed under civil service  
7 by the director except that existing court service personnel having permanent civil  
8 service status may be reassigned to any of the respective sections within the center  
9 specified in this paragraph.

10 **SECTION 24.** 48.06 (1) (am) 3. of the statutes is amended to read:

11 48.06 (1) (am) 3. Each intake worker whose responsibilities include  
12 investigation or treatment of child abuse or neglect or unborn child abuse shall  
13 successfully complete additional training in child abuse and neglect and unborn  
14 child abuse protective services approved by the department under s. 48.981 (8) (d).  
15 Not more than 4 hours of the additional training may be applied to the requirement  
16 under subd. 1.

17 **SECTION 25.** 48.06 (2) (c) of the statutes is amended to read:

18 48.06 (2) (c) Each intake worker whose responsibilities include investigation  
19 or treatment of child abuse or neglect or unborn child abuse shall successfully  
20 complete additional training in child abuse and neglect and unborn child abuse  
21 protective services approved by the department under s. 48.981 (8) (d). Not more  
22 than 4 hours of the additional training may be applied to the requirement under par.  
23 (b).

24 **SECTION 26.** 48.065 (1) of the statutes is amended to read:



**SENATE BILL 264**

1           48.065 (1) The board of supervisors of any county may authorize the chief judge  
2 of the judicial administrative district to appoint one or more part-time or full-time  
3 juvenile court commissioners who shall serve at the discretion of the chief judge. A  
4 juvenile court commissioner shall be licensed to practice law in this state and shall  
5 have been so licensed for at least 2 years immediately prior to appointment and shall  
6 have a demonstrated interest in the welfare of children and unborn children. The  
7 chief judge may assign law clerks, bailiffs and deputies to the court commissioner.  
8 The chief judge shall supervise juvenile court commissioners, law clerks, bailiffs and  
9 deputies, except that the chief judge may delegate any of those duties.

10           **SECTION 27.** 48.065 (2) (bm) of the statutes is created to read:

11           48.065 (2) (bm) Conduct hearings under s. 48.213 and thereafter order an  
12 expectant mother of an unborn child to be held in or released from custody.

13           **SECTION 28.** 48.065 (2) (gm) of the statutes is amended to read:

14           48.065 (2) (gm) Conduct uncontested proceedings under s. ss. 48.13 and 48.133.

15           **SECTION 29.** 48.065 (3) (c) of the statutes is amended to read:

16           48.065 (3) (c) Make dispositions other than approving consent decrees and  
17 other than dispositions in uncontested proceedings under s. 48.13 or 48.133.

18           **SECTION 30.** 48.065 (3) (e) of the statutes is amended to read:

19           48.065 (3) (e) Make changes in placements of children or of the expectant  
20 mothers of unborn children, or revisions or extensions of dispositional orders, except  
21 in uncontested proceedings under s. 48.13 or 48.133.

22           **SECTION 31.** 48.067 (1) of the statutes is amended to read:

23           48.067 (1) Provide intake services 24 hours a day, 7 days a week, for the purpose  
24 of screening children and the expectant mothers of unborn children taken into  
25 custody and not released under s. 48.20 (2);

**SENATE BILL 264**

1           **SECTION 32.** 48.067 (2) of the statutes is amended to read:

2           48.067 (2) Interview, unless impossible, any child or expectant mother of an  
3 unborn child who is taken into physical custody and not released, and ~~where~~ when  
4 appropriate interview other available concerned parties. If the child cannot be  
5 interviewed, the intake worker shall consult with the child's parent or a responsible  
6 adult. If the expectant mother of an unborn child cannot be interviewed, the intake  
7 worker shall consult with an adult relative or friend of the expectant mother. No  
8 child may be placed in a secure detention facility unless the child has been  
9 interviewed in person by an intake worker, except that if the intake worker is in a  
10 place which is distant from the place where the child is or the hour is unreasonable,  
11 as defined by written court intake rules, and if the child meets the criteria under s.  
12 48.208, the intake worker, after consulting by telephone with the law enforcement  
13 officer who took the child into custody, may authorize the secure holding of the child  
14 while the intake worker is en route to the in-person interview or until 8 a.m. of the  
15 morning after the night on which the child was taken into custody.

16           **SECTION 33.** 48.067 (3) of the statutes is amended to read:

17           48.067 (3) Determine whether the child or the expectant mother of an unborn  
18 child shall be held under s. 48.205 and such policies as the judge shall promulgate  
19 under s. 48.06 (1) or (2);

20           **SECTION 34.** 48.067 (4) of the statutes is amended to read:

21           48.067 (4) If the child or the expectant mother of an unborn child is not  
22 released, determine where the child or expectant mother shall be held;

23           **SECTION 35.** 48.067 (8) of the statutes is amended to read:

**SENATE BILL 264**

1           48.067 (8) Make interim recommendations to the court concerning children,  
2           and unborn children and their expectant mothers, awaiting final disposition under  
3           s. 48.355; and

4           **SECTION 36.** 48.069 (1) (a) of the statutes is amended to read:

5           48.069 (1) (a) Supervise and assist a child and the child's family or the  
6           expectant mother of an unborn child pursuant to informal dispositions, a consent  
7           decree or order of the court.

8           **SECTION 37.** 48.069 (1) (c) of the statutes is amended to read:

9           48.069 (1) (c) Make an affirmative effort to obtain necessary or desired services  
10          for the child and the child's family or for the expectant mother of an unborn child and  
11          investigate and develop resources toward that end.

12          **SECTION 38.** 48.07 (4) of the statutes is amended to read:

13          48.07 (4) COUNTY DEPARTMENTS THAT PROVIDE DEVELOPMENTAL DISABILITIES,  
14          MENTAL HEALTH OR ALCOHOL AND OTHER DRUG ABUSE SERVICES. Within the limits of  
15          available state and federal funds and of county funds appropriated to match state  
16          funds, the court may order county departments established under s. 51.42 or 51.437  
17          to provide special treatment or care to a child if special treatment or care has been  
18          ordered under s. 48.345 (6) and if s. 48.362 (4) applies or to provide special treatment  
19          or care to the expectant mother of an unborn child if special treatment or care has  
20          been ordered under s. 48.347 (3) and if s. 48.362 (4) applies.

21          **SECTION 39.** 48.08 (1) of the statutes is amended to read:

22          48.08 (1) It is the duty of each person appointed to furnish services to the court  
23          as provided in ss. 48.06 and 48.07 to make such investigations and exercise such  
24          discretionary powers as the judge may direct, to keep a written record of such  
25          investigations and to submit a report to the judge. Such person shall keep informed

**SENATE BILL 264**

1 concerning the conduct and condition of the a child or expectant mother of an unborn  
2 child under the person's supervision and shall report ~~thereon~~ on that conduct and  
3 condition as the judge directs.

4 **SECTION 40.** 48.08 (2) of the statutes is amended to read:

5 48.08 (2) Any person authorized to provide or providing intake or dispositional  
6 services for the court under ss. 48.067 and 48.069 has the power of police officers and  
7 deputy sheriffs only for the purpose of taking a child or the expectant mother of an  
8 unborn child into physical custody when the child or expectant mother comes  
9 voluntarily or when the child, the unborn child or the expectant mother is suffering  
10 from illness or injury or is in immediate danger from his or her surroundings and  
11 removal from the surroundings is necessary.

12 **SECTION 41.** 48.09 (5) of the statutes is amended to read:

13 48.09 (5) By the district attorney or, if designated by the county board of  
14 supervisors, by the corporation counsel, in any matter arising under s. 48.13, 48.133  
15 or 48.977. If the county board transfers this authority to or from the district attorney  
16 on or after May 11, 1990, the board may do so only if the action is effective on  
17 September 1 of an odd-numbered year and the board notifies the department of  
18 administration of that change by January 1 of that odd-numbered year.

19 **SECTION 42.** 48.133 of the statutes is created to read:

20 **48.133 Jurisdiction over unborn children in need of protection or**  
21 **services and the expectant mothers of those unborn children.** The court has  
22 exclusive original jurisdiction over an unborn child alleged to be in need of protection  
23 or services which can be ordered by the court whose expectant mother habitually  
24 lacks self-control in the use of alcohol beverages, controlled substances or controlled  
25 substance analogs, exhibited to a severe degree, to the extent that there is a

**SENATE BILL 264**

1 substantial risk that the physical health of the unborn child, and of the child when  
2 born, will be seriously affected or endangered unless the expectant mother receives  
3 prompt and adequate treatment for that habitual lack of self-control. The court also  
4 has exclusive original jurisdiction over the expectant mother of an unborn child  
5 described in this section.

6 **SECTION 43.** 48.135 (title) of the statutes is amended to read:

7 **48.135 (title) Referral of children and expectant mothers of unborn**  
8 **children to proceedings under chapter 51 or 55.**

9 **SECTION 44.** 48.135 (1) of the statutes is amended to read:

10 48.135 (1) If a child alleged to be in need of protection or services or the  
11 expectant mother of an unborn child alleged to be in need of protection or services  
12 is before the court and it appears that the child or expectant mother is  
13 developmentally disabled, mentally ill or drug dependent or suffers from alcoholism,  
14 the court may proceed under ch. 51 or 55.

15 **SECTION 45.** 48.135 (2) of the statutes is amended to read:

16 48.135 (2) Any voluntary or involuntary admissions, placements or  
17 commitments of a child made in or to an inpatient facility, as defined in s. 51.01 (10),  
18 shall be governed by ch. 51 or 55. Except as provided in s. 48.347 (5), any voluntary  
19 or involuntary admissions, placements or commitments of an expectant mother of an  
20 unborn child made in or to an inpatient facility, as defined in s. 51.01 (10), shall be  
21 governed by ch. 51 or 55.

22 **SECTION 46.** 48.14 (5) of the statutes is amended to read:

23 48.14 (5) Proceedings under chs. 51 and 55 which apply to minors or to the  
24 expectant mothers of unborn children.

25 **SECTION 47.** 48.15 of the statutes is amended to read:

**SENATE BILL 264**

1           **48.15 Jurisdiction of other courts to determine legal custody.** Nothing  
2 contained in ss. 48.13, 48.133 and 48.14 deprives other courts of the right to  
3 determine the legal custody of children by habeas corpus or to determine the legal  
4 custody or guardianship of children if the legal custody or guardianship is incidental  
5 to the determination of causes pending in the other courts. But the jurisdiction of  
6 the court assigned to exercise jurisdiction under this chapter and ch. 938 is  
7 paramount in all cases involving children alleged to come within the provisions of ss.  
8 48.13 and 48.14 and unborn children and their expectant mothers alleged to come  
9 within the provisions of ss. 48.133 and 48.14 (5).

10           **SECTION 48.** 48.185 (1) of the statutes is amended to read:

11           48.185 (1) Subject to sub. (2), venue for any proceeding under ss. 48.13, 48.133,  
12 48.135 and 48.14 (1) to (9) may be in any of the following: the county where the child  
13 or the expectant mother of the unborn child resides, or the county where the child  
14 is or expectant mother is present or, in the case of a violation of a state law or a county,  
15 town or municipal ordinance, the county where the violation occurred. Venue for  
16 proceedings brought under subch. VIII is as provided in this subsection except where  
17 the child has been placed and is living outside the home of the child's parent pursuant  
18 to a dispositional order, in which case venue is as provided in sub. (2). Venue for a  
19 proceeding under s. 48.14 (10) is as provided in s. 801.50 (5s).

20           **SECTION 49.** 48.185 (2) of the statutes is amended to read:

21           48.185 (2) In an action under s. 48.41, venue shall be in the county where the  
22 birth parent or child resides at the time that the petition is filed. Venue for any  
23 proceeding under s. 48.363, 48.365 or 48.977, or any proceeding under subch. VIII  
24 when the child has been placed outside the home pursuant to a dispositional order  
25 under s. 48.345, shall be in the county where the dispositional order was issued,

**SENATE BILL 264**

1 unless the child's county of residence has changed, or the parent of the child or the  
2 expectant mother of the unborn child has resided in a different county of this state  
3 for 6 months. In either case, the court may, upon a motion and for good cause shown,  
4 transfer the case, along with all appropriate records, to the county of residence of the  
5 child ~~or~~, parent or expectant mother.

6 Subchapter IV (title) of chapter 48 [precedes 48.19] of the statutes is amended  
7 to read:

**CHAPTER 48**

## SUBCHAPTER IV

HOLDING A CHILD OR ANEXPECTANT MOTHER IN CUSTODY

12 **SECTION 50.** 48.19 (1) (c) of the statutes is amended to read:

13 48.19 (1) (c) An order of the judge if made upon a showing satisfactory to the  
14 judge that the welfare of the child demands that the child be immediately removed  
15 from his or her present custody. The order shall specify that the child be held in  
16 custody under s. 48.207 (1).

17 **SECTION 51.** 48.193 of the statutes is created to read:

18 **48.193 Taking an expectant mother into custody.** (1) The expectant  
19 mother of an unborn child may be taken into custody under any of the following:

20 (a) A warrant.

21 (b) A capias issued by a judge under s. 48.28.

22 (c) An order of the judge if made upon a showing satisfactory to the judge that  
23 due to the expectant mother's habitual lack of self-control in the use of alcohol  
24 beverages, controlled substances or controlled substance analogs, exhibited to a  
25 severe degree, there is a substantial risk that the physical health of the unborn child,

**SENATE BILL 264**

1 and of the child when born, will be seriously affected or endangered unless the  
2 expectant mother is taken into custody. The order shall specify that the expectant  
3 mother be held in custody under s. 48.207 (1m).

4 (d) Circumstances in which a law enforcement officer believes on reasonable  
5 grounds that any of the following conditions exists:

6 1. A capias or warrant for the apprehension of the expectant mother has been  
7 issued in this state or in another state.

8 2. There is a substantial risk that the physical health of the unborn child, and  
9 of the child when born, will be seriously affected or endangered due to the expectant  
10 mother's habitual lack of self-control in the use of alcohol beverages, controlled  
11 substances or controlled substance analogs, exhibited to a severe degree unless the  
12 expectant mother is taken into custody.

13 3. The expectant mother has violated the conditions of an order under s. 48.213  
14 (3) or the conditions of an order for temporary physical custody by an intake worker.

15 (2) When the expectant mother of an unborn child is taken into physical  
16 custody as provided in this section, the person taking the expectant mother into  
17 custody shall immediately attempt to notify an adult relative or friend of the  
18 expectant mother by the most practical means. The person taking the expectant  
19 mother into custody shall continue such attempt until an adult relative or friend is  
20 notified, or the expectant mother is delivered to an intake worker under s. 48.203 (2),  
21 whichever occurs first. If the expectant mother is delivered to the intake worker  
22 before an adult relative or friend is notified, the intake worker, or another person at  
23 his or her direction, shall continue the attempt to notify until an adult relative or  
24 friend of the expectant mother is notified.



**SENATE BILL 264**

1           **(3)** Taking into custody is not an arrest except for the purpose of determining  
2 whether the taking into custody or the obtaining of any evidence is lawful.

3           **SECTION 52.** 48.20 (title) of the statutes is amended to read:

4           **48.20 (title) Release or delivery of child from custody.**

5           **SECTION 53.** 48.20 (7) (b) of the statutes is amended to read:

6           **48.20 (7) (b)** The intake worker shall review the need to hold the child in  
7 custody and shall make every effort to release the child from custody as provided in  
8 par. (c). The intake worker shall base his or her decision as to whether to release the  
9 child or to continue to hold the child in custody on the criteria specified in s. 48.205  
10 (1) and criteria established under s. 48.06 (1) or (2).

11           **SECTION 54.** 48.203 of the statutes is created to read:

12           **48.203 Release or delivery of expectant mother from custody. (1)** A  
13 person taking the expectant mother of an unborn child into custody shall make every  
14 effort to release the expectant mother to an adult relative or friend of the expectant  
15 mother after counseling or warning the expectant mother as may be appropriate or,  
16 if an adult relative or friend is unavailable, unwilling or unable to accept the release  
17 of the expectant mother, the person taking the expectant mother into custody may  
18 release the expectant mother under the expectant mother's own supervision after  
19 counseling or warning the expectant mother as may be appropriate.

20           **(2)** If the expectant mother is not released under sub. (1), the person who took  
21 the expectant mother into custody shall arrange in a manner determined by the court  
22 and law enforcement agencies for the expectant mother to be interviewed by the  
23 intake worker under s. 48.067 (2), and shall make a statement in writing with  
24 supporting facts of the reasons why the expectant mother was taken into physical  
25 custody and shall give the expectant mother a copy of the statement in addition to

**SENATE BILL 264****SECTION 54**

1 giving a copy to the intake worker. When the intake interview is not done in person,  
2 the report may be read to the intake worker.

3 (3) If the unborn child or expectant mother is believed to be suffering from a  
4 serious physical condition which requires either prompt diagnosis or prompt  
5 treatment, the person taking the expectant mother into physical custody, the intake  
6 worker or other appropriate person shall deliver the expectant mother to a hospital,  
7 as defined in s. 50.33 (2) (a) and (c), or physician's office.

8 (4) If the expectant mother is believed to be mentally ill, drug dependent or  
9 developmentally disabled, and exhibits conduct which constitutes a substantial  
10 probability of physical harm to herself, others, the unborn child or the child when  
11 born, or a very substantial probability of physical impairment or injury to the  
12 expectant mother, unborn child or child when born exists due to the impaired  
13 judgment of the expectant mother, and the standards of s. 51.15 are met, the person  
14 taking the expectant mother into physical custody, the intake worker or other  
15 appropriate person shall proceed under s. 51.15.

16 (5) If the expectant mother is believed to be an intoxicated person who has  
17 threatened, attempted or inflicted physical harm on herself, on another or on the  
18 unborn child and is likely to inflict such physical harm unless committed, or is  
19 incapacitated by alcohol, the person taking the expectant mother into physical  
20 custody, the intake worker or other appropriate person shall proceed under s. 51.45  
21 (11).

22 (6) (a) When an expectant mother is interviewed by an intake worker, the  
23 intake worker shall inform the expectant mother of her right to counsel.

24 (b) The intake worker shall review the need to hold the expectant mother in  
25 custody and shall make every effort to release the expectant mother from custody as

**SENATE BILL 264**

1 provided in par. (c). The intake worker shall base his or her decision as to whether  
2 to release the expectant mother or to continue to hold the expectant mother in  
3 custody on the criteria specified in s. 48.205 (1m) and criteria established under s.  
4 48.06 (1) or (2).

5 (c) The intake worker may release the expectant mother to an adult relative  
6 or friend of the expectant mother after counseling or warning the expectant mother  
7 as may be appropriate or, if an adult relative or friend is unavailable, unwilling or  
8 unable to accept the release of the expectant mother, the intake worker may release  
9 the expectant mother under the expectant mother's own supervision after counseling  
10 or warning the expectant mother as may be appropriate.

11 (7) If an expectant mother is held in custody, the intake worker shall notify the  
12 expectant mother and unborn child, through its guardian ad litem, of the reasons for  
13 holding the expectant mother in custody, the time and place of the detention hearing  
14 required under s. 48.213, the nature and possible consequences of that hearing, and  
15 the right to present and cross-examine witnesses at the hearing.

16 **SECTION 55.** 48.205 (title) of the statutes is amended to read:

17 **48.205 (title) Criteria for holding a child or expectant mother in**  
18 **physical custody.**

19 **SECTION 56.** 48.205 (1) (intro.) of the statutes is amended to read:

20 48.205 (1) (intro.) A child may be held under s. 48.207 (1), 48.208 or 48.209 if  
21 the intake worker determines that there is probable cause to believe the child is  
22 within the jurisdiction of the court and:

23 **SECTION 57.** 48.205 (1m) of the statutes is created to read:

24 48.205 (1m) The expectant mother of an unborn child may be held under s.  
25 48.207 (1m) if the intake worker determines that there is probable cause to believe

**SENATE BILL 264**

1 that the expectant mother is within the jurisdiction of the court and to believe that  
2 if the expectant mother is not held, there is a substantial risk that the physical health  
3 of the unborn child, and of the child when born, will be seriously affected or  
4 endangered by the expectant mother's habitual lack of self-control in the use of  
5 alcohol beverages, controlled substances or controlled substance analogs, exhibited  
6 to a severe degree.

7 **SECTION 58.** 48.205 (2) of the statutes is amended to read:

8 48.205 (2) The criteria for holding a child or the expectant mother of an unborn  
9 child in custody specified in this section shall govern the decision of all persons  
10 responsible for determining whether the action is appropriate.

11 **SECTION 59.** 48.207 (title) of the statutes is amended to read:

12 **48.207 (title) Places where a child or expectant mother may be held in**  
13 **nonsecure custody.**

14 **SECTION 60.** 48.207 (1) (intro.) of the statutes is amended to read:

15 48.207 (1) (intro.) A child held in physical custody under s. 48.205 (1) may be  
16 held in any of the following places:

17 **SECTION 61.** 48.207 (1m) of the statutes is created to read:

18 48.207 (1m) The expectant mother of an unborn child held in physical custody  
19 under s. 48.205 (1m) may be held in any of the following places:

20 (a) The home of an adult relative or friend of the expectant mother.

21 (b) A hospital, as defined in s. 50.33 (2) (a) and (c), or a physician's office if the  
22 expectant mother is held under s. 48.203 (3).

23 (c) A place listed in s. 51.15 (2) if the expectant mother is held under s. 48.203  
24 (4).

**SENATE BILL 264**

1 (d) An approved public treatment facility for emergency treatment if the  
2 expectant mother is held under s. 48.203 (5).

3 **SECTION 62.** 48.207 (2) of the statutes is renumbered 48.207 (2) (a) and  
4 amended to read:

5 48.207 (2) (a) If a facility listed in sub. (1) (b) to (k) is used to hold ~~children~~ a  
6 child in custody, or if supervisory services of a home detention program are provided  
7 to ~~children~~ a child held under sub. (1) (a), ~~its~~ the authorized rate of the facility or  
8 home detention program shall be paid by the county for the care of the child. If no  
9 authorized rate has been established, a reasonable sum to be fixed by the court shall  
10 be paid by the county for the supervision or care of the child.

11 **SECTION 63.** 48.207 (2) (b) of the statutes is created to read:

12 48.207 (2) (b) If a facility listed in sub. (1m) (b) to (d) is used to hold an expectant  
13 mother of an unborn child in custody, or if supervisory services of a home detention  
14 program are provided to an expectant mother held under sub. (1m) (a), the  
15 authorized rate of the facility or home detention program shall be paid by the county  
16 for the care of the expectant mother. If no authorized rate has been established, a  
17 reasonable sum to be fixed by the court shall be paid by the county for the supervision  
18 or care of the expectant mother.

19 **SECTION 64.** 48.208 (4) of the statutes is amended to read:

20 48.208 (4) Probable cause exists to believe that the child, having been placed  
21 in nonsecure custody by an intake worker under s. 48.207 (1) or by the judge or  
22 juvenile court commissioner under s. 48.21 (4), has run away or committed a  
23 delinquent act and no other suitable alternative exists.

24 **SECTION 65.** 48.213 of the statutes is created to read:

**SENATE BILL 264****SECTION 65**

1           **48.213 Hearing for expectant mother in custody. (1)** HEARING; WHEN HELD.

2           (a) If an expectant mother of an unborn child who has been taken into custody is not  
3 released under s. 48.203, a hearing to determine whether the expectant mother shall  
4 continue to be held in custody under the criteria of s. 48.205 (1m) shall be conducted  
5 by the judge or juvenile court commissioner within 48 hours after the time that the  
6 decision to hold the expectant mother was made, excluding Saturdays, Sundays and  
7 legal holidays. By the time of the hearing a petition under s. 48.25 shall be filed,  
8 except that no petition need be filed when an expectant mother is taken into custody  
9 under s. 48.193 (1) (b) or (d) 1. or 3., in which case a written statement of the reasons  
10 for holding the expectant mother in custody shall be substituted if the petition is not  
11 filed. If no hearing has been held within those 48 hours, excluding Saturdays,  
12 Sundays and legal holidays, or if no petition or statement has been filed at the time  
13 of the hearing, the expectant mother shall be released except as provided in par. (b).

14           (b) If no petition has been filed by the time of the hearing, an expectant mother  
15 of an unborn child may be held in custody with the approval of the judge or juvenile  
16 court commissioner for an additional 72 hours after the time of the hearing,  
17 excluding Saturdays, Sundays and legal holidays, only if, as a result of the facts  
18 brought forth at the hearing, the judge or juvenile court commissioner determines  
19 that probable cause exists to believe that there is a substantial risk that if the  
20 expectant mother is not held, the physical health of the unborn child, and of the child  
21 when born, will be seriously affected or endangered by the expectant mother's  
22 habitual lack of self-control in the use of alcohol beverages, controlled substances or  
23 controlled substance analogs, exhibited to a severe degree. The extension may be  
24 granted only once for any petition. In the event of failure to file a petition within the

**SENATE BILL 264**

1 extension period provided for in this paragraph, the judge or juvenile court  
2 commissioner shall order the expectant mother's immediate release from custody.

3 **(2) PROCEEDINGS CONCERNING UNBORN CHILDREN IN NEED OF PROTECTION OR**  
4 **SERVICES AND THEIR EXPECTANT MOTHERS.** (a) Proceedings concerning an unborn child  
5 and its expectant mother who come within the jurisdiction of the court under s.  
6 48.133 shall be conducted according to this subsection.

7 (b) The expectant mother may waive the hearing under this section. After any  
8 waiver, a hearing shall be granted at the request of any interested party.

9 (c) A copy of the petition shall be given to the expectant mother, and to the  
10 unborn child, through its guardian ad litem, before the hearing begins. Prior notice  
11 of the hearing shall be given to the expectant mother and unborn child in accordance  
12 with s. 48.203 (7).

13 (d) Prior to the commencement of the hearing, the expectant mother and  
14 unborn child, through its guardian ad litem, shall be informed by the court of the  
15 allegations that have been made or may be made, the nature and possible  
16 consequences of this hearing as compared to possible future hearings, the right to  
17 confront and cross-examine witnesses and the right to present witnesses.

18 (e) If the expectant mother is not represented by counsel at the hearing and the  
19 expectant mother is continued in custody as a result of the hearing, the expectant  
20 mother may request through counsel subsequently appointed or retained or through  
21 a guardian ad litem that the order to hold the expectant mother in custody be  
22 reheard. If the request is made, a rehearing shall take place as soon as possible. Any  
23 order to hold the expectant mother in custody shall be subject to rehearing for good  
24 cause, whether or not counsel was present.

**SENATE BILL 264****SECTION 65**

1           **(3) CONTINUATION OF CUSTODY.** If the judge or juvenile court commissioner finds  
2 that the expectant mother should be continued in custody under the criteria of s.  
3 48.205 (1m), the judge or juvenile court commissioner shall enter one of the following  
4 orders:

5           (a) Release the expectant mother and impose reasonable restrictions on the  
6 expectant mother's travel, association with other persons or places of abode during  
7 the period of the order, including a condition requiring the expectant mother to  
8 return to other custody as requested; or subject the expectant mother to the  
9 supervision of an agency agreeing to supervise the expectant mother. Reasonable  
10 restrictions may be placed upon the conduct of the expectant mother which may be  
11 necessary to ensure the safety of the unborn child and of the child when born.

12           (b) Order the expectant mother to be held in an appropriate manner under s.  
13 48.207 (1m).

14           **(4) ORDERS IN WRITING.** All orders to hold an expectant mother of an unborn  
15 child in custody shall be in writing, listing the reasons and criteria forming the basis  
16 for the decision.

17           **(5) AMENDMENT OF ORDER.** An order under sub. (3) (a) imposing restrictions on  
18 an expectant mother of an unborn child may at any time be amended, with notice,  
19 so as to return the expectant mother to another form of custody for failure of the  
20 expectant mother to conform to the conditions originally imposed.

21           **(6) INFORMAL DISPOSITION.** If the judge or juvenile court commissioner  
22 determines that the best interests of the unborn child and the public are served, the  
23 judge or juvenile court commissioner may enter a consent decree under s. 48.32 or  
24 order the petition dismissed and refer the matter to the intake worker for informal  
25 disposition in accordance with s. 48.245.



**SENATE BILL 264**

1           **SECTION 66.** 48.23 (2m) of the statutes is created to read:

2           **48.23 (2m) RIGHT OF EXPECTANT MOTHER TO COUNSEL.** (a) When an unborn child  
3 is alleged to be in need of protection or services under s. 48.133, the expectant mother  
4 of the unborn child, if under 18 years of age, shall be represented by counsel and may  
5 not waive counsel.

6           (b) If a petition under s. 48.133 is contested, no expectant mother may be placed  
7 outside of her home unless the expectant mother is represented by counsel at the  
8 fact-finding hearing and subsequent proceedings. If the petition is not contested,  
9 the expectant mother may not be placed outside of her home unless the expectant  
10 mother is represented by counsel at the hearing at which the placement is made. An  
11 expectant mother 18 years of age or over, however, may waive counsel if the court is  
12 satisfied that the waiver is knowingly and voluntarily made and the court may place  
13 the expectant mother outside of her home even though the expectant mother was not  
14 represented by counsel.

15           **SECTION 67.** 48.23 (4) of the statutes is amended to read:

16           **48.23 (4) PROVIDING COUNSEL.** In any situation under this section in which a  
17 person has a right to be represented by counsel or is provided counsel at the  
18 discretion of the court and counsel is not knowingly and voluntarily waived, the court  
19 shall refer the person to the state public defender and counsel shall be appointed by  
20 the state public defender under s. 977.08 without a determination of indigency. If the  
21 referral is of a person who has filed a petition under s. 48.375 (7), the state public  
22 defender shall appoint counsel within 24 hours after that referral. Any counsel  
23 appointed in a petition filed under s. 48.375 (7) shall continue to represent the child  
24 in any appeal brought under s. 809.105 unless the child requests substitution of  
25 counsel or extenuating circumstances make it impossible for counsel to continue to

**SENATE BILL 264**

1 represent the child. In any situation under sub. (2) or (2m) in which a parent or  
2 expectant mother 18 years of age or older is entitled to representation by counsel;  
3 counsel is not knowingly and voluntarily waived; and it appears that the parent is  
4 unable to afford counsel in full, or the parent so indicates; the court shall refer the  
5 parent to the authority for indigency determinations specified under s. 977.07 (1).  
6 In any other situation under this section in which a person has a right to be  
7 represented by counsel or is provided counsel at the discretion of the court,  
8 competent and independent counsel shall be provided and reimbursed in any  
9 manner suitable to the court regardless of the person's ability to pay, except that the  
10 court may not order a person who files a petition under s. 813.122 or 813.125 to  
11 reimburse counsel for the child who is named as the respondent in that petition.

12 **SECTION 68.** 48.235 (1) (f) of the statutes is created to read:

13 48.235 (1) (f) The court shall appoint a guardian ad litem, or extend the  
14 appointment of a guardian ad litem previously appointed under par. (a), for any  
15 unborn child alleged or found to be in need of protection or services.

16 **SECTION 69.** 48.235 (3) of the statutes is amended to read:

17 48.235 (3) DUTIES AND RESPONSIBILITIES. (a) The guardian ad litem shall be an  
18 advocate for the best interests of the person or unborn child for whom the  
19 appointment is made. The guardian ad litem shall function independently, in the  
20 same manner as an attorney for a party to the action, and shall consider, but shall  
21 not be bound by, the wishes of ~~such~~ that person or the positions of others as to the  
22 best interests of ~~such~~ that person or unborn child. If the guardian ad litem  
23 determines that the best interests of the person are substantially inconsistent with  
24 the wishes of ~~such~~ that person, the guardian ad litem shall so inform the court and

**SENATE BILL 264**

1 the court may appoint counsel to represent that person. The guardian ad litem has  
2 none of the rights or duties of a general guardian.

3 (b) In addition to any other duties and responsibilities required of a guardian  
4 ad litem, a guardian ad litem appointed for a child who is the subject of a proceeding  
5 under s. 48.13 or for an unborn child who is the subject of a proceeding under s. 48.133  
6 shall do all of the following:

7 1. Unless granted leave by the court not to do so, personally, or through a  
8 trained designee, meet with the child or expectant mother of the unborn child, assess  
9 the appropriateness and safety of the ~~child's~~ environment of the child or unborn child  
10 and, if the child is old enough to communicate, interview the child and determine the  
11 child's goals and concerns regarding his or her placement.

12 2. Make clear and specific recommendations to the court concerning the best  
13 interest of the child or unborn child at every stage of the proceeding.

14 **SECTION 70.** 48.235 (4m) of the statutes is created to read:

15 48.235 (4m) MATTERS INVOLVING UNBORN CHILD IN NEED OF PROTECTION OR  
16 SERVICES. (a) In any matter involving an unborn child found to be in need of  
17 protection or services, the guardian ad litem may, if reappointed or if the  
18 appointment is continued under sub. (7), do any of the following:

- 19 1. Petition for a change in placement under s. 48.357.  
20 2. Petition for a commitment under ch. 51 or 55 as specified under s. 48.14 (5).  
21 3. Petition for revision of dispositional orders under s. 48.363.  
22 4. Petition for extension of dispositional orders under s. 48.365.  
23 5. Perform any other duties consistent with this chapter.

**SENATE BILL 264****SECTION 70**

1 (b) The court shall order the agency identified under s. 48.355 (2) (b) 1. as  
2 primarily responsible for the provision of services to notify the guardian ad litem, if  
3 any, regarding actions to be taken under par. (a).

4 **SECTION 71.** 48.235 (6) of the statutes is amended to read:

5 48.235 (6) COMMUNICATION TO A JURY. In jury trials under this chapter, the  
6 guardian ad litem or the court may tell the jury that the guardian ad litem represents  
7 the interests of the person or unborn child for whom the guardian ad litem was  
8 appointed.

9 **SECTION 72.** 48.24 (1) of the statutes is amended to read:

10 48.24 (1) Information indicating that a child or an unborn child should be  
11 referred to the court as in need of protection or services shall be referred to the intake  
12 worker, who shall conduct an intake inquiry on behalf of the court to determine  
13 whether the available facts establish prima facie jurisdiction and to determine the  
14 best interests of the child or unborn child and of the public with regard to any action  
15 to be taken.

16 **SECTION 73.** 48.24 (1m) of the statutes is amended to read:

17 48.24 (1m) As part of the intake inquiry, the intake worker shall inform the  
18 child and the child's parent, guardian and legal custodian that they, or the expectant  
19 mother of an unborn child that she, may request counseling from a person designated  
20 by the court to provide dispositional services under s. 48.069.

21 **SECTION 74.** 48.24 (2) (a) of the statutes is amended to read:

22 48.24 (2) (a) As part of the intake inquiry the intake worker may conduct  
23 multidisciplinary screens and intake conferences with notice to the child, parent,  
24 guardian and legal custodian or to the expectant mother of the unborn child. If sub.

**SENATE BILL 264**

1 (2m) applies, the intake worker shall conduct a multidisciplinary screen under s.  
2 48.547 if the child or expectant mother has not refused to participate under par. (b).

3 **SECTION 75.** 48.24 (2m) (a) 6. of the statutes is created to read:

4 48.24 **(2m)** (a) 6. Any expectant mother of an unborn child who requests and  
5 consents to a multidisciplinary screen.

6 **SECTION 76.** 48.24 (3) of the statutes is amended to read:

7 48.24 **(3)** If the intake worker determines as a result of the intake inquiry that  
8 the child or unborn child should be referred to the court, the intake worker shall  
9 request that the district attorney, corporation counsel or other official specified in s.  
10 48.09 file a petition.

11 **SECTION 77.** 48.24 (5) of the statutes is amended to read:

12 48.24 **(5)** The intake worker shall request that a petition be filed, enter into an  
13 informal disposition or close the case within 40 days or sooner of receipt of referral  
14 information. If the case is closed or an informal disposition is entered into, the  
15 district attorney, corporation counsel or other official under s. 48.09 shall receive  
16 written notice of such action. If a law enforcement officer has made a  
17 recommendation concerning the child or the unborn child, the intake worker shall  
18 forward this recommendation to the district attorney, corporation counsel or other  
19 official under s. 48.09. With respect to petitioning a child or unborn child to be in need  
20 of protection or services, information received more than 40 days before filing the  
21 petition may be included to establish a condition or pattern which, together with  
22 information received within the 40-day period, provides a basis for conferring  
23 jurisdiction on the court. The judge shall dismiss with prejudice any such petition  
24 which is not referred or filed within the time limits specified within this subsection.

**SENATE BILL 264****SECTION 78**

1           **SECTION 78.** 48.243 (1) (intro.), (a), (b), (c), (d), (e), (f) and (g) of the statutes are  
2 amended to read:

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

8           (a) What allegations could be in the petition;\_

9           (b) The nature and possible consequences of the proceedings;\_

10           (c) The right to remain silent and the fact that silence of any party may be  
11 relevant;\_

12           (d) The right to confront and cross-examine those appearing against them;\_

13           (e) The right of ~~the child~~ to counsel under s. 48.23;\_

14           (f) The right to present and subpoena witnesses;\_

15           (g) The right to a jury trial; and\_

16           **SECTION 79.** 48.243 (2) of the statutes is renumbered 48.243 (4) and amended  
17 to read:

18           48.243 (4) This section does not apply if the child or expectant mother was  
19 present at a hearing under s. 48.21 or 48.213.

20           **SECTION 80.** 48.243 (3) of the statutes is amended to read:

21           48.243 (3) If the child or expectant mother has not had a hearing under s. 48.21  
22 or 48.213 and was not present at an intake conference under s. 48.24, the intake  
23 worker shall inform the child, parent, guardian and legal custodian, or expectant  
24 mother, as appropriate ~~of~~, of the basic rights provided under this section. ~~This~~ The  
25 notice shall be given verbally, either in person or by telephone, and in writing. This

**SENATE BILL 264**

1 notice shall be given so as to allow the child, parent, guardian or, legal custodian or  
2 expectant mother sufficient time to prepare for the plea hearing. This subsection  
3 does not apply to cases of informal disposition under s. 48.245.

4 **SECTION 81.** 48.245 (1) of the statutes is amended to read:

5 48.245 (1) The intake worker may enter into a written agreement with all  
6 parties which imposes informal disposition under this section if the intake worker  
7 has determined that neither the interests of the child or unborn child nor of the public  
8 require filing of a petition for circumstances relating to ss. 48.13 to 48.14. Informal  
9 disposition shall be available only if the facts persuade the intake worker that the  
10 jurisdiction of the court, if sought, would exist and upon consent of the child, parent,  
11 guardian and legal custodian or upon consent of the expectant mother and unborn  
12 child, by its guardian ad litem.

13 **SECTION 82.** 48.245 (2) (a) 1. of the statutes is amended to read:

14 48.245 (2) (a) 1. That the child appear with a parent, guardian or legal  
15 custodian for counseling and advice or that the expectant mother appear for  
16 counseling and advice.

17 **SECTION 83.** 48.245 (2) (a) 2. of the statutes is amended to read:

18 48.245 (2) (a) 2. That the child and a parent, guardian and legal custodian abide  
19 by such obligations as will tend to ensure the ~~child's~~ rehabilitation, protection or care  
20 of the child or that the expectant mother abide by such obligations as will tend to  
21 ensure the protection or care of the unborn child and the rehabilitation of the  
22 expectant mother.

23 **SECTION 84.** 48.245 (2) (a) 3. of the statutes is amended to read:

24 48.245 (2) (a) 3. That the child or expectant mother submit to an alcohol and  
25 other drug abuse assessment that conforms to the criteria specified under s. 48.547

**SENATE BILL 264**

1 (4) and that is conducted by an approved treatment facility for an examination of the  
2 child's use of alcohol beverages, controlled substances or controlled substance  
3 analogs by the child or expectant mother and any medical, personal, family or social  
4 effects caused by its use, if the multidisciplinary screen conducted under s. 48.24 (2)  
5 shows that the child or expectant mother is at risk of having needs and problems  
6 related to the use of alcohol beverages, controlled substances or controlled substance  
7 analogs and its medical, personal, family or social effects.

8 **SECTION 85.** 48.245 (2) (a) 4. of the statutes is amended to read:

9 48.245 (2) (a) 4. That the child or expectant mother participate in an alcohol  
10 and other drug abuse outpatient treatment program or an education program  
11 relating to the abuse of alcohol beverages, controlled substances or controlled  
12 substance analogs, if an alcohol and other drug abuse assessment conducted under  
13 subd. 3. recommends outpatient treatment or education.

14 **SECTION 86.** 48.245 (2) (c) of the statutes is amended to read:

15 48.245 (2) (c) If the informal disposition provides for alcohol and other drug  
16 abuse outpatient treatment under par. (a) 4., the child and the child's parent,  
17 guardian or legal custodian, or the expectant mother, shall execute an informed  
18 consent form that indicates that they are, or that she is, voluntarily and knowingly  
19 entering into an informal disposition agreement for the provision of alcohol and other  
20 drug abuse outpatient treatment.

21 **SECTION 87.** 48.245 (2r) of the statutes is amended to read:

22 48.245 (2r) If an informal disposition is based on allegations that a child or an  
23 unborn child, is in need of protection or services, the intake worker may, after giving  
24 written notice to the child and the child's parent, guardian and legal custodian and  
25 their counsel, if any, or after giving notice to the unborn child by its guardian ad litem



**SENATE BILL 264**

1 and to the expectant mother and her counsel, if any, extend the informal disposition  
2 for up to an additional 6 months unless the child or the child's parent, guardian or  
3 legal custodian, or the expectant mother or the unborn child by its guardian ad litem,  
4 objects to the extension. If the child or the child's parent, guardian or legal custodian,  
5 or the expectant mother or the unborn child by its guardian ad litem, objects to the  
6 extension, the intake worker may recommend to the district attorney or corporation  
7 counsel that a petition be filed under s. 48.13 or 48.133. An extension under this  
8 subsection may be granted only once for any informal disposition.

9 **SECTION 88.** 48.245 (3) of the statutes is amended to read:

10 48.245 (3) The obligations imposed under an informal disposition and its  
11 effective date shall be set forth in writing. The child and a parent, guardian and legal  
12 custodian, or the expectant mother and the unborn child by its guardian ad litem,  
13 shall receive a copy, as shall any agency providing services under the agreement.

14 **SECTION 89.** 48.245 (4) of the statutes is amended to read:

15 48.245 (4) The intake worker shall inform the child and the child's parent,  
16 guardian and legal custodian, or the expectant mother and the unborn child by its  
17 guardian ad litem, in writing of their right to terminate the informal disposition at  
18 any time or object at any time to the fact or terms of the informal disposition. If an  
19 objection arises the intake worker may alter the terms of the agreement or  
20 recommend to the district attorney or corporation counsel that a petition be filed. If  
21 the informal disposition is terminated the intake worker may recommend to the  
22 district attorney or corporation counsel that a petition be filed.

23 **SECTION 90.** 48.245 (5) of the statutes is amended to read:

**SENATE BILL 264****SECTION 90**

1           48.245 (5) Informal disposition shall be terminated upon the request of the  
2 child, parent, guardian or legal custodian or upon the request of the expectant  
3 mother or the unborn child by its guardian ad litem.

4           **SECTION 91.** 48.245 (8) of the statutes is amended to read:

5           48.245 (8) If the obligations imposed under the informal disposition are met,  
6 the intake worker shall so inform the child and a parent, guardian and legal  
7 custodian, or the expectant mother and the unborn child by its guardian ad litem,  
8 in writing, and no petition may be filed on the charges that brought about the  
9 informal disposition nor may the charges be the sole basis for a petition under ss.  
10 48.13 to 48.14.

11           **SECTION 92.** 48.25 (1) of the statutes is amended to read:

12           48.25 (1) A petition initiating proceedings under this chapter shall be signed  
13 by a person who has knowledge of the facts alleged or is informed of them and  
14 believes them to be true. The district attorney, corporation counsel or other  
15 appropriate official specified under s. 48.09 may file the petition if the proceeding is  
16 under s. 48.13 or 48.133. The counsel or guardian ad litem for a parent, relative,  
17 guardian or child may file a petition under s. 48.13 or 48.14. The counsel or guardian  
18 ad litem for an expectant mother or the guardian ad litem for an unborn child may  
19 file a petition under s. 48.133. The district attorney, corporation counsel or other  
20 appropriate person designated by the court may initiate proceedings under s. 48.14  
21 in a manner specified by the court.

22           **SECTION 93.** 48.25 (2) of the statutes is amended to read:

23           48.25 (2) If the proceeding is brought under s. 48.13 or 48.133, the district  
24 attorney, corporation counsel or other appropriate official shall file the petition, close  
25 the case, or refer the case back to intake within 20 days after the date that the intake

**SENATE BILL 264**

1 worker's recommendation was filed. A referral back to intake may be made only  
2 when the district attorney, corporation counsel or other appropriate official decides  
3 not to file a petition or determines that further investigation is necessary. If the case  
4 is referred back to intake upon a decision not to file a petition, the intake worker shall  
5 close the case or enter into an informal disposition within 20 days. If the case is  
6 referred back to intake for further investigation, the appropriate agency or person  
7 shall complete the investigation within 20 days. If another referral is made to the  
8 district attorney, corporation counsel or other appropriate official, it shall be  
9 considered a new referral to which the time limits of this subsection shall apply. The  
10 time limits in this subsection may only be extended by a judge upon a showing of good  
11 cause under s. 48.315. If a petition is not filed within the time limitations set forth  
12 in this subsection and the court has not granted an extension, the petition shall be  
13 accompanied by a statement of reasons for the delay. The court shall dismiss with  
14 prejudice a petition which was not timely filed unless the court finds at the plea  
15 hearing that good cause has been shown for failure to meet the time limitations.

16 **SECTION 94.** 48.255 (1) (intro.) of the statutes is amended to read:

17 48.255 (1) (intro.) A petition initiating proceedings under this chapter, other  
18 than a petition under s. 48.133, shall be entitled, "In the interest of (child's name),  
19 a person under the age of 18" and shall set forth with specificity:

20 **SECTION 95.** 48.255 (1m) of the statutes is created to read:

21 48.255 (1m) A petition initiating proceedings under s. 48.133 shall be entitled  
22 "In the interest of (J. Doe), an unborn child, and (expectant mother's name), its  
23 expectant mother" and shall set forth with specificity:

**SENATE BILL 264****SECTION 95**

1 (a) The estimated gestational age of the unborn child and a statement that the  
2 unborn child is at that stage of fetal development when there is a reasonable  
3 likelihood of sustained survival outside the womb, with or without artificial support.

4 (b) The name and address of the expectant mother.

5 (c) Whether the expectant mother is in custody and, if so, the place where the  
6 expectant mother is being held and the time when the expectant mother was taken  
7 into custody unless there is reasonable cause to believe that disclosure of that  
8 information would result in imminent danger to the unborn child, expectant mother  
9 or physical custodian.

10 (d) Reliable and credible information which forms the basis of the allegations  
11 necessary to invoke the jurisdiction of the court under s. 48.133 and to provide  
12 reasonable notice of the conduct or circumstances to be considered by the court,  
13 together with a statement that the unborn child is in need of protection or care and  
14 that the expectant mother is in need of supervision, services, care or rehabilitation.

15 **SECTION 96.** 48.255 (2) of the statutes is amended to read:

16 48.255 (2) If any of the facts ~~is~~ required under sub. (1) (a) to (cm) or (1m) (a)  
17 to (c) are not known or cannot be ascertained by the petitioner, the petition shall so  
18 state.

19 **SECTION 97.** 48.255 (3) of the statutes is amended to read:

20 48.255 (3) If the information required under sub. (1) (e) or (1m) (d) is not stated  
21 the petition shall be dismissed or amended under s. 48.263 (2).

22 **SECTION 98.** 48.255 (4) of the statutes is amended to read:

23 48.255 (4) A copy of ~~the~~ a petition under sub. (1) shall be given to the child if  
24 the child is 12 years of age or older and to the parents, guardian, legal custodian and  
25 physical custodian. A copy of a petition under sub. (1m) shall be given to the

**SENATE BILL 264**

1 expectant mother, to the unborn child through its guardian ad litem and to the  
2 physical custodian of the expectant mother, if any.

3 **SECTION 99.** 48.263 (1) of the statutes is amended to read:

4 48.263 (1) Except as provided in s. 48.255 (3), no petition, process or other  
5 proceeding may be dismissed or reversed for any error or mistake if the case and the  
6 identity of the child or expectant mother named in the petition may be readily  
7 understood by the court; and the court may order an amendment curing the defects.

8 **SECTION 100.** 48.263 (2) of the statutes is amended to read:

9 48.263 (2) With reasonable notification to the interested parties and prior to  
10 the taking of a plea under s. 48.30, the petition may be amended at the discretion of  
11 the court or person who filed the petition. After the taking of a plea, ~~if the child is~~  
12 ~~alleged to be in need of protection or services,~~ the petition may be amended provided  
13 any objecting party is allowed a continuance for a reasonable time.

14 **SECTION 101.** 48.27 (1) of the statutes is renumbered 48.27 (1) (a) and amended  
15 to read:

16 48.27 (1) (a) After a petition has been filed relating to facts concerning a  
17 situation specified under ~~ss. s.~~ 48.13, unless the parties under sub. (3) voluntarily  
18 appear, the court may issue a summons requiring the person who has legal custody  
19 of the child to appear personally, and, if the court so orders, to bring the child before  
20 the court at a time and place stated.

21 **SECTION 102.** 48.27 (1) (b) of the statutes is created to read:

22 48.27 (1) (b) After a petition has been filed relating to facts concerning a  
23 situation specified under s. 48.133, unless the expectant mother voluntarily appears,  
24 the court may issue a summons requiring the expectant mother to appear personally  
25 before the court at a time and place stated.

**SENATE BILL 264**

1           **SECTION 103.** 48.27 (3) (a) 1. of the statutes is amended to read:

2           48.27 (3) (a) 1. The If the petition that was filed relates to facts concerning a  
3 situation under s. 48.13, the court shall also notify, under s. 48.273, the child, any  
4 parent, guardian and legal custodian of the child, any foster parent, treatment foster  
5 parent or other physical custodian described in s. 48.62 (2) of the child and any person  
6 specified in par. (b), if applicable, of all hearings involving the child except hearings  
7 on motions for which notice need only be provided to the child and his or her counsel.  
8 ~~Where~~ When parents who are entitled to notice have the same place of residence,  
9 notice to one shall constitute notice to the other. The first notice to any interested  
10 party, foster parent, treatment foster parent or other physical custodian described  
11 in s. 48.62 (2) shall be written and may have a copy of the petition attached to it.  
12 Thereafter, notice of hearings may be given by telephone at least 72 hours before the  
13 time of the hearing. The person giving telephone notice shall place in the case file  
14 a signed statement of the time notice was given and the person to whom he or she  
15 spoke.

16           **SECTION 104.** 48.27 (3) (c) of the statutes is created to read:

17           48.27 (3) (c) If the petition that was filed relates to facts concerning a situation  
18 under s. 48.133, the court shall notify, under s. 48.273, the unborn child by its  
19 guardian ad litem, the expectant mother and the physical custodian of the expectant  
20 mother, if any, of all hearings involving the unborn child and expectant mother  
21 except hearings on motions for which notice need only be provided to the expectant  
22 mother and her counsel and unborn child through its guardian ad litem. The first  
23 notice to any interested party shall be written and may have a copy of the petition  
24 attached to it. Thereafter, notice of hearings may be given by telephone at least 72  
25 hours before the time of the hearing. The person giving telephone notice shall place

**SENATE BILL 264**

1 in the case file a signed statement of the time notice was given and the person to  
2 whom he or she spoke.

3 **SECTION 105.** 48.27 (4) (intro.) of the statutes is renumbered 48.27 (4) (a)  
4 (intro.) and amended to read:

5 48.27 (4) (a) (intro.) The A notice under sub. (3) (a) or (b) shall:

6 **SECTION 106.** 48.27 (4) (b) of the statutes is created to read:

7 48.27 (4) (b) A notice under sub. (3) (c) shall:

8 (a) Contain the name of the expectant mother, and the nature, location, date  
9 and time of the hearing.

10 (b) Advise the expectant mother of her right to legal counsel regardless of  
11 ability to pay.

12 **SECTION 107.** 48.275 (1) of the statutes is amended to read:

13 48.275 (1) If the court finds a child to be in need of protection or services under  
14 s. 48.13 or an unborn child to be in need of protection or services under s. 48.133, the  
15 court shall order the parents parent of the child or the expectant mother of the  
16 unborn child to contribute toward the expense of post-adjudication services to the  
17 child or expectant mother the proportion of the total amount which the court finds  
18 the parents are parent or expectant mother is able to pay.

19 **SECTION 108.** 48.275 (2) (a) of the statutes is amended to read:

20 48.275 (2) (a) If this state or a county provides legal counsel to a child who is  
21 subject to a proceeding under s. 48.13 or to an expectant mother who is subject to a  
22 proceeding under s. 48.133, the court shall order the child's parent or the expectant  
23 mother to reimburse the state or county in accordance with par. (b) or (c). The court  
24 may not order reimbursement if a parent is the complaining or petitioning party or  
25 if the court finds that the interests of the parent and the interests of the child in the

**SENATE BILL 264**

1 proceeding are substantially and directly adverse and that reimbursement would be  
2 unfair to the parent. The court may not order reimbursement until the completion  
3 of the proceeding or until the state or county is no longer providing the child or  
4 expectant mother with legal counsel in the proceeding.

5 **SECTION 109.** 48.275 (2) (b) of the statutes is amended to read:

6 48.275 (2) (b) If this state provides the child or expectant mother with legal  
7 counsel and the court orders reimbursement under par. (a), the child's parent or the  
8 expectant mother may request the state public defender to determine whether the  
9 parent or expectant mother is indigent as provided under s. 977.07 and to determine  
10 the amount of reimbursement. If the parent or expectant mother is found not to be  
11 indigent, the amount of reimbursement shall be the maximum amount established  
12 by the public defender board. If the parent or expectant mother is found to be  
13 indigent in part, the amount of reimbursement shall be the amount of partial  
14 payment determined in accordance with the rules of the public defender board under  
15 s. 977.02 (3).

16 **SECTION 110.** 48.275 (2) (c) of the statutes is amended to read:

17 48.275 (2) (c) If the county provides the child or expectant mother with legal  
18 counsel and the court orders reimbursement under par. (a), the court shall either  
19 make a determination of indigency or shall appoint the county department to make  
20 the determination. If the court or the county department finds that the parent or  
21 expectant mother is not indigent or is indigent in part, the court shall establish the  
22 amount of reimbursement and shall order the parent or expectant mother to pay it.

23 **SECTION 111.** 48.275 (2) (cg) (intro.) of the statutes is amended to read:

24 48.275 (2) (cg) (intro.) The court shall, upon motion by a parent or expectant  
25 mother, hold a hearing to review any of the following:



**SENATE BILL 264**

1           **SECTION 112.** 48.29 (1) of the statutes is amended to read:

2           48.29 (1) The child, ~~or~~ the child's parent, guardian or legal custodian, the  
3 expectant mother or the unborn child by its guardian ad litem, either before or during  
4 the plea hearing, may file a written request with the clerk of the court or other person  
5 acting as the clerk for a substitution of the judge assigned to the proceeding. Upon  
6 filing the written request, the filing party shall immediately mail or deliver a copy  
7 of the request to the judge named therein. ~~Whenever~~ in the request. ~~When~~ any  
8 person has the right to request a substitution of judge, that person's counsel or  
9 guardian ad litem may file the request. Not more than one such written request may  
10 be filed in any one proceeding, nor may any single request name more than one judge.  
11 This section ~~shall~~ does not apply to proceedings under s. 48.21.

12           **SECTION 113.** 48.293 (2) of the statutes is amended to read:

13           48.293 (2) All records relating to a child, or to an unborn child and its expectant  
14 mother, which are relevant to the subject matter of a proceeding under this chapter  
15 shall be open to inspection by a guardian ad litem or counsel for any party, upon  
16 demand and upon presentation of releases ~~where~~ when necessary, at least 48 hours  
17 before the proceeding. Persons and unborn children, by their guardians ad litem,  
18 entitled to inspect the records may obtain copies of the records with the permission  
19 of the custodian of the records or with permission of the court. The court may instruct  
20 counsel not to disclose specified items in the materials to the child or the parent, or  
21 to the expectant mother, if the court reasonably believes that the disclosure would  
22 be harmful to the interests of the child or the unborn child.

23           **SECTION 114.** 48.293 (3) of the statutes is amended to read:

24           48.293 (3) Upon request prior to the fact-finding hearing, counsel for the  
25 interests of the public shall disclose to the child, ~~child's~~ through his or her counsel

**SENATE BILL 264**

1 or guardian ad litem, or to the unborn child, through its guardian ad litem, the  
2 existence of any videotaped oral statement of a child under s. 908.08 which is within  
3 the possession, custody or control of the state and shall make reasonable  
4 arrangements for the requesting person to view the videotaped oral statement. If,  
5 subsequent to compliance with this subsection, the state obtains possession, custody  
6 or control of such a videotaped statement, counsel for the interests of the public shall  
7 promptly notify the requesting person of that fact and make reasonable  
8 arrangements for the requesting person to view the videotaped oral statement.

9 **SECTION 115.** 48.295 (1) of the statutes is amended to read:

10 48.295 (1) After the filing of a petition and upon a finding by the court that  
11 reasonable cause exists to warrant an examination or an alcohol and other drug  
12 abuse assessment that conforms to the criteria specified under s. 48.547 (4), the court  
13 may order any child coming within its jurisdiction to be examined as an outpatient  
14 by personnel in an approved treatment facility for alcohol and other drug abuse, by  
15 a physician, psychiatrist or licensed psychologist, or by another expert appointed by  
16 the court holding at least a master's degree in social work or another related field of  
17 child development, in order that the child's physical, psychological, alcohol or other  
18 drug dependency, mental or developmental condition may be considered. The court  
19 may also order an examination or an alcohol and other drug abuse assessment that  
20 conforms to the criteria specified under s. 48.547 (4) of a parent, guardian or legal  
21 custodian whose ability to care for a child is at issue before the court or of an  
22 expectant mother whose ability to control her use of alcohol beverages, controlled  
23 substances or controlled substance analogs is at issue before the court. The court  
24 shall hear any objections by the child, the child's parents, guardian or legal custodian  
25 or the expectant mother to the request for such an examination or assessment before

**SENATE BILL 264**

1 ordering the examination or assessment. The expenses of an examination, if  
2 approved by the court, shall be paid by the county of the court ordering the  
3 examination. The payment for an alcohol and other drug abuse assessment shall be  
4 in accordance with s. 48.361.

5 **SECTION 116.** 48.295 (1c) of the statutes is amended to read:

6 48.295 (1c) Reasonable cause is considered to exist to warrant an alcohol and  
7 other drug abuse assessment under sub. (1) if the multidisciplinary screen procedure  
8 conducted under s. 48.24 (2) indicates that the child or expectant mother is at risk  
9 of having needs and problems related to alcohol or other drug abuse.

10 **SECTION 117.** 48.295 (1g) of the statutes is amended to read:

11 48.295 (1g) If the court orders an alcohol or other drug abuse assessment under  
12 sub. (1), the approved treatment facility shall, within 14 days after the court order,  
13 report the results of the assessment to the court, except that, upon request by the  
14 approved treatment facility and if the child or expectant mother is not held in secure  
15 or nonsecure custody, the court may extend the period for assessment for not more  
16 than 20 additional working days. The report shall include a recommendation as to  
17 whether the child or expectant mother is in need of treatment for abuse of alcohol  
18 beverages, controlled substances or controlled substance analogs or education  
19 relating to the use of alcohol beverages, controlled substances and controlled  
20 substance analogs and, if so, shall recommend a service plan and an appropriate  
21 treatment, from an approved treatment facility, or a court-approved education  
22 program.

23 **SECTION 118.** 48.295 (2) of the statutes is amended to read:

24 48.295 (2) The examiner shall file a report of the examination with the court  
25 by the date specified in the order. The court shall cause copies to be transmitted to

**SENATE BILL 264**

1 the district attorney or corporation counsel and to ~~the child's counsel~~ or guardian ad  
2 litem for the child or to counsel or guardian ad litem for the unborn child and its  
3 expectant mother. The report shall describe the nature of the examination and  
4 identify the persons interviewed, the particular records reviewed and any tests  
5 administered to the child or expectant mother. The report shall also state in  
6 reasonable detail the facts and reasoning upon which the examiner's opinions are  
7 based.

8 **SECTION 119.** 48.295 (3) of the statutes is amended to read:

9 48.295 (3) If the child ~~or a~~, the child's parent or the expectant mother objects  
10 to a particular physician, psychiatrist, licensed psychologist or other expert as  
11 required under this section, the court shall appoint a different physician,  
12 psychiatrist, psychologist or other expert as required under this section.

13 **SECTION 120.** 48.297 (4) of the statutes is amended to read:

14 48.297 (4) Although the taking of a child or an expectant mother of an unborn  
15 child into custody is not an arrest, it that taking into custody shall be considered an  
16 arrest for the purpose of deciding motions which require a decision about the  
17 propriety of taking into custody, including ~~but not limited to~~ motions to suppress  
18 evidence as illegally seized, motions to suppress statements as illegally obtained and  
19 motions challenging the lawfulness of the taking into custody.

20 **SECTION 121.** 48.297 (5) of the statutes is amended to read:

21 48.297 (5) If the child or the expectant mother of an unborn child is in custody  
22 and the court grants a motion to dismiss based ~~upon~~ on a defect in the petition or in  
23 the institution of the proceedings, the court may order the child or expectant mother  
24 to be continued in custody for not more than 48 hours pending the filing of a new  
25 petition.

**SENATE BILL 264**

1           **SECTION 122.** 48.297 (6) of the statutes is amended to read:

2           48.297 (6) A motion required to be served on a child may be served ~~upon~~ on his  
3 or her attorney of record. A motion required to be served on an unborn child may be  
4 served on its guardian ad litem.

5           **SECTION 123.** 48.299 (1) (a) of the statutes is amended to read:

6           48.299 (1) (a) The general public shall be excluded from hearings under this  
7 chapter and from hearings by courts exercising jurisdiction under s. 48.16 unless a  
8 public fact-finding hearing is demanded by a child through his or her counsel, by an  
9 expectant mother through her counsel or by an unborn child through its guardian  
10 ad litem. However, the court shall refuse to grant the public hearing in a proceeding  
11 other than a proceeding under s. 48.375 (7), if a parent ~~or~~, guardian, expectant  
12 mother or unborn child through its guardian ad litem objects.

13           **SECTION 124.** 48.299 (1) (ag) of the statutes is amended to read:

14           48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if  
15 a public hearing is not held, only the parties and their counsel or guardian ad litem,  
16 if any, the child's foster parent, treatment foster parent or other physical custodian  
17 described in s. 48.62 (2), witnesses and other persons requested by a party and  
18 approved by the court may be present, except that the court may exclude a foster  
19 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)  
20 from any portion of the hearing if that portion of the hearing deals with sensitive  
21 personal information of the child or the child's family or if the court determines that  
22 excluding the foster parent, treatment foster parent or other physical custodian  
23 would be in the best interests of the child. Except in a proceeding under s. 48.375  
24 (7), any other person the court finds to have a proper interest in the case or in the  
25 work of the court, including a member of the bar, may be admitted by the court.

**SENATE BILL 264**

1           **SECTION 125.** 48.299 (1) (b) of the statutes is amended to read:

2           48.299 (1) (b) Except as provided in ss. 48.375 (7) (e) and 48.396, any person  
3 who divulges any information which would identify the child, the expectant mother  
4 or the family involved in any proceeding under this chapter shall be subject to ch.  
5 785. ~~This paragraph does not preclude a victim of the child's act from commencing~~  
6 ~~a civil action based upon the child's act.~~

7           **SECTION 126.** 48.299 (4) (b) of the statutes is amended to read:

8           48.299 (4) (b) Except as provided in s. 901.05, neither common law nor  
9 statutory rules of evidence are binding at a hearing for a child held in custody under  
10 s. 48.21, a hearing for an expectant mother held in custody under s. 48.213, a  
11 runaway home hearing under s. 48.227 (4), a dispositional hearing, or a hearing  
12 about changes in placement, revision of dispositional orders, extension of  
13 dispositional orders or termination of guardianship orders entered under s. 48.977  
14 (4) (h) 2. or (6). At those hearings, the court shall admit all testimony having  
15 reasonable probative value, but shall exclude immaterial, irrelevant or unduly  
16 repetitious testimony or evidence that is inadmissible under s. 901.05. Hearsay  
17 evidence may be admitted if it has demonstrable circumstantial guarantees of  
18 trustworthiness. The court shall give effect to the rules of privilege recognized by  
19 law. The court shall apply the basic principles of relevancy, materiality and probative  
20 value to proof of all questions of fact. Objections to evidentiary offers and offers of  
21 proof of evidence not admitted may be made and shall be noted in the record.

22           **SECTION 127.** 48.299 (5) of the statutes is amended to read:

23           48.299 (5) On request of any party, unless good cause to the contrary is shown,  
24 any hearing under s. 48.209 (1) (e) ~~or~~, 48.21 (1) or 48.213 (1) may be held on the record  
25 by telephone or live audio-visual means or testimony may be received by telephone

**SENATE BILL 264**

1 or live audio-visual means as prescribed in s. 807.13 (2). The request and the  
2 showing of good cause for not conducting the hearing or admitting testimony by  
3 telephone or live audio-visual means may be made by telephone.

4 **SECTION 128.** 48.30 (1) of the statutes is amended to read:

5 48.30 (1) Except as provided in this subsection, the hearing to determine  
6 whether any party wishes to contest an allegation that the child or unborn child is  
7 in need of protection or services shall take place on a date which allows reasonable  
8 time for the parties to prepare but is within 30 days after the filing of a petition for  
9 a child or an expectant mother who is not being held in secure custody or within 10  
10 days after the filing of a petition for a child who is being held in secure custody.

11 **SECTION 129.** 48.30 (2) of the statutes is amended to read:

12 48.30 (2) At the commencement of the hearing under this section the child and  
13 the parent, guardian or legal custodian, or the expectant mother and the unborn  
14 child through its guardian ad litem, shall be advised of their rights as specified in s.  
15 48.243 and shall be informed that a request for a jury trial or for a substitution of  
16 judge under s. 48.29 must be made before the end of the plea hearing or be waived.  
17 Nonpetitioning parties, including the child, shall be granted a continuance of the  
18 plea hearing if they wish to consult with an attorney on the request for a jury trial  
19 or substitution of a judge.

20 **SECTION 130.** 48.30 (3) of the statutes is amended to read:

21 48.30 (3) If a petition alleges that a child is in need of protection or services  
22 under s. 48.13, the nonpetitioning parties and the child, if he or she is 12 years of age  
23 or older or is otherwise competent to do so, shall state whether they desire to contest  
24 the petition. If a petition alleges that an unborn child is in need of protection or

**SENATE BILL 264**

1 services under s. 48.133, the expectant mother of the unborn child shall state  
2 whether she desires to contest the petition.

3 **SECTION 131.** 48.30 (6) of the statutes, as affected by 1997 Wisconsin Act 3, is  
4 amended to read:

5 48.30 (6) If a petition is not contested, the court shall set a date for the  
6 dispositional hearing which allows reasonable time for the parties to prepare but is  
7 no more than 10 days ~~from~~ after the plea hearing for ~~the~~ a child who is held in secure  
8 custody and no more than 30 days ~~from~~ after the plea hearing for a child or an  
9 expectant mother who is not held in secure custody. If it appears to the court that  
10 disposition of the case may include placement of the child outside the child's home,  
11 the court shall order the child's parent to provide a statement of income, assets, debts  
12 and living expenses to the court or the designated agency under s. 48.33 (1) at least  
13 5 days before the scheduled date of the dispositional hearing or as otherwise ordered  
14 by the court. The clerk of court shall provide, without charge, to any parent ordered  
15 to provide a statement of income, assets, debts and living expenses a document  
16 setting forth the percentage standard established by the department of workforce  
17 development under s. 49.22 (9) and the manner of its application established by the  
18 department of health and family services under s. 46.247 and listing the factors that  
19 a court may consider under s. 46.10 (14) (c). If all parties consent the court may  
20 proceed immediately with the dispositional hearing.

21 **SECTION 132.** 48.30 (7) of the statutes is amended to read:

22 48.30 (7) If the petition is contested, the court shall set a date for the  
23 fact-finding hearing which allows reasonable time for the parties to prepare but is  
24 no more than 20 days ~~from~~ after the plea hearing for a child who is held in secure



**SENATE BILL 264**

1 custody and no more than 30 days ~~from~~ after the plea hearing for a child or an  
2 expectant mother who is not held in secure custody.

3 **SECTION 133.** 48.30 (8) (a) of the statutes is amended to read:

4 48.30 (8) (a) Address the parties present including the child or expectant  
5 mother personally and determine that the plea or admission is made voluntarily  
6 with understanding of the nature of the acts alleged in the petition and the potential  
7 dispositions.

8 **SECTION 134.** 48.30 (8) (c) of the statutes is amended to read:

9 48.30 (8) (c) Make such inquiries as satisfactorily establishes that there is a  
10 factual basis for the ~~parent's and child's~~ plea or admission of the parent and child or  
11 of the expectant mother.

12 **SECTION 135.** 48.30 (9) of the statutes is amended to read:

13 48.30 (9) If a court commissioner conducts the plea hearing and accepts an  
14 admission of the alleged facts in a petition brought under s. 48.13 or 48.133, the judge  
15 shall review the admission at the beginning of the dispositional hearing by  
16 addressing the parties and making the inquiries set forth in sub. (8).

17 **SECTION 136.** 48.305 of the statutes is amended to read:

18 **48.305** (title) **Hearing upon the involuntary removal of a child or**  
19 **expectant mother.** Notwithstanding other time periods for hearings under this  
20 chapter, if a child is removed from the physical custody of the child's parent or  
21 guardian under s. 48.19 (1) (c) or (d) 5. without the consent of the parent or guardian  
22 or if an expectant mother is taken into custody under s. 48.193 (1) (c) or (d) 2. without  
23 the consent of the expectant mother, the court shall schedule a plea hearing and  
24 fact-finding hearing within 30 days of after a request from the parent or guardian  
25 from whom custody was removed or from the expectant mother who was taken into

**SENATE BILL 264**

1 custody. The plea hearing and fact-finding hearing may be combined. This time  
2 period may be extended only with the consent of the requesting parent or guardian  
3 or expectant mother.

4 **SECTION 137.** 48.31 (1) of the statutes is amended to read:

5 48.31 (1) In this section, “fact-finding hearing” means a hearing to determine  
6 if the allegations in a petition under s. 48.13 or 48.133 or a petition to terminate  
7 parental rights are proved by clear and convincing evidence.

8 **SECTION 138.** 48.31 (2) of the statutes is amended to read:

9 48.31 (2) The hearing shall be to the court unless the child, the child’s parent,  
10 guardian or legal custodian, the unborn child by its guardian ad litem or the  
11 expectant mother of the unborn child exercises the right to a jury trial by demanding  
12 a jury trial at any time before or during the plea hearing. If a jury trial is demanded  
13 in a proceeding under s. 48.13 or 48.133, the jury shall consist of 6 persons. If a jury  
14 trial is demanded in a proceeding under s. 48.42, the jury shall consist of 12 persons  
15 unless the parties agree to a lesser number. Chapters 756 and 805 shall govern the  
16 selection of jurors. If the hearing involves a child victim or witness, as defined in s.  
17 950.02, the court may order the taking and allow the use of a videotaped deposition  
18 under s. 967.04 (7) to (10) and, with the district attorney, shall comply with s.  
19 971.105. At the conclusion of the hearing, the court or jury shall make a  
20 determination of the facts, except that in a case alleging a child or an unborn child  
21 to be in need of protection or services under s. 48.13 or 48.133, the court shall make  
22 the determination under s. 48.13 (intro.) or 48.133 (intro.) relating to whether the  
23 child or unborn child is in need of protection or services which can be ordered by the  
24 court. If the court finds that the child or unborn child is not within the jurisdiction  
25 of the court or, in a case alleging a child or an unborn child to be in need of protection

**SENATE BILL 264**

1 or services under s. 48.13 or 48.133, that the child or unborn child is not in need of  
2 protection or services which can be ordered by the court or if the court or jury finds  
3 that the facts alleged in the petition have not been proved, the court shall dismiss  
4 the petition with prejudice.

5 **SECTION 139.** 48.31 (4) of the statutes is amended to read:

6 48.31 (4) The court or jury shall make findings of fact and the court shall make  
7 conclusions of law relating to the allegations of a petition filed under s. 48.13, 48.133  
8 or 48.42, except that the court shall make findings of fact relating to whether the  
9 child or unborn child is in need of protection or services which can be ordered by the  
10 court. In cases alleging a child to be in need of protection or services under s. 48.13  
11 (11), the court ~~shall~~ may not find that the child is suffering emotional damage unless  
12 a licensed physician specializing in psychiatry or a licensed psychologist appointed  
13 by the court to examine the child has testified at the hearing that in his or her opinion  
14 the condition exists, and adequate opportunity for the cross-examination of the  
15 physician or psychologist has been afforded. The judge may use the written reports  
16 if the right to have testimony presented is voluntarily, knowingly and intelligently  
17 waived by the guardian ad litem or legal counsel for the child and the parent or  
18 guardian. In cases alleging a child to be in need of protection or services under s.  
19 48.13 (11m) or an unborn child to be in need of protection or services under s. 48.133,  
20 the court ~~shall~~ may not find that the child or the expectant mother of the unborn child  
21 is in need of treatment and education for needs and problems related to the use or  
22 abuse of alcohol beverages, controlled substances or controlled substance analogs  
23 and its medical, personal, family or social effects unless an assessment for alcohol  
24 and other drug abuse that conforms to the criteria specified under s. 48.547 (4) has  
25 been conducted by an approved treatment facility.

**SENATE BILL 264**

1           **SECTION 140.** 48.31 (7) of the statutes, as affected by 1997 Wisconsin Act 3, is  
2 amended to read:

3           48.31 (7) At the close of the fact-finding hearing, the court shall set a date for  
4 the dispositional hearing which allows a reasonable time for the parties to prepare  
5 but is no more than 10 days ~~from~~ after the fact-finding hearing for a child in secure  
6 custody and no more than 30 days ~~from~~ after the fact-finding hearing for a child or  
7 expectant mother who is not held in secure custody. If it appears to the court that  
8 disposition of the case may include placement of the child outside the child's home,  
9 the court shall order the child's parent to provide a statement of income, assets, debts  
10 and living expenses to the court or the designated agency under s. 48.33 (1) at least  
11 5 days before the scheduled date of the dispositional hearing or as otherwise ordered  
12 by the court. The clerk of court shall provide, without charge, to any parent ordered  
13 to provide a statement of income, assets, debts and living expenses a document  
14 setting forth the percentage standard established by the department of workforce  
15 development under s. 49.22 (9) and the manner of its application established by the  
16 department of health and family services under s. 46.247 and listing the factors that  
17 a court may consider under s. 46.10 (14) (c). If all parties consent, the court may  
18 immediately proceed with a dispositional hearing.

19           **SECTION 141.** 48.315 (1) (a) of the statutes is amended to read:

20           48.315 (1) (a) Any period of delay resulting from other legal actions concerning  
21 the child or the unborn child and its expectant mother, including an examination  
22 under s. 48.295 or a hearing related to the child's mental condition of the child, the  
23 child's parent, guardian or legal custodian or the expectant mother, prehearing  
24 motions, waiver motions and hearings on other matters.

25           **SECTION 142.** 48.315 (1) (b) of the statutes is amended to read:

**SENATE BILL 264**

1           48.315 (1) (b) Any period of delay resulting from a continuance granted at the  
2 request of or with the consent of the child and his or her counsel or of the unborn child  
3 by its guardian ad litem.

4           **SECTION 143.** 48.315 (1) (f) of the statutes is amended to read:

5           48.315 (1) (f) Any period of delay resulting from the absence or unavailability  
6 of the child or expectant mother.

7           **SECTION 144.** 48.32 (1) of the statutes is amended to read:

8           48.32 (1) At any time after the filing of a petition for a proceeding relating to  
9 s. 48.13 or 48.133 and before the entry of judgment, the judge or juvenile court  
10 commissioner may suspend the proceedings and place the child or expectant mother  
11 under supervision in the ~~child's own~~ home or present placement of the child or  
12 expectant mother. The court may establish terms and conditions applicable to the  
13 child and the child's parent, guardian or legal custodian, and to the child or to the  
14 expectant mother. The order under this section shall be known as a consent decree  
15 and must be agreed to by the child if 12 years of age or older, the parent, guardian  
16 or legal custodian, and the person filing the petition under s. 48.25; or by the  
17 expectant mother, the unborn child by its guardian ad litem and the person filing the  
18 petition under s. 48.25. The consent decree shall be reduced to writing and given to  
19 the parties.

20           **SECTION 145.** 48.32 (2) (a) of the statutes is amended to read:

21           48.32 (2) (a) A consent decree shall remain in effect up to 6 months unless the  
22 child, parent, guardian ~~or~~, legal custodian or expectant mother is discharged sooner  
23 by the judge or juvenile court commissioner.

24           **SECTION 146.** 48.32 (2) (c) of the statutes is amended to read:

**SENATE BILL 264**

1           48.32 (2) (c) Upon the motion of the court or the application of the child, parent,  
2 guardian, legal custodian, expectant mother, unborn child by its guardian ad litem,  
3 intake worker or any agency supervising the child or expectant mother under the  
4 consent decree, the court may, after giving notice to the parties to the consent decree  
5 and their counsel or guardian ad litem, if any, extend the decree for up to an  
6 additional 6 months in the absence of objection to extension by the parties to the  
7 initial consent decree. If the child, parent, guardian or, legal custodian, expectant  
8 mother or unborn child by its guardian ad litem objects to the extension, the judge  
9 shall schedule a hearing and make a determination on the issue of extension.

10           **SECTION 147.** 48.32 (3) of the statutes is amended to read:

11           48.32 (3) If, prior to discharge by the court, or the expiration of the consent  
12 decree, the court finds that the child ~~or, parent, legal guardian or, legal custodian~~ or  
13 expectant mother has failed to fulfill the express terms and conditions of the consent  
14 decree or that the child or expectant mother objects to the continuation of the consent  
15 decree, the hearing under which the child or expectant mother was placed on  
16 supervision may be continued to conclusion as if the consent decree had never been  
17 entered.

18           **SECTION 148.** 48.32 (5) (intro.) of the statutes is amended to read:

19           48.32 (5) (intro.) A court which, under this section, elicits or examines  
20 information or material about a child or an expectant mother which would be  
21 inadmissible in a hearing on the allegations of the petition shall may not, over  
22 objections of one of the parties, participate in any subsequent proceedings if any of  
23 the following applies:

24           **SECTION 149.** 48.32 (5) (a) of the statutes is amended to read:

**SENATE BILL 264**

1           48.32 (5) (a) The court refuses to enter into a consent decree and the allegations  
2           in the petition remain to be decided in a hearing where at which one of the parties  
3           denies the allegations forming the basis for a child or unborn child in need of  
4           protection or services petition;~~or.~~

5           **SECTION 150.** 48.32 (5) (b) of the statutes is amended to read:

6           48.32 (5) (b) A consent decree is granted but the petition under s. 48.13 or  
7           48.133 is subsequently reinstated.

8           **SECTION 151.** 48.32 (6) of the statutes is amended to read:

9           48.32 (6) The judge or juvenile court commissioner shall inform the child and  
10          the child's parent, guardian or legal custodian, or the expectant mother, in writing,  
11          of the ~~child's~~ right of the child or expectant mother to object to the continuation of the  
12          consent decree under sub. (3) and the fact that the hearing under which the child or  
13          expectant mother was placed on supervision may be continued to conclusion as if the  
14          consent decree had never been entered.

15          **SECTION 152.** 48.33 (1) (intro.) of the statutes is amended to read:

16          48.33 (1) REPORT REQUIRED. (intro.) Before the disposition of a child or unborn  
17          child adjudged to be in need of protection or services the court shall designate an  
18          agency, as defined in s. 48.38 (1) (a), to submit a report which shall contain all of the  
19          following:

20          **SECTION 153.** 48.33 (1) (a) of the statutes is amended to read:

21          48.33 (1) (a) The social history of the child or of the expectant mother of the  
22          unborn child.

23          **SECTION 154.** 48.33 (1) (b) of the statutes is amended to read:

24          48.33 (1) (b) A recommended plan of rehabilitation or treatment and care for  
25          the child or expectant mother which is based on the investigation conducted by the

**SENATE BILL 264**

1 agency and any report resulting from an examination or assessment under s. 48.295,  
2 which employs the least restrictive means available to accomplish the objectives of  
3 the plan, and, in cases of child abuse or neglect or unborn child abuse, which also  
4 includes an assessment of risks to the child's physical safety and physical health of  
5 the child or unborn child and a description of a plan for controlling the risks.

6 **SECTION 155.** 48.33 (1) (c) of the statutes is amended to read:

7 48.33 (1) (c) A description of the specific services or continuum of services which  
8 the agency is recommending that the court order for the child or family or for the  
9 expectant mother of the unborn child, the persons or agencies that would be  
10 primarily responsible for providing those services, ~~and~~ the identity of the person or  
11 agency that would provide case management or coordination of services, if any ~~or~~,  
12 and, in the case of a child adjudged to be in need of protection or services, whether  
13 or not the child should receive an integrated service plan.

14 **SECTION 156.** 48.33 (1) (d) of the statutes is amended to read:

15 48.33 (1) (d) A statement of the objectives of the plan, including any desired  
16 behavior changes desired of the child or expectant mother and the academic, social  
17 and vocational skills needed by the child or the expectant mother.

18 **SECTION 157.** 48.33 (1) (f) of the statutes is amended to read:

19 48.33 (1) (f) If the agency is recommending that the court order the child's  
20 parent, guardian or legal custodian or the expectant mother to participate in mental  
21 health treatment, anger management, individual or family counseling or parent or  
22 prenatal development training and education, a statement as to the availability of  
23 those services and as to the availability of funding for those services.

24 **SECTION 158.** 48.33 (2) of the statutes is amended to read:



**SENATE BILL 264**

1           48.33 (2) HOME PLACEMENT REPORTS. A report recommending that the child  
2 remain in his or her home or that the expectant mother remain in her home may be  
3 presented orally at the dispositional hearing if all parties consent. A report that is  
4 presented orally shall be transcribed and made a part of the court record.

5           **SECTION 159.** 48.33 (4) (intro.) of the statutes is amended to read:

6           48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
7 placement of an expectant mother outside of her home shall be in writing. A report  
8 recommending placement of a child in a foster home, treatment foster home, group  
9 home or child caring institution shall be in writing and shall include all of the  
10 following:

11           **SECTION 160.** 48.335 (1) of the statutes is amended to read:

12           48.335 (1) The court shall conduct a hearing to determine the disposition of a  
13 case in which a child is adjudged to be in need of protection or services under s. 48.13  
14 or an unborn child is adjudged to be in need of protection or services under s. 48.133.

15           **SECTION 161.** 48.347 of the statutes is created to read:

16           **48.347 Disposition of unborn child adjudged in need of protection or**  
17 **services.** If the judge finds that the unborn child is in need of protection or services,  
18 the judge shall enter an order deciding one or more of the dispositions of the case as  
19 provided in this section under a care and treatment plan, except that the order may  
20 not place any expectant mother of an unborn child not specifically found under ch.  
21 51, 55 or 880 to be developmentally disabled or mentally ill in a facility which  
22 exclusively treats those categories of individuals. The dispositions under this section  
23 are as follows:

24           **(1) COUNSELING.** Counsel the expectant mother.

**SENATE BILL 264**

1           **(2) SUPERVISION.** (a) Place the expectant mother under supervision of the  
2 county department, the department, if the department approves, or a suitable adult,  
3 including a friend of the expectant mother, under conditions prescribed by the judge  
4 including reasonable rules for the expectant mother's conduct, designed for the  
5 physical well-being of the unborn child. An order under this paragraph may include  
6 an order to participate in mental health treatment, anger management, individual  
7 or family counseling or prenatal development training or education and to make a  
8 reasonable contribution, based on ability to pay, for the cost of those services.

9           (b) A judge may not order inpatient treatment under par. (a) for the expectant  
10 mother of an unborn child. All inpatient treatment commitments or admissions of  
11 an expectant mother of an unborn child shall be conducted in accordance with sub.  
12 (5) or ch. 51.

13           **(3) SPECIAL TREATMENT OR CARE.** (a) If the expectant mother is in need of special  
14 treatment or care, as identified in an evaluation under s. 48.295 and the report under  
15 s. 48.33, the judge may order the expectant mother to obtain the special treatment  
16 or care. If the expectant mother fails or is financially unable to obtain the special  
17 treatment or care, the judge may order an appropriate agency to provide the special  
18 treatment or care. If a judge orders a county department under s. 51.42 or 51.437  
19 to provide special treatment or care under this paragraph, the provision of that  
20 special treatment or care shall be subject to conditions specified in ch. 51. An order  
21 of special treatment or care under this paragraph may not include an order for the  
22 administration of psychotropic drugs.

23           (b) Payment for any special treatment or care that relates to alcohol and other  
24 drug abuse services ordered under par. (a) shall be in accordance with s. 48.361.

**SENATE BILL 264**

1           (c) Payment for any services provided under ch. 51 that are ordered under par.  
2           (a), other than alcohol and other drug abuse services, shall be in accordance with s.  
3           48.362.

4           **(4) ALCOHOL OR DRUG TREATMENT OR EDUCATION.** (a) If the report prepared under  
5           s. 48.33 (1) recommends that the expectant mother is in need of treatment for the use  
6           or abuse of alcohol beverages, controlled substances or controlled substance analogs  
7           and its medical, personal, family or social effects, the court may order the expectant  
8           mother to enter an outpatient alcohol and other drug abuse treatment program at  
9           an approved treatment facility. The approved treatment facility shall, under the  
10          terms of a service agreement between the county and the approved treatment  
11          facility, or with the written informed consent of the expectant mother, report to the  
12          agency primarily responsible for providing services to the expectant mother as to  
13          whether the expectant mother is cooperating with the treatment and whether the  
14          treatment appears to be effective.

15          (b) If the report prepared under s. 48.33 (1) recommends that the expectant  
16          mother is in need of education relating to the use of alcohol beverages, controlled  
17          substances or controlled substance analogs, the court may order the expectant  
18          mother to participate in an alcohol or other drug abuse education program approved  
19          by the court. The person or agency that provides the education program shall, under  
20          the terms of a service agreement between the county and the education program, or  
21          with the written informed consent of the expectant mother, report to the agency  
22          primarily responsible for providing services to the expectant mother about the  
23          expectant mother's attendance at the program.

**SENATE BILL 264**

1 (c) Payment for any treatment or education ordered under this subsection in  
2 counties that have a pilot program under s. 48.547 shall be in accordance with s.  
3 48.361.

4 **(5) INPATIENT ALCOHOL OR DRUG TREATMENT.** (a) If, based on an evaluation under  
5 s. 48.295 and the report under s. 48.33, the judge finds that the expectant mother is  
6 in need of inpatient treatment for her habitual lack of self-control in the use of  
7 alcohol, controlled substances or controlled substance analogs, exhibited to a severe  
8 degree, that inpatient treatment is appropriate for the expectant mother's needs and  
9 that inpatient treatment is the least restrictive treatment consistent with the  
10 expectant mother's needs, the judge may order the expectant mother to enter an  
11 inpatient alcohol or other drug abuse treatment program at an inpatient facility, as  
12 defined in s. 51.01 (10). The inpatient facility shall, under the terms of a service  
13 agreement between the county and the inpatient facility, or with the written and  
14 informed consent of the expectant mother, report to the agency primarily responsible  
15 for providing services to the expectant mother as to whether the expectant mother  
16 is cooperating with the treatment and whether the treatment appears to be effective.

17 (b) Payment for any treatment ordered under par. (a) shall be in accordance  
18 with s. 48.361.

19 **SECTION 162.** 48.35 (1) (b) (intro.) of the statutes is amended to read:

20 48.35 (1) (b) (intro.) The disposition of a child or an unborn child, and any record  
21 of evidence given in a hearing in court, shall not be admissible as evidence against  
22 the child or the expectant mother of the unborn child in any case or proceeding in any  
23 other court except as follows:

24 **SECTION 163.** 48.35 (1) (b) 1. of the statutes is amended to read:

**SENATE BILL 264**

1           48.35 (1) (b) 1. In sentencing proceedings after ~~conviction~~ the child or expectant  
2           mother has been convicted of a felony or misdemeanor and then only for the purpose  
3           of a presentence study and report;

4           **SECTION 164.** 48.35 (1) (b) 2. of the statutes is amended to read:

5           48.35 (1) (b) 2. In a proceeding in any court assigned to exercise jurisdiction  
6           under this chapter and ch. 938; or,

7           **SECTION 165.** 48.35 (2) of the statutes is amended to read:

8           48.35 (2) Except as specifically provided in sub. (1), this section does not  
9           preclude the court from disclosing information to qualified persons if the court  
10          considers the disclosure to be in the best interests of the child or unborn child or of  
11          the administration of justice.

12          **SECTION 166.** 48.355 (1) of the statutes is amended to read:

13          48.355 (1) INTENT. In any order under s. 48.345 or 48.347 the judge shall decide  
14          on a placement and treatment finding based on evidence submitted to the judge. The  
15          disposition shall employ those means necessary to maintain and protect the child's  
16          well-being of the child or unborn child which are the least restrictive of the rights  
17          of the parent or child, or of the rights of the expectant mother, and which assure the  
18          care, treatment or rehabilitation of the child and the family, or of the unborn child  
19          and expectant mother, consistent with the protection of the public. ~~Whenever~~ When  
20          appropriate, and, in cases of child abuse and or neglect or unborn child abuse, when  
21          it is consistent with the child's best interest of the child or unborn child in terms of  
22          physical safety and physical health, the family unit shall be preserved and there  
23          shall be a policy of transferring custody of a child from the parent or of placing an  
24          expectant mother in an inpatient facility, as defined in s. 51.01 (10), only ~~where~~ when  
25          there is no less drastic alternative. If there is no less drastic alternative for a child

**SENATE BILL 264**

1 than transferring custody from the parent, the judge shall consider transferring  
2 custody to a relative whenever possible.

3 **SECTION 167.** 48.355 (2) (a) of the statutes is amended to read:

4 48.355 (2) (a) In addition to the order, the judge shall make written findings  
5 of fact and conclusions of law based on the evidence presented to the judge to support  
6 the disposition ordered, including findings as to the child's condition and need for  
7 special treatment or care of the child or expectant mother if an examination or  
8 assessment was conducted under s. 48.295. A finding may not include a finding that  
9 a child or an expectant mother is in need of psychotropic medications.

10 **SECTION 168.** 48.355 (2) (b) 1. of the statutes is amended to read:

11 48.355 (2) (b) 1. The specific services or continuum of services to be provided  
12 to the child and family or to the expectant mother, the identity of the agencies which  
13 are to be primarily responsible for the provision of the services ~~mandated~~ ordered by  
14 the judge, the identity of the person or agency who will provide case management or  
15 coordination of services, if any, and, if custody of the child is to be transferred to effect  
16 the treatment plan, the identity of the legal custodian.

17 **SECTION 169.** 48.355 (2) (b) 1m. of the statutes is amended to read:

18 48.355 (2) (b) 1m. A notice that the child's parent, guardian or legal custodian  
19 ~~or~~, the child, if 14 years of age or over, or the expectant mother may request an agency  
20 that is providing care or services for the child or expectant mother or that has legal  
21 custody of the child to disclose to, or make available for inspection by, the parent,  
22 guardian, legal custodian ~~or~~, child or expectant mother the contents of any record  
23 kept or information received by the agency about the child or expectant mother as  
24 provided in s. 48.78 (2) (ag) and (aj).

25 **SECTION 170.** 48.355 (2) (b) 2m. of the statutes is created to read:

**SENATE BILL 264**

1           48.355 (2) (b) 2m. If the expectant mother is placed in an inpatient facility, as  
2 defined in s. 51.01 (10), the name of the inpatient facility, including transitional  
3 placements, where the expectant mother shall be treated.

4           **SECTION 171.** 48.355 (2) (b) 7. of the statutes is amended to read:

5           48.355 (2) (b) 7. A statement of the conditions with which the child or expectant  
6 mother is required to comply.

7           **SECTION 172.** 48.355 (2) (d) of the statutes is amended to read:

8           48.355 (2) (d) The court shall provide a copy of ~~the~~ a dispositional order under  
9 s. 48.345 to the child's parent, guardian or trustee. The court shall provide a copy  
10 of a dispositional order under s. 48.347 to the expectant mother and the unborn child  
11 through its guardian ad litem.

12           **SECTION 173.** 48.355 (2m) of the statutes is amended to read:

13           48.355 (2m) TRANSITIONAL PLACEMENTS. The court order may include the name  
14 of transitional placements, but may not designate a specific time when transitions  
15 are to take place. The procedures of ss. 48.357 and 48.363 shall govern when such  
16 transitions take place. However, the court may place specific time limitations on  
17 interim arrangements made for the care of the child or for the treatment of the  
18 expectant mother pending the availability of the dispositional placement.

19           **SECTION 174.** 48.355 (4) of the statutes is amended to read:

20           48.355 (4) TERMINATION OF ORDERS. Except as provided under s. 48.368, all  
21 orders under this section shall terminate at the end of one year unless the judge  
22 specifies a shorter period of time. Except if s. 48.368 applies, extensions or revisions  
23 shall terminate at the end of one year unless the judge specifies a shorter period of  
24 time. Any order made before the child reaches the age of majority or before the

**SENATE BILL 264**

1 unborn child is born shall be effective for a time up to one year after its entry unless  
2 the judge specifies a shorter period of time.

3 **SECTION 175.** 48.355 (5) of the statutes is amended to read:

4 48.355 (5) EFFECT OF COURT ORDER. Any party, person or agency who provides  
5 services for the child or the expectant mother under this section shall be bound by  
6 the court order.

7 **SECTION 176.** 48.355 (7) of the statutes is amended to read:

8 48.355 (7) (title) ORDERS APPLICABLE TO PARENTS, GUARDIANS, LEGAL CUSTODIANS,  
9 EXPECTANT MOTHERS AND OTHER ADULTS. In addition to any dispositional order entered  
10 under s. 48.345, the court may enter an order applicable to a child's parent, guardian  
11 or legal custodian or to another adult, as provided under s. 48.45. The court may  
12 enter an order applicable to the expectant mother of an unborn child as provided in  
13 s. 48.347.

14 **SECTION 177.** 48.357 (1) of the statutes is amended to read:

15 48.357 (1) The person or agency primarily responsible for implementing the  
16 dispositional order, the district attorney or the corporation counsel may request a  
17 change in the placement of the child or expectant mother, whether or not the change  
18 requested is authorized in the dispositional order and shall cause written notice to  
19 be sent to the child or the child's counsel or guardian ad litem, parent, foster parent,  
20 treatment foster parent or other physical custodian described in s. 48.62 (2),  
21 guardian and legal custodian or to the expectant mother and the unborn child by its  
22 guardian ad litem. The notice shall contain the name and address of the new  
23 placement, the reasons for the change in placement, a statement describing why the  
24 new placement is preferable to the present placement and a statement of how the  
25 new placement satisfies objectives of the treatment plan ordered by the court. Any



**SENATE BILL 264**

1 person receiving the notice under this subsection or notice of the ~~a specific foster or~~  
2 ~~treatment foster~~ placement under s. 48.355 (2) (b) 2. may obtain a hearing on the  
3 matter by filing an objection with the court within 10 days of ~~of~~ after receipt of the  
4 notice. Placements ~~shall~~ may not be changed until 10 days after ~~such~~ that notice is  
5 sent to the court unless the parent, guardian or legal custodian and the child, if 12  
6 or more years of age, or the expectant mother and the unborn child by its guardian  
7 ad litem, sign written waivers of objection, except that placement changes which  
8 were authorized in the dispositional order may be made immediately if notice is  
9 given as required in this subsection. In addition, a hearing is not required for  
10 placement changes authorized in the dispositional order except ~~where~~ when an  
11 objection filed by a person who received notice alleges that new information is  
12 available which affects the advisability of the court's dispositional order. If a hearing  
13 is held under this subsection and the change in placement would remove a child from  
14 a foster home, treatment foster home or other placement with a physical custodian  
15 described in s. 48.62 (2), the court shall permit the foster parent, treatment foster  
16 parent or other physical custodian described in s. 48.62 (2) to make a written or oral  
17 statement during the hearing or to submit a written statement prior to the hearing,  
18 relating to the child and the requested change in placement.

19 **SECTION 178.** 48.357 (2) of the statutes is amended to read:

20 48.357 (2) If emergency conditions necessitate an immediate change in the  
21 placement of a child or expectant mother placed outside the home, the person or  
22 agency primarily responsible for implementing the dispositional order may remove  
23 the child or expectant mother to a new placement, whether or not authorized by the  
24 existing dispositional order, without the prior notice provided in sub. (1). The notice  
25 shall, however, be sent within 48 hours after the emergency change in placement.

**SENATE BILL 264**

1 Any party receiving notice may demand a hearing under sub. (1). In emergency  
2 situations, ~~the a~~ child may be placed in a licensed public or private shelter care  
3 facility as a transitional placement for not more than 20 days, as well as in any  
4 placement authorized under s. 48.345 (3).

5 **SECTION 179.** 48.357 (2m) of the statutes is amended to read:

6 48.357 (2m) The child, the parent, guardian or legal custodian of the child, ~~the~~  
7 expectant mother, the unborn child by its guardian ad litem or any person or agency  
8 primarily bound by the dispositional order, other than the person or agency  
9 responsible for implementing the order, may request a change in placement under  
10 this subsection. The request shall contain the name and address of the place of the  
11 new placement requested and shall state what new information is available which  
12 affects the advisability of the current placement. This request shall be submitted to  
13 the court. In addition, the court may propose a change in placement on its own  
14 motion. The court shall hold a hearing on the matter prior to ordering any change  
15 in placement under this subsection if the request states that new information is  
16 available which affects the advisability of the current placement, unless written  
17 waivers of objection to the proposed change in placement are signed by all parties  
18 entitled to receive notice under sub. (1) and the court approves. If a hearing is  
19 scheduled, the court shall notify the child, the parent, guardian and legal custodian  
20 of the child, any foster parent, treatment foster parent or other physical custodian  
21 described in s. 48.62 (2) of the child and all parties who are bound by the dispositional  
22 order, or shall notify the expectant mother, the unborn child by its guardian ad litem  
23 and all parties who are bound by the dispositional order, at least 3 days prior to the  
24 hearing. A copy of the request or proposal for the change in placement shall be  
25 attached to the notice. If all the parties consent, the court may proceed immediately

**SENATE BILL 264**

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

8 **SECTION 180.** 48.36 (2) of the statutes is amended to read:

9 48.36 (2) If an expectant mother or a child whose legal custody has not been  
10 taken from a parent or guardian is given educational and social services, or medical,  
11 psychological or psychiatric treatment by order of the court, the cost ~~thereof of those~~  
12 services or treatment, if ordered by the court, shall be a charge upon the county. This  
13 section does not prevent recovery of reasonable contribution toward the costs from  
14 the expectant mother or the parent or guardian of the child as the court may order  
15 based on the ability of the expectant mother, parent or guardian to pay. This  
16 subsection ~~shall be~~ is subject to s. 46.03 (18).

17 **SECTION 181.** 48.361 (1) (b) of the statutes is amended to read:

18 48.361 (1) (b) Any special treatment or care that relates to alcohol or other drug  
19 abuse services ordered by a court under s. 48.345 (6) (a) or 48.347 (3) (a).

20 **SECTION 182.** 48.361 (1) (c) of the statutes is amended to read:

21 48.361 (1) (c) Any alcohol or other drug abuse treatment or education ordered  
22 by a court under s. 48.345 (6) (a) or (13) or 48.347 (3) (a), (4) or (5) (a).

23 **SECTION 183.** 48.361 (2) (a) 1m. of the statutes is created to read:

24 48.361 (2) (a) 1m. If an expectant mother neglects, refuses or is unable to obtain  
25 court-ordered alcohol and other drug abuse services for herself through her health

**SENATE BILL 264**

1 insurance or other 3rd-party payments, the judge may order the expectant mother  
2 to pay for the court-ordered alcohol and drug abuse services. If the expectant mother  
3 consents to obtain court-ordered alcohol and other drug abuse services for herself  
4 through her health insurance or other 3rd-party payments but the health insurance  
5 provider or other 3rd-party payer refuses to provide the court-ordered alcohol and  
6 other drug abuse services, the court may order the health insurance provider or  
7 3rd-party payer to pay for the court-ordered alcohol and other drug abuse services  
8 in accordance with the terms of the expectant mother's health insurance policy or  
9 other 3rd-party payment plan.

10 **SECTION 184.** 48.361 (2) (am) 2. of the statutes is amended to read:

11 48.361 (2) (am) 2. If a court in a county that does not have a pilot program under  
12 s. 48.547 finds that payment is not attainable under par. (a), the court may order  
13 payment in accordance with s. 48.345 (6) (a), 48.347 (3) (a) or 48.36.

14 **SECTION 185.** 48.361 (2) (b) 1m. of the statutes is created to read:

15 48.361 (2) (b) 1m. In counties that have a pilot program under s. 48.547, in  
16 addition to using the alternative provided for under par. (a), the court may order a  
17 county department of human services established under s. 46.23 or a county  
18 department established under s. 51.42 or 51.437 in the expectant mother's county  
19 of legal residence to pay for the court-ordered alcohol and other drug abuse services  
20 provided for the expectant mother.

21 **SECTION 186.** 48.361 (2) (c) of the statutes is amended to read:

22 48.361 (2) (c) Payment for alcohol and other drug abuse services by a county  
23 department under this section does not prohibit the county department from  
24 contracting with another county department or approved treatment facility for the  
25 provision of alcohol and other drug abuse services. Payment by the county under this

**SENATE BILL 264**

1 section does not prevent recovery of reasonable contribution toward the costs of the  
2 court-ordered alcohol and other drug abuse services from the parent or expectant  
3 mother which is based upon the ability of the parent or expectant mother to pay. This  
4 subsection is subject to s. 46.03 (18).

5 **SECTION 187.** 48.362 (2) of the statutes is amended to read:

6 48.362 (2) This section applies to the payment of court-ordered special  
7 treatment or care under s. 48.345 (6) (a), whether or not custody has been taken from  
8 the parent, and to the payment of court-ordered special treatment or care under s.  
9 48.347 (3) (a).

10 **SECTION 188.** 48.362 (3m) of the statutes is created to read:

11 48.362 (3m) If an expectant mother neglects, refuses or is unable to obtain  
12 court-ordered special treatment or care for herself through her health insurance or  
13 other 3rd-party payments, the judge may order the expectant mother to pay for the  
14 court-ordered special treatment or care. If the expectant mother consents to obtain  
15 court-ordered special treatment or care for herself through her health insurance or  
16 other 3rd-party payments but the health insurance provider or other 3rd-party  
17 payer refuses to provide the court-ordered special treatment or care, the judge may  
18 order the health insurance provider or 3rd-party payer to pay for the court-ordered  
19 special treatment or care in accordance with the terms of the expectant mother's  
20 health insurance policy or other 3rd-party payment plan.

21 **SECTION 189.** 48.362 (4) (a) of the statutes is amended to read:

22 48.362 (4) (a) If the judge finds that payment is not attainable under sub. (3)  
23 or (3m), the judge may order the county department under s. 51.42 or 51.437 of the  
24 child's county of legal residence of the child or expectant mother to pay the cost of any

**SENATE BILL 264**

1 court-ordered special treatment or care that is provided by or under contract with  
2 that county department.

3 **SECTION 190.** 48.362 (4) (c) of the statutes is amended to read:

4 48.362 (4) (c) A county department that pays for court-ordered special  
5 treatment or care under par. (a) may recover from the parent or expectant mother,  
6 based on the parent's ability of the parent or expectant mother to pay, a reasonable  
7 contribution toward the costs of the court-ordered special treatment or care. This  
8 paragraph is subject to s. 46.03 (18).

9 **SECTION 191.** 48.363 (1) of the statutes, as affected by 1997 Wisconsin Act 3,  
10 is amended to read:

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

**SENATE BILL 264**

1 parties bound by the dispositional order, the child's foster parent, treatment foster  
2 parent or other physical custodian described in s. 48.62 (2), and the district attorney  
3 or corporation counsel in the county in which the dispositional order was entered, or  
4 shall notify the expectant mother, the unborn child through its guardian ad litem,  
5 all parties bound by the dispositional order and the district attorney or corporation  
6 counsel in the county in which the dispositional order was entered, at least 3 days  
7 prior to the hearing. A copy of the request or proposal shall be attached to the notice.  
8 If the proposed revision is for a change in the amount of child support to be paid by  
9 a parent, the court shall order the child's parent to provide a statement of income,  
10 assets, debts and living expenses to the court and the person or agency primarily  
11 responsible for implementing the dispositional order by a date specified by the court.  
12 The clerk of court shall provide, without charge, to any parent ordered to provide a  
13 statement of income, assets, debts and living expenses a document setting forth the  
14 percentage standard established by the department of workforce development under  
15 s. 49.22 (9) and the manner of its application established by the department of health  
16 and family services under s. 46.247 and listing the factors that a court may consider  
17 under s. 46.10 (14) (c). If all parties consent, the court may proceed immediately with  
18 the hearing. No revision may extend the effective period of the original order.

19 **SECTION 192.** 48.365 (1m) of the statutes is amended to read:

20 48.365 (1m) The parent, child, guardian, legal custodian, expectant mother,  
21 unborn child by its guardian ad litem, any person or agency bound by the  
22 dispositional order, the district attorney or corporation counsel in the county in  
23 which the dispositional order was entered or the court on its own motion, may  
24 request an extension of an order under s. 48.355. The request shall be submitted to

**SENATE BILL 264**

1 the court which entered the order. No order under s. 48.355 may be extended except  
2 as provided in this section.

3 **SECTION 193.** 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 notify  
5 the child or the child's guardian ad litem or counsel, the child's parent, guardian,  
6 legal custodian, all the parties present at the original hearing, the child's foster  
7 parent, treatment foster parent or other physical custodian described in s. 48.62 (2),  
8 and the district attorney or corporation counsel in the county in which the  
9 dispositional order was entered, or shall notify the expectant mother, the unborn  
10 child through its guardian ad litem, all the parties present at the original hearing  
11 and the district attorney or corporation counsel in the county in which the  
12 dispositional order was entered, of the time and place of the hearing.

13 **SECTION 194.** 48.365 (2g) (a) of the statutes is amended to read:

14 48.365 (2g) (a) At the hearing the person or agency primarily responsible for  
15 providing services to the child or expectant mother shall file with the court a written  
16 report stating to what extent the dispositional order has been meeting the objectives  
17 of the plan for the child's rehabilitation or care and treatment. ~~The juvenile offender~~  
18 ~~review program may file a written report regarding any child examined by the~~  
19 ~~program of the child or for the rehabilitation and treatment of the expectant mother~~  
20 and the care of the unborn child.

21 **SECTION 195.** 48.365 (2m) (a) of the statutes is amended to read:

22 48.365 (2m) (a) Any party may present evidence relevant to the issue of  
23 extension. The judge shall make findings of fact and conclusions of law based on the  
24 evidence, including, in the case of a child who has been placed outside of his or her  
25 home, a finding as to whether reasonable efforts were made by the agency primarily



**SENATE BILL 264**

1 responsible for providing services to the child to make it possible for the child to  
2 return to his or her home. An order shall be issued under s. 48.355.

3 **SECTION 196.** 48.365 (2m) (b) of the statutes is amended to read:

4 48.365 **(2m)** (b) If a child has been placed outside the home under s. 48.345, or  
5 if an expectant mother has been placed in an inpatient facility, as defined in s. 51.01  
6 (10), under s. 48.347, and an extension is ordered under this subsection, the judge  
7 shall state in the record the reason for the extension.

8 **SECTION 197.** 48.396 (1) of the statutes is amended to read:

9 48.396 **(1)** Law enforcement officers' records of children shall be kept separate  
10 from records of adults. Law enforcement officers' records of the expectant mothers  
11 of unborn children shall be kept separate from records of other adults. Law  
12 enforcement officers' records of children and the expectant mothers of unborn  
13 children shall not be open to inspection or their contents disclosed except under sub.  
14 (1b) or (1d) or s. 48.293 or by order of the court. This subsection does not apply to the  
15 representatives of newspapers or other reporters of news who wish to obtain  
16 information for the purpose of reporting news without revealing the identity of the  
17 child or expectant mother involved, to the confidential exchange of information  
18 between the police and officials of the school attended by the child or other law  
19 enforcement or social welfare agencies or to children 10 years of age or older who are  
20 subject to the jurisdiction of the court of criminal jurisdiction.

21 **SECTION 198.** 48.396 (1b) of the statutes is amended to read:

22 48.396 **(1b)** If requested by the parent, guardian or legal custodian of a child  
23 who is the subject of a law enforcement officer's report, or if requested by the child,  
24 if 14 years of age or over, a law enforcement agency may, subject to official agency  
25 policy, provide to the parent, guardian, legal custodian or child a copy of that report.

**SENATE BILL 264**

1 If requested by an expectant mother of an unborn child who is the subject of a law  
2 enforcement officer's report, a law enforcement agency may, subject to official agency  
3 policy, provide to the expectant mother a copy of that report.

4 **SECTION 199.** 48.396 (1d) of the statutes is amended to read:

5 48.396 (1d) Upon the written permission of the parent, guardian or legal  
6 custodian of a child who is the subject of a law enforcement officer's report or upon  
7 the written permission of the child, if 14 years of age or over, a law enforcement  
8 agency may, subject to official agency policy, make available to the person named in  
9 the permission any reports specifically identified by the parent, guardian, legal  
10 custodian or child in the written permission. Upon the written permission of an  
11 expectant mother of an unborn child who is the subject of a law enforcement officer's  
12 report, a law enforcement agency may, subject to official agency policy, make  
13 available to the person named in the permission any reports specifically identified  
14 by the expectant mother in the written permission.

15 **SECTION 200.** 48.396 (2) (aj) of the statutes is created to read:

16 48.396 (2) (aj) Upon request of an expectant mother of an unborn child who is  
17 the subject of a record of a court specified in par. (a), the court shall open for  
18 inspection by the expectant mother the records of the court relating to that expectant  
19 mother, unless the court finds, after due notice and hearing, that inspection of those  
20 records by the expectant mother would result in imminent danger to anyone.

21 **SECTION 201.** 48.396 (2) (ap) of the statutes is created to read:

22 48.396 (2) (ap) Upon the written permission of an expectant mother of an  
23 unborn child who is the subject of a record of a court specified in par. (a), the court  
24 shall open for inspection by the person named in the permission any records  
25 specifically identified by the expectant mother in the written permission, unless the

**SENATE BILL 264**

1 court finds, after due notice and hearing, that inspection of those records by the  
2 person named in the permission would result in imminent danger to anyone.

3 **SECTION 202.** 48.396 (5) (b) of the statutes is amended to read:

4 48.396 (5) (b) The court shall notify the child, the child's counsel, the child's  
5 parents and appropriate law enforcement agencies, or shall notify the expectant  
6 mother, the unborn child by its guardian ad litem and appropriate law enforcement  
7 agencies, in writing of the petition. If any person notified objects to the disclosure,  
8 the court may hold a hearing to take evidence relating to the petitioner's need for the  
9 disclosure.

10 **SECTION 203.** 48.396 (5) (c) of the statutes is amended to read:

11 48.396 (5) (c) The court shall make an inspection, which may be in camera, of  
12 the child's records of the child or expectant mother. If the court determines that the  
13 information sought is for good cause and that it cannot be obtained with reasonable  
14 effort from other sources, it the court shall then determine whether the petitioner's  
15 need for the information outweighs society's interest in protecting its confidentiality.  
16 In making ~~this~~ that determination, the court shall balance the ~~petitioner's~~ interest  
17 of the petitioner in obtaining access to the record against the ~~child's~~ interest of the  
18 child or expectant mother in avoiding the stigma that might result from disclosure.

19 **SECTION 204.** 48.396 (5) (e) of the statutes is amended to read:

20 48.396 (5) (e) The court shall record the reasons for its decision to disclose or  
21 not to disclose the child's records of the child or expectant mother. All records related  
22 to a decision under this subsection are confidential.

23 **SECTION 205.** 48.44 (1) of the statutes is amended to read:

24 48.44 (1) The court has jurisdiction over persons 17 or older as provided under  
25 ss. 48.133, 48.355 (4) and 48.45 and as otherwise specifically provided in this chapter.

**SENATE BILL 264**

1           **SECTION 206.** 48.45 (1) (am) of the statutes is created to read:

2           48.45 (1) (am) If in the hearing of a case of an unborn child and its expectant  
3 mother alleged to be in a condition described in s. 48.133 it appears that any person  
4 17 years of age or over has been guilty of contributing to, encouraging, or tending to  
5 cause by any act or omission, such condition of the unborn child and expectant  
6 mother, the judge may make orders with respect to the conduct of such person in his  
7 or her relationship to the unborn child and expectant mother.

8           **SECTION 207.** 48.45 (1) (b) of the statutes is amended to read:

9           48.45 (1) (b) An act or failure to act contributes to a condition of a child as  
10 described in s. 48.13 or an unborn child and its expectant mother as described in s.  
11 48.133, although the child is not actually adjudicated to come within the provisions  
12 of s. 48.13 or the unborn child and expectant mother are not actually adjudicated to  
13 come within the provisions of s. 48.133, if the natural and probable consequences of  
14 that act or failure to act would be to cause the child to come within the provisions of  
15 s. 48.13 or the unborn child and expectant mother to come within the provisions of  
16 s. 48.133.

17           **SECTION 208.** 48.45 (1r) of the statutes is created to read:

18           48.45 (1r) In a proceeding in which an unborn child has been found to be in need  
19 of protection or services under s. 48.133, the judge may impose on the expectant  
20 mother any disposition permitted under s. 48.347.

21           **SECTION 209.** 48.45 (2) of the statutes is amended to read:

22           48.45 (2) No order under sub. (1) (a) or (am) or (1m) (a) may be entered until  
23 the person who is the subject of the contemplated order is given an opportunity to be  
24 heard on the contemplated order. The court shall cause notice of the time, place and  
25 purpose of the hearing to be served on the person personally at least 10 days before

**SENATE BILL 264**

1 the date of hearing. The procedure in these cases shall, as far as practicable, be the  
2 same as in other cases in the court. At the hearing the person may be represented  
3 by counsel and may produce and cross-examine witnesses. Any person who fails to  
4 comply with any order issued by a court under sub. (1) (a) or (am) or (1m) (a) may be  
5 proceeded against for contempt of court. If the person's conduct involves a crime, the  
6 person may be proceeded against under the criminal law.

7 **SECTION 210.** 48.46 (1) of the statutes is amended to read:

8 48.46 (1) Except as provided in sub. (2), ~~the parent, guardian or legal custodian~~  
9 ~~of the child or the child whose status is adjudicated by the court, the parent, guardian~~  
10 ~~or legal custodian of that child, the unborn child whose status is adjudicated by the~~  
11 ~~court or the expectant mother of that unborn child~~ may at any time within one year  
12 after the entering of the court's order petition the court for a rehearing on the ground  
13 that new evidence has been discovered affecting the advisability of the court's  
14 original adjudication. Upon a showing that such evidence does exist, the court shall  
15 order a new hearing.

16 **SECTION 211.** 48.48 (1) of the statutes is amended to read:

17 48.48 (1) To promote the enforcement of the laws relating to nonmarital  
18 children and, children in need of protection or services including developmentally  
19 disabled children and unborn children in need of protection or services and to take  
20 the initiative in all matters involving the interests of such those children where and  
21 unborn children when adequate provision ~~therefor~~ for those interests is not made.  
22 This duty shall be discharged in cooperation with the courts, county departments,  
23 licensed child welfare agencies and with parents, expectant mothers and other  
24 individuals interested in the welfare of children and unborn children.

25 **SECTION 212.** 48.48 (16) of the statutes is amended to read:

**SENATE BILL 264**

1           48.48 (16) To establish and enforce standards for services provided under s. ss.  
2           48.345 and 48.347.

3           **SECTION 213.** 48.52 (2) (a) of the statutes is amended to read:

4           48.52 (2) (a) In addition to the facilities and services described in sub. (1), the  
5           department may use other facilities and services under its jurisdiction. The  
6           department may also contract for and pay for the use of other public facilities or  
7           private facilities for the care and treatment of children and the expectant mothers  
8           of unborn children in its care. Placements in institutions for the mentally ill or  
9           developmentally disabled shall be made in accordance with ss. 48.14 (5), 48.347 (5)  
10          and 48.63 and ch. 51.

11          **SECTION 214.** 48.547 (1) of the statutes is amended to read:

12          48.547 (1) LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that the use  
13          and abuse of alcohol and other drugs by children and the expectant mothers of  
14          unborn children is a state responsibility of statewide dimension. The legislature  
15          recognizes that there is a lack of adequate procedures to screen, assess and treat  
16          children and the expectant mothers of unborn children for alcohol and other drug  
17          abuse. To reduce the incidence of alcohol and other drug abuse by children and the  
18          expectant mothers of unborn children, the legislature deems it necessary to  
19          experiment with solutions to the problems of the use and abuse of alcohol and other  
20          drugs by children and the expectant mothers of unborn children by establishing a  
21          juvenile and expectant mother alcohol and other drug abuse pilot program in a  
22          limited number of counties. The purpose of the program is to develop intake and  
23          court procedures that screen, assess and give new dispositional alternatives for  
24          children and expectant mothers with needs and problems related to the use of alcohol  
25          beverages, controlled substances or controlled substance analogs who come within

**SENATE BILL 264**

1 the jurisdiction of a court assigned to exercise jurisdiction under this chapter and ch.  
2 938 in the pilot counties selected by the department.

3 **SECTION 215.** 48.547 (3) (intro.), (b) and (d) of the statutes are amended to read:

4 48.547 (3) MULTIDISCIPLINARY SCREEN. (intro.) ~~By September 1, 1988, the~~ The  
5 department shall ~~develop~~ provide a multidisciplinary screen for the pilot program.  
6 The screen shall be used by an intake worker to determine whether or not a child or  
7 an expectant mother of an unborn child is in need of an alcohol or other drug abuse  
8 assessment. The screen shall also include indicators that screen children and  
9 expectant mothers for:

10 (b) School ~~or,~~ truancy or work problems.

11 (d) Delinquent or criminal behavior patterns.

12 **SECTION 216.** 48.57 (1) (a) of the statutes is amended to read:

13 48.57 (1) (a) To investigate the conditions surrounding nonmarital children  
14 ~~and,~~ children in need of protection or services including developmentally disabled  
15 children and unborn children in need of protection or services within the county and  
16 to take every reasonable action within its power to secure for them the full benefit  
17 of all laws enacted for their benefit. Unless provided by another agency, the county  
18 department shall offer social services to the caretaker of any child, and to the  
19 expectant mother of any unborn child, who is referred to it under the conditions  
20 specified in this paragraph. This duty shall be discharged in cooperation with the  
21 court and with the public officers or boards legally responsible for the administration  
22 and enforcement of ~~these~~ those laws.

23 **SECTION 217.** 48.57 (1) (b) of the statutes is amended to read:

24 48.57 (1) (b) To accept legal custody of children transferred to it by the court  
25 under s. 48.355, to accept supervision over expectant mothers of unborn children who

**SENATE BILL 264**

1 are placed under its supervision under s. 48.355 and to provide special treatment and  
2 care for children and expectant mothers if ordered by the court. A court may not  
3 order a county department to administer psychotropic medications to children and  
4 expectant mothers who receive special treatment or care under this paragraph.

5 **SECTION 218.** 48.57 (1) (c) of the statutes is amended to read:

6 48.57 (1) (c) To provide appropriate protection and services for children and the  
7 expectant mothers of unborn children in its care, including providing services for  
8 those children and their families and for those expectant mothers in their own  
9 homes, placing ~~the~~ those children in licensed foster homes, ~~licensed~~ treatment foster  
10 homes or ~~licensed~~ group homes in this state or another state within a reasonable  
11 proximity to the agency with legal custody or contracting for services for ~~them~~ those  
12 children by licensed child welfare agencies, except that the county department ~~shall~~  
13 may not purchase the educational component of private day treatment programs  
14 unless the county department, the school board as defined in s. 115.001 (7) and the  
15 ~~department of education~~ state superintendent of public instruction all determine  
16 that an appropriate public education program is not available. Disputes between the  
17 county department and the school district shall be resolved by the ~~department of~~  
18 education state superintendent of public instruction.

19 **SECTION 219.** 48.57 (1) (g) of the statutes is amended to read:

20 48.57 (1) (g) Upon request of the department of health and family services or  
21 the department of corrections, to provide service for any child or expectant mother  
22 of an unborn child in the care of those departments.

23 **SECTION 220.** 48.57 (2) of the statutes is amended to read:

24 48.57 (2) In performing the functions specified in sub. (1) the county  
25 department may avail itself of the cooperation of any individual or private agency or



**SENATE BILL 264**

1 organization interested in the social welfare of children and unborn children in the  
2 county.

3 **SECTION 221.** 48.59 (1) of the statutes is amended to read:

4 48.59 (1) The county department shall investigate the personal and family  
5 history and environment of any child transferred to its legal custody or placed under  
6 its supervision under s. 48.345 and of every expectant mother of an unborn child  
7 placed under its supervision under s. 48.347 and make any physical or mental  
8 examinations of the child or expectant mother considered necessary to determine the  
9 type of care necessary for the child or expectant mother. The county department  
10 shall screen a child or expectant mother who is examined under this subsection to  
11 determine whether the child or expectant mother is in need of special treatment or  
12 care because of alcohol or other drug abuse, mental illness or severe emotional  
13 disturbance. The county department shall keep a complete record of the information  
14 received from the court, the date of reception, all available data on the personal and  
15 family history of the child or expectant mother, the results of all tests and  
16 examinations given the child or expectant mother and a complete history of all  
17 placements of the child while in the legal custody or under the supervision of the  
18 county department or of the expectant mother while under the supervision of the  
19 county department.

20 **SECTION 222.** 48.59 (2) of the statutes is amended to read:

21 48.59 (2) At the department's request, the county department shall report to  
22 the department regarding children who are in the legal custody or under the  
23 supervision of the county department and expectant mothers of unborn children who  
24 are under the supervision of the county department.

25 **SECTION 223.** 48.78 (2) (aj) of the statutes is created to read:

**SENATE BILL 264**

1           48.78 (2) (aj) Paragraph (a) does not prohibit an agency from making available  
2 for inspection or disclosing the contents of a record, upon the request of an expectant  
3 mother of an unborn child who is the subject of the record to the expectant mother,  
4 unless the agency determines that inspection of those records by the expectant  
5 mother would result in imminent danger to anyone.

6           **SECTION 224.** 48.78 (2) (ap) of the statutes is created to read:

7           48.78 (2) (ap) Paragraph (a) does not prohibit an agency from making available  
8 for inspection or disclosing the contents of a record, upon the written permission of  
9 an expectant mother of an unborn child who is the subject of the record to the person  
10 named in the permission if the expectant mother specifically identifies the record in  
11 the written permission, unless the agency determines that inspection of those  
12 records by the person named in the permission would result in imminent danger to  
13 anyone.

14           **SECTION 225.** 48.981 (title) of the statutes is amended to read:

15           **48.981 (title) Abused or neglected children and abused unborn**  
16 **children.**

17           **SECTION 226.** 48.981 (1) (ct) of the statutes is created to read:

18           48.981 (1) (ct) “Indian unborn child” means an unborn child whose expectant  
19 mother is affiliated with an Indian tribe or band in any of the following ways:

20           1. As a member of the tribe or band.

21           2. As a person who is both eligible for membership in the tribe or band and the  
22 biological child of a member of the tribe or band.

23           **SECTION 227.** 48.981 (1) (h) (intro.) of the statutes is amended to read:

24           48.981 (1) (h) (intro.) “Subject” means a person named in a report or record as  
25 either any of the following:

**SENATE BILL 264**

1           **SECTION 228.** 48.981 (1) (h) 1m. of the statutes is created to read:

2           48.981 (1) (h) 1m. An unborn child who is the victim or alleged victim of abuse  
3 or who is at substantial risk of abuse.

4           **SECTION 229.** 48.981 (1) (h) 2. of the statutes is amended to read:

5           48.981 (1) (h) 2. A person who is suspected of abuse or neglect or who has been  
6 determined to have abused or neglected a child or to have abused an unborn child.

7           **SECTION 230.** 48.981 (2) of the statutes is amended to read:

8           48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical  
9 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or  
10 mental health professional, social worker, marriage and family therapist,  
11 professional counselor, public assistance worker, including a financial and  
12 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or  
13 counselor, mediator under s. 767.11, child care worker in a day care center or child  
14 caring institution, day care provider, alcohol or other drug abuse counselor, member  
15 of the treatment staff employed by or working under contract with a county  
16 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational  
17 therapist, dietitian, speech-language pathologist, audiologist, emergency medical  
18 technician or police or law enforcement officer having reasonable cause to suspect  
19 that a child seen in the course of professional duties has been abused or neglected  
20 or, having reasonable cause to suspect that an unborn child seen in the course of  
21 professional duties has been abused, having reason to believe that a child seen in the  
22 course of professional duties has been threatened with abuse or neglect and that  
23 abuse or neglect of the child will occur or having reason to believe that an unborn  
24 child seen in the course of professional duties is at substantial risk of abuse shall,  
25 except as provided under sub. (2m), report as provided in sub. (3). Any other person,

**SENATE BILL 264**

1 including an attorney, having reason to suspect that a child has been abused or  
2 neglected ~~or, reason to suspect that an unborn child has been abused,~~ reason to  
3 believe that a child has been threatened with abuse or neglect and that abuse or  
4 neglect of the child will occur or reason to believe that an unborn child is at  
5 substantial risk of abuse may make such a report. No person making a report under  
6 this subsection may be discharged from employment for so doing.

7 **SECTION 231.** 48.981 (3) (a) of the statutes is amended to read:

8 48.981 (3) (a) *Referral of report.* A person required to report under sub. (2) shall  
9 immediately inform, by telephone or personally, the county department or the sheriff  
10 or city, village or town police department of the facts and circumstances contributing  
11 to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that  
12 abuse or neglect will occur. The sheriff or police department shall within 12 hours,  
13 exclusive of Saturdays, Sundays or legal holidays, refer to the county department all  
14 cases reported to it. The county department may require that a subsequent report  
15 be made in writing. Each county department shall adopt a written policy specifying  
16 the kinds of reports it will routinely report to local law enforcement authorities.

17 **SECTION 232.** 48.981 (3) (b) 1. of the statutes is amended to read:

18 48.981 (3) (b) 1. Any person reporting under this section may request an  
19 immediate investigation by the sheriff or police department if the person has reason  
20 to suspect that a child's the health or safety of a child or of an unborn child is in  
21 immediate danger. Upon receiving such a request, the sheriff or police department  
22 shall immediately investigate to determine if there is reason to believe that the  
23 child's health or safety of the child or unborn child is in immediate danger and take  
24 any necessary action to protect the child or unborn child.

25 **SECTION 233.** 48.981 (3) (b) 2m. of the statutes is created to read:

**SENATE BILL 264**

1           48.981 (3) (b) 2m. If the investigating officer has reason under s. 48.193 (1) (c)  
2           or (d) 2. to take the expectant mother of an unborn child into custody, the  
3           investigating officer shall take the expectant mother into custody and deliver the  
4           expectant mother to the intake worker under s. 48.203.

5           **SECTION 234.** 48.981 (3) (bm) (intro.) of the statutes is amended to read:

6           48.981 (3) (bm) *Notice of report to Indian tribal agent.* (intro.) In a county  
7           which has wholly or partially within its boundaries a federally recognized Indian  
8           reservation or a bureau of Indian affairs service area for the Winnebago tribe, if a  
9           county department which receives a report under par. (a) pertaining to a child or  
10          unborn child knows that ~~he or she~~ the child or unborn child is an Indian child who  
11          resides in the county or is an Indian unborn child whose expectant mother resides  
12          in the county, the county department shall provide notice, which shall consist only  
13          of the name and address of the child or expectant mother and the fact that a report  
14          has been received about that child or unborn child, within 24 hours to one of the  
15          following:

16          **SECTION 235.** 48.981 (3) (bm) 1. of the statutes is amended to read:

17          48.981 (3) (bm) 1. If the county department knows with which tribe or band the  
18          child or expectant mother is affiliated and it is a Wisconsin tribe or band, the tribal  
19          agent of that tribe or band.

20          **SECTION 236.** 48.981 (3) (bm) 2. of the statutes is amended to read:

21          48.981 (3) (bm) 2. If the county department does not know with which tribe or  
22          band the child or expectant mother is affiliated or the child or expectant mother is  
23          not affiliated with a Wisconsin tribe or band, the tribal agent serving the reservation  
24          or Winnebago service area where the child or expectant mother resides.

25          **SECTION 237.** 48.981 (3) (c) 1. of the statutes is amended to read:

**SENATE BILL 264**

1           48.981 (3) (c) 1. Within 24 hours after receiving a report under par. (a), the  
2 county department or licensed child welfare agency under contract with the county  
3 department shall, in accordance with the authority granted to the county  
4 department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the  
5 child or unborn child is in need of protection or services. The investigation shall be  
6 conducted in accordance with standards established by the department for  
7 conducting child abuse and neglect investigations or unborn child abuse  
8 investigations. If the investigation is of a report of abuse or neglect or threatened  
9 abuse or neglect by a caregiver specified in sub. (1) (am) 5. to 8. who continues to have  
10 access to the child or a caregiver specified in sub. (1) (am) 1. to 4., or of a report that  
11 does not disclose who is suspected of the abuse or neglect and in which the  
12 investigation does not disclose who abused or neglected the child, the investigation  
13 shall also include observation of or an interview with the child, or both, and, if  
14 possible, an interview with the child's parents, guardian or legal custodian. If the  
15 investigation is of a report of abuse or neglect or threatened abuse or neglect by a  
16 caregiver who continues to reside in the same dwelling as the child, the investigation  
17 shall also include, if possible, a visit to that dwelling. At the initial visit to the child's  
18 dwelling, the person making the investigation shall identify himself or herself and  
19 the county department or licensed child welfare agency involved to the child's  
20 parents, guardian or legal custodian. The county department or licensed child  
21 welfare agency under contract with the county department may contact, observe or  
22 interview the child at any location without permission from the child's parent,  
23 guardian or legal custodian if necessary to determine if the child is in need of  
24 protection or services, except that the person making the investigation may enter a

**SENATE BILL 264**

1 child's dwelling only with permission from the child's parent, guardian or legal  
2 custodian or after obtaining a court order to do so.

3 **SECTION 238.** 48.981 (3) (c) 2m. of the statutes is created to read:

4 48.981 (3) (c) 2m. a. If the person making the investigation is an employe of the  
5 county department and he or she determines that it is consistent with the best  
6 interest of the unborn child in terms of physical safety and physical health to take  
7 the expectant mother into custody for the immediate protection of the unborn child,  
8 he or she shall take the expectant mother into custody under s. 48.08 (2) or 48.193  
9 (1) (c) and deliver the expectant mother to the intake worker under s. 48.203.

10 b. If the person making the investigation is an employe of a licensed child  
11 welfare agency which is under contract with the county department and he or she  
12 determines that any unborn child requires immediate protection, he or she shall  
13 notify the county department of the circumstances and together with an employe of  
14 the county department shall take the expectant mother of the unborn child into  
15 custody under s. 48.08 (2) or 48.193 (1) (c) and deliver the expectant mother to the  
16 intake worker under s. 48.203.

17 **SECTION 239.** 48.981 (3) (c) 3. of the statutes is amended to read:

18 48.981 (3) (c) 3. If the county department determines that a child, any member  
19 of the child's family or the child's guardian or legal custodian is in need of services  
20 or that the expectant mother of an unborn child is in need of services, the county  
21 department shall offer to provide appropriate services or to make arrangements for  
22 the provision of services. If the child's parent, guardian or legal custodian or the  
23 expectant mother refuses to accept the services, the county department may request  
24 that a petition be filed under s. 48.13 alleging that the child who is the subject of the  
25 report or any other child in the home is in need of protection or services or that a

**SENATE BILL 264**

1 petition be filed under s. 48.133 alleging that the unborn child who is the subject of  
2 the report is in need of protection or services.

3 **SECTION 240.** 48.981 (3) (c) 5. of the statutes is amended to read:

4 48.981 (3) (c) 5. The county department and licensed child welfare agency  
5 under contract with the county department shall maintain a record of its actions in  
6 connection with each report it receives. The record shall include a description of the  
7 services provided to any child and to the parents, guardian or legal custodian of the  
8 child or to any expectant mother of an unborn child. The county department and  
9 licensed child welfare agency under contract with the county department shall  
10 update the record every 6 months until the case is closed.

11 **SECTION 241.** 48.981 (3) (c) 6. of the statutes is amended to read:

12 48.981 (3) (c) 6. The county department or licensed child welfare agency under  
13 contract with the county department shall, within 60 days after it receives a report  
14 from a person required under sub. (2) to report, inform the reporter what action, if  
15 any, was taken to protect the health and welfare of the child or unborn child who is  
16 the subject of the report.

17 **SECTION 242.** 48.981 (3) (c) 6m. of the statutes is amended to read:

18 48.981 (3) (c) 6m. If a person who is not required under sub. (2) to report makes  
19 a report and is a relative of the child, other than the child's parent, or is a relative  
20 of the expectant mother of the unborn child, that person may make a written request  
21 to the county department or licensed child welfare agency under contract with the  
22 county department for information regarding what action, if any, was taken to  
23 protect the health and welfare of the child or unborn child who is the subject of the  
24 report. A county department or licensed child welfare agency that receives a written  
25 request under this subdivision shall, within 60 days after it receives the report or 20



**SENATE BILL 264**

1 days after it receives the written request, whichever is later, inform the reporter in  
2 writing of what action, if any, was taken to protect the health and welfare of the child  
3 or unborn child, unless a court order prohibits that disclosure, and of the duty to keep  
4 the information confidential under sub. (7) (e) and the penalties for failing to do so  
5 under sub. (7) (f). The county department or licensed child welfare agency may  
6 petition the court ex parte for an order prohibiting that disclosure and, if the county  
7 department or licensed child welfare agency does so, the time period within which  
8 the information must be disclosed is tolled on the date the petition is filed and  
9 remains tolled until the court issues a decision. The court may hold an ex parte  
10 hearing in camera and shall issue an order granting the petition if the court  
11 determines that disclosure of the information would not be in the best interests of the  
12 child or unborn child.

13 **SECTION 243.** 48.981 (3) (c) 7. of the statutes is amended to read:

14 48.981 (3) (c) 7. The county department shall cooperate with law enforcement  
15 officials, courts of competent jurisdiction, tribal governments and other human  
16 service agencies to prevent, identify and treat child abuse and neglect and unborn  
17 child abuse. The county department shall coordinate the development and provision  
18 of services to abused and neglected children and, to abused unborn children, to  
19 families ~~where~~ in which child abuse or neglect has occurred ~~or, to expectant mothers~~  
20 who have abused their unborn children, to children and families ~~where~~ when  
21 circumstances justify a belief that child abuse or neglect will occur and to the  
22 expectant mothers of unborn children when circumstances justify a belief that  
23 unborn child abuse will occur.

24 **SECTION 244.** 48.981 (3) (c) 8. of the statutes is amended to read:

**SENATE BILL 264**

1           48.981 (3) (c) 8. Using the format prescribed by the department, each county  
2 department shall provide the department with information about each report that  
3 it receives or that is received by a licensed child welfare agency that is under contract  
4 with the county department and about each investigation it or a licensed child  
5 welfare agency under contract with the county department conducts. This  
6 information shall be used by the department to monitor services provided by county  
7 departments or licensed child welfare agencies under contract with county  
8 departments. The department shall use nonidentifying information to maintain  
9 statewide statistics on child abuse and neglect and on unborn child abuse, and for  
10 planning and policy development purposes.

11           **SECTION 245.** 48.981 (3) (d) 1. of the statutes is amended to read:

12           48.981 (3) (d) 1. In this paragraph, "agent" includes, but is not limited to, a  
13 foster parent, treatment foster parent or other person given custody of a child or a  
14 human services professional employed by a county department under s. 51.42 or  
15 51.437 who is working with the a child or expectant mother of an unborn child under  
16 contract with or under the supervision of the county department under s. 46.215 or  
17 46.22.

18           **SECTION 246.** 48.981 (3) (d) 2. of the statutes is amended to read:

19           48.981 (3) (d) 2. If an agent or employe of a county department or licensed child  
20 welfare agency under contract with the county department required to investigate  
21 under this subsection is the subject of a report, or if the county department or  
22 licensed child welfare agency under contract with the county department determines  
23 that, because of the relationship between the county department or licensed child  
24 welfare agency under contract with the county department and the subject of a  
25 report, there is a substantial probability that the county department or licensed child

**SENATE BILL 264**

1 welfare agency under contract with the county department would not conduct an  
2 unbiased investigation, the county department or licensed child welfare agency  
3 under contract with the county department shall, after taking any action necessary  
4 to protect the child or unborn child, notify the department. Upon receipt of the notice,  
5 the department or a county department or child welfare agency designated by the  
6 department shall conduct an independent investigation. If the department  
7 designates a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, that  
8 county department shall conduct the independent investigation. If a licensed child  
9 welfare agency agrees to conduct the independent investigation, the department  
10 may designate that agency to do so. The powers and duties of the department or  
11 designated county department or child welfare agency making an independent  
12 investigation are those given to county departments under par. (c).

13 **SECTION 247.** 48.981 (4) of the statutes is amended to read:

14 48.981 (4) IMMUNITY FROM LIABILITY. Any person or institution participating in  
15 good faith in the making of a report, conducting an investigation, ordering or taking  
16 of photographs or ordering or performing medical examinations of a child or of an  
17 expectant mother under this section shall have immunity from any liability, civil or  
18 criminal, that results by reason of the action. For the purpose of any proceeding, civil  
19 or criminal, the good faith of any person reporting under this section shall be  
20 presumed. The immunity provided under this subsection does not apply to liability  
21 for abusing or neglecting a child or for abusing an unborn child.

22 **SECTION 248.** 48.981 (7) (a) 1m. of the statutes is amended to read:

23 48.981 (7) (a) 1m. A reporter described in sub. (3) (c) 6m. who makes a written  
24 request to the county department or licensed child welfare agency under contract  
25 with the county department for information regarding what action, if any, was taken

**SENATE BILL 264**

1 to protect the health and welfare of the child or unborn child who is the subject of the  
2 report, unless a court order under sub. (3) (c) 6m. prohibits disclosure of that  
3 information to that reporter, except that the only information that may be disclosed  
4 is information in the record regarding what action, if any, was taken to protect the  
5 health and welfare of the child or unborn child who is the subject of the report.

6 **SECTION 249.** 48.981 (7) (a) 3m. of the statutes is amended to read:

7 48.981 (7) (a) 3m. A child's parent, guardian or legal custodian or the expectant  
8 mother of an unborn child, except that the person or agency maintaining the record  
9 or report may not disclose any information that would identify the reporter.

10 **SECTION 250.** 48.981 (7) (a) 4. of the statutes is amended to read:

11 48.981 (7) (a) 4. A child's foster parent, treatment foster parent or other person  
12 having physical custody of the child or a person having physical custody of the  
13 expectant mother of an unborn child, except that the person or agency maintaining  
14 the record or report may not disclose any information that would identify the  
15 reporter.

16 **SECTION 251.** 48.981 (7) (a) 5. of the statutes is amended to read:

17 48.981 (7) (a) 5. A professional employe of a county department under s. 51.42  
18 or 51.437 who is working with the child or the expectant mother of the unborn child  
19 under contract with or under the supervision of the county department under s.  
20 46.215 or 46.22.

21 **SECTION 252.** 48.981 (7) (a) 6. of the statutes is amended to read:

22 48.981 (7) (a) 6. A multidisciplinary child abuse and neglect or unborn child  
23 abuse team recognized by the county department.

24 **SECTION 253.** 48.981 (7) (a) 6m. of the statutes is amended to read:

**SENATE BILL 264**

1           48.981 (7) (a) 6m. A person employed by a child or unborn child advocacy center  
2 recognized by the county board or the county department, to the extent necessary to  
3 perform the services for which the center is recognized by the county board or the  
4 county department.

5           **SECTION 254.** 48.981 (7) (a) 10. of the statutes is amended to read:

6           48.981 (7) (a) 10. A court conducting proceedings under s. 48.21 or 48.213, a  
7 court conducting proceedings related to a petition under s. 48.13, 48.133 or 48.42 or  
8 a court conducting dispositional proceedings under subch. VI or VIII in which abuse  
9 or neglect of the child who is the subject of the report or record or abuse of the unborn  
10 child who is the subject of the report or record is an issue.

11           **SECTION 255.** 48.981 (7) (a) 10m. of the statutes is amended to read:

12           48.981 (7) (a) 10m. A tribal court, or other adjudicative body authorized by a  
13 tribe or band to perform child welfare functions, that exercises jurisdiction over  
14 children and unborn children alleged to be in need of protection or services for use  
15 in proceedings in which abuse or neglect of the child who is the subject of the report  
16 or record or abuse of the unborn child who is the subject of the report or record is an  
17 issue.

18           **SECTION 256.** 48.981 (7) (a) 11. of the statutes is amended to read:

19           48.981 (7) (a) 11. The county corporation counsel or district attorney  
20 representing the interests of the public and in proceedings under subd. 10., 10g. or  
21 10j., the counsel or guardian ad litem representing the interests of a child in  
22 proceedings under subd. 10., 10g. or 10j. and the guardian ad litem representing the  
23 interests of an unborn child in proceedings under subd. 10.

24           **SECTION 257.** 48.981 (7) (a) 11m. of the statutes is amended to read:

**SENATE BILL 264**

1           48.981 (7) (a) 11m. An attorney representing the interests of an Indian tribe  
2 or band ~~or~~ in proceedings under subd. 10m. or 10r., of an Indian child in proceedings  
3 under subd. 10m. or 10r. or of an Indian unborn child in proceedings under subd.  
4 10m.

5           **SECTION 258.** 48.981 (7) (a) 11r. of the statutes is amended to read:

6           48.981 (7) (a) 11r. A volunteer appointed or person employed by a  
7 court-appointed special advocate program recognized by the county board or the  
8 county department, to the extent necessary to perform the advocacy services in  
9 proceedings related to a petition under s. 48.13 or 48.133 for which the  
10 court-appointed special advocate program is recognized by the county board or  
11 county department.

12           **SECTION 259.** 48.981 (7) (a) 17. of the statutes is amended to read:

13           48.981 (7) (a) 17. A federal agency, state agency of this state or any other state  
14 or local governmental unit located in this state or any other state that has a need for  
15 a report or record in order to carry out its responsibility to protect children from  
16 abuse or neglect or to protect unborn children from abuse.

17           **SECTION 260.** 48.981 (8) (a) of the statutes is amended to read:

18           48.981 (8) (a) The department and county departments to the extent feasible  
19 shall conduct continuing education and training programs for staff of the  
20 department, county departments and tribal social services departments, persons  
21 and officials required to report, the general public and others as appropriate. The  
22 programs shall be designed to encourage reporting of child abuse and neglect and of  
23 unborn child abuse, to encourage self-reporting and voluntary acceptance of services  
24 and to improve communication, cooperation and coordination in the identification,  
25 prevention and treatment of child abuse and neglect and of unborn child abuse. The

**SENATE BILL 264**

1 department and county departments shall develop public information programs  
2 about child abuse and neglect and about unborn child abuse.

3 **SECTION 261.** 48.981 (8) (b) of the statutes is amended to read:

4 48.981 (8) (b) The department shall to the extent feasible ensure that there are  
5 available in the state administrative procedures, personnel trained in child abuse  
6 and neglect and in unborn child abuse, multidisciplinary programs and operational  
7 procedures and capabilities to deal effectively with child abuse and neglect cases and  
8 with unborn child abuse cases. These procedures and capabilities may include, but  
9 are not limited to, receipt, investigation and verification of reports; determination of  
10 treatment or ameliorative social services; or referral to the appropriate court.

11 **SECTION 262.** 48.981 (8) (c) of the statutes is amended to read:

12 48.981 (8) (c) In meeting its responsibilities under par. (a) or (b), the  
13 department or a county department may contract with any public or private  
14 organization which meets the standards set by the department. In entering into the  
15 contracts the department or county department shall give priority to parental  
16 organizations combating child abuse and neglect or unborn child abuse.

17 **SECTION 263.** 48.981 (8) (d) 1. of the statutes is amended to read:

18 48.981 (8) (d) 1. Each county department or licensed child welfare agency  
19 under contract with a county department staff member and supervisor whose  
20 responsibilities include investigation or treatment of child abuse and neglect or of  
21 unborn child abuse shall successfully complete training in child abuse and neglect  
22 protective services, or in unborn child abuse protective services, approved by the  
23 department. The department shall monitor compliance with this subdivision  
24 according to rules promulgated by the department.

25 **SECTION 264.** 48.981 (9) of the statutes is amended to read:

**SENATE BILL 264**

1           48.981 (9) ANNUAL REPORTS. Annually, the department shall prepare and  
2 transmit to the governor, and to the legislature under s. 13.172 (2), a report on the  
3 status of child abuse and neglect programs and on the status of unborn child abuse  
4 programs. The report shall include a full statistical analysis of the child abuse and  
5 neglect reports, and the unborn child abuse reports, made through the last calendar  
6 year, an evaluation of services offered under this section and their effectiveness, and  
7 recommendations for additional legislative and other action to fulfill the purpose of  
8 this section. The department shall provide statistical breakdowns by county, if  
9 requested by a county.

10           **SECTION 265.** 48.982 (1) (d) of the statutes is amended to read:

11           48.982 (1) (d) "Organization" means a nonprofit organization, as defined under  
12 s. 108.02 (19), or a public agency which provides or proposes to provide child abuse  
13 and neglect prevention and intervention services ~~or~~, unborn child abuse prevention  
14 and intervention services, parent education or expectant mother education.

15           **SECTION 266.** 48.982 (2) (a) of the statutes is amended to read:

16           48.982 (2) (a) Biennially, develop and transmit to the governor and the  
17 presiding officer of each house of the legislature a plan for awarding grants to  
18 organizations. The plan shall assure that there is an equal opportunity for  
19 establishment of child abuse and neglect prevention programs, unborn child abuse  
20 prevention programs, early childhood family education centers and right from the  
21 start projects. The plan shall also ensure that the grants will be distributed  
22 throughout all geographic areas of the state and in both urban and rural  
23 communities. For grants provided under sub. (6), the plan shall also ensure that the  
24 grants are distributed based on population.

25           **SECTION 267.** 48.982 (2) (g) 1. of the statutes is amended to read:



**SENATE BILL 264**

1           48.982 (2) (g) 1. Recommend to the governor, the legislature and state agencies  
2 changes needed in state programs, statutes, policies, budgets and rules to reduce the  
3 problems of child abuse and neglect and of unborn child abuse, improve coordination  
4 among state agencies that provide prevention services and improve the condition of  
5 children, unborn children and persons responsible for children or unborn children  
6 who are in need of prevention program services.

7           **SECTION 268.** 48.982 (2) (g) 2. of the statutes is amended to read:

8           48.982 (2) (g) 2. Promote statewide educational and public informational  
9 seminars for the purpose of developing public awareness of the problems of child  
10 abuse and neglect and unborn child abuse.

11           **SECTION 269.** 48.982 (2) (g) 3. of the statutes is amended to read:

12           48.982 (2) (g) 3. Encourage professional persons and groups to recognize and  
13 deal with problems of child abuse and neglect and unborn child abuse.

14           **SECTION 270.** 48.982 (2) (g) 4. of the statutes is amended to read:

15           48.982 (2) (g) 4. Disseminate information about the problems of child abuse and  
16 neglect and unborn child abuse to the public and to organizations concerned with  
17 those problems.

18           **SECTION 271.** 48.982 (2) (g) 5. of the statutes is amended to read:

19           48.982 (2) (g) 5. Encourage the development of community child abuse and  
20 neglect prevention programs and community unborn child abuse prevention  
21 programs.

22           **SECTION 272.** 48.982 (2) (gm) of the statutes is amended to read:

23           48.982 (2) (gm) Provide, for use by the board in its statewide projects under sub.  
24 (5) and for use by organizations that receive grants under subs. (4), (6) and (7),  
25 educational and public informational materials and programming that emphasize

**SENATE BILL 264**

1 the role of fathers in the primary prevention of child abuse and neglect and in the  
2 primary prevention of unborn child abuse.

3 **SECTION 273.** 48.982 (4) (d) (intro.) of the statutes is amended to read:

4 48.982 (4) (d) (intro.) The board shall award grants to organizations for  
5 programs for the primary prevention of child abuse and neglect and for the primary  
6 prevention of unborn child abuse, including, but not limited to:

7 **SECTION 274.** 48.982 (4) (d) 1. of the statutes is amended to read:

8 48.982 (4) (d) 1. Programs to promote public awareness of the need for the  
9 prevention of child abuse and neglect and of the need for the prevention of unborn  
10 child abuse.

11 **SECTION 275.** 48.982 (4) (d) 3. of the statutes is amended to read:

12 48.982 (4) (d) 3. Community-based programs relating to crisis care, early  
13 identification of children at risk of child abuse or neglect and of unborn children at  
14 risk of abuse, and education, training and support groups for parents, expectant  
15 mothers, children and families.

16 **SECTION 276.** 48.982 (4) (e) of the statutes is amended to read:

17 48.982 (4) (e) In determining which organizations shall receive grants, the  
18 board shall consider whether the applicant's proposal will further the coordination  
19 of child abuse and neglect services and unborn child abuse services between the  
20 organization and other resources, public and private, in the community and the  
21 state.

22 **SECTION 277.** 48.985 (1) of the statutes is amended to read:

23 48.985 (1) FEDERAL PROGRAM OPERATIONS. From the appropriation under s.  
24 20.435 (3) (n), the department shall expend not more than \$543,700 in fiscal year  
25 1995-96 and not more than \$543,700 in fiscal year 1996-97 of the moneys received

**SENATE BILL 264**

1 under 42 USC 620 to 626 for the department's expenses in connection with  
2 administering the expenditure of funds received under 42 USC 620 to 626, for child  
3 welfare projects and services provided or purchased by the department, for child  
4 abuse and neglect and unborn child abuse independent investigations and for  
5 providing child-at-risk and unborn child-at-risk field training to counties.

6 **SECTION 278.** 48.985 (2) (a) of the statutes is renumbered 48.985 (2) and  
7 amended to read:

8 48.985 (2) From the appropriation under s. 20.435 (7) (o), the department shall  
9 distribute not more than \$3,919,800 in each fiscal year of the moneys received under  
10 42 USC 620 to 626 to county departments under ss. 46.215, 46.22 and 46.23 for the  
11 provision or purchase of child welfare projects and services, for services to children  
12 and families, for services to the expectant mothers of unborn children and for  
13 family-based child welfare services.

14 **SECTION 279.** 146.82 (2) (a) 11. of the statutes is amended to read:

15 146.82 (2) (a) 11. To a county department, as defined under s. 48.02 (2g), a  
16 sheriff or police department or a district attorney for purposes of investigation of  
17 threatened or suspected child abuse or neglect or suspected unborn child abuse or  
18 for purposes of prosecution of alleged child abuse or neglect or alleged unborn child  
19 abuse, if the person conducting the investigation or prosecution identifies the subject  
20 of the record by name. The health care provider may release information by  
21 initiating contact with a county department, sheriff or police department or district  
22 attorney without receiving a request for release of the information. A person to  
23 whom a report or record is disclosed under this subdivision may not further disclose  
24 it, except to the persons, for the purposes and under the conditions specified in s.  
25 48.981 (7).

**SENATE BILL 264**

1           **SECTION 280.** 301.01 (2) (cm) of the statutes is created to read:

2           301.01 (2) (cm) Any expectant mother held in custody under ss. 48.193 to  
3 48.213.

4           **SECTION 281.** 757.69 (1) (g) of the statutes is amended to read:

5           757.69 (1) (g) When assigned to the court assigned jurisdiction under chs. 48  
6 and 938, a court commissioner may, under ch. 48 or 938, issue summonses and  
7 warrants, order the release or detention of children ~~apprehended~~ or expectant  
8 mothers of unborn children taken into custody, conduct detention and shelter care  
9 hearings, conduct preliminary appearances, conduct uncontested proceedings under  
10 ss. 48.13, ~~48.133~~, 938.12, 938.13 and 938.18, enter into consent decrees and exercise  
11 the powers and perform the duties specified in par. (j) or (m), whichever is applicable,  
12 in proceedings under s. 813.122 or 813.125 in which the respondent is a child.  
13 Contested waiver hearings under s. 938.18 and dispositional hearings under ss.  
14 48.335 and 938.335 shall be conducted by a judge. When acting in an official capacity  
15 and assigned to the children's court center, a court commissioner shall sit at the  
16 children's court center or such other facility designated by the chief judge. Any  
17 decision by the commissioner shall be reviewed by the judge of the branch of court  
18 to which the case has been assigned, upon motion of any party. Any determination,  
19 order or ruling by the commissioner may be certified to the branch of court to which  
20 such case has been assigned upon a motion of any party for a hearing de novo.

21           **SECTION 282.** 808.075 (4) (a) 4. of the statutes is amended to read:

22           808.075 (4) (a) 4. Hearing for child held in custody under s. 48.21 or an  
23 expectant mother of an unborn child held in custody under s. 48.213.

24           **SECTION 283.** 813.122 (1) (a) of the statutes is amended to read:

**SENATE BILL 264**

1           813.122 (1) (a) "Abuse" has the meaning given in s. 48.02 (1) (a) and (b) to (gm)  
2           and, in addition, includes a threat to engage in any conduct under s. 48.02 (1), other  
3           than conduct under s. 48.02 (1) (am).

4           **SECTION 284.** 904.085 (4) (d) of the statutes is amended to read:

5           904.085 (4) (d) A mediator reporting child or unborn child abuse under s.  
6           48.981 or reporting nonidentifying information for statistical, research or  
7           educational purposes does not violate this section.

8           **SECTION 285.** 905.04 (4) (e) (title) of the statutes is amended to read:

9           905.04 (4) (e) (title) *Abused or neglected child or abused unborn child*.

10          **SECTION 286.** 905.04 (4) (e) 3. of the statutes is created to read:

11          905.04 (4) (e) 3. There is no privilege in situations where the examination of  
12          the expectant mother of an abused unborn child creates a reasonable ground for an  
13          opinion of the physician, registered nurse, chiropractor, psychologist, social worker,  
14          marriage and family therapist or professional counselor that the physical injury  
15          inflicted on the unborn child was caused by the habitual lack of self-control of the  
16          expectant mother of the unborn child in the use of alcohol beverages, controlled  
17          substances or controlled substance analogs, exhibited to a severe degree.

18          **SECTION 287.** 938.245 (8) of the statutes is amended to read:

19          938.245 (8) If the obligations imposed under the deferred prosecution  
20          agreement are met, the intake worker shall so inform the juvenile and a parent,  
21          guardian and legal custodian in writing, and no petition may be filed or citation  
22          issued on the charges that brought about the deferred prosecution agreement nor  
23          may the charges be the sole basis for a petition under s. 48.13, 48.133, 48.14, 938.13  
24          or 938.14.

25          **SECTION 288. Initial applicability.**

