2007 ASSEMBLY BILL 361

May 29, 2007 – Introduced by Representative ALBERS, cosponsored by Senator SCHULTZ. Referred to Committee on Children and Family Law.

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1   AN ACT *to amend* 48.977 (2) (a) and 48.977 (4) (b) 3.; and *to create* 48.13 (4m)

2   of the statutes; **relating to:** child in need of protection or services, jurisdiction

3   over a child whose guardian is unable or needs assistance to care for or provide

4   necessary special treatment or care for the child, but is unwilling or unable to

5   sign a petition requesting that jurisdiction.

Analysis by the Legislative Reference Bureau

Under current law, the court assigned to exercise jurisdiction under the Children's Code (juvenile court) has exclusive original jurisdiction over a child alleged to be in need of protection or services that can be ordered by the juvenile court and who meets certain grounds, such as the child's parent or guardian is unable or needs assistance to care for or provide necessary special treatment or care for the child and signs a petition requesting the juvenile court to exercise jurisdiction over the child (CHIPS jurisdiction). Current law defines "special treatment or care" as professional services that need to be provided to a child or his or her family to protect the well–being of the child, prevent the placement of the child outside the home, or meet the special needs of the child. Currently, the district attorney, corporation counsel, or counsel or guardian ad litem for a parent, relative, guardian, or the child may file a petition alleging that the child is subject to CHIPS jurisdiction.

This bill grants to the juvenile court CHIPS jurisdiction over a child whose guardian is unable or needs assistance to care for or provide necessary special treatment or care for the child, but is unwilling or unable to sign the petition requesting that jurisdiction.

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

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

1   SECTION 1. 48.13 (4m) of the statutes is created to read:

2   48.13 **(4m)** Whose guardian is unable or needs assistance to care for or provide

3   necessary special treatment or care for the child, but is unwilling or unable to sign

4   the petition requesting jurisdiction under this subsection;

5   SECTION 2. 48.977 (2) (a) of the statutes is amended to read:

6   48.977 **(2)** (a) That the child has been adjudged to be in need of protection or

7   services under s. 48.13 (1), (2), (3), (3m), (4), (4m), (5), (8), (9), (10), (10m), (11), or

8   (11m) or 938.13 (4) and been placed, or continued in a placement, outside of his or her

9   home pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365,

10   938.345, 938.357, 938.363, or 938.365 or that the child has been so adjudged and

11   placement of the child in the home of a guardian under this section has been

12   recommended under s. 48.33 (1) or 938.33 (1).

13   SECTION 3. 48.977 (4) (b) 3. of the statutes is amended to read:

14   48.977 **(4)** (b) 3. The date on which the child was adjudged in need of protection

15   or services under s. 48.13 (1), (2), (3), (3m), (4), (4m), (5), (8), (9), (10), (10m), (11), or

16   (11m) or 938.13 (4) and the dates on which the child has been placed, or continued

17   in a placement, outside of his or her home pursuant to one or more court orders under

18   s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or, if the child

19   has been so adjudged, but not so placed, the date of the report under s. 48.33 (1) or

20   938.33 (1) in which placement of the child in the home of the person is recommended.

21   SECTION 4. **Initial applicability.**

2007 – 2008 Legislature   – 3 –   LRB–1747/2
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ASSEMBLY BILL 361   **SECTION 4**

1   (1) CHILD IN NEED OF PROTECTION OR SERVICES; FAILURE OF GUARDIAN TO SIGN

2   PETITION. This act first applies to a child who meets the conditions specified in section

3   48.13 (4m) of the statutes, as created by this act, on the effective date of this

4   subsection.

5   **(END)**