

State of Wisconsin



2015 Assembly Bill 42

Date of enactment: **April 25, 2016**
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2015 WISCONSIN ACT 381

AN ACT *to renumber and amend* 48.981 (9) (a) and 48.981 (9) (b); *to amend* 48.245 (3), 48.255 (1) (a), 48.42 (1) (a), 48.63 (1) (c), 48.977 (4) (b) 1., 48.979 (1m) (a) 1., 48.981 (9) (title), 49.32 (1) (a), 54.34 (1) (a), 938.245 (3) and 938.255 (1) (a); and *to create* 48.47 (8) (b) and (c) of the statutes; **relating to:** including a statement as to whether a child has been adopted in a petition for a proceeding under the Children's Code or Juvenile Justice Code, in a petition for guardianship of a minor, in an informal disposition under the Children's Code or the Juvenile Justice Code, or in a voluntary out-of-home care agreement under the Children's Code, and requiring an annual report to the governor and the legislature on children who enter out-of-home care after they have been adopted or placed under a guardianship.

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

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

48.245 (3) The obligations imposed under an informal disposition and its effective date shall be set forth in writing. The written agreement shall state whether the child has been adopted. The child and a parent, guardian, and legal custodian; the child expectant mother, her parent, guardian, and legal custodian, and the unborn child's guardian ad litem; or the adult expectant mother and the unborn child's guardian ad litem, shall receive a copy, as shall any agency providing services under the agreement.

SECTION 2. 48.255 (1) (a) of the statutes is amended to read:

48.255 (1) (a) The name, birth date, and address of the child and whether the child has been adopted.

SECTION 3. 48.42 (1) (a) of the statutes is amended to read:

48.42 (1) (a) The name, birth date or anticipated birth date, and address of the child and whether the child has been adopted.

SECTION 4. 48.47 (8) (b) and (c) of the statutes are created to read:

48.47 (8) (b) The number of adoptions under the special needs adoption program granted in the preceding calendar year and the costs to the state for services relating to those adoptions.

(c) The number of children during the preceding calendar year who entered out-of-home care under the placement and care responsibility of a county department or the department under ch. 48 or 938 after finalization of an adoption or guardianship. For each child enumerated in the report, the report may include information concerning the length of the adoption or guardianship, the age of the child at the time of the adoption or guardianship, the age at which the child entered out-of-home care, the type of agency involved in making the adoptive or guardianship placement, and any other information

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

determined necessary to better understand factors associated with a child entering out-of-home care after finalization of an adoption or guardianship.

SECTION 5. 48.63 (1) (c) of the statutes is amended to read:

48.63 (1) (c) Voluntary agreements may be made only under par. (a) or (b) or sub. (5) (b), shall be in writing, shall state whether the child has been adopted, and shall specifically state that the agreement may be terminated at any time by the parent, guardian, or Indian custodian or by the child if the child's consent to the agreement is required. In the case of an Indian child who is placed under par. (a) or (b) by the voluntary agreement of the Indian child's parent or Indian custodian, the voluntary consent of the parent or Indian custodian to the placement shall be given as provided in s. 48.028 (5) (a). The child's consent to an agreement under par. (a) or (b) is required whenever the child is 12 years of age or older.

SECTION 6. 48.977 (4) (b) 1. of the statutes is amended to read:

48.977 (4) (b) 1. The name, birth date, and address of the child and whether the child has been adopted.

SECTION 7. 48.979 (1m) (a) 1. of the statutes is amended to read:

48.979 (1m) (a) 1. The name, address, and date of birth of the child who is the subject of the delegation of powers and whether the child has been adopted.

SECTION 8. 48.981 (9) (title) of the statutes is amended to read:

48.981 (9) (title) ~~ANNUAL AND QUARTERLY QUARTERLY~~ QUARTERLY REPORTS.

SECTION 9. 48.981 (9) (a) of the statutes is renumbered 48.47 (8) (intro.) and amended to read:

48.47 (8) ANNUAL REPORTS. (intro.) Annually, the department shall prepare and transmit to the governor, and to the legislature under s. 13.172 (2), a report on the all of the following:

(a) The status of child abuse and neglect programs and on the status of unborn child abuse programs. The report shall include a full statistical analysis of the child abuse and neglect reports, and the unborn child abuse reports, made through the last calendar year, an evaluation of services offered under this section and their effectiveness, and recommendations for additional legislative and other action to fulfill the purpose of this section. The department shall provide statistical breakdowns by county, if requested by a county.

SECTION 10. 48.981 (9) (b) of the statutes is renumbered 48.981 (9) and amended to read:

48.981 (9) ~~Quarterly reports.~~ (a) Within 30 days after the end of each calendar quarter, the department shall prepare and transmit to the governor, and to the appropriate standing committees of the legislature under s. 13.172 (3), a summary report of all reports received by the department under sub. (3) (c) 8. during the previous calendar quarter of abuse, as defined in s. 48.02 (1) (b) to

(f), of a child who is placed in the home of a foster parent or relative other than a parent or in a group home, shelter care facility, or residential care center for children and youth. For each report included in the summary report, the department shall provide the number of incidents of abuse reported; the dates of those incidents; the county in which those incidents occurred; the age or age group of the child who is the subject of the report; the type of placement in which the child was placed at the time of the incident; whether it was determined under sub. (3) (c) 4. that abuse occurred; and, if so, the nature of the relationship between the child and the person who abused the child, but may not provide any of the information specified in sub. (7) (cr) 6. or any information that would jeopardize an investigation, prosecution, or proceeding described in sub. (7) (cr) 7. a. or b.

(b) In every 4th summary report prepared and transmitted under ~~subd. 1. par. (a)~~, the department shall provide for all reports of abuse, as defined in s. 48.02 (1) (b) to (f), of a child who is placed as described in ~~subd. 1. par. (a)~~ received by the department under sub. (3) (c) 8. during the previous year information indicating whether the abuse resulted in any injury, disease, or pregnancy that is known to be directly caused by the abuse, but may not provide any of the information specified in sub. (7) (cr) 6. or any information that would jeopardize an investigation, prosecution, or proceeding described in sub. (7) (cr) 7. a. or b. A county department reporting under sub. (3) (c) 8. shall make an active effort to obtain that information and report the information to the department under sub. (3) (c) 8.

(c) The appropriate standing committees of the legislature shall review all summary reports transmitted under ~~subd. 1. par. (a)~~, conduct public hearings on those summary reports no less often than annually, and submit recommendations to the department regarding those summary reports. The department shall also make those summary reports available to the public.

SECTION 11. 49.32 (1) (a) of the statutes is amended to read:

49.32 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department shall establish a uniform system of fees for services provided or purchased under this subchapter and ch. 48 by the department, or a county department under s. 46.215, 46.22, or 46.23, except as provided in s. 49.22 (6) and except when, as determined by the department, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22, or 46.23 shall apply the fees that it collects under this program to cover the cost of those services. ~~The department shall report to the joint committee on finance no later than March 1 of each year on the number of children placed for adoption by the department during the previous year and the costs to the state for services relating to such adoptions.~~

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SECTION 12. 54.34 (1) (a) of the statutes is amended to read:

54.34 (1) (a) The name, date of birth, residence, and post-office address of the proposed ward and, if the proposed ward is a minor, whether the minor has been adopted.

SECTION 13. 938.245 (3) of the statutes is amended to read:

938.245 (3) OBLIGATIONS IN WRITING. The obligations imposed under a deferred prosecution agreement and its effective date shall be set forth in writing. The written agreement shall state whether the juvenile has been adopted. The intake worker shall provide a copy of

the agreement and order to the juvenile, to the juvenile's parent, guardian, and legal custodian, and to any agency providing services under the agreement.

SECTION 14. 938.255 (1) (a) of the statutes is amended to read:

938.255 (1) (a) The name, birth date, and address of the juvenile and whether the juvenile has been adopted.

SECTION 15. Effective dates. This act takes effect on the day after publication, except as follows:

(1) ANNUAL REPORT. The treatment of sections 48.47 (8) (b) and (c) and 48.981 (9) (title), (a), and (b) of the statutes takes effect on December 31, 2017.