

# State of Wisconsin



2017 Assembly Bill 780

Date of enactment: April 4, 2018  
Date of publication\*: April 5, 2018

## 2017 WISCONSIN ACT 251

AN ACT to amend 48.38 (5) (b), 48.38 (5) (bm) 1., 48.38 (5m) (b), 48.38 (5m) (c) 1., 48.62 (3), 48.625 (2m), 48.64 (1r), 118.125 (4), 938.38 (5) (b), 938.38 (5) (bm) 1., 938.38 (5m) (b) and 938.38 (5m) (c) 1. of the statutes; relating to: notice to a school of a permanency review or hearing, notice to a school district of a foster home or group home license or out-of-home care placement, and transfer of pupil records.

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

SECTION 1. 48.38 (5) (b) of the statutes is amended to read:

48.38 (5) (b) The court or the agency shall notify the child; the child's parent, guardian, and legal custodian; the child's foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they shall have a right to be heard at the review as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate, and the child's school of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the

child's case record. The notice to the child's school shall also include the name and contact information for the caseworker or social worker assigned to the child's case.

SECTION 2. 48.38 (5) (bm) 1. of the statutes is amended to read:

48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent, operator of a facility, or relative who is provided notice of the review under par. (b) shall have a right to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review or by participating at the review. A person representing the interests of the public, counsel, guardian ad litem, ~~or~~ court-appointed special advocate, or school who is provided notice of the review under par. (b) may have an opportunity to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review. A foster parent, operator of a facility, or relative who receives notice of a review under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the review is held solely on the basis of receiving that notice and right to be heard.

\* 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."

**SECTION 3.** 48.38 (5m) (b) of the statutes is amended to read:

48.38 (5m) (b) ~~Not less than 30 days before the date of the hearing, the~~ The court shall notify the child; the child's parent, guardian, and legal custodian; and the child's foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. ~~and The court~~ shall notify the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate; the agency that prepared the permanency plan; the child's school; the person representing the interests of the public; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the hearing. The notice to the child's school shall also include the name and contact information for the caseworker or social worker assigned to the child's case.

**SECTION 4.** 48.38 (5m) (c) 1. of the statutes is amended to read:

48.38 (5m) (c) 1. A child, parent, guardian, legal custodian, foster parent, operator of a facility, or relative who is provided notice of the hearing under par. (b) shall have a right to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A counsel, guardian ad litem, court-appointed special advocate, agency, school, or person representing the interests of the public who is provided notice of the hearing under par. (b) may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, operator of a facility, or relative who receives notice of a hearing under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 5.** 48.62 (3) of the statutes is amended to read:

48.62 (3) When the department, a county department, or a child welfare agency issues a license to operate a foster home, the department, county department, or child welfare agency shall notify the ~~clerk of the~~ school district in which the foster home is located that a foster home has been licensed in the school district.

**SECTION 6.** 48.625 (2m) of the statutes is amended to read:

48.625 (2m) When the department issues a license to operate a group home, the department shall notify the ~~clerk of the~~ school district in which the group home is located that a group home has been licensed in the school district.

**SECTION 7.** 48.64 (1r) of the statutes is amended to read:

48.64 (1r) **NOTIFICATION OF SCHOOL DISTRICT AND SCHOOL**. When an agency places a school-age child in ~~a foster home, group home, or shelter care facility approved under s. 938.22 (2) (c) or in the home of a relative other than a parent out-of-home care~~, the agency shall ~~notify the clerk of the~~ give notification of the out-of-home care placement to the school district in which the ~~foster home, group home, shelter care facility, or home of the relative is located that a~~ school-age child has been placed ~~in a foster home, group home, shelter care facility, or home of a relative in the school district and the school in which the child will enroll after the placement is made, unless the child will remain enrolled in his or her school and school district of origin. If the child will remain enrolled in his or her school and school district of origin, the agency shall give notification of the out-of-home care placement to the child's school district and school of origin. The notice to the child's school district and school shall also include the name and contact information for the caseworker or social worker assigned to the child's case.~~

**SECTION 8.** 118.125 (4) of the statutes is amended to read:

118.125 (4) **TRANSFER OF RECORDS.** ~~Within 5~~ No later than the next working days day, a school district, a private school participating in the program under s. 118.60 or in the program under s. 119.23, and the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall transfer to another school, including a private or tribal school, or school district all pupil records relating to a specific pupil if the transferring school district or private school has received written notice from the pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g). In this subsection, "school" and "school district" include any juvenile correctional facility, secured residential care center for children and youth, adult correctional institution, mental health insti-

tute, or center for the developmentally disabled that provides an educational program for its residents instead of or in addition to that which is provided by public, private, and tribal schools.

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

938.38 (5) (b) The court or the agency shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they shall have a right to be heard at the review as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the juvenile's counsel, ~~and the juvenile's guardian ad litem, and the juvenile's school~~ of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the juvenile's case record. The notice to the juvenile's school shall also include the name and contact information for the caseworker or social worker assigned to the juvenile's case.

**SECTION 8h.** 938.38 (5) (bm) 1. of the statutes is amended to read:

938.38 (5) (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent, operator of a facility, or relative who is provided notice of the review under par. (b) shall have a right to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review or by participating at the review. A person representing the interests of the public, counsel, ~~or~~ guardian ad litem, or school who is provided notice of the review under par. (b) may have an opportunity to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review. A foster parent, operator of a facility, or relative who receives notice of a review under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on

which the review is held solely on the basis of receiving that notice and right to be heard.

**SECTION 8p.** 938.38 (5m) (b) of the statutes is amended to read:

938.38 (5m) (b) ~~Not less than 30 days before the date of the hearing, the~~ The court shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the juvenile's foster parent, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. ~~and The court shall notify the juvenile's counsel and the juvenile's guardian ad litem; the agency that prepared the permanency plan; the juvenile's school; the person representing the interests of the public; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1.~~ The notices under this paragraph shall be provided in writing not less than 30 days before the hearing. The notice to the juvenile's school shall also include the name and contact information for the caseworker or social worker assigned to the juvenile's case.

**SECTION 8t.** 938.38 (5m) (c) 1. of the statutes is amended to read:

938.38 (5m) (c) 1. A juvenile, parent, guardian, legal custodian, foster parent, operator of a facility, or relative who is provided notice of the hearing under par. (b) shall have a right to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A counsel, guardian ad litem, agency, school, or person representing the interests of the public who is provided notice of the hearing under par. (b) may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, operator of a facility, or relative who receives notice of a hearing under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.