

1 **AN ACT** *to amend* 48.64 (4) (c) of the statutes; **relating to:** hearing to review agency
 2 decision of order affecting placement of a child.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council’s special committee on adoption and termination of parental rights law.

Under current law, the circuit court for the county where a child is placed has jurisdiction upon the petition of any interested party over a child who is placed in a foster home or group home. The circuit court may call a hearing for the purpose of reviewing any decision or order of the agency that placed the child involving the placement and care of the child. The court must determine the case so as to promote the best interests of the child.

The bill draft provides that the county where the dispositional order was entered has jurisdiction to review an agency decision or order involving the placement of a child. Under the bill draft, the petitioner must show by clear and convincing evidence that the agency’s decision or order is not in the best interests of the child.

3 **SECTION 1.** 48.64 (4) (c) of the statutes is amended to read:

4 48.64 **(4)** (c) The circuit court for the county where the ~~child is placed~~ dispositional
 5 order was entered has jurisdiction upon petition of any interested party over a child who is
 6 placed in a foster home, treatment foster home or group home. The circuit court may call a
 7 hearing, at which the head of the home and the supervising agency under sub. (2) shall be
 8 present, for the purpose of reviewing any decision or order of that agency involving the
 9 placement and care of the child. If the child has been placed in a foster home, the foster parent
 10 may present relevant evidence at the hearing. ~~The court shall determine the case so as to~~

1 ~~promote~~ The petitioner has the burden of proving by clear and convincing evidence that the
2 decision or order issued by the agency is not in the best interests of the child.

3 (END)