

1 **AN ACT** *to amend* 48.21 (5) (b) 2m., 48.32 (1) (b) 1m., 48.33 (4) (d) 2., 48.335 (3g)
2 (d) 2., 48.355 (2) (b) 6p., 48.355 (3) (a), 48.357 (2v) (a) 2m., 48.365 (2m) (a) 1r.,
3 48.38 (5) (c) 8., 48.42 (1m) (d), 48.428 (6) (a), 48.834 (2), 938.21 (5) (b) 2m.,
4 938.32 (1) (c) 1m., 938.33 (4) (d) 2., 938.335 (3g) (d) 2., 938.355 (2) (b) 6p.,
5 938.355 (3) (a), 938.357 (2v) (a) 2m., 938.365 (2m) (a) 1r. and 938.38 (5) (c) 8.; and
6 **to create** 48.38 (4) (bv) and 938.38 (4) (bv) of the statutes; **relating to:** visitation
7 between a child and a sibling.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on Permanency for Young Children in the Child Welfare System.

Under current law, the court assigned to exercise jurisdiction under the Children's Code (juvenile court) may set reasonable rules of visitation for the parent of a child adjudged to be in need of protection or services (CHIPS). Current law also permits the juvenile court to issue a temporary order or injunction prohibiting a person whose parental rights are sought to be terminated involuntarily from visiting or contacting the child who is the subject of the termination of parental rights (TPR) petition. In addition, current law permits the juvenile court to prohibit visitation by a birth parent of a child who has been placed in sustaining care following a TPR.

This draft provides that a denial, limitation, or discontinuation of parental visitation with a child adjudged to be in need of protection or services, a temporary order or injunction prohibiting a person whose parental rights are sought to be terminated from visiting or contacting the child who is the subject of the TPR petition, or a prohibition on visitation by a birth parent of a child in sustaining care following a TPR does not affect visitation between the child and any sibling of the child, including a person who was a sibling of the child before adoption of or TPR to the person, which visitation shall be granted, denied, or continued based on

the best interests of the child and sibling, regardless of whether parental visitation is denied, limited, discontinued, or prohibited.

The draft also requires an agency preparing a permanency plan for a child, which is a plan designed to ensure that the child is reunified with his or her family whenever appropriate or that the child quickly attains a placement or home providing long-term stability, to include in the permanency plan a statement as to whether visitation between the child and any sibling of the child, including a person who was a sibling of the child before adoption of or TPR to the person, would be in the best interests of the child and sibling when parental visitation has been denied, limited, discontinued, or prohibited by the juvenile court or when the agency recommends that parental visitation be denied, limited, discontinued, or prohibited.

COMMENT: The language in this draft is the same as the language in 2011 Senate Bill 65, as amended by Senate Amendment 1 to the bill. Senate Bill 65 was introduced by Senator Lazich and others; cosponsored by Representatives Kaufert and Kestell. Senate Amendment 1 was offered by Senator Lazich.

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

SECTION 1. 48.21 (5) (b) 2m. of the statutes is amended to read:

48.21 **(5)** (b) 2m. If the child has one or more siblings, as defined in s. 48.38 (4) (br)

1., who have also been removed from the home, a finding as to whether the intake worker has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the judge or circuit court commissioner determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the judge or circuit court commissioner shall order the county department, department in a county having a population of 500,000 or more, or agency primarily responsible for providing services to the child under the custody order to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the judge or circuit court commissioner determines that such visitation or

1 interaction would be contrary to the safety or well-being of the child or any of those siblings.
2 The determination shall be based on the best interests of the child and the siblings without
3 regard to whether parental visitation has been denied, limited, or discontinued under an order
4 under s. 48.345, 48.363, or 48.365.

5 **SECTION 2.** 48.32 (1) (b) 1m. of the statutes is amended to read:

6 48.32 (1) (b) 1m. If the child has one or more siblings, as defined in s. 48.38 (4) (br)
7 1., who have also been removed from the home, the consent decree shall include a finding as
8 to whether the county department, department in a county having a population of 500,000 or
9 more, or agency primarily responsible for providing services to the child has made reasonable
10 efforts to place the child in a placement that enables the sibling group to remain together,
11 unless the judge or circuit court commissioner determines that a joint placement would be
12 contrary to the safety or well-being of the child or any of those siblings, in which case the
13 judge or circuit court commissioner shall order the county department, department, or agency
14 to make reasonable efforts to provide for frequent visitation or other ongoing interaction
15 between the child and the siblings, unless the judge or circuit court commissioner determines
16 that such visitation or interaction would be contrary to the safety or well-being of the child
17 or any of those siblings. The determination shall be based on the best interests of the child and
18 the siblings without regard to whether parental visitation has been denied, limited, or
19 discontinued under an order under s. 48.345, 48.363, or 48.365.

NOTE: SECTION 1 provides that a determination by a judge or circuit court commissioner that visitation or interaction of a child with his or her siblings who have been removed from their home and are not placed together would be contrary to the safety or well-being of the child or any of the siblings must be based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued by the juvenile court.

SECTION 2 makes the same change regarding consideration of sibling visitation or interaction under a consent decree.

1 **SECTION 3.** 48.33 (4) (d) 2. of the statutes is amended to read:

2 48.33 **(4)** (d) 2. If a recommendation is made that the child and his or her siblings not
3 be placed in a joint placement, specific information showing that the county department,
4 department, or agency has made reasonable efforts to provide for frequent visitation or other
5 ongoing interaction between the child and the siblings, unless the county department,
6 department, or agency recommends that such visitation or interaction not be provided, in
7 which case the report shall include specific information showing that such visitation or
8 interaction would be contrary to the safety or well-being of the child or any of those siblings.
9 The recommendation shall be based on the best interests of the child and the siblings without
10 regard to whether parental visitation has been denied, limited, or discontinued under an order
11 under s. 48.345, 48.363, or 48.365.

12 **SECTION 4.** 48.335 (3g) (d) 2. of the statutes is amended to read:

13 48.335 **(3g)** (d) 2. If a recommendation is made that the child and his or her siblings not
14 be placed in a joint placement, that the county department, department, or agency has made
15 reasonable efforts to provide for frequent visitation or other ongoing interaction between the
16 child and the siblings, unless the county department, department, or agency recommends that
17 such visitation or interaction not be provided, in which case the county department,
18 department, or agency shall present as evidence specific information showing that such
19 visitation or interaction would be contrary to the safety or well-being of the child or any of
20 those siblings. The recommendation shall be based on the best interests of the child and the
21 siblings without regard to whether parental visitation has been denied, limited, or discontinued
22 under an order under s. 48.345, 48.363, or 48.365.

NOTE: SECTIONS 3 and 4 provide that, if a recommendation is made that the child and his or her siblings not be placed in a joint placement under the child's CHIPS dispositional order, there must also be a recommendation that visitation or interaction with the siblings would be contrary to the safety or well-being of the child or any of those siblings, based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued by the juvenile court.

1 **SECTION 5.** 48.355 (2) (b) 6p. of the statutes is amended to read:

2 48.355 (2) (b) 6p. If the child is placed outside the home and if the child has one or more
3 siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside the home, a
4 finding as to whether the county department, the department in a county having a population
5 of 500,000 or more, or the agency primarily responsible for providing services under a court
6 order has made reasonable efforts to place the child in a placement that enables the sibling
7 group to remain together, unless the court determines that a joint placement would be contrary
8 to the safety or well-being of the child or any of those siblings, in which case the court shall
9 order the county department, department, or agency to make reasonable efforts to provide for
10 frequent visitation or other ongoing interaction between the child and the siblings, unless the
11 court determines that such visitation or interaction would be contrary to the safety or
12 well-being of the child or any of those siblings. The determination shall be based on the best
13 interests of the child and the siblings without regard to whether parental visitation has been
14 denied, limited, or discontinued under an order under s. 48.345, 48.363, or 48.365.

NOTE: Provides that, in a CHIPS dispositional hearing, a determination that visitation or interaction of a child with his or her siblings would be contrary to the safety or well-being of the child or any of those siblings must be based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued by the juvenile court.

15 **SECTION 6.** 48.355 (3) (a) of the statutes is amended to read:

1 48.355 (3) (a) Except as provided in par. (b), if, after a hearing on the issue with due
2 notice to the parent or guardian, the court finds that it would be in the best interest of the child,
3 the court may set reasonable rules of parental visitation. Any denial, limitation, or
4 discontinuation of parental visitation under an order under s. 48.345, 48.363, or 48.365 shall
5 not affect visitation between the child and any sibling, as defined in s. 48.38 (4) (br) 1., of the
6 child, which visitation shall be granted, denied, or continued based on the best interests of the
7 child and sibling, without regard to whether parental visitation is denied, limited, or
8 discontinued.

NOTE: Provides that, in a CHIPS dispositional order, any denial, limitation, or discontinuation of parental visitation under a juvenile court order shall not affect visitation between the child and any sibling of the child. Such visitation must be granted, denied, or continued based on the best interests of the child and sibling without regard to parental visitation rights under the draft.

9 **SECTION 7.** 48.357 (2v) (a) 2m. of the statutes is amended to read:

10 48.357 (2v) (a) 2m. If the child has one or more siblings, as defined in s. 48.38 (4) (br)
11 1., who have been placed outside the home or for whom a change in placement to a placement
12 outside the home is requested, a finding as to whether the county department, the department
13 in a county having a population of 500,000 or more, or the agency primarily responsible for
14 implementing the dispositional order has made reasonable efforts to place the child in a
15 placement that enables the sibling group to remain together, unless the court determines that
16 a joint placement would be contrary to the safety or well-being of the child or any of those
17 siblings, in which case the court shall order the county department, department, or agency to
18 make reasonable efforts to provide for frequent visitation or other ongoing interaction
19 between the child and the siblings, unless the court determines that such visitation or
20 interaction would be contrary to the safety or well-being of the child or any of those siblings.

1 The determination shall be based on the best interests of the child and the siblings without
2 regard to whether parental visitation has been denied, limited, or discontinued under an order
3 under s. 48.345, 48.363, or 48.365.

4 **SECTION 8.** 48.365 (2m) (a) 1r. of the statutes is amended to read:

5 48.365 **(2m)** (a) 1r. a. If the child is placed outside of his or her home and if the child
6 has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside
7 the home, the person or agency primarily responsible for providing services to the child shall
8 present as evidence specific information showing that the agency has made reasonable efforts
9 to place the child in a placement that enables the sibling group to remain together, unless the
10 court has determined that a joint placement would be contrary to the safety or well-being of
11 the child or any of those siblings, in which case the agency shall present as evidence specific
12 information showing that agency has made reasonable efforts to provide for frequent
13 visitation or other ongoing interaction between the child and the siblings, unless the court has
14 determined that such visitation or interaction would be contrary to the safety or well-being
15 of the child or any of those siblings. The determination shall be based on the best interests of
16 the child and the siblings without regard to whether parental visitation has been denied,
17 limited, or discontinued under an order under this section or s. 48.345 or 48.363.

18 b. If the child is placed outside the home and if the child has one or more siblings, as
19 defined in s. 48.38 (4) (br) 1., who have also been placed outside the home, the findings of fact
20 shall include a finding as to whether reasonable efforts have been made by the agency
21 primarily responsible for providing services to the child to place the child in a placement that
22 enables the sibling group to remain together, unless the court has determined that a joint
23 placement would be contrary to the safety or well-being of the child or any of those siblings,
24 in which case the findings of fact shall include a finding as to whether reasonable efforts have

1 been made by the agency to provide for frequent visitation or other ongoing interaction
2 between the child and the siblings, unless the court has determined that such visitation or
3 interaction would be contrary to the safety or well-being of the child or any of those siblings.
4 The determination shall be based on the best interests of the child and the siblings without
5 regard to whether parental visitation has been denied, limited, or discontinued under an order
6 under this section or s. 48.345 or 48.363.

NOTE: SECTIONS 7 and 8 provide that, if a recommendation is made in a proceeding to change the child's placement or revise the child's CHIPS dispositional order that the child and his or her siblings not be placed in a joint placement, then the recommendation that visitation or interaction with the siblings would be contrary to the safety or well-being of the child or any of those siblings must be based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued by the juvenile court.

7 **SECTION 9.** 48.38 (4) (bv) of the statutes is created to read:

8 48.38 (4) (bv) If parental visitation has been denied, limited, or discontinued by an order
9 under s. 48.345, 48.363, or 48.365 or prohibited by an order under s. 48.428 (6) (a) or if the
10 agency recommends that parental visitation be denied, limited, discontinued, or prohibited,
11 a statement as to whether visitation between the child and any sibling, as defined in par. (br)
12 1., of the child would be in the best interests of the child and sibling.

NOTE: Provides that a permanency plan must include a statement as to whether visitation between the child and any sibling would be in the best interests of the child and sibling if parental visitation has been denied, limited, discontinued, or prohibited by the juvenile court or if the agency preparing the permanency plan recommends that parental visitation be denied, limited, discontinued, or prohibited.

13 **SECTION 10.** 48.38 (5) (c) 8. of the statutes is amended to read:

14 48.38 (5) (c) 8. If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1.,
15 who have also been removed from the home, whether reasonable efforts were made by the
16 agency to place the child in a placement that enables the sibling group to remain together,

1 unless the court or panel determines that a joint placement would be contrary to the safety or
2 well-being of the child or any of those siblings, in which case the court or panel shall
3 determine whether reasonable efforts were made by the agency to provide for frequent
4 visitation or other ongoing interaction between the child and those siblings, unless the court
5 or panel determines that such visitation or interaction would be contrary to the safety or
6 well-being of the child or any of those siblings. The determination shall be based on the best
7 interests of the child and the siblings without regard to whether parental visitation has been
8 denied, limited, or discontinued under an order under s. 48.345, 48.363, or 48.365

NOTE: Provides that, in a permanency plan review, a determination that provision of frequent visitation or ongoing interaction between the child and his or her siblings under the permanency plan would be contrary to the safety or well-being of the child or any of those siblings must be based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued by the juvenile court.

9 **SECTION 11.** 48.42 (1m) (d) of the statutes is amended to read:

10 48.42 **(1m)** (d) A temporary order under par. (b) or an injunction under par. (c) suspends
11 the portion of any order under s. 48.345, 48.363, 48.365, 938.345, 938.363, or 938.365 setting
12 rules of parental visitation until the termination of the temporary order under par. (b) or
13 injunction under par. (c). A temporary order under par. (b) or injunction under par. (c) shall
14 not affect visitation between the child and any sibling, as defined in s. 48.38 (4) (br) 1., of the
15 child, which visitation shall be granted, denied, or continued based on the best interests of the
16 child and sibling, without regard to whether parental visitation is prohibited.

NOTE: Provides that an injunction prohibiting parental visitation while a TPR petition is pending, or a temporary order prior to the injunction hearing regarding such visitation, shall not affect visitation between the child and any sibling.

17 **SECTION 12.** 48.428 (6) (a) of the statutes is amended to read:

1 48.428 (6) (a) Except as provided in par. (b), the court may order or prohibit visitation
2 by a birth parent of a child placed in sustaining care. A prohibition on visitation by a birth
3 parent under this paragraph shall not affect visitation between the child and any sibling, as
4 defined in s. 48.38 (4) (br) 1., of the child, which visitation shall be granted, denied, or
5 continued based on the best interests of the child and sibling, without regard to whether
6 parental visitation is prohibited.

NOTE: Provides that an order prohibiting parental visitation by a birth
parent of a child placed in sustaining care shall not affect visitation
between the child and any sibling.

7 **SECTION 13.** 48.834 (2) of the statutes is amended to read:

8 48.834 (2) PLACEMENT WITH SIBLINGS. If a child who is being placed for adoption under
9 s. 48.833 has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been adopted
10 or who have been placed for adoption, the department, county department under s. 48.57 (1)
11 (e) or (hm), or child welfare agency making the placement shall make reasonable efforts to
12 place the child for adoption with an adoptive parent or proposed adoptive parent of such a
13 sibling who is identified in the child's permanency plan under s. 48.38 or 938.38 or who is
14 otherwise known by the department, county department, or child welfare agency, unless the
15 department, county department, or child welfare agency determines that a joint placement
16 would be contrary to the safety or well-being of the child or any of those siblings, in which
17 case the department, county department, or child welfare agency shall make reasonable efforts
18 to provide for frequent visitation or other ongoing interaction between the child and the
19 siblings, unless the department, county department, or child welfare agency determines that
20 such visitation or interaction would be contrary to the safety or well-being of the child or any
21 of those siblings. The determination shall be based on the best interests of the child and the

1 siblings without regard to whether parental visitation has been denied, limited, or discontinued
2 under an order under s. 48.345, 48.363, or 48.365.

NOTE: Provides that a determination made by the department of children and families, a county department, or a child welfare agency stating that visitation or interaction of a child with his or her siblings who have been adopted or placed for adoption and are not placed together would be contrary to the safety or well-being of the child or any of the siblings must be based on the best interests of the child and the siblings without regard to whether parental visitation has been denied, limited, or discontinued by the juvenile court.

3 **SECTION 14.** 938.21 (5) (b) 2m. of the statutes is amended to read:

4 938.21 (5) (b) 2m. If the juvenile has one or more siblings, as defined in s. 938.38 (4)
5 (br) 1., who have also been removed from the home, a finding as to whether the intake worker
6 has made reasonable efforts to place the juvenile in a placement that enables the sibling group
7 to remain together, unless the court determines that a joint placement would be contrary to the
8 safety or well-being of the juvenile or any of those siblings, in which case the court shall order
9 the county department or agency primarily responsible for providing services to the juvenile
10 under the custody order to make reasonable efforts to provide for frequent visitation or other
11 ongoing interaction between the juvenile and the siblings, unless the court determines that
12 such visitation or interaction would be contrary to the safety or well-being of the juvenile or
13 any of those siblings. The determination shall be based on the best interests of the juvenile
14 and the siblings without regard to whether parental visitation has been denied, limited, or
15 discontinued under an order under s. 938.345, 938.363, or 938.365.

16 **SECTION 15.** 938.32 (1) (c) 1m. of the statutes is amended to read:

17 938.32 (1) (c) 1m. If the juvenile has one or more siblings, as defined in s. 938.38 (4)
18 (br) 1., who have also been removed from the home, the consent decree shall include a finding
19 as to whether the county department or agency primarily responsible for providing services

1 to the juvenile has made reasonable efforts to place the juvenile in a placement that enables
2 the sibling group to remain together, unless the court determines that a joint placement would
3 be contrary to the safety or well-being of the juvenile or any of those siblings, in which case
4 the court shall order the county department or agency to make reasonable efforts to provide
5 for frequent visitation or other ongoing interaction between the ~~child~~ juvenile and the siblings,
6 unless the court determines that such visitation or interaction would be contrary to the safety
7 or well-being of the juvenile or any of those siblings. The determination shall be based on
8 the best interests of the juvenile and the siblings without regard to whether parental visitation
9 has been denied, limited, or discontinued under an order under s. 938.345, 938.363, or
10 938.365.

NOTE: SECTIONS 14 and 15 make the same changes as SECTIONS 1 and 2
in the Juvenile Justice Code.

11 **SECTION 16.** 938.33 (4) (d) 2. of the statutes is amended to read:

12 938.33 (4) (d) 2. If a recommendation is made that the juvenile and his or her siblings
13 not be placed in a joint placement, specific information showing that the county department
14 or agency has made reasonable efforts to provide for frequent visitation or other ongoing
15 interaction between the juvenile and the siblings, unless the county department or agency
16 recommends that such visitation or interaction not be provided, in which case the report shall
17 include specific information showing that such visitation or interaction would be contrary to
18 the safety or well-being of the juvenile or any of those siblings. The recommendation shall
19 be based on the best interests of the juvenile and the siblings without regard to whether parental
20 visitation has been denied, limited, or discontinued under an order under s. 938.345, 938.363,
21 or 938.365.

22 **SECTION 17.** 938.335 (3g) (d) 2. of the statutes is amended to read:

1 938.335 (3g) (d) 2. If a recommendation is made that the juvenile and his or her siblings
2 not be placed in a joint placement, that the county department or agency has made reasonable
3 efforts to provide for frequent visitation or other ongoing interaction between the juvenile and
4 the siblings, unless the county department or agency recommends that such visitation or
5 interaction not be provided, in which case the county department or agency shall present as
6 evidence specific information showing that such visitation or interaction would be contrary
7 to the safety or well-being of the juvenile or any of those siblings. The recommendation shall
8 be based on the best interests of the juvenile and the siblings without regard to whether parental
9 visitation has been denied, limited, or discontinued under an order under s. 938.345, 938.363,
10 or 938.365.

NOTE: SECTIONS 16 and 17 make the same changes as SECTIONS 3 and 4
in the Juvenile Justice Code.

11 **SECTION 18.** 938.355 (2) (b) 6p. of the statutes is amended to read:

12 938.355 (2) (b) 6p. If the juvenile is placed outside the home and if the juvenile has one
13 or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed outside the
14 home, a finding as to whether the county department or the agency primarily responsible for
15 providing services under a court order has made reasonable efforts to place the juvenile in a
16 placement that enables the sibling group to remain together, unless the court determines that
17 a joint placement would be contrary to the safety or well-being of the juvenile or any of those
18 siblings, in which case the court shall order the county department or agency to make
19 reasonable efforts to provide for frequent visitation or other ongoing interaction between the
20 juvenile and the siblings, unless the court determines that such visitation or interaction would
21 be contrary to the safety or well-being of the juvenile or any of those siblings. The order shall
22 be based on the best interests of the juvenile and the siblings without regard to whether parental

1 visitation has been denied, limited, or discontinued under an order under s. 938.345, 938.363,
2 or 938.365.

NOTE: Makes the same changes as SECTION 5 in the Juvenile Justice Code.

3 **SECTION 19.** 938.355 (3) (a) of the statutes is amended to read:

4 938.355 (3) (a) Except as provided in par. (b), if, after a hearing on the issue with due
5 notice to the parent or guardian, the court finds that it would be in the best interest of the
6 juvenile, the court may set reasonable rules of parental visitation. Any denial, limitation, or
7 discontinuation of parental visitation under an order under s. 938.34, 938.345, 938.363, or
8 938.365 shall not affect visitation between the juvenile and any sibling, as defined in s. 938.38
9 (4) (br) 1., of the juvenile, which visitation shall be granted, denied, or continued based on the
10 best interests of the juvenile and sibling, without regard to whether parental visitation is
11 denied, limited, or discontinued.

NOTE: Makes the same changes as SECTION 6 in the Juvenile Justice Code.

12 **SECTION 20.** 938.357 (2v) (a) 2m. of the statutes is amended to read:

13 938.357 (2v) (a) 2m. If the juvenile has one or more siblings, as defined in s. 938.38
14 (4) (br) 1., who have been placed outside the home or for whom a change in placement to a
15 placement outside the home is requested, a finding as to whether the county department or the
16 agency primarily responsible for implementing the dispositional order has made reasonable
17 efforts to place the juvenile in a placement that enables the sibling group to remain together,
18 unless the court determines that a joint placement would be contrary to the safety or
19 well-being of the juvenile or any of those siblings, in which case the court shall order the
20 county department or agency to make reasonable efforts to provide for frequent visitation or
21 other ongoing interaction between the juvenile and the siblings, unless the court determines

1 that such visitation or interaction would be contrary to the safety or well-being of the juvenile
2 or any of those siblings. The determination shall be based on the best interests of the juvenile
3 and the siblings without regard to whether parental visitation has been denied, limited, or
4 discontinued under an order under s. 938.345, 938.363, or 938.365.

5 **SECTION 21.** 938.365 (2m) (a) 1r. of the statutes is amended to read:

6 938.365 (2m) (a) 1r. a. If the juvenile is placed outside of his or her home and if the
7 juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed
8 outside the home, the person or agency primarily responsible for providing services to the
9 juvenile shall present as evidence specific information showing that the agency has made
10 reasonable efforts to place the juvenile in a placement that enables the sibling group to remain
11 together, unless the court has determined that a joint placement would be contrary to the safety
12 or well-being of the juvenile or any of those siblings, in which case the agency shall present
13 as evidence specific information showing that agency has made reasonable efforts to provide
14 for frequent visitation or other ongoing interaction between the juvenile and the siblings,
15 unless the court has determined that such visitation or interaction would be contrary to the
16 safety or well-being of the juvenile or any of those siblings. The determination shall be based
17 on the best interests of the juvenile and the siblings without regard to whether parental
18 visitation has been denied, limited, or discontinued under an order under this section or s.
19 938.345 or 938.363.

20 b. If the juvenile is placed outside the home and if the juvenile has one or more siblings,
21 as defined in s. 938.38 (4) (br) 1., who have also been placed outside the home, the findings
22 of fact shall include a finding as to whether reasonable efforts have been made by the agency
23 primarily responsible for providing services to the juvenile to place the juvenile in a placement
24 that enables the sibling group to remain together, unless the court has determined that a joint

1 placement would be contrary to the safety or well-being of the juvenile or any of those
2 siblings, in which case the findings of fact shall include a finding as to whether reasonable
3 efforts have been made by the agency to provide for frequent visitation or other ongoing
4 interaction between the juvenile and the siblings, unless the court has determined that such
5 visitation or interaction would be contrary to the safety or well-being of the juvenile or any
6 of those siblings. The determination shall be based on the best interests of the juvenile and
7 the siblings without regard to whether parental visitation has been denied, limited, or
8 discontinued under an order under this section or s. 938.345 or 938.363.

NOTE: SECTIONS 20 and 21 make the same changes as SECTIONS 7 and 8
in the Juvenile Justice Code.

9 **SECTION 22.** 938.38 (4) (bv) of the statutes is created to read:

10 938.38 (4) (bv) If parental visitation has been denied, limited, or discontinued by an
11 order under s. 938.34, 938.345, 938.363, or 938.365 or if the agency recommends that parental
12 visitation be denied, limited, or discontinued, a statement as to whether visitation between the
13 juvenile and any sibling, as defined in par. (br) 1., of the juvenile would be in the best interests
14 of the juvenile and sibling.

NOTE: Makes the same changes as SECTION 9 in the Juvenile Justice
Code.

15 **SECTION 23.** 938.38 (5) (c) 8. of the statutes is amended to read:

16 938.38 (5) (c) 8. If the juvenile has one or more siblings, as defined in s. 938.38 (4) (br)
17 1., who have also been removed from the home, whether reasonable efforts were made by the
18 agency to place the juvenile in a placement that enables the sibling group to remain together,
19 unless the court or panel determines that a joint placement would be contrary to the safety or
20 well-being of the juvenile or any of those siblings, in which case the court or panel shall
21 determine whether reasonable efforts were made by the agency to provide for frequent

1 visitation or other ongoing interaction between the juvenile and those siblings, unless the court
2 or panel determines that such visitation or interaction would be contrary to the safety or
3 well-being of the juvenile or any of those siblings. The determination shall be based on the
4 best interests of the juvenile and the siblings without regard to whether parental visitation has
5 been denied, limited, or discontinued under an order under s. 938.345, 938.363, or 938.365.

NOTE: Makes the same changes as SECTION 10 in the Juvenile Justice Code.

6 **SECTION 24. Initial applicability.**

7 (1) DENIAL OF PARENTAL VISITATION; SIBLING VISITATION UNAFFECTED. Except as provided
8 in subsection (2), this act first applies to a child whose parent is subject to an order denying,
9 limiting, or prohibiting visitation with the child on the effective date of this subsection,
10 regardless of the date of the order.

11 (2) DENIAL OF PARENTAL VISITATION; PERMANENCY PLANS. The treatment of sections 48.38
12 (4) (bv) and 938.38 (4) (bv) of the statutes first applies to a permanency plan prepared on the
13 effective date of this subsection.

NOTE: Sets forth the initial applicability of the provisions of the draft.

14 (END)