



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 875**

February 29, 1996 – Offered by Representative SERATTI.

1     **AN ACT** *to renumber and amend* 48.371 (1), 48.371 (2), 48.371 (3), 938.371 (1),  
2           938.371 (2) and 938.371 (3); *to amend* 48.371 (intro.), 252.15 (5) (a) 19. and  
3           938.371 (intro.); and *to create* 48.371 (3) (b), 48.371 (3) (c), 48.371 (4), 146.82  
4           (2) (a) 18., 938.371 (3) (b), 938.371 (3) (c) and 938.371 (4) of the statutes;  
5           **relating to:** access by a child's substitute care provider to medical information  
6           concerning the child, the child's religious affiliation or belief and information  
7           relating to any involvement of the child in any cult or group that promotes  
8           criminal activity or in any activities that are harmful to the child.

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

9           **SECTION 1.** 48.371 (intro.) of the statutes is amended to read:  
10          **48.371 Access to certain information by substitute care provider.**  
11          (intro.) At the time of placement of a child in a foster home, treatment foster home,  
12          group home or child caring institution under s. 48.345 or 48.357, or, if the information  
13          specified in this section is not available at that time, within 30 days after the date  
14          of the placement, the agency that prepared the child's permanency plan shall provide

1 the foster parent, treatment foster parent or operator of the group home or child  
2 caring institution with any information contained in the court report submitted  
3 under s. 48.33 or permanency plan submitted under s. 48.38, relating to any of the  
4 following:

5 **SECTION 2.** 48.371 (1) of the statutes is renumbered 48.371 (1) (a) and amended  
6 to read:

7 48.371 (1) (a) Results of a test or a series of tests of the child to determine the  
8 presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of  
9 HIV, or an antibody to HIV, if the child's parent or a temporary or permanent  
10 guardian appointed by the court has consented to the test under s. 252.15 (2) (a) 4.  
11 b. and release of the test results under s. 252.15 (5) (a) 19. and the agency directed  
12 to prepare the permanency plan notifies the foster parent, treatment foster parent  
13 or operator of the group home or child caring institution of the confidentiality  
14 requirements under s. 252.15 (6).

15 **SECTION 3.** 48.371 (2) of the statutes is renumbered 48.371 (1) (b) and amended  
16 to read:

17 48.371 (1) (b) ~~Results of any tests of~~ Any other medical information concerning  
18 the child to determine the presence of viral hepatitis, type B. The foster parent,  
19 treatment foster parent or operator of a group home or child caring institution  
20 receiving information under this ~~subsection~~ paragraph shall keep the information  
21 confidential.

22 **SECTION 4.** 48.371 (3) of the statutes is renumbered 48.371 (3) (intro.) and  
23 amended to read:

24 48.371 (3) (intro.) Findings or opinions of the court or agency that prepared the  
25 court report or permanency plan relating to any ~~mental~~, of the following:

1           (a) Any mental, emotional, cognitive, developmental or behavioral disability  
2 of the child. The foster parent, treatment foster parent or operator of a group home  
3 or child caring institution receiving information under this ~~subsection~~ paragraph  
4 shall keep the information confidential.

5           **SECTION 5.** 48.371 (3) (b) of the statutes is created to read:

6           48.371 **(3)** (b) Any involvement of the child in any cult or group that promotes  
7 or has as one of its goals criminal activity. The foster parent, treatment foster parent  
8 or operator of a group home or child caring institution receiving information under  
9 this paragraph shall keep the information confidential.

10          **SECTION 6.** 48.371 (3) (c) of the statutes is created to read:

11          48.371 **(3)** (c) Any involvement of the child in any activities that are harmful  
12 to the child's physical, mental or moral well-being. The foster parent, treatment  
13 foster parent or operator of a group home or child caring institution receiving  
14 information under this paragraph shall keep the information confidential.

15          **SECTION 7.** 48.371 (4) of the statutes is created to read:

16          48.371 **(4)** The religious affiliation or belief of the child.

17          **SECTION 8.** 146.82 (2) (a) 18. of the statutes is created to read:

18          146.82 **(2)** (a) 18. To an agency directed by a court assigned to exercise  
19 jurisdiction under chs. 48 and 938 to prepare a court report under s. 48.33 (1) or  
20 938.33 (1) or a permanency plan under s. 48.38 or 938.38 regarding a child and, by  
21 that agency, to the child's foster parent, treatment foster parent or the operator of the  
22 group home or child caring institution in which the child is placed, as provided in s.  
23 48.371 or 938.371.

24          **SECTION 9.** 252.15 (5) (a) 19. of the statutes, as affected by 1995 Wisconsin Act  
25 77, is amended to read:

1           252.15 (5) (a) 19. If the test was administered to a child for whom placement  
2 in a foster home, treatment foster home, group home or child caring institution is  
3 recommended under s. 48.33 (4) or 938.33 (3) or (4), to an agency directed by a court  
4 to prepare a court report under s. 48.33 (1) or 938.33 (1) or a permanency plan under  
5 s. 48.38 or 938.38 regarding the child and, by that agency, to the child's foster parent  
6 , treatment foster parent or the operator of the group home or child caring institution  
7 in which the child is placed, as provided in s. 48.371 or 938.371.

8           **SECTION 10.** 938.371 (intro.) of the statutes, as created by 1995 Wisconsin Act  
9 77, is amended to read:

10           **938.371 Access to certain information by substitute care provider.**  
11 (intro.) At the time of placement of a juvenile in a foster home, treatment foster  
12 home, group home or child caring institution under s. 938.183 (2), 938.34, 938.345  
13 or 938.357, or, if the information specified in this section is not available at that time,  
14 within 30 days after the date of the placement, the agency that prepared the  
15 juvenile's permanency plan shall provide the foster parent, treatment foster parent  
16 or operator of the group home or child caring institution with any information  
17 contained in the court report submitted under s. 938.33 or permanency plan  
18 submitted under s. 938.38, relating to any of the following:

19           **SECTION 11.** 938.371 (1) of the statutes, as created by 1995 Wisconsin Act 77,  
20 is renumbered 938.371 (1) (a) and amended to read:

21           938.371 (1) (a) Results of a test or a series of tests of the juvenile to determine  
22 the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products  
23 of HIV, or an antibody to HIV, if the juvenile's parent or a temporary or permanent  
24 guardian appointed by the court has consented to the test under s. 252.15 (2) (a) 4.  
25 b. and release of the test results under s. 252.15 (5) (a) 19. and the agency directed

1 to prepare the permanency plan notifies the foster parent, treatment foster parent  
2 or operator of the group home or child caring institution of the confidentiality  
3 requirements under s. 252.15 (6).

4 **SECTION 12.** 938.371 (2) of the statutes, as created by 1995 Wisconsin Act 77,  
5 is renumbered 938.371 (1) (b) and amended to read:

6 938.371 (1) (b) ~~Results of any tests of~~ Any other medical information concerning  
7 the juvenile ~~to determine the presence of viral hepatitis, type B.~~ The foster parent,  
8 treatment foster parent or operator of a group home or child caring institution  
9 receiving information under this ~~subsection~~ paragraph shall keep the information  
10 confidential.

11 **SECTION 13.** 938.371 (3) of the statutes, as created by 1995 Wisconsin Act 77,  
12 is renumbered 938.371 (3) (intro.) and amended to read:

13 938.371 (3) (intro.) Findings or opinions of the court or agency that prepared  
14 the court report or permanency plan relating to any ~~mental,~~ of the following:

15 (a) Any mental, emotional, cognitive, developmental or behavioral disability  
16 of the juvenile. The foster parent, treatment foster parent or operator of a group  
17 home or child caring institution receiving information under this ~~subsection~~  
18 paragraph shall keep the information confidential.

19 **SECTION 14.** 938.371 (3) (b) of the statutes is created to read:

20 938.371 (3) (b) Any involvement of the juvenile in any cult or group that  
21 promotes or has as one of its goals criminal activity. The foster parent, treatment  
22 foster parent or operator of a group home or child caring institution receiving  
23 information under this paragraph shall keep the information confidential.

24 **SECTION 15.** 938.371 (3) (c) of the statutes is created to read:

