



**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1995 ASSEMBLY BILL 875**

March 25, 1996 - Offered by COMMITTEE ON CHILDREN AND FAMILIES.

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

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

10 **SECTION 1.** 48.371 (intro.) of the statutes is amended to read:

11 **48.371 Access to certain information by substitute care provider.**
12 (intro.) At the time of placement of a child in a foster home, treatment foster home,
13 group home or child caring institution under s. 48.345 or 48.357, or, if the information
14 specified in this section is not available at that time, within 30 days after the date

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

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

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

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

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

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

1 48.371 (3) (intro.) Findings or opinions of the court or agency that prepared the
2 court report or permanency plan relating to any ~~mental~~, of the following:

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

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

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

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

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

17 **SECTION 7.** 48.371 (3) (d) of the statutes is created to read:

18 48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,
19 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02 or 948.025,
20 prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s.
21 948.05 or causing a child to view or listen to sexual activity in violation of s. 948.055.
22 The foster parent, treatment foster parent or operator of a group home or child caring
23 institution receiving information under this paragraph shall keep the information
24 confidential.

25 **SECTION 8.** 48.371 (4) of the statutes is created to read:

1 48.371 (4) The religious affiliation or belief of the child.

2 **SECTION 9.** 146.82 (2) (a) 18. of the statutes is created to read:

3 146.82 (2) (a) 18. To an agency directed by a court assigned to exercise
4 jurisdiction under chs. 48 and 938 to prepare a court report under s. 48.33 (1) or
5 938.33 (1) or a permanency plan under s. 48.38 or 938.38 regarding a child and, by
6 that agency, to the child's foster parent, treatment foster parent or the operator of the
7 group home or child caring institution in which the child is placed, as provided in s.
8 48.371 or 938.371.

9 **SECTION 10.** 252.15 (5) (a) 19. of the statutes, as affected by 1995 Wisconsin Act
10 77, is amended to read:

11 252.15 (5) (a) 19. If the test was administered to a child for whom placement
12 in a foster home, treatment foster home, group home or child caring institution is
13 recommended under s. 48.33 (4) or 938.33 (3) or (4), to an agency directed by a court
14 to prepare a court report under s. 48.33 (1) or 938.33 (1) or a permanency plan under
15 s. 48.38 or 938.38 regarding the child and, by that agency, to the child's foster parent
16 , treatment foster parent or the operator of the group home or child caring institution
17 in which the child is placed, as provided in s. 48.371 or 938.371.

18 **SECTION 11.** 938.371 (intro.) of the statutes, as created by 1995 Wisconsin Act
19 77, is amended to read:

20 **938.371 Access to certain information by substitute care provider.**
21 (intro.) At the time of placement of a juvenile in a foster home, treatment foster
22 home, group home or child caring institution under s. 938.183 (2), 938.34, 938.345
23 or 938.357, or, if the information specified in this section is not available at that time,
24 within 30 days after the date of the placement, the agency that prepared the
25 juvenile's permanency plan shall provide the foster parent, treatment foster parent

1 or operator of the group home or child caring institution with any information
2 contained in the court report submitted under s. 938.33 or permanency plan
3 submitted under s. 938.38, relating to any of the following:

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

6 938.371 (1) (a) Results of a test or a series of tests of the juvenile to determine
7 the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products
8 of HIV, or an antibody to HIV, if the juvenile's parent or a temporary or permanent
9 guardian appointed by the court has consented to the test under s. 252.15 (2) (a) 4.
10 b. and release of the test results under s. 252.15 (5) (a) 19. and the agency directed
11 to prepare the permanency plan notifies the foster parent, treatment foster parent
12 or operator of the group home or child caring institution of the confidentiality
13 requirements under s. 252.15 (6).

14 **SECTION 13.** 938.371 (2) of the statutes, as created by 1995 Wisconsin Act 77,
15 is renumbered 938.371 (1) (b) and amended to read:

16 938.371 (1) (b) Results Any other medical information concerning the child,
17 including the results of any tests of the juvenile to determine the presence of viral
18 hepatitis, type B. The foster parent, treatment foster parent or operator of a group
19 home or child caring institution receiving information under this subsection
20 paragraph shall keep the information confidential.

21 **SECTION 14.** 938.371 (3) of the statutes, as created by 1995 Wisconsin Act 77,
22 is renumbered 938.371 (3) (intro.) and amended to read:

23 938.371 (3) (intro.) Findings or opinions of the court or agency that prepared
24 the 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 juvenile. The foster parent, treatment foster parent or operator of a group
3 home or child caring institution receiving information under this ~~subsection~~
4 paragraph shall keep the information confidential.

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

6 938.371 (3) (b) Any involvement of the juvenile in any cult or group that
7 promotes or has as one of its goals criminal activity. The foster parent, treatment
8 foster parent or operator of a group home or child caring institution receiving
9 information under this paragraph shall keep the information confidential.

10 **SECTION 16.** 938.371 (3) (c) of the statutes is created to read:

11 938.371 (3) (c) Any involvement of the juvenile in any activities that are
12 harmful to the juvenile's physical, mental or moral well-being. The foster parent,
13 treatment foster parent or operator of a group home or child caring institution
14 receiving information under this paragraph shall keep the information confidential.

15 **SECTION 17.** 938.371 (3) (d) of the statutes is created to read:

16 938.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,
17 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02 or 948.025,
18 prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s.
19 948.05 or causing a child to view or listen to sexual activity in violation of s. 948.055.
20 The foster parent, treatment foster parent or operator of a group home or child caring
21 institution receiving information under this paragraph shall keep the information
22 confidential.

23 **SECTION 18.** 938.371 (4) of the statutes is created to read:

24 938.371 (4) The religious affiliation or belief of the child.

25 **SECTION 19. Initial applicability.**

