



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2015 Senate Bill 387**

**Senate Amendment 1**

*Memo published:* February 2, 2016

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### **2015 SENATE BILL 387**

Very generally, Senate Bill 387 establishes, and in some circumstances clarifies, procedures for changing the placement of a child or juvenile who is involved in the juvenile court system. As relevant to the amendment, the bill creates procedures for changing the placement of a child who is subject to a guardianship order following the termination of parental rights to the child.

Under the bill, the agency appointed as guardian of a child who is subject to a guardianship order, the district attorney, or the corporation counsel may request a change in the placement of the child by sending written notice of the proposed change in placement of the child to: (a) the child; (b) the child's counsel or guardian ad litem; (c) the legal custodian of the child; (d) any foster parent or other physical custodian of the child; (e) the operator of the facility in which the child is living; (f) any agency responsible for securing the adoption of the child or for establishing the child in a permanent family setting; and (g) if the child is an Indian child who has been removed from the home of his or her parent or Indian custodian, the Indian child's Indian custodian or tribe. Under the bill, any of the persons who receive notice of the proposed change in placement may request a hearing on the proposed change by filing an objection with the juvenile court within 10 days after the notice is sent.

Also under the bill, a request for a change of placement may be made by: (a) a child who is the subject of a guardianship order; (b) the child's counsel or guardian ad litem; (c) the legal custodian or Indian custodian of the child; or (d) any agency responsible for securing the adoption of the child or for establishing the child in a permanent family setting.

## **SENATE AMENDMENT 1**

Senate Amendment 1 removes the provision of the bill that authorized certain persons required to receive notice of a proposed change in placement to object to the proposed change. Instead, under the amendment, after the agency appointed as the guardian of the child, the district attorney, or the corporation counsel sends notice of the proposal to change the placement of the child, the court shall review the notice and decide whether to hold a hearing on the matter prior to ordering any change in placement or enter an order changing the child's placement as proposed in the notice without a hearing. Also under the amendment, a request for a change of placement may only be made by the agency appointed as the child's guardian, the district attorney, or the corporation counsel.

## **BILL HISTORY**

Senator Darling offered Senate Amendment 1 on January 25, 2016. On February 1, 2016, the Senate Committee on Judiciary and Public Safety voted unanimously to recommend adoption of Senate Amendment 1 and passage of Senate Bill 387, as amended.

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