



2021-22 Legislative Session Update

Bills of Interest Enacted into Law

- [SB24 \(2021 Act 72\)](#)- Ethan's Law
- [AB142 \(2021 Act 41\)](#)- CAPTA Immunity
- [AB143 \(2021 Act 42\)](#)- Qualified Residential Treatment Programs
- [SB416 \(2021 Act 146\)](#)- information contained in DCF reports regarding sexual abuse of children placed in out-of-home care
- [SB417 \(2021 Act 147\)](#)- requiring the transmission of citizen review panel annual reports and DCF's written responses to standing committees
- [SB418 \(2021 Act 148\)](#)- annual reports and hearing by the legislative standing committees on child abuse and neglect
- [SB491 \(2021 Act 132\)](#)- DCF reimbursement for subsidized guardianship payments
- [SB520 \(2021 Act 252\)](#)- a new juvenile correctional facility in Milwaukee County
- [SB524 \(2021 Act 150\)](#)- access to a deceased adoptee's original birth certificate and information about birth parents by an adult child of the adoptee
- [SB555 \(2021 Act 90\)](#)- required subjects in a human growth and development instructional program to include Safe Haven law

Bills of Interest Vetoed by the Governor

- [AB414](#)- anti-racism and anti-sexism training for employees of state government and local government
- [AB963](#)- establishes a legal standard for state infringement on fundamental rights of parents and guardians, explicitly establishes a number of parental and guardian rights relating to a child's religion, medical care and records, and education, and creates a cause of action for the violation of these rights

Bills of Interest that Failed to Pass both the Assembly and Senate

- [AB138/SB29](#)- parent may disclaim parental rights by affidavit
- [AB289/SB256](#)- gives counties discretion to provide a copy of the permanency plan in a CHIPS proceeding to an out-of-home care provider
- [AB185/SB245](#)- Safe Harbor- under this bill, a person who is under the age of 18 may not be prosecuted or adjudicated delinquent for committing an act of prostitution
- [AB197/SB294](#)- allowing adoptive parents to complete the "in-person" training requirements through a live videoconference
- [AB222/SB238](#)- requires schools to post a sign that contains the telephone number for the local county or state agency that is responsible for receiving reports of child abuse or neglect
- [AB126](#)- creating the Council for Equity and Inclusion and the Office for Equity and Inclusion and making an appropriation
- [AB284/SB331](#)- notifying a child welfare agency and a parent, guardian, and legal custodian of the presence of a child in a runaway home

- [**AB323/SB333**](#)- requires the parties to attend parenting classes in an action affecting the family, other than a paternity action, in which a minor child is involved
- [**AB360/SB362**](#)- Privacy Protection and Gender Identity Anti-Discrimination Act re: discrimination in employment, housing, public accommodations, education, insurance coverage, national guard, jury duty, and adoption and in the receipt of mental health or vocational rehabilitation services
- [**AB412/SB402**](#)- creates a foster parents' bill of rights and requires a licensing agency to provide a copy of the foster parents' bill of rights to a foster parent when the foster parent is licensed
- [**AB418/SB414**](#)- requires guardian ad litem for child where petition for visitation has been filed by a grandparent, great-grandparent, stepparent, or person who has maintained a relationship similar to a parent-child relationship
- [**AB502/SB483**](#)- expands access to original impounded birth records, allowing an adoptee and any other person whose original birth record has been impounded to obtain access and an uncertified copy of his or her original record upon request once the person is 18
- [**AB626**](#)- grounds for finding a child in need of protection or services or for terminating parental rights ("drug affected child")
- [**AB627/SB595**](#)- terminating parental rights based on the parent's incarceration
- [**AB628/SB599**](#)- elimination of a jury trial in a proceeding under the Children's Code
- [**AB629/SB686**](#)- post-adoption contact agreements
- [**AB630**](#)- termination of parental rights by motion in a CHIPS proceeding
- [**AB631/SB594**](#)- various changes to the Safe Haven law
- [**AB632/SB601**](#)- duty to participate in an appeal of an order terminating parental rights
- [**AB764/SB746**](#)- requiring sexual abuse prevention education- "Erin's Law"
- [**AB705**](#)- the special observance day Columbus Day is renamed Indigenous People's Day
- [**AB897/SB836**](#)- requirements for adult-entertainment establishments and providing for a penalty (related to anti-trafficking)
- [**AB925/SB884**](#)- requires the governor to allocate \$6.8 million of funds received under the American Rescue Plan Act of 2021 to expand the existing CASA program, and to create two new CASA county programs in 2022 and two new CASA county programs in 2023
- [**AB978/SB879**](#)- requires DCF to provide scholarships to adopted children and their biological siblings who do not reside in the same household to attend programs together in order to build sibling connections; includes \$75K/year appropriation
- [**AB1088**](#)- University of Wisconsin and technical college tuition remissions for and grants to support foster care and other out-of-home placement students and making an appropriation
- [**AB1085**](#)- rescission of adoption by a stepparent and restoration of parental rights in certain circumstances once the adoptee becomes an adult
- [**AB1130**](#)- grants to American Indian tribes and bands in Wisconsin and making an appropriation

DCF Legislative Proposals Submitted to the Law Revision Committee

The following proposals were submitted to the Law Revision Committee as technical or minor substantive changes; however, the committee decided these proposals were too substantive to continue to the drafting phase during the LRC's work during the 2021-22 legislative session. DCF will work with LRB to draft these proposals and solicit feedback on the drafts from tribal partners for the 2023-24 session.

Initial notice of a pending involuntary proceeding involving an Indian child

- **Proposal:** Update Wis. Stats. ss. 48.028(4)(a) and 938.024(4)(a) to align with the 2016 federal Indian Child Welfare Act (ICWA) regulations.
- **Background:** Sections 25 C.F.R. 23.11 and 23.111 of the 2016 ICWA regulations specify that the initial notice of a pending Indian child custody proceeding must be provided to the Indian child's parents, Indian custodians and the Indian child's Tribe or the BIA and outline the required contents of the notice. 25 C.F.R. 23.111(c), the initial notice may be sent either certified mail or registered mail, with a return receipt requested for either method. Current Wisconsin statute requires the initial notice to be sent by registered mail, return receipt requested. Certified mail is less costly than registered mail. The proposed statutory changes will allow Wisconsin statutes to continue to be in alignment with the federal ICWA regulations while also providing counties with a less costly way to comply with ICWA regulations.

Post-disposition change of placement notice and family permanency team participants

- **Proposal:** Amend Wis. Stat. ss. 48.217(1)(b) and 938.217(1)(b) to be consistent with the post-disposition change of placement notice provisions. Add language to Wis. Stat. ss. 48.38 and 938.38 relevant to proceedings involving Indian children. Amendments ensure that the state statutes implementing requirements under the federal Family First Prevention Services Act are consistent with the Indian Child Welfare Act (ICWA) and the Wisconsin Indian Child Welfare Act (WICWA).
- **Background:** Notice required under Wis. Stat. ss. 48.217(1)(b) and 938.217(1)(b) is not consistent with the post-disposition change of placement notice provisions under Wis. Stat. ss. 48.357 and 938.357. Additionally, for an Indian child who may be placed in a qualified residential treatment program, the statute does not expressly include individuals identified by an Indian child's tribe who fulfill roles according to tribal tradition and custom in the definition of "like kin" and an Indian child's extended family members and tribe in the "family permanency team" process.