



2017 Wisconsin Act 184: Frequently Asked Questions

1. Can you provide a list of individuals with pending petitions for supervised release in my county?

Yes. Counties may request this information from the Department of Health Services (DHS) Supervised Release Program. Contact Krista Rick at krista.rick@dhs.wisconsin.gov.

2. Can counties be notified of a pending petition for supervised release?

DHS has revised the Petition for Supervised Release (F-25393A) to include the individual's county of residence 51.42 Board as an entity that should receive a copy of the form when it is filed with the individual's committing court.

3. How will a county know when there is a new order for supervised release?

The committing judge will issue an order to the county of residence to form a committee to create a report identifying a residence.

4. Who should serve on the committee?

- A representative of the county department under Wis. Stat. § 51.42
- The local probation or parole officer
- The county corporation counsel or designee
- A representative of the county that is responsible for land use planning or the department of the county that is responsible for land information
- A representative of DHS

([Wis. Stat. § 980\(4\)\(dm\)1.](#))

5. What is the role of DHS?

A DHS employee must serve on the committee formed by the county. The county can consult with DHS while preparing the residence report. If a county consults with DHS while preparing the report, DHS must respond within 10 days. ([Wis. Stat. § 980.08\(4\)\(dm\)\(3\)](#))

6. Does open meetings law apply to the committee?

Counties should consult with their corporation counsel to determine whether open meetings law applies to the committee.

7. What client information can be presented to the committee?

The committee can receive any information that is publicly available and any information ordered by the court. Sources for this information include the Wisconsin Sex Offender Registry (<https://appsdoc.wi.gov/public>) and the Wisconsin Circuit Court Access Program (<https://wcca.wicourts.gov/>). Use the individual's name to search these databases for information.

- 8. What client information can be shared with landlords?**
Landlords can receive any information that is publically available and any information ordered by the court. Sources for this information include the Wisconsin Sex Offender Registry (<https://appsdoc.wi.gov/public>) and the Wisconsin Circuit Court Access Program (<https://wcca.wicourts.gov/>). Use the individual's name to search these databases for information.
- 9. How did DHS find homes in the past?**
The Supervised Release Program found residences in a variety of ways, including advertising the need for housing online and working with known vendors who were willing to purchase housing that meets legal criteria.
- 10. Do we need to follow the same process DHS found helpful in the past?**
No. There are many ways to locate appropriate residences for individuals ordered for supervised release. Use the process and system that works the best for your county.
- 11. What happens if a client needs a high level of care?**
If 2017 Wisconsin Act 184 applies, the court will order the county to form a committee to search for a residence with the appropriate level of care for the client.
- 12. How long do counties have to identify a residence?**
For the first year of 2017 Wisconsin Act 184 becoming law, counties have 180 days from the date of the committing judge's order to complete the residence report. After March 30, 2019, counties have 120 days to complete this task. Penalties may occur for non-compliance.
- 13. How is law enforcement involved in this process?**
The county must consult with the law enforcement agency with jurisdiction over the area of the identified residence. Law enforcement may submit a report about the identified residence.
- 14. Who pays the lease for the residence?**
The client is responsible for living expenses as they are able to pay. DHS supports clients if they are not able to cover the lease payment.
- 15. What can landlords charge for rent?**
State statutes do not define what landlords can charge for rent for supervised release clients. The court has the option to reject the residential option proposed in the supervised release plan for any reason.
- 16. Must the residential lease be signed between the vendor and the State of Wisconsin?**
No. There is nothing in the law that requires the State of Wisconsin to hold the lease with the vendor.
- 17. Are "safety zones" still in effect?**
Yes. Identified residences must be at least 1,500 feet from schools, child care facilities, parks, places of worship, and youth centers. (Wis. Stat. § 980.08(4)(dm)1.a.) If the individual

is a serious child sex offender, the identified residence must not be on a property adjacent to the primary residence of a child. (Wis. Stat. § 980.08(4)(dm)1.c.) Identified residences also must be at least 1,500 feet from a nursing home or assisted living facility if a client committed an offense against an adult at risk or elder adult at risk. (Wis. Stat. § 980.08(4)(dm)1.b.)

18. Where can I find a list of licensed day care centers?

<https://dcf.wisconsin.gov/cclicensing>.

19. Where can I find a list of schools?

<https://dpi.wi.gov/directories>.

20. Where can I find a list of licensed nursing homes?

<https://www.dhs.wisconsin.gov/guide/nursing-home.htm>

21. Where can I find a list of licensed residential care providers?

<https://www.dhs.wisconsin.gov/guide/provider-search.htm>.

22. Do local ordinances restricting where sex offenders live apply in these cases?

No. Court orders for supervised release placements supersede local ordinances. (Wis. Stat. § 980.135)

23. What happens after an appropriate residence is identified?

The county committee completes its report. The report must demonstrate that the county committee contacted the landlord for the identified residential option and that the landlord committed to enter into a lease. DHS must create a supervised release plan that includes the residence identified by the county committee within 30 days of receiving the report. The plan is submitted to the client's committing court.

24. When does the county committee's responsibility end?

If the court approves the client's supervised release plan, the committee's work is over. However, if the court finds a client's supervised release plan inadequate due to the residential option proposed by the county, then the court will order the county to identify another residential option, confirm the landlord has committed to enter into a lease, and prepare a new report. The implementation of the client's supervised release plan is the responsibility of DHS.

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