



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3977/1
GMM:kjf

2015 ASSEMBLY BILL 1011

March 29, 2016 - Introduced by Representatives GOYKE, BARNES, ZAMARRIPA, BROSTOFF, SPREITZER, JOHNSON and ZEPNICK. Referred to Committee on Health.

1 **AN ACT** *to repeal* 48.355 (4) (b) 3., 48.357 (6) (a) 3., 48.365 (5) (b) 3., 48.623 (1m)
2 (b), 48.975 (3m) (b), 938.355 (4) (am) 3., 938.357 (6) (a) 3. and 938.365 (5) (b) 3.;
3 **to amend** 48.355 (4) (b) 4., 48.357 (6) (a) 4., 48.365 (5) (b) 4., 48.366 (1) (intro.),
4 48.366 (1) (a), 48.366 (2) (b) 4., 48.366 (3) (a), 48.366 (3) (c), 48.57 (3m) (a) 1.
5 (intro.), 48.57 (3m) (a) 1. a., 48.57 (3m) (a) 1. b., 48.57 (3n) (a) 1. (intro.), 48.57
6 (3n) (a) 1. a., 48.57 (3n) (a) 1. b., 48.57 (3n) (am) 6. a., 48.623 (1m) (intro.), 48.623
7 (1m) (a), 48.623 (1m) (c), 48.645 (1) (intro.), 48.645 (1) (a), 48.645 (1) (b), 48.975
8 (3m) (intro.), 48.975 (3m) (a), 48.975 (3m) (c), 938.355 (4) (am) 4., 938.357 (6)
9 (a) 4., 938.365 (5) (b) 4., 938.366 (1) (intro.), 938.366 (1) (a), 938.366 (2) (b) 4.,
10 938.366 (3) (a) and 938.366 (3) (c); and **to create** 48.366 (1m), 48.645 (1) (c) and
11 938.366 (1m) of the statutes; **relating to:** extended out-of-home care to 21
12 years of age for persons who are completing secondary education, enrolled in
13 postsecondary or vocational education, participating in an employment
14 program or activity, employed at least part-time, or incapable of doing any of

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1 those activities due to a medical condition, providing an exemption from
2 emergency rule procedures, providing an exemption from rule-making
3 procedures, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill permits a child to remain in a foster home, group home, or residential care center for children and youth, in the home of a relative, or in a supervised independent living arrangement (out-of-home care) until the child attains 21 years of age if the child 1) is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 21 years of age; 2) is enrolled in an institution that provides postsecondary or vocational education; 3) is participating in a program or activity designed to promote, or remove barriers to, employment; 4) is employed for at least 80 hours per month; or 5) is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child's permanency plan. The bill also permits a relative, guardian, or adoptive parent of such a child to continue receiving kinship care payments, subsidized guardianship payments, or adoption assistance for the care and maintenance of such a child until the child attains 21 years of age.

Under current law, the federal Department of Health and Human Services provides foster care and adoption assistance under Title IV-E of the Social Security Act for the care of persons under 18 years of age and, at the option of a state, for persons under 19, 20, or 21 years of age, as a state may elect, who are 1) completing secondary education or a program leading to an equivalent credential; 2) enrolled in an institution that provides postsecondary or vocational education; 3) participating in a program or activity designed to promote, or remove barriers to, employment; 4) employed for at least 80 hours per month; or 5) incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child's case plan. Currently, this state permits a person to remain in out-of-home care until he or she has attained 19 years of age, if he or she is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, and permits a person to remain in out-of-home care until he or she has attained 21 years of age, if he or she is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program, which is a program under which special education and related services are provided to a person with a disability, is in effect for the person.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 48.355 (4) (b) 3. of the statutes is repealed.

2 **SECTION 2.** 48.355 (4) (b) 4. of the statutes is amended to read:

3 48.355 (4) (b) 4. The date on which the child is ~~granted a high school or high~~
4 ~~school equivalency diploma or the date on which the child~~ reaches 21 years of age,
5 ~~whichever occurs first~~, if the child is a full-time student at a secondary school or its
6 vocational or technical equivalent and if an individualized education program under
7 s. 115.787 is in effect for the child is reasonably expected to complete the program
8 before reaching 21 years of age; is enrolled in an institution that provides
9 postsecondary or vocational education; is participating in a program or activity
10 designed to promote, or remove barriers to, employment; is employed for at least 80
11 hours per month; or is incapable of doing any of those activities due to a medical
12 condition, which incapacity is supported by regularly updated information in the
13 child's permanency plan. The court may not enter an order that terminates as
14 provided in this subdivision unless the child is 17 years of age or older when the order
15 is entered and the child, or the child's guardian on behalf of the child, agrees to the
16 order. At any time after the child reaches 18 years of age, the child, or the child's
17 guardian on behalf of the child, may request the court in writing to terminate the
18 order and, on receipt of such a request, the court, without a hearing, shall terminate
19 the order.

20 **SECTION 3.** 48.357 (6) (a) 3. of the statutes is repealed.

21 **SECTION 4.** 48.357 (6) (a) 4. of the statutes is amended to read:

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1 48.357 (6) (a) 4. The date on which the child is ~~granted a high school or high~~
2 ~~school equivalency diploma or the date on which the child reaches 21 years of age,~~
3 ~~whichever occurs first,~~ if the child is a full-time student at a secondary school or its
4 vocational or technical equivalent and if an individualized education program under
5 s. 115.787 is in effect for the child is reasonably expected to complete the program
6 before reaching 21 years of age; is enrolled in an institution that provides
7 postsecondary or vocational education; is participating in a program or activity
8 designed to promote, or remove barriers to, employment; is employed for at least 80
9 hours per month; or is incapable of doing any of those activities due to a medical
10 condition, which incapacity is supported by regularly updated information in the
11 child's permanency plan. The court may not enter an order that terminates as
12 provided in this subdivision unless the child is 17 years of age or older when the order
13 is entered and the child, or the child's guardian on behalf of the child, agrees to the
14 order. At any time after the child reaches 18 years of age, the child, or the child's
15 guardian on behalf of the child, may request the court in writing to terminate the
16 order and, on receipt of such a request, the court, without a hearing, shall terminate
17 the order.

18 **SECTION 5.** 48.365 (5) (b) 3. of the statutes is repealed.

19 **SECTION 6.** 48.365 (5) (b) 4. of the statutes is amended to read:

20 48.365 (5) (b) 4. The date on which the child is ~~granted a high school or high~~
21 ~~school equivalency diploma or the date on which the child reaches 21 years of age,~~
22 ~~whichever occurs first,~~ if the child is a full-time student at a secondary school or its
23 vocational or technical equivalent and if an individualized education program under
24 s. 115.787 is in effect for the child is reasonably expected to complete the program
25 before reaching 21 years of age; is enrolled in an institution that provides

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1 postsecondary or vocational education; is participating in a program or activity
2 designed to promote, or remove barriers to, employment; is employed for at least 80
3 hours per month; or is incapable of doing any of those activities due to a medical
4 condition, which incapacity is supported by regularly updated information in the
5 child's permanency plan. The court may not enter an order that terminates as
6 provided in this subdivision unless the child is 17 years of age or older when the order
7 is entered and the child, or the child's guardian on behalf of the child, agrees to the
8 order. At any time after the child reaches 18 years of age, the child, or the child's
9 guardian on behalf of the child, may request the court in writing to terminate the
10 order and, on receipt of such a request, the court, without a hearing, shall terminate
11 the order.

12 **SECTION 7.** 48.366 (1) (intro.) of the statutes, as affected by 2015 Wisconsin Act
13 55, is amended to read:

14 48.366 (1) APPLICABILITY. (intro.) This section applies to a person who is a
15 full-time student of a secondary school or its vocational or technical equivalent, for
16 whom an individualized education program under s. 115.787 is in effect, and
17 described in sub. (1m) to whom any of the following applies:

18 **SECTION 8.** 48.366 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
19 is amended to read:

20 48.366 (1) (a) The person is placed in a foster home, group home, or residential
21 care center for children and youth, in the home of a relative other than a parent, or
22 in a supervised independent living arrangement under an order under s. 48.355,
23 48.357, or 48.365 that terminates as provided in s. 48.355 (4) (b) 1., ~~2., or 3.~~ or 2.,
24 48.357 (6) (a) 1., ~~2., or 3.~~ or 2., or 48.365 (5) (b) 1., ~~2., or 3.~~ 2. on or after the person
25 attains 18 years of age.

ASSEMBLY BILL 1011**SECTION 9**

1 **SECTION 9.** 48.366 (1m) of the statutes is created to read:

2 48.366 **(1m)** DURATION OF ELIGIBILITY. A person may continue in out-of-home
3 care under a voluntary agreement under sub. (3) until the person attains 21 years
4 of age if the person is a full-time student at a secondary school or its vocational or
5 technical equivalent and is reasonably expected to complete the program before
6 attaining 21 years of age; is enrolled in an institution that provides postsecondary
7 or vocational education; is participating in a program or activity designed to promote,
8 or remove barriers to, employment; is employed for at least 80 hours per month; or
9 is incapable of doing any of those activities due to a medical condition, which
10 incapacity is supported by regularly updated information in the person's
11 permanency plan.

12 **SECTION 10.** 48.366 (2) (b) 4. of the statutes, as affected by 2015 Wisconsin Act
13 55, is amended to read:

14 48.366 **(2)** (b) 4. If the court determines that the person who is the subject of
15 an order described in sub. (1) (a) or (b) understands that he or she may continue in
16 out-of-home care, but wishes to be discharged from that care on termination of the
17 order, the court shall advise the person that he or she may enter into a voluntary
18 agreement under sub. (3) at any time before he or she is ~~granted a high school or high~~
19 ~~school equivalency diploma or reaches~~ attains 21 years of age, ~~whichever occurs first,~~
20 so long as he or she is a full-time student at a secondary school or its vocational or
21 technical equivalent and an individualized education program under s. 115.787 is in
22 ~~effect for him or her~~ meets any of the conditions for eligibility described in sub. (1m).
23 If the court determines that the person wishes to continue in out-of-home care under
24 an extension of an order under s. 48.355, 48.357, or 48.365 described in sub. (1) (a),
25 the court shall schedule an extension hearing under s. 48.365. If the court

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1 determines that the person wishes to continue in out-of-home care under a
2 voluntary agreement under sub. (3), the court shall order the agency primarily
3 responsible for providing services to the person under the order to provide
4 transition-to-independent-living services for the person under a voluntary
5 agreement under sub. (3).

6 **SECTION 11.** 48.366 (3) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
7 is amended to read:

8 48.366 (3) (a) On termination of an order described in sub. (1) (a) or (b), the
9 person who is the subject of the order, or the person's guardian on behalf of the
10 person, and the agency primarily responsible for providing services to the person
11 under the order may enter into a transition-to-independent-living agreement
12 under which the person continues in out-of-home care ~~and continues to be a~~
13 ~~full-time student at a secondary school or its vocational or technical equivalent~~
14 ~~under an individualized education program under s. 115.787~~ until the date on which
15 the person reaches 21 years of age, is granted a high school or high school equivalency
16 ~~diploma~~ no longer meets any of the conditions for eligibility described in sub. (1m),
17 or terminates the agreement as provided in par. (b), whichever occurs first, and the
18 agency provides services to the person to assist him or her in transitioning to
19 independent living.

20 **SECTION 12.** 48.366 (3) (c) of the statutes is amended to read:

21 48.366 (3) (c) A person who terminates a voluntary agreement under this
22 subsection, or the person's guardian on the person's behalf, may request the agency
23 primarily responsible for providing services to the person under the agreement to
24 enter into a new voluntary agreement under this subsection at any time before the
25 person is ~~granted a high school or high school equivalency diploma or reaches~~ attains

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1 21 years of age, ~~whichever occurs first~~, so long as the person is a full-time student
2 at a secondary school or its vocational or technical equivalent and an individualized
3 education program under s. 115.787 is in effect for him or her meets any of the
4 conditions for eligibility described in sub. (1m). If the request meets the conditions
5 set forth in the rules promulgated under sub. (4) (b), the agency shall enter into a new
6 voluntary agreement with that person.

7 **SECTION 13.** 48.57 (3m) (a) 1. (intro.) of the statutes, as affected by 2015
8 Wisconsin Act 55, is amended to read:

9 48.57 (3m) (a) 1. (intro.) “Child” means a person under 18 years of age. “Child”
10 also includes a person 18 years of age or over, but under 21 years of age, if any of the
11 following applies:

12 **SECTION 14.** 48.57 (3m) (a) 1. a. of the statutes, as affected by 2015 Wisconsin
13 Act 55, is amended to read:

14 48.57 (3m) (a) 1. a. The person is ~~under 19 years of age~~, is a full-time student
15 in good academic standing at a secondary school or its vocational or technical
16 equivalent, and is reasonably expected to complete his or her program of study and
17 be granted a high school or high school equivalency diploma before attaining 21 years
18 of age; is enrolled in an institution that provides postsecondary or vocational
19 education; is participating in a program or activity designed to promote, or remove
20 barriers to, employment; is employed for at least 80 hours per month; or is incapable
21 of doing any of those activities due to a medical condition, which incapacity is
22 supported by regularly updated information in the child’s permanency plan.

23 **SECTION 15.** 48.57 (3m) (a) 1. b. of the statutes, as affected by 2015 Wisconsin
24 Act 55, is amended to read:

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1 48.57 (3m) (a) 1. b. The person is under 21 years of age, is a full-time student
2 in good academic standing at a secondary school or its vocational or technical
3 equivalent, an individualized education program under s. 115.787 is in effect for the
4 person, and the person is placed in the home of the kinship care relative under an
5 order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates
6 under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or
7 under a voluntary transition-to-independent-living agreement under s. 48.366 (3)
8 or 938.366 (3).

9 **SECTION 16.** 48.57 (3n) (a) 1. (intro.) of the statutes, as affected by 2015
10 Wisconsin Act 55, is amended to read:

11 48.57 (3n) (a) 1. (intro.) “Child” means a person under 18 years of age. “Child”
12 also includes a person 18 years of age or over, but under 21 years of age, if any of the
13 following applies:

14 **SECTION 17.** 48.57 (3n) (a) 1. a. of the statutes, as affected by 2015 Wisconsin
15 Act 55, is amended to read:

16 48.57 (3n) (a) 1. a. The person is ~~under 19 years of age~~, is a full-time student
17 in good academic standing at a secondary school or its vocational or technical
18 equivalent, and is reasonably expected to complete his or her program of study and
19 be granted a high school or high school equivalency diploma before attaining 21 years
20 of age; is enrolled in an institution that provides postsecondary or vocational
21 education; is participating in a program or activity designed to promote, or remove
22 barriers to, employment; is employed for at least 80 hours per month; or is incapable
23 of doing any of those activities due to a medical condition, which incapacity is
24 supported by regularly updated information in the child’s permanency plan.

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1 **SECTION 18.** 48.57 (3n) (a) 1. b. of the statutes, as affected by 2015 Wisconsin
2 Act 55, is amended to read:

3 48.57 **(3n)** (a) 1. b. The person is ~~under 21 years of age, is a full-time student~~
4 ~~in good academic standing at a secondary school or its vocational or technical~~
5 ~~equivalent, an individualized education program under s. 115.787 is in effect for the~~
6 ~~person, and the person is placed in the home of the long-term kinship care relative~~
7 ~~under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that~~
8 ~~terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years~~
9 ~~of age or under a voluntary transition-to-independent-living agreement under s.~~
10 ~~48.366 (3) or 938.366 (3).~~

11 **SECTION 19.** 48.57 (3n) (am) 6. a. of the statutes is amended to read:

12 48.57 **(3n)** (am) 6. a. The date on which the child attains the age of 18 years;
13 or, if on that date the child is a full-time student in good academic standing at a
14 secondary school or its vocational or technical equivalent and is reasonably expected
15 to complete his or her program of study and be granted a high school or high school
16 equivalency diploma, ~~the date on which the child is granted a high school or high~~
17 ~~school equivalency diploma or the date on which the child attains the age of 19 years,~~
18 ~~whichever occurs first; or, if on that date the child is a full-time student in good~~
19 ~~academic standing at a secondary school or its vocational or technical equivalent and~~
20 ~~an individualized education program under s. 115.787 is in effect for the child before~~
21 ~~attaining 21 years of age, is enrolled in an institution that provides postsecondary~~
22 ~~or vocational education, is participating in a program or activity designed to promote,~~
23 ~~or remove barriers to, employment, is employed for at least 80 hours per month, or~~
24 ~~is incapable of doing any of those activities due to a medical condition, which~~
25 ~~incapacity is supported by regularly updated information in the child's permanency~~

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1 ~~plan~~, the date on which the child is granted a high school or high school equivalency
2 diploma ~~ceases to meet any of those conditions for eligibility~~ or the date on which the
3 child attains the age of 21 years, whichever occurs first.

4 **SECTION 20.** 48.623 (1m) (intro.) of the statutes, as created by 2015 Wisconsin
5 Act 55, is amended to read:

6 48.623 (1m) DURATION OF ELIGIBILITY. (intro.) Subsidized guardianship
7 payments under sub. (1) or (6) may be continued after until the child attains ~~18~~ 21
8 years of age if ~~any~~ all of the following ~~applies~~ apply:

9 **SECTION 21.** 48.623 (1m) (a) of the statutes, as created by 2015 Wisconsin Act
10 55, is amended to read:

11 48.623 (1m) (a) The child is ~~under 19 years of age~~, is a full-time student at a
12 secondary school or its vocational or technical equivalent, and is reasonably expected
13 to complete the program before ~~reaching 19~~ attaining 21 years of age; is enrolled in
14 an institution that provides postsecondary or vocational education; is participating
15 in a program or activity designed to promote, or remove barriers to, employment; is
16 employed for at least 80 hours per month; or is incapable of doing any of those
17 activities due to a medical condition, which incapacity is supported by regularly
18 updated information in the child's permanency plan.

19 **SECTION 22.** 48.623 (1m) (b) of the statutes, as created by 2015 Wisconsin Act
20 55, is repealed.

21 **SECTION 23.** 48.623 (1m) (c) of the statutes, as created by 2015 Wisconsin Act
22 55, is amended to read:

23 48.623 (1m) (c) The child is ~~under 21 years of age~~, is a full-time student at a
24 secondary school or its vocational or technical equivalent, an individualized
25 education program under s. 115.787 is in effect for the child, and the subsidized

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1 guardianship agreement for the child became effective on or after the date on which
2 the child attained 16 years of age.

3 **SECTION 24.** 48.645 (1) (intro.) of the statutes is amended to read:

4 48.645 (1) DEFINITION. (intro.) In this section, “dependent child” means a child
5 ~~under the age of 18 or, if the child is a full-time student at a secondary school or its~~
6 ~~vocational or technical equivalent and is reasonably expected to complete the~~
7 ~~program before reaching 19 years of age, is under the age of 19, or, if the child is a~~
8 ~~full-time student at a secondary school or its vocational or technical equivalent for~~
9 ~~whom an individualized educational program under s. 115.787 is in effect, is person~~
10 under 21 years of age, who meets all of the following conditions:

11 **SECTION 25.** 48.645 (1) (a) of the statutes is amended to read:

12 48.645 (1) (a) The ~~child~~ person is living in a foster home licensed under s. 48.62
13 if a license is required under that section, in a foster home located within the
14 boundaries of a reservation in this state and licensed by the tribal governing body
15 of the reservation, in a group home licensed under s. 48.625, in a subsidized
16 guardianship home under s. 48.623, in a residential care center for children and
17 youth licensed under s. 48.60, or in a supervised independent living arrangement
18 and has been placed in that home, center, or arrangement by a county department
19 under s. 46.215, 46.22, or 46.23, by the department, or by a governing body of an
20 Indian tribe in this state under an agreement with a county department under s.
21 46.215, 46.22, or 46.23.

22 **SECTION 26.** 48.645 (1) (b) of the statutes is amended to read:

23 48.645 (1) (b) The ~~child~~ person would qualify for aid under s. 49.19, 1993 stats.

24 **SECTION 27.** 48.645 (1) (c) of the statutes is created to read:

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1 48.645 (1) (c) The person, if 18 years of age or over, is a full-time student at a
2 secondary school or its vocational or technical equivalent and is reasonably expected
3 to complete the program before reaching 21 years of age; is enrolled in an institution
4 that provides postsecondary or vocational education; is participating in a program
5 or activity designed to promote, or remove barriers to, employment; is employed for
6 at least 80 hours per month; or is incapable of doing any of those activities due to a
7 medical condition, which incapacity is supported by regularly updated information
8 in the person's permanency plan.

9 **SECTION 28.** 48.975 (3m) (intro.) of the statutes, as created by 2015 Wisconsin
10 Act 55, is amended to read:

11 48.975 (3m) DURATION. (intro.) The adoption assistance may be continued ~~after~~
12 until the adoptee attains ~~18~~ 21 years of age if ~~any~~ all of the following ~~applies~~ apply:

13 **SECTION 29.** 48.975 (3m) (a) of the statutes, as created by 2015 Wisconsin Act
14 55, is amended to read:

15 48.975 (3m) (a) The adoptee is ~~under 19 years of age~~, is a full-time student at
16 a secondary school or its vocational or technical equivalent, and is reasonably
17 expected to complete the program before ~~reaching 19~~ attaining 21 years of age; ~~is~~
18 enrolled in an institution that provides postsecondary or vocational education; is
19 participating in a program or activity designed to promote, or remove barriers to,
20 employment; is employed for at least 80 hours per month; or is incapable of doing any
21 of those activities due to a medical condition, which incapacity is supported by
22 regularly updated information in the adoptee's permanency plan.

23 **SECTION 30.** 48.975 (3m) (b) of the statutes, as created by 2015 Wisconsin Act
24 55, is repealed.

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1 **SECTION 31.** 48.975 (3m) (c) of the statutes, as created by 2015 Wisconsin Act
2 55, is amended to read:

3 48.975 **(3m)** (c) ~~The adoptee is under 21 years of age, is a full-time student at~~
4 ~~a secondary school or its vocational or technical equivalent, an individualized~~
5 ~~education program under s. 115.787 is in effect for the adoptee, and the adoption~~
6 ~~assistance agreement for the adoptee became effective on or after the date on which~~
7 ~~the adoptee attained 16 years of age.~~

8 **SECTION 32.** 938.355 (4) (am) 3. of the statutes is repealed.

9 **SECTION 33.** 938.355 (4) (am) 4. of the statutes is amended to read:

10 938.355 **(4)** (am) 4. ~~The date on which the juvenile is granted a high school or~~
11 ~~high school equivalency diploma or the date on which the juvenile attains 21 years~~
12 ~~of age, whichever occurs first, if the juvenile is a full-time student at a secondary~~
13 ~~school or its vocational or technical equivalent and if an individualized education~~
14 ~~program under s. 115.787 is in effect for the juvenile is reasonably expected to~~
15 ~~complete the program before attaining 21 years of age; is enrolled in an institution~~
16 ~~that provides postsecondary or vocational education; is participating in a program~~
17 ~~or activity designed to promote, or remove barriers to, employment; is employed for~~
18 ~~at least 80 hours per month; or is incapable of doing any of those activities due to a~~
19 ~~medical condition, which incapacity is supported by regularly updated information~~
20 ~~in the juvenile's permanency plan.~~ The court may not grant an order that terminates
21 as provided in this subdivision unless the juvenile is 17 years of age or older when
22 the order is granted and the juvenile, or the juvenile's guardian on behalf of the
23 juvenile, agrees to the order. At any time after the juvenile attains 18 years of age,
24 the juvenile, or the juvenile's guardian on behalf of the juvenile, may request the

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1 court in writing to terminate the order and, on receipt of such a request, the court,
2 without a hearing, shall terminate the order.

3 **SECTION 34.** 938.357 (6) (a) 3. of the statutes is repealed.

4 **SECTION 35.** 938.357 (6) (a) 4. of the statutes is amended to read:

5 938.357 (6) (a) 4. The date on which the juvenile ~~is granted a high school or high~~
6 ~~school equivalency diploma or the date on which the juvenile attains 21 years of age,~~
7 ~~whichever occurs first,~~ if the juvenile is a full-time student at a secondary school or
8 its vocational or technical equivalent and ~~if an individualized education program~~
9 ~~under s. 115.787 is in effect for the juvenile~~ is reasonably expected to complete the
10 program before attaining 21 years of age; is enrolled in an institution that provides
11 postsecondary or vocational education; is participating in a program or activity
12 designed to promote, or remove barriers to, employment; is employed for at least 80
13 hours per month; or is incapable of doing any of those activities due to a medical
14 condition, which incapacity is supported by regularly updated information in the
15 juvenile's permanency plan. The court may not grant an order that terminates as
16 provided in this subdivision unless the juvenile is 17 years of age or older when the
17 order is granted and the juvenile, or the juvenile's guardian on behalf of the juvenile,
18 agrees to the order. At any time after the juvenile attains 18 years of age, the
19 juvenile, or the juvenile's guardian on behalf of the juvenile, may request the court
20 in writing to terminate the order and, on receipt of such a request, the court, without
21 a hearing, shall terminate the order.

22 **SECTION 36.** 938.365 (5) (b) 3. of the statutes is repealed.

23 **SECTION 37.** 938.365 (5) (b) 4. of the statutes is amended to read:

24 938.365 (5) (b) 4. The date on which the juvenile ~~is granted a high school or high~~
25 ~~school equivalency diploma or the date on which the juvenile attains 21 years of age,~~

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1 ~~whichever occurs first~~, if the juvenile is a full-time student at a secondary school or
2 its vocational or technical equivalent and if ~~an individualized education program~~
3 ~~under s. 115.787 is in effect for the juvenile~~ is reasonably expected to complete the
4 program before attaining 21 years of age; is enrolled in an institution that provides
5 postsecondary or vocational education; is participating in a program or activity
6 designed to promote, or remove barriers to, employment; is employed for at least 80
7 hours per month; or is incapable of doing any of those activities due to a medical
8 condition, which incapacity is supported by regularly updated information in the
9 juvenile's permanency plan. The court may not grant an order that terminates as
10 provided in this subdivision unless the juvenile is 17 years of age or older when the
11 order is granted and the juvenile, or the juvenile's guardian on behalf of the juvenile,
12 agrees to the order. At any time after the juvenile attains 18 years of age, the
13 juvenile, or the juvenile's guardian on behalf of the juvenile, may request the court
14 in writing to terminate the order and, on receipt of such a request, the court, without
15 a hearing, shall terminate the order.

16 **SECTION 38.** 938.366 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
17 Act 55, is amended to read:

18 938.366 (1) APPLICABILITY. (intro.) This section applies to a person ~~who is a~~
19 ~~full-time student of a secondary school or its vocational or technical equivalent, for~~
20 ~~whom an individualized education program under s. 115.787 is in effect, and~~
21 described in sub. (1m) to whom any of the following applies:

22 **SECTION 39.** 938.366 (1) (a) of the statutes, as affected by 2015 Wisconsin Act
23 55, is amended to read:

24 938.366 (1) (a) The person is placed in a foster home, group home, or residential
25 care center for children and youth, in the home of a relative other than a parent, or

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1 in a supervised independent living arrangement under an order under s. 938.355,
2 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) ~~1., 2., or 3.~~ or
3 2., 938.357 (6) (a) ~~1., 2., or 3.~~ or 2., or 938.365 (5) (b) ~~1., 2., or 3.~~ or 2. on or after the
4 person attains 18 years of age.

5 **SECTION 40.** 938.366 (1m) of the statutes is created to read:

6 938.366 (1m) DURATION OF ELIGIBILITY. A person may continue in out-of-home
7 care under a voluntary agreement under sub. (3) until the person attains 21 years
8 of age if the person is a full-time student at a secondary school or its vocational or
9 technical equivalent and is reasonably expected to complete the program before
10 attaining 21 years of age; is enrolled in an institution that provides postsecondary
11 or vocational education; is participating in a program or activity designed to promote,
12 or remove barriers to, employment; is employed for at least 80 hours per month; or
13 is incapable of doing any of those activities due to a medical condition, which
14 incapacity is supported by regularly updated information in the person's
15 permanency plan.

16 **SECTION 41.** 938.366 (2) (b) 4. of the statutes, as affected by 2015 Wisconsin Act
17 55, is amended to read:

18 938.366 (2) (b) 4. If the court determines that the person who is the subject of
19 an order described in sub. (1) (a) understands that he or she may continue in
20 out-of-home care, but wishes to be discharged from that care on termination of the
21 order, the court shall advise the person that he or she may enter into a voluntary
22 agreement under sub. (3) at any time before he or she is ~~granted a high school or high~~
23 ~~school equivalency diploma or reaches~~ attains 21 years of age, ~~whichever occurs first,~~
24 so long as he or she is a full-time student at a secondary school or its vocational or
25 technical equivalent and an individualized education program under s. 115.787 is in

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1 ~~effect for him or her~~ meets any of the conditions for eligibility described in sub. (1m).

2 If the court determines that the person wishes to continue in out-of-home care under
3 an extension of the order described in sub. (1) (a), the court shall schedule an
4 extension hearing under s. 938.365. If the court determines that the person wishes
5 to continue in out-of-home care under a voluntary agreement under sub. (3), the
6 court shall order the agency primarily responsible for providing services to the
7 person under the order to provide transition-to-independent-living services for the
8 person under a voluntary agreement under sub. (3).

9 **SECTION 42.** 938.366 (3) (a) of the statutes, as affected by 2015 Wisconsin Act
10 55, is amended to read:

11 938.366 (3) (a) On termination of an order described in sub. (1) (a), the person
12 who is the subject of the order, or the person's guardian on behalf of the person, and
13 the agency primarily responsible for providing services to the person under the order
14 may enter into a transition-to-independent-living agreement under which the
15 person continues in out-of-home care ~~and continues to be a full-time student at a~~
16 ~~secondary school or its vocational or technical equivalent under an individualized~~
17 ~~education program under s. 115.787~~ until the date on which the person reaches
18 attains 21 years of age, is granted a high school or high school equivalency diploma
19 no longer meets any of the conditions for eligibility described in sub. (1m), or
20 terminates the agreement as provided in par. (b), whichever occurs first, and the
21 agency provides services to the person to assist him or her in transitioning to
22 independent living.

23 **SECTION 43.** 938.366 (3) (c) of the statutes is amended to read:

24 938.366 (3) (c) A person who terminates a voluntary agreement under this
25 subsection, or the person's guardian on the person's behalf, may request the agency

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1 primarily responsible for providing services to the person under the agreement to
2 enter into a new voluntary agreement under this subsection at any time before the
3 person is ~~granted a high school or high school equivalency diploma or reaches~~ attains
4 21 years of age, ~~whichever occurs first~~, so long as the person is a ~~full-time student~~
5 ~~at a secondary school or its vocational or technical equivalent and an individualized~~
6 ~~education program under s. 115.787 is in effect for him or her~~ meets any of the
7 conditions for eligibility described in sub. (1m). If the request meets the conditions
8 set forth in the rules promulgated under sub. (4) (b), the agency shall enter into a new
9 voluntary agreement with that person.

SECTION 44. Nonstatutory provisions.

11 (1) EXTENDED OUT-OF-HOME CARE TO AGE 21; RULES.

12 (a) *Permanent rules.* The department of children and families shall present the
13 statement of scope of the rules required under sections 48.366 (4) and 938.366 (4) of
14 the statutes to the governor for approval under section 227.135 (2) of the statutes no
15 later than the 30th day after the effective date of this paragraph. The department
16 of children and families shall submit in proposed form the rules required under
17 sections 48.366 (4) and 938.366 (4) of the statutes to the legislative council staff
18 under section 227.15 (1) of the statutes no later than the first day of the 4th month
19 beginning after the governor approves the statement of scope for the rules.

20 (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
21 the department of children and families may promulgate the rules required under
22 sections 48.366 (4) and 938.366 (4) of the statutes for the period before the effective
23 date of the rules submitted under paragraph (a), but not to exceed the period
24 authorized under section 227.24 (1) (c) of the statutes, subject to extension under
25 section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and

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1 (3) of the statutes, the department of children and families is not required to provide
2 evidence that promulgating a rule under this paragraph as an emergency rule is
3 necessary for the preservation of the public peace, health, safety, or welfare and is
4 not required to provide a finding of emergency for a rule promulgated under this
5 paragraph.

6 **SECTION 45. Effective dates.** This act takes effect on the first day of the 4th
7 month beginning after publication, except as follows:

8 (1) RULES. SECTION 44 (1) of this act takes effect on the day after publication.

9 (END)