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1 the specific information on which those findings are based in the guardianship order.  
2 A guardianship order that merely references this paragraph or that merely  
3 references or incorporates the court report under sub. (4) (e) or any other document  
4 without documenting that specific information in the order or an amended  
5 guardianship order that retroactively corrects an earlier guardianship order that  
6 does not comply with this paragraph is not sufficient to comply with this paragraph.

7 **SECTION 90.** 938.21 (2) (am) of the statutes is amended to read:

8 938.21 (2) (am) A juvenile held in a nonsecure place of custody may waive in  
9 writing his or her right to participate in the hearing under this section. After any  
10 waiver, a ~~hearing~~ rehearing shall be granted upon the request of the juvenile or any  
11 other interested party. Any juvenile transferred to a secure detention facility shall  
12 thereafter have a hearing rehearing under this section.

13 **SECTION 91.** 938.21 (3) (am) of the statutes is amended to read:

14 938.21 (3) (am) The parent, guardian, or legal custodian may waive his or her  
15 right to participate in the hearing under this section. ~~Agreement in writing of the~~  
16 ~~juvenile is required if he or she is over 12.~~ After any waiver, a hearing rehearing shall  
17 be granted at the request of any the parent, guardian, legal custodian, or any other  
18 interested party.

19 **SECTION 92.** 938.21 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin Act  
20 16, is repealed and recreated to read:

21 938.21 (5) (b) 1. A finding that continued placement of the juvenile in his or her  
22 home would be contrary to the health, safety, and welfare of the juvenile and, unless  
23 the judge or juvenile court commissioner finds that any of the circumstances  
24 specified in s. 938.355 (2d) (b) 1. to 4. applies, a finding as to whether the person who  
25 took the juvenile into custody and the intake worker have made reasonable efforts

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1 to prevent the removal of the juvenile from the home, while assuring that the  
2 juvenile's health and safety are the paramount concerns, and to make it possible for  
3 the juvenile to return safely home or, if for good cause shown sufficient information  
4 is not available for the judge or juvenile court commissioner to make those findings,  
5 an order for the county department or agency primarily responsible for providing  
6 services to the juvenile under the custody order to file with the court sufficient  
7 information for the judge or juvenile court commissioner to make those findings by  
8 no later than 5 days after the date of the order.

9 **SECTION 93.** 938.21 (5) (b) 3. of the statutes is created to read:

10 938.21 (5) (b) 3. If the judge or juvenile court commissioner finds that any of  
11 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a  
12 parent, a determination that the county department or agency primarily responsible  
13 for providing services under the custody order is not required to make reasonable  
14 efforts with respect to the parent to make it possible for the juvenile to return safely  
15 to his or her home.

16 **SECTION 94.** 938.21 (5) (c) of the statutes is created to read:

17 938.21 (5) (c) The judge or juvenile court commissioner shall make the findings  
18 specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific  
19 to the juvenile and shall document the specific information on which those findings  
20 are based in the custody order. A custody order that merely references par. (b) 1. or  
21 3. or that merely references or incorporates the petition under s. 938.25 or any other  
22 document without documenting that specific information in the custody order or an  
23 amended custody order that retroactively corrects an earlier custody order that does  
24 not comply with this paragraph is not sufficient to comply with this paragraph.

25 **SECTION 95.** 938.21 (5) (d) of the statutes is created to read:

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1           938.21 (5) (d) 1. If the judge or juvenile court commissioner finds that any of  
2 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a  
3 parent, the judge or juvenile court commissioner shall hold a hearing within 30 days  
4 after the date of that finding to determine the permanency plan for the juvenile. If  
5 a hearing is held under this subdivision, the agency responsible for preparing the  
6 permanency plan shall file the permanency plan with the court not less than 5 days  
7 before the date of the hearing.

8           2. If a hearing is held under subd. 1, at least 10 days before the date of the  
9 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
10 of the juvenile, and any foster parent, treatment foster parent, or other physical  
11 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
12 the hearing.

13           3. The court shall give a foster parent, treatment foster parent, or other  
14 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
15 2. an opportunity to be heard at the hearing by permitting the foster parent,  
16 treatment foster parent, or other physical custodian to make a written or oral  
17 statement during the hearing, or to submit a written statement prior to the hearing,  
18 relevant to the issues to be determined at the hearing. Any written or oral statement  
19 made under this subdivision shall be made upon oath or affirmation. A foster parent,  
20 treatment foster parent, or other physical custodian who receives a notice of a  
21 hearing under subd. 2. and an opportunity to be heard under this subdivision does  
22 not become a party to the proceeding on which the hearing is held solely on the basis  
23 of receiving that notice and opportunity to be heard.

24           **SECTION 96.** 938.27 (3) (a) 1m. of the statutes is amended to read:

**BILL****SECTION 96**

1           938.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,  
2 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under  
3 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,  
4 treatment foster parent, or other physical custodian to make a written or oral  
5 statement during the hearing, or to submit a written statement prior to the hearing,  
6 relevant to the issues to be determined at the hearing. Any written or oral statement  
7 made under this subdivision shall be made upon oath or affirmation. A foster parent,  
8 treatment foster parent, or other physical custodian described in s. 48.62 (2) who  
9 receives a notice of a hearing under subd. 1. and an opportunity to be heard under  
10 this subdivision does not become a party to the proceeding on which the hearing is  
11 held solely on the basis of receiving that notice and opportunity to be heard.

12           **SECTION 97.** 938.315 (2m) of the statutes is created to read:

13           938.315 (2m) No continuance or extension of a time limit specified in this  
14 chapter may be granted and no period of delay specified in sub. (1) may be excluded  
15 in computing a time requirement under this chapter if the continuance, extension,  
16 or exclusion would result in any of the following:

17           (a) The court making an initial finding under s. 938.21 (5) (b) 1., 938.355 (2) (b)  
18 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made to prevent the  
19 removal of the juvenile from the home, while assuring that the juvenile's health and  
20 safety are the paramount concerns, or an initial finding under s. 938.21 (5) (b) 3.,  
21 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not required to be  
22 made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, more  
23 than 60 days after the date on which the juvenile was removed from the home.

24           (b) The court making an initial finding under s. 938.38 (5m) that the agency  
25 primarily responsible for providing services to the juvenile has made reasonable

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1 efforts to achieve the goals of the juvenile's permanency plan more than 12 months  
2 after the date on which the juvenile was removed from the home or making any  
3 subsequent findings under s. 938.38 (5m) as to those reasonable efforts more than  
4 12 months after the date of a previous finding as to those reasonable efforts.

5 **SECTION 98.** 938.32 (1) (c) of the statutes is created to read:

6 938.32 (1) (b) 1. If at the time the consent decree is entered into the juvenile  
7 is placed outside the home under a voluntary agreement under s. 48.63 or is  
8 otherwise living outside the home without a court order and if the consent decree  
9 maintains the juvenile in that placement or other living arrangement, the consent  
10 decree shall include a finding that placement of the juvenile in his or her home would  
11 be contrary to the health, safety, and welfare of the juvenile, a finding as to whether  
12 the county department or the agency primarily responsible for providing services to  
13 the juvenile has made reasonable efforts to prevent the removal of the juvenile from  
14 the home, while assuring that the juvenile's health and safety are the paramount  
15 concerns, unless the judge or juvenile court commissioner finds that any of the  
16 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and a finding as to  
17 whether the county department or agency has made reasonable efforts to achieve the  
18 goal of the juvenile's permanency plan, unless return of the juvenile to the home is  
19 the goal of the permanency plan and the judge or juvenile court commissioner finds  
20 that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

21 2. If the judge or juvenile court commissioner finds that any of the  
22 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
23 the consent decree shall include a determination that the county department or  
24 agency primarily responsible for providing services under the consent decree is not

**BILL****SECTION 98**

1 required to make reasonable efforts with respect to the parent to make it possible for  
2 the juvenile to return safely to his or her home.

3 3. The judge or juvenile court commissioner shall make the findings specified  
4 in subds. 1. and 2. on a case-by-case basis based on circumstances specific to the  
5 juvenile and shall document the specific information on which those findings are  
6 based in the consent decree. A consent decree that merely references subd. 1. or 2.  
7 or that merely references or incorporates the permanency plan or any other  
8 document without documenting that specific information in the consent decree or an  
9 amended consent decree that retroactively corrects an earlier consent decree that  
10 does not comply with this subdivision is not sufficient to comply with this  
11 subdivision.

12 **SECTION 99.** 938.32 (1) (d) of the statutes is created to read:

13 938.32 (1) (d) 1. If the judge or juvenile court commissioner finds that any of  
14 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a  
15 parent, the judge or juvenile court commissioner shall hold a hearing within 30 days  
16 after the date of that finding to determine the permanency plan for the juvenile. If  
17 a hearing is held under this subdivision, the agency responsible for preparing the  
18 permanency plan shall file the permanency plan with the court not less than 5 days  
19 before the date of the hearing.

20 2. If a hearing is held under subd. 1., at least 10 days before the date of the  
21 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
22 of the juvenile, and any foster parent, treatment foster parent, or other physical  
23 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
24 the hearing.

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1           3. The court shall give a foster parent, treatment foster parent, or other  
2 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
3 2. an opportunity to be heard at the hearing by permitting the foster parent,  
4 treatment foster parent, or other physical custodian to make a written or oral  
5 statement during the hearing, or to submit a written statement prior to the hearing,  
6 relevant to the issues to be determined at the hearing. Any written or oral statement  
7 made under this subdivision shall be made upon oath or affirmation. A foster parent,  
8 treatment foster parent, or other physical custodian who receives a notice of a  
9 hearing under subd. 2. and an opportunity to be heard under this subdivision does  
10 not become a party to the proceeding on which the hearing is held solely on the basis  
11 of receiving that notice and opportunity to be heard.

12           **SECTION 100.** 938.33 (4) (intro.) of the statutes is amended to read:

13           938.33 (4) **OTHER OUT-OF-HOME PLACEMENTS.** (intro.) A report recommending  
14 placement in a foster home, treatment foster home, group home, or nonsecured child  
15 caring institution or in the home of a relative shall be in writing, except that the  
16 report may be presented orally at the dispositional hearing if all parties consent. A  
17 report that is presented orally shall be transcribed and made a part of the court  
18 record. The report shall include all of the following:

19           **SECTION 101.** 938.33 (4) (c) of the statutes is created to read:

20           938.33 (4) (c) Specific information showing that continued placement of the  
21 juvenile in his or her home would be contrary to the health, safety, and welfare of the  
22 juvenile, specific information showing that the county department or the agency  
23 primarily responsible for providing services to the juvenile has made reasonable  
24 efforts to prevent the removal of the juvenile from the home, while assuring that the  
25 juvenile's health and safety are the paramount concerns, unless any of the

**BILL****SECTION 101**

1 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information  
2 showing that the county department or agency has made reasonable efforts to  
3 achieve the goal of the juvenile's permanency plan, unless return of the juvenile to  
4 the home is the goal of the permanency plan and any of the circumstances specified  
5 in s. 938.355 (2d) (b) 1. to 4. applies.

6 **SECTION 102.** 938.335 (3g) of the statutes is created to read:

7 938.335 (3g) At hearings under this section, if the agency, as defined in s.  
8 938.38 (1) (a), is recommending placement of the juvenile in a foster home, treatment  
9 foster home, group home, or child caring institution or in the home of a relative, the  
10 agency shall present as evidence specific information showing that continued  
11 placement of the juvenile in his or her home would be contrary to the health, safety,  
12 and welfare of the juvenile, specific information showing that the county department  
13 or the agency primarily responsible for providing services to the juvenile has made  
14 reasonable efforts to prevent the removal of the juvenile from the home, while  
15 assuring that the juvenile's health and safety are the paramount concerns, unless  
16 any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific  
17 information showing that the county department or agency has made reasonable  
18 efforts to achieve the goal of the juvenile's permanency plan, unless return of the  
19 juvenile to the home is the goal of the permanency plan and any of the circumstances  
20 specified in s. 938.355 (2d) (b) 1. to 4. applies.

21 **SECTION 103.** 938.355 (1) of the statutes is amended to read:

22 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall  
23 decide on a placement and treatment finding based on evidence submitted to the  
24 court. The disposition shall employ those means necessary to promote the  
25 objectives specified in s. 938.01. ~~If the disposition places a juvenile who has been~~

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1 ~~adjudicated delinquent outside the home under s. 938.34 (3) (c) or (d), the order shall~~  
2 ~~include a finding that the juvenile's current residence will not safeguard the welfare~~  
3 ~~of the juvenile or the community due to the serious nature of the act for which the~~  
4 ~~juvenile was adjudicated delinquent. If the judge has determined that any of the~~  
5 ~~conditions specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall~~  
6 ~~be prima facie evidence that a less restrictive alternative than placement in a~~  
7 ~~secured correctional facility, a secured child caring institution, or a secured group~~  
8 ~~home is not appropriate. If information under s. 938.331 has been provided in a court~~  
9 ~~report under s. 938.33 (1), the court shall consider that information when deciding~~  
10 ~~on a placement and treatment finding.~~

11 **SECTION 104.** 938.355 (2) (b) 6. of the statutes is amended to read:

12 938.355 (2) (b) 6. If the juvenile is placed outside the home and if sub. (2d) does  
13 not apply, the court's, a finding that continued placement of the juvenile in his or her  
14 home would be contrary to the health, safety, and welfare of the juvenile or, if the  
15 juvenile has been adjudicated delinquent and is placed outside the home under s.  
16 938.34 (3) (a), (c), or (d), a finding that the juvenile's current residence will not  
17 safeguard the welfare of the juvenile or the community due to the serious nature of  
18 the act for which the juvenile was adjudicated delinquent. The court order shall also  
19 contain a finding as to whether -a- the county department which provides social  
20 services or the agency primarily responsible for providing services under a court  
21 order has made reasonable efforts to prevent the removal of the juvenile from the  
22 home, while assuring that the juvenile's health and safety are the paramount  
23 concerns, or, if applicable, the court's unless the court finds that any of the  
24 circumstances specified in sub. (2d) (b) 1. to 4. applies, and a finding as to whether  
25 the county department or agency primarily responsible for providing services under

**BILL****SECTION 104**

1 ~~a court order~~ has made reasonable efforts to ~~make it possible for the juvenile to~~  
2 ~~return safely to his or her home~~ achieve the goal of the juvenile's permanency plan,  
3 unless return of the juvenile to the home is the goal of the permanency plan and the  
4 court finds that any of the circumstances specified in sub. (2d) (b) 1. to 4. applies. The  
5 court shall make the findings specified in this subdivision on a case-by-case basis  
6 based on circumstances specific to the juvenile and shall document the specific  
7 information on which those findings are based in the court order. A court order that  
8 merely references this subdivision or that merely references or incorporates the  
9 court report under s. 938.33 (1) or any other document without documenting that  
10 specific information in the court order or an amended court order that retroactively  
11 corrects an earlier court order that does not comply with this subdivision is not  
12 sufficient to comply with this subdivision.

13 **SECTION 105.** 938.355 (2) (b) 6r. of the statutes is created to read:

14 938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in  
15 sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county  
16 department or agency primarily responsible for providing services under the court  
17 order is not required to make reasonable efforts with respect to the parent to make  
18 it possible for the juvenile to return safely to his or her home.

19 **SECTION 106.** 938.355 (2b) of the statutes is amended to read:

20 938.355 (2b) **CONCURRENT REASONABLE EFFORTS PERMITTED.** A county  
21 department ~~that provides social services~~ or the agency primarily responsible for  
22 providing services to a juvenile under a court order may, at the same time as the  
23 county department or agency is making the reasonable efforts required under sub.  
24 (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible  
25 for the juvenile to return safely to his or her home, work with the department of

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1 health and family services, a county department under s. 48.57 (1) (e) or (hm), or a  
2 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place  
3 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some  
4 other alternative permanent placement.

5 **SECTION 107.** 938.355 (2c) (b) of the statutes is amended to read:

6 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
7 the county department or the agency primarily responsible for providing services to  
8 the juvenile under a court order has made reasonable efforts to ~~make it possible for~~  
9 ~~the juvenile to return safely to his or her home~~ achieve the goal of the permanency  
10 plan, the court's consideration of reasonable efforts shall include, ~~but not be limited~~  
11 ~~to~~, the considerations listed under par. (a) 1. to 5. and whether visitation schedules  
12 between the juvenile and his or her parents were implemented, unless visitation was  
13 denied or limited by the court.

14 **SECTION 108.** 938.355 (2d) (b) (intro.) of the statutes is amended to read:

15 938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not~~ is  
16 not required to include in a dispositional order a finding as to whether ~~a~~ the county  
17 department ~~which provides social services~~ or the agency primarily responsible for  
18 providing services under a court order has made reasonable efforts with respect to  
19 a parent of a juvenile to prevent the removal of the juvenile from the home, while  
20 assuring that the juvenile's health and safety are the paramount concerns, or, if  
21 applicable, a finding as to whether the county department or agency ~~primarily~~  
22 ~~responsible for providing services~~ under a court order has made reasonable efforts  
23 with respect to a parent of a juvenile to ~~make it possible for the juvenile to return~~  
24 achieve the permanency plan goal of returning the juvenile safely to his or her home,  
25 if the court finds, ~~as evidenced by a final judgment of conviction~~, any of the following:

**BILL****SECTION 109**

1           **SECTION 109.** 938.355 (2d) (b) 1. of the statutes is amended to read:

2           938.355 (2d) (b) 1. That the parent has subjected the juvenile to aggravated  
3 circumstances, as evidenced by a final judgment of conviction.

4           **SECTION 110.** 938.355 (2d) (b) 2. of the statutes is amended to read:

5           938.355 (2d) (b) 2. That the parent has committed, has aided or abetted the  
6 commission of, or has solicited, conspired, or attempted to commit, a violation of s.  
7 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal  
8 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if  
9 committed in this state, as evidenced by a final judgment of conviction, and that the  
10 victim of that violation is a child of the parent.

11           **SECTION 111.** 938.355 (2d) (b) 3. of the statutes is amended to read:

12           938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2),  
13 (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a)  
14 or a violation of the law of any other state or federal law, if that violation would be  
15 a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,  
16 or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment  
17 of conviction, and that the violation resulted in great bodily harm, as defined in s.  
18 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the juvenile  
19 or another child of the parent.

20           **SECTION 112.** 938.355 (2d) (b) 4. of the statutes is amended to read:

21           938.355 (2d) (b) 4. That the parental rights of the parent to another child have  
22 been involuntarily terminated, as evidenced by a final order of a court of competent  
23 jurisdiction terminating those parental rights.

24           **SECTION 113.** 938.355 (2d) (bm) of the statutes is created to read:

**BILL**

1           938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4.  
2           on a case-by-case basis based on circumstances specific to the juvenile and shall  
3           document the specific information on which that finding is based in the dispositional  
4           order. A dispositional order that merely references par. (b) 1. to 4. or that merely  
5           references or incorporates a final judgment of conviction, a final order of a court of  
6           competent jurisdiction, or any other document without documenting that specific  
7           information in the dispositional order or an amended dispositional order that  
8           retroactively corrects an earlier dispositional order that does not comply with this  
9           paragraph is not sufficient to comply with this paragraph.

10           **SECTION 114.** 938.355 (2d) (c) of the statutes is renumbered 938.355 (2d) (c) 1.  
11           and amended to read:

12           938.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the  
13           circumstances specified in par. (b) 1., 2., 3., or 4. to 4. applies with respect to a parent,  
14           the court shall hold a hearing within 30 days after the date of that finding to  
15           determine the permanency plan for the juvenile. If a hearing is held under this  
16           paragraph subdivision, the agency responsible for preparing the permanency plan  
17           shall file the permanency plan with the court not less than 5 days before the date of  
18           the hearing.

19           **SECTION 115.** 938.355 (2d) (c) 2. and 3. of the statutes are created to read:

20           938.355 (2d) (c) 2. If a hearing is held under subd. 1, at least 10 days before the  
21           date of the hearing the court shall notify the juvenile, any parent, guardian, and legal  
22           custodian of the juvenile, and any foster parent, treatment foster parent, or other  
23           physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and  
24           purpose of the hearing.

**BILL****SECTION 115**

1           3. The court shall give a foster parent, treatment foster parent, or other  
2 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
3 2. an opportunity to be heard at the hearing by permitting the foster parent,  
4 treatment foster parent, or other physical custodian to make a written or oral  
5 statement during the hearing, or to submit a written statement prior to the hearing,  
6 relevant to the issues to be determined at the hearing. Any written or oral statement  
7 made under this subdivision shall be made upon oath or affirmation. A foster parent,  
8 treatment foster parent, or other physical custodian who receives a notice of a  
9 hearing under subd. 2. and an opportunity to be heard under this subdivision does  
10 not become a party to the proceeding on which the hearing is held solely on the basis  
11 of receiving that notice and opportunity to be heard.

12           **SECTION 116.** 938.355 (4) (a) of the statutes is amended to read:

13           938.355 (4) (a) Except as provided under par. (b) or s. 938.368, all orders an  
14 order under this section shall terminate at the end of one year unless the court  
15 specifies a shorter period of time. Except if s. 938.368 applies, extensions or  
16 revisions, under s. 938.357, or under 938.365 made before the juvenile reaches 18  
17 years of age that places or continues the placement of the juvenile in his or her home  
18 shall terminate at the end of one year after its entry unless the court specifies a  
19 shorter period of time. No extension under s. 938.365 of an original dispositional  
20 order may be granted for a juvenile who is subject to an order under s. 938.34 (4d),  
21 (4h), (4m) or (4n) if the juvenile is 17 years of age or older when the original  
22 dispositional order terminates. Any order made before the juvenile reaches the age  
23 of majority shall be effective for a time up to one year after its entry unless the court  
24 specifies a shorter period of time or the court terminates the order sooner. Except  
25 as provided in par. (b) or s. 938.368, an order under this section, under s. 938.357,

**BILL**

1 or under s. 938.365 made before the juvenile reaches 18 years of age that places or  
2 continues the placement of the juvenile in a foster home, treatment foster home,  
3 group home, or child caring institution or in the home of a relative shall terminate  
4 when the juvenile reaches 18 years of age or at the end of one year after its entry,  
5 whichever is later, unless the court specifies a shorter period of time or the court  
6 terminates the order sooner.

7 **SECTION 117.** 938.355 (4) (b) of the statutes is amended to read:

8 938.355 (4) (b) ~~An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile~~  
9 ~~has been adjudicated delinquent is subject to par. (a), except that the judge may make~~  
10 Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before  
11 the juvenile reaches 18 years of age may apply for up to 2 years after its entry or until  
12 the juvenile's 18th birthdate, whichever is earlier and the judge shall make, unless  
13 the court specifies a shorter period of time or the court terminates the order sooner.  
14 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the  
15 juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile  
16 is adjudicated delinquent for committing an act that would be punishable as a  
17 Class B felony if committed by an adult, or until the juvenile reaches 25 years of age,  
18 if the juvenile is adjudicated delinquent for committing an act that would be  
19 punishable as a Class A felony if committed by an adult. Except as provided in s.  
20 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before  
21 the juvenile reaches 17 years of age shall terminate at the end of one year after its  
22 entry unless the court specifies a shorter period of time or the court terminates the  
23 order sooner. No extension under s. 938.365 of an original dispositional order under  
24 s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age  
25 or older when the original dispositional order terminates.

**BILL****SECTION 118**

1           **SECTION 118.** 938.355 (6) (a) of the statutes is amended to read:

2           938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have  
3 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163  
4 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on  
5 the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing  
6 under s. 938.335, the court explained the conditions to the juvenile and informed the  
7 juvenile of those possible sanctions or if before the violation the juvenile has  
8 acknowledged in writing that he or she has read, or has had read to him or her, those  
9 conditions and possible sanctions and that he or she understands those conditions  
10 and possible sanctions. If a juvenile who has been found to be in need of protection  
11 or services under s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in  
12 sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in  
13 par. (d), other than placement in a secure detention facility or juvenile portion of a  
14 county jail, if, at the dispositional hearing under s. 938.335, the court explained the  
15 conditions to the juvenile and informed the juvenile of those possible sanctions or if  
16 before the violation the juvenile has acknowledged in writing that he or she has read,  
17 or has had read to him or her, those conditions and possible sanctions and that he or  
18 she understands those conditions and possible sanctions.

19           (cm) The court may not order the sanction of placement in a place of nonsecure  
20 custody specified in par. (d) 1. unless the court finds that the agency primarily  
21 responsible for providing services for the juvenile has made reasonable efforts to  
22 prevent the removal of the juvenile from his or her home and that continued  
23 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.  
24 The court shall make the findings specified in this paragraph on a case-by-case basis  
25 based on circumstances specific to the juvenile and shall document the specific

**BILL**

1 information on which that finding is based in the sanction order. A sanction order  
2 that merely references this paragraph or that merely references or incorporates the  
3 motion for imposition of sanctions or any other document without documenting that  
4 specific information in the sanction order or an amended sanction order that  
5 retroactively corrects an earlier sanction order that does not comply with this  
6 paragraph is not sufficient to comply with this paragraph.

7 **SECTION 119.** 938.355 (6m) (cm) of the statutes is created to read:

8 938.355 (6m) (cm) The court may not order the sanction of placement in a place  
9 of nonsecure custody specified in par. (a) 1g. unless the court finds that the agency  
10 primarily responsible for providing services for the juvenile has made reasonable  
11 efforts to prevent the removal of the juvenile from his or her home and that continued  
12 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.  
13 The court shall make the findings specified in this paragraph on a case-by-case basis  
14 based on circumstances specific to the juvenile and shall document the specific  
15 information on which that finding is based in the sanction order. A sanction order  
16 that merely references this paragraph or that merely references or incorporates the  
17 motion for imposition of sanctions or any other document without documenting that  
18 specific information in the sanction order or an amended sanction order that  
19 retroactively corrects an earlier sanction order that does not comply with this  
20 paragraph is not sufficient to comply with this paragraph.

21 **SECTION 120.** 938.357 (1) of the statutes is renumbered 938.357 (1) (a) and  
22 amended to read:

23 938.357 (1) (a) The person or agency primarily responsible for implementing  
24 the dispositional order or the district attorney may request a change in the

**BILL****SECTION 120**

1 placement of the juvenile, whether or not the change requested is authorized in the  
2 dispositional order ~~and, as provided in par. (b) or (c), whichever is applicable.~~

3 (b) 1. If the proposed change in placement involves any change in placement  
4 other than a change in placement specified in par. (c), the person or agency primarily  
5 responsible for implementing the dispositional order or the district attorney shall  
6 cause written notice of the proposed change in placement to be sent to the juvenile  
7 or the juvenile's counsel or guardian ad litem, the parent, guardian, and legal  
8 custodian of the juvenile, and any foster parent, treatment foster parent, or other  
9 physical custodian described in s. 48.62 (2), guardian and legal custodian of the  
10 juvenile. The notice shall contain the name and address of the new placement, the  
11 reasons for the change in placement, a statement describing why the new placement  
12 is preferable to the present placement, and a statement of how the new placement  
13 satisfies objectives of the treatment plan ordered by the court.

14 2. Any person receiving the notice under this subsection subd. 1. or notice of  
15 the specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may obtain  
16 a hearing on the matter by filing an objection with the court within 10 days after  
17 receipt of the notice. Placements shall ~~may~~ not be changed until 10 days after such  
18 notice is sent to the court unless the parent, guardian, or legal custodian and the  
19 juvenile, if 12 or more years of age, sign written waivers of objection, except that  
20 placement changes which ~~changes in placement that~~ were authorized in the  
21 dispositional order may be made immediately if notice is given as required in this  
22 subsection under subd. 1. In addition, a hearing is not required for placement  
23 changes authorized in the dispositional order except ~~where~~ when an objection filed  
24 by a person who received notice alleges that new information is available ~~which that~~  
25 affects the advisability of the court's dispositional order.

**BILL**

1           **SECTION 121.** 938.357 (1) (b) 3. of the statutes is created to read:

2           938.357 (1) (b) 3. If the court changes the juvenile's placement from a  
3 placement outside the home to another placement outside the home, the change in  
4 placement order shall contain one of the statements specified in sub. (2v) (a) 2.

5           **SECTION 122.** 938.357 (1) (c) of the statutes is created to read:

6           938.357 (1) (c) 1. If the proposed change in placement would change the  
7 placement of a juvenile placed in the home to a placement outside the home, the  
8 person or agency primarily responsible for implementing the dispositional order or  
9 the district attorney shall submit a request for the change in placement to the court.  
10 The request shall contain the name and address of the new placement, the reasons  
11 for the change in placement, a statement describing why the new placement is  
12 preferable to the present placement, and a statement of how the new placement  
13 satisfies objectives of the treatment plan ordered by the court. The request shall also  
14 contain specific information showing that continued placement of the juvenile in his  
15 or her home would be contrary to the health, safety, and welfare of the juvenile and,  
16 unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific  
17 information showing that the agency primarily responsible for implementing the  
18 dispositional order has made reasonable efforts to prevent the removal of the  
19 juvenile from the home, while assuring that the juvenile's health and safety are the  
20 paramount concerns.

21           2. The court shall hold a hearing prior to ordering any change in placement  
22 requested under subd. 1. Not less than 3 days prior to the hearing, the court shall  
23 provide notice of the hearing, together with a copy of the request for the change in  
24 placement, to the juvenile, the parent, guardian, and legal custodian of the juvenile,

**BILL****SECTION 122**

1 and all parties that are bound by the dispositional order. If all parties consent, the  
2 court may proceed immediately with the hearing.

3 3. If the court changes the juvenile's placement from a placement in the  
4 juvenile's home to a placement outside the juvenile's home, the change in placement  
5 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements  
6 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the  
7 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
8 the determination specified in sub. (2v) (a) 3.

9 **SECTION 123.** 938.357 (2) of the statutes is amended to read:

10 938.357 (2) If emergency conditions necessitate an immediate change in the  
11 placement of a juvenile placed outside the home, the person or agency primarily  
12 responsible for implementing the dispositional order may remove the juvenile to a  
13 new placement, whether or not authorized by the existing dispositional order,  
14 without the prior notice provided in sub. (1) (b) 1. The notice shall, however, be sent  
15 within 48 hours after the emergency change in placement. Any party receiving  
16 notice may demand a hearing under sub. (1) (b) 2. In emergency situations, the  
17 juvenile may be placed in a licensed public or private shelter care facility as a  
18 transitional placement for not more than 20 days, as well as in any placement  
19 authorized under s. 938.34 (3).

20 **SECTION 124.** 938.357 (2m) of the statutes is renumbered 938.357 (2m) (a) and  
21 amended to read:

22 938.357 (2m) (a) The juvenile, the parent, guardian, or legal custodian of the  
23 juvenile, or any person or agency primarily bound by the dispositional order, other  
24 than the person or agency responsible for implementing the order, may request a  
25 change in placement under this ~~subsection~~ paragraph. The request shall contain the

**BILL**

1 name and address of the place of the new placement requested and shall state what  
2 new information is available ~~which~~ that affects the advisability of the current  
3 placement. If the proposed change in placement would change the placement of a  
4 juvenile placed in the home to a placement outside the home, the request shall also  
5 contain specific information showing that continued placement of the juvenile in the  
6 home would be contrary to the health, safety, and welfare of the juvenile and, unless  
7 any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific  
8 information showing that the agency primarily responsible for implementing the  
9 dispositional order has made reasonable efforts to prevent the removal of the  
10 juvenile from the home, while assuring that the juvenile's health and safety are the  
11 paramount concerns. This request shall be submitted to the court. In addition, the  
12 court may propose a change in placement on its own motion.

13 (b) The court shall hold a hearing on the matter prior to ordering any change  
14 in placement ~~under this subsection~~ requested or proposed under par. (a) if the  
15 request states that new information is available which that affects the advisability  
16 of the current placement, unless the requested or proposed change in placement  
17 involves any change in placement other than a change in placement of a juvenile  
18 placed in the home to a placement outside the home and written waivers of objection  
19 to the proposed change in placement are signed by all parties entitled to receive  
20 notice under sub. (1) (b) 1. and the court approves. If a hearing is scheduled, the court  
21 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,  
22 any foster parent, treatment foster parent, or other physical custodian described in  
23 s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order  
24 at least 3 days prior to the hearing. A copy of the request or proposal for the change

**BILL****SECTION 124**

1 in placement shall be attached to the notice. If all the parties consent, the court may  
2 proceed immediately with the hearing.

3 **SECTION 125.** 938.357 (2m) (c) of the statutes is created to read:

4 938.357 (2m) (c) If the court changes the juvenile's placement from a placement  
5 in the juvenile's home to a placement outside the juvenile's home, the change in  
6 placement order shall contain the findings specified in sub. (2v) (a) 1., one of the  
7 statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of  
8 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a  
9 parent, the determination specified in sub. (2v) (a) 3.

10 **SECTION 126.** 938.357 (2r) of the statutes is amended to read:

11 938.357 (2r) If a hearing is held under sub. (1) (b) 2. or (2m) (b) and the change  
12 in placement would remove a juvenile from a foster home, treatment foster home, or  
13 other placement with a physical custodian described in s. 48.62 (2), the court shall  
14 give the foster parent, treatment foster parent, or other physical custodian described  
15 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster  
16 parent, treatment foster parent, or other physical custodian to make a written or oral  
17 statement during the hearing or to submit a written statement prior to the hearing  
18 relating to the juvenile and the requested change in placement. Any written or oral  
19 statement made under this subsection shall be made under oath or affirmation. A  
20 foster parent, treatment foster parent, or other physical custodian described in s.  
21 48.62 (2) who receives notice of a hearing under sub. (1) (b) 1. or (2m) (b) and an  
22 opportunity to be heard under this subsection does not become a party to the  
23 proceeding on which the hearing is held solely on the basis of receiving that notice  
24 and opportunity to be heard.

**BILL**

1           **SECTION 127.** 938.357 (2v) of the statutes, as created by 2001 Wisconsin Act 16,  
2 is renumbered 938.357 (2v) (a) 2. and amended to read:

3           938.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) or (2m) and the change~~  
4 ~~in placement would place the juvenile outside the home in a placement~~ order would  
5 change the placement of the juvenile to a placement outside the home recommended  
6 by the person or agency primarily responsible for implementing the dispositional  
7 order, ~~the change in placement order shall include~~ whether from a placement in the  
8 home or from another placement outside the home, a statement that the court  
9 approves the placement recommended by the person or agency or, if the juvenile is  
10 ~~placed outside the home in a placement other than~~ change in placement order would  
11 change the placement of the juvenile to a placement outside the home that is not a  
12 placement recommended by that person or agency, whether from a placement in the  
13 home or from another placement outside the home, a statement that the court has  
14 given bona fide consideration to the recommendations made by that person or agency  
15 and all parties relating to the juvenile's placement.

16           **SECTION 128.** 938.357 (2v) (a) (intro.) of the statutes is created to read:

17           938.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m)  
18 shall contain all of the following:

19           **SECTION 129.** 938.357 (2v) (a) 1. of the statutes is created to read:

20           938.357 (2v) (a) 1. If the court changes the juvenile's placement from a  
21 placement in the juvenile's home to a placement outside the juvenile's home, a  
22 finding that continued placement of the juvenile in his or her home would be contrary  
23 to the health, safety, and welfare of the juvenile and, unless a circumstance specified  
24 in s. 938.355 (2d) (b) 1. to 4. applies, a finding that the agency primarily responsible  
25 for implementing the dispositional order has made reasonable efforts to prevent the

**BILL****SECTION 129**

1 removal of the juvenile from the home, while assuring that the juvenile's health and  
2 safety are the paramount concerns.

3 **SECTION 130.** 938.357 (2v) (a) 3. of the statutes is created to read:

4 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in  
5 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the  
6 agency primarily responsible for providing services under the change in placement  
7 order is not required to make reasonable efforts with respect to the parent to make  
8 it possible for the juvenile to return safely to his or her home.

9 **SECTION 131.** 938.357 (2v) (b) of the statutes is created to read:

10 938.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and  
11 3. on a case-by-case basis based on circumstances specific to the juvenile and shall  
12 document the specific information on which those findings are based in the change  
13 in placement order. A change in placement order that merely references par. (a) 1.  
14 or 3. or that merely references or incorporates the request for a change in placement  
15 or any other document without documenting that specific information in the change  
16 in placement order or an amended change in placement order that retroactively  
17 corrects an earlier change in placement order that does not comply with this  
18 paragraph is not sufficient to comply with this paragraph.

19 **SECTION 132.** 938.357 (2v) (c) of the statutes is created to read:

20 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the  
21 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
22 the court shall hold a hearing within 30 days after the date of that finding to  
23 determine the permanency plan for the juvenile. If a hearing is held under this  
24 paragraph, the agency responsible for preparing the permanency plan shall file the  
25 permanency plan with the court not less than 5 days before the date of the hearing.

**BILL**

1           2. If a hearing is held under subd. 1, at least 10 days before the date of the  
2 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
3 of the juvenile, and any foster parent, treatment foster parent, or other physical  
4 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
5 the hearing.

6           3. The court shall give a foster parent, treatment foster parent, or other  
7 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
8 2. an opportunity to be heard at the hearing by permitting the foster parent,  
9 treatment foster parent, or other physical custodian to make a written or oral  
10 statement during the hearing, or to submit a written statement prior to the hearing,  
11 relevant to the issues to be determined at the hearing. Any written or oral statement  
12 made under this subdivision shall be made upon oath or affirmation. A foster parent,  
13 treatment foster parent, or other physical custodian who receives a notice of a  
14 hearing under subd. 2. and an opportunity to be heard under this subdivision does  
15 not become a party to the proceeding on which the hearing is held solely on the basis  
16 of receiving that notice and opportunity to be heard.

17           **SECTION 133.** 938.357 (3) of the statutes is amended to read:

18           938.357 (3) Subject to sub. (4) (b) and (c) and (5) (e), if the proposed change in  
19 placement would involve placing a juvenile in a secured correctional facility, a  
20 secured child caring institution, or a secured group home, notice shall be given as  
21 provided in sub. (1) (b) 1. A hearing shall be held, unless waived by the juvenile,  
22 parent, guardian, and legal custodian, before the judge makes a decision on the  
23 request. The juvenile shall be entitled to counsel at the hearing, and any party  
24 opposing or favoring the proposed new placement may present relevant evidence and  
25 cross-examine witnesses. The proposed new placement may be approved only if the

**BILL****SECTION 133**

1 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been  
2 met.

3 **SECTION 134.** 938.357 (4) (b) 2. of the statutes, as affected by 2001 Wisconsin  
4 Act 16, is amended to read:

5 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child  
6 caring institution under s. 938.34 (4d) violates a condition of his or her placement in  
7 the Type 2 child caring institution, the child welfare agency operating the Type 2  
8 child caring institution shall notify the county department that has supervision over  
9 the juvenile and, if the county department agrees to a change in placement under this  
10 subdivision, the child welfare agency shall notify the department, and the  
11 department, after consulting with the child welfare agency, may place the juvenile  
12 in a Type 1 secured correctional facility under the supervision of the department,  
13 without a hearing under sub. (1) (b) 2., for not more than 10 days. If a juvenile is  
14 placed in a Type 1 secured correctional facility under this subdivision, the county  
15 department that has supervision over the juvenile shall reimburse the child welfare  
16 agency operating the Type 2 child caring institution in which the juvenile was placed  
17 at the rate established under s. 46.037, and that child welfare agency shall reimburse  
18 the department at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is  
19 applicable, for the cost of the juvenile's care while placed in a Type 1 secured  
20 correctional facility.

21 **SECTION 135.** 938.357 (4) (c) 1. of the statutes is amended to read:

22 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 secured correctional facility  
23 operated by a child welfare agency under par. (a) and it appears that a less restrictive  
24 placement would be appropriate for the juvenile, the department, after consulting  
25 with the child welfare agency that is operating the Type 2 secured correctional

**BILL**

1 facility in which the juvenile is placed, may place the juvenile in a less restrictive  
2 placement, and may return the juvenile to the Type 2 secured correctional facility  
3 without a hearing under sub. (1) (b) 2. The child welfare agency shall establish a rate  
4 for each type of placement in the manner provided in s. 46.037.

5 **SECTION 136.** 938.357 (4) (c) 2. of the statutes is amended to read:

6 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under  
7 s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate  
8 for the juvenile, the child welfare agency operating the Type 2 child caring  
9 institution shall notify the county department that has supervision over the juvenile  
10 and, if the county department agrees to a change in placement under this  
11 subdivision, the child welfare agency may place the juvenile in a less restrictive  
12 placement. A child welfare agency may also, with the agreement of the county  
13 department that has supervision over a juvenile who is placed in a less restrictive  
14 placement under this subdivision, return the juvenile to the Type 2 child caring  
15 institution without a hearing under sub. (1) (b) 2. The child welfare agency shall  
16 establish a rate for each type of placement in the manner provided in s. 46.037.

17 **SECTION 137.** 938.357 (4) (d) of the statutes is amended to read:

18 938.357 (4) (d) The department may transfer a juvenile who is placed in a Type  
19 1 secured correctional facility to the Racine youthful offender correctional facility  
20 named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile  
21 offender review in the department has determined that the conduct of the juvenile  
22 in the Type 1 secured correctional facility presents a serious problem to the juvenile  
23 or others. The factors that the office of juvenile offender review may consider in  
24 making that determination shall include, but are not limited to, whether and to what  
25 extent the juvenile's conduct in the Type 1 secured correctional facility is violent and

**BILL****SECTION 137**

1 disruptive, the security needs of the Type 1 secured correctional facility, and whether  
2 and to what extent the juvenile is refusing to cooperate or participate in the  
3 treatment programs provided for the juvenile in the Type 1 secured correctional  
4 facility. Notwithstanding sub. (1) (b) 2., a juvenile is not entitled to a hearing  
5 regarding the department's exercise of authority under this paragraph unless the  
6 department provides for a hearing by rule. A juvenile may seek review of a decision  
7 of the department under this paragraph only by the common law writ of certiorari.  
8 If the department transfers a juvenile under this paragraph, the department shall  
9 send written notice of the transfer to the parent, guardian, legal custodian and  
10 committing court.

11 **SECTION 138.** 938.357 (5) (a) of the statutes is amended to read:

12 938.357 (5) (a) The department or a county department, whichever has been  
13 designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the  
14 aftercare status of that juvenile. Revocation of aftercare supervision shall not  
15 require prior notice under sub. (1) (b) 1.

16 **SECTION 139.** 938.357 (6) of the statutes is amended to read:

17 938.357 (6) No change in placement may extend the expiration date of the  
18 original order, except that if the change in placement is from a placement in the  
19 juvenile's home to a placement in a foster home, treatment foster home, group home,  
20 or child caring institution or in the home of a relative, the court may extend the  
21 expiration date of the original order to the date on which the juvenile reaches 18  
22 years of age or to the date that is one year after the date of the change in placement  
23 order, whichever is later, or for a shorter period of time as specified by the court. If  
24 the change in placement is from a placement in a foster home, treatment foster home,  
25 group home, or child caring institution or in the home of a relative to a placement in

**BILL**

1 the juvenile's home and if the expiration date of the original order is more than one  
2 year after the date of the change in placement order, the court shall shorten the  
3 expiration date of the original order to the date that is one year after the date of the  
4 change in placement order or to an earlier date as specified by the court.

5 **SECTION 140.** 938.365 (1) of the statutes is amended to read:

6 938.365 (1) In this section, a juvenile is considered to have been placed outside  
7 of his or her home on the date on which ~~the juvenile was first placed outside of his~~  
8 ~~or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363~~  
9 ~~or on the date that is 60 days after the date on which the juvenile was first removed~~  
10 ~~from his or her home, whichever is earlier.~~

11 **SECTION 141.** 938.365 (2g) (b) 2. of the statutes is amended to read:

12 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement  
13 and of any progress the juvenile has made, suggestions for amendment of the  
14 permanency plan, ~~a description of efforts to return the juvenile safely to his or her~~  
15 ~~home and specific information showing the efforts that have been made to achieve~~  
16 the goal of the permanency plan, including, if applicable, the efforts of the parents  
17 to remedy the factors which that contributed to the juvenile's placement and, if  
18 continued placement outside of the juvenile's home is recommended, an explanation  
19 of why returning the juvenile to his or her home is not safe or feasible, unless return  
20 of the juvenile to the home is the goal of the permanency plan and any of the  
21 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

22 **SECTION 142.** 938.365 (2g) (b) 3. of the statutes is amended to read:

23 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home  
24 for 15 of the most recent 22 months, not including any period during which the  
25 juvenile was a runaway from the out-of-home placement or the juvenile was

**BILL****SECTION 142**

1 returned to his or her home for a trial home visit of 6 months or less or, if authorized  
2 by the court, a trial home visit of more than 6 months, a statement of whether or not  
3 a recommendation has been made to terminate the parental rights of the parents of  
4 the juvenile. If a recommendation for a termination of parental rights has been  
5 made, the statement shall indicate the date on which the recommendation was made,  
6 any previous progress made to accomplish the termination of parental rights, any  
7 barriers to the termination of parental rights, specific steps to overcome the barriers  
8 and when the steps will be completed, reasons why adoption would be in the best  
9 interest of the juvenile and whether or not the juvenile should be registered with the  
10 adoption information exchange. If a recommendation for termination of parental  
11 rights has not been made, the statement shall include an explanation of the reasons  
12 why a recommendation for termination of parental rights has not been made. If the  
13 lack of appropriate adoptive resources is the primary reason for not recommending  
14 a termination of parental rights, the agency shall recommend that the juvenile be  
15 registered with the adoption information exchange or report the reason why  
16 registering the juvenile is contrary to the best interest of the juvenile.

17 **SECTION 143.** 938.365 (2m) (a) of the statutes is renumbered 938.365 (2m) (a)

18 1. and amended to read:

19 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of  
20 extension. If the juvenile is placed outside of his or her home, the person or agency  
21 primarily responsible for providing services to the juvenile shall present as evidence  
22 specific information showing that the agency has made reasonable efforts to achieve  
23 the goal of the juvenile's permanency plan, unless return of the juvenile to the home  
24 is the goal of the permanency plan and any of the circumstances specified in s.  
25 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions

**BILL**

1 of law based on the evidence. ~~Subject to s. 938.355 (2d), the~~ The findings of fact shall  
2 include a finding as to whether reasonable efforts were made by the agency primarily  
3 responsible for providing services to the juvenile to make it possible for the juvenile  
4 to return safely to his or her home achieve the goal of the juvenile's permanency plan,  
5 unless return of the juvenile to the home is the goal of the permanency plan and the  
6 court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.  
7 applies. An order shall be issued under s. 938.355.

8 **SECTION 144.** 938.365 (2m) (a) 2. of the statutes is created to read:

9 938.365 (2m) (a) 2. If the court finds that any of the circumstances specified  
10 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include  
11 a determination that the person or agency primarily responsible for providing  
12 services to the juvenile is not required to make reasonable efforts with respect to the  
13 parent to make it possible for the juvenile to return safely to his or her home.

14 **SECTION 145.** 938.365 (2m) (a) 3. of the statutes is created to read:

15 938.365 (2m) (a) 3. The court shall make the findings specified in subd. 1.  
16 relating to reasonable efforts to achieve the goal of the juvenile's permanency plan  
17 and the findings specified in subd. 2. on a case-by-case basis based on circumstances  
18 specific to the juvenile and shall document the specific information on which those  
19 findings are based in the order issued under s. 938.355. An order that merely  
20 references subd. 1. or 2. or that merely references or incorporates the report under  
21 sub. (2g) or any other document without documenting that specific information in the  
22 order or an amended order that retroactively corrects an earlier order that does not  
23 comply with this subdivision is not sufficient to comply with this subdivision.

24 **SECTION 146.** 938.365 (2m) (ad) of the statutes is created to read:

**BILL****SECTION 146**

1           938.365 (2m) (ad) 1. If the court finds that any of the circumstances specified  
2 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a  
3 hearing within 30 days after the date of that finding to determine the permanency  
4 plan for the juvenile. If a hearing is held under this subdivision, the agency  
5 responsible for preparing the permanency plan shall file the permanency plan with  
6 the court not less than 5 days before the date of the hearing.

7           2. If a hearing is held under subd. 1., at least 10 days before the date of the  
8 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
9 of the juvenile, and any foster parent, treatment foster parent, or other physical  
10 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
11 the hearing.

12           **SECTION 147.** 938.365 (2m) (ag) of the statutes is amended to read:

13           938.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The  
14 court shall give a foster parent, treatment foster parent, or other physical custodian  
15 described in s. 48.62 (2) of the juvenile who is notified of a hearing under par. (ad)  
16 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster  
17 parent, treatment foster parent, or other physical custodian to make a written or oral  
18 statement during the hearing, or to submit a written statement prior to the hearing,  
19 relevant to the issue of extension. Any written or oral statement made under this  
20 paragraph shall be made under oath or affirmation. A foster parent, treatment foster  
21 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a  
22 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this  
23 paragraph does not become a party to the proceeding on which the hearing is held  
24 solely on the basis of receiving that notice and opportunity to be heard.

25           **SECTION 148.** 938.365 (5) of the statutes is amended to read:

**BILL**

1           938.365 (5) Except as provided in s. 938.368, all orders an order under this  
2 section that continues the placement of a juvenile in his or her home or that extends  
3 an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time  
4 not to exceed one year after its date of entry. Except as provided in s. 938.368, an  
5 order under this section that continues the placement of a juvenile in a foster home,  
6 treatment foster home, group home, or child caring institution or in the home of a  
7 relative shall be for a specified length of time not to exceed the date on which the  
8 juvenile reaches 18 years of age or one year after the date of entry of the order,  
9 whichever is later.

10           **SECTION 149.** 938.38 (2) (intro.) of the statutes is amended to read:

11           938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
12 for each juvenile living in a foster home, treatment foster home, group home, child  
13 caring institution, secure detention facility, or shelter care facility or in the home of  
14 a relative, the agency that placed the juvenile or arranged the placement or the  
15 agency assigned primary responsibility for providing services to the juvenile under  
16 s. 938.355 shall prepare a written permanency plan, if any of the following conditions  
17 exists:

18           **SECTION 150.** 938.38 (2) (c) of the statutes is amended to read:

19           938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64  
20 (2) ~~or pursuant to~~, under a consent decree under s. 938.32 (1) (c), or under a court  
21 order under s. 938.355.

22           **SECTION 151.** 938.38 (2) (f) of the statutes is amended to read:

23           938.38 (2) (f) The juvenile's care ~~is paid~~ would be paid for under s. 49.19 but  
24 for s. 49.19 (20).

25           **SECTION 152.** 938.38 (3) (intro.) of the statutes is amended to read:

**BILL****SECTION 152**

1           938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (c) 1, the agency shall file  
2 the permanency plan with the court within 60 days after the date on which the  
3 juvenile was first held in physical custody or placed outside of removed from his or  
4 her home ~~under a court order~~, except under either of the following conditions:

5           **SECTION 153.** 938.38 (4) (intro.) of the statutes is amended to read:

6           938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~  
7 ~~description of~~ all of the following:

8           **SECTION 154.** 938.38 (4) (a) of the statutes is renumbered 938.38 (4) (ar) and  
9 amended to read:

10           938.38 (4) (ar) ~~The A description of the services offered and any service services~~  
11 ~~provided in an effort to prevent holding or placing the juvenile outside of the removal~~  
12 ~~of the juvenile from his or her home, while assuring that the health and safety of the~~  
13 ~~juvenile are the paramount concerns, and to make it possible for the juvenile to~~  
14 ~~return safely home, achieve the goal of the permanency plan,~~ except that the  
15 permanency plan ~~need not~~ is not required to include a description of ~~these the~~  
16 ~~services offered or provided with respect to a parent of the juvenile to prevent the~~  
17 ~~removal of the juvenile from the home or to achieve the permanency plan goal of~~  
18 ~~returning the juvenile safely to his or her home~~ if any of the circumstances specified  
19 in s. 938.355 (2d) (b) 1., 2., 3. or to 4. apply to that parent.

20           **SECTION 155.** 938.38 (4) (ag) of the statutes is created to read:

21           938.38 (4) (ag) The name, address, and telephone number of the juvenile's  
22 parent, guardian, and legal custodian.

23           **SECTION 156.** 938.38 (4) (am) of the statutes is created to read:

24           938.38 (4) (am) The date on which the juvenile was removed from his or her  
25 home and the date on which the juvenile was placed in out-of-home care.

**BILL**

1           **SECTION 157.** 938.38 (4) (bm) of the statutes is amended to read:

2           938.38 (4) (bm) ~~The A statement as to the~~ availability of a safe and appropriate  
3 placement with a fit and willing relative of the juvenile and, if a decision is made not  
4 to place the juvenile with an available relative, a statement as to why placement with  
5 the relative is not safe or appropriate.

6           **SECTION 158.** 938.38 (4) (dg) of the statutes is created to read:

7           938.38 (4) (dg) Information about the juvenile's education, including all of the  
8 following:

9           1. The name and address of the school in which the juvenile is or was most  
10 recently enrolled.

11           2. Any special education programs in which the juvenile is or was previously  
12 enrolled.

13           3. The grade level in which the juvenile is or was most recently enrolled and  
14 all information that is available concerning the juvenile's grade level performance.

15           4. A summary of all available education records relating to the juvenile that are  
16 relevant to any education goals included in the education services plan prepared  
17 under s. 938.33 (1) (e).

18           **SECTION 159.** 938.38 (4) (dm) of the statutes is created to read:

19           938.38 (4) (dm) If as a result of the placement the juvenile has been or will be  
20 transferred from the school in which the juvenile is or most recently was enrolled,  
21 documentation that a placement that would maintain the juvenile in that school is  
22 either unavailable or inappropriate or that a placement that would result in the  
23 juvenile's transfer to another school would be in the juvenile's best interests.

24           **SECTION 160.** 938.38 (4) (dr) of the statutes is created to read:

**BILL****SECTION 160**

1           938.38 (4) (dr) Medical information relating to the juvenile, including all of the  
2 following:

3           1. The names and addresses of the juvenile's physician, dentist, and any other  
4 health care provider that is or was previously providing health care services to the  
5 juvenile.

6           2. The juvenile's immunization record, including the name and date of each  
7 immunization administered to the juvenile.

8           3. Any known medical condition for which the juvenile is receiving medical care  
9 or treatment and any known serious medical condition for which the juvenile has  
10 previously received medical care or treatment.

11           4. The name, purpose, and dosage of any medication that is being administered  
12 to the juvenile and the name of any medication that causes the juvenile to suffer an  
13 allergic or other negative reaction.

14           **SECTION 161.** 938.38 (4) (e) of the statutes is amended to read:

15           938.38 (4) (e) The A plan for ensuring the safety and appropriateness of the  
16 placement and a description of the services provided to meet the needs of the juvenile  
17 and family, including a discussion of services that have been investigated and  
18 considered and are not available or likely to become available within a reasonable  
19 time to meet the needs of the juvenile or, if available, why such services are not safe  
20 or appropriate.

21           **SECTION 162.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

22           938.38 (4) (f) (intro.) The A description of the services that will be provided to  
23 the juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's  
24 treatment foster parent or, the operator of the facility where the juvenile is living,

**BILL**

1 or the relative with whom the juvenile is living to carry out the dispositional order,  
2 including services planned to accomplish all of the following:

3 **SECTION 163.** 938.38 (4) (fg) of the statutes is created to read:

4 938.38 (4) (fg) The goal of the permanency plan or, if the agency is making  
5 concurrent reasonable efforts under s. 938.355 (2b), the goals of the permanency  
6 plan, in the order of preference specified in subds. 1. to 5. If a goal of the permanency  
7 plan is any goal other than return of the juvenile to his or her home, the permanency  
8 plan shall include the rationale for deciding on that goal. If a goal of the permanency  
9 plan is an alternative permanent placement under subd. 5., the permanency plan  
10 shall document a compelling reason why it would not be in the best interest of the  
11 juvenile to pursue a goal specified in subds. 1. to 4. The agency shall determine the  
12 goal or goals of a juvenile's permanency plan in the following order of preference:

- 13 1. Return of the juvenile to the juvenile's home.
- 14 2. Placement of the juvenile for adoption.
- 15 3. Placement of the juvenile with a guardian.
- 16 4. Permanent placement of the juvenile with a fit and willing relative.
- 17 5. Some other alternative permanent placement, including sustaining care,  
18 independent living, or long-term foster care.

19 **SECTION 164.** 938.38 (1) (fm) of the statutes is amended to read:

20 938.38 (4) (fm) If the goal of the permanency plan calls for placing is to place  
21 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some  
22 other alternative permanent placement, the efforts made to place the juvenile for  
23 adoption, with a guardian or in some other alternative permanent placement achieve  
24 that goal.

25 **SECTION 165.** 938.38 (4) (h) of the statutes is created to read:

**BILL****SECTION 165**

1           938.38 (4) (h) If the juvenile is 15 years of age or over, a description of the  
2 programs and services that are or will be provided to assist the juvenile in preparing  
3 for the transition from out-of-home care to independent living. The description  
4 shall include all of the following:

5           1. The anticipated age at which the juvenile will be discharged from  
6 out-of-home care.

7           2. The anticipated amount of time available in which to prepare the juvenile  
8 for the transition from out-of-home care to independent living.

9           3. The anticipated location and living situation of the juvenile on discharge  
10 from out-of-home care.

11           4. A description of the assessment processes, tools, and methods that have been  
12 or will be used to determine the programs and services that are or will be provided  
13 to assist the juvenile in preparing for the transition from out-of-home care to  
14 independent living.

15           5. The rationale for each program or service that is or will be provided to assist  
16 the juvenile in preparing for the transition from out-of-home care to independent  
17 living, the time frames for delivering those programs or services, and the intended  
18 outcome of those programs or services.

19           **SECTION 166.** 938.38 (5) (a) of the statutes is amended to read:

20           938.38 (5) (a) The court or, subject to this paragraph, a panel appointed under  
21 this paragraph shall review the permanency plan every not later than 6 months from  
22 after the date on which the juvenile was first held in physical custody or placed  
23 outside of removed from his or her home and every 12 months after a previous review  
24 under this subsection for as long as the juvenile is placed outside the home. The  
25 review that is conducted not later than 6 months after the juvenile was first removed

**BILL**

1 from his or her home and the reviews that are conducted every 12 months after that  
2 review shall be conducted by the court or panel as provided in this subsection. The  
3 review that is conducted not later than 12 months after the juvenile was first  
4 removed from his or her home and the reviews that are conducted every 12 months  
5 after that review shall be conducted by the court as provided in sub. (5m). If the court  
6 elects not to review the permanency plan, the court shall appoint a panel to review  
7 the permanency plan. The panel shall consist of 3 persons who are either designated  
8 by an independent agency that has been approved by the chief judge of the judicial  
9 administrative district or designated by the agency that prepared the permanency  
10 plan. A voting majority of persons on each panel shall be persons who are not  
11 employed by the agency that prepared the permanency plan and who are not  
12 responsible for providing services to the juvenile or the parents of the juvenile whose  
13 permanency plan is the subject of the review.

14 **SECTION 167.** 938.38 (5) (b) of the statutes is amended to read:

15 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,  
16 the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,  
17 the juvenile's treatment foster parent or, the operator of the facility in which the  
18 juvenile is living, or the relative with whom the juvenile is living of the date, time,  
19 and place of the review, of the issues to be determined as part of the review, and of  
20 the fact that they may have an opportunity to be heard at the review by submitting  
21 written comments not less than 10 working days before the review or by  
22 participating at the review. The court or agency shall notify the person representing  
23 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem  
24 of the date of the review, of the issues to be determined as part of the review, and of  
25 the fact that they may submit written comments not less than 10 working days before

**BILL****SECTION 167**

1 the review. Any written or oral statement made to the court under this paragraph  
2 by a foster parent, treatment foster parent, operator of a facility in which a juvenile  
3 is living, or relative with whom a juvenile is living shall be made under oath or  
4 affirmation. The notices under this paragraph shall be provided in writing not less  
5 than 30 days before the review and copies of the notices shall be filed in the juvenile's  
6 case record.

7 **SECTION 168.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

8 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her  
9 home, as described in s. 938.365 (1), for 15 of the most recent 22 months, not including  
10 any period during which the juvenile was a runaway from the out-of-home  
11 placement or the juvenile was returned to his or her home for a trial home visit of 6  
12 months or less or, if authorized by the court, a trial home visit of more than 6 months,  
13 the appropriateness of the permanency plan and the circumstances which prevent  
14 the juvenile from any of the following:

15 **SECTION 169.** 938.38 (5) (c) 6. am. of the statutes is renumbered 938.38 (5) (c)  
16 6. cm. and amended to read:

17 938.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the  
18 juvenile.

19 **SECTION 170.** 938.38 (5) (c) 6. cg. of the statutes is created to read:

20 938.38 (5) (c) 6. cg. Being placed with a guardian.

21 **SECTION 171.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

22 938.38 (5) (c) 6. d. Being placed in some other alternative permanent  
23 placement, including sustaining care, independent living, or long-term foster care.

24 **SECTION 172.** 938.38 (5) (c) 7. of the statutes is amended to read:

**BILL**

1           938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to make  
2           it possible for the juvenile to return safely to his or her home, except that the court  
3           or panel need not determine whether those reasonable efforts were made with  
4           respect to a parent of the juvenile if any of the circumstances specified in s. 938.355  
5           (2d) (b) 1., 2., 3. or 4. apply to that parent achieve the goal of the permanency plan,  
6           unless return of the juvenile to the home is the goal of the permanency plan and any  
7           of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

8           **SECTION 173.** 938.38 (5m) of the statutes is created to read:

9           938.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to  
10          review the permanency plan and to make the determinations specified in sub. (5) (c)  
11          no later than 12 months after the date on which the juvenile was first removed from  
12          the home and every 12 months after a previous hearing under this subsection for as  
13          long as the juvenile is placed outside the home.

14          (b) Not less than 30 days before the date of the hearing, the court shall notify  
15          the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster  
16          parent or treatment foster parent, the operator of the facility in which the juvenile  
17          is living, or the relative with whom the juvenile is living; the agency that prepared  
18          the permanency plan; and the person representing the interests of the public of the  
19          date, time, and place of the hearing.

20          (c) Any person who is provided notice of the hearing may have an opportunity  
21          to be heard at the hearing by submitting written comments relevant to the  
22          determinations specified in sub. (5) (c) not less than 10 working days before the date  
23          of the hearing or by participating at the hearing. Any written or oral comment made  
24          to the court under this paragraph by a foster parent, treatment foster parent,  
25          operator of a facility in which a juvenile is living, or relative with whom a juvenile

**BILL****SECTION 173**

1 is living shall be made under oath or affirmation. A foster parent, treatment foster  
2 parent, operator of a facility in which a juvenile is living, or relative with whom a  
3 juvenile is living who receives notice of a hearing under par. (b) and an opportunity  
4 to be heard under this paragraph does not become a party to the proceeding on which  
5 the hearing is held solely on the basis of receiving that notice and opportunity to be  
6 heard.

7 (d) At least 5 days before the date of the hearing the agency that prepared the  
8 permanency plan shall provide a copy of the permanency plan and any written  
9 comments submitted under par. (c) to the court, to the juvenile's parent, guardian,  
10 and legal custodian, to the person representing the interests of the public, and to the  
11 juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a), the person  
12 representing the interests of the public and the juvenile's counsel or guardian ad  
13 litem may have access to any other records concerning the juvenile for the purpose  
14 of participating in the review. A person permitted access to a juvenile's records under  
15 this paragraph may not disclose any information from the records to any other  
16 person.

17 (e) After the hearing, the court shall make written findings of fact and  
18 conclusions of law relating to the determinations under sub. (5) (c) and shall provide  
19 a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's  
20 parent, guardian, and legal custodian; the juvenile's foster parent or treatment foster  
21 parent, the operator of the facility in which the juvenile is living, or the relative with  
22 whom the juvenile is living; the agency that prepared the permanency plan; and the  
23 person representing the interests of the public. The court shall make the findings  
24 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to  
25 the juvenile and shall document the specific information on which those findings are

**BILL**

1 based in the findings of fact and conclusions of law prepared under this paragraph.  
2 Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. or that  
3 merely reference or incorporate the permanency plan or any other document without  
4 documenting that specific information in the findings of fact and conclusions of law  
5 or amended findings of fact and conclusions of law that retroactively correct earlier  
6 findings of fact and conclusions of law that do not comply with this paragraph are not  
7 sufficient to comply with this paragraph.

8 (f) If the findings of fact and conclusions of law under par. (e) conflict with the  
9 juvenile's dispositional order or provide for any additional services not specified in  
10 the dispositional order, the court shall revise the dispositional order under s. 938.363  
11 or order a change in placement under s. 938.357, as appropriate.

12 **SECTION 174.** 938.78 (2) (a) of the statutes is amended to read:

13 938.78 (2) (a) No agency may make available for inspection or disclose the  
14 contents of any record kept or information received about an individual in its care  
15 or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d)  
16 or (5m) (d), or 938.51 or by order of the court.

17 **SECTION 175. Nonstatutory provisions.**

18 (1) **RELATIVE PLACEMENT PERMANENCY PLANS.**

19 (a) Notwithstanding sections 48.38 (3) and 938.38 (3) of the statutes, for  
20 children or juveniles who are living in the home of a relative, as defined in section  
21 48.02 (15) or 938.02 (15) of the statutes, under the supervision of an agency under  
22 section 48.64 (2) of the statutes, under a consent decree under section 48.32 or 938.32  
23 of the statutes, or under an order under section 48.355 or 938.355 of the statutes on  
24 the day before the effective date of this paragraph, the agency assigned primary  
25 responsibility for providing services to those children or juveniles shall file a

**BILL****SECTION 175**

1 permanency plan with that court with respect to not less than 33% of those children  
2 or juveniles by July 1, 2002, with respect to not less than 67% of those children or  
3 juveniles by September 1, 2002, and with respect to all of those children or juveniles  
4 by November 1, 2002, giving priority to those children or juveniles who have been  
5 living in the home of a relative for the longest period of time.

6 (b) The agency shall request the court assigned to exercise jurisdiction under  
7 chapters 48 and 938 of the statutes, as affected by this act, to make a finding under  
8 section 48.363 or 938.363 of the statutes that reasonable efforts have been made to  
9 prevent the removal of the child or juvenile from the home or that those efforts are  
10 not required to be made because a circumstance specified in section 48.355 (2d) (b)  
11 1. to 5. of the statutes, as affected by this act, or section 938.355 (2d) (b) 1. to 4. of the  
12 statutes, as affected by this act, applies, not more than 60 days after the date on  
13 which the permanency plan is filed.

14 (c) Notwithstanding section 48.38 (5) (a) of the statutes, as affected by this act,  
15 section 48.38 (5m) of the statutes, as created by this act, section 938.38 (5) (a) of the  
16 statutes, as affected by this act, and section 938.38 (5m) of the statutes, as created  
17 by this act, a permanency plan filed under this subsection shall be reviewed within  
18 6 months after the date on which the permanency plan is filed and a permanency  
19 plan hearing shall be had to review a permanency plan filed under this subsection  
20 within 12 months after the date on which the permanency plan is filed.

**SECTION 176. Initial applicability.**

21 (1) JUVENILE COURT ORDERS. The treatment of sections 48.21 (5) (b) 1. and 3., (c),  
22 and (d), 48.355 (2) (b) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1., 2., 3., 4., and 5. and (bm),  
23 and (4), 48.357 (6), 48.365 (2m) (ag) and (5), 48.977 (2) (f), 938.21 (5) (b) 1. and 3., (c),  
24 and (d), 938.32 (1) (c) and (d), 938.355 (2) (b) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1.,  
25

**BILL**

1 2., 3., 4., and 5. and (bm), (4) (a) and (b), (6) (a), and (6m) (cm), 938.357 (6), and  
2 938.365 (2m) (ag) and (5) of the statutes, the renumbering and amendment of  
3 sections 48.32 (1), 48.355 (2d) (c), 48.365 (2m) (a), 938.355 (2d) (c), and 938.365 (2m)  
4 (a) of the statutes, and the creation of sections 48.32 (1) (b) and (c), 48.355 (2d) (c) 2.  
5 and 3., 48.365 (2m) (a) 2. and 3. and (ad), 938.355 (2d) (c) 2. and 3., and 938.365 (2m)  
6 (a) 2. and 3. and (ad) of the statutes first apply to a physical custody order, consent  
7 decree, dispositional order, change in placement order, extension order, sanction  
8 order, or guardianship order entered on the effective date of this subsection.

9 (2) JUVENILE COURT REPORTS. The treatment of sections 48.33 (4) (intro.) and (c),  
10 48.365 (1) and (2g) (b) 2. and 3., 938.33 (4) (intro.) and (c), and 938.365 (1) and (2g)  
11 (b) 2. and 3. of the statutes first applies to reports filed with the court assigned to  
12 exercise jurisdiction under chapters 48 and 938 of the statutes on the effective of this  
13 subsection.

14 (3) JUVENILE COURT HEARINGS. The treatment of sections 48.21 (3) (am), 48.27  
15 (3) (a) 1m., 48.335 (3g), 48.42 (2g) (am), 48.427 (1m), 938.21 (2) (am) and (3) (am),  
16 938.27 (3) (a) 1m., and 938.335 (3g) of the statutes first applies to hearings held by  
17 the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes  
18 on the effective of this subsection.

19 (4) PERMANENCY PLAN CONTENTS. The treatment of sections 48.38 (4) (intro.), (a),  
20 (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) and 938.38 (4)  
21 (intro.), (a), (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) of the  
22 statutes first applies to permanency plans filed on the effective date of this  
23 subsection.

24 (5) PERMANENCY PLAN REVIEWS AND HEARINGS. The treatment of sections 48.38  
25 (5) (a), (b), and (c) 6. (intro.), am., cg., and d. and 7. and (5m) and 938.38 (5) (a), (b),

**BILL****SECTION 176**

1 and (c) 6. (intro.), am., cg., and d. and 7. and (5m) of the statutes first applies to  
2 permanency plan reviews and hearings for which notice is provided on the effective  
3 date of this subsection.

4 (6) CHANGES IN PLACEMENT. The treatment of sections 48.357 (2) and (2r) and  
5 938.357 (2), (2r), (3), (4) (b) 2., (c) 1. and 2., and (d), and (5) (a) of the statutes, the  
6 renumbering and amendment of sections 48.357 (1), (2m), and (2v) and 938.357 (1),  
7 (2m), and (2v) of the statutes, and the creation of sections 48.357 (1) (b) 3., and (c),  
8 (2m) (c), and (2v) (a) (intro.), 1., and 3., (b), and (c) and 938.357 (1) (b) 3. and (c), (2m)  
9 (c), and (2v) (a) (intro.), 1., and 3., (b), and (c) of the statutes first apply to changes  
10 in placement requested or proposed on the effective date of this subsection.

11 (7) TIME LIMITS. The treatment of sections 48.315 (2m) and 938.315 (2m) of the  
12 statutes first applies to continuances and extensions granted, and periods of delay  
13 that begin, on the effective date of this subsection.

14 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4892/2dn  
GMM:kg:rs

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February 14, 2002

Senator Robson:

As a result of my meeting on Thursday afternoon with Therese Durkin and Michelle Jensen of DHFS, this redraft makes the following changes to the draft:

1. The redraft permits the juvenile court to reference another document when making the contrary-to-welfare and reasonable-efforts findings rather than having to recite the information on which those findings are based in the court order.
2. The redraft requires the juvenile court merely to find that continued placement in the home would be contrary to the *welfare* of the child rather than contrary to the *health, safety, and welfare* of the child.
3. The redraft permits a parent who has waived his or her right to participate in a custody hearing to obtain a rehearing only *on good cause shown*. The previous draft did not include that good-cause requirement, thereby permitting such a parent to obtain a rehearing merely on request.
4. The redraft requires a petition requesting the juvenile court to assert its jurisdiction over a child who has been removed from the home to specify reliable and credible information showing that continued placement in the home would be contrary to the welfare of the child and, unless an aggravated circumstance applies, that the person who took the child into custody and the intake worker have made reasonable efforts to prevent the removal of the child from the home and to return the child to the home.
5. The redraft specifies that a juvenile court order placing outside the home a child who is a full-time student and who is reasonably expected to complete his or her educational program before reaching 19 years of age terminates when the child reaches 19 years of age unless, of course, the child completes the program sooner, in which case the child is no longer a full-time student and this exception would no longer apply.
6. The redraft clarifies that, when speaking of an out-of-home placement in the home of a relative, the term "relative" does not include a parent.
7. The redraft deletes references to trial home visits of more than six months authorized by the juvenile court. Although the federal regulations permit trial home visits of more than six months, DHFS has chosen to be more restrictive and not let trial home visits drag on that long.

8. In ss. 48.38 (5) (a) and 938.38 (5) (a), the redraft attempts to distinguish more clearly between permanency plan *reviews* conducted by the juvenile court or a panel appointed by the juvenile court and permanency plan *hearings*, which must be conducted by the juvenile court.

At our meeting we also discussed replacing a cross-reference to the now-defunct AFDC program, s. 49.19, with a cross-reference to s. 46.261, which is still in operation. This redraft does not make that change because s. 46.261 itself cross-references s. 49.19. As such, the cross-reference to s. 46.261 would merely result in a roundabout cross-reference to s. 49.19 in any event.

If you have any questions about this draft, please do not hesitate to contact me directly at the phone number or e-mail address listed below.

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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4892/3dn  
GMM.kg.pg

February 18, 2002

Senator Robson:

As a result of my meeting on Thursday afternoon with Therese Durkin and Michelle Jensen of DHFS, this redraft makes the following changes to the draft:

1. The redraft permits the juvenile court to reference another document when making the contrary-to-welfare and reasonable-efforts findings rather than having to recite the information on which those findings are based in the court order.
2. The redraft requires the juvenile court merely to find that continued placement in the home would be contrary to the *welfare* of the child rather than contrary to the *health, safety, and welfare* of the child.
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