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1 **SECTION 149.** 938.363 (1) (b) of the statutes, as affected by 2009 Wisconsin Acts
2 28 and (this act), is repealed and recreated to read:

3 938.363 (1) (b) If a hearing is held, at least 3 days prior to the hearing the court
4 shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all
5 parties bound by the dispositional order, the juvenile's foster parent or other physical
6 custodian described in s. 48.62 (2), and the district attorney or corporation counsel
7 in the county in which the dispositional order was entered. A copy of the request or
8 proposal shall be attached to the notice. If all parties consent, the court may proceed
9 immediately with the hearing. No revision may extend the effective period of the
10 original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose
11 more than a total of 30 days of detention, nonsecure custody, or inpatient treatment
12 on a juvenile.

13 **SECTION 150.** 938.363 (1m) of the statutes is amended to read:

14 938.363 (1m) EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a),
15 any party may present evidence relevant to the issue of revision of the dispositional
16 order. In addition, the court shall give a foster parent, treatment foster parent, or
17 other physical custodian described in s. 48.62 (2) of the juvenile ~~an opportunity a~~
18 right to be heard at the hearing by permitting the foster parent, treatment foster
19 parent, or other physical custodian to make a written or oral statement during the
20 hearing, or to submit a written statement prior to the hearing, relevant to the issue
21 of revision. A foster parent, treatment foster parent, or other physical custodian who
22 receives notice of a hearing under sub. (1) (a) and ~~an opportunity a right~~ to be heard
23 under this subsection does not become a party to the proceeding on which the hearing
24 is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

BILL**SECTION 151**

1 **SECTION 151.** 938.363 (1m) of the statutes, as affected by 2009 Wisconsin Acts
2 28 and (this act), is repealed and recreated to read:

3 938.363 **(1m)** EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a),
4 any party may present evidence relevant to the issue of revision of the dispositional
5 order. In addition, the court shall give a foster parent or other physical custodian
6 described in s. 48.62 (2) of the juvenile a right to be heard at the hearing by permitting
7 the foster parent or other physical custodian to make a written or oral statement
8 during the hearing, or to submit a written statement prior to the hearing, relevant
9 to the issue of revision. A foster parent or other physical custodian who receives
10 notice of a hearing under sub. (1) (a) and a right to be heard under this subsection
11 does not become a party to the proceeding on which the hearing is held solely on the
12 basis of receiving that notice and right to be heard.

13 **SECTION 152.** 938.365 (2) of the statutes is amended to read:

14 938.365 **(2)** NOTICE. No order may be extended without a hearing. The court
15 shall notify the juvenile ~~or the juvenile's guardian ad litem or counsel~~, the juvenile's
16 parent, guardian, legal custodian, all of the parties present at the original hearing,
17 the juvenile's foster parent, treatment foster parent, or other physical custodian
18 described in s. 48.62 (2), and the district attorney or corporation counsel in the county
19 in which the dispositional order was entered of the time and place of the hearing.

20 **SECTION 153.** 938.365 (2) of the statutes, as affected by 2009 Wisconsin Acts
21 28 and (this act), is repealed and recreated to read:

22 938.365 **(2)** NOTICE. No order may be extended without a hearing. The court
23 shall notify the juvenile, the juvenile's parent, guardian, legal custodian, all of the
24 parties present at the original hearing, the juvenile's foster parent or other physical
25 custodian described in s. 48.62 (2), and the district attorney or corporation counsel

BILL in a foster home, treatment foster home, group home, nonsecured residential care center for children and youths or shelter care facility

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1 in the county in which the dispositional order was entered of the time and place of
2 the hearing.

3 **SECTION 154.** 938.365 (2g) (b) 3. of the statutes is amended to read:

4 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home

5 for 15 of the most recent 22 months, not including ~~any period during which the~~

6 ~~juvenile's care was not eligible for reimbursement under 42 USC 670 to 679b,~~ any

7 period during which the juvenile was a runaway from the out-of-home placement,

8 or the first 6 months of any period during which the juvenile was returned to his or

9 her home for a trial home visit, a statement of whether or not a recommendation has

10 been made to terminate the parental rights of the parents of the juvenile. If a

11 recommendation for a termination of parental rights has been made, the statement

12 shall indicate the date on which the recommendation was made, any previous

13 progress made to accomplish the termination of parental rights, any barriers to the

14 termination of parental rights, specific steps to overcome the barriers and when the

15 steps will be completed, reasons why adoption would be in the best interest of the

16 juvenile and whether or not the juvenile should be registered with the adoption

17 information exchange. If a recommendation for termination of parental rights has

18 not been made, the statement shall include an explanation of the reasons why a

19 recommendation for termination of parental rights has not been made. If the lack

20 of appropriate adoptive resources is the primary reason for not recommending a

21 termination of parental rights, the agency shall recommend that the juvenile be

22 registered with the adoption information exchange or report the reason why

23 registering the juvenile is contrary to the best interest of the juvenile.

SECTION 155. 938.365 (2m) (a) 1m. of the statutes is created to read:

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1 938.365 (2m) (a) 1m. a. If the juvenile is placed outside of his or her home and
2 if the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have
3 also been placed outside the home, the person or agency primarily responsible for
4 providing services to the juvenile shall present as evidence specific information
5 showing that the agency has made reasonable efforts to place the juvenile in a
6 placement that enables the sibling group to remain together, unless the court has
7 determined that a joint placement would be contrary to the safety or well-being of
8 the juvenile or any of those siblings, in which case the agency shall present as
9 evidence specific information showing that agency has made reasonable efforts to
10 provide for frequent visitation or other ongoing interaction between the juvenile and
11 the siblings, unless the court has determined that such visitation or interaction
12 would be contrary to the safety or well-being of the juvenile or any of those siblings.

13 b. If the juvenile is placed outside the home and if the juvenile has one or more
14 siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed outside the
15 home, the findings of fact shall include a finding as to whether reasonable efforts
16 have been made by the agency primarily responsible for providing services to the
17 juvenile to place the juvenile in a placement that enables the sibling group to remain
18 together, unless the court has determined that a joint placement would be contrary
19 to the safety or well-being of the juvenile or any of those siblings, in which case the
20 findings of fact shall include a finding as to whether reasonable efforts have been
21 made by the agency to provide for frequent visitation or other ongoing interaction
22 between the juvenile and the siblings, unless the court has determined that such
23 visitation or interaction would be contrary to the safety or well-being of the juvenile
24 or any of those siblings.

25 ~~SECTION 156. 938.365 (2m) (a) 3. of the statutes is amended to read:~~

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1 938.365 (2m) (a) 3. The court shall make the findings under subd. 1. relating
2 to reasonable efforts to achieve the goal of the juvenile's permanency plan and the
3 findings under subd. 2. on a case-by-case basis based on circumstances specific to
4 the juvenile and shall document or reference the specific information on which those
5 findings are based in the order issued under s. 938.355. An order that merely
6 references subd. 1. or 2. without documenting or referencing that specific
7 information in the order or an amended order that retroactively corrects an earlier
8 order that does not comply with this subdivision is not sufficient to comply with this
9 subdivision.

10 **SECTION 157.** 938.365 (2m) (ad) 1. of the statutes is renumbered 938.365 (2m)

11 (ad) and amended to read:

12 938.365 (2m) (ad) If the court finds that any of the circumstances under s.
13 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
14 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
15 permanency plan for the juvenile. ~~If a hearing is held under this subdivision, the~~
16 ~~agency responsible for preparing the permanency plan shall file the permanency~~
17 ~~plan with the court not less than 5 days before the date of the hearing.~~

18 **SECTION 158.** 938.365 (2m) (ad) 2. of the statutes, as affected by 2009 Wisconsin
19 Act 28, is repealed.

20 **SECTION 159.** 938.365 (2m) (ag) of the statutes is amended to read:

21 938.365 (2m) (ag) The court shall give a foster parent, treatment foster parent,
22 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
23 ~~par. (ad) 2. or sub. (2) an opportunity~~ a right to be heard at the hearing by permitting
24 the foster parent, treatment foster parent, or other physical custodian to make a
25 written or oral statement during the hearing, or to submit a written statement prior

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1 to the hearing, relevant to the issue of extension. A foster parent, treatment foster
2 parent, or other physical custodian who receives notice of a hearing under ~~par. (ad)~~
3 ~~2. or sub. (2) and an opportunity~~ a right to be heard under this paragraph does not
4 become a party to the proceeding on which the hearing is held solely on the basis of
5 receiving that notice and ~~opportunity~~ right to be heard.

6 **SECTION 160.** 938.365 (2m) (ag) of the statutes, as affected by 2009 Wisconsin
7 Acts 28 and (this act), is repealed and recreated to read:

8 938.365 **(2m)** (ag) The court shall give a foster parent or other physical
9 custodian described in s. 48.62 (2) who is notified of a hearing under sub. (2) a right
10 to be heard at the hearing by permitting the foster parent or other physical custodian
11 to make a written or oral statement during the hearing, or to submit a written
12 statement prior to the hearing, relevant to the issue of extension. A foster parent or
13 other physical custodian who receives notice of a hearing under sub. (2) and a right
14 to be heard under this paragraph does not become a party to the proceeding on which
15 the hearing is held solely on the basis of receiving that notice and right to be heard.

16 **SECTION 161.** 938.38 (3) (intro.) of the statutes is amended to read:

17 938.38 **(3)** TIME. (intro.) Subject to s. ~~938.355 (2d) (e) 1.~~ sub. (4m) (a), the agency
18 shall file the permanency plan with the court within 60 days after the date on which
19 the juvenile was first removed from his or her home, except under either of the
20 following conditions:

21 **SECTION 162.** 938.38 (4) (br) of the statutes is renumbered 938.38 (4) (br) 1. and
22 amended to read:

23 938.38 **(4)** (br) 1. ~~A statement as to the availability of a safe and appropriate~~
24 ~~placement with a foster parent, adoptive parent, or proposed adoptive parent of a~~
25 ~~sibling of the juvenile and, if a decision is made not to place the juvenile with an~~

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1 available foster parent, adoptive parent, or proposed adoptive parent of a sibling, a
2 statement as to why placement with the foster parent, adoptive parent, or proposed
3 adoptive parent of a sibling is not safe or appropriate. In this paragraph, "sibling"
4 means a person who is a brother or sister of a juvenile, whether by blood, marriage,
5 or adoption, including a person who has a brother or sister of a juvenile before the
6 person was adopted or parental rights to the person were terminated.

7 **SECTION 163.** 938.38 (4) (br) 2. of the statutes is created to read:

8 938.38 (4) (br) 2. If the juvenile has one or more siblings who have also been
9 removed from the home, a description of the efforts made to place the juvenile in a
10 placement that enables the sibling group to remain together and, if a decision is made
11 not to place the juvenile and his or her siblings in a joint placement, a statement as
12 to why a joint placement would be contrary to the safety or well-being of the juvenile
13 or any of those siblings and a description of the efforts made to provide for frequent
14 visitation or other ongoing interaction between the juvenile and those siblings. If a
15 decision is made not to provide for that visitation or interaction, the permanency plan
16 shall include a statement as to why that visitation or interaction would be contrary
17 to the safety or well-being of the juvenile or any of those siblings.

18 **SECTION 164.** 938.38 (4) (fm) of the statutes is amended to read:

19 938.38 (4) (fm) If the goal of the permanency plan is to place the juvenile for
20 adoption, with a guardian, with a fit and willing relative, or in some other alternative
21 permanent placement, the efforts made to achieve that goal. ~~These efforts shall~~
22 ~~include efforts to place the juvenile in a safe and appropriate placement outside this~~
23 ~~state if the agency determines that such a placement would be in the best interests~~
24 ~~of the juvenile and appropriate to achieving the goal of the juvenile's permanency~~
25 ~~plan. If the agency determines not to place the juvenile in an available placement~~

, including, if appropriate, through an out-of-state placement ✓

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~~outside this state, the permanency plan shall include a statement as to why that placement is not in the best interests of the juvenile or not appropriate to achieving the goal of the juvenile's permanency plan. If the juvenile is placed in a placement outside this state, the permanency plan shall include a statement as to whether that placement continues to be in the best interests of the juvenile and appropriate to achieving the goal of the juvenile's permanency plan.~~

SECTION 165. 938.38 (4) (h) (intro.) of the statutes is amended to read:

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

SECTION 166. 938.38 (4) (i) of the statutes is created to read:

938.38 (4) (i) A statement as to whether the juvenile's age and developmental level are sufficient for the court to consult with the juvenile at the permanency plan determination hearing under sub. (4m) (c) or at the permanency plan hearing under sub. (5m) (c) 2. or for the court or panel to consult with the juvenile at the permanency plan review under sub. (5) (bm) 2. and, if a decision is made that it would not be age appropriate or developmentally appropriate for the court to consult with the juvenile, a statement as to why consultation with the juvenile would not be appropriate.

SECTION 167. 938.38 (4m) of the statutes is created to read:

938.38 (4m) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN DETERMINATION HEARING. (a) If in a proceeding under s. 938.21, 938.355, 938.357, or 938.365 the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing within 30 days

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1 after the date of that finding to determine the permanency plan for the juvenile. If
2 a hearing is held under this paragraph, the agency responsible for preparing the
3 permanency plan shall file the permanency plan with the court not less than 5 days
4 before the date of the hearing. At the hearing, the court shall consider placing the
5 juvenile in a placement outside this state if the court determines that such a
6 placement would be in the best interests of the juvenile and appropriate to achieving
7 the goal of the juvenile's permanency plan.

8 (b) At least 10 days before the date of the hearing the court shall notify the
9 juvenile; the juvenile's parent, guardian, and legal custodian; and the juvenile's
10 foster parent or treatment foster parent, the operator of the facility in which the
11 juvenile is living, or the relative with whom the juvenile is living of the time, place,
12 and purpose of the hearing, of the issues to be determined at the hearing, and of the
13 fact that they shall have a right to be heard at the hearing.

14 (c) If the juvenile's permanency plan includes ~~an independent living plan under~~
15 ~~sub. (4) (h) or~~ a statement under sub. (4) (i) indicating that the juvenile's age and
16 developmental level are sufficient for the court to consult with the juvenile regarding
17 the juvenile's permanency plan or if, notwithstanding a decision under sub. (4) (i)
18 that it would not be appropriate for the court to consult with the juvenile, the court
19 determines that consultation with the juvenile would be in the best interests of the
20 juvenile, the court shall consult with the juvenile, in an age-appropriate and
21 developmentally appropriate manner, regarding the juvenile's permanency plan and
22 any other matters the court finds appropriate ~~by permitting the juvenile,~~ the
23 juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235 (3) (a), the
24 juvenile's guardian ad litem to make a written or oral statement during the hearing,
25 or to submit a written statement prior to the hearing, expressing the juvenile's

= If none of those circumstances apply, the
Court may permit

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1 wishes, goals, and concerns regarding the permanency plan and those matters. A
 2 ~~caseworker, counsel, or guardian ad litem who makes or submits a statement under~~
 3 ~~this paragraph shall advise the court that the statement represents the wishes,~~
 4 ~~goals, and concerns, but not necessarily the best interests, of the juvenile.~~

5 (d) The court shall give a foster parent, treatment foster parent, operator of a
 6 facility, or relative who is notified of a hearing under par. (b) a right to be heard at
 7 the hearing by permitting the foster parent, treatment foster parent, operator, or
 8 relative to make a written or oral statement during the hearing, or to submit a
 9 written statement prior to the hearing, relevant to the issues to be determined at the
 10 hearing. The foster parent, treatment foster parent, operator of a facility, or relative
 11 does not become a party to the proceeding on which the hearing is held solely on the
 12 basis of receiving that notice and right to be heard.

13 **SECTION 168.** 938.38 (4m) (b) and (d) of the statutes, as created by 2009
 14 Wisconsin Act (this act), are amended to read:

15 938.38 (4m) (b) At least 10 days before the date of the hearing the court shall
 16 notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the
 17 juvenile's foster parent ~~or treatment foster parent~~, the operator of the facility in
 18 which the juvenile is living, or the relative with whom the juvenile is living of the
 19 time, place, and purpose of the hearing, of the issues to be determined at the hearing,
 20 and of the fact that they shall have a right to be heard at the hearing.

21 (d) The court shall give a foster parent, ~~treatment foster parent~~, operator of a
 22 facility, or relative who is notified of a hearing under par. (b) a right to be heard at
 23 the hearing by permitting the foster parent, ~~treatment foster parent~~, operator, or
 24 relative to make a written or oral statement during the hearing, or to submit a
 25 written statement prior to the hearing, relevant to the issues to be determined at the

If the court permits such a written or oral statement to be made or
 submitted, the court may nonetheless require the juvenile to be
 physically present at the hearing.

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1 hearing. The foster parent, ~~treatment foster parent~~, operator of a facility, or relative
2 does not become a party to the proceeding on which the hearing is held solely on the
3 basis of receiving that notice and right to be heard.

4 **SECTION 169.** 938.38 (5) (b) of the statutes is amended to read:

5 938.38 (5) (b) The court or the agency shall notify ~~the parents of the juvenile,~~
6 ~~the juvenile, if he or she is 10 years of age or older, and; the juvenile's parent,~~
7 guardian, and legal custodian; and the juvenile's foster parent, ~~the juvenile's or~~
8 treatment foster parent, the operator of the facility in which the juvenile is living,
9 or the relative with whom the juvenile is living of the ~~date, time, and place, and~~
10 purpose of the review, of the issues to be determined as part of the review, and of the
11 fact that they ~~may have an opportunity~~ shall have a right to be heard at the review
12 ~~by submitting written comments not less than 10 working days before the review or~~
13 ~~by participating at the review as provided in par. (bm) 1.~~ The court or agency shall
14 notify the person representing the interests of the public, the juvenile's counsel, and
15 the juvenile's guardian ad litem of the ~~date~~ time, place, and purpose of the review,
16 of the issues to be determined as part of the review, and of the fact that they may
17 ~~submit written comments not less than 10 working days before the review~~ have an
18 opportunity to be heard at the review as provided in par. (bm) 1. The notices under
19 this paragraph shall be provided in writing not less than 30 days before the review
20 and copies of the notices shall be filed in the juvenile's case record.

21 **SECTION 170.** 938.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Acts
22 28 and (this act), is repealed and recreated to read:

23 938.38 (5) (b) The court or the agency shall notify the juvenile; the juvenile's
24 parent, guardian, and legal custodian; and the juvenile's foster parent, the operator
25 of the facility in which the juvenile is living, or the relative with whom the juvenile

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1 is living of the time, place, and purpose of the review, of the issues to be determined
2 as part of the review, and of the fact that they shall have a right to be heard at the
3 review as provided in par. (bm) 1. The court or agency shall notify the person
4 representing the interests of the public, the juvenile's counsel, and the juvenile's
5 guardian ad litem of the time, place, and purpose of the review, of the issues to be
6 determined as part of the review, and of the fact that they may have an opportunity
7 to be heard at the review as provided in par. (bm) 1. The notices under this paragraph
8 shall be provided in writing not less than 30 days before the review and copies of the
9 notices shall be filed in the juvenile's case record.

10 **SECTION 171.** 938.38 (5) (bm) of the statutes is created to read:

11 938.38 (5) (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent,
12 treatment foster parent, operator of a facility, or relative who is provided notice of the
13 review under par. (b) shall have a right to be heard at the review by submitting
14 written comments relevant to the determinations specified in par. (c) not less than
15 10 working days before the date of the review or by participating at the review. A
16 person representing the interests of the public, counsel, or guardian ad litem who is
17 provided notice of the review under par. (b) may have an opportunity to be heard at
18 the review by submitting written comments relevant to the determinations specified
19 in par. (c) not less than 10 working days before the date of the review. A foster parent,
20 ~~treatment~~ foster parent, operator of a facility, or relative who receives notice of a
21 ~~hearing~~ ^{review} under par. (b) and a right to be heard under this subdivision does not become
22 a party to the proceeding on which the review is held solely on the basis of receiving
23 that notice and right to be heard.

24 2. If the juvenile's permanency plan includes an independent living plan under

25 sub. (4) (h) or a statement under sub. (4) (i) indicating that the juvenile's age and

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① If none of those circumstances apply, the court or panel may permit

1 developmental level are sufficient for the court or panel to consult with the juvenile
 2 regarding the juvenile's permanency plan or if, notwithstanding a decision under
 3 sub. (4) (i) that it would not be appropriate for the court or panel to consult with the
 4 juvenile, the court or panel determines that consultation with the juvenile would be
 5 in the best interests of the juvenile, the court or panel shall consult with the juvenile,
 6 in an age-appropriate and developmentally appropriate manner, regarding the
 7 juvenile's permanency plan and any other matters the court or panel finds
 8 appropriate ~~by permitting the juvenile~~ the juvenile's caseworker, the juvenile's
 9 counsel, or, subject to s. 938.235 (3) (a), the juvenile's guardian ad litem to make a
 10 written or oral statement during the review, or to submit a written statement prior
 11 to the review, expressing the juvenile's wishes, goals, and concerns regarding the
 12 permanency plan and those matters. ~~A caseworker, counsel, or guardian ad litem~~
 13 ~~who makes or submits a statement under this subdivision shall advise the court or~~
 14 ~~panel that the statement represents the wishes, goals, and concerns, but not~~
 15 ~~necessarily the best interests, of the juvenile~~

SECTION 172. 938.38 (5) (bm) 1. of the statutes, as created by 2009 Wisconsin Act (this act), is amended to read:

18 938.38 (5) (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent,
 19 ~~treatment foster parent~~, operator of a facility, or relative who is provided notice of the
 20 review under par. (b) shall have a right to be heard at the review by submitting
 21 written comments relevant to the determinations specified in par. (c) not less than
 22 10 working days before the date of the review or by participating at the review. A
 23 person representing the interests of the public, counsel, or guardian ad litem who is
 24 provided notice of the review under par. (b) may have an opportunity to be heard at
 25 the review by submitting written comments relevant to the determinations specified

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 If the court or panel permits, such a written or oral statement to be made or submitted, the court or panel may nonetheless require the juvenile to be physically present at the review.

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in a foster home, treatment foster home, group home, non-secured residential care center for children and youth, or shelter care facility

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1 in par. (c) not less than 10 working days before the date of the review. A foster parent,
2 ~~treatment foster parent~~, operator of a facility, or relative who receives notice of a
3 hearing under par. (b) and a right to be heard under this subdivision does not become
4 a party to the proceeding on which the review is held solely on the basis of receiving
5 that notice and right to be heard.

6 **SECTION 173.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

7 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
8 home, as described in s. 938.365 (1), for 15 of the most recent 22 months, not including

9 ~~any period during which the juvenile's care was not eligible for reimbursement under~~

10 ~~42 USC 670 to 679b,~~ any period during which the juvenile was a runaway from the

11 out-of-home placement, or the first 6 months of any period during which the juvenile

12 was returned to his or her home for a trial home visit, the appropriateness of the

13 permanency plan and the circumstances which prevent the juvenile from any of the

14 following: including, if appropriate, through an out-of-state placement. ✓

15 **SECTION 174.** 938.38 (5) (c) 7. of the statutes is amended to read:

16 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve

17 the goal of the permanency plan, unless return of the juvenile to the home is the goal

18 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)

19 1. to 4. applies. ~~If the goal of the permanency plan is to place the juvenile for adoption,~~

20 ~~with a guardian, with a fit and willing relative, or in some other alternative~~

21 ~~permanent placement, the reasonable efforts determination under this subdivision~~

22 ~~shall include a determination as to whether reasonable efforts were made by the~~

23 ~~agency to place the juvenile in a safe and appropriate placement outside this state~~

24 ~~that is in the best interests of the juvenile and appropriate to achieving the goal of~~

25 ~~the juvenile's permanency plan. If the juvenile is placed in a placement outside this~~

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1 ~~state, that determination shall include a determination as to whether that~~
2 ~~placement continues to be in the best interests of the juvenile and appropriate to~~
3 ~~achieving the goal of the juvenile's permanency plan.~~

4 **SECTION 175.** 938.38 (5) (c) 8. of the statutes is created to read:

5 938.38 (5) (c) 8. If the juvenile has one or more siblings, as defined in s. 938.38
6 (4) (br) 1., who have also been removed from the home, whether reasonable efforts
7 were made by the agency to place the juvenile in a placement that enables the sibling
8 group to remain together, unless the court or panel determines that a joint placement
9 would be contrary to the safety or well-being of the juvenile or any of those siblings,
10 in which case the court or panel shall determine whether reasonable efforts were
11 made by the agency to provide for frequent visitation or other ongoing interaction
12 between the juvenile and those siblings, unless the court or panel determines that
13 such visitation or interaction would be contrary to the safety or well-being of the
14 juvenile or any of those siblings.

15 **SECTION 176.** 938.38 (5) (d) of the statutes is amended to read:

16 938.38 (5) (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the
17 permanency plan shall, at least 5 days before a review by a review panel, provide to
18 each person appointed to the review panel, the person representing the interests of
19 the public, the juvenile's counsel, and the juvenile's guardian ad litem a copy of the
20 permanency plan and any written comments submitted under par. ~~(b)~~ (bm) 1.
21 Notwithstanding s. 938.78 (2) (a), a person appointed to a review panel, the person
22 representing the interests of the public, the juvenile's counsel, and the juvenile's
23 guardian ad litem may have access to any other records concerning the juvenile for
24 the purpose of participating in the review. A person permitted access to a juvenile's

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1 records under this paragraph may not disclose any information from the records to
2 any other person.

3 **SECTION 177.** 938.38 (5) (e) of the statutes is amended to read:

4 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
5 the determinations under par. (c) and shall provide a copy to the court that entered
6 the order, the juvenile or the juvenile's counsel or guardian ad litem, the person
7 representing the interests of the public, the juvenile's parent ~~or~~, guardian, and legal
8 custodian, and the juvenile's foster parent, ~~the juvenile's or~~ treatment foster parent
9 ~~or~~, the operator of the facility where the juvenile is living, or the relative with whom
10 the juvenile is living.

11 **SECTION 178.** 938.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Acts
12 28 and (this act), is repealed and recreated to read:

13 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
14 the determinations under par. (c) and shall provide a copy to the court that entered
15 the order, the juvenile or the juvenile's counsel or guardian ad litem, the person
16 representing the interests of the public, the juvenile's parent, guardian, and legal
17 custodian, and the juvenile's foster parent, the operator of the facility where the
18 juvenile is living, or the relative with whom the juvenile is living.

19 **SECTION 179.** 938.38 (5m) (b) of the statutes is amended to read:

20 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
21 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the
22 juvenile's foster parent or treatment foster parent, the operator of the facility in
23 which the juvenile is living, or the relative with whom the juvenile is living; of the
24 time, place, and purpose of the hearing, of the issues to be determined at the hearing,
25 and of the fact that they shall have a right to be heard at the hearing as provided in

BILL

1 par. (c) 1. and shall notify the juvenile's counsel, and the juvenile's guardian ad litem;
2 the agency that prepared the permanency plan; and the person representing the
3 interests of the public of the date, time, and place, and purpose of the hearing, of the
4 issues to be determined at the hearing, and of the fact that they may have an
5 opportunity to be heard at the hearing as provided in par. (c) 1.

6 **SECTION 180.** 938.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Acts
7 28 and (this act), is repealed and recreated to read:

8 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
9 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the
10 juvenile's foster parent, the operator of the facility in which the juvenile is living, or
11 the relative with whom the juvenile is living of the time, place, and purpose of the
12 hearing, of the issues to be determined at the hearing, and of the fact that they shall
13 have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the
14 juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the
15 permanency plan; and the person representing the interests of the public of the time,
16 place, and purpose of the hearing, of the issues to be determined at the hearing, and
17 of the fact that they may have an opportunity to be heard at the hearing as provided
18 in par. (c) 1.

19 **SECTION 181.** 938.38 (5m) (c) of the statutes is renumbered 938.38 (5m) (c) 1.
20 and amended to read:

21 938.38 (5m) (c) 1. Any person A juvenile, parent, guardian, legal custodian,
22 foster parent, treatment foster parent, operator of a facility, or relative who is
23 provided notice of the hearing may have an opportunity under par. (b) shall have a
24 right to be heard at the hearing by submitting written comments relevant to the
25 determinations specified in sub. (5) (c) not less than 10 working days before the date

BILL**SECTION 181**

1 of the hearing or by participating at the hearing. A counsel, guardian ad litem,
2 agency, or person representing the interests of the public who is provided notice of
3 the hearing under par. (b) may have an opportunity to be heard at the hearing by
4 submitting written comments relevant to the determinations specified in sub. (5) (c)
5 not less than 10 working days before the date of the hearing or by participating at
6 the hearing. A foster parent, treatment foster parent, operator of a facility ~~in which~~
7 ~~a juvenile is living, or relative with whom a juvenile is living~~ who receives notice of
8 a hearing under par. (b) and ~~an opportunity~~ a right to be heard under this paragraph
9 subdivision does not become a party to the proceeding on which the hearing is held
10 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

11 **SECTION 182.** 938.38 (5m) (c) 1. of the statutes, as affected by 2009 Wisconsin
12 Acts 28 and (this act), is repealed and recreated to read:

13 938.38 (5m) (c) 1. A juvenile, parent, guardian, legal custodian, foster parent,
14 operator of a facility, or relative who is provided notice of the hearing under par. (b)
15 shall have a right to be heard at the hearing by submitting written comments
16 relevant to the determinations specified in sub. (5) (c) not less than 10 working days
17 before the date of the hearing or by participating at the hearing. A counsel, guardian
18 ad litem, agency, or person representing the interests of the public who is provided
19 notice of the hearing under par. (b) may have an opportunity to be heard at the
20 hearing by submitting written comments relevant to the determinations specified in
21 sub. (5) (c) not less than 10 working days before the date of the hearing or by
22 participating at the hearing. A foster parent, operator of a facility, or relative who
23 receives notice of a hearing under par. (b) and a right to be heard under this
24 subdivision does not become a party to the proceeding on which the hearing is held
25 solely on the basis of receiving that notice and right to be heard.

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Ⓟ If none of those circumstances apply, the court may permit

SECTION 183. 938.38 (5m) (c) 2. of the statutes is created to read:

938.38 (5m) (c) 2. If the juvenile's permanency plan includes ~~an independent~~

~~living plan under sub. (4) (b) or~~ a statement under sub. (4) (i) indicating that the

juvenile's age and developmental level are sufficient for the court to consult with the

juvenile regarding the juvenile's permanency plan or if, notwithstanding a decision

under sub. (4) (i) that it would not be appropriate for the court to consult with the

juvenile, the court determines that consultation with the juvenile would be in the

best interests of the juvenile, the court shall consult with the juvenile, in an

age-appropriate and developmentally appropriate manner, regarding the juvenile's

permanency plan and any other matters the court finds appropriate ~~by permitting~~

~~the juvenile,~~ the juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235

(3) (a), the juvenile's guardian ad litem to make a written or oral statement during

the hearing, or to submit a written statement prior to the hearing, expressing the

juvenile's wishes, goals, and concerns regarding the permanency plan and those

matters. ~~A caseworker, counsel, or guardian ad litem who makes or submits a~~

~~statement under this subdivision shall advise the court that the statement~~

~~represents the wishes, goals, and concerns, but not necessarily the best interests, of~~

~~the juvenile.~~ *If the court permits such a written or oral statement to be made*

SECTION 184. 938.38 (5m) (d) of the statutes is amended to read: *or submitted, the court may nonetheless require the juvenile to*

938.38 (5m) (d) At least 5 days before the date of the hearing the agency that *be physically present at the hearing*

prepared the permanency plan shall provide a copy of the permanency plan and any

written comments submitted under par. (c) 1. to the court, to the juvenile's parent,

guardian, and legal custodian, to the person representing the interests of the public,

and to the juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a),

the person representing the interests of the public and the juvenile's counsel or

BILL**SECTION 184**

1 guardian ad litem may have access to any other records concerning the juvenile for
2 the purpose of participating in the review. A person permitted access to a juvenile's
3 records under this paragraph may not disclose any information from the records to
4 any other person.

5 ~~SECTION 185. 938.38 (5m) (e) of the statutes is amended to read:~~

6 938.38 (5m) (e) After the hearing, the court shall make written findings of fact
7 and conclusions of law relating to the determinations under sub. (5) (c) and shall
8 provide a copy of those findings of fact and conclusions of law to the juvenile; the
9 juvenile's parent, guardian, and legal custodian; the juvenile's foster parent or
10 treatment foster parent, the operator of the facility in which the juvenile is living,
11 or the relative with whom the juvenile is living; the agency that prepared the
12 permanency plan; and the person representing the interests of the public. The court
13 shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on
14 circumstances specific to the juvenile and shall document or reference the specific
15 information on which those findings are based in the findings of fact and conclusions
16 of law prepared under this paragraph. Findings of fact and conclusions of law that
17 merely reference sub. (5) (c) 7. without documenting or referencing that specific
18 information in the findings of fact and conclusions of law or amended findings of fact
19 and conclusions of law that retroactively correct earlier findings of fact and
20 conclusions of law that do not comply with this paragraph are not sufficient to comply
21 with this paragraph.

22 ~~SECTION 186. 938.38 (5m) (e) of the statutes, as affected by 2009 Wisconsin Acts~~
23 ~~28 and (this act), is repealed and recreated to read:~~

24 938.38 (5m) (e) After the hearing, the court shall make written findings of fact
25 and conclusions of law relating to the determinations under sub. (5) (c) and shall

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1 provide a copy of those findings of fact and conclusions of law to the juvenile; the
2 juvenile's parent, guardian, and legal custodian; the juvenile's foster parent, the
3 operator of the facility in which the juvenile is living, or the relative with whom the
4 juvenile is living; the agency that prepared the permanency plan; and the person
5 representing the interests of the public. The court shall make the findings specified
6 in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the
7 juvenile and shall document or reference the specific information on which those
8 findings are based in the findings of fact and conclusions of law prepared under this
9 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)
10 7. without documenting or referencing that specific information in the findings of fact
11 and conclusions of law are not sufficient to comply with this paragraph.

12 **SECTION 187.** 938.78 (2) (i) of the statutes is created to read:

13 938.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing
14 information to a relative of a juvenile placed outside of his or her home only to the
15 extent necessary to facilitate the establishment of a relationship between the
16 juvenile and the relative or a placement of the juvenile with the relative or from
17 disclosing information under s. 938.21 (5) (e), 938.355 (2) (cm), or 938.357 (2v) (d).
18 In this paragraph, "relative" includes a relative whose relationship is derived
19 through a parent of the juvenile whose parental rights are terminated.

20 **SECTION 188.** 938.78 (2) (j) of the statutes is created to read:

21 938.78 (2) (j) Paragraph (a) does not prohibit an agency from disclosing
22 information to any public or private agency in this state or any other state that is
23 investigating a person for purposes of licensing the person to operate a foster home
24 or placing a juvenile for adoption in the home of the person.

25 **SECTION 189.** 938.9995 of the statutes is created to read:

BILL**SECTION 189**

1 **938.9995 Expediting interstate placements of juveniles.** The courts of
2 this state shall do all of the following to expedite the interstate placement of
3 juveniles:

4 (1) Subject to ss. 48.396 (2) and 938.396 (2), cooperate with the courts of other
5 states in the sharing of information.

6 (2) To the greatest extent possible, obtain information and testimony from
7 agencies and parties located in other states without requiring interstate travel by
8 those agencies and parties.

9 (3) Permit parents, juveniles, other necessary parties, attorneys, and
10 guardians ad litem in proceedings involving the interstate placement of a juvenile
11 to participate in those proceedings without requiring interstate travel by those
12 persons.

13 **SECTION 190. Initial applicability.**

14 (1) PERMANENCY PLANS.

15 (a) *Permanency plan contents.* The treatment of sections 48.38 (4) (fm), (h)
16 (intro.) and (i) and 938.38 (4), (fm), (h) (intro.) and (i) of the statutes first applies to
17 permanency plans filed on the effective date of this paragraph.

18 (b) *Permanency plan hearings and reviews.* The treatment of sections 48.38
19 (4m) (a) and (c) and (5) (bm) 2. and (c) 6. (intro.), 7., and 8. and 938.38 (4m) (a) and
20 (c) and (5) (bm) 2. and (c) 6. (intro.), 7., and 8. of the statutes and the creation of
21 sections 48.38 (5m) (c) 2., 48.43 (5) (b) 2., and 938.38 (5m) (c) 2. of the statutes first
22 apply to hearings and reviews for which a permanency plan is filed or provided on
23 the effective date of this paragraph.

24 (2) RIGHT TO BE HEARD. The amendment of sections 48.27 (3) (a) 1m. and (6),
25 48.357 (2m) (b) and (2r), 48.363 (1) (b) and (1m), 48.365 (2m) (ag), 48.38 (5) (b) and

BILL

1 (5m) (b), 48.42 (2g) (am), 48.427 (1m), 48.63 (5) (d) 4., 767.41 (3) (c), 938.27 (3) (a) 1m.
 2 and (6), 938.357 (2r), 938.363 (1) (b) and (1m), 938.365 (2) and (2m) (ag), 938.38 (5)
 3 (b) and (5m) (b) of the statutes, the renumbering and amendment of sections 48.38
 4 (5m) (c), 48.43 (5) (b), and 938.38 (5m) (c) of the statutes, and the creation of sections
 5 48.38 (4m) (b) and (d) and (5) (bm) 1., 48.43 (5) (b) 3., and 938.38 (4m) (b) and (d) and
 6 (5) (bm) 1. of the statutes first apply to hearings for which notice is provided on the
 7 effective date of this subsection.

8 (3) TESTING INFANTS FOR CONTROLLED SUBSTANCES. The treatment of sections
 9 46.238 and 146.0255 (2) and (3) (b) of the statutes first applies to tests for controlled
 10 substances or controlled substance analogs performed on the effective date of this
 11 subsection.

48.425 (1) (c) ↗

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

48.365 (2m) (a) 1. ↗

16 (5) JUVENILE COURT HEARINGS. The treatment of sections 48.21 (3) (f), 48.335 (3g)
 17 (c) and (6), 48.357 (1) (c) 2m. and (2m) (bm), 938.21 (2) (e) and (3) (f), 938.335 (3g) (c)
 18 and (6), ^eand 938.357 (1) (c) 2m. and (2m) (bm) of the statutes first applies to hearings
 19 held by the court assigned to exercise jurisdiction under chapters 48 and 938 on the
 20 effective date of this subsection.

↑ and 938.365 (2m) (a) 1. ↗

(b) 6. and

21 (6) JUVENILE COURT ORDERS. The treatment of sections 48.21 (5) (e), 48.32 (1) (b)
 22 1. c., 48.355 (2) (cm), 48.357 (2v) (d), 938.21 (5) (e), 938.32 (1) (c) 1. c., 938.355 (2) (cm),
 23 and 938.357 (2v) (d) of the statutes first applies to a temporary physical custody
 24 order, consent decree, dispositional order, or change in placement order entered on
 25 the effective date of this subsection.

(b) 6. and

48.43 (1) (cm) ↗

LPS: it says
 • 48.43 (1) (cm) ↗

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1 (7) PLACEMENT WITH SIBLING.

2 (a) *Out-of-home placement.* The treatment of sections 48.21 (5) (b) 2m., 48.33
3 (4) (d), 48.335 (3g) (d), 48.355 (2) (b) 6p., 48.357 (2v) (a) 2m., 938.21 (5) (b) 2m., 938.33
4 (4) (d), 938.335 (3g) (d), 938.355 (2) (b) 6p. and 938.357 (2v) (a) 2m. of the statutes,
5 the renumbering and amendment of sections 48.38 (4) (br) and 938.38 (4) (br) of the
6 statutes, and the creation of sections 48.38 (4) (br) 2. and 938.38 (4) (br) 2. of the
7 statutes first apply to a child who is removed from his or her home on the effective
8 date of this subsection.

9 (b) *Adoptive placement.* The treatment of section 48.834 (2) of the statutes first
10 applies to a child who is placed for adoption on the effective date of this subsection.

11 ~~(8) AMENDED ORDERS. The treatment of sections 48.21 (5) (c), 48.32 (1) (b) 3.,~~
12 ~~48.355 (2) (b) 6. and (2d) (bm), 48.357 (2v) (b), 48.365 (2m) (a) 3., 48.43 (1) (cm), 48.977~~
13 ~~(2) (f), 767.41 (3) (am), 938.21 (5) (c), 938.32 (1) (c) 3., 938.355 (2) (b) 6., (2d) (bm), (6)~~
14 ~~(cm), and (6m) (em), 938.357 (2v) (b), and 938.365 (2m) (a) 3. of the statutes and the~~
15 ~~amendment of sections 48.38 (5m) (e) and 938.38 (5m) (e) of the statutes first applies~~
16 ~~to an amended order granted on the effective date of this subsection,~~
17 ~~notwithstanding that the original order was granted before the effective date of this~~
18 ~~subsection.~~

48.385 ✓

L.P.S. This should be
a 99 statute
not a handwritten
number

19 (8) (9) TRANSITION PLAN. The creation of section 48.648 of the statutes first applies
20 to a child who attains 18 years of age 90 days after the effective date of this subsection
21 or, if a child is subject to an order of the court assigned to exercise jurisdiction under
22 chapters 48 and 938 that terminates after the child attains 18 years of age, to an
23 order that terminates 90 days after the effective date of this subsection.

24 **SECTION 191. Effective dates.** This act takes effect on January 1, 2010, or on
25 the day after publication, except as follows:

BILL

48.385,

(2g) (b) 3. and

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11

(1) TREATMENT FOSTER HOMES. The amendment of sections 48.38 (4m) (b) and (d) and (5) (bm) 1., 48.43 (5) (b) 3., ~~48.43~~, and 938.38 (4m) (b) and (d) and (5) (bm) 1. of the statutes and the repeal and recreation of sections 48.27 (3) (a) 1m. and (6), 48.357 (2m) (b) and (2r), 48.363 (1) (b) and (1m), 48.365 (2m) (ag), 48.38 (5) (b) and (e) and (5m) (b) (c) 1., ~~48.42~~, 48.42 (2g) (am), 48.427 (1m), 48.43 (5) (b) 1. and (5m), 767.41 (3) (c), 938.27 (3) (a) 1m. and (6), ~~938.357~~ (2r), 938.363 (1) (b) and (1m), 938.365 (2) and (2m) (ag), and 938.38 (5) (b) and (e) and (5m) (b) (c) 1. ~~and (e)~~ take effect on the date state in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes, or on the day after publication, whichever is later.

(END)

and

48.417 (1) (a)

(c) 6. (intro.)

"and" stays

(2g) (b) 3.

(c) 6. (intro.)

and

of the statute

2009-2010 DRAFTING INSERT
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(INSERT 33-23)

✓

1 **SECTION 1.** 48.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act
2 (this act), is repealed and recreated to read:

3 48.365 (2g) (b) 3. If the child has been placed outside of his or her home in a
4 foster home, group home, residential care center for children and youth, or shelter
5 care facility for 15 of the most recent 22 months, not including any period during
6 which the child was a runaway from the out-of-home placement or the first 6 months
7 of any period during which the child was returned to his or her home for a trial home
8 visit, a statement of whether or not a recommendation has been made to terminate
9 the parental rights of the parents of the child. If a recommendation for a termination
10 of parental rights has been made, the statement shall indicate the date on which the
11 recommendation was made, any previous progress made to accomplish the
12 termination of parental rights, any barriers to the termination of parental rights,
13 specific steps to overcome the barriers and when the steps will be completed, reasons
14 why adoption would be in the best interest of the child, and whether or not the child
15 should be registered with the adoption information exchange. If a recommendation
16 for termination of parental rights has not been made, the statement shall include an
17 explanation of the reasons why a recommendation for termination of parental rights
18 has not been made. If the lack of appropriate adoptive resources is the primary
19 reason for not recommending a termination of parental rights, the agency shall
20 recommend that the child be registered with the adoption information exchange or
21 report the reason why registering the child is contrary to the best interest of the child.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28.

22 **SECTION 2.** 48.365 (2m) (a) 1. of the statutes is amended to read:

1 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
2 extension. If the child is placed outside of his or her home, the person or agency
3 primarily responsible for providing services to the child shall present as evidence
4 specific information showing that the agency has made reasonable efforts to achieve
5 the goal of the child’s permanency plan, including, if appropriate, through an
6 out-of-state placement, unless return of the child to the home is the goal of the
7 permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
8 applies. The judge shall make findings of fact and conclusions of law based on the
9 evidence. The findings of fact shall include a finding as to whether reasonable efforts
10 were made by the agency primarily responsible for providing services to the child to
11 achieve the goal of the child’s permanency plan, including, if appropriate, through
12 an out-of-state placement, unless return of the child to the home is the goal of the
13 permanency plan and the judge finds that any of the circumstances specified in s.
14 48.355 (2d) (b) 1. to 5. applies. An order shall be issued under s. 48.355.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28.

(END OF INSERT)

(INSERT 44-19)

15 **SECTION 3.** 48.38 (5) (c) 6. (intro.) of the statutes, as affected by 2009 Wisconsin
16 Act (this act), is repealed and recreated to read:

17 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,
18 as described in s. 48.365 (1), in a foster home, group home, residential care center for
19 children and youth, or shelter care facility for 15 of the most recent 22 months, not
20 including any period during which the child was a runaway from the out-of-home
21 placement or the first 6 months of any period during which the child was returned

1 center for children and youth or in the home of a relative other than a parent attains
 2 18 years of age or, if the child is placed in such a placement under an order under s.
 3 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355
 4 (4) or 938.355 (4) after the child attains 18 years of age, by no later than 90 days
 5 before the termination of the order, the agency primarily responsible for providing
 6 services to the child under the order shall provide the child with assistance and
 7 support in developing a plan for making the transition from out-of-home care to
 8 independent living. The transition plan shall be personalized at the direction of the
 9 child, shall be as detailed as the child directs, and shall include specific options for
 10 obtaining housing, health care, education, mentoring and continuing support
 11 services, and workforce support and employment services.

(END OF INSERT)

(INSERT 52-5)



12 **SECTION 6.** 48.417 (1) (a) of the statutes, as affected by 2009 Wisconsin Act
 13 (this act), is repealed and recreated to read:
 14 48.417 (1) (a) The child has been placed outside of his or her home, as described
 15 in s. 48.365 (1) or 938.365 (1), in a foster home, group home, nonsecured residential
 16 care center for children and youth, or shelter care facility for 15 of the most recent
 17 22 months, not including any period during which the child was a runaway from the
 18 out-of-home placement or the first 6 months of any period during which the child
 19 was returned to his or her home for a trial home visit. If the circumstances specified
 20 in this paragraph apply, the petition shall be filed or joined in by the last day of the

1 15th month, as described in this paragraph, for which the child was placed outside
2 of his or her home.

History: 1997 a. 237; 2001 a. 109; 2005 a. 277; 2007 a. 20, 116.

(END OF INSERT)

(INSERT 53-2)

3 SECTION 7. 48.425 (1) (c) of the statutes is amended to read:

4 48.425 (1) (c) If the child has been previously adjudicated to be in need of
5 protection and services, a statement of the steps the agency or person responsible for
6 provision of services has taken to remedy the conditions responsible for court
7 intervention and the parent's response to and cooperation with these services. If the
8 child has been removed from the home, the report shall also include a statement of
9 the reasons why the child cannot be returned safely to the family and the steps the
10 person or agency has taken to effect this return. If a permanency plan has previously
11 been prepared for the child, the report shall also include specific information
12 showing that the agency primarily responsible for providing services to the child has
13 made reasonable efforts to achieve the goal of the child's permanency plan, including,
14 if appropriate, through an out-of-state placement.

History: 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 359; 1983 a. 471; 1985 a. 176; 1995 a. 275; 1997 a. 237; 2005 a. 25, 232; 2007 a. 20.

(END OF INSERT)

(INSERT 54-11)

15 SECTION 8. 48.43 (1) (cm) of the statutes is amended to read:

16 48.43 (1) (cm) If a permanency plan has previously been prepared for the child,
17 a finding as to whether the agency primarily responsible for providing services to the
18 child has made reasonable efforts to achieve the goal of the child's permanency plan,
19 including, if appropriate, through an out-of-state placement. The court shall make

1 the findings specified in this paragraph on a case-by-case basis based on
2 circumstances specific to the child and shall document or reference the specific
3 information on which those findings are based in the order. An order that merely
4 references this paragraph without documenting or referencing that specific
5 information in the order or an amended order that retroactively corrects an earlier
6 order that does not comply with this paragraph is not sufficient to comply with this
7 paragraph.

History: 1979 c. 330; 1983 a. 27, 219, 286; 1985 a. 70, 176, 332; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1993 a. 395, 446; 1995 a. 275; 1997 a. 237; 2005 a. 232, 293, 296; 2007 a. 20, 199; 2009 a. 28.

(END OF INSERT)

(INSERT 85-23)

8 **SECTION 9. 938.365 (2g) (b) 3.** of the statutes, as affected by 2009 Wisconsin Act
9 ... (this act), is repealed and recreated to read:

10 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
11 in a foster home, group home, nonsecured residential care center for children and
12 youth, or shelter care facility for 15 of the most recent 22 months, not including any
13 period during which the juvenile was a runaway from the out-of-home placement
14 or the first 6 months of any period during which the juvenile was returned to his or
15 her home for a trial home visit, a statement of whether or not a recommendation has
16 been made to terminate the parental rights of the parents of the juvenile. If a
17 recommendation for a termination of parental rights has been made, the statement
18 shall indicate the date on which the recommendation was made, any previous
19 progress made to accomplish the termination of parental rights, any barriers to the
20 termination of parental rights, specific steps to overcome the barriers and when the
21 steps will be completed, reasons why adoption would be in the best interest of the
22 juvenile and whether or not the juvenile should be registered with the adoption

1 information exchange. If a recommendation for termination of parental rights has
 2 not been made, the statement shall include an explanation of the reasons why a
 3 recommendation for termination of parental rights has not been made. If the lack
 4 of appropriate adoptive resources is the primary reason for not recommending a
 5 termination of parental rights, the agency shall recommend that the juvenile be
 6 registered with the adoption information exchange or report the reason why
 7 registering the juvenile is contrary to the best interest of the juvenile.

History: 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344; 2007 a. 199; 2009 a. 28.

8 **SECTION 10. 938.365 (2m) (a) 1.** of the statutes is amended to read:

9 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
 10 extension. If the juvenile is placed outside of his or her home, the person or agency
 11 primarily responsible for providing services to the juvenile shall present as evidence
 12 specific information showing that the agency has made reasonable efforts to achieve
 13 the goal of the juvenile's permanency plan, including, if appropriate, through ^{e an} on
 14 out-of-state placement, unless return of the juvenile to the home is the goal of the
 15 permanency plan and any of the circumstances under s. 938.355 (2d) (b) 1. to 4.
 16 applies. The court shall make findings of fact and conclusions of law based on the
 17 evidence. The findings of fact shall include a finding as to whether reasonable efforts
 18 were made by the agency primarily responsible for providing services to the juvenile
 19 to achieve the goal of the juvenile's permanency plan, including, if appropriate,
 20 through ^{e an} on out-of-state placement, unless return of the juvenile to the home is the
 21 goal of the permanency plan and the court finds that any of the circumstances under
 22 s. 938.355 (2d) (b) 1. to 4. applies. An order shall be issued under s. 938.355.

History: 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344; 2007 a. 199; 2009 a. 28.

(END OF INSERT)

(INSERT 96-14)

1 **SECTION 11.** 938.38 (5) (c) 6. (intro.) of the statutes, as affected by 2009
2 Wisconsin Act (this act), is repealed and recreated to read:

3 **938.38 (5) (c) 6. (intro.)** If the juvenile has been placed outside of his or her
4 home, as described in s. 938.365 (1), in a foster home, group home, nonsecured
5 residential care center for children and youth, or shelter care facility for 15 of the
6 most recent 22 months, not including any period during which the juvenile was a
7 runaway from the out-of-home placement or the first 6 months of any period during
8 which the juvenile was returned to his or her home for a trial home visit, the
9 appropriateness of the permanency plan and the circumstances which prevent the
10 juvenile from any of the following:

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448; 2007 a. 20, 97; 2009 a. 28.
(END OF INSERT)

Duerst, Christina

From: Kahn, Carrie
Sent: Wednesday, September 16, 2009 4:04 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-2993/2 Topic: Out-of-home placements and child abuse reporting; federal compliance

Please Jacket LRB 09-2993/2 for the SENATE.