



State of Wisconsin  
2011 - 2012 LEGISLATURE



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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 599**

March 8, 2012 – Offered by Representative KERKMAN.

1     **AN ACT** *to renumber and amend* 48.355 (2b) and 938.355 (2b); *to amend* 48.21  
2           (5) (d), 48.299 (4) (b), 48.315 (2m) (b), 48.32 (1) (b) 1. c., 48.32 (1) (c), 48.33 (4)  
3           (c), 48.335 (3g) (c), 48.335 (4), 48.355 (2) (b) 6., 48.355 (2b) (title), 48.355 (2c) (b),  
4           48.355 (2d) (b) (intro.), 48.355 (2d) (c), 48.355 (2e) (b), 48.357 (2v) (c), 48.363 (1)  
5           (a), 48.365 (2g) (b) 2., 48.365 (2g) (b) 3., 48.365 (2m) (a) 1., 48.365 (2m) (a) 1m.,  
6           48.365 (2m) (a) 3., 48.365 (2m) (ad), 48.365 (7), 48.371 (5), 48.38 (2) (intro.),  
7           48.38 (4) (ar), 48.38 (4) (f) 3., 48.38 (4) (fg) (intro.), 48.38 (4) (fg) 5., 48.38 (4) (fm),  
8           48.38 (4) (i), 48.38 (4m) (title), 48.38 (5) (title), 48.38 (5) (a), 48.38 (5) (am), 48.38  
9           (5) (c) 5., 48.38 (5) (c) 6. (intro.), 48.38 (5) (c) 6. d., 48.38 (5) (c) 7., 48.38 (5) (f),  
10          48.38 (5m) (title), 48.38 (5m) (a), 48.38 (5m) (b), 48.38 (5m) (f), 48.38 (6) (a),  
11          48.417 (1) (a), 48.43 (1) (cm), 48.43 (5m), 48.63 (5) (d) 4., 48.977 (4) (i) (title),  
12          757.69 (1) (g) 14., 938.21 (5) (d), 938.315 (2m) (b), 938.32 (1) (c) 1. c., 938.32 (1)  
13          (d), 938.33 (4) (c), 938.335 (3g) (c), 938.335 (4), 938.355 (2) (b) 6., 938.355 (2c)

1 (b), 938.355 (2d) (b) (intro.), 938.355 (2d) (c), 938.355 (2e) (b), 938.357 (2v) (c),  
2 938.363 (1) (a), 938.365 (2g) (b) 2., 938.365 (2g) (b) 3., 938.365 (2m) (a) 1.,  
3 938.365 (2m) (a) 1m., 938.365 (2m) (a) 3., 938.365 (2m) (ad), 938.365 (7), 938.371  
4 (5), 938.38 (2) (intro.), 938.38 (4) (ar), 938.38 (4) (f) 3., 938.38 (4) (fg) (intro.),  
5 938.38 (4) (fg) 5., 938.38 (4) (fm), 938.38 (4) (i), 938.38 (4m) (title), 938.38 (5)  
6 (title), 938.38 (5) (a), 938.38 (5) (am), 938.38 (5) (c) 5., 938.38 (5) (c) 6. (intro.),  
7 938.38 (5) (c) 6. d., 938.38 (5) (c) 7., 938.38 (5) (f), 938.38 (5m) (title), 938.38 (5m)  
8 (a), 938.38 (5m) (b), 938.38 (5m) (f) and 938.38 (6) (a); and **to create** 48.355 (2b)  
9 (a), 48.358, 48.38 (5) (c) 5m., 938.355 (2b) (a), 938.358 and 938.38 (5) (c) 5m. of  
10 the statutes; **relating to:** permanency planning for a child placed in  
11 out-of-home care, including concurrent permanency goals, trial reunifications,  
12 and planned permanent living arrangements for such a child.

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### ***Analysis by the Legislative Reference Bureau***

#### ***Introduction***

Under current law, for each child living in an out-of-home placement, the county department of human services or social services, the licensed child welfare agency, or the Department of Children and Families (DCF) that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child (collectively “agency”) must prepare a permanency plan for the child. A permanency plan must describe, among other things, the goal or goals of the permanency plan, with those goals being either the safe return of the child to his or her home or placement of the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement, such as sustaining care, independent living, or long-term foster care.

This substitute amendment makes certain changes relating to permanency planning for a child placed in out-of-home care, including changes relating to: 1) concurrent planning; 2) trial reunifications; and 3) planned permanent living arrangements, for such a child.

#### ***Concurrent planning***

Under current law, an agency, at the same time as the agency is making reasonable efforts to prevent the removal of a child from his or her home or to make it possible for the child to return home, may make reasonable efforts to place the child for adoption, with a guardian, with a fit and willing relative, or in some other

alternative permanent placement (concurrent reasonable efforts). If an agency is making concurrent reasonable efforts, the child's permanency plan must include the goals of the permanency plan.

This substitute amendment permits an agency to engage in concurrent planning, which the substitute amendment defines as appropriate efforts to work simultaneously towards achieving more than one permanency goal for a child. Under the substitute amendment, an agency must determine, in accordance with standards established by DCF (concurrent planning standards) whether to engage in concurrent planning. If, according to the concurrent planning standards, concurrent planning is required, the agency must engage in concurrent planning unless the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) or a permanency review panel appointed by the juvenile court determines that concurrent planning is inappropriate. If an agency determines to engage in concurrent planning for a child, the child's permanency plan must include the rationale for that determination, a description of the concurrent plan, and the permanency and concurrent permanency goals of the permanency plan. In addition, the juvenile court review panel, in reviewing a child's permanency plan, must determine the continuing appropriateness, according to the concurrent planning standards, of the permanency goal and, if the juvenile court or panel considers appropriate, any concurrent permanency goals for the child. If the juvenile court or panel does not approve of any of those goals, or if the juvenile court or panel determines that a concurrent permanency goal is appropriate, that court or panel must determine the permanency goal and, if appropriate, any concurrent permanency goal for the child.

### ***Trial reunifications***

***Current law — changes in placement.*** Under current law, the juvenile court, on the request of the person or agency primarily responsible for implementing a dispositional order of the juvenile court, may order a change in placement for a child placed outside of his or her home under a dispositional order of the juvenile court. The juvenile court may order the change in placement without a hearing, unless a party receiving the notice files an objection. Current law also permits the person or agency primarily responsible for implementing the dispositional order to make an emergency change in placement if emergency conditions necessitate an immediate change in placement.

***The substitute amendment — trial reunifications.*** This substitute amendment provides a similar procedure under which the juvenile court may order a trial reunification, which the substitute amendment defines as a period of seven consecutive days or longer, but not exceeding 150 days, during which a child who is placed in an out-of-home placement resides in the home of the relative of the child from which the child was removed or in the home of either of the child's parents for the purpose of determining the appropriateness of changing the placement of the child to that home. The substitute amendment, however, does not permit an emergency trial reunification. Under the substitute amendment, if an emergency condition necessitates an immediate removal of the child from his or her out-of-home placement, the person or agency primarily responsible for

implementing the dispositional order must make an emergency change in placement as provided under current law.

Under the substitute amendment, no trial reunification may occur without a juvenile court order and only the person or agency primarily responsible for implementing the dispositional order may request the juvenile court to order a trial reunification. Notice of the proposed trial reunification must 1) be provided to the child, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian of the child, the child's court-appointed special advocate, all parties who are bound by the dispositional order, and, in the case of an Indian child, the Indian child's Indian custodian and tribe; and 2) contain a statement describing why the trial reunification is in the best interests of the child and a statement describing how the trial reunification satisfies the objectives of the child's permanency plan. The juvenile court may order the trial reunification without a hearing, unless a party receiving the notice files an objection.

If the juvenile court finds that the trial reunification is in the best interests of the child and that the trial reunification satisfies the objectives of the child's permanency plan, the juvenile court must grant an order authorizing the trial reunification. A trial reunification terminates 90 days after the date of the order, unless the juvenile court specifies a shorter period in the order, extends the trial reunification, or revokes the trial reunification. Unless a trial reunification is revoked, at the end of a trial reunification, the person or agency primarily responsible for implementing the dispositional order must return the child to his or her previous out-of-home placement, request a change in placement of the child to a new out-of-home placement, or request a change-in-placement of the child to the trial reunification home.

The substitute amendment also permits the person or agency primarily responsible for implementing the dispositional order to request an extension of a trial reunification. The request must contain a statement describing how the trial reunification continues to be in the best interests of the child, and the same notice and hearing requirements that apply to an original request for a trial reunification also apply to a request for an extension of a trial reunification. If the juvenile court finds that the trial reunification continues to be in the best interests of the child, the juvenile court must grant an order extending the trial reunification for a period specified by the juvenile court. Any number of extensions may be granted, but the total period for a trial reunification may not exceed 150 days.

In addition, the substitute amendment permits the person or agency primarily responsible for implementing the dispositional order to remove the child from the trial reunification home and place the child in the child's previous out-of-home placement or in a new out-of-home placement, without prior juvenile court order, if that person or agency determines, based on current circumstances, that the trial reunification is no longer in the best interests of the child.

If the person or agency removes the child from the trial reunification home and places the child in the child's previous out-of-home placement, within three days after that removal, that person or agency must submit a request for revocation of the trial reunification to the juvenile court that ordered the trial reunification and must

cause notice of the request to be provided to all persons who are entitled to receive notice of the original trial reunification, and the same notice and hearing requirements that apply to an original request for a trial reunification also apply to a request for a revocation of a trial reunification. If the juvenile court finds that the trial reunification is no longer in the best interests of the child, the juvenile court must grant an order revoking the trial reunification.

If the person or agency removes the child from the trial reunification home and places the child in a new out-of-home placement, within three days after that removal, that person or agency must request a change in placement as provided under current law, and the change-in-placement procedures provided under current law apply. If the juvenile court grants a change-in-placement order, the trial reunification is revoked.

***Other planned permanent living arrangement***

Under current law, if a goal of a child's permanency plan is an alternative permanent placement, the permanency plan must document a compelling reason why it would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative.

This substitute amendment changes the term "alternative permanent placement" to "other planned permanent living arrangement," requires the arrangement to include an appropriate enduring, relationship between the child and an adult, and eliminates independent living as a planned permanent living arrangement option. The substitute amendment also permits a child's permanency plan to include the permanency goal of placement of the child in a planned permanent living arrangement only if the agency determines that there is a compelling reason why it currently would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative as the permanency goal for the child. If an agency makes that determination, the child's permanency plan must include a statement of that compelling reason and, notwithstanding that compelling reason, a concurrent plan towards achieving the concurrent permanency goal of safely returning the child to his or her home or placing the child for adoption, with a guardian, or with a fit and willing relative in addition to the permanency goal of placing the child in some other planned permanent living arrangement.

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

- 1           **SECTION 1.** 48.21 (5) (d) of the statutes is amended to read:
- 2           48.21 (5) (d) If the judge or circuit court commissioner finds that any of the
- 3           circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
- 4           the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)

1 within 30 days after the date of that finding to determine the permanency ~~plan~~ goal  
2 and, if applicable, any concurrent permanency goals for the child.

3 **SECTION 2.** 48.299 (4) (b) of the statutes is amended to read:

4 48.299 (4) (b) Except as provided in s. 901.05, neither common law nor  
5 statutory rules of evidence are binding at a hearing for a child held in custody under  
6 s. 48.21, a hearing for an adult expectant mother held in custody under s. 48.213, a  
7 runaway home hearing under s. 48.227 (4), a dispositional hearing, or a hearing  
8 about changes in placement, trial reunifications, revision of dispositional orders,  
9 extension of dispositional orders, or termination of guardianship orders entered  
10 under s. 48.977 (4) (h) 2. or (6) or 48.978 (2) (j) 2. or (3) (g). At those hearings, the court  
11 shall admit all testimony having reasonable probative value, but shall exclude  
12 immaterial, irrelevant, or unduly repetitious testimony or evidence that is  
13 inadmissible under s. 901.05. Hearsay evidence may be admitted if it has  
14 demonstrable circumstantial guarantees of trustworthiness. The court shall give  
15 effect to the rules of privilege recognized by law. The court shall apply the basic  
16 principles of relevancy, materiality, and probative value to proof of all questions of  
17 fact. Objections to evidentiary offers and offers of proof of evidence not admitted may  
18 be made and shall be noted in the record.

19 **SECTION 3.** 48.315 (2m) (b) of the statutes is amended to read:

20 48.315 (2m) (b) The court making an initial finding under s. 48.38 (5m) that  
21 the agency primarily responsible for providing services to the child has made  
22 reasonable efforts to achieve the ~~goals~~ permanency goal of the child's permanency  
23 plan more than 12 months after the date on which the child was removed from the  
24 home or making any subsequent findings under s. 48.38 (5m) as to those reasonable

1 efforts more than 12 months after the date of a previous finding as to those  
2 reasonable efforts.

3 **SECTION 4.** 48.32 (1) (b) 1. c. of the statutes is amended to read:

4 48.32 (1) (b) 1. c. If a permanency plan has previously been prepared for the  
5 child, a finding as to whether the county department, department, or agency has  
6 made reasonable efforts to achieve the permanency goal of the child's permanency  
7 plan, including, if appropriate, through an out-of-state placement,

8 **SECTION 5.** 48.32 (1) (c) of the statutes is amended to read:

9 48.32 (1) (c) If the judge or circuit court commissioner finds that any of the  
10 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
11 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)  
12 within 30 days after the date of that finding to determine the permanency plan goal  
13 and, if applicable, any concurrent permanency goals for the child.

14 **SECTION 6.** 48.33 (4) (c) of the statutes is amended to read:

15 48.33 (4) (c) Specific information showing that continued placement of the child  
16 in his or her home would be contrary to the welfare of the child, specific information  
17 showing that the county department, the department, in a county having a  
18 population of 500,000 or more, or the agency primarily responsible for providing  
19 services to the child has made reasonable efforts to prevent the removal of the child  
20 from the home, while assuring that the child's health and safety are the paramount  
21 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.  
22 applies, and, if a permanency plan has previously been prepared for the child,  
23 specific information showing that the county department, department, or agency has  
24 made reasonable efforts to achieve the permanency goal of the child's permanency  
25 plan, including, if appropriate, through an out-of-state placement,

1           **SECTION 7.** 48.335 (3g) (c) of the statutes is amended to read:

2           48.335 **(3g)** (c) That, if a permanency plan has previously been prepared for the  
3 child, the county department, department, or agency has made reasonable efforts to  
4 achieve the permanency goal of the child's permanency plan, including, if  
5 appropriate, through an out-of-state placement,.

6           **SECTION 8.** 48.335 (4) of the statutes is amended to read:

7           48.335 **(4)** At hearings under this section, s. 48.357, 48.358, 48.363, or 48.365,  
8 on the request of any party, unless good cause to the contrary is shown, the court may  
9 admit testimony on the record by telephone or live audiovisual means, if available,  
10 under s. 807.13 (2). The request and the showing of good cause may be made by  
11 telephone.

12           **SECTION 9.** 48.355 (2) (b) 6. of the statutes is amended to read:

13           48.355 **(2)** (b) 6. If the child is placed outside the home, a finding that continued  
14 placement of the child in his or her home would be contrary to the welfare of the child,  
15 a finding as to whether the county department, the department, in a county having  
16 a population of 500,000 or more, or the agency primarily responsible for providing  
17 services under a court order has made reasonable efforts to prevent the removal of  
18 the child from the home, while assuring that the child's health and safety are the  
19 paramount concerns, unless the court finds that any of the circumstances specified  
20 in sub. (2d) (b) 1. to 5. applies, and, if a permanency plan has previously been  
21 prepared for the child, a finding as to whether the county department, department,  
22 or agency has made reasonable efforts to achieve the permanency goal of the child's  
23 permanency plan, including, if appropriate, through an out-of-state placement. The  
24 court shall make the findings specified in this subdivision on a case-by-case basis  
25 based on circumstances specific to the child and shall document or reference the



1 specific information on which those findings are based in the court order,. A court  
2 order that merely references this subdivision without documenting or referencing  
3 that specific information in the court order or an amended court order that  
4 retroactively corrects an earlier court order that does not comply with this  
5 subdivision is not sufficient to comply with this subdivision.

6 **SECTION 10.** 48.355 (2b) (title) of the statutes is amended to read:

7 48.355 **(2b)** (title) ~~CONCURRENT REASONABLE EFFORTS PERMITTED~~ PLANNING.

8 **SECTION 11.** 48.355 (2b) of the statutes is renumbered 48.355 (2b) (b) and  
9 amended to read:

10 48.355 **(2b)** (b) A county department, the department, in a county having a  
11 population of 500,000 or more, or the agency primarily responsible for providing  
12 services to a child under a court order ~~may, at the same time as the county~~  
13 ~~department, department, or agency is making the reasonable efforts required under~~  
14 ~~sub. (2) (b) 6. to prevent the removal of the child from the home or to make it possible~~  
15 ~~for the child to return safely to his or her home, work with the department, a county~~  
16 ~~department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under~~  
17 ~~s. 48.61 (5) in making reasonable efforts to place the child for adoption, with a~~  
18 ~~guardian, with a fit and willing relative, or in some other alternative permanent~~  
19 ~~placement, including reasonable efforts to identify an appropriate out-of-state~~  
20 ~~placement shall determine, in accordance with standards established by the~~  
21 ~~department, whether to engage in concurrent planning. If, according to those~~  
22 ~~standards, concurrent planning is required, the county department, department, or~~  
23 ~~agency shall engage in concurrent planning unless the court or permanency review~~  
24 ~~panel determines under s. 48.38 (5) (c) 5m. that concurrent planning is~~  
25 inappropriate.

1           **SECTION 12.** 48.355 (2b) (a) of the statutes is created to read:

2           48.355 **(2b)** (a) In this subsection, “concurrent planning” means appropriate  
3 efforts to work simultaneously towards achieving more than one of the permanency  
4 goals listed in s. 48.38 (4) (fg) 1. to 5. for a child who is placed in out-of-home care  
5 and for whom a permanency plan is required under s. 48.38 (2).

6           **SECTION 13.** 48.355 (2c) (b) of the statutes is amended to read:

7           48.355 **(2c)** (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
8 the county department, department, in a county having a population of 500,000 or  
9 more, or agency primarily responsible for providing services to the child under a  
10 court order has made reasonable efforts to achieve the permanency goal of the  
11 permanency plan, the court’s consideration of reasonable efforts shall include the  
12 considerations listed under par. (a) 1. to 5. and whether visitation schedules between  
13 the child and his or her parents were implemented, unless visitation was denied or  
14 limited by the court.

15           **SECTION 14.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

16           48.355 **(2d)** (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required  
17 to include in a dispositional order a finding as to whether the county department, the  
18 department, in a county having a population of 500,000 or more, or the agency  
19 primarily responsible for providing services under a court order has made reasonable  
20 efforts with respect to a parent of a child to prevent the removal of the child from the  
21 home, while assuring that the child’s health and safety are the paramount concerns,  
22 or a finding as to whether the county department, department, or agency has made  
23 reasonable efforts with respect to a parent of a child to achieve the permanency plan  
24 goal of returning the child safely to his or her home, if the court finds any of the  
25 following:

1           **SECTION 15.** 48.355 (2d) (c) of the statutes is amended to read:

2           48.355 **(2d)** (c) If the court finds that any of the circumstances specified in par.  
3 (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s.  
4 48.38 (4m) within 30 days after the date of that finding to determine the permanency  
5 plan goal and, if applicable, any concurrent permanency goals for the child.

6           **SECTION 16.** 48.355 (2e) (b) of the statutes is amended to read:

7           48.355 **(2e)** (b) Each time a child's placement is changed under s. 48.357, a trial  
8 reunification is ordered under s. 48.358, or a dispositional order is revised under s.  
9 48.363 or extended under s. 48.365, the agency that prepared the permanency plan  
10 shall revise the plan to conform to the order and shall file a copy of the revised plan  
11 with the court. Each plan filed under this paragraph shall be made a part of the court  
12 order.

13           **SECTION 17.** 48.357 (2v) (c) of the statutes is amended to read:

14           48.357 **(2v)** (c) If the court finds under par. (a) 3. that any of the circumstances  
15 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall  
16 hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to  
17 determine the permanency plan goal and, if applicable, any concurrent permanency  
18 goals for the child.

19           **SECTION 18.** 48.358 of the statutes is created to read:

20           **48.358 Trial reunification. (1) DEFINITION.** In this section:

21           (a) "Trial reunification" means a period of 7 consecutive days or longer, but not  
22 exceeding 150 days, during which a child who is placed in an out-of-home placement  
23 under s. 48.355 or 48.357 resides in the home of a relative of the child from which the  
24 child was removed or in the home of either of the child's parents for the purpose of

1 determining the appropriateness of changing the placement of the child to that  
2 home.

3 (b) “Trial reunification home” means the home in which in which a child resides  
4 during a trial reunification.

5 (2) TRIAL REUNIFICATION; PROCEDURE. (a) *Request or proposal.* No trial  
6 reunification may occur without a court order. Only the person or agency primarily  
7 responsible for implementing the dispositional order may request the court to order  
8 a trial reunification. The request shall contain the name and address of the  
9 requested trial reunification home, a statement describing why the trial  
10 reunification is in the best interests of the child, and a statement describing how the  
11 trial reunification satisfies the objectives of the child’s permanency plan. A request  
12 for a trial reunification may not be made on the sole grounds that an emergency  
13 condition necessitates an immediate removal of the child from his or her  
14 out-of-home placement. If an emergency condition necessitates such an immediate  
15 removal, the person or agency primarily responsible for implementing the  
16 dispositional order shall proceed as provided in s. 48.357 (2).

17 (b) *Notice; information required.* The person or agency requesting the trial  
18 reunification shall submit the request to the court and shall cause written notice of  
19 the requested trial reunification to be sent to the child, the parent, guardian, and  
20 legal custodian of the child, any foster parent or other physical custodian described  
21 in s. 48.62 (2) of the child, the child’s court-appointed special advocate, all parties  
22 who are bound by the dispositional order, and, if the child is an Indian child who has  
23 been removed from the home of his or her parent or Indian custodian, the Indian  
24 child’s Indian custodian and tribe. The notice shall contain the information that is  
25 required to be included in the request under par. (a).

1           (c) *Hearing; when required.* Any person who is entitled to receive notice of a  
2 requested trial reunification under par. (b), other than a court-appointed special  
3 advocate, may obtain a hearing on the matter by filing an objection with the court  
4 within 10 days after the request was filed with the court. If an objection is filed, a  
5 hearing shall be held within 30 days after the request was filed with the court. Not  
6 less than 3 days before the hearing the person or agency requesting the trial  
7 reunification or the court shall provide notice of the hearing to all person who are  
8 entitled to receive notice under par. (b). A copy of the request for the trial  
9 reunification shall be attached to the notice. If all of the parties consent, the court  
10 may proceed immediately with the hearing.

11           (d) *Order.* If the court finds that the trial reunification is in the best interests  
12 of the child and that the trial reunification satisfies the objectives of the child's  
13 permanency plan, the court shall order the trial reunification. A trial reunification  
14 shall terminate 90 days after the date of the order, unless the court specifies a shorter  
15 period in the order, extends the trial reunification under sub. (3), or revokes the trial  
16 reunification under sub. (4) (c) or (6) (b). No trial reunification order may extend the  
17 expiration date of the original dispositional order under s. 48.355 or any extension  
18 order under s. 48.365. A trial reunification under this section is not a change in  
19 placement under s. 48.357. Unless revoked under sub. (4) (c) or (6) (b), at the end of  
20 a trial reunification, the person or agency primarily responsible for implementing  
21 the dispositional order shall do one of the following:

22           1. Return the child to his or her previous out-of-home placement. The person  
23 or agency may do so without further order of the court, but within 5 days after the  
24 return the person or agency shall provide notice of the date of the return and the

1 address of that placement to all persons who are entitled to receive notice under par.  
2 (b).

3 2. Request a change in placement under s. 48.357 to place the child in a new  
4 out-of-home placement.

5 3. Request a change in placement under s. 48.357 to place the child in the trial  
6 reunification home.

7 **(3) EXTENSION OF TRIAL REUNIFICATION.** (a) *Extension request.* The person or  
8 agency primarily responsible for implementing the dispositional order may request  
9 an extension of a trial reunification. The request shall contain a statement  
10 describing how the trial reunification continues to be in the best interests of the child.  
11 No later than 10 days prior to the expiration of the trial reunification, the person or  
12 agency that requests the extension shall submit the request to the court that ordered  
13 the trial reunification and shall cause notice of the request to be provided to all  
14 persons who are entitled to receive notice under sub. (2) (b).

15 (b) *Extension hearing; when required.* Any person who is entitled to receive  
16 notice of the extension request under par. (a), other than a court-appointed special  
17 advocate, may obtain a hearing on the matter by filing an objection with the court  
18 within 10 days after the request was filed with the court. If an objection is filed, the  
19 court shall schedule a hearing on the matter. If the court is unable to conduct a  
20 hearing on the matter before the trial reunification expires, the court may extend the  
21 trial reunification for not more than 30 days without a hearing. If a hearing is  
22 scheduled, not less than 3 days before the hearing the person or agency requesting  
23 the extension or the court shall provide notice of the hearing to all persons who are  
24 entitled to receive notice of the extension request under par. (a). A copy of the request

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

3 (c) *Extension order.* If the court finds that the trial reunification continues to  
4 be in the best interests of the child, the court shall grant an order extending the trial  
5 reunification for a period specified by the court. Any number of extensions may be  
6 granted, but the total period for a trial reunification may not exceed 150 days.

7 (4) REVOCATION OF TRIAL REUNIFICATION. (a) *Revocation request; information*  
8 *required.* 1. If the person or agency primarily responsible for implementing the  
9 dispositional order determines based on current circumstances that a trial  
10 reunification is no longer in the best interests of the child, that person or agency may,  
11 without prior court order, remove the child from the trial reunification home and  
12 place the child in the child's previous out-of-home placement as provided in subd.  
13 2. or place the child in a new out-of-home placement as provided in subd. 3.

14 2. If the person or agency primarily responsible for implementing the  
15 dispositional order places the child in the child's previous out-of-home placement,  
16 within 3 days after removing the child from the trial reunification home, that person  
17 or agency shall submit a request for revocation of the trial reunification to the court  
18 that ordered the trial reunification and shall cause notice of the request to be  
19 provided to all persons who are entitled to receive notice of the trial reunification  
20 under sub. (2) (b). The request shall contain the date on which the child was removed  
21 from the trial reunification home, the address of the child's current placement, and  
22 the reasons for the proposed revocation. Paragraphs (b) and (c) apply to a request  
23 for revocation submitted under this subdivision.

24 3. If the person or agency primarily responsible for implementing the  
25 dispositional order places the child in a new out-of-home placement, within 3 days

1 after removing the child from the trial reunification home, that person or agency  
2 shall request a change in placement under s. 48.357 (1) (am). The procedures  
3 specified in s. 48.357 relating to a change in placement under s. 48.357 (1) (am) apply  
4 to a change in placement requested under this subdivision, except that the request  
5 shall include the date on which the child was removed from the trial reunification  
6 home in addition to the information required under s. 48.357 (1) (am) 1., and the trial  
7 reunification is revoked when the change in placement order is granted.

8 (b) *Revocation hearing; when required.* Any person who is entitled to receive  
9 notice of a revocation request under par. (a) 2., other than a court-appointed special  
10 advocate, may obtain a hearing on the matter by filing an objection with the court  
11 within 10 days after the request is filed with the court. If a hearing is scheduled, not  
12 less than 3 days prior to the hearing the court shall provide notice of the hearing,  
13 together with a copy of the request for the revocation, to all persons who are entitled  
14 to receive notice under par. (a) 2. If all parties consent, the court may proceed  
15 immediately with the hearing.

16 (c) *Revocation order.* If the court finds that the trial reunification is no longer  
17 in the best interests of a child who has been placed in his or her previous out-of-home  
18 placement under par. (a) 1., the court shall grant an order revoking the trial  
19 reunification.

20 (5) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN. If a hearing is  
21 held under sub. (2) (c) and the trial reunification would remove a child from a foster  
22 home or other placement with a physical custodian described in s. 48.62 (2), the court  
23 shall give the foster parent or other physical custodian a right to be heard at the  
24 hearing by permitting the foster parent or other physical custodian to make a written  
25 or oral statement during the hearing or to submit a written statement prior to the



1 hearing relating to the child and the requested trial reunification. A foster parent  
2 or other physical custodian described in s. 48.62 (2) who receives notice of a hearing  
3 under sub. (2) (c) and a right to be heard under this subsection does not become a  
4 party to the proceeding on which the hearing is held solely on the basis of receiving  
5 that notice and right to be heard.

6 **(6) PROHIBITED TRIAL REUNIFICATIONS BASED ON HOMICIDE OF PARENT.** (a)  
7 *Prohibition.* Except as provided in par. (c), the court may not order a trial  
8 reunification in the home of a person who has been convicted under s. 940.01 of the  
9 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional  
10 homicide, of a parent of the child, if the conviction has not been reversed, set aside,  
11 or vacated.

12 (b) *Revocation.* Except as provided in par. (c), if a parent in whose home a child  
13 is placed for a trial reunification is convicted under s. 940.01 of the first-degree  
14 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of  
15 the child's other parent, and the conviction has not been reversed, set aside, or  
16 vacated, the court shall revoke the trial reunification and the child shall be returned  
17 to his or her previous out-of-home placement or, pursuant to s. 48.357, placed in a  
18 new out-of-home placement.

19 (c) *Exception.* Paragraphs (a) and (b) do not apply if the court determines by  
20 clear and convincing evidence that the placement would be in the best interests of  
21 the child. The court shall consider the wishes of the child in making that  
22 determination.

23 **SECTION 19.** 48.363 (1) (a) of the statutes is amended to read:

24 48.363 (1) (a) A child, the child's parent, guardian, legal custodian, or Indian  
25 custodian, an expectant mother, an unborn child by the unborn child's guardian ad

1 litem, any person or agency bound by a dispositional order, or the district attorney  
2 or corporation counsel in the county in which the dispositional order was entered  
3 may request a revision in the order that does not involve a change in placement or  
4 a trial reunification, including a revision with respect to the amount of child support  
5 to be paid by a parent. The court may also propose a revision. The request or court  
6 proposal shall set forth in detail the nature of the proposed revision and what new  
7 information is available that affects the advisability of the court's disposition. The  
8 request or court proposal shall be submitted to the court. The court shall hold a  
9 hearing on the matter prior to any revision of the dispositional order if the request  
10 or court proposal indicates that new information is available which affects the  
11 advisability of the court's dispositional order, unless written waivers of objections to  
12 the revision are signed by all parties entitled to receive notice and the court approves.

13 **SECTION 20.** 48.365 (2g) (b) 2. of the statutes is amended to read:

14 48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and  
15 of any progress the child has made, suggestions for amendment of the permanency  
16 plan, and specific information showing the efforts that have been made to achieve the  
17 permanency goal of the permanency plan, including, if applicable, the efforts of the  
18 parents to remedy the factors that contributed to the child's placement.

19 **SECTION 21.** 48.365 (2g) (b) 3. of the statutes is amended to read:

20 48.365 (2g) (b) 3. If the child has been placed outside of his or her home in a  
21 foster home, group home, residential care center for children and youth, or shelter  
22 care facility for 15 of the most recent 22 months, not including any period during  
23 which the child was a runaway from the out-of-home placement or ~~the first 6 months~~  
24 ~~of any period during which the child was returned to his or her~~ was residing in a trial  
25 reunification home ~~for a trial home visit~~, a statement of whether or not a

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

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

16 48.365 **(2m)** (a) 1. Any party may present evidence relevant to the issue of  
17 extension. If the child is placed outside of his or her home, the person or agency  
18 primarily responsible for providing services to the child shall present as evidence  
19 specific information showing that the person or agency has made reasonable efforts  
20 to achieve the permanency goal of the child's permanency plan, including, if  
21 appropriate, through an out-of-state placement, ~~under~~. If an Indian child is placed  
22 outside the home of his or her parent or Indian custodian, the person or agency  
23 primarily responsible for providing services to the Indian child shall also present as  
24 evidence specific information showing that active efforts under s. 48.028 (4) (d) 2.

1 have been made to prevent the breakup of the Indian child's family and that those  
2 efforts have proved unsuccessful.

3 **SECTION 23.** 48.365 (2m) (a) 1m. of the statutes is amended to read:

4 48.365 (2m) (a) 1m. The judge shall make findings of fact and conclusions of  
5 law based on the evidence. The findings of fact shall include a finding as to whether  
6 reasonable efforts were made by the person or agency primarily responsible for  
7 providing services to the child to achieve the permanency goal of the child's  
8 permanency plan, including, if appropriate, through an out-of-state placement,  
9 ~~under~~. If the child is an Indian child who is placed outside the home of his or her  
10 parent or Indian custodian, the findings of fact shall also include a finding that active  
11 efforts under s. 48.028 (4) (d) 2. were made to prevent the breakup of the Indian  
12 child's family and that those efforts have proved unsuccessful. An order shall be  
13 issued under s. 48.355.

14 **SECTION 24.** 48.365 (2m) (a) 3. of the statutes is amended to read:

15 48.365 (2m) (a) 3. The judge shall make the findings under subd. 1m. relating  
16 to reasonable efforts to achieve the permanency goal of the child's permanency plan  
17 and the findings under subd. 2. on a case-by-case basis based on circumstances  
18 specific to the child and shall document or reference the specific information on  
19 which those findings are based in the order issued under s. 48.355. An order that  
20 merely references subd. 1m. or 2. without documenting or referencing that specific  
21 information in the order or an amended order that retroactively corrects an earlier  
22 order that does not comply with this subdivision is not sufficient to comply with this  
23 subdivision.

24 **SECTION 25.** 48.365 (2m) (ad) of the statutes is amended to read:

1           48.365 **(2m)** (ad) If the judge finds that any of the circumstances under s.  
2           48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a hearing  
3           under s. 48.38 (4m) within 30 days after the date of that finding to determine the  
4           permanency ~~plan~~ goal and, if applicable any concurrent permanency goals for the  
5           child.

6           **SECTION 26.** 48.365 (7) of the statutes is amended to read:

7           48.365 **(7)** Nothing in this section may be construed to allow any changes in  
8           placement or trial reunifications. Changes in placement may take place only under  
9           s. 48.357, and trial reunifications may take place only under s. 48.358.

10          **SECTION 27.** 48.371 (5) of the statutes is amended to read:

11          48.371 **(5)** Except as permitted under s. 252.15 (6), a foster parent, relative, or  
12          operator of a group home or residential care center for children and youth that  
13          receives any information under sub. (1) or (3), other than the information described  
14          in sub. (3) (e), shall keep the information confidential and may disclose that  
15          information only for the purposes of providing care for the child or participating in  
16          a court hearing or permanency ~~plan~~ review concerning the child.

17          **SECTION 28.** 48.38 (2) (intro.) of the statutes is amended to read:

18          48.38 **(2)** PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
19          for each child living in a foster home, group home, residential care center for children  
20          and youth, juvenile detention facility, or shelter care facility, the agency that placed  
21          the child or arranged the placement or the agency assigned primary responsibility  
22          for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written  
23          permanency plan, if any of the following conditions exists, and, for each child living  
24          in the home of guardian or a relative other than a parent, that agency shall prepare  
25          a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

1           **SECTION 29.** 48.38 (4) (ar) of the statutes is amended to read:

2           48.38 (4) (ar) A description of the services offered and any services provided in  
3 an effort to prevent the removal of the child from his or her home, while assuring that  
4 the health and safety of the child are the paramount concerns, and to achieve the goal  
5 of the permanency plan, except that the permanency plan is not required to include  
6 a description of the services offered or provided with respect to a parent of the child  
7 to prevent the removal of the child from the home or to achieve the permanency plan  
8 goal of returning the child safely to his or her home if any of the circumstances  
9 specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent.

10           **SECTION 30.** 48.38 (4) (f) 3. of the statutes is amended to read:

11           48.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe  
12 return of the child to his or her home, or, if appropriate, obtain an alternative  
13 permanent placement for the child a placement for adoption, with a guardian, with  
14 a fit and willing relative, or in some other planned permanent living arrangement  
15 that includes an appropriate, enduring relationship with an adult.

16           **SECTION 31.** 48.38 (4) (fg) (intro.) of the statutes is amended to read:

17           48.38 (4) (fg) (intro.) The goal of the permanency plan or, if the agency is making  
18 concurrent reasonable efforts under engaging in concurrent planning, as defined in  
19 s. 48.355 (2b) (a), the permanency and concurrent permanency goals of the  
20 permanency plan. If a goal of the permanency plan is ~~any goal other than return of~~  
21 ~~the child to his or her home~~ to place the child for adoption, with a guardian, or with  
22 a fit and willing relative, the permanency plan shall include the rationale for  
23 deciding on that goal. ~~If a goal of the permanency plan is an alternative permanent~~  
24 ~~placement under subd. 5., the permanency plan shall document a compelling reason~~  
25 ~~why it would not be in the best interest of the child to pursue a goal specified in subds.~~

1 ~~1. to 4.~~ and the efforts made to achieve that goal, including, if appropriate, through  
2 an out-of-state placement. If the agency determines under s. 48.355 (2b) (b) to  
3 engage in concurrent planning, the permanency plan shall include the rationale for  
4 that determination and a description of the concurrent plan. The agency shall  
5 determine one or more of the following goals to be the goal or goals of a child's  
6 permanency plan:

7 **SECTION 32.** 48.38 (4) (fg) 5. of the statutes is amended to read:

8 48.38 (4) (fg) 5. ~~Some~~ As provided in par. (fm), some other alternative planned  
9 permanent placement living arrangement that includes an appropriate, enduring  
10 relationship with an adult, including sustaining care, independent living, or  
11 long-term foster care, but not including independent living.

12 **SECTION 33.** 48.38 (4) (fm) of the statutes is amended to read:

13 48.38 (4) (fm) ~~If the goal of the permanency plan is to~~ agency determines that  
14 there is a compelling reason why it currently would not be in the best interests of the  
15 child to return the child to his or her home or to place the child for adoption, with a  
16 guardian, or with a fit and willing relative, or as the permanency goal for the child,  
17 the permanency goal of placing the child in some other alternative planned  
18 permanent placement, living arrangement described in par. (fg) 5. If the agency  
19 makes that determination, the plan shall include the efforts made to achieve that  
20 permanency goal, including, if appropriate, through an out-of-state placement, a  
21 statement of that compelling reason, and, notwithstanding that compelling reason,  
22 a concurrent plan under s. 48.355 (2b) towards achieving a goal under par. (fg) 1. to  
23 4. as a concurrent permanency goal in addition to the permanency goal under par.  
24 (fg) 5.

25 **SECTION 34.** 48.38 (4) (i) of the statutes is amended to read:

1           48.38 (4) (i) A statement as to whether the child's age and developmental level  
2 are sufficient for the court to consult with the child at the permanency plan  
3 ~~determination~~ hearing under sub. (4m) (c) or ~~at the permanency plan hearing under~~  
4 ~~sub. (5m) (c) 2. or s. 48.43 (5) (b) 2. or for the court or panel to consult with the child~~  
5 at the permanency plan review under sub. (5) (bm) 2. and, if a decision is made that  
6 it would not be age appropriate or developmentally appropriate for the court or panel  
7 to consult with the child, a statement as to why consultation with the child would not  
8 be appropriate.

9           **SECTION 35.** 48.38 (4m) (title) of the statutes is amended to read:

10           48.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; ~~PERMANENCY PERMANENCY~~  
11 ~~PLAN DETERMINATION HEARING.~~

12           **SECTION 36.** 48.38 (5) (title) of the statutes is amended to read:

13           48.38 (5) (title) ~~PLAN~~ PERMANENCY REVIEW.

14           **SECTION 37.** 48.38 (5) (a) of the statutes is amended to read:

15           48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed  
16 under par. (ag) shall review the permanency plan in the manner provided in this  
17 subsection not later than 6 months after the date on which the child was first  
18 removed from his or her home and every 6 months after a previous review under this  
19 subsection for as long as the child is placed outside the home, except that for the  
20 review that is required to be conducted not later than 12 months after the child was  
21 first removed from his or her home and the reviews that are required to be conducted  
22 every 12 months after that review the court shall hold a hearing under sub. (5m) to  
23 review the permanency plan, which hearing may be instead of or in addition to the  
24 review under this subsection. The 6-month and 12-month periods referred to in this  
25 paragraph include trial reunifications under s. 48.358.



1           **SECTION 38.** 48.38 (5) (am) of the statutes is amended to read:

2           48.38 (5) (am) The court may appoint an independent agency to designate a  
3 panel to conduct a permanency ~~plan~~ review under par. (a). If the court in a county  
4 having a population of less than 500,000 appoints an independent agency under this  
5 paragraph, the county department of the county of the court shall authorize and  
6 contract for the purchase of services from the independent agency. If the court in a  
7 county having a population of 500,000 or more appoints an independent agency  
8 under this paragraph, the department shall authorize and contract for the purchase  
9 of services from the independent agency.

10           **SECTION 39.** 48.38 (5) (c) 5. of the statutes is amended to read:

11           48.38 (5) (c) 5. The date by which it is likely that the child will be returned to  
12 his or her home or placed for adoption, with a guardian, with a fit and willing relative,  
13 or in some other ~~alternative~~ planned permanent placement living arrangement that  
14 includes an appropriate, enduring relationship with an adult.

15           **SECTION 40.** 48.38 (5) (c) 5m. of the statutes is created to read:

16           48.38 (5) (c) 5m. The continuing appropriateness, according to standards  
17 established by the department, of the permanency goal and, if the court or panel  
18 considers appropriate, any concurrent permanency goals for the child. If the court  
19 or panel does not approve of any of those goals or if the court or panel determines that  
20 a concurrent permanency goal is appropriate, the court or panel shall determine the  
21 permanency goal and, if appropriate, any concurrent permanency goals for the child.

22           **SECTION 41.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

23           48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,  
24 as described in s. 48.365 (1), in a foster home, group home, residential care center for  
25 children and youth, or shelter care facility for 15 of the most recent 22 months, not

1 including any period during which the child was a runaway from the out-of-home  
2 placement or ~~the first 6 months of any period during which the child was returned~~  
3 ~~to his or her~~ was residing in a trial reunification home for a ~~trial home visit~~, the  
4 appropriateness of the permanency plan and the circumstances which prevent the  
5 child from any of the following:

6 **SECTION 42.** 48.38 (5) (c) 6. d. of the statutes is amended to read:

7 48.38 (5) (c) 6. d. Being placed in some other ~~alternative~~ planned permanent  
8 ~~placement~~ living arrangement that includes an appropriate, enduring relationship  
9 with an adult, including sustaining care, ~~independent living~~, or long-term foster  
10 care, but not including independent living.

11 **SECTION 43.** 48.38 (5) (c) 7. of the statutes is amended to read:

12 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve  
13 the permanency goal of the permanency plan, including, if appropriate, through an  
14 out-of-state placement,.

15 **SECTION 44.** 48.38 (5) (f) of the statutes is amended to read:

16 48.38 (5) (f) If the summary prepared under par. (e) indicates that the review  
17 panel made recommendations that conflict with the ~~court~~ child's dispositional order  
18 or that provide for additional services not specified in the ~~court~~ dispositional order,  
19 the agency primarily responsible for providing services to the child shall request a  
20 revision of the ~~court~~ dispositional order.

21 **SECTION 45.** 48.38 (5m) (title) of the statutes is amended to read:

22 48.38 (5m) (title) PERMANENCY PLAN HEARING.

23 **SECTION 46.** 48.38 (5m) (a) of the statutes is amended to read:

24 48.38 (5m) (a) The court shall hold a hearing to review the permanency plan  
25 and to make the determinations specified in sub. (5) (c) no later than 12 months after

1 the date on which the child was first removed from the home and every 12 months  
2 after a previous hearing under this subsection for as long as the child is placed  
3 outside the home. The 12-month periods referred to in this paragraph include trial  
4 reunifications under s. 48.358.

5 **SECTION 47.** 48.38 (5m) (b) of the statutes is amended to read:

6 48.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court  
7 shall notify the child; the child's parent, guardian, and legal custodian; and the  
8 child's foster parent, the operator of the facility in which the child is living, or the  
9 relative with whom the child is living; of the time, place, and purpose of the hearing,  
10 of the issues to be determined at the hearing, and of the fact that they shall have a  
11 right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's  
12 counsel, the child's guardian ad litem, and the child's court-appointed special  
13 advocate; the agency that prepared the permanency plan; the person representing  
14 the interests of the public; and, if the child is an Indian child who is placed outside  
15 the home of his or her parent or Indian custodian, the Indian child's Indian custodian  
16 and tribe of the date, time, and place, and purpose of the hearing, of the issues to be  
17 determined at the hearing, and of the fact that they may have an opportunity to be  
18 heard at the hearing as provided in par. (c) 1.

19 **SECTION 48.** 48.38 (5m) (f) of the statutes is amended to read:

20 48.38 **(5m)** (f) If the findings of fact and conclusions of law under par. (e) conflict  
21 with the child's dispositional order or provide for any additional services not specified  
22 in the dispositional order, the court shall revise the dispositional order under s.  
23 48.363 ~~or~~, order a change in placement under s. 48.357, or order a trial reunification  
24 under s. 48.358, as appropriate.

25 **SECTION 49.** 48.38 (6) (a) of the statutes is amended to read:

1           48.38 (6) (a) Procedures for conducting permanency ~~plan~~ reviews.

2           **SECTION 50.** 48.417 (1) (a) of the statutes is amended to read:

3           48.417 (1) (a) The child has been placed outside of his or her home, as described  
4 in s. 48.365 (1) or 938.365 (1), in a foster home, group home, nonsecured residential  
5 care center for children and youth, or shelter care facility for 15 of the most recent  
6 22 months, not including any period during which the child was a runaway from the  
7 out-of-home placement or ~~the first 6 months of any period during which the child~~  
8 ~~was returned to his or her~~ was residing in a trial reunification home for a trial home  
9 ~~visit.~~ If the circumstances specified in this paragraph apply, the petition shall be  
10 filed or joined in by the last day of the 15th month, as described in this paragraph,  
11 for which the child was placed outside of his or her home.

12           **SECTION 51.** 48.43 (1) (cm) of the statutes is amended to read:

13           48.43 (1) (cm) If a permanency plan has previously been prepared for the child,  
14 a finding as to whether the agency primarily responsible for providing services to the  
15 child has made reasonable efforts to achieve the permanency goal of the child's  
16 permanency plan, including, if appropriate, through an out-of-state placement. The  
17 court shall make the findings specified in this paragraph on a case-by-case basis  
18 based on circumstances specific to the child and shall document or reference the  
19 specific information on which those findings are based in the order. An order that  
20 merely references this paragraph without documenting or referencing that specific  
21 information in the order or an amended order that retroactively corrects an earlier  
22 order that does not comply with this paragraph is not sufficient to comply with this  
23 paragraph.

24           **SECTION 52.** 48.43 (5m) of the statutes is amended to read:

1           48.43 (5m) Either the court or the agency that prepared the permanency plan  
2 shall furnish a copy of the original plan and each revised plan to the child, if he or  
3 she is 12 years of age or over, to the child's guardian, to the child's foster parent or,  
4 the operator of the facility in which the child is living, or the relative with whom the  
5 child is living, and, if the order under sub. (1) involuntarily terminated parental  
6 rights to an Indian child, to the Indian child's tribe.

7           **SECTION 53.** 48.63 (5) (d) 4. of the statutes is amended to read:

8           48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed  
9 the child or that arranged the placement of the child shall provide a copy of the  
10 revised permanency plan or plans and the request for review submitted under subd.  
11 3. and notice of the time and place of the review to the child, the parent, guardian,  
12 Indian custodian, and legal custodian of the child, and the operator of the group home  
13 in which the child is placed, together with notice of the issues to be determined as  
14 part of the permanency plan review and notice of the fact that those persons shall  
15 have a right to be heard at the review by submitting written comments to that agency  
16 or the independent reviewing agency before the review or by participating at the  
17 review.

18           **SECTION 54.** 48.977 (4) (i) (title) of the statutes is amended to read:

19           48.977 (4) (i) (title) *Effect of disposition on permanency plan review process.*

20           **SECTION 55.** 757.69 (1) (g) 14. of the statutes is amended to read:

21           757.69 (1) (g) 14. Conduct permanency plan reviews under s. 48.38 (5) or 938.38  
22 (5) and permanency plan hearings under s. 48.38 (5m) or 938.38 (5m).

23           **SECTION 56.** 938.21 (5) (d) of the statutes is amended to read:

24           938.21 (5) (d) If the court finds that any of the circumstances specified in s.  
25 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing

1 under s. 938.38 (4m) within 30 days after the date of that finding to determine the  
2 permanency plan goal and, if applicable, any concurrent permanency goals for the  
3 juvenile.

4 **SECTION 57.** 938.315 (2m) (b) of the statutes is amended to read:

5 938.315 (2m) (b) The court making an initial finding under s. 938.38 (5m) that  
6 the agency primarily responsible for providing services to the juvenile has made  
7 reasonable efforts to achieve the goals permanency goal of the juvenile's permanency  
8 plan more than 12 months after the date on which the juvenile was removed from the  
9 home or making any subsequent findings under s. 938.38 (5m) as to those reasonable  
10 efforts more than 12 months after the date of a previous finding as to those  
11 reasonable efforts.

12 **SECTION 58.** 938.32 (1) (c) 1. c. of the statutes is amended to read:

13 938.32 (1) (c) 1. c. If a permanency plan has previously been prepared for the  
14 juvenile, a finding as to whether the county department or agency has made  
15 reasonable efforts to achieve the permanency goal of the juvenile's permanency plan,  
16 including, if appropriate, through an out-of-state placement.

17 **SECTION 59.** 938.32 (1) (d) of the statutes is amended to read:

18 938.32 (1) (d) If the court finds that any of the circumstances specified in s.  
19 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing  
20 under s. 938.38 (4m) within 30 days after the date of that finding to determine the  
21 permanency plan goal and, if applicable, any concurrent permanency goals for the  
22 juvenile.

23 **SECTION 60.** 938.33 (4) (c) of the statutes is amended to read:

24 938.33 (4) (c) Specific information showing that continued placement of the  
25 juvenile in his or her home would be contrary to the welfare of the juvenile, specific

1 information showing that the county department or the agency primarily  
2 responsible for providing services to the juvenile has made reasonable efforts to  
3 prevent the removal of the juvenile from the home, while assuring that the juvenile's  
4 health and safety are the paramount concerns, unless any of the circumstances  
5 specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency plan has  
6 previously been prepared for the juvenile, specific information showing that the  
7 county department or agency has made reasonable efforts to achieve the permanency  
8 goal of the juvenile's permanency plan, including, if appropriate, through an  
9 out-of-state placement.

10 **SECTION 61.** 938.335 (3g) (c) of the statutes is amended to read:

11 938.335 (3g) (c) That, if a permanency plan has previously been prepared for  
12 the juvenile, the county department or agency has made reasonable efforts to achieve  
13 the permanency goal of the juvenile's permanency plan, including, if appropriate,  
14 through an out-of-state placement.

15 **SECTION 62.** 938.335 (4) of the statutes is amended to read:

16 938.335 (4) TESTIMONY BY TELEPHONE OR LIVE AUDIOVISUAL MEANS. At hearings  
17 under this section, s. 938.357, 938.358, 938.363, or 938.365, on the request of any  
18 party, unless good cause to the contrary is shown, the court may admit testimony on  
19 the record by telephone or live audiovisual means, if available, under s. 807.13 (2).  
20 The request and the showing of good cause may be made by telephone.

21 **SECTION 63.** 938.355 (2) (b) 6. of the statutes is amended to read:

22 938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that  
23 continued placement of the juvenile in his or her home would be contrary to the  
24 welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is  
25 placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that

1 the juvenile's current residence will not safeguard the welfare of the juvenile or the  
2 community due to the serious nature of the act for which the juvenile was adjudicated  
3 delinquent. The court order shall also contain a finding as to whether the county  
4 department or the agency primarily responsible for providing services under a court  
5 order has made reasonable efforts to prevent the removal of the juvenile from the  
6 home, while assuring that the juvenile's health and safety are the paramount  
7 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.  
8 to 4. applies, and, if a permanency plan has previously been prepared for the juvenile,  
9 a finding as to whether the county department or agency has made reasonable efforts  
10 to achieve the permanency goal of the juvenile's permanency plan, including, if  
11 appropriate, through an out-of-state placement,. The court shall make the findings  
12 specified in this subdivision on a case-by-case basis based on circumstances specific  
13 to the juvenile and shall document or reference the specific information on which  
14 those findings are based in the court order. A court order that merely references this  
15 subdivision without documenting or referencing that specific information in the  
16 court order or an amended court order that retroactively corrects an earlier court  
17 order that does not comply with this subdivision is not sufficient to comply with this  
18 subdivision.

19 **SECTION 64.** 938.355 (2b) of the statutes is renumbered 938.355 (2b) (b) and  
20 amended to read:

21 938.355 **(2b)** (b) A county department 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~~



1 children and families, a county department under s. 48.57 (1) (e) or (hm), or a child  
2 welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the  
3 juvenile for adoption, with a guardian, with a fit and willing relative, or in some other  
4 alternative permanent placement, including reasonable efforts to identify an  
5 appropriate out-of-state placement shall determine, in accordance with standards  
6 established by the department, whether to engage in concurrent planning. If,  
7 according to those standards, concurrent planning is required, the county  
8 department or agency shall engage in concurrent planning unless the court or  
9 permanency review panel determines under s. 938.38 (5) (c) 5m. that concurrent  
10 planning is inappropriate.

11 **SECTION 65.** 938.355 (2b) (a) of the statutes is created to read:

12 938.355 (2b) (a) In this subsection, “concurrent planning” means appropriate  
13 efforts to work simultaneously towards achieving more than one of the permanency  
14 goals listed in s. 938.38 (4) (fg) 1. to 5. for a juvenile who is placed in out-of-home care  
15 and for whom a permanency plan is required under s. 938.38 (2).

16 **SECTION 66.** 938.355 (2c) (b) of the statutes is amended to read:

17 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
18 the county department or the agency primarily responsible for providing services to  
19 the juvenile under a court order has made reasonable efforts to achieve the  
20 permanency goal of the permanency plan, the court’s consideration of reasonable  
21 efforts shall include the considerations under par. (a) and whether visitation  
22 schedules between the juvenile and his or her parents were implemented, unless  
23 visitation was denied or limited by the court.

24 **SECTION 67.** 938.355 (2d) (b) (intro.) of the statutes is amended to read:

1           938.355 **(2d)** (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not  
2 required to include in a dispositional order a finding as to whether the county  
3 department or the agency primarily responsible for providing services under a court  
4 order has made reasonable efforts with respect to a parent of a juvenile to prevent  
5 the removal of the juvenile from the home, while assuring that the juvenile's health  
6 and safety are the paramount concerns, or, if applicable, a finding as to whether the  
7 county department or agency has made reasonable efforts with respect to a parent  
8 of a juvenile to achieve the permanency ~~plan~~ goal of returning the juvenile safely to  
9 his or her home, if the court finds any of the following:

10           **SECTION 68.** 938.355 (2d) (c) of the statutes is amended to read:

11           938.355 **(2d)** (c) If the court finds that any of the circumstances under par. (b)  
12 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38  
13 (4m) within 30 days after the date of that finding to determine the permanency ~~plan~~  
14 goal and, if applicable, any concurrent permanency goals for the juvenile.

15           **SECTION 69.** 938.355 (2e) (b) of the statutes is amended to read:

16           938.355 **(2e)** (b) Each time a juvenile's placement is changed under s. 938.357,  
17 a trial reunification is ordered under s. 938.358, or a dispositional order is revised  
18 under s. 938.363 or extended under s. 938.365, the agency that prepared the  
19 permanency plan shall revise the plan to conform to the order and shall file a copy  
20 of the revised plan with the court. Each plan filed shall be made a part of the court  
21 order.

22           **SECTION 70.** 938.357 (2v) (c) of the statutes is amended to read:

23           938.357 **(2v)** (c) *Permanency ~~plan~~ hearing.* If the court finds under par. (a) 3.  
24 that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect  
25 to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after

1 the date of that finding to determine the permanency plan goal and, if applicable, any  
2 concurrent permanency goals for the juvenile.

3 **SECTION 71.** 938.358 of the statutes is created to read:

4 **938.358 Trial reunification. (1) DEFINITION.** In this section:

5 (a) "Trial reunification" means a period of 7 consecutive days or longer, but not  
6 exceeding 150 days, during which a juvenile who is placed in an out-of-home  
7 placement under s. 938.355 or 938.357 resides in the home of a relative of the juvenile  
8 from which the juvenile was removed or in the home of either of the juvenile's parents  
9 for the purpose of determining the appropriateness of changing the placement of the  
10 juvenile to that home.

11 (b) "Trial reunification home" means the home in which a juvenile resides  
12 during a trial reunification.

13 **(2) TRIAL REUNIFICATION; PROCEDURE.** (a) *Request or proposal.* No trial  
14 reunification may occur without a court order. Only the person or agency primarily  
15 responsible for implementing the dispositional order may request the court to order  
16 a trial reunification. The request shall contain the name and address of the  
17 requested trial reunification home, a statement describing why the trial  
18 reunification is in the best interests of the juvenile, and a statement describing how  
19 the trial reunification satisfies the objectives of the juvenile's permanency plan. A  
20 request for a trial reunification may not be made on the sole grounds that an  
21 emergency condition necessitates an immediate removal of the juvenile from his or  
22 her out-of-home placement. If an emergency condition necessitates such an  
23 immediate removal, the person or agency primarily responsible for implementing  
24 the dispositional order shall proceed as provided in s. 938.357 (2).

1           (b) *Notice; information required.* The person or agency requesting the trial  
2 reunification shall submit the request to the court and shall cause written notice of  
3 the requested trial reunification to be sent to the juvenile, the parent, guardian, and  
4 legal custodian of the juvenile, any foster parent or other physical custodian  
5 described in s. 48.62 (2) of the juvenile, all parties who are bound by the dispositional  
6 order, and, if the juvenile is an Indian juvenile who has been removed from the home  
7 of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian  
8 juvenile's Indian custodian and tribe. The notice shall contain the information that  
9 is required to be included in the request under par. (a).

10           (c) *Hearing; when required.* Any person receiving notice of a requested trial  
11 reunification under par. (b) may obtain a hearing on the matter by filing an objection  
12 with the court within 10 days after the request was filed with the court. If an  
13 objection is filed, a hearing shall be held within 30 days after the request was filed  
14 with the court. Not less than 3 days before the hearing the person or agency  
15 requesting the trial reunification or the court shall provide notice of the hearing to  
16 all persons who are entitled to receive notice under par. (b). A copy of the request for  
17 the trial reunification shall be attached to the notice. If all of the parties consent, the  
18 court may proceed immediately with the hearing.

19           (d) *Order.* If the court finds that the trial reunification is in the best interests  
20 of the juvenile and that the trial reunification satisfies the objectives of the juvenile's  
21 permanency plan, the court shall order the trial reunification. A trial reunification  
22 shall terminate 90 days after the date of the order, unless the court specifies a shorter  
23 period in the order, extends the trial reunification under sub. (3), or revokes the trial  
24 reunification under sub. (4) (c) or (6) (b). No trial reunification order may extend the  
25 expiration date of the original dispositional order under s. 938.355 or any extension

1 order under s. 938.365. A trial reunification under this section is not a change in  
2 placement under s. 938.357. Unless revoked under sub. (4) (c) or (6) (b), at the end  
3 of a trial reunification, the person or agency primarily responsible for implementing  
4 the dispositional order shall do one of the following:

5 1. Return the juvenile to his or her previous out-of-home placement. The  
6 person or agency may do so without further order of the court, but within 5 days after  
7 the return the person or agency shall provide notice of the date of the return and the  
8 address of that placement to all persons who are entitled to receive notice under par.  
9 (b).

10 2. Request a change in placement under s. 938.357 to place the juvenile in a new  
11 out-of-home placement.

12 3. Request a change in placement under s. 938.357 to place the juvenile in the  
13 trial reunification home.

14 **(3) EXTENSION OF TRIAL REUNIFICATION.** (a) *Extension request.* The person or  
15 agency primarily responsible for implementing the dispositional order may request  
16 an extension of a trial reunification. The request shall contain a statement  
17 describing how the trial reunification continues to be in the best interests of the  
18 juvenile. No later than 10 days prior to the expiration of the trial reunification, the  
19 person or agency that requests the extension shall submit the request to the court  
20 that ordered the trial reunification and shall cause notice of the request to be  
21 provided to all persons who are entitled to receive notice under sub. (2) (b).

22 (b) *Extension hearing; when required.* Any person who is entitled to receive  
23 notice of the extension request under par. (a) may obtain a hearing on the matter by  
24 filing an objection with the court within 10 days after the request was filed with the  
25 court. If an objection is filed, the court shall schedule a hearing on the matter. If the

1 court is unable to conduct a hearing on the matter before the trial reunification  
2 expires, the court may extend the trial reunification for not more than 30 days  
3 without a hearing. If a hearing is scheduled, not less than 3 days before the hearing  
4 the person or agency requesting the extension or the court shall provide notice of the  
5 hearing to all persons who are entitled to receive notice of the extension request  
6 under par. (a). A copy of the request for the extension shall be attached to the notice.  
7 If all of the parties consent, the court may proceed immediately with the hearing.

8 (c) *Extension order.* If the court finds that the trial reunification continues to  
9 be in the best interests of the juvenile, the court shall grant an order extending the  
10 trial reunification for a period specified by the court. Any number of extensions may  
11 be granted, but the total period for a trial reunification may not exceed 150 days.

12 (4) REVOCATION OF TRIAL REUNIFICATION. (a) *Revocation request; information*  
13 *required.* 1. If the person or agency primarily responsible for implementing the  
14 dispositional order determines based on current circumstances that a trial  
15 reunification is no longer in the best interests of the juvenile, that person or agency  
16 may, without prior court order, remove the juvenile from the trial reunification home  
17 and place the juvenile in the juvenile's previous out-of-home placement as provided  
18 in subd. 2. or place the juvenile in a new out-of-home placement as provided in subd.  
19 3.

20 2. If the person or agency primarily responsible for implementing the  
21 dispositional order places the juvenile in the juvenile's previous out-of-home  
22 placement, within 3 days after removing the juvenile from the trial reunification  
23 home, that person or agency shall submit a request for revocation of the trial  
24 reunification to the court that ordered the trial reunification and shall cause notice  
25 of the request to be provided to all persons who are entitled to receive notice of the

1 trial reunification under sub. (2) (b). The request shall contain the date on which the  
2 juvenile was removed from the trial reunification home, the address of the juvenile's  
3 current placement, and the reasons for the proposed revocation. Paragraphs (b) and  
4 (c) apply to a request for revocation submitted under this subdivision.

5 3. If the person or agency primarily responsible for implementing the  
6 dispositional order places the juvenile in a new out-of-home placement, within 3  
7 days after removing the juvenile from the trial reunification home, that person or  
8 agency shall request a change in placement under s. 938.357 (1) (am). The  
9 procedures specified in s. 938.357 relating to a change in placement under s. 938.357  
10 (1) (am) apply to a change in placement requested under this subdivision, except that  
11 the request shall include the date on which the juvenile was removed from the trial  
12 reunification home in addition to the information required under s. 938.357 (1) (am)  
13 1., and the trial reunification is revoked when the change in placement order is  
14 granted.

15 (b) *Revocation hearing; when required.* Any person who is entitled to receive  
16 notice of a revocation request under par. (a) 2. may obtain a hearing on the matter  
17 by filing an objection with the court within 10 days after the request is filed with the  
18 court. If a hearing is scheduled, not less than 3 days prior to the hearing the court  
19 shall provide notice of the hearing, together with a copy of the request for the  
20 revocation, to all persons who are entitled to receive notice under par. (a) 2. If all  
21 parties consent, the court may proceed immediately with the hearing.

22 (c) *Revocation order.* If the court finds that the trial reunification is no longer  
23 in the best interests of a juvenile who has been placed in his or her previous  
24 out-of-home placement under par. (a) 1., the court shall grant an order revoking the  
25 trial reunification.

1           **(5) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN.** If a hearing is  
2 held under sub. (2) (c) and the trial reunification would remove a juvenile from a  
3 foster home or other placement with a physical custodian described in s. 48.62 (2),  
4 the court shall give the foster parent or other physical custodian a right to be heard  
5 at the hearing by permitting the foster parent or other physical custodian to make  
6 a written or oral statement during the hearing or to submit a written statement prior  
7 to the hearing relating to the juvenile and the requested trial reunification. A foster  
8 parent or other physical custodian described in s. 48.62 (2) who receives notice of a  
9 hearing under sub. (2) (c) and a right to be heard under this subsection does not  
10 become a party to the proceeding on which the hearing is held solely on the basis of  
11 receiving that notice and right to be heard.

12           **(6) PROHIBITED TRIAL REUNIFICATIONS BASED ON HOMICIDE OF PARENT.** (a)  
13 *Prohibition.* Except as provided in par. (c), the court may not order a trial  
14 reunification in the home of a person who has been convicted under s. 940.01 of the  
15 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional  
16 homicide, of a parent of the juvenile, if the conviction has not been reversed, set aside,  
17 or vacated.

18           (b) *Revocation.* Except as provided in par. (c), if a parent in whose home a  
19 juvenile is placed for a trial reunification is convicted under s. 940.01 of the  
20 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional  
21 homicide, of the juvenile's other parent, and the conviction has not been reversed, set  
22 aside, or vacated, the court shall revoke the trial reunification and the juvenile shall  
23 be returned to his or her previous out-of-home placement or, pursuant to s. 938.357,  
24 placed in a new out-of-home placement.



1           (c) *Exception.* Paragraphs (a) and (b) do not apply if the court determines by  
2 clear and convincing evidence that the placement would be in the best interests of  
3 the juvenile. The court shall consider the wishes of the juvenile in making that  
4 determination.

5           **SECTION 72.** 938.363 (1) (a) of the statutes is amended to read:

6           938.363 (1) (a) A juvenile, the juvenile's parent, guardian, or legal custodian,  
7 any person or agency bound by a dispositional order, the district attorney or  
8 corporation counsel in the county in which the dispositional order was entered or, if  
9 the juvenile is an Indian juvenile who is in need of protection or services under s.  
10 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian may request a  
11 revision in the order that does not involve a change in placement or a trial  
12 reunification, including a revision with respect to the amount of child support to be  
13 paid by a parent. The court may also propose a revision. The request or court  
14 proposal shall set forth in detail the nature of the proposed revision and what new  
15 information is available that affects the advisability of the court's disposition. The  
16 request or court proposal shall be submitted to the court. The court shall hold a  
17 hearing on the matter prior to any revision of the dispositional order if the request  
18 or court proposal indicates that new information is available that affects the  
19 advisability of the court's dispositional order, unless written waivers of objections to  
20 the revision are signed by all parties entitled to receive notice and the court approves.

21           **SECTION 73.** 938.365 (2g) (b) 2. of the statutes is amended to read:

22           938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement  
23 and of any progress the juvenile has made, suggestions for amendment of the  
24 permanency plan, and specific information showing the efforts that have been made  
25 to achieve the permanency goal of the permanency plan, including, if applicable, the

1 efforts of the parents to remedy the factors that contributed to the juvenile's  
2 placement.

3 **SECTION 74.** 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 in a foster home, group home, nonsecured residential care center for children and  
6 youth, or shelter care facility for 15 of the most recent 22 months, not including 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 was residing in a trial reunification home for a trial home visit,~~ a statement of  
10 whether or not a recommendation has been made to terminate the parental rights  
11 of the parents of the juvenile. If a recommendation for a termination of parental  
12 rights has been made, the statement shall indicate the date on which the  
13 recommendation was made, any previous progress made to accomplish the  
14 termination of parental rights, any barriers to the termination of parental rights,  
15 specific steps to overcome the barriers and when the steps will be completed, reasons  
16 why adoption would be in the best interest of the juvenile and whether or not the  
17 juvenile should be registered with the adoption information exchange. If a  
18 recommendation for termination of parental rights has not been made, the  
19 statement shall include an explanation of the reasons why a recommendation for  
20 termination of parental rights has not been made. If the lack of appropriate adoptive  
21 resources is the primary reason for not recommending a termination of parental  
22 rights, the agency shall recommend that the juvenile be registered with the adoption  
23 information exchange or report the reason why registering the juvenile is contrary  
24 to the best interest of the juvenile.

25 **SECTION 75.** 938.365 (2m) (a) 1. of the statutes is amended to read:

1           938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of  
2 extension. If the juvenile is placed outside of his or her home, the person or agency  
3 primarily responsible for providing services to the juvenile shall present as evidence  
4 specific information showing that the person or agency has made reasonable efforts  
5 to achieve the permanency goal of the juvenile's permanency plan, including, if  
6 appropriate, through an out-of-state placement,. If an Indian juvenile is placed  
7 outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6),  
8 (6m), or (7), the person or agency primarily responsible for providing services to the  
9 Indian juvenile shall also present as evidence specific information showing that  
10 active efforts under s. 938.028 (4) (d) 2. have been made to prevent the breakup of  
11 the Indian juvenile's family and that those efforts have proved unsuccessful.

12           **SECTION 76.** 938.365 (2m) (a) 1m. of the statutes is amended to read:

13           938.365 (2m) (a) 1m. The court shall make findings of fact and conclusions of  
14 law based on the evidence. The findings of fact shall include a finding as to whether  
15 reasonable efforts were made by the person or agency primarily responsible for  
16 providing services to the juvenile to achieve the permanency goal of the juvenile's  
17 permanency plan, including, if appropriate, through an out-of-state placement,. If  
18 the juvenile is an Indian juvenile who is placed outside the home of his or her parent  
19 or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the findings of fact shall also  
20 include a finding that active efforts under s. 938.028 (4) (d) 2. were made to prevent  
21 the breakup of the Indian juvenile's family and that those efforts have proved  
22 unsuccessful. An order shall be issued under s. 938.355.

23           **SECTION 77.** 938.365 (2m) (a) 3. of the statutes is amended to read:

24           938.365 (2m) (a) 3. The court shall make the findings under subd. 1m. relating  
25 to reasonable efforts to achieve the permanency goal of the juvenile's permanency

1 plan and the findings under subd. 2. on a case-by-case basis based on circumstances  
2 specific to the juvenile and shall document or reference the specific information on  
3 which those findings are based in the order issued under s. 938.355. An order that  
4 merely references subd. 1m. or 2. 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 subdivision is not sufficient to comply with this  
7 subdivision.

8 **SECTION 78.** 938.365 (2m) (ad) of the statutes is amended to read:

9 938.365 **(2m)** (ad) If the court finds that any of the circumstances under s.  
10 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing  
11 under s. 938.38 (4m) within 30 days after the date of that finding to determine the  
12 permanency plan goal and, if applicable, any concurrent permanency goals for the  
13 juvenile.

14 **SECTION 79.** 938.365 (7) of the statutes is amended to read:

15 938.365 **(7)** CHANGES IN PLACEMENT AND TRIAL REUNIFICATIONS NOT PERMITTED.  
16 Nothing in this section may be construed to allow any changes in placement, trial  
17 reunification, or revocation of aftercare supervision. Revocation and other changes  
18 in placement may take place only under s. 938.357, and trial reunifications may take  
19 place only under s. 938.358.

20 **SECTION 80.** 938.371 (5) of the statutes is amended to read:

21 938.371 **(5)** CONFIDENTIALITY OF INFORMATION. Except as permitted under s.  
22 252.15 (6), a foster parent, treatment foster parent, relative, or operator of a group  
23 home, residential care center for children and youth, or juvenile correctional facility  
24 that receives any information under sub. (1) or (3), other than the information  
25 described in sub. (3) (e), shall keep the information confidential and may disclose that

1 information only for the purposes of providing care for the juvenile or participating  
2 in a court hearing or permanency plan review concerning the juvenile.

3 **SECTION 81.** 938.38 (2) (intro.) of the statutes is amended to read:

4 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
5 for each juvenile living in a foster home, group home, residential care center for  
6 children and youth, juvenile detention facility, or shelter care facility, the agency that  
7 placed the juvenile or arranged the placement or the agency assigned primary  
8 responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall  
9 prepare a written permanency plan, if any of the following conditions exists, and, for  
10 each juvenile living in the home of a guardian or a relative other than a parent, that  
11 agency shall prepare a written permanency plan, if any of the conditions under pars.  
12 (a) to (e) exists:

13 **SECTION 82.** 938.38 (4) (ar) of the statutes is amended to read:

14 938.38 (4) (ar) A description of the services offered and any services provided  
15 in an effort to prevent the removal of the juvenile from his or her home, while  
16 assuring that the health and safety of the juvenile are the paramount concerns, and  
17 to achieve the goal of the permanency plan, except that the permanency plan is not  
18 required to include a description of the services offered or provided with respect to  
19 a parent of the juvenile to prevent the removal of the juvenile from the home or to  
20 achieve the permanency plan goal of returning the juvenile safely to his or her home  
21 if any of the circumstances under s. 938.355 (2d) (b) 1. to 4. apply to that parent.

22 **SECTION 83.** 938.38 (4) (f) 3. of the statutes is amended to read:

23 938.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe  
24 return of the juvenile to his or her home, or, if appropriate, obtain ~~an alternative~~  
25 ~~permanent placement~~ for the juvenile a placement for adoption, with a guardian,

1 with a fit and willing relative, or in some other planned permanent living  
2 arrangement that includes an appropriate, enduring relationship with an adult.

3 **SECTION 84.** 938.38 (4) (fg) (intro.) of the statutes is amended to read:

4 938.38 (4) (fg) (intro.) The goal of the permanency plan or, if the agency is  
5 ~~making concurrent reasonable efforts under~~ engaging in concurrent planning, as  
6 defined in s. 938.355 (2b) (a), the permanency and concurrent permanency goals of  
7 the permanency plan. If a goal of the permanency plan is any goal other than return  
8 of the juvenile to his or her home to place the juvenile for adoption, with a guardian,  
9 or with a fit and willing relative, the permanency plan shall include the rationale for  
10 deciding on that goal. If a goal of the permanency plan is an alternative permanent  
11 placement under subd. 5., the permanency plan shall document a compelling reason  
12 why it would not be in the best interest of the juvenile to pursue a goal specified in  
13 subds. 1. to 4. and the efforts made to achieve that goal, including, if appropriate,  
14 through an out-of-state placement. If the agency determines under s. 938.355 (2b)  
15 (b) to engage in concurrent planning, the permanency plan shall include the  
16 rationale for that determination and a description of the concurrent plan. The  
17 agency shall determine one or more of the following goals to be the goal or goals of  
18 a juvenile's permanency plan:

19 **SECTION 85.** 938.38 (4) (fg) 5. of the statutes is amended to read:

20 938.38 (4) (fg) 5. ~~Some~~ As provided in par. (fm), some other alternative planned  
21 permanent placement living arrangement that includes an appropriate, enduring  
22 relationship with an adult, including sustaining care, independent living, or  
23 long-term foster care, but not including independent living.

24 **SECTION 86.** 938.38 (4) (fm) of the statutes is amended to read:

1           938.38 (4) (fm) If the ~~goal of the permanency plan is to~~ agency determines that  
2 there is a compelling reason why it currently would not be in the best interests of the  
3 juvenile to return the juvenile to his or her home or to place the juvenile for adoption,  
4 with a guardian, or with a fit and willing relative,~~or~~ as the permanency goal for the  
5 juvenile, the permanency goal of placing the juvenile in some other alternative  
6 planned permanent placement, living arrangement described in par. (fg) 5. If the  
7 agency makes that determination, the plan shall include the efforts made to achieve  
8 that permanency goal, including, if appropriate, through an out-of-state  
9 placement, a statement of that compelling reason, and, notwithstanding that  
10 compelling reason, a concurrent plan under s. 938.355 (2b) towards achieving a goal  
11 under par. (fg) 1. to 4. as a concurrent permanency goal in addition to the permanency  
12 goal under par. (fg) 5.

13           **SECTION 87.** 938.38 (4) (i) of the statutes is amended to read:

14           938.38 (4) (i) A statement as to whether the juvenile's age and developmental  
15 level are sufficient for the court to consult with the juvenile at the permanency plan  
16 ~~determination~~ hearing under sub. (4m) (c) or ~~at the permanency plan hearing under~~  
17 ~~sub. (5m) (c) 2.~~ or for the court or panel to consult with the juvenile at the permanency  
18 plan review under sub. (5) (bm) 2. and, if a decision is made that it would not be age  
19 appropriate or developmentally appropriate for the court to consult with the  
20 juvenile, a statement as to why consultation with the juvenile would not be  
21 appropriate.

22           **SECTION 88.** 938.38 (4m) (title) of the statutes is amended to read:

23           938.38 (4m) (title)   REASONABLE EFFORTS NOT REQUIRED; PERMANENCY  
24 PERMANENCY PLAN DETERMINATION HEARING.

25           **SECTION 89.** 938.38 (5) (title) of the statutes is amended to read:

1           938.38 (5) (title) ~~PLAN~~ PERMANENCY REVIEW.

2           **SECTION 90.** 938.38 (5) (a) of the statutes is amended to read:

3           938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel  
4 appointed under par. (ag) shall review the permanency plan in the manner provided  
5 in this subsection not later than 6 months after the date on which the juvenile was  
6 first removed from his or her home and every 6 months after a previous review under  
7 this subsection for as long as the juvenile is placed outside the home, except that for  
8 the review that is required to be conducted not later than 12 months after the  
9 juvenile was first removed from his or her home and the reviews that are required  
10 to be conducted every 12 months after that review, the court shall hold a hearing  
11 under sub. (5m) to review the permanency plan. The hearing may be instead of or  
12 in addition to the review under this subsection. The 6-month and 12-month periods  
13 referred to in this paragraph include trial reunifications under s. 938.358.

14           **SECTION 91.** 938.38 (5) (am) of the statutes is amended to read:

15           938.38 (5) (am) The court may appoint an independent agency to designate a  
16 panel to conduct a permanency ~~plan~~ review under par. (a). If the court appoints an  
17 independent agency under this paragraph, the county department of the county of  
18 the court shall authorize and contract for the purchase of services from the  
19 independent agency.

20           **SECTION 92.** 938.38 (5) (c) 5. of the statutes is amended to read:

21           938.38 (5) (c) 5. The date by which it is likely that the juvenile will be returned  
22 to his or her home or placed for adoption, with a guardian, with a fit and willing  
23 relative, or in some other alternative planned permanent placement living  
24 arrangement that includes an appropriate, enduring relationship with an adult.

25           **SECTION 93.** 938.38 (5) (c) 5m. of the statutes is created to read:



1           938.38 (5) (c) 5m. The continuing appropriateness, according to standards  
2 established by the department, of the permanency goal and, if the court or panel  
3 considers appropriate, any concurrent permanency goals for the juvenile. If the court  
4 or panel does not approve of any of those goals or if the court or panel determines that  
5 a concurrent permanency goal is appropriate, the court or panel shall determine the  
6 permanency goal and, if appropriate, any concurrent permanency goals for the  
7 juvenile.

8           **SECTION 94.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

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

17           **SECTION 95.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

18           938.38 (5) (c) 6. d. Being placed in some other alternative planned permanent  
19 ~~placement~~ living arrangement that includes an appropriate, enduring relationship  
20 with an adult, including sustaining care, ~~independent living~~, or long-term foster  
21 care, but not including independent living.

22           **SECTION 96.** 938.38 (5) (c) 7. of the statutes is amended to read:

23           938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve  
24 the permanency goal of the permanency plan, including, if appropriate, through an  
25 out-of-state placement,

1           **SECTION 97.** 938.38 (5) (f) of the statutes is amended to read:

2           938.38 (5) (f) If the summary prepared under par. (e) indicates that the review  
3 panel made recommendations that conflict with the court juvenile's dispositional  
4 order or that provide for additional services not specified in the court dispositional  
5 order, the agency primarily responsible for providing services to the juvenile shall  
6 request a revision of the court dispositional order.

7           **SECTION 98.** 938.38 (5m) (title) of the statutes is amended to read:

8           938.38 (5m) (title) PERMANENCY PLAN HEARING.

9           **SECTION 99.** 938.38 (5m) (a) of the statutes is amended to read:

10          938.38 (5m) (a) The court shall hold a hearing to review the permanency plan  
11 and to make the determinations specified in sub. (5) (c) no later than 12 months after  
12 the date on which the juvenile was first removed from the home and every 12 months  
13 after a previous hearing under this subsection for as long as the juvenile is placed  
14 outside the home. The 12-month periods referred to in this paragraph include trial  
15 reunifications under s. 938.358.

16          **SECTION 100.** 938.38 (5m) (b) of the statutes is amended to read:

17          938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court  
18 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the  
19 juvenile's foster parent, the operator of the facility in which the juvenile is living, or  
20 the relative with whom the juvenile is living; of the time, place, and purpose of the  
21 hearing, of the issues to be determined at the hearing, and of the fact that they shall  
22 have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the  
23 juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the  
24 permanency plan; the person representing the interests of the public; and, if the  
25 juvenile is an Indian juvenile who is placed outside the home of his or her parent or

1 Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian  
2 custodian and tribe of the date, time, and place, and purpose of the hearing, of the  
3 issues to be determined at the hearing, and of the fact that they may have an  
4 opportunity to be heard at the hearing as provided in par. (c) 1.

5 **SECTION 101.** 938.38 (5m) (f) of the statutes is amended to read:

6 938.38 (5m) (f) If the findings of fact and conclusions of law under par. (e)  
7 conflict with the juvenile's dispositional order or provide for any additional services  
8 not specified in the dispositional order, the court shall revise the dispositional order  
9 under s. 938.363 or, order a change in placement under s. 938.357, or order a trial  
10 reunification under s. 938.358, as appropriate.

11 **SECTION 102.** 938.38 (6) (a) of the statutes is amended to read:

12 938.38 (6) (a) Procedures for conducting permanency plan reviews.

13 **SECTION 103. Initial applicability.**

14 (1) PERMANENCY PLANNING FOR CHILDREN IN OUT-OF-HOME CARE.

15 (a) *Permanency plan contents.* Except as provided in paragraph (b) and  
16 subsection (2), this act first applies to a permanency plan filed on the effective date  
17 of this paragraph.

18 (b) *Permanency reviews and hearings.* The treatment of sections 48.38 (5) (a)  
19 and (c) 5., 5m., and 6. (intro.) and d. and (5m) (a) and (f) and 938.38 (5) (a) and (c) 5.,  
20 5m., and 6. (intro.) and d. and (5m) (a) and (f) of the statutes first apply to a hearing  
21 or review for which a permanency plan is filed or provided on the effective date of this  
22 paragraph.

23 (2) TRIAL REUNIFICATIONS FOR CHILDREN IN OUT-OF-HOME CARE.

1           (a) *Trial reunifications.* The treatment of sections 48.299 (4) (b), 48.335 (4),  
2           48.358, 938.335 (4), and 938.358 of the statutes first applies to a trial reunification  
3           requested on the effective date of this paragraph.

4           (b) *Revisions of dispositional orders.* The treatment of sections 48.363 (1) (a)  
5           and 938.363 (1) (a) of the statutes first applies to a revision of a dispositional order  
6           requested or proposed on the effective date of this paragraph.

7           (c) *Extensions of dispositional orders.* The treatment of sections 48.365 (2g) (b)  
8           3. and (7) and 938.365 (2g) (b) 3. and (7) of the statutes first applies to an extension  
9           of a dispositional order requested or proposed on the effective date of this paragraph.

10          (d) *Terminations of parental rights.* The treatment of section 48.417 (1) (a) of  
11          the statutes first applies to a termination of parental rights petition filed or joined  
12          in on the effective date of this paragraph.

13           **SECTION 104. Effective date.**

14           (1) PERMANENCY PLANNING FOR CHILDREN IN OUT-OF-HOME CARE. This act takes  
15           effect on November 1, 2012.

16   **(END)**