



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2011 SENATE BILL 502**

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***

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

13 **SECTION 1.** 48.21 (5) (d) of the statutes is amended to read:

14 48.21 (5) (d) If the judge or circuit court commissioner finds that any of the  
15 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
16 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)  
17 within 30 days after the date of that finding to determine the permanency plan goal  
18 and, if applicable, any concurrent permanency goals for the child.

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

20 48.299 (4) (b) Except as provided in s. 901.05, neither common law nor  
21 statutory rules of evidence are binding at a hearing for a child held in custody under

1 s. 48.21, a hearing for an adult expectant mother held in custody under s. 48.213, a  
2 runaway home hearing under s. 48.227 (4), a dispositional hearing, or a hearing  
3 about changes in placement, trial reunifications, revision of dispositional orders,  
4 extension of dispositional orders, or termination of guardianship orders entered  
5 under s. 48.977 (4) (h) 2. or (6) or 48.978 (2) (j) 2. or (3) (g). At those hearings, the court  
6 shall admit all testimony having reasonable probative value, but shall exclude  
7 immaterial, irrelevant, or unduly repetitious testimony or evidence that is  
8 inadmissible under s. 901.05. Hearsay evidence may be admitted if it has  
9 demonstrable circumstantial guarantees of trustworthiness. The court shall give  
10 effect to the rules of privilege recognized by law. The court shall apply the basic  
11 principles of relevancy, materiality, and probative value to proof of all questions of  
12 fact. Objections to evidentiary offers and offers of proof of evidence not admitted may  
13 be made and shall be noted in the record.

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

15 48.315 **(2m)** (b) The court making an initial finding under s. 48.38 (5m) that  
16 the agency primarily responsible for providing services to the child has made  
17 reasonable efforts to achieve the goals permanency goal of the child's permanency  
18 plan more than 12 months after the date on which the child was removed from the  
19 home or making any subsequent findings under s. 48.38 (5m) as to those reasonable  
20 efforts more than 12 months after the date of a previous finding as to those  
21 reasonable efforts.

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

23 48.32 **(1)** (b) 1. c. If a permanency plan has previously been prepared for the  
24 child, a finding as to whether the county department, department, or agency has

1 made reasonable efforts to achieve the permanency goal of the child's permanency  
2 plan, including, if appropriate, through an out-of-state placement.

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

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

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

10 48.33 **(4)** (c) Specific information showing that continued placement of the child  
11 in his or her home would be contrary to the welfare of the child, specific information  
12 showing that the county department, the department, in a county having a  
13 population of 500,000 or more, or the agency primarily responsible for providing  
14 services to the child has made reasonable efforts to prevent the removal of the child  
15 from the home, while assuring that the child's health and safety are the paramount  
16 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.  
17 applies, and, if a permanency plan has previously been prepared for the child,  
18 specific information showing that the county department, department, or agency has  
19 made reasonable efforts to achieve the permanency goal of the child's permanency  
20 plan, including, if appropriate, through an out-of-state placement.

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

22 48.335 **(3g)** (c) That, if a permanency plan has previously been prepared for the  
23 child, the county department, department, or agency has made reasonable efforts to  
24 achieve the permanency goal of the child's permanency plan, including, if  
25 appropriate, through an out-of-state placement.

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

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

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

8           48.355 **(2)** (b) 6. If the child is placed outside the home, a finding that continued  
9 placement of the child in his or her home would be contrary to the welfare of the child,  
10 a finding as to whether the county department, the department, in a county having  
11 a population of 500,000 or more, or the agency primarily responsible for providing  
12 services under a court order has made reasonable efforts to prevent the removal of  
13 the child from the home, while assuring that the child's health and safety are the  
14 paramount concerns, unless the court finds that any of the circumstances specified  
15 in sub. (2d) (b) 1. to 5. applies, and, if a permanency plan has previously been  
16 prepared for the child, a finding as to whether the county department, department,  
17 or agency has made reasonable efforts to achieve the permanency goal of the child's  
18 permanency plan, including, if appropriate, through an out-of-state placement. The  
19 court shall make the findings specified in this subdivision on a case-by-case basis  
20 based on circumstances specific to the child and shall document or reference the  
21 specific information on which those findings are based in the court order. A court  
22 order that merely references this subdivision without documenting or referencing  
23 that specific information in the court order or an amended court order that  
24 retroactively corrects an earlier court order that does not comply with this  
25 subdivision is not sufficient to comply with this subdivision.

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

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

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

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

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

22           48.355 **(2b)** (a) In this subsection, “concurrent planning” means appropriate  
23 efforts to work simultaneously towards achieving more than one of the permanency  
24 goals listed in s. 48.38 (4) (fg) 1. to 5. for a child who is placed in out-of-home care  
25 and for whom a permanency plan is required under s. 48.38 (2).

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

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

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

11           48.355 **(2d)** (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required  
12 to include in a dispositional order a finding as to whether the county department, the  
13 department, in a county having a population of 500,000 or more, or the agency  
14 primarily responsible for providing services under a court order has made reasonable  
15 efforts with respect to a parent of a child to prevent the removal of the child from the  
16 home, while assuring that the child's health and safety are the paramount concerns,  
17 or a finding as to whether the county department, department, or agency has made  
18 reasonable efforts with respect to a parent of a child to achieve the permanency plan  
19 goal of returning the child safely to his or her home, if the court finds any of the  
20 following:

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

22           48.355 **(2d)** (c) If the court finds that any of the circumstances specified in par.  
23 (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s.  
24 48.38 (4m) within 30 days after the date of that finding to determine the permanency  
25 plan goal and, if applicable, any concurrent permanency goals for the child.

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

2           48.355 **(2e)** (b) Each time a child's placement is changed under s. 48.357, a trial  
3 reunification is ordered under s. 48.358, or a dispositional order is revised under s.  
4 48.363 or extended under s. 48.365, the agency that prepared the permanency plan  
5 shall revise the plan to conform to the order and shall file a copy of the revised plan  
6 with the court. Each plan filed under this paragraph shall be made a part of the court  
7 order.

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

9           48.357 **(2v)** (c) If the court finds under par. (a) 3. that any of the circumstances  
10 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall  
11 hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to  
12 determine the permanency plan goal and, if applicable, any concurrent permanency  
13 goals for the child.

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

15           **48.358 Trial reunification. (1) DEFINITION.** In this section:

16           (a) “Trial reunification” means a period of 7 consecutive days or longer, but not  
17 exceeding 150 days, during which a child who is placed in an out-of-home placement  
18 under s. 48.355 or 48.357 resides in the home of a relative of the child from which the  
19 child was removed or in the home of either of the child's parents for the purpose of  
20 determining the appropriateness of changing the placement of the child to that  
21 home.

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

24           **(2) TRIAL REUNIFICATION; PROCEDURE.** (a) *Request or proposal.* No trial  
25 reunification may occur without a court order. Only the person or agency primarily



1 responsible for implementing the dispositional order may request the court to order  
2 a trial reunification. The request shall contain the name and address of the  
3 requested trial reunification home, a statement describing why the trial  
4 reunification is in the best interests of the child, and a statement describing how the  
5 trial reunification satisfies the objectives of the child’s permanency plan. A request  
6 for a trial reunification may not be made on the sole grounds that an emergency  
7 condition necessitates an immediate removal of the child from his or her  
8 out-of-home placement. If an emergency condition necessitates such an immediate  
9 removal, the person or agency primarily responsible for implementing the  
10 dispositional order shall proceed as provided in s. 48.357 (2).

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

20 (c) *Hearing; when required.* Any person who is entitled to receive notice of a  
21 requested trial reunification under par. (b), other than a court-appointed special  
22 advocate, may obtain a hearing on the matter by filing an objection with the court  
23 within 10 days after the request was filed with the court. If an objection is filed, a  
24 hearing shall be held within 30 days after the request was filed with the court. Not  
25 less than 3 days before the hearing the person or agency requesting the trial

1 reunification or the court shall provide notice of the hearing to all persons who are  
2 entitled to receive notice under par. (b). A copy of the request for the trial  
3 reunification shall be attached to the notice. If all of the parties consent, the court  
4 may proceed immediately with the hearing.

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

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

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

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

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

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

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

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

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

18           3. If the person or agency primarily responsible for implementing the  
19 dispositional order places the child in a new out-of-home placement, within 3 days  
20 after removing the child from the trial reunification home, that person or agency  
21 shall request a change in placement under s. 48.357 (1) (am). The procedures  
22 specified in s. 48.357 relating to a change in placement under s. 48.357 (1) (am) apply  
23 to a change in placement requested under this subdivision, except that the request  
24 shall include the date on which the child was removed from the trial reunification

1 home in addition to the information required under s. 48.357 (1) (am) 1., and the trial  
2 reunification is revoked when the change in placement order is granted.

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

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

15 **(5) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN.** If a hearing is  
16 held under sub. (2) (c) and the trial reunification would remove a child from a foster  
17 home or other placement with a physical custodian described in s. 48.62 (2), the court  
18 shall give the foster parent or other physical custodian a right to be heard at the  
19 hearing by permitting the foster parent or other physical custodian to make a written  
20 or oral statement during the hearing or to submit a written statement prior to the  
21 hearing relating to the child and the requested trial reunification. A foster parent  
22 or other physical custodian described in s. 48.62 (2) who receives notice of a hearing  
23 under sub. (2) (c) and a right to be heard under this subsection does not become a  
24 party to the proceeding on which the hearing is held solely on the basis of receiving  
25 that notice and right to be heard.

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

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

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

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

19          48.363 **(1)** (a) A child, the child's parent, guardian, legal custodian, or Indian  
20          custodian, an expectant mother, an unborn child by the unborn child's guardian ad  
21          litem, any person or agency bound by a dispositional order, or the district attorney  
22          or corporation counsel in the county in which the dispositional order was entered  
23          may request a revision in the order that does not involve a change in placement or  
24          a trial reunification, including a revision with respect to the amount of child support  
25          to be paid by a parent. The court may also propose a revision. The request or court

1 proposal shall set forth in detail the nature of the proposed revision and what new  
2 information is available that affects the advisability of the court's disposition. The  
3 request or court proposal shall be submitted to the court. The court shall hold a  
4 hearing on the matter prior to any revision of the dispositional order if the request  
5 or court proposal indicates that new information is available which affects the  
6 advisability of the court's dispositional order, unless written waivers of objections to  
7 the revision are signed by all parties entitled to receive notice and the court approves.

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

9 48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and  
10 of any progress the child has made, suggestions for amendment of the permanency  
11 plan, and specific information showing the efforts that have been made to achieve the  
12 permanency goal of the permanency plan, including, if applicable, the efforts of the  
13 parents to remedy the factors that contributed to the child's placement.

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

15 48.365 (2g) (b) 3. If the child has been placed outside of his or her home in a  
16 foster home, group home, residential care center for children and youth, or shelter  
17 care facility for 15 of the most recent 22 months, not including any period during  
18 which the child was a runaway from the out-of-home placement or ~~the first 6 months~~  
19 ~~of any period during which the child was returned to his or her~~ was residing in a trial  
20 reunification home for ~~a trial home visit~~, a statement of whether or not a  
21 recommendation has been made to terminate the parental rights of the parents of  
22 the child. If a recommendation for a termination of parental rights has been made,  
23 the statement shall indicate the date on which the recommendation was made, any  
24 previous progress made to accomplish the termination of parental rights, any  
25 barriers to the termination of parental rights, specific steps to overcome the barriers

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

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

11 48.365 **(2m)** (a) 1. Any party may present evidence relevant to the issue of  
12 extension. If the child is placed outside of his or her home, the person or agency  
13 primarily responsible for providing services to the child shall present as evidence  
14 specific information showing that the person or agency has made reasonable efforts  
15 to achieve the permanency goal of the child's permanency plan, including, if  
16 appropriate, through an out-of-state placement, ~~under~~. If an Indian child is placed  
17 outside the home of his or her parent or Indian custodian, the person or agency  
18 primarily responsible for providing services to the Indian child shall also present as  
19 evidence specific information showing that active efforts under s. 48.028 (4) (d) 2.  
20 have been made to prevent the breakup of the Indian child's family and that those  
21 efforts have proved unsuccessful.

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

23 48.365 **(2m)** (a) 1m. The judge shall make findings of fact and conclusions of  
24 law based on the evidence. The findings of fact shall include a finding as to whether  
25 reasonable efforts were made by the person or agency primarily responsible for



1 providing services to the child to achieve the permanency goal of the child's  
2 permanency plan, including, if appropriate, through an out-of-state placement,  
3 ~~under~~. If the child is an Indian child who is placed outside the home of his or her  
4 parent or Indian custodian, the findings of fact shall also include a finding that active  
5 efforts under s. 48.028 (4) (d) 2. were made to prevent the breakup of the Indian  
6 child's family and that those efforts have proved unsuccessful. An order shall be  
7 issued under s. 48.355.

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

9 48.365 (2m) (a) 3. The judge shall make the findings under subd. 1m. relating  
10 to reasonable efforts to achieve the permanency goal of the child's permanency plan  
11 and the findings under subd. 2. on a case-by-case basis based on circumstances  
12 specific to the child and shall document or reference the specific information on  
13 which those findings are based in the order issued under s. 48.355. An order that  
14 merely references subd. 1m. or 2. without documenting or referencing that specific  
15 information in the order or an amended order that retroactively corrects an earlier  
16 order that does not comply with this subdivision is not sufficient to comply with this  
17 subdivision.

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

19 48.365 (2m) (ad) If the judge finds that any of the circumstances under s.  
20 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a hearing  
21 under s. 48.38 (4m) within 30 days after the date of that finding to determine the  
22 permanency ~~plan~~ goal and, if applicable any concurrent permanency goals for the  
23 child.

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

1           48.365 (7) Nothing in this section may be construed to allow any changes in  
2 placement or trial reunifications. Changes in placement may take place only under  
3 s. 48.357, and trial reunifications may take place only under s. 48.358.

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

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

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

12           48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
13 for each child living in a foster home, group home, residential care center for children  
14 and youth, juvenile detention facility, or shelter care facility, the agency that placed  
15 the child or arranged the placement or the agency assigned primary responsibility  
16 for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written  
17 permanency plan, if any of the following conditions exists, and, for each child living  
18 in the home of guardian or a relative other than a parent, that agency shall prepare  
19 a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

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

21           48.38 (4) (ar) A description of the services offered and any services provided in  
22 an effort to prevent the removal of the child from his or her home, while assuring that  
23 the health and safety of the child are the paramount concerns, and to achieve the goal  
24 of the permanency plan, except that the permanency plan is not required to include  
25 a description of the services offered or provided with respect to a parent of the child

1 to prevent the removal of the child from the home or to achieve the permanency plan  
2 goal of returning the child safely to his or her home if any of the circumstances  
3 specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent.

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

5 48.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe  
6 return of the child to his or her home, or, if appropriate, obtain ~~an alternative~~  
7 permanent placement for the child a placement for adoption, with a guardian, with  
8 a fit and willing relative, or in some other planned permanent living arrangement  
9 that includes an appropriate, enduring relationship with an adult.

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

11 48.38 (4) (fg) (intro.) The goal of the permanency plan or, if the agency is making  
12 ~~concurrent reasonable efforts under~~ engaging in concurrent planning, as defined in  
13 s. 48.355 (2b) (a), the permanency and concurrent permanency goals of the  
14 permanency plan. If a goal of the permanency plan is any goal other than return of  
15 the child to his or her home to place the child for adoption, with a guardian, or with  
16 a fit and willing relative, the permanency plan shall include the rationale for  
17 deciding on that goal. If a goal of the permanency plan is an alternative permanent  
18 placement under subd. 5., the permanency plan shall document a compelling reason  
19 why it would not be in the best interest of the child to pursue a goal specified in subds.  
20 1. to 4. and the efforts made to achieve that goal, including, if appropriate, through  
21 an out-of-state placement. If the agency determines under s. 48.355 (2b) (b) to  
22 engage in concurrent planning, the permanency plan shall include the rationale for  
23 that determination and a description of the concurrent plan. The agency shall  
24 determine one or more of the following goals to be the goal or goals of a child's  
25 permanency plan:

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

2           48.38 (4) (fg) 5. ~~Some~~ As provided in par. (fm), some other alternative planned  
3 permanent placement living arrangement that includes an appropriate, enduring  
4 relationship with an adult, including sustaining care, ~~independent living~~, or  
5 long-term foster care, but not including independent living.

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

7           48.38 (4) (fm) If the ~~goal of the permanency plan is to~~ agency determines that  
8 there is a compelling reason why it currently would not be in the best interests of the  
9 child to return the child to his or her home or to place the child for adoption, with a  
10 guardian, or with a fit and willing relative, or as the permanency goal for the child,  
11 the permanency goal of placing the child in some other alternative planned  
12 permanent placement, living arrangement described in par. (fg) 5. If the agency  
13 makes that determination, the plan shall include the efforts made to achieve that  
14 permanency goal, including, if appropriate, through an out-of-state placement, a  
15 statement of that compelling reason, and, notwithstanding that compelling reason,  
16 a concurrent plan under s. 48.355 (2b) towards achieving a goal under par. (fg) 1. to  
17 4. as a concurrent permanency goal in addition to the permanency goal under par.  
18 (fg) 5.

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

20           48.38 (4) (i) A statement as to whether the child's age and developmental level  
21 are sufficient for the court to consult with the child at the permanency plan  
22 ~~determination~~ hearing under sub. (4m) (c) or at the ~~permanency plan hearing~~ under  
23 ~~sub. (5m) (c) 2.~~ or s. 48.43 (5) (b) 2. or for the court or panel to consult with the child  
24 at the permanency plan review under sub. (5) (bm) 2. and, if a decision is made that  
25 it would not be age appropriate or developmentally appropriate for the court or panel

1 to consult with the child, a statement as to why consultation with the child would not  
2 be appropriate.

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

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

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

7 48.38 (5) (title) ~~PLAN~~ PERMANENCY REVIEW.

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

9 48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed  
10 under par. (ag) shall review the permanency plan in the manner provided in this  
11 subsection not later than 6 months after the date on which the child was first  
12 removed from his or her home and every 6 months after a previous review under this  
13 subsection for as long as the child is placed outside the home, except that for the  
14 review that is required to be conducted not later than 12 months after the child was  
15 first removed from his or her home and the reviews that are required to be conducted  
16 every 12 months after that review the court shall hold a hearing under sub. (5m) to  
17 review the permanency plan, which hearing may be instead of or in addition to the  
18 review under this subsection. The 6-month and 12-month periods referred to in this  
19 paragraph include trial reunifications under s. 48.358.

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

21 48.38 (5) (am) The court may appoint an independent agency to designate a  
22 panel to conduct a permanency ~~plan~~ review under par. (a). If the court in a county  
23 having a population of less than 500,000 appoints an independent agency under this  
24 paragraph, the county department of the county of the court shall authorize and  
25 contract for the purchase of services from the independent agency. If the court in a

1 county having a population of 500,000 or more appoints an independent agency  
2 under this paragraph, the department shall authorize and contract for the purchase  
3 of services from the independent agency.

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

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

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

10 48.38 (5) (c) 5m. The continuing appropriateness, according to standards  
11 established by the department, of the permanency goal and, if the court or panel  
12 considers appropriate, any concurrent permanency goals for the child. If the court  
13 or panel does not approve of any of those goals or if the court or panel determines that  
14 a concurrent permanency goal is appropriate, the court or panel shall determine the  
15 permanency goal and, if appropriate, any concurrent permanency goals for the child.

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

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

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

1           48.38 (5) (c) 6. d. Being placed in some other alternative planned permanent  
2           placement living arrangement that includes an appropriate, enduring relationship  
3           with an adult, including sustaining care, ~~independent living~~, or long-term foster  
4           care, but not including independent living.

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

6           48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve  
7           the permanency goal of the permanency plan, including, if appropriate, through an  
8           out-of-state placement.

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

10          48.38 (5) (f) If the summary prepared under par. (e) indicates that the review  
11          panel made recommendations that conflict with the court child's dispositional order  
12          or that provide for additional services not specified in the court dispositional order,  
13          the agency primarily responsible for providing services to the child shall request a  
14          revision of the court dispositional order.

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

16          48.38 (5m) (title) PERMANENCY PLAN HEARING.

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

18          48.38 (5m) (a) The court shall hold a hearing to review the permanency plan  
19          and to make the determinations specified in sub. (5) (c) no later than 12 months after  
20          the date on which the child was first removed from the home and every 12 months  
21          after a previous hearing under this subsection for as long as the child is placed  
22          outside the home. The 12-month periods referred to in this paragraph include trial  
23          reunifications under s. 48.358.

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

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

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

15           **48.38 (5m)** (f) If the findings of fact and conclusions of law under par. (e) conflict  
16 with the child’s dispositional order or provide for any additional services not specified  
17 in the dispositional order, the court shall revise the dispositional order under s.  
18 48.363 ~~or~~, order a change in placement under s. 48.357, or order a trial reunification  
19 under s. 48.358, as appropriate.

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

21           **48.38 (6)** (a) Procedures for conducting permanency ~~plan~~ reviews.

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

23           **48.417 (1)** (a) The child has been placed outside of his or her home, as described  
24 in s. 48.365 (1) or 938.365 (1), in a foster home, group home, nonsecured residential  
25 care center for children and youth, or shelter care facility for 15 of the most recent



1 22 months, not including any period during which the child was a runaway from the  
2 out-of-home placement or ~~the first 6 months of any period during which the child~~  
3 ~~was returned to his or her~~ was residing in a trial reunification home for a trial home  
4 ~~visit~~. If the circumstances specified in this paragraph apply, the petition shall be  
5 filed or joined in by the last day of the 15th month, as described in this paragraph,  
6 for which the child was placed outside of his or her home.

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

8 48.43 (1) (cm) If a permanency plan has previously been prepared for the child,  
9 a finding as to whether the agency primarily responsible for providing services to the  
10 child has made reasonable efforts to achieve the permanency goal of the child's  
11 permanency plan, including, if appropriate, through an out-of-state placement. The  
12 court shall make the findings specified in this paragraph on a case-by-case basis  
13 based on circumstances specific to the child and shall document or reference the  
14 specific information on which those findings are based in the order. An order that  
15 merely references this paragraph without documenting or referencing that specific  
16 information in the order or an amended order that retroactively corrects an earlier  
17 order that does not comply with this paragraph is not sufficient to comply with this  
18 paragraph.

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

20 48.43 (5m) Either the court or the agency that prepared the permanency plan  
21 shall furnish a copy of the original plan and each revised plan to the child, if he or  
22 she is 12 years of age or over, to the child's guardian, to the child's foster parent or,  
23 the operator of the facility in which the child is living, or the relative with whom the  
24 child is living, and, if the order under sub. (1) involuntarily terminated parental  
25 rights to an Indian child, to the Indian child's tribe.

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

2           48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed  
3 the child or that arranged the placement of the child shall provide a copy of the  
4 revised permanency plan or plans and the request for review submitted under subd.  
5 3. and notice of the time and place of the review to the child, the parent, guardian,  
6 Indian custodian, and legal custodian of the child, and the operator of the group home  
7 in which the child is placed, together with notice of the issues to be determined as  
8 part of the permanency ~~plan~~ review and notice of the fact that those persons shall  
9 have a right to be heard at the review by submitting written comments to that agency  
10 or the independent reviewing agency before the review or by participating at the  
11 review.

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

13           48.977 (4) (i) (title) *Effect of disposition on permanency ~~plan~~ review process.*

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

15           757.69 (1) (g) 14. Conduct permanency ~~plan~~ reviews under s. 48.38 (5) or 938.38  
16 (5) and permanency ~~plan~~ hearings under s. 48.38 (5m) or 938.38 (5m).

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

18           938.21 (5) (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 57.** 938.315 (2m) (b) of the statutes is amended to read:

24           938.315 (2m) (b) The court making an initial finding under s. 938.38 (5m) that  
25 the agency primarily responsible for providing services to the juvenile has made

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

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

7 938.32 (1) (c) 1. c. If a permanency plan has previously been prepared for the  
8 juvenile, a finding as to whether the county department or agency has made  
9 reasonable efforts to achieve the permanency goal of the juvenile’s permanency plan,  
10 including, if appropriate, through an out-of-state placement.

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

12 938.32 (1) (d) If the court finds that any of the circumstances specified in s.  
13 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing  
14 under s. 938.38 (4m) within 30 days after the date of that finding to determine the  
15 permanency plan goal and, if applicable, any concurrent permanency goals for the  
16 juvenile.

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

18 938.33 (4) (c) Specific information showing that continued placement of the  
19 juvenile in his or her home would be contrary to the welfare of the juvenile, specific  
20 information showing that the county department or the agency primarily  
21 responsible for providing services to the juvenile has made reasonable efforts to  
22 prevent the removal of the juvenile from the home, while assuring that the juvenile’s  
23 health and safety are the paramount concerns, unless any of the circumstances  
24 specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency plan has  
25 previously been prepared for the juvenile, specific information showing that the

1 county department or agency has made reasonable efforts to achieve the permanency  
2 goal of the juvenile’s permanency plan, including, if appropriate, through an  
3 out-of-state placement,.

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

5 938.335 **(3g)** (c) That, if a permanency plan has previously been prepared for  
6 the juvenile, the county department or agency has made reasonable efforts to achieve  
7 the permanency goal of the juvenile’s permanency plan, including, if appropriate,  
8 through an out-of-state placement,.

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

10 938.335 **(4)** TESTIMONY BY TELEPHONE OR LIVE AUDIOVISUAL MEANS. At hearings  
11 under this section, s. 938.357, 938.358, 938.363, or 938.365, on the request of any  
12 party, unless good cause to the contrary is shown, the court may admit testimony on  
13 the record by telephone or live audiovisual means, if available, under s. 807.13 (2).  
14 The request and the showing of good cause may be made by telephone.

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

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

1 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.  
2 to 4. applies, and, if a permanency plan has previously been prepared for the juvenile,  
3 a finding as to whether the county department or agency has made reasonable efforts  
4 to achieve the permanency goal of the juvenile’s permanency plan, including, if  
5 appropriate, through an out-of-state placement,. The court shall make the findings  
6 specified in this subdivision on a case-by-case basis based on circumstances specific  
7 to the juvenile and shall document or reference the specific information on which  
8 those findings are based in the court order. A court order that merely references this  
9 subdivision without documenting or referencing that specific information in the  
10 court order or an amended court order that retroactively corrects an earlier court  
11 order that does not comply with this subdivision is not sufficient to comply with this  
12 subdivision.

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

15 938.355 (2b) (b) A county department or the agency primarily responsible for  
16 providing services to a juvenile under a court order ~~may, at the same time as the~~  
17 ~~county department or agency is making the reasonable efforts required under sub.~~  
18 ~~(2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible~~  
19 ~~for the juvenile to return safely to his or her home, work with the department of~~  
20 ~~children and families, a county department under s. 48.57 (1) (e) or (hm), or a child~~  
21 ~~welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the~~  
22 ~~juvenile for adoption, with a guardian, with a fit and willing relative, or in some other~~  
23 ~~alternative permanent placement, including reasonable efforts to identify an~~  
24 ~~appropriate out-of-state placement shall determine, in accordance with standards~~  
25 ~~established by the department, whether to engage in concurrent planning. If,~~

1 according to those standards, concurrent planning is required, the county  
2 department or agency shall engage in concurrent planning unless the court or  
3 permanency review panel determines under s. 938.38 (5) (c) 5m. that concurrent  
4 planning is inappropriate.

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

6 938.355 **(2b)** (a) In this subsection, “concurrent planning” means appropriate  
7 efforts to work simultaneously towards achieving more than one of the permanency  
8 goals listed in s. 938.38 (4) (fg) 1. to 5. for a juvenile who is placed in out-of-home care  
9 and for whom a permanency plan is required under s. 938.38 (2).

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

11 938.355 **(2c)** (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
12 the county department or the agency primarily responsible for providing services to  
13 the juvenile under a court order has made reasonable efforts to achieve the  
14 permanency goal of the permanency plan, the court’s consideration of reasonable  
15 efforts shall include the considerations under par. (a) and whether visitation  
16 schedules between the juvenile and his or her parents were implemented, unless  
17 visitation was denied or limited by the court.

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

19 938.355 **(2d)** (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not  
20 required to include in a dispositional order a finding as to whether the county  
21 department or the agency primarily responsible for providing services under a court  
22 order has made reasonable efforts with respect to a parent of a juvenile to prevent  
23 the removal of the juvenile from the home, while assuring that the juvenile’s health  
24 and safety are the paramount concerns, or, if applicable, a finding as to whether the  
25 county department or agency has made reasonable efforts with respect to a parent

1 of a juvenile to achieve the permanency plan goal of returning the juvenile safely to  
2 his or her home, if the court finds any of the following:

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

4 938.355 (2d) (c) If the court finds that any of the circumstances under par. (b)  
5 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38  
6 (4m) within 30 days after the date of that finding to determine the permanency plan  
7 goal and, if applicable, any concurrent permanency goals for the juvenile.

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

9 938.355 (2e) (b) Each time a juvenile's placement is changed under s. 938.357,  
10 a trial reunification is ordered under s. 938.358, or a dispositional order is revised  
11 under s. 938.363 or extended under s. 938.365, the agency that prepared the  
12 permanency plan shall revise the plan to conform to the order and shall file a copy  
13 of the revised plan with the court. Each plan filed shall be made a part of the court  
14 order.

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

16 938.357 (2v) (c) *Permanency plan hearing.* If the court finds under par. (a) 3.  
17 that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect  
18 to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after  
19 the date of that finding to determine the permanency ~~plan goal~~ and, if applicable, any  
20 concurrent permanency goals for the juvenile.

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

22 **938.358 Trial reunification. (1) DEFINITION.** In this section:

23 (a) "Trial reunification" means a period of 7 consecutive days or longer, but not  
24 exceeding 150 days, during which a juvenile who is placed in an out-of-home  
25 placement under s. 938.355 or 938.357 resides in the home of a relative of the juvenile

1 from which the juvenile was removed or in the home of either of the juvenile’s parents  
2 for the purpose of determining the appropriateness of changing the placement of the  
3 juvenile to that home.

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

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

18 (b) *Notice; information required.* The person or agency requesting the trial  
19 reunification shall submit the request to the court and shall cause written notice of  
20 the requested trial reunification to be sent to the juvenile, the parent, guardian, and  
21 legal custodian of the juvenile, any foster parent or other physical custodian  
22 described in s. 48.62 (2) of the juvenile, all parties who are bound by the dispositional  
23 order, and, if the juvenile is an Indian juvenile who has been removed from the home  
24 of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian



1 juvenile’s Indian custodian and tribe. The notice shall contain the information that  
2 is required to be included in the request under par. (a).

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

12 (d) *Order.* If the court finds that the trial reunification is in the best interests  
13 of the juvenile and that the trial reunification satisfies the objectives of the juvenile’s  
14 permanency plan, the court shall order the trial reunification. A trial reunification  
15 shall terminate 90 days after the date of the order, unless the court specifies a shorter  
16 period in the order, extends the trial reunification under sub. (3), or revokes the trial  
17 reunification under sub. (4) (c) or (6) (b). No trial reunification order may extend the  
18 expiration date of the original dispositional order under s. 938.355 or any extension  
19 order under s. 938.365. A trial reunification under this section is not a change in  
20 placement under s. 938.357. Unless revoked under sub. (4) (c) or (6) (b), at the end  
21 of a trial reunification, the person or agency primarily responsible for implementing  
22 the dispositional order shall do one of the following:

23 1. Return the juvenile to his or her previous out-of-home placement. The  
24 person or agency may do so without further order of the court, but within 5 days after  
25 the 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. 938.357 to place the juvenile in a new  
4 out-of-home placement.

5 3. Request a change in placement under s. 938.357 to place the juvenile in the  
6 trial 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  
11 juvenile. No later than 10 days prior to the expiration of the trial reunification, the  
12 person or agency that requests the extension shall submit the request to the court  
13 that ordered the trial reunification and shall cause notice of the request to be  
14 provided to all 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) may obtain a hearing on the matter by  
17 filing an objection with the court within 10 days after the request was filed with the  
18 court. If an objection is filed, the court shall schedule a hearing on the matter. If the  
19 court is unable to conduct a hearing on the matter before the trial reunification  
20 expires, the court may extend the trial reunification for not more than 30 days  
21 without a hearing. If a hearing is scheduled, not less than 3 days before the hearing  
22 the person or agency requesting the extension or the court shall provide notice of the  
23 hearing to all persons who are entitled to receive notice of the extension request  
24 under par. (a). A copy of the request for the extension shall be attached to the notice.  
25 If all of the parties consent, the court may proceed immediately with the hearing.

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

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

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

23           3. If the person or agency primarily responsible for implementing the  
24 dispositional order places the juvenile in a new out-of-home placement, within 3  
25 days after removing the juvenile from the trial reunification home, that person or

1 agency shall request a change in placement under s. 938.357 (1) (am). The  
2 procedures specified in s. 938.357 relating to a change in placement under s. 938.357  
3 (1) (am) apply to a change in placement requested under this subdivision, except that  
4 the request shall include the date on which the juvenile was removed from the trial  
5 reunification home in addition to the information required under s. 938.357 (1) (am)  
6 1., and the trial reunification is revoked when the change in placement order is  
7 granted.

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

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

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

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

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

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

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

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

23 938.363 (1) (a) A juvenile, the juvenile's parent, guardian, or legal custodian,  
24 any person or agency bound by a dispositional order, the district attorney or  
25 corporation counsel in the county in which the dispositional order was entered or, if

1 the juvenile is an Indian juvenile who is in need of protection or services under s.  
2 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian may request a  
3 revision in the order that does not involve a change in placement or a trial  
4 reunification, including a revision with respect to the amount of child support to be  
5 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 that 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 73.** 938.365 (2g) (b) 2. of the statutes is amended to read:

14 938.365 **(2g)** (b) 2. An evaluation of the juvenile's adjustment to the placement  
15 and of any progress the juvenile has made, suggestions for amendment of the  
16 permanency plan, and specific information showing the efforts that have been made  
17 to achieve the permanency goal of the permanency plan, including, if applicable, the  
18 efforts of the parents to remedy the factors that contributed to the juvenile's  
19 placement.

20 **SECTION 74.** 938.365 (2g) (b) 3. of the statutes is amended to read:

21 938.365 **(2g)** (b) 3. If the juvenile has been placed outside of his or her home  
22 in a foster home, group home, nonsecured residential care center for children and  
23 youth, or shelter care facility for 15 of the most recent 22 months, not including any  
24 period during which the juvenile was a runaway from the out-of-home placement  
25 ~~or the first 6 months of any period during which the juvenile was returned to his or~~

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

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

18 938.365 **(2m)** (a) 1. Any party may present evidence relevant to the issue of  
19 extension. If the juvenile is placed outside of his or her home, the person or agency  
20 primarily responsible for providing services to the juvenile shall present as evidence  
21 specific information showing that the person or agency has made reasonable efforts  
22 to achieve the permanency goal of the juvenile's permanency plan, including, if  
23 appropriate, through an out-of-state placement,. If an Indian juvenile is placed  
24 outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6),  
25 (6m), or (7), the person or agency primarily responsible for providing services to the

1 Indian juvenile shall also present as evidence specific information showing that  
2 active efforts under s. 938.028 (4) (d) 2. have been made to prevent the breakup of  
3 the Indian juvenile’s family and that those efforts have proved unsuccessful.

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

5 938.365 **(2m)** (a) 1m. The court shall make findings of fact and conclusions of  
6 law based on the evidence. The findings of fact shall include a finding as to whether  
7 reasonable efforts were made by the person or agency primarily responsible for  
8 providing services to the juvenile to achieve the permanency goal of the juvenile’s  
9 permanency plan, including, if appropriate, through an out-of-state placement. If  
10 the juvenile is an Indian juvenile who is placed outside the home of his or her parent  
11 or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the findings of fact shall also  
12 include a finding that active efforts under s. 938.028 (4) (d) 2. were made to prevent  
13 the breakup of the Indian juvenile’s family and that those efforts have proved  
14 unsuccessful. An order shall be issued under s. 938.355.

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

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

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



1           938.365 **(2m)** (ad) If the court finds that any of the circumstances under s.  
2           938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing  
3           under s. 938.38 (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           juvenile.

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

7           938.365 **(7)** CHANGES IN PLACEMENT AND TRIAL REUNIFICATIONS NOT PERMITTED.

8           Nothing in this section may be construed to allow any changes in placement, trial  
9           reunification, or revocation of aftercare supervision. Revocation and other changes  
10          in placement may take place only under s. 938.357, and trial reunifications may take  
11          place only under s. 938.358.

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

13          938.371 **(5)** CONFIDENTIALITY OF INFORMATION. Except as permitted under s.  
14          252.15 (6), a foster parent, treatment foster parent, relative, or operator of a group  
15          home, residential care center for children and youth, or juvenile correctional facility  
16          that receives any information under sub. (1) or (3), other than the information  
17          described in sub. (3) (e), shall keep the information confidential and may disclose that  
18          information only for the purposes of providing care for the juvenile or participating  
19          in a court hearing or permanency ~~plan~~ review concerning the juvenile.

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

21          938.38 **(2)** PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
22          for each juvenile living in a foster home, group home, residential care center for  
23          children and youth, juvenile detention facility, or shelter care facility, the agency that  
24          placed the juvenile or arranged the placement or the agency assigned primary  
25          responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall

1 prepare a written permanency plan, if any of the following conditions exists, and, for  
2 each juvenile living in the home of a guardian or a relative other than a parent, that  
3 agency shall prepare a written permanency plan, if any of the conditions under pars.  
4 (a) to (e) exists:

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

6 938.38 (4) (ar) A description of the services offered and any services provided  
7 in an effort to prevent the removal of the juvenile from his or her home, while  
8 assuring that the health and safety of the juvenile are the paramount concerns, and  
9 to achieve the goal of the permanency plan, except that the permanency plan is not  
10 required to include a description of the services offered or provided with respect to  
11 a parent of the juvenile to prevent the removal of the juvenile from the home or to  
12 achieve the permanency plan goal of returning the juvenile safely to his or her home  
13 if any of the circumstances under s. 938.355 (2d) (b) 1. to 4. apply to that parent.

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

15 938.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe  
16 return of the juvenile to his or her home, or, if appropriate, obtain ~~an alternative~~  
17 ~~permanent placement for the juvenile~~ a placement for adoption, with a guardian,  
18 with a fit and willing relative, or in some other planned permanent living  
19 arrangement that includes an appropriate, enduring relationship with an adult.

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

21 938.38 (4) (fg) (intro.) The goal of the permanency plan or, if the agency is  
22 ~~making concurrent reasonable efforts under~~ engaging in concurrent planning, as  
23 defined in s. 938.355 (2b) (a), the permanency and concurrent permanency goals of  
24 the permanency plan. If a goal of the permanency plan is ~~any goal other than return~~  
25 ~~of the juvenile to his or her home~~ to place the juvenile for adoption, with a guardian,

1 or with a fit and willing relative, the permanency plan shall include the rationale for  
2 deciding on that goal. ~~If a goal of the permanency plan is an alternative permanent~~  
3 ~~placement under subd. 5., the permanency plan shall document a compelling reason~~  
4 ~~why it would not be in the best interest of the juvenile to pursue a goal specified in~~  
5 ~~subds. 1. to 4. and the efforts made to achieve that goal, including, if appropriate,~~  
6 ~~through an out-of-state placement. If the agency determines under s. 938.355 (2b)~~  
7 ~~(b) to engage in concurrent planning, the permanency plan shall include the~~  
8 ~~rationale for that determination and a description of the concurrent plan. The~~  
9 agency shall determine one or more of the following goals to be the goal or goals of  
10 a juvenile's permanency plan:

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

12 938.38 (4) (fg) 5. Some As provided in par. (fm), some other alternative planned  
13 permanent placement living arrangement that includes an appropriate, enduring  
14 relationship with an adult, including sustaining care, independent living, or  
15 long-term foster care, but not including independent living.

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

17 938.38 (4) (fm) If the goal of the permanency plan is to agency determines that  
18 there is a compelling reason why it currently would not be in the best interests of the  
19 juvenile to return the juvenile to his or her home or to place the juvenile for adoption,  
20 with a guardian, or with a fit and willing relative, or as the permanency goal for the  
21 juvenile, the permanency goal of placing the juvenile in some other alternative  
22 planned permanent placement, living arrangement described in par. (fg) 5. If the  
23 agency makes that determination, the plan shall include the efforts made to achieve  
24 that permanency goal, including, if appropriate, through an out-of-state  
25 placement., a statement of that compelling reason, and, notwithstanding that

1 compelling reason, a concurrent plan under s. 938.355 (2b) towards achieving a goal  
2 under par. (fg) 1. to 4. as a concurrent permanency goal in addition to the permanency  
3 goal under par. (fg) 5.

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

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

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

14 938.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY  
15 PERMANENCY PLAN DETERMINATION HEARING.

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

17 938.38 (5) (title) ~~PLAN~~ PERMANENCY REVIEW.

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

19 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel  
20 appointed under par. (ag) shall review the permanency plan in the manner provided  
21 in this subsection not later than 6 months after the date on which the juvenile was  
22 first removed from his or her home and every 6 months after a previous review under  
23 this subsection for as long as the juvenile is placed outside the home, except that for  
24 the review that is required to be conducted not later than 12 months after the  
25 juvenile was first removed from his or her home and the reviews that are required

1 to be conducted every 12 months after that review, the court shall hold a hearing  
2 under sub. (5m) to review the permanency plan. The hearing may be instead of or  
3 in addition to the review under this subsection. The 6-month and 12-month periods  
4 referred to in this paragraph include trial reunifications under s. 938.358.

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

6 938.38 (5) (am) The court may appoint an independent agency to designate a  
7 panel to conduct a permanency plan review under par. (a). If the court appoints an  
8 independent agency under this paragraph, the county department of the county of  
9 the court shall authorize and contract for the purchase of services from the  
10 independent agency.

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

12 938.38 (5) (c) 5. The date by which it is likely that the juvenile will be returned  
13 to his or her home or placed for adoption, with a guardian, with a fit and willing  
14 relative, or in some other alternative planned permanent placement living  
15 arrangement that includes an appropriate, enduring relationship with an adult.

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

17 938.38 (5) (c) 5m. The continuing appropriateness, according to standards  
18 established by the department, of the permanency goal and, if the court or panel  
19 considers appropriate, any concurrent permanency goals for the juvenile. If the court  
20 or panel does not approve of any of those goals or if the court or panel determines that  
21 a concurrent permanency goal is appropriate, the court or panel shall determine the  
22 permanency goal and, if appropriate, any concurrent permanency goals for the  
23 juvenile.

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

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

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

10           938.38 (5) (c) 6. d. Being placed in some other ~~alternative~~ planned permanent  
11 ~~placement~~ living arrangement that includes an appropriate, enduring relationship  
12 with an adult, including sustaining care, ~~independent living~~, or long-term foster  
13 care, but not including independent living.

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

15           938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve  
16 the permanency goal of the permanency plan, including, if appropriate, through an  
17 out-of-state placement,

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

19           938.38 (5) (f) If the summary prepared under par. (e) indicates that the review  
20 panel made recommendations that conflict with the ~~court~~ juvenile's dispositional  
21 order or that provide for additional services not specified in the ~~court~~ dispositional  
22 order, the agency primarily responsible for providing services to the juvenile shall  
23 request a revision of the ~~court~~ dispositional order.

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

25           938.38 (5m) (title) PERMANENCY PLAN HEARING.

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

2           938.38 **(5m)** (a) The court shall hold a hearing to review the permanency plan  
3 and to make the determinations specified in sub. (5) (c) no later than 12 months after  
4 the date on which the juvenile was first removed from the home and every 12 months  
5 after a previous hearing under this subsection for as long as the juvenile is placed  
6 outside the home. The 12-month periods referred to in this paragraph include trial  
7 reunifications under s. 938.358.

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

9           938.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court  
10 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the  
11 juvenile's foster parent, the operator of the facility in which the juvenile is living, or  
12 the relative with whom the juvenile is living; of the time, place, and purpose of the  
13 hearing, of the issues to be determined at the hearing, and of the fact that they shall  
14 have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the  
15 juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the  
16 permanency plan; the person representing the interests of the public; and, if the  
17 juvenile is an Indian juvenile who is placed outside the home of his or her parent or  
18 Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian  
19 custodian and tribe of the ~~date, time, and place,~~ and purpose of the hearing, of the  
20 issues to be determined at the hearing, and of the fact that they may have an  
21 opportunity to be heard at the hearing as provided in par. (c) 1.

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

23           938.38 **(5m)** (f) If the findings of fact and conclusions of law under par. (e)  
24 conflict with the juvenile's dispositional order or provide for any additional services  
25 not specified in the dispositional order, the court shall revise the dispositional order

1 under s. 938.363 or, order a change in placement under s. 938.357, or order a trial  
2 reunification under s. 938.358, as appropriate.

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

4 **938.38 (6) (a)** Procedures for conducting permanency plan reviews.

5 **SECTION 103. Initial applicability.**

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

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

10 (b) *Permanency reviews and hearings.* The treatment of sections 48.38 (5) (a)  
11 and (c) 5., 5m., and 6. (intro.) and d. and (5m) (a) and (f) and 938.38 (5) (a) and (c) 5.,  
12 5m., and 6. (intro.) and d. and (5m) (a) and (f) of the statutes first apply to a hearing  
13 or review for which a permanency plan is filed or provided on the effective date of this  
14 paragraph.

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

16 (a) *Trial reunifications.* The treatment of sections 48.299 (4) (b), 48.335 (4),  
17 48.358, 938.335 (4), and 938.358 of the statutes first applies to a trial reunification  
18 requested on the effective date of this paragraph.

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

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



