

2011 DRAFTING REQUEST

Bill

Received: 02/20/2012

Received By: gmalaise

Wanted: Today

Companion to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Tricia Seig

May Contact:

Drafter: gmalaise

Subject: Children - out-of-home placement

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lazich@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Child welfare; out-of-home placements; concurrent planning; trial reunifications; permanent living arrangements

Instructions:

Draft companion to -3802/2

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 02/20/2012	wjackson 02/20/2012		_____			S&L
/1			rschluet 02/20/2012	_____	mbarman 02/20/2012	lparisi 02/20/2012	

FE Sent For:

at intro

2-21-12

<END>

Parisi, Lori

From: Sen.Lazich

Sent: Monday, February 20, 2012 2:28 PM

To: LRB.Legal

Subject: Draft Review: LRB 11-4152/1 Topic: Child welfare; out-of-home placements; concurrent planning; trial reunifications; permanent living arrangements

Please Jacket LRB 11-4152/1 for the SENATE.

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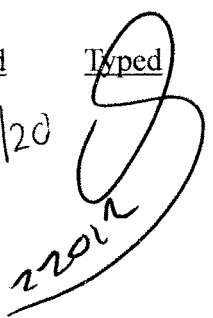
Topic:

Child welfare; out-of-home placements; concurrent planning; trial reunifications; permanent living arrangements

Instructions:

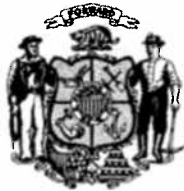
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1?	gmalaise	1 WJ 2/20		_____	_____		

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE

In 2/20

Today

2011 BILL

(Companion)



4152/1

LRB-3802/2
GMM:wlj:ph

stays

Regen

1 AN ACT *to renumber and amend* 48.355 (2b), 48.38 (1) (b), 48.38 (4) (fm),
2 938.355 (2b), 938.38 (1) (b) and 938.38 (4) (fm); *to amend* 48.028 (4) (g) 1. d.,
3 48.07 (5) (c), 48.21 (5) (d), 48.235 (4) (a) 1., 48.235 (4) (a) 2., 48.235 (4m) (a) 1.,
4 48.235 (4m) (a) 2., 48.236 (3) (b), 48.299 (4) (b), 48.315 (2m) (b), 48.32 (1) (b) 1.
5 c., 48.32 (1) (c), 48.33 (4) (a), 48.33 (4) (c), 48.335 (3g) (c), 48.335 (4), 48.355 (2)
6 (b) 5., 48.355 (2) (b) 6., 48.355 (2b) (title), 48.355 (2c) (b), 48.355 (2d) (b) (intro.),
7 48.355 (2d) (c), 48.355 (2e) (title), 48.355 (2e) (a), 48.355 (2e) (b), 48.355 (2e) (c),
8 48.356 (1), 48.357 (1) (am) 1., 48.357 (1) (c) 1., 48.357 (2v) (c), 48.363 (1) (a),
9 48.365 (2g) (b) 2., 48.365 (2g) (b) 3., 48.365 (2m) (a) 1., 48.365 (2m) (a) 1m.,
10 48.365 (2m) (a) 3., 48.365 (2m) (ad), 48.365 (7), 48.371 (1) (a), 48.371 (1) (b),
11 48.371 (3) (intro.), 48.371 (4), 48.371 (5), subchapter VII (title) of chapter 48
12 [precedes 48.38], 48.38 (title), 48.38 (1) (am), 48.38 (2) (intro.), 48.38 (3), 48.38
13 (4) (intro.), 48.38 (4) (ar), 48.38 (4) (br) 2., 48.38 (4) (f) 3., 48.38 (4) (fg) (intro.),
14 48.38 (4) (fg) 5., 48.38 (4) (i), 48.38 (4m) (title), 48.38 (4m) (a), 48.38 (4m) (c),

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1 48.38 (5) (a), 48.38 (5) (ag), 48.38 (5) (am), 48.38 (5) (bm) 2., 48.38 (5) (c) 2., 48.38
2 (5) (c) 5., 48.38 (5) (c) 6. (intro.), 48.38 (5) (c) 6. d., 48.38 (5) (c) 7., 48.38 (5) (d),
3 48.38 (5m) (title), 48.38 (5m) (a), 48.38 (5m) (b), 48.38 (5m) (c) 2., 48.38 (5m) (d),
4 48.38 (5m) (e), 48.38 (5m) (f), 48.38 (6) (a), 48.38 (6) (d), 48.417 (1) (a), 48.417
5 (2) (b), 48.417 (2) (c), 48.417 (2) (cm), 48.425 (1) (c), 48.43 (1) (c), 48.43 (1) (cm),
6 48.43 (2) (b), 48.43 (5) (a), 48.43 (5) (b) 1., 48.43 (5) (b) 2., 48.43 (5) (c), 48.43 (5m),
7 48.63 (4), 48.63 (5) (c), 48.63 (5) (d) 1., 48.63 (5) (d) 2., 48.63 (5) (d) 3., 48.63 (5)
8 (d) 4., 48.63 (5) (d) 6., 48.831 (4) (e), 48.834 (1), 48.834 (2), 48.977 (3r), 48.977
9 (4) (e), 48.977 (4) (i), 49.471 (4) (a) 4. a., 49.471 (4) (b) 4. a., 146.82 (2) (a) 18m.,
10 252.15 (3m) (d) 15., 757.69 (1) (g) 14., 767.41 (3) (b), 767.41 (3) (c), 808.075 (4)
11 (a) 8., 808.075 (4) (fn) 8., 938.028 (4) (f) 1. d., 938.21 (5) (d), 938.235 (4) (a) 1.,
12 938.235 (4) (a) 2., 938.315 (2m) (b), 938.32 (1) (c) 1. c., 938.32 (1) (d), 938.33 (4)
13 (a), 938.33 (4) (c), 938.335 (3g) (c), 938.335 (4), 938.355 (2) (b) 5., 938.355 (2) (b)
14 6., 938.355 (2b) (title), 938.355 (2c) (b), 938.355 (2d) (b) (intro.), 938.355 (2d) (c),
15 938.355 (2e) (title), 938.355 (2e) (a), 938.355 (2e) (b), 938.355 (2e) (c), 938.356
16 (1), 938.357 (1) (am) 1., 938.357 (1) (c) 1., 938.357 (2v) (c), 938.363 (1) (a),
17 938.365 (2g) (b) 2., 938.365 (2g) (b) 3., 938.365 (2m) (a) 1., 938.365 (2m) (a) 1m.,
18 938.365 (2m) (a) 3., 938.365 (2m) (ad), 938.365 (7), 938.371 (1) (a), 938.371 (1)
19 (b), 938.371 (3) (intro.), 938.371 (4), 938.371 (5), subchapter VII (title) of chapter
20 938 [precedes 938.38], 938.38 (title), 938.38 (1) (am), 938.38 (2) (intro.), 938.38
21 (3) (intro.), 938.38 (3) (a), 938.38 (3) (b), 938.38 (4) (intro.), 938.38 (4) (ar), 938.38
22 (4) (br) 2., 938.38 (4) (f) 3., 938.38 (4) (fg) (intro.), 938.38 (4) (fg) 5., 938.38 (4)
23 (i), 938.38 (4m) (title), 938.38 (4m) (a), 938.38 (4m) (c), 938.38 (5) (a), 938.38 (5)
24 (ag), 938.38 (5) (am), 938.38 (5) (bm) 2., 938.38 (5) (c) 2., 938.38 (5) (c) 5., 938.38
25 (5) (c) 6. (intro.), 938.38 (5) (c) 6. d., 938.38 (5) (c) 7., 938.38 (5) (d), 938.38 (5m)

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1 (title), 938.38 (5m) (a), 938.38 (5m) (b), 938.38 (5m) (c) 2., 938.38 (5m) (d), 938.38
2 (5m) (e), 938.38 (5m) (f), 938.38 (6) (a) and 938.38 (6) (d); and **to create** 48.355
3 (2b) (a), 48.358, 48.38 (4) (fm) 1., 48.38 (5) (c) 6m., 938.355 (2b) (a), 938.358,
4 938.38 (4) (fm) 1. and 938.38 (5) (c) 6m. of the statutes; **relating to:** case
5 planning for a child placed in out-of-home care, including concurrent
6 permanency goals, trial reunifications, and planned permanent living
7 arrangements for such a child.

Analysis by the Legislative Reference Bureau

Introduction

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

This bill changes the term “permanency plan” to “case plan” and makes certain other changes relating to case planning for a child placed in out-of-home care, including changes relating to: 1) concurrent planning; 2) trial reunifications; and 3) planned permanent living arrangements, for such a child.

Concurrent planning

Under current law, an agency, at the same time as the agency is making reasonable efforts to prevent the removal of a child from his or her home or to make it possible for the child to return home, may work with an adoption agency in making reasonable efforts to place the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement (concurrent reasonable efforts). If an agency is making concurrent reasonable efforts, the child’s permanency plan must include the goals of the permanency plan.

This bill eliminates the authority of an agency to make concurrent reasonable efforts and instead permits an agency to engage in concurrent planning, which the bill defines as reasonable efforts to work simultaneously towards achieving more than one permanency goal for a child. Under the bill, an agency must determine, in accordance with standards established by DCF (concurrent planning standards) whether to engage in concurrent planning. If, according to the concurrent planning

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standards, concurrent planning is required, the agency must engage in concurrent planning and the juvenile court must make a finding as to whether the agency has made reasonable efforts to achieve the primary goal of the concurrent plan. If an agency determines to engage in concurrent planning for a child, the child's case plan must include the rationale for that determination and a description of the concurrent plan and the primary and concurrent goals of the concurrent plan. In addition, if a child's case plan calls for concurrent planning, the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) or a case plan review panel appointed by the juvenile court, in reviewing the child's case plan, must determine the appropriateness, in light of the concurrent planning standards, of each of the permanency goals of the concurrent plan and, if the juvenile court or case plan review panel does not approve of any one or more of those goals, that court or panel must include in its determinations the reasons for that disapproval.

Trial reunifications

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

The bill — trial reunifications. This bill provides a similar procedure under which the juvenile court may order a trial reunification, which the bill defines as a return of a child who is placed in an out-of-home placement to the home of his or her parent or other home from which the child was removed for a specified and limited period for the purpose of determining the appropriateness of permanently returning the child to that home. The bill, however, does not permit an emergency trial reunification. Under the bill, if an emergency condition necessitates an immediate return of a child to the home of his or her parent or other home from which the child was removed, the person or agency primarily responsible for implementing the dispositional order must make an emergency change in placement as provided under current law.

Under the bill, the juvenile court may order a trial reunification on the request of the person or agency primarily responsible for implementing the dispositional order, or on its own motion. Notice of the proposed trial reunification must 1) be provided to the child, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian of the child, the child's court-appointed special advocate, all parties who are bound by the dispositional order, and, in the case of an Indian child, the Indian child's Indian custodian and tribe; and 2) contain a statement describing why the trial reunification is in the best interests of the child and a statement describing how the trial reunification satisfies the objectives of the

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child's case plan. The juvenile court may order the trial reunification without a hearing, unless a party receiving the notice files an objection.

If the juvenile court finds that the trial reunification is in the best interests of the child and that the trial reunification satisfies the objectives of the child's case plan, the juvenile court must grant an order authorizing the trial reunification. A trial reunification terminates 90 days after the date of the order, unless the juvenile court specifies a shorter period in the order, extends the trial reunification, or revokes the trial reunification or the person or agency primarily responsible for implementing the dispositional order makes an emergency change in placement. At the end of a trial reunification, the person or agency primarily responsible for implementing the dispositional order may return the child to an out-of-home placement without further order of the juvenile court or may request the juvenile court to order a change in placement changing the placement of the child to the home or his or her parent or other home from which the child was removed.

The bill also permits the person or agency primarily responsible for implementing the dispositional order to request an extension of the trial reunification. The request must contain a statement describing how the trial reunification continues to be in the best interests of the child and continues to meet the objectives of the child's case plan, and the same notice and hearing requirements that apply to an original request for a trial reunification also apply to a request for an extension of a trial reunification. If the juvenile court finds that the trial reunification continues to be in the best interests of the child and continues to meet the objectives of the child's case plan, the juvenile court must grant an order extending the trial reunification for a period specified by the juvenile court not to exceed 60 days. Any number of extensions may be granted, but the total period for a trial reunification may not exceed 150 days.

In addition, the bill permits the person or agency primarily responsible for implementing the dispositional order to request the juvenile court to revoke a trial reunification if that person or agency has reasonable cause to suspect that a child who has been returned to the home of his or her parent or other home from which the child was removed for a trial reunification has been abused or neglected, has reason to believe that such a child has been threatened with abuse or neglect and that abuse or neglect of the child is likely to occur, or otherwise has reason to believe that the trial reunification is no longer in the best interest of the child. The revocation request must state the reasons for the proposed revocation, and the same notice and hearing requirements that apply to an original request for a trial reunification also apply to a request for a revocation of a trial reunification. If the juvenile court finds that the child, while returned to the home of his or her parent or other home from which the child was removed for a trial reunification, has been abused or neglected, or has been threatened with abuse or neglect and that abuse or neglect of the child is likely to occur, or finds that the trial reunification is no longer in the best interests of the child, the juvenile court must grant an order revoking the trial reunification and returning the child to an out-of-home placement.

Finally, with respect to trial reunifications, the bill permits the person or agency primarily responsible for implementing the dispositional order to make an

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emergency change in placement if emergency conditions necessitate an immediate removal of the child from the home of his or her parent or other home from which the child has been removed.

Other planned permanent living arrangement

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

This bill changes the term "alternative permanent placement" to "other planned permanent living arrangement," requires the arrangement to include a long-term relationship between the child and an adult, and eliminates independent living as a planned permanent living arrangement option. The bill also permits a child's case plan to include the permanency goal of placement of the child in a planned permanent living arrangement only if the agency determines that there is a compelling reason why it would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative. If an agency makes that determination, the child's case plan must include 1) a concurrent plan towards achieving the permanency goal of safely returning the child to his or her home or placing the child for adoption, with a guardian, or with a fit and willing relative as well as the permanency goal of placing the child in some other planned permanent living arrangement; and 2) the compelling reason why it would not be in the best interests of the child to return the child to his or her home or to place the child for adoption, with a guardian, or with a fit and willing relative and the efforts made to achieve that goal, including, if appropriate, through an out-of-state placement.

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

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

- 1 **SECTION 1.** 48.028 (4) (g) 1. d. of the statutes is amended to read:
- 2 48.028 **(4)** (g) 1. d. Arrangements were made to provide natural and
- 3 unsupervised family interaction in the most natural setting that can ensure the
- 4 Indian child's safety, as appropriate to the goals of the Indian child's permanency
- 5 case plan, including arrangements for transportation and other assistance to enable
- 6 family members to participate in that interaction.

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1 **SECTION 2.** 48.07 (5) (c) of the statutes is amended to read:

2 48.07 (5) (c) *Training.* A court-appointed special advocate program shall
3 require a volunteer or employee of the program selected under par. (b) to complete
4 a training program before the volunteer or employee may be designated as a
5 court-appointed special advocate under s. 48.236 (1). The training program shall
6 include instruction on recognizing child abuse and neglect, cultural competency, as
7 defined in s. 48.982 (1) (bm), child development, the procedures of the court,
8 permanency case planning, the activities of a court-appointed special advocate
9 under s. 48.236 (3) and information gathering and documentation, and shall include
10 observation of a proceeding under s. 48.13. A court-appointed special advocate
11 program shall also require each volunteer and employee of the program selected
12 under par. (b) to complete continuing training annually.

13 **SECTION 3.** 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 case plan
18 for the child.

19 **SECTION 4.** 48.235 (4) (a) 1. of the statutes is amended to read:

20 48.235 (4) (a) 1. Participate in permanency case planning under ss. 48.38 and
21 48.43 (5).

22 **SECTION 5.** 48.235 (4) (a) 2. of the statutes is amended to read:

23 48.235 (4) (a) 2. Petition for a change in placement under s. 48.357 or a trial
24 reunification under s. 48.358.

25 **SECTION 6.** 48.235 (4m) (a) 1. of the statutes is amended to read:

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1 48.235 (4m) (a) 1. Participate in ~~permanency case~~ case planning under ss. 48.38 and
2 48.43 (5) after the child is born.

3 **SECTION 7.** 48.235 (4m) (a) 2. of the statutes is amended to read:

4 48.235 (4m) (a) 2. Petition for a change in placement under s. 48.357 or a trial
5 reunification under s. 48.358.

6 **SECTION 8.** 48.236 (3) (b) of the statutes is amended to read:

7 48.236 (3) (b) Maintain regular contact with the child for whom the designation
8 is made; monitor the appropriateness and safety of the environment of the child, the
9 extent to which the child and the child's family are complying with any consent
10 decree or dispositional order of the court and with any ~~permanency case~~ case plan under
11 s. 48.38, and the extent to which any agency that is required to provide services for
12 the child and the child's family under a consent decree, dispositional order or
13 ~~permanency case~~ case plan is providing those services; and, based on that regular contact
14 and monitoring, provide information to the court in the form of written reports or, if
15 requested by the court, oral testimony.

16 **SECTION 9.** 48.299 (4) (b) of the statutes is amended to read:

17 48.299 (4) (b) Except as provided in s. 901.05, neither common law nor
18 statutory rules of evidence are binding at a hearing for a child held in custody under
19 s. 48.21, a hearing for an adult expectant mother held in custody under s. 48.213, a
20 runaway home hearing under s. 48.227 (4), a dispositional hearing, or a hearing
21 about changes in placement, trial reunifications, revision of dispositional orders,
22 extension of dispositional orders, or termination of guardianship orders entered
23 under s. 48.977 (4) (h) 2. or (6) or 48.978 (2) (j) 2. or (3) (g). At those hearings, the court
24 shall admit all testimony having reasonable probative value, but shall exclude
25 immaterial, irrelevant, or unduly repetitious testimony or evidence that is

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1 inadmissible under s. 901.05. Hearsay evidence may be admitted if it has
2 demonstrable circumstantial guarantees of trustworthiness. The court shall give
3 effect to the rules of privilege recognized by law. The court shall apply the basic
4 principles of relevancy, materiality, and probative value to proof of all questions of
5 fact. Objections to evidentiary offers and offers of proof of evidence not admitted may
6 be made and shall be noted in the record.

7 **SECTION 10.** 48.315 (2m) (b) of the statutes is amended to read:

8 48.315 **(2m)** (b) The court making an initial finding under s. 48.38 (5m) that
9 the agency primarily responsible for providing services to the child has made
10 reasonable efforts to achieve the goals of the child's permanency case plan more than
11 12 months after the date on which the child was removed from the home or making
12 any subsequent findings under s. 48.38 (5m) as to those reasonable efforts more than
13 12 months after the date of a previous finding as to those reasonable efforts.

14 **SECTION 11.** 48.32 (1) (b) 1. c. of the statutes is amended to read:

15 48.32 **(1)** (b) 1. c. If a permanency case plan has previously been prepared for
16 the child, a finding as to whether the county department, department, or agency has
17 made reasonable efforts to achieve the goal of the child's permanency case plan,
18 including, if appropriate, through an out-of-state placement,.

19 **SECTION 12.** 48.32 (1) (c) of the statutes is amended to read:

20 48.32 **(1)** (c) If the judge or circuit court commissioner finds that any of the
21 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
22 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)
23 within 30 days after the date of that finding to determine the permanency case plan
24 for the child.

25 **SECTION 13.** 48.33 (4) (a) of the statutes is amended to read:

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1 48.33 (4) (a) A ~~permanency~~ case plan prepared under s. 48.38.

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

3 48.33 (4) (c) Specific information showing that continued placement of the child
4 in his or her home would be contrary to the welfare of the child, specific information
5 showing that the 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 the child has made reasonable efforts to prevent the removal of the child
8 from the home, while assuring that the child's health and safety are the paramount
9 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
10 applies, and, if a ~~permanency~~ case plan has previously been prepared for the child,
11 specific information showing that the county department, department, or agency has
12 made reasonable efforts to achieve the goal of the child's ~~permanency~~ case plan,
13 including, if appropriate, through an out-of-state placement,.

14 **SECTION 15.** 48.335 (3g) (c) of the statutes is amended to read:

15 48.335 (3g) (c) That, if a ~~permanency~~ case plan has previously been prepared
16 for the child, the county department, department, or agency has made reasonable
17 efforts to achieve the goal of the child's ~~permanency~~ case plan, including, if
18 appropriate, through an out-of-state placement,.

19 **SECTION 16.** 48.335 (4) of the statutes is amended to read:

20 48.335 (4) At hearings under this section, s. 48.357, ~~48.358~~, 48.363, or 48.365,
21 on the request of any party, unless good cause to the contrary is shown, the court may
22 admit testimony on the record by telephone or live audiovisual means, if available,
23 under s. 807.13 (2). The request and the showing of good cause may be made by
24 telephone.

25 **SECTION 17.** 48.355 (2) (b) 5. of the statutes is amended to read:

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1 48.355 (2) (b) 5. For a child placed outside his or her home pursuant to an order
2 under s. 48.345, a permanency case plan under s. 48.38 if one has been prepared.

3 **SECTION 18.** 48.355 (2) (b) 6. of the statutes is amended to read:

4 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued
5 placement of the child in his or her home would be contrary to the welfare of the child,
6 a finding as to whether the county department, the department, in a county having
7 a population of 500,000 or more, or the agency primarily responsible for providing
8 services under a court order has made reasonable efforts to prevent the removal of
9 the child from the home, while assuring that the child's health and safety are the
10 paramount concerns, unless the court finds that any of the circumstances specified
11 in sub. (2d) (b) 1. to 5. applies, and, if a permanency case plan has previously been
12 prepared for the child, a finding as to whether the county department, department,
13 or agency has made reasonable efforts to achieve the goal of the child's permanency
14 case plan, including, if appropriate, through an out-of-state placement. The court
15 shall make the findings specified in this subdivision on a case-by-case basis based
16 on circumstances specific to the child and shall document or reference the specific
17 information on which those findings are based in the court order;. A court order that
18 merely references this subdivision without documenting or referencing that specific
19 information in the court order or an amended court order that retroactively corrects
20 an earlier court order that does not comply with this subdivision is not sufficient to
21 comply with this subdivision.

22 **SECTION 19.** 48.355 (2b) (title) of the statutes is amended to read:

23 48.355 (2b) (title) ~~CONCURRENT REASONABLE EFFORTS PERMITTED~~ PLANNING.

24 **SECTION 20.** 48.355 (2b) of the statutes is renumbered 48.355 (2b) (b) and
25 amended to read:

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

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

18 48.355 (2b) (a) In this subsection, "concurrent planning" means reasonable
19 efforts to work simultaneously towards achieving more than one of the permanency
20 goals listed in s. 48.38 (4) (fg) 1. to 5. for a child who is placed in out-of-home care
21 and for whom a case plan is required under s. 48.38 (2).

22 **SECTION 22.** 48.355 (2c) (b) of the statutes is amended to read:

23 48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
24 the county department, department, in a county having a population of 500,000 or
25 more, or agency primarily responsible for providing services to the child under a

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1 court order has made reasonable efforts to achieve the goal of the permanency case
2 plan, the court's consideration of reasonable efforts shall include the considerations
3 listed under par. (a) 1. to 5. and whether visitation schedules between the child and
4 his or her parents were implemented, unless visitation was denied or limited by the
5 court.

6 **SECTION 23.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

7 48.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required
8 to include in a dispositional order a finding as to whether the county department, the
9 department, in a county having a population of 500,000 or more, or the agency
10 primarily responsible for providing services under a court order has made reasonable
11 efforts with respect to a parent of a child to prevent the removal of the child from the
12 home, while assuring that the child's health and safety are the paramount concerns,
13 or a finding as to whether the county department, department, or agency has made
14 reasonable efforts with respect to a parent of a child to achieve the permanency case
15 plan goal of returning the child safely to his or her home, if the court finds any of the
16 following:

17 **SECTION 24.** 48.355 (2d) (c) of the statutes is amended to read:

18 48.355 (2d) (c) If the court finds that any of the circumstances specified in par.
19 (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s.
20 48.38 (4m) within 30 days after the date of that finding to determine the permanency
21 case plan for the child.

22 **SECTION 25.** 48.355 (2e) (title) of the statutes is amended to read:

23 48.355 (2e) (title) PERMANENCY CASE PLANS; FILING; AMENDED ORDERS; COPIES.

24 **SECTION 26.** 48.355 (2e) (a) of the statutes is amended to read:

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1 48.355 (2e) (a) If a permanency case plan has not been prepared at the time
2 the dispositional order is entered, or if the court orders a disposition that is not
3 consistent with the permanency case plan, the agency responsible for preparing the
4 plan shall prepare a permanency case plan that is consistent with the order or revise
5 the permanency case plan to conform to the order and shall file the plan with the
6 court within the time specified in s. 48.38 (3). A permanency case plan filed under
7 this paragraph shall be made a part of the dispositional order.

8 **SECTION 27.** 48.355 (2e) (b) of the statutes is amended to read:

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

15 **SECTION 28.** 48.355 (2e) (c) of the statutes is amended to read:

16 48.355 (2e) (c) Either the court or the agency that prepared the permanency
17 case plan shall furnish a copy of the original plan and each revised plan to the child's
18 parent or guardian, to the child or the child's counsel or guardian ad litem, to the
19 child's court-appointed special advocate and to the person representing the interests
20 of the public.

21 **SECTION 29.** 48.356 (1) of the statutes is amended to read:

22 48.356 (1) Whenever the court orders a child to be placed outside his or her
23 home, orders an expectant mother of an unborn child to be placed outside of her
24 home, or denies a parent visitation because the child or unborn child has been
25 adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,

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1 48.363, or 48.365 and whenever the court reviews a ~~permanency~~ case plan under s.
2 48.38 (5m), the court shall orally inform the parent or parents who appear in court
3 or the expectant mother who appears in court of any grounds for termination of
4 parental rights under s. 48.415 which may be applicable and of the conditions
5 necessary for the child or expectant mother to be returned to the home or for the
6 parent to be granted visitation.

7 **SECTION 30.** 48.357 (1) (am) 1. of the statutes is amended to read:

8 48.357 (1) (am) 1. If the proposed change in placement involves any change in
9 placement other than a change in placement specified in par. (c), the person or agency
10 primarily responsible for implementing the dispositional order, the district attorney,
11 or the corporation counsel shall cause written notice of the proposed change in
12 placement to be sent to the child, the parent, guardian, and legal custodian of the
13 child, any foster parent or other physical custodian described in s. 48.62 (2) of the
14 child, the child's court-appointed special advocate, and, if the child is an Indian child
15 who has been removed from the home of his or her parent or Indian custodian, the
16 Indian child's Indian custodian and tribe. If the child is the expectant mother of an
17 unborn child under s. 48.133, written notice shall also be sent to the unborn child by
18 the unborn child's guardian ad litem. If the change in placement involves an adult
19 expectant mother of an unborn child under s. 48.133, written notice shall be sent to
20 the adult expectant mother and the unborn child by the unborn child's guardian ad
21 litem. The notice shall contain the name and address of the new placement, the
22 reasons for the change in placement, a statement describing why the new placement
23 is preferable to the present placement, and a statement of how the new placement
24 satisfies the objectives of the ~~treatment~~ child's case plan ~~ordered by the court.~~

25 **SECTION 31.** 48.357 (1) (c) 1. of the statutes is amended to read:

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1 48.357 (1) (c) 1. If the proposed change in placement would change the
2 placement of a child placed in the home to a placement outside the home, the person
3 or agency primarily responsible for implementing the dispositional order, the district
4 attorney, or the corporation counsel shall submit a request for the change in
5 placement to the court. The request shall contain the name and address of the new
6 placement, the reasons for the change in placement, a statement describing why the
7 new placement is preferable to the present placement, and a statement of how the
8 new placement satisfies the objectives of the treatment child's case plan ordered by
9 ~~the court~~. The request shall also contain specific information showing that continued
10 placement of the child in his or her home would be contrary to the welfare of the child
11 and, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies,
12 specific information showing that the agency primarily responsible for
13 implementing the dispositional order has made reasonable efforts to prevent the
14 removal of the child from the home, while assuring that the child's health and safety
15 are the paramount concerns.

16 **SECTION 32.** 48.357 (2v) (c) of the statutes is amended to read:

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

21 **SECTION 33.** 48.358 of the statutes is created to read:

22 **48.358 Trial reunification. (1) DEFINITION.** In this section, "trial
23 reunification" means a return of a child who is placed in an out-of-home placement
24 under s. 48.355 or 48.357 to the home of his or her parent or other home from which

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1 the child was removed for a specified and limited period for the purpose of
2 determining the appropriateness of permanently returning the child to that home.

3 (2) TRIAL REUNIFICATION; PROCEDURE. (a) *Request or proposal.* The person or
4 agency primarily responsible for implementing the dispositional order may request,
5 or the court on its own motion may propose, a trial reunification. The request or
6 proposal shall contain the name and address of the home that is the site of the
7 requested or proposed trial reunification, a statement describing why the trial
8 reunification is in the best interests of the child, and a statement describing how the
9 trial reunification satisfies the objectives of the child's case plan. No person may
10 request or propose a trial reunification on the grounds that an emergency condition
11 necessitates an immediate return of the child to the home of his or her parent or other
12 home from which the child was removed. If an emergency condition necessitates
13 such an immediate return, the person or agency primarily responsible for
14 implementing the dispositional order shall proceed as provided in s. 48.357 (2).

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

24 (c) *Hearing; when required.* Any person receiving the notice under par. (b),
25 other than a court-appointed special advocate, may obtain a hearing on the matter

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1 by filing an objection with the court within 10 days after receipt of the notice. If a
2 hearing is scheduled, not less than 3 days before the hearing the person requesting
3 the trial reunification or the court shall provide notice of the hearing to all person
4 who are entitled to receive notice under par. (b). A copy of the request or proposal
5 for the trial reunification shall be attached to the notice. If all of the parties consent,
6 the court may proceed immediately with the hearing.

7 (d) *Order*. If the court finds that the trial reunification is in the best interests
8 of the child and that the trial reunification satisfies the objectives of the child's case
9 plan, the court shall grant an order authorizing the trial reunification. A trial
10 reunification shall terminate 90 days after the date of the order, unless the court
11 specifies a shorter period in the order, extends the trial reunification under sub. (3),
12 or revokes the trial reunification under sub. (4) (c) or the person or agency primarily
13 responsible for implementing the dispositional order makes an emergency change in
14 placement as provided in sub. (4) (d). No trial reunification order may extend the
15 expiration date of the original dispositional order under s. 48.355 or any extension
16 order under s. 48.365. A trial reunification under this section is not a change in
17 placement under s. 48.357. At the end of a trial reunification, the person or agency
18 primarily responsible for implementing the dispositional order may return the child
19 to an out-of-home placement without further order of the court, notwithstanding s.
20 48.357, or may request a change in placement under s. 48.357 (1) (am) to change the
21 placement of the child to a placement in the home of the child's parent or other home
22 from which the child was removed.

23 **(3) EXTENSION OF TRIAL REUNIFICATION.** (a) *Extension request or proposal*. The
24 person or agency primarily responsible for implementing the dispositional order may
25 request, or the court on its own motion may propose, an extension of the trial

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1 reunification. The request or proposal shall contain a statement describing how the
2 trial reunification continues to be in the best interests of the child and continues to
3 meet the objectives of the child's case plan. No later than 10 days prior to the
4 expiration of the trial reunification, the person who requests or proposes the
5 extension shall submit the request or proposal to the court that ordered the trial
6 reunification and shall cause notice of the request or proposal to be provided to all
7 persons who are entitled to receive notice under sub. (2) (b).

8 (b) *Extension hearing; when required.* Any person who is entitled to receive
9 notice of the extension request or proposal under par. (a), other than a
10 court-appointed special advocate, may obtain a hearing on the matter by filing an
11 objection with the court within 5 days after receipt of the notice. If a hearing is
12 scheduled, not less than 3 days before the hearing the person requesting the
13 extension or the court shall provide notice of the hearing to all persons who are
14 entitled to receive notice of the extension request or proposal under par. (a). A copy
15 of the request or proposal for the extension shall be attached to the notice. If all of
16 the parties consent, the court may proceed immediately with the hearing.

17 (c) *Extension order.* If the court finds that the trial reunification continues to
18 be in the best interests of the child and continues to meet the objectives of the child's
19 case plan, the court shall grant an order extending the trial reunification for a period
20 specified by the court not to exceed 60 days. Any number of extensions may be
21 granted under this paragraph, but the total period for a trial reunification may not
22 exceed 150 days.

23 **(4) REVOCATION OF TRIAL REUNIFICATION.** (a) *Revocation request; information*
24 *required.* If the person or agency primarily responsible for implementing the
25 dispositional order has reasonable cause to suspect that a child who has been

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1 returned to the home of his or her parent or other home from which the child was
2 removed for a trial reunification has been abused or neglected, has reason to believe
3 that such a child has been threatened with abuse or neglect and that abuse or neglect
4 of the child is likely to occur, or otherwise has reason to believe that the trial
5 reunification is longer in the best interests of the child, that person or agency may
6 request the court to revoke the trial reunification. That person or agency shall
7 submit the request to the court that ordered the trial reunification and shall cause
8 notice of the request to be provided to all persons who are entitled to receive notice
9 of the trial reunification under a sub. (2) (b). The request shall contain the reasons
10 for the proposed revocation.

11 (b) *Revocation hearing; when required.* Any person who is entitled to receive
12 notice of the revocation request under par. (a), other than a court-appointed special
13 advocate, may obtain a hearing on the matter by filing an objection with the court
14 within 5 days after receipt of the notice. If a hearing is scheduled, not less than 3 days
15 prior to the hearing the court shall provide notice of the hearing, together with a copy
16 of the request for the revocation, to all persons who are entitled to receive notice
17 under par. (a). If all parties consent, the court may proceed immediately with the
18 hearing.

19 (c) *Revocation order.* If the court finds that the child, while returned to the home
20 of his or her parent or other home from which the child was removed for a trial
21 reunification, has been abused or neglected, or has been threatened with abuse or
22 neglect and that abuse or neglect of the child is likely to occur, or finds that the trial
23 reunification is no longer in the best interests of the child, the court shall grant an
24 order revoking the trial reunification and returning the child to an out-of-home
25 placement.

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1 (d) *Emergency change in placements.* If an emergency condition necessitates
2 an immediate removal of the child from the home of his or her parent or other home
3 from which the child was removed, the person or agency primarily responsible for
4 implementing the dispositional order may proceed as provided in s. 48.357 (2).

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

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

22 (b) *Revocation.* Except as provided in par. (c), if a parent in whose home a child
23 is placed for a trial reunification is convicted under s. 940.01 of the first-degree
24 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of

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1 the child's other parent, and the conviction has not been reversed, set aside, or
2 vacated, the court shall revoke the trial reunification as provided in sub. (4) (c).

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

7 **SECTION 34.** 48.363 (1) (a) of the statutes is amended to read:

8 48.363 (1) (a) A child, the child's parent, guardian, legal custodian, or Indian
9 custodian, an expectant mother, an unborn child by the unborn child's guardian ad
10 litem, any person or agency bound by a dispositional order, or the district attorney
11 or corporation counsel in the county in which the dispositional order was entered
12 may request a revision in the order that does not involve a change in placement or
13 a trial reunification, including a revision with respect to the amount of child support
14 to be paid by a parent. The court may also propose a revision. The request or court
15 proposal shall set forth in detail the nature of the proposed revision and what new
16 information is available that affects the advisability of the court's disposition. The
17 request or court proposal shall be submitted to the court. The court shall hold a
18 hearing on the matter prior to any revision of the dispositional order if the request
19 or court proposal indicates that new information is available which affects the
20 advisability of the court's dispositional order, unless written waivers of objections to
21 the revision are signed by all parties entitled to receive notice and the court approves.

22 **SECTION 35.** 48.365 (2g) (b) 2. of the statutes is amended to read:

23 48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and
24 of any progress the child has made, suggestions for amendment of the permanency
25 case plan, and specific information showing the efforts that have been made to

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1 achieve the goal of the ~~permanency~~ case plan, including, if applicable, the efforts of
2 the parents to remedy the factors that contributed to the child's placement.

3 **SECTION 36.** 48.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act
4 79, is amended to read:

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

24 **SECTION 37.** 48.365 (2m) (a) 1. of the statutes is amended to read:

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

12 **SECTION 38.** 48.365 (2m) (a) 1m. of the statutes is amended to read:

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

22 **SECTION 39.** 48.365 (2m) (a) 3. of the statutes is amended to read:

23 48.365 (2m) (a) 3. The judge shall make the findings under subd. 1m. relating
24 to reasonable efforts to achieve the goal of the child's permanency case plan and the
25 findings under subd. 2. on a case-by-case basis based on circumstances specific to

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1 the child and shall document or reference the specific information on which those
2 findings are based in the order issued under s. 48.355. An order that merely
3 references subd. 1m. or 2. without documenting or referencing that specific
4 information in the order or an amended order that retroactively corrects an earlier
5 order that does not comply with this subdivision is not sufficient to comply with this
6 subdivision.

7 **SECTION 40.** 48.365 (2m) (ad) of the statutes is amended to read:

8 48.365 (2m) (ad) If the judge finds that any of the circumstances under s.
9 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a hearing
10 under s. 48.38 (4m) within 30 days after the date of that finding to determine the
11 permanency case plan for the child.

12 **SECTION 41.** 48.365 (7) of the statutes is amended to read:

13 48.365 (7) Nothing in this section may be construed to allow any changes in
14 placement or trial reunifications. Changes in placement may take place only under
15 s. 48.357, and trial reunifications may take place only under s. 48.358.

16 **SECTION 42.** 48.371 (1) (a) of the statutes is amended to read:

17 48.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the child,
18 as provided under s. 252.15 (3m) (d) 15., including results included in a court report
19 or permanency case plan. At the time that the HIV test results are provided, the
20 agency shall notify the foster parent, relative, or operator of the group home or
21 residential care center for children and youth of the confidentiality requirements
22 under s. 252.15 (6).

23 **SECTION 43.** 48.371 (1) (b) of the statutes is amended to read:

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1 48.371 (1) (b) Results of any tests of the child to determine the presence of viral
2 hepatitis, type B, including results included in a court report or permanency case
3 plan.

4 **SECTION 44.** 48.371 (3) (intro.) of the statutes is amended to read:

5 48.371 (3) (intro.) At the time of placement of a child in a foster home, group
6 home, or residential care center for children and youth or in the home of a relative
7 other than a parent or, if the information is not available at that time, as soon as
8 possible after the date on which the court report or permanency case plan has been
9 submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38
10 (1) (a), responsible for preparing the child's permanency case plan shall provide to
11 the foster parent, relative, or operator of the group home or residential care center
12 for children and youth information contained in the court report submitted under s.
13 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4) (c) or permanency case plan
14 submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), or
15 48.831 (4) (e) relating to findings or opinions of the court or agency that prepared the
16 court report or permanency case plan relating to any of the following:

17 **SECTION 45.** 48.371 (4) of the statutes is amended to read:

18 48.371 (4) Subsection (1) does not preclude an agency, as defined in s. 48.38 (1)
19 (a), that is arranging for the placement of a child from providing the information
20 specified in sub. (1) (a) to (c) to a person specified in sub. (1) (intro.) before the time
21 of placement of the child. Subsection (3) does not preclude an agency, as defined in
22 s. 48.38 (1) (a), responsible for preparing a child's court report or permanency case
23 plan from providing the information specified in sub. (3) (a) to (e) to a person specified
24 in sub. (3) (intro.) before the time of placement of the child.

25 **SECTION 46.** 48.371 (5) of the statutes is amended to read:

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

7 **SECTION 47.** Subchapter VII (title) of chapter 48 [precedes 48.38] of the statutes
8 is amended to read:

CHAPTER 48**SUBCHAPTER VII****PERMANENCY CASE PLANNING; RECORDS**

11 **SECTION 48.** 48.38 (title) of the statutes is amended to read:

12 **48.38** (title) **Permanency Case planning.**

13 **SECTION 49.** 48.38 (1) (am) of the statutes is amended to read:

14 48.38 (1) (am) “Independent agency” means a private, nonprofit organization,
15 but does not include a licensed child welfare agency that is authorized to prepare
16 permanency case plans or that is assigned the primary responsibility of providing
17 services under a permanency case plan.

18 **SECTION 50.** 48.38 (1) (b) of the statutes is renumbered 48.02 (1v) and amended
19 to read:

20 48.02 (1v) “Permanency Case plan” means a plan designed to ensure that a
21 child is reunified with his or her family whenever appropriate, or that the child
22 quickly attains a placement or home providing long-term stability.

23 **SECTION 51.** 48.38 (2) (intro.) of the statutes is amended to read:
24

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1 48.38 (2) ~~PERMANENCY CASE~~ PLAN REQUIRED. (intro.) Except as provided in sub.
2 (3), for each child living in a foster home, group home, residential care center for
3 children and youth, juvenile detention facility, or shelter care facility, the agency that
4 placed the child or arranged the placement or the agency assigned primary
5 responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall
6 prepare a written ~~permanency~~ case plan, if any of the following conditions exists,
7 and, for each child living in the home of a relative other than a parent, that agency
8 shall prepare a written ~~permanency~~ case plan, if any of the conditions specified in
9 pars. (a) to (e) exists:

10 **SECTION 52.** 48.38 (3) of the statutes is amended to read:

11 48.38 (3) TIME. Subject to sub. (4m) (a), the agency shall file the ~~permanency~~
12 case plan with the court within 60 days after the date on which the child was first
13 removed from his or her home, except that if the child is held for less than 60 days
14 in a juvenile detention facility, juvenile portion of a county jail, or a shelter care
15 facility, no ~~permanency~~ case plan is required if the child is returned to his or her home
16 within that period.

17 **SECTION 53.** 48.38 (4) (intro.) of the statutes is amended to read:

18 48.38 (4) CONTENTS OF PLAN. (intro.) The ~~permanency~~ case plan shall include
19 all of the following:

20 **SECTION 54.** 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~~ case plan, except that the ~~permanency~~ case plan is not required
25 to include a description of the services offered or provided with respect to a parent

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

4 **SECTION 55.** 48.38 (4) (br) 2. of the statutes is amended to read:

5 48.38 (4) (br) 2. If the child has one or more siblings who have also been
6 removed from the home, a description of the efforts made to place the child in a
7 placement that enables the sibling group to remain together and, if a decision is made
8 not to place the child and his or her siblings in a joint placement, a statement as to
9 why a joint placement would be contrary to the safety or well-being of the child or
10 any of those siblings and a description of the efforts made to provide for frequent
11 visitation or other ongoing interaction between the child and those siblings. If a
12 decision is made not to provide for that visitation or interaction, the permanency case
13 plan shall include a statement as to why that visitation or interaction would be
14 contrary to the safety or well-being of the child or any of those siblings.

15 **SECTION 56.** 48.38 (4) (f) 3. of the statutes is amended to read:

16 48.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe
17 return of the child to his or her home, or, if appropriate, obtain ~~an alternative~~
18 permanent placement for the child a placement for adoption, with a guardian, with
19 a fit and willing relative, or in some other planned permanent living arrangement
20 in which the child is in a long-term relationship with an adult.

21 **SECTION 57.** 48.38 (4) (fg) (intro.) of the statutes is amended to read:

22 48.38 (4) (fg) (intro.) The goal of the permanency case plan or, if the agency is
23 ~~making concurrent reasonable efforts under~~ engaging in concurrent planning, as
24 defined in s. 48.355 (2b) (a), the primary and concurrent goals of the permanency case
25 plan. If a goal of the permanency case plan is ~~any goal other than return of the child~~

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1 ~~to his or her home to place the child for adoption, with a guardian, or with a fit and~~
2 ~~willing relative,~~ the permanency case plan shall include the rationale for deciding
3 on that goal. ~~If a goal of the permanency plan is an alternative permanent placement~~
4 ~~under subd. 5., the permanency plan shall document a compelling reason why it~~
5 ~~would not be in the best interest of the child to pursue a goal specified in subds. 1-~~
6 ~~to 4. and the efforts made to achieve that goal, including, if appropriate, through an~~
7 ~~out-of-state placement. If the agency determines under s. 48.355 (2b) (b) to engage~~
8 ~~in concurrent planning, the case plan shall include the rationale for that~~
9 ~~determination and a description of the concurrent plan and the primary and~~
10 ~~concurrent goals of the concurrent plan. The agency shall determine one or more of~~
11 the following goals to be the goal or goals of a child's permanency case plan:

12 **SECTION 58.** 48.38 (4) (fg) 5. of the statutes is amended to read:

13 48.38 (4) (fg) 5. ~~Some~~ As provided in par. (fm), some other alternative planned
14 permanent placement living arrangement in which the child is in a long-term
15 relationship with an adult, including sustaining care, ~~independent living,~~ or
16 long-term foster care, but not including independent living.

17 **SECTION 59.** 48.38 (4) (fm) of the statutes is renumbered 48.38 (4) (fm) (intro.)
18 and amended to read:

19 48.38 (4) (fm) (intro.) ~~If the goal of the permanency plan is to~~ agency determines
20 that there is a compelling reason why it would not be in the best interests of the child
21 to return the child to his or her home or to place the child for adoption, with a
22 guardian, or with a fit and willing relative, or ~~the permanency goal of placing the~~
23 child in some other alternative planned permanent placement, living arrangement
24 described in par. (fg) 5. If the agency makes that determination, the plan shall
25 include all of the following:

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1 2. The compelling reason why it would not be in the best interests of the child
2 to return the child to his or her home or to place the child for adoption, with a
3 guardian, or with a fit and willing relative and the efforts made to achieve that goal,
4 including, if appropriate, through an out-of-state placement.

5 **SECTION 60.** 48.38 (4) (fm) 1. of the statutes is created to read:

6 48.38 **(4)** (fm) 1. A concurrent plan under s. 48.355 (2b) (b) towards achieving
7 a permanency goal under par. (fg) 1. to 4. as well as the permanency goal under par.
8 (fg) 5.

9 **SECTION 61.** 48.38 (4) (i) of the statutes is amended to read:

10 48.38 **(4)** (i) A statement as to whether the child's age and developmental level
11 are sufficient for the court to consult with the child at the permanency case plan
12 determination hearing under sub. (4m) (c) or at the permanency case plan hearing
13 under sub. (5m) (c) 2. or s. 48.43 (5) (b) 2. or for the court or panel to consult with the
14 child at the permanency case plan review under sub. (5) (bm) 2. and, if a decision is
15 made that it would not be age appropriate or developmentally appropriate for the
16 court or panel to consult with the child, a statement as to why consultation with the
17 child would not be appropriate.

18 **SECTION 62.** 48.38 (4m) (title) of the statutes is amended to read:

19 48.38 **(4m)** (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PERMANENCY
20 CASE PLAN DETERMINATION HEARING.

21 **SECTION 63.** 48.38 (4m) (a) of the statutes is amended to read:

22 48.38 **(4m)** (a) If in a proceeding under s. 48.21, 48.32, 48.355, 48.357, or 48.365
23 the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies
24 with respect to a parent, the court shall hold a hearing within 30 days after the date
25 of that finding to determine the permanency case plan for the child. If a hearing is

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

7 **SECTION 64.** 48.38 (4m) (c) of the statutes is amended to read:

8 48.38 (4m) (c) If the child's ~~permanency~~ case plan includes a statement under
9 sub. (4) (i) indicating that the child's age and developmental level are sufficient for
10 the court to consult with the child regarding the child's ~~permanency~~ case plan or if,
11 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
12 court to consult with the child, the court determines that consultation with the child
13 would be in the best interests of the child, the court shall consult with the child, in
14 an age-appropriate and developmentally appropriate manner, regarding the child's
15 ~~permanency~~ case plan and any other matters the court finds appropriate. If none of
16 those circumstances apply, the court may permit the child's caseworker, the child's
17 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
18 or oral statement during the hearing, or to submit a written statement prior to the
19 hearing, expressing the child's wishes, goals, and concerns regarding the
20 ~~permanency~~ case plan and those matters. If the court permits such a written or oral
21 statement to be made or submitted, the court may nonetheless require the child to
22 be physically present at the hearing.

23 **SECTION 65.** 48.38 (5) (a) of the statutes is amended to read:

24 48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed
25 under par. (ag) shall review the ~~permanency~~ case plan in the manner provided in this

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1 subsection not later than 6 months after the date on which the child was first
2 removed from his or her home and every 6 months after a previous review under this
3 subsection for as long as the child is placed outside the home, except that for the
4 review that is required to be conducted not later than 12 months after the child was
5 first removed from his or her home and the reviews that are required to be conducted
6 every 12 months after that review the court shall hold a hearing under sub. (5m) to
7 review the ~~permanency~~ case plan, which hearing may be instead of or in addition to
8 the review under this subsection.

9 **SECTION 66.** 48.38 (5) (ag) of the statutes is amended to read:

10 48.38 (5) (ag) If the court elects not to review the ~~permanency~~ case plan, the
11 court shall appoint a panel to review the ~~permanency~~ case plan. The panel shall
12 consist of 3 persons who are either designated by an independent agency that has
13 been approved by the chief judge of the judicial administrative district or designated
14 by the agency that prepared the ~~permanency~~ case plan. A voting majority of persons
15 on each panel shall be persons who are not employed by the agency that prepared the
16 ~~permanency~~ case plan and who are not responsible for providing services to the child
17 or the parents of the child whose ~~permanency~~ case plan is the subject of the review.

18 **SECTION 67.** 48.38 (5) (am) of the statutes is amended to read:

19 48.38 (5) (am) The court may appoint an independent agency to designate a
20 panel to conduct a ~~permanency~~ case plan review under par. (a). If the court in a
21 county having a population of less than 500,000 appoints an independent agency
22 under this paragraph, the county department of the county of the court shall
23 authorize and contract for the purchase of services from the independent agency. If
24 the court in a county having a population of 500,000 or more appoints an independent

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1 agency under this paragraph, the department shall authorize and contract for the
2 purchase of services from the independent agency.

3 **SECTION 68.** 48.38 (5) (bm) 2. of the statutes is amended to read:

4 48.38 (5) (bm) 2. If the child's ~~permanency~~ case plan includes a statement under
5 sub. (4) (i) indicating that the child's age and developmental level are sufficient for
6 the court or panel to consult with the child regarding the child's ~~permanency~~ case
7 plan or if, notwithstanding a decision under sub. (4) (i) that it would not be
8 appropriate for the court or panel to consult with the child, the court or panel
9 determines that consultation with the child would be in the best interests of the child,
10 the court or panel shall consult with the child, in an age-appropriate and
11 developmentally appropriate manner, regarding the child's ~~permanency~~ case plan
12 and any other matters the court or panel finds appropriate. If none of those
13 circumstances apply, the court or panel may permit the child's caseworker, the child's
14 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
15 or oral statement during the review, or to submit a written statement prior to the
16 review, expressing the child's wishes, goals, and concerns regarding the ~~permanency~~
17 case plan and those matters. If the court or panel permits such a written or oral
18 statement to be made or submitted, the court or panel may nonetheless require the
19 child to be physically present at the review.

20 **SECTION 69.** 48.38 (5) (c) 2. of the statutes is amended to read:

21 48.38 (5) (c) 2. The extent of compliance with the ~~permanency~~ case plan by the
22 agency and any other service providers, the child's parents, the child and the child's
23 guardian, if any.

24 **SECTION 70.** 48.38 (5) (c) 5. of the statutes is amended to read:

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1 48.38 (5) (c) 5. The date by which it is likely that the child will be returned to
2 his or her home or placed for adoption, with a guardian, with a fit and willing relative,
3 or in some other ~~alternative~~ planned permanent ~~placement~~ living arrangement in
4 which the child is in a long-term relationship with an adult.

5 **SECTION 71.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

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

14 **SECTION 72.** 48.38 (5) (c) 6. d. of the statutes is amended to read:

15 48.38 (5) (c) 6. d. Being placed in some other ~~alternative~~ planned permanent
16 ~~placement~~ living arrangement in which the child is in a long-term relationship with
17 an adult, including sustaining care, ~~independent living~~, or long-term foster care, but
18 not including independent living.

19 **SECTION 73.** 48.38 (5) (c) 6m. of the statutes is created to read:

20 48.38 (5) (c) 6m. If the case plan calls for concurrent planning, as defined in s.
21 48.355 (2b) (a), the appropriateness, in light of the standards established by the
22 department, of each of the permanency goals of the concurrent plan. If the court or
23 panel does not approve of any one or more of those goals, the court or panel must
24 include in its determinations under this paragraph the reasons for that disapproval.

25 **SECTION 74.** 48.38 (5) (c) 7. of the statutes is amended to read:

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1 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
2 the goal of the ~~permanency~~ case plan, including, if appropriate, through an
3 out-of-state placement.

4 **SECTION 75.** 48.38 (5) (d) of the statutes is amended to read:

5 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the
6 ~~permanency~~ case plan shall, at least 5 days before a review by a review panel, provide
7 to each person appointed to the review panel, the child's parent, guardian, and legal
8 custodian, the person representing the interests of the public, the child's counsel, the
9 child's guardian ad litem, the child's court-appointed special advocate, and, if the
10 child is an Indian child who is placed outside the home of his or her parent or Indian
11 custodian, the Indian child's Indian custodian and tribe a copy of the ~~permanency~~
12 case plan and any written comments submitted under par. (bm) 1. Notwithstanding
13 s. 48.78 (2) (a), a person appointed to a review panel, the person representing the
14 interests of the public, the child's counsel, the child's guardian ad litem, the child's
15 court-appointed special advocate, and, if the child is an Indian child who is placed
16 outside the home of his or her parent or Indian custodian, the Indian child's Indian
17 custodian and tribe may have access to any other records concerning the child for the
18 purpose of participating in the review. A person permitted access to a child's records
19 under this paragraph may not disclose any information from the records to any other
20 person.

21 **SECTION 76.** 48.38 (5m) (title) of the statutes is amended to read:

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

23 **SECTION 77.** 48.38 (5m) (a) of the statutes is amended to read:

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

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1 after the date on which the child was first removed from the home and every 12
2 months after a previous hearing under this subsection for as long as the child is
3 placed outside the home.

4 **SECTION 78.** 48.38 (5m) (b) of the statutes is amended to read:

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

18 **SECTION 79.** 48.38 (5m) (c) 2. of the statutes is amended to read:

19 48.38 (5m) (c) 2. If the child's ~~permanency~~ case plan includes a statement under
20 sub. (4) (i) indicating that the child's age and developmental level are sufficient for
21 the court to consult with the child regarding the child's ~~permanency~~ case plan or if,
22 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
23 court to consult with the child, the court determines that consultation with the child
24 would be in the best interests of the child, the court shall consult with the child, in
25 an age-appropriate and developmentally appropriate manner, regarding the child's

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1 ~~permanency case~~ plan and any other matters the court finds appropriate. If none of
2 those circumstances apply, the court may permit the child's caseworker, the child's
3 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
4 or oral statement during the hearing, or to submit a written statement prior to the
5 hearing, expressing the child's wishes, goals, and concerns regarding the
6 ~~permanency case~~ plan and those matters. If the court permits such a written or oral
7 statement to be made or submitted, the court may nonetheless require the child to
8 be physically present at the hearing.

9 **SECTION 80.** 48.38 (5m) (d) of the statutes is amended to read:

10 48.38 (5m) (d) At least 5 days before the date of the hearing the agency that
11 prepared the ~~permanency case~~ plan shall provide a copy of the ~~permanency case~~ plan
12 and any written comments submitted under par. (c) 1. to the court, to the child's
13 parent, guardian, and legal custodian, to the person representing the interests of the
14 public, to the child's counsel or guardian ad litem, to the child's court-appointed
15 special advocate, and, if the child is an Indian child who is placed outside the home
16 of his or her parent or Indian custodian, to the Indian child's Indian custodian and
17 tribe. Notwithstanding s. 48.78 (2) (a), the person representing the interests of the
18 public, the child's counsel or guardian ad litem, the child's court-appointed special
19 advocate, and, if the child is an Indian child who is placed outside of the home of his
20 or her parent or Indian custodian, the Indian child's Indian custodian and tribe may
21 have access to any other records concerning the child for the purpose of participating
22 in the review. A person permitted access to a child's records under this paragraph
23 may not disclose any information from the records to any other person.

24 **SECTION 81.** 48.38 (5m) (e) of the statutes is amended to read:

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1 48.38 (5m) (e) After the hearing, the court shall make written findings of fact
2 and conclusions of law relating to the determinations under sub. (5) (c) and shall
3 provide a copy of those findings of fact and conclusions of law to the child; the child's
4 parent, guardian, and legal custodian; the child's foster parent, the operator of the
5 facility in which the child is living, or the relative with whom the child is living; the
6 child's court-appointed special advocate; the agency that prepared the permanency
7 case plan; the person representing the interests of the public; and, if the child is an
8 Indian child who is placed outside the home of his or her parent or Indian custodian,
9 the Indian child's Indian custodian and tribe. The court shall make the findings
10 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to
11 the child and shall document or reference the specific information on which those
12 findings are based in the findings of fact and conclusions of law prepared under this
13 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)
14 7. without documenting or referencing that specific information in the findings of fact
15 and conclusions of law or amended findings of fact and conclusions of law that
16 retroactively correct earlier findings of fact and conclusions of law that do not comply
17 with this paragraph are not sufficient to comply with this paragraph.

18 **SECTION 82.** 48.38 (5m) (f) of the statutes is amended to read:

19 48.38 (5m) (f) If the findings of fact and conclusions of law under par. (e) conflict
20 with the child's dispositional order or provide for any additional services not specified
21 in the dispositional order, the court shall revise the dispositional order under s.
22 48.363 ~~or~~, order a change in placement under s. 48.357, or order a trial reunification
23 under s. 48.358, as appropriate.

24 **SECTION 83.** 48.38 (6) (a) of the statutes is amended to read:

25 48.38 (6) (a) Procedures for conducting permanency case plan reviews.