

2011 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB502)

Received: 03/08/2012

Received By: gmalaise

Wanted: 03/09/2012

Companion to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Gordon M. Malaise

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:

Permanency planning for children; trial reunifications, trial reunifications

Instructions:

See attached--draft as simple amendment Bridget's recommendations

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>
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/1			rschluet 03/09/2012	_____	mbarman 03/09/2012	mbarman 03/09/2012	

FE Sent For:

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1 gms 3/9
12

JK

FE Sent For:

<END>

Malaise, Gordon

From: Bridget Bauman [Bridget.Bauman@wicourts.gov]
Sent: Wednesday, March 07, 2012 3:12 PM
To: Malaise, Gordon
Cc: Morrell, Alison; Michelle Jensen-Goodwin; Nancy Rottier
Subject: Comments on Draft Substitute Amendment (3.7.12)
Attachments: Comments on Draft Substitute Amendment (3.7.12).docx

Hi, Gordon. Attached please find my comments on the Substitute Amendment for AB 599. I believe most of the issues are minor and could be incorporated easily. I talked to Allison and she indicated that I should go ahead and send it directly to you. It might be easier to explain the rationale behind some of the comments over the phone, so I will give you a call.

Thank you,
Bridget

Bridget Bauman, J.D.
CCIP Policy Analyst
Director of State Courts Office
110 E. Main St., Suite 410
Madison, WI 53703
(608)267-1958
(608)267-0911 (fax)

Memorandum

SUPREME COURT OF WISCONSIN
OFFICE OF COURT OPERATIONS
PHONE (608) 266-3121 FAX (608) 267-0911



DATE: March 7, 2012
TO: Nancy Rottier
FROM: Bridget Bauman
SUBJECT: Comments on Draft Substitute Amendment for 2011 AB 599

All references to changes in Ch. 48 would also apply to Ch. 938.

Page 2 under Concurrent planning, 3rd line: We would suggest removing "with an adoption agency" because placing the child with guardian or fit and willing relative is done by agency.

Page 3, first full paragraph: Change the paragraph to:

"Current law states the agency may make a concurrent permanency plan and must make reasonable efforts to achieve that plan. This substitute amendment defines concurrent planning as making appropriate efforts to work simultaneously towards achieving more than one permanency goal for a child. It also requires the agency to make appropriate efforts toward a concurrent permanency goal if a concurrent permanency goal is determined to be appropriate, in accordance with standards established by DCF (concurrent planning standards), unless the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice code (juvenile court) orders or a permanency review panel appointed by the juvenile court determines otherwise. If an agency determines that concurrent planning is appropriate under the concurrent planning standards, the child's permanency plan must include the rationale for that determination and a description of the concurrent plan and the permanency and concurrent permanency goals. In addition, the juvenile court or the review panel appointed by the juvenile court determines what the permanency goal and, if any, concurrent permanency goals will be."

Page 3 under Trial reunification, 3rd line: Omit the comma after the word "order" so it reads "a dispositional order of the juvenile court".

Page 5, 5th line from the top, and Page 16, line 17: Remove "and approving that placement", since the previous out-of-home placement would have already been approved by the court when the child was initially placed there. If is not appropriate, a change of placement would be pursued.

Page 11, lines 21-24: Since a trial reunification is not the "authorization" to reside in the home and we want to make it clear that the agency would have to request a trial reunification for a child who is going to reside in the home 7 days or longer, we would suggest changing the definition to: "(a) "Trial reunification" means a period during which a child who is placed in an out-of-home placement under s. 48.355 or 48.357 resides in the home of a relative from which the child was removed or in the home of either of the child's parents for a period of 7 consecutive days or longer, up to a total period of 150 days, for the purpose of determining the appropriateness of changing the placement of the child to that home."

Page 12, line 5-15: Change the paragraph to:

"(2) TRIAL REUNIFICATION: PROCEDURE. (a) *Request or proposal.* No trial reunification may begin without a court order. Only the person or agency primarily responsible for implementing the disposition order may request a trial reunification. The request shall contain the name and address of the requested trial reunification home, a statement describing why the trial reunification is in the best interests of the child, and a statement describing how the trial reunification satisfies the objectives of the child's permanency plan. A request for a trial reunification may not be made on the sole grounds that an emergency condition necessitates an immediate removal of the child from his or her out-of-home placement. If an emergency condition necessitates such an immediate removal, the person or agency primarily responsible for implementing the dispositional order shall proceed as provided in s. 48.357(2)."

Page 13, line 6: Add "or agency" after "the person".

Page 13, lines 19-20: "Change to, "At the end of a trial reunification that has not been revoked, the person or agency..."

Page 13, lines 23-25: Provide a timeframe for providing the notice: "...shall provide notice, within 5 days of the return, of the date of return..."

Page 15, line 18: Delete "a" in front of "sub. (2) (b)."

Page 18, line 21; page 25, lines 22-23; and page 28, line 3: Change "returned to his or her home for" to "residing in a home under".

Page 22, lines 23-24: Delete "and the permanency and concurrent permanency goals of the concurrent plan". This is already required up in lines 12-13 and the permanency and concurrent permanency goals would be part of the permanency plan, not concurrent plan.

Page 23, lines 7-18: Change this section to: "If the agency determines that there is a compelling reason why it currently would not be in the best interests of the child to return to his or her home, or with a fit and willing relative as the permanency goal for the child, the permanency goal shall be some other planned permanent placement living arrangement described in par. (fg)5. If the agency makes that determination, the plan shall include a statement of that compelling reason and, notwithstanding that compelling reason, a concurrent plan under s. 48.355 (2b) towards achieving a goal under par. (fg) 1. to 4. As a concurrent permanency goal in addition to the permanency goal under par. (fg) 5. If some other planned permanent placement living arrangement is the permanency goal or concurrent permanency goal for the child, the efforts made towards achieving that goal."

Page 24, lines 4-5: Keep "Determination" in the title to distinguish that there is a difference between this hearing and a Permanency Hearing under s. 48.38(5m).

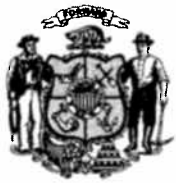
Page 24, line 19 and page 26, line 24: Change "resides in" to "is subject to".

Page 25, lines 11-16: Change to, "The permanency goal and, if the court or panel deems appropriate, any concurrent permanency goals for the child.

Page 28, line 8: Remove "case" and restore "permanency".

Page 30, line 1: Change "goals" to "goal".

Page 51, line 10: Remove "plan".



State of Wisconsin
2011 - 2012 LEGISLATURE

d-note



LRBa2744/7
GMM.....

*IN 3/8
Wanted Fri 3/9*

*9/7/11
g's*

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

bill 502

24

1 At the locations indicated, amend the substitute amendment as follows:

- 2 **1.** Page 11, line 21: delete "authorization for" and substitute "a period of 7
- 3 consecutive days or longer, but not exceeding 150 days, during which". ✓
- 4 **2.** Page 11, line 22: delete "to reside" and substitute "resides". ✓
- 5 **3.** Page 11, line 23: delete that line and substitute "parents for the". ✓
- 6 **4.** Page 12, line 5: delete "The" and substitute "No trial reunification may occur
- 7 without a court order. Only the". ✓
- 8 **5.** Page 12, line 6: after "request" insert "the court to order". ✓
- 9 **6.** Page 12, line 10: delete the material beginning with "No" and ending with
- 10 "reunification" on line 11 and substitute "A request for a trial reunification may not
- 11 be made". ✓

1 **7.** Page 13, line 6: after "person" insert "or agency". ✓

2 **8.** Page 13, line 15: delete the material beginning with "the court" and ending
3 with "court" on line 16 and substitute "extends the trial reunification under sub. (3),
4 or". ✓

5 **9.** Page 13, line 19: delete "At" and substitute "Unless revoked under sub. (4)
6 (c) or (6) (b), at". ✓

7 **10.** Page 13, line 23: after "but" insert "within 5 days after the return the
8 person or agency". ✓

9 **11.** Page 15, line 18: delete "a". ✓

10 **12.** Page 16, line 17: delete "and approving that placement". ✓

11 **13.** Page 17, line 14: after "reunification" insert "and the child shall be
12 returned to his or her previous out-of-home placement or, pursuant to s. 48.357,
13 placed in a new out-of-home placement". ✓

14 **14.** Page 18, line 15: delete the material beginning with ", as" and ending with
15 "79," on line 16. ✓

16 **15.** Page 18, line 21: delete the material beginning with "was" and ending with
17 "reunification," on line 22 and substitute: "~~was returned to his or her~~ was residing
18 in a trial reunification home for a trial home visit". ✓

19 **16.** Page 22, line 23: delete the material beginning with "and the" and ending
20 with "plan" on line 16. ^{e 24}

21 **17.** Page 23, line 12: delete lines 12 to 14 and substitute "permanent
22 placement, living arrangement described in par. (fg) 5. If the agency makes that

1 determination, the plan shall include the efforts made to achieve that permanency
2 goal, including, if appropriate, through an out-of-state placement, a”.

3 **18.** Page 23, line 15: delete “reason” and substitute “reason”. ^{and} ^{and}

4 **19.** Page 24, line 5: delete “DETERMINATION” and substitute “DETERMINATION”.

5 **20.** Page 24, line 19: delete lines 19 and 20 and substitute “paragraph include
6 trial reunifications under s. 48.358.”.

7 **21.** Page 25, line 12: after “and” insert “, if the court or panel considers
8 appropriate,”.

9 **22.** Page 25, line 22: delete the material beginning with “was” and ending with
10 “reunification,” on line 23 and substitute “was returned to his or her was residing
11 in a trial reunification home for a trial home visit,”.

12 **23.** Page 26, line 23: delete the material beginning with “any” and ending with
13 “home” on line 24 and substitute “trial reunifications”.

14 **24.** Page 28, line 3: delete that line and substitute “was returned to his or her
15 was residing in a trial reunification home for a trial home visit. If the”.

16 **25.** Page 28, line 8: delete “permanency case” and substitute “permanency”.

17 **26.** Page 30, line 1: delete “permanency goals” and substitute “goals
18 permanency goal”.

19 **27.** Page 34, line 23: delete “authorization for” and substitute “a period of 7
20 consecutive days or longer, but not exceeding 150 days, during which”.

21 **28.** Page 34, line 24: delete “to reside” and substitute “resides”.

22 **29.** Page 35, line 1: delete the material beginning with “for” and ending with
23 “longer” on line 2.

1 **30.** Page 35, line 6: delete "The" and substitute "No trial reunification may
2 ✓ occur without a court order. Only the".

3 ✓ **31.** Page 35, line 7: after "request" insert "the court to order".

4 ✓ **32.** Page 35, line 11: delete the material beginning with "No" and ending with
5 (5) "reunification" on line 12 and substitute "A request for a trial reunification may not
6 be made".

7 **33.** Page 36, line 5: after "person" insert "or agency". ✓

8 **34.** Page 36 line 14: delete the material beginning with "the court" and ending
9 (9) with "court" on line 15 and substitute "extends the trial reunification under sub. (3),
10 or". ✓

11 ✓ **35.** Page 36, line 18: delete "At" and substitute "Unless revoked under sub. (4)
12 (c) or (6) (b), at". ✓

13 **36.** Page 36, line 22: after "but" insert "within 5 days after the return the
14 person or agency". ✓

15 **37.** Page 38, line 17: delete "a". ✓

16 **38.** Page 39, line 17: delete "and approving that placement". ✓

17 **39.** Page 40, line 14: after "reunification" insert "and the juvenile shall be
18 returned to his or her previous out-of-home placement or, pursuant to s. 938.357,
19 placed in a new out-of-home placement". ✓

20 **40.** Page 41, line 22: delete the material beginning with "was" and ending with
21 (21) "reunification," on line 23 and substitute "was returned to his or her was residing
22 in a trial reunification home for a trial home visit,". ✓

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

LRBa2744/1dn

GMMG.....

Handwritten initials: J L

Handwritten initials: GS

Handwritten word: Late

Senator Lazich:

The companion assembly substitute amendment to Assembly Bill 599 was redrafted after the introduction of SSA 1 to SB 502 to insert a number of technical corrections requested by the Office of the Director of State Courts. This simple amendment inserts those technical corrections into SSA 1 to SB 502.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

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

LRBa2744/1dn
GMM:cjs:rs

March 9, 2012

Senator Lazich:

The companion assembly substitute amendment to Assembly Bill 599 was redrafted after the introduction of SSA 1 to SB 502 to insert a number of technical corrections requested by the Office of the Director of State Courts. This simple amendment inserts those technical corrections into SSA 1 to SB 502.

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