



TODAY IF POSSIBLE
State of Wisconsin
2013 - 2014 LEGISLATURE



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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Repeal

1 **AN ACT to repeal** 48.44 (2), 48.78 (2) (d) 3., 301.26 (4) (cm) 2., 302.11 (10), 302.17
2 (3), 302.255, 304.15, 938.992 (3) and 946.42 (3) (d); **to renumber and amend**
3 48.02 (2), 48.355 (4), 48.357 (6), 48.365 (5), 48.38 (4) (ar), 48.44 (1), 48.619,
4 938.02 (10m), 938.357 (6), 938.365 (5), 938.38 (4) (ar) and 990.01 (20); **to amend**
5 19.32 (1m), 20.410 (3) (cg), 48.357 (1) (am) 2. (intro.), 48.357 (2m) (a), 48.357
6 (2m) (b), 48.385, 48.481 (2), 48.57 (3m) (a) 1., 48.57 (3n) (a) 1., 48.57 (3n) (am)
7 6. a., 48.64 (4) (a), 48.64 (4) (c), 48.645 (1) (intro.), 227.03 (4), 301.03 (9), 301.12
8 (2), 301.26 (4) (a), 301.26 (4) (b), 301.26 (4) (c), 301.26 (4) (d) 1m., 302.11 (1),
9 302.17 (2), 302.31 (7), 767.405 (8) (b) 1., 767.405 (10) (e) 1., 767.41 (2) (b) 2. c.,
10 767.41 (5) (am) 12., 905.045 (1) (a), 938.355 (4) (a), 938.355 (6) (a) 1., 938.355
11 (6) (a) 2., 938.355 (6d) (a) 1., 938.355 (6d) (a) 2., 938.355 (6d) (b) 1., 938.355 (6d)
12 (b) 2., 938.355 (6d) (c) 1., 938.355 (6d) (c) 2., 938.357 (1) (am) 2. (intro.), 938.357
13 (2m) (a), 938.357 (2m) (b), 938.357 (4g) (b), 938.44, 938.53, 938.595, 938.78 (2)
14 (d) 3., 946.42 (1) (a) 1. f., 946.44 (2) (d), 946.45 (2) (d) and 976.08; **to repeal and**
15 **recreate** 48.366; and **to create** 48.02 (2) (b), 48.355 (4) (b) 4., 48.357 (1) (am)

providing an exemption from rule-making procedures

1 2r., 48.357 (2m) (bv), 48.357 (6) (a) 4., 48.365 (5) (b) 4., 48.38 (4) (ar) 2., 48.38
2 (4) (fg) 6., 48.619 (2), 48.64 (4) (d), 938.02 (10m) (b), 938.355 (4) (am) 4., 938.355
3 (6) (a) 3., 938.355 (6d) (a) 2g., 938.355 (6d) (a) 2r., 938.355 (6d) (b) 2g., 938.355
4 (6d) (b) 2r., 938.355 (6d) (c) 2g., 938.355 (6d) (c) 2r., 938.357 (1) (am) 2r., 938.357
5 (2m) (bv), 938.357 (6) (a) 4., 938.365 (5) (b) 4., 938.366, 938.38 (4) (ar) 2., 938.38
6 (4) (fg) 6., 938.385 and 990.01 (20) (b) of the statutes; **relating to:** extended
7 out-of-home care to 21 years of age for children with individualized education

8 programs. Providing an exemption from emergency rule procedures and granting rule-making authority

is granted a high school or high school equivalency diploma or

Analysis by the Legislative Reference Bureau

Under current law, an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) that places or continues the placement of a child in out-of-home care terminates when the child reaches 18 years of age, one year after entry of the order, or, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, when the child reaches 19 years of age, whichever is later, unless the juvenile court specified a shorter period of time or terminates the order sooner.

whichever occurs first

This bill permits a child placed in out-of-home care who is a full-time student at a secondary school or its vocational or technical equivalent and for whom an individualized education program (IEP) is in effect (child with an IEP) to continue in out-of-home care until the child reaches 21 years of age, under either an extended dispositional order of the juvenile court or a voluntary transition-to-independent-living agreement between the child, or the child's guardian on behalf of the child, and the agency primarily responsible for providing services to the child under the dispositional order (agency). (An IEP is a written statement for a child with a disability developed by an IEP team appointed by the child's local educational agency that includes, among other things, the child's level of academic achievement and functional performance, measurable goals for the child, the special education and related services to be provided to the child, and how the child's progress toward attaining those goals will be measured.)

who has attained

Specifically, the bill requires an agency, not less than 120 days before a child with an IEP reaches 18 years of age or not less than 120 days before the child's dispositional order terminates, whichever is later, to request the child to indicate whether he or she wishes to be discharged from out-of-home care on termination of the order, wishes to continue in out-of-home care under an extension of the order, or wishes to continue in out-of-home care under a voluntary transition-to-independent-living agreement.

The termination date of a dispositional order of a

keep comment

is granted a high school or high school equivalency diploma or

If the child with an IEP indicates that he or she wishes to be discharged from out-of-home care on termination of the dispositional order, the agency must request the juvenile court to hold a transition-to-discharge hearing, and the juvenile court must hold the hearing within 30 days after receipt of the request. At the hearing the juvenile court must review with the child the options of being discharged from out-of-home care on termination of the order, continuing in out-of-home care under an extension of the order, or continuing in out-of-home care under a voluntary agreement. The juvenile court must also advise the child that he or she may continue in out-of-home care under an extension of the dispositional order or under a voluntary transition-to-independent-living agreement.

If the juvenile court determines that the child with an IEP understands that he or she may continue in out-of-home care, but wishes to be discharged from that care on termination of the dispositional order, the juvenile court must order the agency to assist and support the child in developing a transition-to-independent-living plan and must advise the child that he or she may enter into a voluntary transition-to-independent-living agreement at any time before he or she reaches 21 years of age or graduates from secondary school or its vocational or technical equivalent, whichever occurs first. If the juvenile court determines that the child with an IEP wishes to continue in out-of-home care under a dispositional order, the juvenile court must schedule a hearing for the extension of the dispositional order. If the juvenile court determines that the child with an IEP wishes to continue in out-of-home care under a voluntary transition-to-independent-living agreement, the juvenile court must order the agency to provide transition-to-independent-living services for the child under such an agreement.

whichever occurs first so long as he or she is a full-time student at a

and the IEP remains in effect

and the IEP remains in effect

and continues to be a full-time student at a secondary school or its vocational or technical equivalent under the IEP

The bill permits a child with an IEP, or the child's guardian on behalf of the child, on termination of a dispositional order, to enter into a transition-to-independent-living agreement with the agency under which the child continues in out-of-home care until the child reaches 21 years of age, graduates from secondary school or its vocational or technical equivalent, or terminates the agreement, whichever occurs first, and the agency provides services to the child to assist him or her in transitioning to independent living. If at any time during the term of the agreement the child or his or her guardian indicates in writing that the child wishes to terminate the agreement, the agency must request the juvenile court to hold a transition-to-discharge hearing. The bill also permits a child who terminates a voluntary transition-to-independent-living agreement to enter into a new agreement at any time before he or she reaches 21 years of age or graduates from secondary school or its vocational or technical equivalent, whichever occurs first.

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

whichever occurs first so long as he or she is a full-time student at a

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

is granted a high school or high school equivalency diploma or

is granted a high school or high school equivalency diploma

SECTION 1. 19.32 (1m) of the statutes is amended to read:

1 ~~19.32 (1m) "Person authorized by the individual" means the parent, guardian,~~
2 ~~as defined in s. 48.02 (8), or legal custodian, as defined in s. 48.02 (11), of a child, as~~
3 ~~defined in s. 48.02 (2) (intro.), the guardian of an individual adjudicated incompetent~~
4 ~~in this state, the personal representative or spouse of an individual who is deceased,~~
5 ~~or any person authorized, in writing, by the individual to exercise the rights granted~~
6 ~~under this section.~~

7 SECTION 2. 20.410 (3) (cg) of the statutes is amended to read:

8 20.410 (3) (cg) *Serious juvenile offenders.* Biennially, the amounts in the
9 schedule for juvenile correctional institution, corrective sanctions, alternate care,
10 aftercare, and other juvenile program services specified in s. 938.538 (3) provided for
11 the persons specified in s. 301.26 (4) (cm), and for juvenile correctional institution
12 services for persons placed in juvenile correctional institutions under s. 973.013 (3m)
13 ~~and for juvenile correctional services for persons under 18 years of age placed with~~
14 ~~the department under s. 48.366 (8).~~

15 SECTION 3. 48.02 (2) of the statutes is renumbered 48.02 (2) (intro.) and
16 amended to read:

17 48.02 (2) (intro.) "Child", when used without further qualification, means a
18 person who is less than 18 years of age, except that ~~for~~ as follows:

19 (a) For purposes of investigating or prosecuting a person who is alleged to have
20 violated a state or federal criminal law or any civil law or municipal ordinance,
21 "child" does not include a person who has attained 17 years of age.

22 SECTION 4. 48.02 (2) (b) of the statutes is created to read:

23 48.02 (2) (b) ~~For~~ purposes of an order under s. 48.355, 48.357, or 48.365 that
24 extends beyond the date on which a person reaches 18 years of age, a voluntary
25 ~~transition-to-independent living agreement under s. 48.366 (8), placement of a~~

Insert
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1 person in out-of-home care under such an order or voluntary agreement, or
2 maintenance of a person under s. 48.48 (17) (c) or 48.57 (3), "child" includes a person
3 18 years of age or over.

4 SECTION 5. 48.355 (4) of the statutes is renumbered 48.355 (4) (a) and amended
5 to read:

^{independent}
or in a supervised living arrangement

6 48.355 (4) (a) Except as provided under s. 48.368, an order under this section
7 or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or
8 continues the placement of the child in his or her home shall terminate at the end
9 of one year after its entry the date on which the order is entered unless the judge
10 specifies a shorter period of time or the judge terminates the order sooner.

11 (b) Except as provided under s. 48.368, an order under this section or s. 48.357
12 or 48.365 made before the child reaches 18 years of age that places or continues the
13 placement of the child in a foster home, group home, or residential care center for
14 children and youth ^{Scored comma} in the home of a relative other than a parent shall terminate
15 ~~when~~ ^{Strike} on the latest of the following dates, unless the judge specifies a shorter period
16 or the judge terminates the order sooner:

17 1. The date on which the child reaches 18 years of age, at the end of.
18 2. The date that is one year after its entry, or, if the date on which the order is
19 entered. date on which the child is granted a high school or high school
20 equivalency diploma or the whichever occurs first

21 3. The date on which the child reaches 19 years of age, if the child is a full-time
22 student at a secondary school or its vocational or technical equivalent and is
23 reasonably expected to complete the program before reaching 19 years of age, when
24 the child reaches 19 years of age, whichever is later, unless the judge specifies a
shorter period of time or the judge terminates the order sooner.

(2) The court may not enter an

(c) An order under this section or s. 48.357 or 48.365 relating to an unborn child in need of protection or services that is made before the unborn child is born shall terminate at the end of one year after its entry the date on which the order is entered unless the judge specifies a shorter period of time or the judge terminates the order sooner.

And order that terminates as provided in this subdivision ~~unless~~ ^{unless} ~~unless~~ ^{unless}

SECTION 6. 48.355 (4) (b) 4. of the statutes is created to read:

whichever occurs first

48.355 (4) (b) 4. The date on which the child reaches 21 years of age, if the child is a full-time student at a secondary school or its vocational or technical equivalent, and if an individualized education program under s. 115.787 is in effect for the child, and

the child or the child's guardian on behalf of the child, agrees to termination of the

order on that date. ^{keep comma} ^{agrees to the order}

SECTION 7. 48.357 (1) (am) 2. (intro.) of the statutes is amended to read:

48.357 (1) (am) 2. (intro.) Any Except as provided in subd. 2r., any person receiving the notice under subd. 1. or notice of a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed special advocate, may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice. Except as provided in ~~subd.~~ subds. 2m. and 2r., placements may not be changed until 10 days after that notice is sent to the court unless written waivers of objection are signed as follows:

SECTION 8. 48.357 (1) (am) 2r. of the statutes is created to read:

48.357 (1) (am) 2r. If the proposed change in placement involves a child who is subject to a dispositional order that terminates as provided in sub. (6) (a) 4. or s. 48.355 (4) (b) 4. or 48.365 (5) (b) 4., the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel may request a change in placement under ~~subd. 2r.~~ ^{this paragraph} only if the child or the

^{to be sent}
 That person or agency, the district attorney, or the corporation counsel shall cause written notice of the proposed change in placement to the child, the guardian of the child, and any foster parent or child's guardian on behalf of the child consents to the change in placement. ~~No~~ other hearing is required for a change in placement described in this subdivision, and the child's placement may be changed at any time after notice of the proposed change in placement is sent to the court. ^{physical custody described s. 48.6 (2) of the Chi}

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SECTION 9. 48.357 (2m) (a) of the statutes is amended to read:

48.357 (2m) (a) The Except as provided in par. (bv), the child, the parent, guardian, legal custodian, or Indian custodian of the child, the expectant mother, the unborn child by the unborn child's guardian ad litem, or any person or agency primarily bound by the dispositional order, other than the person or agency responsible for implementing the order, may request a change in placement under this paragraph. The request shall contain the name and address of the new placement requested and shall state what new information is available that affects the advisability of the current placement. If the proposed change in placement would change the placement of a child placed in the child's home to a placement outside the child's home, the request shall also contain specific information showing that continued placement of the child in the home would be contrary to the welfare of the child and, unless any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns. The request shall be submitted to the court. The court may also propose a change in placement on its own motion.

SECTION 10. 48.357 (2m) (b) of the statutes is amended to read:

48.357 (2m) (b) The court shall hold a hearing prior to ordering any change in placement requested or proposed under par. (a) if the request states that new

1 information is available that affects the advisability of the current placement. ~~A~~
2 Except as provided in par. (bv), a hearing is not required if the requested or proposed
3 change in placement does not involve a change in placement of a child placed in the
4 child's home to a placement outside the child's home, written waivers of objection to
5 the proposed change in placement are signed by all persons entitled to receive notice
6 under this paragraph, other than a court-appointed special advocate, and the court
7 approves. If a hearing is scheduled, not less than 3 days before the hearing the court
8 shall notify the child, the parent, guardian, and legal custodian of the child, any
9 foster parent or other physical custodian described in s. 48.62 (2) of the child, the
10 child's court-appointed special advocate, all parties who are bound by the
11 dispositional order, and, if the child is an Indian child, the Indian child's Indian
12 custodian and tribe. If the child is the expectant mother of an unborn child under
13 s. 48.133, the court shall also notify the unborn child by the unborn child's guardian
14 ad litem. If the change in placement involves an adult expectant mother of an unborn
15 child under s. 48.133, the court shall notify the adult expectant mother, the unborn
16 child by the unborn child's guardian ad litem, and all parties who are bound by the
17 dispositional order, at least 3 days prior to the hearing. A copy of the request or
18 proposal for the change in placement shall be attached to the notice. Subject to par.
19 (br), if all of the parties consent, the court may proceed immediately with the hearing.

20 **SECTION 11.** 48.357 (2m) (bv) of the statutes is created to read:

21 48.357 (2m) (bv) If the proposed change in placement involves a child who is
22 subject to a dispositional order that terminates as provided in sub. (6) (a) 4. or s.
23 48.355 (4) (b) 4. or 48.365 (5) (b) 4., only the child or the child's guardian on behalf
24 of the child or a person or agency primarily bound by the dispositional order may
25 request a change in placement under par. (a). ~~No~~ hearing is required for a change

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the child, the guardian of the child, any foster parent or other physical custodian under s. 48.62(2) of the child, and

1 in placement described in this paragraph if written waivers of objection to the
2 proposed change in placement are signed by all parties that are bound by the
3 dispositional order. If a hearing is scheduled, the court may proceed immediately
4 with the hearing on the consent of the person who requested the change in placement
5 and all parties who are bound by the dispositional order.

6 SECTION 12. 48.357 (6) of the statutes is renumbered 48.357 (6) (a) (intro.) and
7 amended to read:

8 48.357 (6) (a) (intro.) No change in placement may extend the expiration date
9 of the original order, except that if the change in placement is from a placement in
10 the child's home to a placement outside the home the court may extend the expiration
11 date of the original order to the latest of the following dates, unless the court specifies
12 a shorter period:

- 13 1. The date on which the child reaches 18 years of age, to the
- 14 2. The date that is one year after the date of on which the change in placement
15 order, or, if is entered. *date on which the child is granted a high school or high school*
equivalency diploma or the *whichever occurs first,*
- 16 3. The date on which the child reaches 19 years of age, if the child is a full-time
17 student at a secondary school or its vocational or technical equivalent and is
18 reasonably expected to complete the program before reaching 19 years of age, to the
19 date on which the child reaches 19 years of age, whichever is later, or for a shorter
20 period of time as specified by the court.

21 (b) If the change in placement is from a placement outside the home to a
22 placement in the child's home and if the expiration date of the original order is more
23 than one year after the date of on which the change in placement order is entered,
24 the court shall shorten the expiration date of the original order to the date that is one

The court may not enter an order that terminates as provided in this subdivision unless

year after the date of on which the change in placement order is entered or to an earlier date as specified by the court.

date on which the child is granted a high school or high school equivalency diploma or the

SECTION 13. 48.357 (6) (a) 4. of the statutes is created to read:

whichever occurs first,

48.357 (6) (a) 4. The date on which the child reaches 21 years of age, if the child

is a full-time student at a secondary school or its vocational or technical equivalent and

if an individualized education program under s. 115.787 is in effect for the child, and

the child, or the child's guardian on behalf of the child, agrees to ~~termination of~~ the order ~~on that date~~.

SECTION 14. 48.365 (5) of the statutes is renumbered 48.365 (5) (a) and amended to read:

48.365 (5) (a) Except as provided in s. 48.368, an order under this section that continues the placement of a child in his or her home or that relates to an unborn child of an adult expectant mother shall be for a specified length of time not to exceed one year after its the date of entry on which the order is entered.

(b) Except as provided in s. 48.368, an order under this section that continues the placement of a child in an out-of-home placement shall be for a specified length of time not to exceed the latest of the following dates:

1. The date on which the child reaches 18 years of age,

2. The date that is one year after the date of entry of on which the order, or, if is entered. date on which the child is granted a high school or high school equivalency diploma or the

whichever occurs first,

3. The date on which the child reaches 19 years of age, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, ~~the~~

~~date on which the child reaches 19 years of age, whichever is later.~~

SECTION 15. 48.365 (5) (b) 4. of the statutes is created to read:

STRIKE

The court may not enter an order that terminates as provided in this subdivision unless whichever occurs first,

1 48.365 (5) (b) 4. The date on which the child reaches 21 years of age, ^{and} if the child
2 is a full-time student at a secondary school or its vocational or technical equivalent,
3 if an individualized education program under s. 115.787 is in effect for the child, ^{and}
4 if the child, or the child's guardian on behalf of the child, agrees to ~~termination of the~~
5 order ~~on that date.~~ ^{for in a supervised independent living arrangement}

6 SECTION 16. 48.366 of the statutes is repealed and recreated to read:

7 48.366 Extended out-of-home care. (1) APPLICABILITY. This section applies ^{attains 18 years of age}
8 to a person who is placed in a foster home, group home, or residential care center for
9 children and youth ⁱⁿ in the home of a relative other than a parent under an order
10 under s. 48.355, 48.357, or 48.365, ~~other than an order that terminates as provided~~
11 in s. 48.355 (4) (b) ^{1, 2, or 3.} 48.357 (6) (a) ^{1, 2, or 3.} ~~or~~ 48.365 (5) (b) ^{1, 2, or 3, on or after the person} who is a full-time student
12 of a secondary school or its vocational or technical equivalent, and for whom an
13 individualized education program under s. 115.787 is in effect.

14 (2) TRANSITION-TO-DISCHARGE HEARING. (a) Not less than 120 days before ^{of}

15 ~~person described in sub. (1) reaches 18 years of age or not less than 120 days before~~
16 ~~an~~ order described in sub. (1) terminates, ~~whichever is later,~~ the agency primarily
17 responsible for providing services ~~to the person~~ ^{who is the subject of the order} under the order shall request the
18 person ~~to indicate whether he or she wishes to be discharged from out-of-home care~~
19 on termination of the order, ~~wishes to continue in out-of-home care under an~~ ^{until the date specified in s. 48.365} (5)(b). ^{(5)(b).}

20 extension of the order, or wishes to continue in out-of-home care under a voluntary
21 agreement under sub. (3). ^{who is the subject of an order}

22 (b) 1. If the person described in sub. (1) indicates that he or she wishes to be
23 discharged from out-of-home care on termination of the order ~~described in sub. (1)~~
24 the agency primarily responsible for providing services to the person under the order
25 shall request the court to hold a transition-to-discharge hearing and shall cause ^{agreement.}

If the person indicates that he or she wishes to be discharged from out-of-home care on termination of the order, the agency shall request a transition-to-discharge hearing under par. (b). If the person indicates that he or she wishes to continue in out-of-home care under an extension of the order, the agency shall request an extension of the order under s. 48.365. If the person indicates that he or she wishes to continue in out-of-home care under a voluntary agreement under sub. (3), the agency and the person shall enter into such an

1 notice of that request to be provided to that person, the parent, guardian, and legal
 2 custodian of that person, any foster parent or other physical custodian described in
 3 s. 48.62 (2) of that person, that person's court-appointed special advocate, all parties
 4 who are bound by the dispositional order, and, if that person is an Indian child who
 5 has been removed from the home of his or her parent or Indian custodian, that
 6 person's Indian custodian and tribe.

persons who are entitled to receive the notice

7 2. The court shall hold a hearing requested under subd. 1. within 30 days after
 8 receipt of the request. Not less than 3 days before the hearing, the agency requesting
 9 the hearing shall provide notice of the hearing to all persons who are entitled to
 10 receive notice of the request under subd. 1. A copy of the request shall be attached
 11 to the notice. If all parties consent, the court may proceed immediately with the
 12 hearing.

as provided in par. (a)

who is the subject of an order

13 3. At the hearing the court shall review with the person described in sub. (1)
 14 the options specified in par. (a) and shall advise the person that he or she may
 15 continue in out-of-home care under an extension of the order described in sub. (1)
 16 or under a voluntary agreement under sub. (3).

who is the subject of an order described in sub. (1)

17 4. If the court determines that the person understands that he or she may
 18 continue in out-of-home care, but wishes to be discharged from that care on
 19 termination of the order, the court shall order the agency primarily responsible for
 20 providing services to the person under the order to assist and support the person in
 21 developing a transition to independent living plan under s. 48.385 and shall
 22 advise the person that he or she may enter into a voluntary agreement under sub.
 23 (3) at any time before he or she reaches 21 years of age or graduates from secondary
 24 school or its vocational or technical equivalent, whichever occurs first. If the court
 25 determines that the person wishes to continue in out-of-home care under an

and an individualized education program under s. 115.197 is in effect for him or her

is granted a high school or high school equivalency diploma or

whichever occurs first, so long as he or she is a full-time student at a

and continues to be a full-time student at a

secondary school or its vocational or technical equivalent under an individualized education program under

extension of the order described in sub. (1), the court shall schedule an extension hearing under s. 48.365. If the court determines that the person wishes to continue in out-of-home care under a voluntary agreement under sub. (3), the court shall order the agency primarily responsible for providing services to the person under the order to provide transition-to-independent-living services for the person under a voluntary agreement under sub. (3).

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(3) VOLUNTARY TRANSITION-TO-INDEPENDENT-LIVING AGREEMENT. (a) On

termination of an order described in sub. (1), a person described in sub. (1), or the person's guardian on behalf of the person, and the agency primarily responsible for providing services to the person under the order may enter into a transition-to-independent-living agreement under which the person continues in out-of-home care until the person reaches 21 years of age, graduates from secondary school or its vocational or technical equivalent, or terminates the agreement as provided in par. (b), whichever occurs first, and the agency provides services to the person to assist him or her in transitioning to independent living.

the

who is the subject of the order

the date on which

graduates from secondary school or its vocational or technical equivalent

is granted a high school or high school equivalency diploma

1.

(b) If at any time during the term of an agreement under par. (a) the person described in sub. (1) or his or her guardian indicates in writing that the person wishes to terminate the agreement, the agency shall request the court to hold a transition-to-discharge hearing, and the court shall hold such a hearing, as provided in sub. (2) (b), except that notice of the request and hearing need only be

provided to that person, his or her guardian, the foster parent or other physical custodian described in s. 48.62 (2) of that person, that person's court-appointed special advocate and all parties who are bound by the agreement.

(c) A person who terminates a voluntary agreement under this subsection, or the person's guardian on the person's behalf, may request the agency primarily

Insert 13-23

2013 - 2014 Legislature

1, whichever occurs first, so long as the person is a full-time student at a

- 14 - is granted a high school or high school equivalency diploma or

(and an individualized education program under s. LRB-2915/P1 GMM:cjs:rs SECTION 16 115.787 effect for him or her

1 responsible for providing services to the person under the agreement to enter into a
2 new voluntary agreement under this subsection at any time before the person
3 reaches 21 years of age or graduates from secondary school or its vocational or
4 technical equivalent, whichever occurs first. On receipt of such a request, the agency
5 shall enter into a new voluntary agreement with that person.

all of the following:
④(a) Rules

6 (4) RULES. The department shall promulgate rules to implement this section.

7 Those rules shall include rules permitting a foster home, group home, or residential
8 care center for children and youth to provide care for persons who agree to continue
9 in out-of-home care under an extension of an order described in sub. (1) or a
10 voluntary agreement under sub. (3).

11 SECTION 17. 48.38 (4) (ar) of the statutes is renumbered 48.38 (4) (ar) (intro.)

12 and amended to read:

13 48.38 (4) (ar) (intro.) A description of the services offered and any services
14 provided in an effort to prevent the removal of the child from his or her home, while
15 assuring that the health and safety of the child are the paramount concerns, and to
16 achieve the goal of the permanency plan, except that the permanency plan is not
17 required to include a description of the services offered or provided with respect to
18 a parent of the child to prevent the removal of the child from the home or to achieve
19 the permanency goal of returning the child safely to his or her home if any of the
20 following applies:

21 1. Any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies to that
22 parent.

23 SECTION 18. 48.38 (4) (ar) 2. of the statutes is created to read:

24 48.38 (4) (ar) 2. The child is subject to an order under s. 48.355, 48.357, or

25 48.365 that terminates as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365

④(b) Rules setting forth the conditions under which a person who has terminated a voluntary agreement under sub.(3) and the agency primarily responsible for providing services under the agreement may enter into a new voluntary agreement under sub.(3)(c).

④ If the request meets the conditions set forth in the rules promulgated under sub. (4)(a)

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~~4.38~~

MA has attained MA after 18
18 years of age

1) ~~(5) (b) 4.38 has entered into a voluntary transition to independent living~~

2) ~~agreement under s. 48.366 (3).~~

3 SECTION 19. 48.38 (4) (fg) 6. of the statutes is created to read:

4 48.38 (4) (fg) 6. If the child is subject to an order under s. 48.355, 48.357, or

5 48.365 that terminates as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365

6) ~~(5) (b) 4. or has entered into a voluntary transition to independent living~~

7) ~~agreement under s. 48.366 (3), transition to independent living.~~

↑ or in a supervised independent living arrangement

8 SECTION 20. 48.385 of the statutes is amended to read:

9 48.385 Plan for transition to independent living. During the 90 days

10 immediately before a child who is placed in a foster home, group home, or residential

11 care center for children and youth or in the home of a relative other than a parent,

12 attains 18 years of age or, if the child is placed in such a placement under an order

13 under s. 48.355, 48.357, or 48.365, 938.355, 938.357, or 938.365 that terminates

14 under s. 48.355 (4) or 938.355 (4) (b) after the child attains 18 years of age, during

15 the 90 days immediately before the termination of the order, the agency primarily

16 responsible for providing services to the child under the order shall provide the child

17 with assistance and support in developing a plan for making the transition from

18 out-of-home care to independent living. The transition plan shall be personalized

19 at the direction of the child, shall be as detailed as the child directs, and shall include

20 specific options for obtaining housing, health care, education, mentoring and

21 continuing support services, and workforce support and employment services.

22 SECTION 21. 48.44 (1) of the statutes is renumbered 48.44 and amended to read:

23 48.44 Jurisdiction over persons 17 or older. The court has jurisdiction

24 over persons 17 years of age or older as provided under ss. 48.133, 48.355 (4), 48.357

25 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in this chapter.

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SECTION 22. 48.44 (2) of the statutes is repealed.

SECTION 23. 48.481 (2) of the statutes, as created by 2013 Wisconsin Act 20, is amended to read:

or in a supervised independent living arrangement

48.481 (2) TRANSITION TO INDEPENDENT LIVING. The department shall distribute

at least \$231,700 in each fiscal year to counties for the purpose of assisting

individuals who attain the age of 18 while residing 18 years of age or over who reside

in a foster home, group home, or residential care center for children and youth or in

the home of a relative other than a parent to make the transition from out-of-home

care to independent living. No county may use funds provided under this subsection

to replace funds previously used by the county for this purpose.

SECTION 24. 48.57 (3m) (a) 1. of the statutes is amended to read:

48.57 (3m) (a) 1. "Child" means a person under 18 years of age or; a person 18 years of age or over, but under 19 years of age, who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and who is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma; or a person 18 years of age or over, but under 21 years of age, who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent if an individualized education program under s. 115.787 is in effect for the person.

SECTION 25. 48.57 (3n) (a) 1. of the statutes is amended to read:

48.57 (3n) (a) 1. "Child" means a person under 18 years of age or; a person 18 years of age or over, but under 19 years of age, who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and who is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma; or a person 18 years of age or over,

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1 but under 21 years of age, who is a full-time student in good academic standing at
2 a secondary school or its vocational or technical equivalent if an individualized
3 education program under s. 115.787 is in effect for the person.

4 **SECTION 26.** 48.57 (3n) (am) 6. a. of the statutes is amended to read:

5 48.57 (3n) (am) 6. a. The date on which the child attains the age of 18 years;
6 or, if on that date the child is a full-time student in good academic standing at a
7 secondary school or its vocational or technical equivalent and is reasonably expected
8 to complete his or her program of study and be granted a high school or high school
9 equivalency diploma, the date on which the child is granted a high school or high
10 school equivalency diploma or the date on which the child attains the age of 19 years,
11 whichever occurs first; or, if on that date the child is a full-time student in good
12 academic standing at a secondary school or its vocational or technical equivalent and
13 an individualized education program under s. 115.787 is in effect for the child, the
14 date on which the child is granted a high school or high school equivalency diploma
15 or the date on which the child attains the age of 21 years, whichever occurs first.

16 **SECTION 27.** 48.619 of the statutes is renumbered 48.619 (intro.) and amended
17 to read:

18 **48.619 Definition.** (intro.) In this subchapter, "child" means a person under
19 18 years of age and also includes, for. For purposes of counting the number of
20 children for whom a foster home or group home may provide care and maintenance,
21 "child" also includes a person 18 years of age or over, but who was residing in the
22 foster home or group home immediately prior to his or her 18th birthday and who
23 continues to reside in that foster home or group home, if any of the following applies:

24 (1) The person is under 19 years of age, who is a full-time student at a
25 secondary school or its vocational or technical equivalent, who and is reasonably

1 expected to complete the program before reaching 19 years of age, ~~who was residing~~
2 ~~in the foster home or group home immediately prior to his or her 18th birthday, and~~
3 ~~who continues to reside in that foster home or group home.~~

4 **SECTION 28.** 48.619 (2) of the statutes is created to read:

5 48.619 (2) The person is under 21 years of age, is a full-time student at a
6 secondary school or its vocational or technical equivalent, and an individualized
7 education program under s. 115.787 is in effect for the person.

8 **SECTION 29.** 48.64 (4) (a) of the statutes is amended to read:

9 48.64 (4) (a) Any ~~Except as provided in par. (d), any~~ decision or order issued by
10 an agency that affects the head of a foster home or group home, the head of the home
11 of a relative other than a parent in which a child is placed, or the child involved may
12 be appealed to the department under fair hearing procedures established under
13 rules promulgated by the department. Upon receipt of an appeal, the department
14 shall give the head of the home reasonable notice and an opportunity for a fair
15 hearing. The department may make any additional investigation that the
16 department considers necessary. The department shall give notice of the hearing to
17 the head of the home and to the departmental subunit, county department, or child
18 welfare agency that issued the decision or order. Each person receiving notice is
19 entitled to be represented at the hearing. At all hearings conducted under this
20 paragraph, the head of the home, or a representative of the head of the home, shall
21 have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all
22 documents and records to be used at the hearing at a reasonable time before the date
23 of the hearing as well as during the hearing, to bring witnesses, to establish all
24 pertinent facts and circumstances, and to question or refute any testimony or
25 evidence, including an opportunity to confront and cross-examine adverse

1 witnesses. The department shall grant a continuance for a reasonable period of time
2 when an issue is raised for the first time during a hearing. This requirement may
3 be waived with the consent of the parties. The decision of the department shall be
4 based exclusively on evidence introduced at the hearing. A transcript of testimony
5 and exhibits, or an official report containing the substance of what transpired at the
6 hearing, together with all papers and requests filed in the proceeding, and the
7 findings of the hearing examiner shall constitute the exclusive record for decision by
8 the department. The department shall make the record available at any reasonable
9 time and at an accessible place to the head of the home or his or her representative.
10 Decisions by the department shall specify the reasons for the decision and identify
11 the supporting evidence. No person participating in an agency action being appealed
12 may participate in the final administrative decision on that action. The department
13 shall render its decision as soon as possible after the hearing and shall send a
14 certified copy of its decision to the head of the home and to the departmental subunit,
15 county department, or child welfare agency that issued the decision or order. The
16 decision shall be binding on all parties concerned.

17 **SECTION 30.** 48.64 (4) (c) of the statutes is amended to read:

18 48.64 (4) (c) The Except as provided in par. (d), the circuit court for the county
19 where the dispositional order placing a child in a foster home or group home or in the
20 home of a relative other than a parent was entered or the voluntary agreement under
21 s. 48.63 placing a child in a foster home or group home was made has jurisdiction
22 upon petition of any interested party over the child who is placed in the foster home,
23 group home, or home of the relative. The circuit court may call a hearing, at which
24 the head of the home and the supervising agency under sub. (2) shall be present, for
25 the purpose of reviewing any decision or order of that agency involving the placement

1 and care of the child. If the child has been placed in a foster home or in the home of
 2 a relative other than a parent, the foster parent or relative may present relevant
 3 evidence at the hearing. The petitioner has the burden of proving by clear and
 4 convincing evidence that the decision or order issued by the agency is not in the best
 5 interests of the child.

child who is in out-of-home care under a voluntary transition-to-independent-living agreement under s. 48.366 (3) or 938.366 (3)

6 SECTION 31. 48.64 (4) (d) of the statutes is created to read:

7 48.64 (4) (d) No decision or order to change the placement of a child described

8 ~~in s. 48.357 (1) (am) 2r. or (2m) (bv) or 938.357 (1) (am) 2r. or (2m) (bv)~~ may be
 9 appealed to the department under par. (a) or reviewed by the circuit court under par.
 10 (c).

11 SECTION 32. 48.645 (1) (intro.) of the statutes is amended to read:

12 48.645 (1) DEFINITION. (intro.) In this section, "dependent child" means a child
 13 under the age of 18 or, if the child is a full-time student at a secondary school or its
 14 vocational or technical equivalent and is reasonably expected to complete the
 15 program before reaching 19 years of age, is under the age of 19, or, if the child is a
 16 full-time student at a secondary school or its vocational or technical equivalent for
 17 whom an individualized educational program under s. 115.787 is in effect, is under
 18 21 years of age, who meets all of the following conditions:

19 SECTION 33. 48.78 (2) (d) 3. of the statutes is repealed.

20 SECTION 34. 227.03 (4) of the statutes is amended to read:

21 227.03 (4) The provisions of this chapter relating to contested cases do not
 22 apply to proceedings involving the revocation of aftercare supervision under s.
 23 48.366 (5) or 938.357 (5), the revocation of parole, extended supervision, or probation,
 24 the grant of probation, prison discipline, mandatory release under s. 302.11, or any

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other proceeding involving the care and treatment of a resident or an inmate of a correctional institution.

3 SECTION 35. 301.03 (9) of the statutes is amended to read:

4 301.03 (9) Supervise all persons placed under s. ~~48.366 (8)~~ or 938.183 in a state
5 prison.

6 SECTION 36. 301.12 (2) of the statutes is amended to read:

7 301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
8 including ~~but not limited to~~ a person placed under s. ~~48.366~~, 938.183, 938.34 (4h) or
9 (4m), or 938.357 (4) or (5) (e), receiving care, maintenance, services, and supplies
10 provided by any institution in this state operated or contracted for by the
11 department, in which the state is chargeable with all or part of the person's care,
12 maintenance, services, and supplies, and the person's property and estate, including
13 the homestead, and the spouse of the person, and the spouse's property and estate,
14 including the homestead, and, in the case of a minor child, the parents of the person,
15 and their property and estates, including their homestead, and, in the case of a
16 foreign child described in s. 48.839 (1) who became dependent on public funds for his
17 or her primary support before an order granting his or her adoption, the resident of
18 this state appointed guardian of the child by a foreign court who brought the child
19 into this state for the purpose of adoption, and his or her property and estate,
20 including his or her homestead, shall be liable for the cost of the care, maintenance,
21 services, and supplies in accordance with the fee schedule established by the
22 department under s. 301.03 (18). If a spouse, widow, or minor, or an incapacitated
23 person, may be lawfully dependent upon the property for ~~their~~ his or her support, the
24 court shall release all or such part of the property and estate from the charges that
25 may be necessary to provide for ~~those persons~~ that person. The department shall

1 make every reasonable effort to notify the liable persons as soon as possible after the
2 beginning of the maintenance, but the notice or the receipt of the notice is not a
3 condition of liability.

4 **SECTION 37.** 301.26 (4) (a) of the statutes is amended to read:

5 301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of
6 corrections shall bill counties or deduct from the allocations under s. 20.410 (3) (cd)
7 for the costs of care, services, and supplies purchased or provided by the department
8 of corrections for each person receiving services under s. ~~48.366~~, 938.183 or 938.34
9 or the department of health services for each person receiving services under s.
10 46.057 or 51.35 (3). The department of corrections may not bill a county for or deduct
11 from a county's allocation the cost of care, services, and supplies provided to a person
12 subject to an order under s. ~~48.366~~ or 938.183 after the person reaches 18 years of
13 age. Payment shall be due within 60 days after the billing date. If any payment has
14 not been received within those 60 days, the department of corrections may withhold
15 aid payments in the amount due from the appropriation under s. 20.410 (3) (cd).

16 **SECTION 38.** 301.26 (4) (b) of the statutes is amended to read:

17 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
18 the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4.
19 Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
20 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
21 jurisdiction under ~~chs. 48~~ and ch. 938 for each person receiving services from the
22 department of corrections under s. ~~48.366~~, 938.183, or 938.34 or the department of
23 health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and
24 (cm), in multicounty court jurisdictions, the county of residency within the
25 jurisdiction shall be liable for costs under this subsection. Assessment of costs under

1 par. (a) shall also be made according to the general placement type or level of care
2 provided, as defined by the department, and prorated according to the ratio of the
3 amount designated under sub. (3) (c) to the total applicable estimated costs of care,
4 services, and supplies provided by the department of corrections under ss. ~~48.366,~~
5 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35
6 (3).

7 **SECTION 39.** 301.26 (4) (c) of the statutes is amended to read:

8 301.26 (4) (c) Notwithstanding pars. (a), (b), and (bm), the department of
9 corrections shall pay, from the appropriation under s. 20.410 (3) (hm), (ho). or (hr),
10 the costs of care, services, and supplies provided for each person receiving services
11 under s. 46.057, ~~48.366,~~ 51.35 (3), 938.183, or 938.34 who was under the
12 guardianship of the department of children and families pursuant to an order under
13 ch. 48 at the time that the person was adjudicated delinquent.

14 **SECTION 40.** 301.26 (4) (cm) 2. of the statutes is repealed.

15 **SECTION 41.** 301.26 (4) (d) 1m. of the statutes is amended to read:

16 301.26 (4) (d) 1m. Except as provided in pars. (e) to (g), for services under ~~ss.~~
17 ~~48.366 and s.~~ 938.183, all payments and deductions made under this subsection and
18 uniform fee collections made under s. 301.03 (18) shall be credited to the
19 appropriation account under s. 20.410 (3) (hm).

20 **SECTION 42.** 302.11 (1) of the statutes is amended to read:

21 302.11 (1) The warden or superintendent shall keep a record of the conduct of
22 each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),
23 (1m), (1q), (1z), and (7) ~~and~~ (10), each inmate is entitled to mandatory release on
24 parole by the department. The mandatory release date is established at two-thirds

1 of the sentence. Any calculations under this subsection or sub. (1q) (b) or (2) (b)
2 resulting in fractions of a day shall be rounded in the inmate's favor to a whole day.

3 **SECTION 43.** 302.11 (10) of the statutes is repealed.

4 **SECTION 44.** 302.17 (2) of the statutes is amended to read:

5 302.17 (2) The department shall make entries on the register to reflect the
6 progress made by each inmate while incarcerated and the inmate's release on parole
7 or extended supervision, condition at the time of release on parole or extended
8 supervision and progress made while on parole or extended supervision. This
9 subsection does not apply to inmates subject to an order under s. 48.366.

10 **SECTION 45.** 302.17 (3) of the statutes is repealed.

11 **SECTION 46.** 302.255 of the statutes is repealed.

12 **SECTION 47.** 302.31 (7) of the statutes is amended to read:

13 302.31 (7) The temporary placement of persons in the custody of the
14 department, other than persons under 17 years of age, and persons who have
15 attained the age of 17 years but have not attained the age of 25 years who are under
16 the supervision of the department under s. ~~48.366~~ or 938.355 (4) and who have been
17 taken into custody pending revocation of aftercare supervision under s. ~~48.366 (5)~~ or
18 938.357 (5) (e).

19 **SECTION 48.** 304.15 of the statutes is repealed.

20 **SECTION 49.** 767.405 (8) (b) 1. of the statutes is amended to read:

21 767.405 (8) (b) 1. That a party engaged in abuse, as defined in s. 813.122 (1)
22 (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b).

23 **SECTION 50.** 767.405 (10) (e) 1. of the statutes is amended to read:

24 767.405 (10) (e) 1. There is evidence that a party engaged in abuse, as defined
25 in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b).

1 **SECTION 51.** 767.41 (2) (b) 2. c. of the statutes is amended to read:

2 767.41 (2) (b) 2. c. The parties will not be able to cooperate in the future decision
3 making required under an award of joint legal custody. In making this finding the
4 court shall consider, along with any other pertinent items, any reasons offered by a
5 party objecting to joint legal custody. Evidence that either party engaged in abuse,
6 as defined in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b),
7 or evidence of interspousal battery, as described under s. 940.19 or 940.20 (1m), or
8 domestic abuse, as defined in s. 813.12 (1) (am), creates a rebuttable presumption
9 that the parties will not be able to cooperate in the future decision making required.

10 **SECTION 52.** 767.41 (5) (am) 12. of the statutes is amended to read:

11 767.41 (5) (am) 12. Whether there is evidence that a party engaged in abuse,
12 as defined in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b).

13 **SECTION 53.** 905.045 (1) (a) of the statutes is amended to read:

14 905.045 (1) (a) "Abusive conduct" means abuse, as defined in s. 813.122 (1) (a),
15 of a child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b), interspousal battery, as described
16 under s. 940.19 or 940.20 (1m), domestic abuse, as defined in s. 813.12 (1) (am), or
17 sexual assault under s. 940.225.

18 ~~**SECTION 54.** 938.02 (10m) of the statutes is renumbered 938.02 (10m) (intro.)~~
19 and amended to read:

20 ~~938.02 (10m) (intro.) "Juvenile", when used without further qualification,~~
21 ~~means a person who is less than 18 years of age, except that for as follows:~~

22 ~~(a) For purposes of investigating or prosecuting a person who is alleged to have~~
23 ~~violated a state or federal criminal law or any civil law or municipal ordinance,~~
24 ~~"juvenile" does not include a person who has attained 17 years of age.~~

25 **SECTION 55.** 938.02 (10m) (b) of the statutes is created to read:

1 ~~938.02 (10m) (b) For purposes of an order under s. 938.355, 938.357, or 938.365~~
 2 ~~that extends beyond the date on which a person attains 18 years of age, a voluntary~~
 3 ~~transition-to-independent-living agreement under s. 938.366 (3), placement of a~~
 4 ~~person in out-of-home care under such an order or voluntary agreement, or~~
 5 ~~maintenance of a person under s. 938.57 (3), "juvenile" includes a person 18 years of~~
 6 ~~age or over.~~ [↑] or in a supervised ^{independent} living arrangement

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7 **SECTION 56.** 938.355 (4) (a) of the statutes is amended to read:

8 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under
 9 this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age
 10 that places or continues the placement of the juvenile in his or her home shall
 11 terminate ~~at the end of~~ one year after the date on which the order is granted unless
 12 the court specifies a shorter period of time or the court terminates the order sooner.

13 (am) Except as provided in par. (b) or s. 938.368, an order under this section
 14 or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places
 15 or continues the placement of the juvenile in a foster home, group home, or
 16 residential care center for children and youth ^{Ⓢ ← scored comma} ~~in~~ ^{strike} the home of a relative other than
 17 a parent, shall terminate when on the latest of the following dates, unless the court
 18 specifies a shorter period or the court terminates the order sooner:

19 1. The date on which the juvenile attains 18 years of age, ~~at the end of.~~

20 2. The date that is one year after the date on which the order is granted, or, if,

21 3. The date on which the juvenile attains 19 years of age, ^{whichever occurs first} ~~if the juvenile is a~~

22 full-time student at a secondary school or its vocational or technical equivalent and
 23 is reasonably expected to complete the program before attaining 19 years of age,
 24 ~~when the juvenile attains 19 years of age, whichever is later, unless the court~~
 25 ~~specifies a shorter period of time or the court terminates the order sooner.~~

date on which the juvenile is granted a high school or
 high school equivalency diploma or the

date on which the juvenile is granted a high school or high school equivalency diploma or the

whichever occurs first,

1 SECTION 57. 938.355 (4) (am) 4. of the statutes is created to read:

2 938.355 (4) (am) 4. The date on which the juvenile attains 21 years of age, if
3 the juvenile is a full-time student at a secondary school or its vocational or technical
4 equivalent ^{and} if an individualized education program under s. 115.787 is in effect for
5 the juvenile ~~and if~~ the juvenile, or the juvenile's guardian on behalf of the juvenile
6 agrees to ~~termination of~~ the order ~~on that date~~.

grant
The court may not ~~enter~~ an order that terminates as provided in this subdivision unless

7 SECTION 58. 938.355 (6) (a) 1. of the statutes is amended to read:

8 938.355 (6) (a) 1. If Except as provided in subd. 3., if a juvenile who has been
9 adjudged delinquent or to have violated a civil law or ordinance, other than an
10 ordinance enacted under s. 118.163 (1m) or (2), violates a condition specified in sub.
11 (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in par.
12 (d). ~~A sanction may be imposed under this subdivision only if, at the dispositional~~
13 ~~hearing under s. 938.335, the court explained the conditions to the juvenile and~~
14 ~~informed the juvenile of those possible sanctions or if before the violation the juvenile~~
15 ~~has acknowledged in writing that he or she has read, or has had read to him or her,~~
16 ~~those conditions and possible sanctions and that he or she understands those~~
17 ~~conditions and possible sanctions.~~

18 SECTION 59. 938.355 (6) (a) 2. of the statutes is amended to read:

19 938.355 (6) (a) 2. If Except as provided in subd. 3., if a juvenile who has been
20 found to be in need of protection or services under s. 938.13 (4), (6m), (7), (12), or (14)
21 violates a condition specified in sub. (2) (b) 7., the court may impose on the juvenile
22 any of the sanctions under par. (d), other than placement in a juvenile detention
23 facility or juvenile portion of a county jail.

24 2m. A sanction may be imposed under ~~this subdivision~~ subd. 1. or 2. only if, at
25 the dispositional hearing under s. 938.335, the court explained the conditions to the

1 juvenile and informed the juvenile of those possible sanctions or if before the
2 violation the juvenile has acknowledged in writing that he or she has read, or has had
3 read to him or her, those conditions and possible sanctions and that he or she
4 understands those conditions and possible sanctions.

5 **SECTION 60.** 938.355 (6) (a) 3. of the statutes is created to read:

6 938.355 (6) (a) 3. The court may not impose a sanction under subd. 1. or 2. on
7 a juvenile who is subject to an order under this section or s. 938.357 or 938.365 that
8 terminates as provided in sub. (4) (am) 4. or s. 938.357 (6) (a) 4. or 938.365 (5) (b) 4.

9 **SECTION 61.** 938.355 (6d) (a) 1. of the statutes is amended to read:

10 938.355 (6d) (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any~~
11 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
12 ~~policies adopted by the county board relating to the taking into custody and~~
13 ~~placement of a juvenile under this subdivision~~ subds. 2g., 2m., and 2r., if a juvenile
14 who has been adjudged delinquent violates a condition specified in sub. (2) (b) 7., the
15 juvenile's caseworker or any other person authorized to provide or providing intake
16 or dispositional services for the court under s. 938.067 or 938.069 may, without a
17 hearing, take the juvenile into custody and place the juvenile in a juvenile detention
18 facility or juvenile portion of a county jail that meets the standards promulgated by
19 the department by rule or in a place of nonsecure custody designated by that person
20 for not more than 72 hours while the alleged violation and the appropriateness of a
21 sanction under sub. (6) are being investigated.

22 2m. Short-term detention may be imposed under ~~this subdivision~~ subd. 1. or
23 2. only if at the dispositional hearing the court explained those conditions to the
24 juvenile and informed the juvenile of that possible placement or if before the
25 violation the juvenile has acknowledged in writing that he or she has read, or has had

1 read to him or her, those conditions and that possible placement and that he or she
2 understands those conditions and that possible placement.

3 **SECTION 62.** 938.355 (6d) (a) 2. of the statutes is amended to read:

4 938.355 (6d) (a) 2. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any~~
5 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
6 ~~policies adopted by the county board relating to the taking into custody and~~
7 ~~placement of a juvenile under this subdivision subds. 2g., 2m., and 2r.~~, if a juvenile
8 who has been adjudged delinquent violates a condition specified in sub. (2) (b) 7., the
9 juvenile's caseworker or any other person authorized to provide or providing intake
10 or dispositional services for the court under s. 938.067 or 938.069 may, without a
11 hearing, take the juvenile into custody and place the juvenile in a juvenile detention
12 facility or juvenile portion of a county jail that meets the standards promulgated by
13 the department by rule or in a place of nonsecure custody designated by that person
14 for not more than 72 hours as a consequence of that violation. ~~Short-term detention~~
15 ~~may be imposed under this subdivision only if at the dispositional hearing the court~~
16 ~~explained those conditions to the juvenile and informed the juvenile of that possible~~
17 ~~placement or if before the violation the juvenile has acknowledged in writing that he~~
18 ~~or she has read, or has had read to him or her, those conditions and that possible~~
19 ~~placement and that he or she understands those conditions and that possible~~
20 ~~placement.~~ A person who takes a juvenile into custody under this subdivision shall
21 permit the juvenile to make a written or oral statement concerning the possible
22 placement of the juvenile and the course of conduct for which the juvenile was taken
23 into custody. A person designated by the court or county department who is employed
24 in a supervisory position by a person authorized to provide or providing intake or
25 dispositional services under s. 938.067 or 938.069 shall review that statement and

1 either approve the placement, modify the terms of the placement, or order the
2 juvenile to be released from custody.

3 **SECTION 63.** 938.355 (6d) (a) 2g. of the statutes is created to read:

4 938.355 (6d) (a) 2g. The taking into custody and placement of a juvenile under
5 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
6 938.06 (1) and (2) and to any policies adopted by the county board relating to such
7 taking into custody and placement.

8 **SECTION 64.** 938.355 (6d) (a) 2r. of the statutes is created to read:

9 938.355 (6d) (a) 2r. A juvenile who is subject to an order under this section or
10 s. 938.357 or 938.365 that terminates as provided in sub. (am) 4. or s. 938.357 (6) (a)
11 4. or 938.365 (5) (b) 4. may not be taken into custody under subd 1. or 2.

12 **SECTION 65.** 938.355 (6d) (b) 1. of the statutes is amended to read:

13 938.355 (6d) (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any~~
14 ~~general written policies adopted by the court under s. 938.06 (1) or (2), to any policies~~
15 ~~adopted by the county department relating to aftercare supervision administered by~~
16 ~~the county department, and to any policies adopted by the county board relating to~~
17 ~~the taking into custody and placement of a juvenile under this subdivision~~ subds. 2g.,
18 2m., and 2r., if a juvenile who is on aftercare supervision administered by ~~the a~~
19 county department violates a condition of that supervision, the juvenile's caseworker
20 or any other person authorized to provide or providing intake or dispositional
21 services for the court under s. 938.067 or 938.069 may, without a hearing, take the
22 juvenile into custody and place the juvenile in a juvenile detention facility or juvenile
23 portion of a county jail that meets the standards promulgated by the department by
24 rule or in a place of nonsecure custody designated by that person for not more than

1 72 hours while the alleged violation and the appropriateness of revoking the
2 juvenile's aftercare status are being investigated.

3 2m. Short-term detention may be imposed under ~~this subdivision~~ subd. 1. or
4 2. only if at the dispositional hearing the court explained those conditions to the
5 juvenile and informed the juvenile of that possible placement or if before the
6 violation the juvenile has acknowledged in writing that he or she has read, or has had
7 read to him or her, those conditions and that possible placement and that he or she
8 understands those conditions and that possible placement.

9 **SECTION 66.** 938.355 (6d) (b) 2. of the statutes is amended to read:

10 938.355 **(6d)** (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any~~
11 ~~general written policies adopted by the court under s. 938.06 (1) or (2), to any policies~~
12 ~~adopted by the county department relating to aftercare supervision administered by~~
13 ~~the county department, and to any policies adopted by the county board relating to~~
14 ~~the taking into custody and placement of a juvenile under this subdivision~~ subds. 2g.,
15 2m., and 2r., if a juvenile who is on aftercare supervision administered by the county
16 department violates a condition of that supervision, the juvenile's caseworker or any
17 other person authorized to provide or providing intake or dispositional services for
18 the court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into
19 custody and place the juvenile in a juvenile detention facility or juvenile portion of
20 a county jail that meets the standards promulgated by the department by rule or in
21 a place of nonsecure custody designated by that person for not more than 72 hours
22 as a consequence of that violation. ~~Short-term detention under this subdivision may~~
23 ~~be imposed only if at the dispositional hearing the court explained those conditions~~
24 ~~to the juvenile and informed the juvenile of that possible placement or if before the~~
25 ~~violation the juvenile has acknowledged in writing that he or she has read, or has had~~

1 ~~read to him or her, those conditions and that possible placement and that he or she~~
2 ~~understands those conditions and that possible placement.~~ A person who takes a
3 juvenile into custody under this subdivision shall permit the juvenile to make a
4 written or oral statement concerning the possible placement of the juvenile and the
5 course of conduct for which the juvenile was taken into custody. A person designated
6 by the court or the county department who is employed in a supervisory position by
7 a person authorized to provide or providing intake or dispositional services under s.
8 938.067 or 938.069 shall review that statement and either approve the placement of
9 the juvenile, modify the terms of the placement, or order the juvenile to be released
10 from custody.

11 **SECTION 67.** 938.355 (6d) (b) 2g. of the statutes is created to read:

12 938.355 (6d) (b) 2g. The taking into custody and placement of a juvenile under
13 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
14 938.06 (1) and (2), to any policies adopted by the county department relating to
15 aftercare supervision administered by the county department, and to any policies
16 adopted by the county board relating to such taking into custody and placement.

17 **SECTION 68.** 938.355 (6d) (b) 2r. of the statutes is created to read:

18 938.355 (6d) (b) 2r. A juvenile who is subject to an order under this section or
19 s. 938.357 or 938.365 that terminates as provided in sub. (4) (am) 4. or 938.357 (6)
20 (a) 4. or 938.365 (5) (b) 4. may not be taken into custody under subd 1. or 2.

21 **SECTION 69.** 938.355 (6d) (c) 1. of the statutes is amended to read:

22 938.355 (6d) (c) 1. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any~~
23 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
24 ~~policies adopted by the county board relating to the taking into custody and~~
25 ~~placement of a juvenile under this subdivision subds. 2g., 2m., and 2r.,~~ if a juvenile

1 who has been found to be in need of protection or services under s. 938.13 violates
2 a condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person
3 authorized to provide or providing intake or dispositional services for the court under
4 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
5 the juvenile in a place of nonsecure custody designated by that person for not more
6 than 72 hours while the alleged violation and the appropriateness of a sanction
7 under sub. (6) or (6m) are being investigated.

8 2m. Short-term detention may be imposed under ~~this subdivision~~ subd. 1. or
9 2. only if at the dispositional hearing the court explained those conditions to the
10 juvenile and informed the juvenile of that possible placement or if before the
11 violation the juvenile has acknowledged in writing that he or she has read, or has had
12 read to him or her, those conditions and that possible placement and that he or she
13 understands those conditions and that possible placement.

14 **SECTION 70.** 938.355 (6d) (c) 2. of the statutes is amended to read:

15 938.355 (6d) (c) 2. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any~~
16 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
17 ~~policies adopted by the county board relating to the taking into custody and~~
18 ~~placement of a juvenile under this subdivision~~ subds. 2g., 2m., and 2r., if a juvenile
19 who has been found to be in need of protection or services under s. 938.13 violates
20 a condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person
21 authorized to provide or providing intake or dispositional services for the court under
22 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
23 the juvenile in a place of nonsecure custody designated by that person for not more
24 than 72 hours as a consequence of that violation. ~~Short-term detention may be~~
25 ~~imposed under this subdivision only if at the dispositional hearing the court~~

1 ~~explained those conditions to the juvenile and informed the juvenile of that possible~~
2 ~~placement or if before the violation the juvenile has acknowledged in writing that he~~
3 ~~or she has read, or has had read to him or her, those conditions and that possible~~
4 ~~placement and that he or she understands those conditions and that possible~~
5 ~~placement.~~ A person who takes a juvenile into custody under this subdivision shall
6 permit the juvenile to make a written or oral statement concerning the possible
7 placement of the juvenile and the course of conduct for which the juvenile was taken
8 into custody. A person designated by the court or the county department who is
9 employed in a supervisory position by a person authorized to provide or providing
10 intake or dispositional services under s. 938.067 or 938.069 shall review that
11 statement and either approve the placement, modify the terms of the placement, or
12 order the juvenile to be released from custody.

13 **SECTION 71.** 938.355 (6d) (c) 2g. of the statutes is created to read:

14 938.355 **(6d)** (c) 2g. The taking into custody and placement of a juvenile under
15 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
16 938.06 (1) and (2) and to any policies adopted by the county board relating to such
17 taking into custody and placement.

18 **SECTION 72.** 938.355 (6d) (c) 2r. of the statutes is created to read:

19 938.355 **(6d)** (c) 2r. A juvenile who is subject to an order under this section or
20 s. 938.357 or 938.365 that terminates as provided in sub. (4) (am) 4. or s. 938.357 (6)
21 (a) 4. or 938.365 (5) (b) 4. may not be taken into custody under subd 1. or 2.

22 **SECTION 73.** 938.357 (1) (am) 2. (intro.) of the statutes is amended to read:

23 938.357 **(1)** (am) 2. (intro.) Any Except as provided in subd. 2r., any person
24 receiving the notice under subd. 1. or notice of a specific placement under s. 938.355
25 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court

1 within 10 days after receipt of the notice. Placements Except as provided in subds.
 2 2m. and 2r., placements may not be changed until 10 days after that notice is sent
 3 to the court unless the parent, guardian, legal custodian, or Indian custodian, the
 4 juvenile, if 12 or more years of age, and the juvenile's tribe, if the juvenile is an Indian
 5 juvenile who has been removed from the home of his or her parent or Indian
 6 custodian under s. 938.13 (4), (6), (6m), or (7), sign written waivers of objection,
 7 ~~except that changes.~~

8 2m. Changes in placement that were authorized in the dispositional order may
 9 be made immediately if notice is given as required under subd. 1. In addition, a
 10 hearing is not required for placement changes authorized in the dispositional order
 11 except when an objection filed by a person who received notice alleges that new
 12 information is available that affects the advisability of the court's dispositional order.

13 **SECTION 74.** 938.357 (1) (am) 2r. of the statutes is created to read:

14 938.357 (1) (am) 2r. If the proposed change in placement involves a juvenile
 15 who is subject to a dispositional order that terminates as provided in sub. (6) (a) 4.
 16 or s. 938.355 (4) (am) 4. or 938.365 (5) (b) 4., the person or agency primarily
 17 responsible for implementing the dispositional order or the district attorney may
 18 request a change in placement under ~~subd. 1~~ ^{this subdivision (paragraph)} only if the juvenile or the juvenile's
 19 guardian on behalf of the juvenile consents to the change in placement. No hearing
 20 is required for a change in placement described in this subdivision, and the juvenile's
 21 placement may be changed at any time after notice of the proposed change in
 22 placement is sent to the court.

23 **SECTION 75.** 938.357 (2m) (a) of the statutes is amended to read:

24 938.357 (2m) (a) *Request; information required.* The Except as provided in par.
 25 (bv), the juvenile, the parent, guardian, or legal custodian of the juvenile, any person

That person or agency or the district attorney shall cause written notice of the proposed change in placement to be sent to the juvenile, the guardian of the juvenile, and any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile.

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1 or agency primarily bound by the dispositional order, other than the person or agency
2 responsible for implementing the order, or, if the juvenile is an Indian juvenile who
3 is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian
4 juvenile's Indian custodian may request a change in placement under this
5 paragraph. The request shall contain the name and address of the new placement
6 requested and shall state what new information is available that affects the
7 advisability of the current placement. If the proposed change in placement would
8 change the placement of a juvenile placed in the juvenile's home to a placement
9 outside the home, the request shall also contain specific information showing that
10 continued placement of the juvenile in the juvenile's home would be contrary to the
11 welfare of the juvenile and, unless any of the circumstances under s. 938.355 (2d) (b)
12 1. to 4. applies, specific information showing that the agency primarily responsible
13 for implementing the dispositional order has made reasonable efforts to prevent the
14 removal of the juvenile from the home, while assuring that the juvenile's health and
15 safety are the paramount concerns. The request shall be submitted to the court. The
16 court may also propose a change in placement on its own motion.

17 **SECTION 76.** 938.357 (2m) (b) of the statutes is amended to read:

18 938.357 (2m) (b) *Hearing; when required.* The court shall hold a hearing prior
19 to ordering any change in placement requested or proposed under par. (a) if the
20 request states that new information is available that affects the advisability of the
21 current placement. ~~A~~ Except as provided in par. (bv), a hearing is not required if
22 the requested or proposed change in placement does not involve a change in
23 placement of a juvenile placed in the juvenile's home to a placement outside the
24 juvenile's home, written waivers of objection to the proposed change in placement are
25 signed by all parties entitled to receive notice under this paragraph, and the court

(use 27)

the juvenile, the guardian of the juvenile, any foster parent or other physical custodian under s. 48.62 (2) of the juvenile, and

SECTION 76

1 approves. If a hearing is scheduled, not less than 3 days before the hearing the court
2 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,
3 any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile,
4 all parties who are bound by the dispositional order, and, if the juvenile is an Indian
5 juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7),
6 the Indian juvenile's Indian custodian and tribe. A copy of the request or proposal
7 for the change in placement shall be attached to the notice. Subject to par. (br), if all
8 of the parties consent, the court may proceed immediately with the hearing.

SECTION 77. 938.357 (2m) (bv) of the statutes is created to read:

9
10 938.357 (2m) (bv) If the proposed change in placement involves a juvenile who
11 is subject to a dispositional order that terminates as provided in sub. (6) (a) 4. or s.
12 938.355 (4) (am) 4. or 938.365 (5) (b) 4., only the juvenile or the juvenile's guardian
13 on behalf of the juvenile or a person or agency primarily bound by the dispositional
14 order may request a change in placement under par. (a). No hearing is required for
15 a change in placement described in this paragraph if written waivers of objection to
16 the proposed change in placement are signed by all parties that are bound by the
17 dispositional order. If a hearing is scheduled, the court may proceed immediately
18 with the hearing on the consent of the person who requested the change in placement
19 ~~and~~ all parties who are bound by the dispositional order.

SECTION 78. 938.357 (4g) (b) of the statutes is amended to read:

20
21 938.357 (4g) (b) The department may waive the time period within which an
22 aftercare plan must be prepared and submitted under par. (a) if the department
23 anticipates that the juvenile will remain in the juvenile correctional facility or
24 secured residential care center for children and youth for a period exceeding 8
25 months or if the juvenile is subject to s. ~~48.366~~ or 938.183. If the department waives

1 that time period, the designated aftercare provider shall prepare the aftercare plan
2 within 30 days after the date on which the department requests the aftercare plan.

3 SECTION 79. 938.357 (6) of the statutes is renumbered 938.357 (6) (a) and
4 amended to read: or in a supervised independent living arrangement

5 938.357 (6) (a) No change in placement may extend the expiration date of the
6 original order, except that if the change in placement is from a placement in the
7 juvenile's home to a placement in a foster home, group home, or residential care
8 center for children and youth [Ⓢ] ^{← score comma} or ^{strike} in the home of a relative who is not a parent, the court
9 may extend the expiration date of the original order to the latest of the following
10 dates, unless the court specifies a shorter period:

11 1. The date on which the juvenile attains 18 years of age, to the

12 2. The date that is one year after the date of on which the change in placement
13 order, or, if is granted. date on which the juvenile is granted a high school or high
school equivalency diploma or the whichever occurs first

14 3. The date on which the juvenile attains 19 years of age, if the juvenile is a
15 full-time student at a secondary school or its vocational or technical equivalent and
16 is reasonably expected to complete the program before attaining 19 years of age, to
17 the date on which the juvenile attains 19 years of age, whichever is later, or for a
18 shorter period of time as specified by the court.

19 (b) If the change in placement is from a placement in a foster home, group home,
20 or residential care center for children and youth or in the home of a relative to a
21 placement in the juvenile's home and if the expiration date of the original order is
22 more than one year after the date of on which the change in placement order is
23 granted, the court shall shorten the expiration date of the original order to the date
24 that is one year after the date of on which the change in placement order is granted
25 or to an earlier date as specified by the court.

date on which the juvenile is granted a high school or high school equivalency diploma or the

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SECTION 80. 938.357 (6) (a) 4. of the statutes is created to read:

whichever occurs first

938.357 (6) (a) 4. The date on which the juvenile attains 21 years of age, if the

juvenile is a full-time student at a secondary school or its vocational or technical

equivalent ^{and} of an individualized education program under s. 115.787 is in effect for

the juvenile ~~and~~ the juvenile, or the juvenile's guardian on behalf of the juvenile,

grant

agrees to ~~termination of the order on that date.~~

The court may not ~~make~~ an order that terminates as provided in this subdivision unless

SECTION 81. 938.365 (5) of the statutes is renumbered 938.365 (5) (a) and

amended to read:

), or in a supervised independent living arrangement

938.365 (5) (a) Except as provided in s. 938.368, an order under this section that

continues the placement of a juvenile in his or her home or that extends an order

under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time not to

exceed one year after its the date of entry on which the order is granted.

(b) Except as provided in s. 938.368, an order under this section that continues

the placement of a juvenile in a foster home, group home, or residential care center

for children and youth ⁱⁿ the home of a relative other than a parent, shall be for

Scored comma
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a specified length of time not to exceed the latest of the following dates:

1. The date on which the juvenile attains 18 years of age,

2. The date that is one year after the date on which the order is granted, or, if

whichever occurs first

3. The date on which the juvenile attains 19 years of age, if the juvenile is a

full-time student at a secondary school or its vocational or technical equivalent and

is reasonably expected to complete the program before attaining 19 years of age, the

date on which the juvenile attains 19 years of age, whichever is later.

SECTION 82. 938.365 (5) (b) 4. of the statutes is created to read:

whichever occurs first

938.365 (5) (b) 4. The date on which the juvenile attains 21 years of age, if the

juvenile is a full-time student at a secondary school or its vocational or technical

date on which the juvenile is granted a high school or high school equivalency diploma or the

date on which the juvenile is granted a high school or high school equivalency diploma or the

The court may not enter an order that terminates as provided in this subdivision unless

and

1 equivalent if an individualized education program under s. 115.787 is in effect for
2 the juvenile, and if the juvenile, or the juvenile's guardian on behalf of the juvenile,
3 agrees to termination of the order on that date.

§ or in a supervised independent living arrangement

SECTION 83. 938.366 of the statutes is created to read:

938.366 Extended out-of-home care. (1) APPLICABILITY. This section

applies to a person who is placed in a foster home, group home, or residential care
center for children and youth in the home of a relative other than a parent, under

an order under s. 938.355, 938.357, or 938.365, other than an order that terminates

as provided in s. 938.355 (4) (am), 938.357 (6) (a), or 938.365 (5) (b), who is

a full-time student of a secondary school or its vocational or technical equivalent,

and for whom an individualized education program under s. 115.787 is in effect.

or or a for the person attains 18 years of age

(2) TRANSITION-TO-DISCHARGE HEARING. (a) Not less than 120 days before

person described in sub. (1) reaches 18 years of age or not less than 120 days before

the order described in sub. (1) terminates, whichever is later, the agency primarily

responsible for providing services to the person under the order shall request the

person to indicate whether he or she wishes to be discharged from out-of-home care

on termination of the order, wishes to continue in out-of-home care under an

extension of the order, or wishes to continue in out-of-home care under a voluntary

agreement under sub. (3).

who is the subject of an order

(b) 1. If the person described in sub. (1) indicates that he or she wishes to be

discharged from out-of-home care on termination of the order described in sub. (1),

the agency primarily responsible for providing services to the person under the order

shall request the court to hold a transition-to-discharge hearing and shall cause

notice of that request to be provided to that person, the parent, guardian, and legal

custodian of that person, any foster parent or other physical custodian described in

If the person indicates that he or she wishes to be discharged from out-of-home care on termination of the order, the agency shall request a transition-to-discharge hearing under par. (b). If the person indicates that he or she wishes to continue in out-of-home care under an extension of the order, the agency shall request an extension of the order under s. 938.365. If the person indicates that he or she wishes to continue in out-of-home care under a voluntary agreement under sub. (3), the agency and the person shall enter into such an agreement.

persons who are entitled to receive the notice

1 s. 48.62 (2) of that person, all parties who are bound by the dispositional order, and,
2 if that person is an Indian juvenile who has been removed from the home of his or
3 her parent or Indian custodian, that person's Indian custodian and tribe.

4 2. The court shall hold a hearing requested under subd. 1. within 30 days after
5 receipt of the request. Not less than 3 days before the hearing, the agency requesting
6 the hearing shall provide notice of the hearing to all persons who are entitled to
7 receive notice of the request under subd. 1. A copy of the request shall be attached
8 to the notice. If all parties consent, the court may proceed immediately with the
9 hearing.

as provided in par. (a)

what is the subject of an order

10 3. At the hearing the court shall review with the person described in sub. (1)
11 the options specified in par. (a) and shall advise the person that he or she may
12 continue in out-of-home care under an extension of the order described in sub. (1)
13 or under a voluntary agreement under sub. (3).

what is the subject of an order described in sub. (1)

14 4. If the court determines that the person understands that he or she may
15 continue in out-of-home care, but wishes to be discharged from that care on
16 termination of the order, the court shall order the agency primarily responsible for
17 providing services to the person under the order to assist and support the person in
18 developing a transition to independent living plan under s. 938.385 and shall
19 advise the person that he or she may enter into a voluntary agreement under sub.

and an individualized education program under s. 119 in effect for him or her

20 (3) at any time before he or she reaches 21 years of age or graduates from secondary
21 school or its vocational or technical equivalent, whichever occurs first. If the court
22 determines that the person wishes to continue in out-of-home care under an
23 extension of the order described in sub. (1), the court shall schedule an extension
24 hearing under s. 938.365. If the court determines that the person wishes to continue
25 in out-of-home care under a voluntary agreement under sub. (3), the court shall

is granted a high school or high school equivalency diploma or

whichever occurs first, so long as he or she is a full-time student at a

and continues to be a full-time student at a secondary school or its vocational or technical equivalent under an individualized education program under s. 115.787

1 order the agency primarily responsible for providing services to the person under the
2 order to provide transition-to-independent-living services for the person under a
3 voluntary agreement under sub. (3).

who is the subject of the order

4 (3) VOLUNTARY TRANSITION-TO-INDEPENDENT-LIVING AGREEMENT. (a) On
5 termination of an order described in sub. (1), ^{the} person ^e described in sub. (1), or the
6 person's guardian on behalf of the person, and the agency primarily responsible for
7 providing services to the person under the order may enter into a
8 transition-to-independent-living agreement under which the person continues in

9 out-of-home care ^{date on which} until the person reaches 21 years of age, ~~graduates from secondary~~
10 ~~school or its vocational or technical equivalent,~~ ^{ITS granted a high school or high school equivalency diploma} or terminates the agreement as
11 provided in par. (b), whichever occurs first, and the agency provides services to the
12 person to assist him or her in transitioning to independent living.

13 (b) ^{1.} If at any time during the term of an agreement under par. (a) the person
14 ^{who is the subject of the agreement} described in sub. (1) or his or her guardian indicates in writing that the person wishes
15 ^{primarily responsible for providing services under the agreement} to terminate the agreement, the agency shall request the court to hold a
16 transition-to-discharge hearing, ~~and the court shall hold such a hearing, as~~
17 ~~provided in sub. (2) (b), except that~~ ^{and shall cause} notice of the request ~~and hearing need only be~~

18 ^{to be} provided to that person, his or her guardian, the foster parent or other physical
19 custodian described in s. 48.62 (2) of that person, and all parties who are bound by
20 the agreement.

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21 (c) A person who terminates a voluntary agreement under this subsection, or
22 the person's guardian on the person's behalf, may request the agency primarily
23 responsible for providing services to the person under the agreement to enter into a
24 new voluntary agreement under this subsection at any time before ~~he or she~~ reaches
25 21 years of age ~~or graduates from~~ secondary school or its vocational or technical

whichever occurs first, ~~as long as~~ as long as the person is a full-time student at a

the person is granted a high school or high school equivalency diploma or

and an individualized education program under s. 115.787 is in effect for him or her
① If the request meets the conditions set forth in the rules promulgated under sub. (4)(b)

equivalent, ~~whichever occurs first.~~ On receipt of such a request, the agency shall enter into a new voluntary agreement with the person.

all of the following:

① (a) Rules

(4) RULES. The department of children and families shall promulgate rules to implement this section. Those ~~rules~~ shall include rules permitting a foster home, group home, or residential care center for children and youth to provide care for persons who agree to continue in out-of-home care under an extension of an order described in sub. (1) or a voluntary agreement under sub. (3).

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SECTION 84. 938.38 (4) (ar) of the statutes is renumbered 938.38 (4) (ar) (intro.) and amended to read:

938.38 (4) (ar) (intro.) A description of the services offered and any services provided in an effort to prevent the removal of the juvenile from his or her home, while assuring that the health and safety of the juvenile are the paramount concerns, and to achieve the goal of the permanency plan, except that the permanency plan is not required to include a description of the services offered or provided with respect to a parent of the juvenile to prevent the removal of the juvenile from the home or to achieve the permanency goal of returning the juvenile safely to his or her home if any of the following applies:

1. Any of the circumstances under s. 938.355 (2d) (b) 1. to 4. apply applies to that parent.

has attained 18 years of age

SECTION 85. 938.38 (4) (ar) 2. of the statutes is created to read:

938.38 (4) (ar) 2. The juvenile is subject to an order under s. 938.355, 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4. or has entered into a voluntary transition to independent living agreement under s. 938.366 (3).

SECTION 86. 938.38 (4) (fg) 6. of the statutes is created to read:

or in a supervised independent living arrangement

1 938.38 (4) (fg) 6. If the juvenile is subject to an order under s. 938.355, 938.357,
2 or 938.365 that terminates as provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or
3 938.365 (5) (b) 4. or has entered into a voluntary transition to independent living
4 agreement under s. 938.366 (3), transition to independent living.

has attained 18 years of age

5 SECTION 87. 938.385 of the statutes is created to read:

6 **938.385 Plan for transition to independent living.** During the 90 days
7 immediately before a juvenile who is placed in a foster home, group home, or
8 residential care center for children and youth ³ in the home of a relative other than
9 a parent, attains 18 years of age or, if the juvenile is placed in such a placement under
10 an order under s. 938.355, 938.357, or 938.365 that terminates under s. 938.355 (4)
11 (am) after the juvenile attains 18 years of age, during the 90 days immediately before
12 the termination of the order, the agency primarily responsible for providing services
13 to the juvenile under the order shall provide the juvenile with assistance and support
14 in developing a plan for making the transition from out-of-home care to independent
15 living. The transition plan shall be personalized at the direction of the juvenile, shall
16 be as detailed as the juvenile directs, and shall include specific options for obtaining
17 housing, health care, education, mentoring and continuing support services, and
18 workforce support and employment services.

19 SECTION 88. 938.44 of the statutes is amended to read:

20 **938.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
21 over persons 17 years of age or older as provided under ss. 938.355 (4), 938.357 (6),
22 938.365 (5), and 938.45 and as otherwise specified in this chapter.

23 SECTION 89. 938.53 of the statutes is amended to read:

24 **938.53 Duration of control of department over delinquents.** Except as
25 provided under ss. 48.366 and s. 938.183, a juvenile adjudged delinquent who has

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1 been placed under the supervision of the department under s. 938.183, 938.34 (4h),
2 (4m), or (4n), or 938.357 (4) shall be discharged as soon as the department determines
3 that there is a reasonable probability that departmental supervision is no longer
4 necessary for the rehabilitation and treatment of the juvenile or for the protection
5 of the public.

6 **SECTION 90.** 938.595 of the statutes is amended to read:

7 **938.595 Duration of control of county departments over delinquents.**

8 ~~Except as provided in s. 48.366,~~ a juvenile who has been adjudged delinquent and
9 placed under the supervision of a county department under s. 938.34 (4d) or (4n)
10 shall be discharged as soon as the county department determines that there is a
11 reasonable probability that it is no longer necessary either for the rehabilitation and
12 treatment of the juvenile or for the protection of the public that the county
13 department retain supervision.

14 **SECTION 91.** 938.78 (2) (d) 3. of the statutes is amended to read:

15 938.78 (2) (d) 3. Subject to an order under s. ~~48.366~~ or 938.183 and placed in
16 a state prison under s. ~~48.366 (8)~~ or 938.183.

17 **SECTION 92.** 938.992 (3) of the statutes is repealed.

18 **SECTION 93.** 946.42 (1) (a) 1. f. of the statutes is amended to read:

19 946.42 (1) (a) 1. f. Constructive custody of prisoners and juveniles subject to an
20 order under s. ~~48.366~~, 938.183, 938.34 (4d), (4h), or (4m), or 938.357 (4) or (5) (e)
21 temporarily outside the institution whether for the purpose of work, school, medical
22 care, a leave granted under s. 303.068, a temporary leave or furlough granted to a
23 juvenile, or otherwise.

24 **SECTION 94.** 946.42 (3) (d) of the statutes is repealed.

25 **SECTION 95.** 946.44 (2) (d) of the statutes is amended to read:

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1 946.44 (2) (d) "Prisoner" includes a person who is under the supervision of the
2 department of corrections under s. 938.34 (4h), who is placed in a juvenile
3 correctional facility or a secured residential care center for children and youth under
4 s. 938.183, 938.34 (4m), or 938.357 (4) or (5) (e), or who is placed in a Type 2
5 residential care center for children and youth under s. 938.34 (4d), ~~or who is subject~~
6 ~~to an order under s. 48.366.~~

7 **SECTION 96.** 946.45 (2) (d) of the statutes is amended to read:

8 946.45 (2) (d) "Prisoner" includes a person who is under the supervision of the
9 department of corrections under s. 938.34 (4h), who is placed in a juvenile
10 correctional facility or a secured residential care center for children and youth under
11 s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e), or who is placed in a Type 2 residential
12 care center for children and youth under s. 938.34 (4d), ~~or who is subject to an order~~
13 ~~under s. 48.366.~~

14 **SECTION 97.** 976.08 of the statutes is amended to read:

15 **976.08 Additional applicability.** In this chapter, "prisoner" includes any
16 person subject to an order under s. ~~48.366~~ or 938.183 who is confined to a Wisconsin
17 state prison.

18 ~~**SECTION 98.** 990.01 (20) of the statutes is renumbered 990.01 (20) (intro.) and~~
19 ~~amended to read:~~

20 ~~990.01 (20) MINOR. (intro.) "Minor" means a person who has not attained the~~
21 ~~age of 18 years, except that for as follows:~~

22 ~~(a) For purposes of investigating or prosecuting a person who is alleged to have~~
23 ~~violated a state or federal criminal law or any civil law or municipal ordinance,~~
24 ~~"minor" does not include a person who has attained the age of 17 years.~~

25 **SECTION 99.** 990.01 (20) (b) of the statutes is created to read:

1 990.01 (20) (b) For purposes of an order under s. 48.355, 48.357, 48.365,
2 ~~938.355, 938.357, or 938.365~~ that extends beyond the date on which a person reaches
3 18 years of age, a voluntary transition-to-independent living agreement under s.
4 48.366 (3) or 938.366 (3), placement of a person in out-of-home care under such an
5 order or voluntary agreement, or maintenance of a person under s. 48.48 (17) (c),
6 48.57 (3), or 938.57 (3), "minor" includes a person 18 years of age or over.

(END)

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1 SECTION 1. 48.02 (intro.) of the statutes is amended to read:

2 48.02 Definitions. (intro.) In this chapter, unless the context requires
3 otherwise defined:

History: 1971 c. 41 s. 12; 1971 c. 164; 1973 c. 263; 1977 c. 205, 299, 354, 418, 447, 449; 1979 c. 135, 300, 352; 1981 c. 81; 1983 a. 189, 447, 471; 1985 a. 176; 1987 a. 27, 285, 339; 1989 a. 31; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1989 a. 107; 1991 a. 39; 1993 a. 98, 375, 377, 385, 446, 491; 1995 a. 27 ss. 2423 to 2426p, 9126 (19), 9145 (1); 1995 a. 77, 275, 352, 448; 1997 a. 27, 104, 191, 292; 1999 a. 9; 2001 a. 16, 59, 69; 2005 a. 113, 232, 277, 344; 2005 a. 443 s. 265; 2007 a. 20; 2009 a. 28; 2009 a. 94 ss. 2 to 9, 231; 2009 a. 185 s. 86; 2009 a. 302, 334.

4 SECTION 2. 48.33 (4) (intro.) of the statutes is amended to read:

5 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
6 placement of an adult expectant mother outside of her home shall be in writing. A
7 report recommending placement of a child in a foster home, group home, or
8 residential care center for children and youth, in the home of a relative other than
9 a parent, ~~or~~ in the home of a guardian under s. 48.977 (2), or in a supervised living
10 arrangement shall be in writing and shall include all of the following: independent ^{use 2x}

History: 1977 c. 354; 1979 c. 300; 1983 a. 399; 1987 a. 27, 339; 1989 a. 31, 41, 107; 1993 a. 377, 385, 446, 481; 1995 a. 27, 77, 201; 1997 a. 27, 292; 2001 a. 59, 109; 2005 a. 25; 2007 a. 20; 2009 a. 28, 79, 94, 185, 334; 2011 a. 181, 258; 2011 a. 260 s. 80; s. 13.92 (2) (i).

11 SECTION 3. 48.335 (3g) (intro.) of the statutes is amended to read:

12 48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in
13 s. 48.38 (1) (a), is recommending placement of the child in a foster home, group home,
14 or residential care center for children and youth ~~or~~, in the home of a relative other
15 than a parent, in the home of a guardian under s. 48.977 (2), or in a supervised living
16 arrangement, the agency shall present as evidence specific information showing all
17 of the following:

History: 1977 c. 354; 1979 c. 300, 331, 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1993 a. 98, 481; 1995 a. 77; 1997 a. 252, 292; 2001 a. 109; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 181, 258; s. 13.92 (2) (i).

(END OF INSERT)

(INSERT 7-4)

18 SECTION 4. 48.357 (2) of the statutes is amended to read:

1 48.357 (2) If emergency conditions necessitate an immediate change in the
 2 placement of a child or expectant mother placed outside the home, the person or
 3 agency primarily responsible for implementing the dispositional order may remove
 4 the child or expectant mother to a new placement, whether or not authorized by the
 5 existing dispositional order, without the prior notice provided in sub. (1) (am) 1. or
 6 the consent required under sub. (1) (am) 2r. The notice shall, however, be sent within ✓
 7 48 hours after the emergency change in placement. Any party receiving notice may
 8 demand a hearing under sub. (1) (am) 2. In emergency situations, a child may be
 9 placed in a licensed public or private shelter care facility as a transitional placement
 10 for not more than 20 days, as well as in any placement authorized under s. 48.345
 11 (3).

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20; 2009 a. 28, 79, 94; 2011 a. 181; 2011 a. 260 s. 80.

(END OF INSERT)

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12 2. The court shall hold a hearing requested under subd. 1. within 30 days after
 13 receipt of the request. Not less than 3 days before the hearing, the agency requesting
 14 the hearing shall provide notice of the hearing to all persons who are entitled to
 15 receive notice of the request under subd. 1. A copy of the request shall be attached
 16 to the notice. If all persons who are entitled to receive notice consent, the court may
 17 proceed immediately with the hearing.

18 3. At the hearing the court shall review with the person who is the subject of
 19 the agreement the options of terminating the agreement or of continuing in
 20 out-of-home care under the agreement and shall advise the person that he or she
 21 may continue in out-of-home care under the agreement.

1 4. If the court determines that the person understands that he or she may
2 continue in out-of-home care under the agreement, but wishes to terminate the
3 agreement, the court shall advise the person that he or she may enter into a new
4 voluntary agreement under par. (c) at any time before he or she is granted a high
5 school or high school equivalency diploma or reaches 21 years of age, whichever
6 occurs first, so long as he or she is a full-time student at a secondary school or its
7 vocational or technical equivalent and an individualized educational program under
8 s. 115.787 is in effect for him or her. If the court determines that the person wishes
9 to continue in out-of-home care under the agreement, the court shall order the
10 agency primarily responsible for providing services to the person under the
11 agreement to provide transition-to-independent-living services for the person as
12 provided in the agreement. ✓

(END OF INSERT)

(INSERT 14-10)

13 **SECTION 5.** 48.38 (2) (intro.) of the statutes is amended to read:

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

1 or a relative other than a parent, that agency shall prepare a written permanency
2 plan, if any of the conditions specified in pars. (a) to (e) exists:

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32, 181, 258; 2011 a. 260 ss. 80, 81; s. 13.92 (2) (i); s. 35.17 correction in (2) (intro.).

3 **SECTION 6.** 48.38 (2) (g) of the statutes is amended to read:

4 48.38 (2) (g) The child's parent is placed in a foster home, group home,
5 residential care center for children and youth, juvenile detention facility, or shelter
6 care facility ^{or} supervised independent living arrangement and the child is residing
7 with that parent.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32, 181, 258; 2011 a. 260 ss. 80, 81; s. 13.92 (2) (i); s. 35.17 correction in (2) (intro.).

(END OF INSERT)

developed under
under s. 48.385

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child is the subject of an order
that terminates as provided in
s. 48.355 (4)(b) 4. 48.357 (6)(a)
4. or 48.365 (5)(b) 4.

8 **SECTION 7.** 48.38 (5) (c) 9. of the statutes is created to read:

9 48.38 (5) (c) 9. If the permanency goal of the child's permanency plan is
10 transition to independent living under a plan developed under s. 48.385, the
11 appropriateness of the transition-to-independent-living plan; the extent of
12 compliance with that plan by the child, the child's guardian, if any, the agency
13 primarily responsible for providing services under that plan, and any other service
14 providers; and the progress of the child toward making the transition to independent
15 living.

(END OF INSERT)

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16 **SECTION 8.** 48.48 (17) (c) 4. of the statutes is amended to read:

1 48.48 (17) (c) 4. Is living in a foster home, group home, or residential care center
2 for children and youth, or in a supervised independent living arrangement.

(END OF INSERT)

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3 SECTION 9. 48.57 (3) (a) 4. of the statutes is amended to read:

4 48.57 (3) (a) 4. Is living in a foster home, group home, residential care center
5 for children and youth, or subsidized guardianship home, or in a supervised
6 independent living arrangement.

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20; 2009 a. 28, 71, 94, 180; 2011 a. 32; 2013 a. 20.

(END OF INSERT)

(INSERT 20-18)

7 SECTION 10. 48.645 (1) (a) of the statutes is amended to read:

8 48.645 (1) (a) The child is living in a foster home licensed under s. 48.62 if a
9 license is required under that section, in a foster home located within the boundaries
10 of a reservation in this state and licensed by the tribal governing body of the
11 reservation, in a group home licensed under s. 48.625, in a subsidized guardianship
12 home under s. 48.623, ~~or~~ in a residential care center for children and youth licensed
13 under s. 48.60, or in a supervised independent living arrangement and has been
14 placed in ~~the foster home, group home, subsidized guardianship that home, or center,~~
15 or arrangement by a county department under s. 46.215, 46.22, or 46.23, by the
16 department, or by a governing body of an Indian tribe in this state under an
17 agreement with a county department under s. 46.215, 46.22, or 46.23.

History: 2007 a. 20 ss. 894 to 903; Stats. 2007 s. 48.645; 2007 a. 97 s. 61; 2009 a. 28, 94, 180; 2011 a. 32; 2013 a. 20.

18 SECTION 11. 48.645 (2) (a) 3. of the statutes is amended to read:

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1 48.645 (2) (a) 3. A county or, in a county having a population of 750,000 or more,
 2 the department, when the child is placed in a licensed foster home, group home, or
 3 residential care center for children and youth or, in a subsidized guardianship home,
 4 or in a supervised living arrangement by a licensed child welfare agency or by a
 5 governing body of an Indian tribe in this state or by its designee, if the child is in the
 6 legal custody of the county department under s. 46.215, 46.22, or 46.23 or the
 7 department under s. 48.48 (17) or if the child was removed from the home of a relative
 8 as a result of a judicial determination that continuance in the home of the relative
 9 would be contrary to the child's welfare for any reason and the placement is made
 10 under an agreement with the county department or the department.

History: 2007 a. 20 ss. 894 to 903; Stats. 2007 s. 48.645; 2007 a. 97 s. 61; 2009 a. 28, 94, 180; 2011 a. 32; 2013 a. 20.

SECTION 12. 48.645 (2) (a) 4. of the statutes is amended to read:

12 48.645 (2) (a) 4. A licensed foster home, group home, or residential care center
 13 for children and youth or, a subsidized guardianship home, a supervised
 14 independent living arrangement when the child is in the custody or guardianship of
 15 the state, when the child is a ward of a tribal court in this state and the placement
 16 is made under an agreement between the department and the governing body of the
 17 Indian tribe of the tribal court, or when the child was part of the state's direct service
 18 case load and was removed from the home of a relative as a result of a judicial
 19 determination that continuance in the home of a relative would be contrary to the
 20 child's welfare for any reason and the child is placed by the department.

History: 2007 a. 20 ss. 894 to 903; Stats. 2007 s. 48.645; 2007 a. 97 s. 61; 2009 a. 28, 94, 180; 2011 a. 32; 2013 a. 20.

SECTION 13. 48.645 (2) (b) of the statutes is amended to read:

22 48.645 (2) (b) Notwithstanding par. (a), aid under this section may not be
 23 granted for placement of a child in a foster home licensed by a governing body of an
 24 Indian tribe, for placement of a child in a foster home, group home, subsidized

1 guardianship home, ~~or~~ residential care center for children and youth, or supervised
2 independent living arrangement by a governing body of an Indian tribe or its
3 designee, or for the placement of a child who is a ward of a tribal court if the governing
4 body of the Indian tribe of the tribal court is receiving or is eligible to receive funds
5 from the federal government for that type of placement.

6 **History:** 2007 a. 20 ss. 894 to 903; Stats. 2007 s. 48.645; 2007 a. 97 s. 61; 2009 a. 28, 94, 180; 2011 a. 32; 2013 a. 20.

SECTION 14. 48.685 (1) (am) of the statutes is amended to read:

7 48.685 (1) (am) "Client" means a ~~child~~ person who receives direct care or
8 treatment services from an entity or from a caregiver specified in par. (ag) 1. am.

9 **History:** 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; 2011 a. 32, 35, 87, 258; 2013 a. 20; s. 13.92 (2) (i).

SECTION 15. 48.685 (1) (b) of the statutes is amended to read:

10 48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s.
11 48.60 to provide care and maintenance for children, to place children for adoption,
12 or to license foster homes; a foster home that is licensed under s. 48.62; an interim
13 caretaker to whom subsidized guardianship payments are made under s. 48.623 (6);
14 a group home that is licensed under s. 48.625; a shelter care facility that is licensed
15 under s. 938.22; a child care center that is licensed under s. 48.65 or established or
16 contracted for under s. 120.13 (14); a child care provider that is certified under s.
17 48.651; an organization that facilitates delegations of the care and custody of
18 children under s. 48.979; an agency that provides services to a person placed in a
19 supervised independent living arrangement; or a temporary employment agency
20 that provides caregivers to another entity.

NOTE: NOTE: Par. (b) is shown as affected by 2011 Wis. Acts 32 and 87 and as merged by the legislative reference bureau under s. 13.92 (2) (i).NOTE:

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; 2011 a. 32, 35, 87, 258; 2013 a. 20; s. 13.92 (2) (i).

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(INSERT 20-19)

as affected by 2013 Wisconsin Act 20

1 SECTION 16. 146.82 (2) (a) 18m. of the statutes is amended to read:

2 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
3 or juvenile who has been placed in a foster home, group home, residential care center
4 for children and youth, or juvenile correctional facility or in a supervised
5 independent living arrangement, including a placement under s. 48.205, 48.21,
6 938.205, or 938.21, or for whom placement in a foster home, group home, residential
7 care center for children and youth, or juvenile correctional facility is recommended
8 under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency
9 directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425
10 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a
11 court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g),
12 to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38,
13 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38
14 regarding the child or juvenile, to the foster parent of the child or juvenile or the
15 operator of the group home, residential care center for children and youth, or juvenile
16 correctional facility in which the child or juvenile is placed, or to an agency that
17 placed the child or juvenile or arranged for the placement of the child or juvenile in
18 any of those placements and, by any of those agencies, to any other of those agencies
19 and, by the agency that placed the child or juvenile or arranged for the placement of
20 the child or juvenile in any of those placements, to the foster parent of the child or
21 juvenile or the operator of the group home, residential care center for children and

or in a supervised independent living arrangement

1 youth, or juvenile correctional facility in which the child or juvenile is placed, as
2 provided in s. 48.371 or 938.371.

History: 1979 c. 221; 1983 a. 398; 1985 a. 29, 241, 332, 340; 1987 a. 40, 70, 127, 215, 233, 380, 399; 1989 a. 31, 102, 334, 336; 1991 a. 39; 1993 a. 16, 27, 445, 479; 1995 a. 98, 169, 417; 1997 a. 35, 114, 231, 272, 292, 305; 1999 a. 32, 78, 83, 114, 151; 2001 a. 38, 59, 69, 105; 2003 a. 281; 2005 a. 187, 344, 387, 388, 434; 2007 a. 20 s. 9121 (6) (a); 2007 a. 45, 106, 108, 130; 2009 a. 28, 276, 362; 2011 a. 32, 161; 2013 a. 20.

(END OF INSERT)

(INSERT 21-2)

or in a supervised independent living arrangement

3 **SECTION 17.** 252.15 (3m) (d) 15. of the statutes is amended to read:
4 252.15 (3m) (d) 15. If the subject of the HIV test is a child who has been placed
5 in a foster home, group home, residential care center for children and youth, or
6 juvenile correctional facility, as defined in s. 938.02 (10p), or in a supervised
7 independent living arrangement, including a placement under s. 48.205, 48.21,
8 938.205, or 938.21, or for whom placement in a foster home, group home, residential
9 care center for children and youth, or juvenile correctional facility is recommended
10 under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency
11 directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425
12 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a
13 court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g),
14 to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38,
15 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38
16 regarding the child, or to an agency that placed the child or arranged for the
17 placement of the child in any of those placements and, by any of those agencies, to
18 any other of those agencies and, by the agency that placed the child or arranged for
19 the placement of the child in any of those placements, to the child's foster parent or
20 the operator of the group home, residential care center for children and youth, or

1 juvenile correctional facility in which the child is placed, as provided in s. 48.371 or
2 938.371.

History: 1985 a. 29, 73, 120; 1987 a. 70 ss. 13 to 27, 36; 1987 a. 403 ss. 136, 256; 1989 a. 200; 1989 a. 201 ss. 11 to 25, 36; 1989 a. 298, 359; 1991 a. 269; 1993 a. 16 s. 2567; 1993 a. 27 ss. 332, 334, 337, 340, 342; Stats. 1993 s. 252.15; 1993 a. 32, 183, 190, 252, 395, 491; 1995 a. 27 ss. 6323, 9116 (5), 9126 (19); 1995 a. 77, 275; 1997 a. 54, 80, 156, 188; 1999 a. 9, 32, 79, 151, 162, 188; 2001 a. 38, 59, 69, 74, 103, 105; 2003 a. 271; 2005 a. 155, 187, 266, 344, 387; 2007 a. 97, 106, 130; 2009 a. 28, 209, 302, 355; 2011 a. 32; 2011 a. 260 ss. 42 to 44, 81.

(END OF INSERT)

(INSERT 26-6)

3 SECTION 18. 938.02 (intro.) of the statutes is amended to read:

4 938.02 Definitions. (intro.) In this chapter, unless the context requires
5 otherwise: ^{independent}

History: 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162; 2001 a. 16, 59; 2003 a. 33, 284; 2005 a. 232, 344, 387; 2005 a. 443 s. 265; 2007 a. 20 ss. 3780 to 3782, 9121 (6) (a); 2009 a. 28, 94, 302, 334; 2011 a. 32, 258; 2011 a. 260 s. 80.

6 SECTION 19. 938.33 (4) (intro.) of the statutes is amended to read:

7 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
8 placement in a foster home, group home, or nonsecured residential care center for
9 children and youth, in the home of a relative other than a parent, ~~or~~ in the home of
10 a guardian under s. 48.977 (2), or in a supervised living arrangement shall be in
11 writing, except that the report may be presented orally at the dispositional hearing
12 if all parties consent. A report that is presented orally shall be transcribed and made
13 a part of the court record. The report shall include all of the following:

History: 1995 a. 77, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2001 a. 59, 109; 2005 a. 25, 344; 2009 a. 28, 79, 94, 185, 334; 2011 a. 181, 258; 2011 a. 260 s. 80; s. 13.92 (2) (i).

14 SECTION 20. 938.335 (3g) (intro.) of the statutes is amended to read:

15 938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this
16 section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of
17 the juvenile in a foster home, group home, or residential care center for children and
18 youth, ~~or~~ in the home of a relative other than a parent, in the home of a guardian

Independent

1 under s. 48.977 (2), or in a supervised living arrangement, the agency shall present
2 as evidence specific information showing all of the following:

History: 1995 a. 77; 1997 a. 181, 252; 2001 a. 109; 2005 a. 344; 2009 a. 28, 79, 94, 185; 2011 a. 181, 258; s. 13.92 (2) (i).
(END OF INSERT)

(INSERT 35-22)

3 SECTION 21. 938.357 (2) of the statutes is amended to read:

4 938.357 (2) EMERGENCY CHANGE IN PLACEMENT. If emergency conditions
5 necessitate an immediate change in the placement of a juvenile placed outside the
6 home, the person or agency primarily responsible for implementing the dispositional
7 order may remove the juvenile to a new placement, whether or not authorized by the
8 existing dispositional order, without the prior notice under sub. (1) (am) 1. or the
9 consent required under sub. (1) (am) 2r. The notice shall be sent within 48 hours after
10 the emergency change in placement. Any party receiving notice may demand a
11 hearing under sub. (1) (am) 2. In emergency situations, a juvenile may be placed in
12 a licensed public or private shelter care facility as a transitional placement for not
13 more than 20 days or in any placement authorized under s. 938.34 (3).

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94;
2011 a. 181, 258.

(END OF INSERT)

(INSERT 42-20)

14 2. The court shall hold a hearing requested under subd. 1. within 30 days after
15 receipt of the request. Not less than 3 days before the hearing, the agency requesting
16 the hearing shall provide notice of the hearing to all persons who are entitled to
17 receive notice of the request under subd. 1. A copy of the request shall be attached
18 to the notice. If all persons who are entitled to receive notice consent, the court may
19 proceed immediately with the hearing.

1 3. At the hearing the court shall review with the person who is the subject of
2 the agreement the options of terminating the agreement or of continuing in
3 out-of-home care under the agreement and shall advise the person that he or she
4 may continue in out-of-home care under the agreement.

5 4. If the court determines that the person understands that he or she may
6 continue in out-of-home care under the agreement, but wishes to terminate the
7 agreement, the court shall advise the person that he or she may enter into a new
8 voluntary agreement under par. (c) at any time before he or she is granted a high
9 school or high school equivalency diploma or reaches 21 years of age, whichever
10 occurs first, so long as he or she is a full-time student at a secondary school or its
11 vocational or technical equivalent and an individualized educational program under
12 s. 115.787 is in effect for him or her. If the court determines that the person wishes
13 to continue in out-of-home care under the agreement, the court shall order the
14 agency primarily responsible for providing services to the person under the
15 agreement to provide transition-to-independent-living services for the person as
16 provided in the agreement.

(END OF INSERT)

(INSERT 43-7)

17 (b) Rules setting forth the conditions under which a person who has terminated
18 a voluntary agreement under sub. (3) and the agency primarily responsible for
19 providing services under the agreement may enter into a new voluntary agreement
20 under sub. (3) (c).

21 **SECTION 22.** 938.38 (2) (intro.) of the statutes is amended to read:

1 **938.38 (2) PERMANENCY PLAN REQUIRED.** (intro.) Except as provided in sub. (3),
 2 for each juvenile living in a foster home, group home, residential care center for
 3 children and youth, juvenile detention facility, ~~or~~ shelter care facility, or supervised
 4 independent living arrangement, the agency that placed the juvenile or arranged the
 5 placement or the agency assigned primary responsibility for providing services to the
 6 juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any
 7 of the following conditions exists, and, for each juvenile living in the home of a
 8 guardian or a relative other than a parent, that agency shall prepare a written
 9 permanency plan, if any of the conditions under pars. (a) to (e) exists:

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448; 2007 a. 20, 97; 2009 a. 28, 79, 94, 185; 2011 a. 32, 181, 258; 2011 a. 260 s. 80; s. 13.92 (2) (i).

(END OF INSERT)

Developed under
s. 938.385

(INSERT 44-4)

Juvenile is the subject of an order that terminates as provided in s. 938.355 (4) (am) 4, 938.357 (1) (a) 4, or 938.365 (5) (b) 4.

10 **SECTION 23.** 938.38 (5) (c) 9. of the statutes is created to read:

11 938.38 (5) (c) 9. If the ~~permanency goal of the juvenile's permanency plan is~~
 12 ~~transition to independent living under a plan developed under s. 938.385~~, the
 13 appropriateness of the transition-to-independent-living plan; the extent of
 14 compliance with that plan by the juvenile, the juvenile's guardian, if any, the agency
 15 primarily responsible for providing services under that plan, and any other service
 16 providers; and the progress of the juvenile toward making the transition to
 17 independent living.

(END OF INSERT)

(INSERT 45-5)

18 **SECTION 24.** 938.57 (3) (a) 4. of the statutes is amended to read:

1 938.57 (3) (a) 4. Is living in a foster home, group home, residential care center
2 for children and youth, or subsidized guardianship home, or in a supervised
3 independent living arrangement.

History: 1995 a. 77; 1997 a. 27, 35; 1999 a. 9; 2001 a. 38, 59; 2005 a. 25, 293, 344; 2007 a. 20, 97; 2009 a. 28; 2011 a. 32.
(END OF INSERT)

create a.r. [Y] create a.r. [X] (INSERT 47-7)

of the statutes as affected by this act

4 SECTION 25. Nonstatutory provisions.

5 (1) EXTENDED OUT-OF-HOME CARE; RULES.

create a.r. [Z]

6 (a) *Permanent rules.* The department of children and families shall present the
7 statement of scope of the rules required under section 48.366 (4) and section 938.366 (4) of
8 the statutes, as created by this act, to the governor for approval under section
9 227.135 (2) of the statutes no later than the 30th day after the effective date of this

paragraph

10 subsection. The department of children and families shall submit in proposed form
11 the rules required under section 48.366 (4) of the statutes, as repealed and recreated
12 by this act, and section 938.366 (4) of the statutes, as created by this act, to the legislative
13 council staff under section 227.15 (1) of the statutes no later than the first day of the
14 4th month beginning after the governor approves the statement of scope for the rules.

15 (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
16 the department of children and families may promulgate the rules required under
17 section 48.366 (4) of the statutes, as repealed and recreated by this act, and section
18 938.366 (4) of the statutes, as created by this act, for the period before the effective
19 date of the rules submitted under paragraph (a), but not to exceed the period
20 authorized under section 227.24 (1) (c) of the statutes, subject to extension under
21 section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and
22 (3) of the statutes, the department of children and families is not required to provide

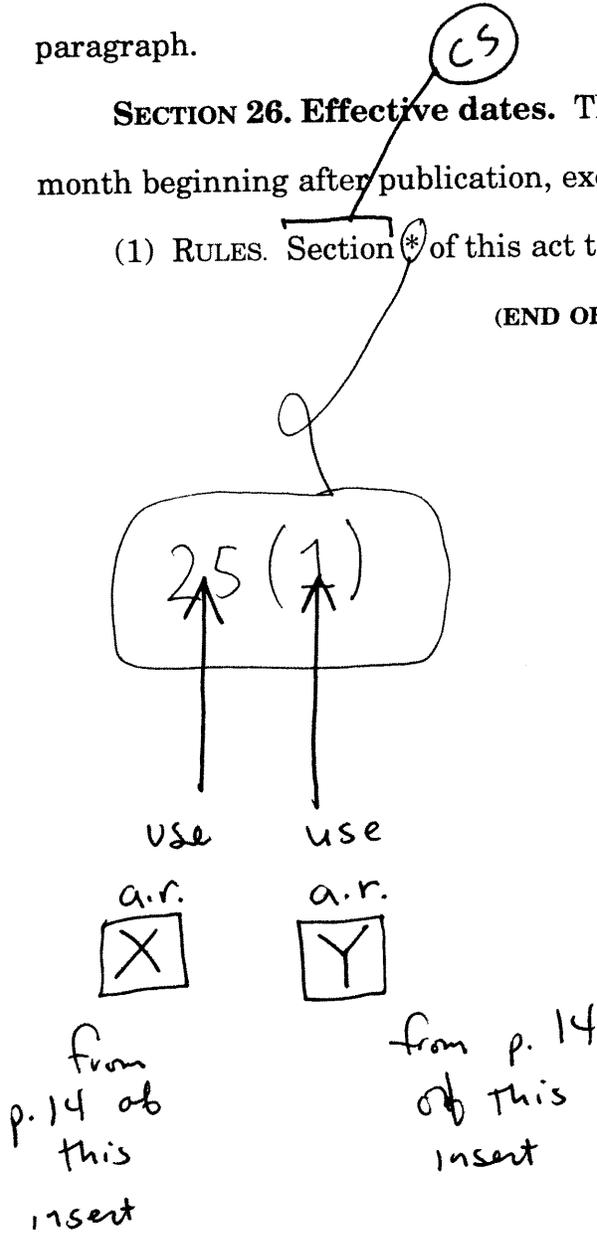
use a.r. [Z]

1 evidence that promulgating a rule under this paragraph as an emergency rule is
2 necessary for the preservation of the public peace, health, safety, or welfare and is
3 not required to provide a finding of emergency for ^arule promulgated under this
4 paragraph.

5 **SECTION 26. Effective dates.** This act takes effect on the first day of the 4th
6 month beginning after publication, except as follows:

7 (1) RULES. Section * of this act takes effect on the day after publication.

(END OF INSERT)



Malaise, Gordon

From: Liedl, Kimberly - DCF <Kimberly.Liedl@wisconsin.gov>
Sent: Monday, November 11, 2013 5:00 PM
To: Malaise, Gordon
Cc: Buschman, Sara - DCF
Subject: LRB 2915 changes
Attachments: OHC bill draft DCF-CCIPcomments.doc

Hi, Gordon, we have some additional changes to the Foster Care to 21 draft (LRB 2915).
Let me know if you have any additional questions.

Thanks,
Kimber

Combined comments from DCF and Children's Court Improvement Project

LRB 2915/P2 – Out of Home Care Extension to 21 for youth with an IEP

1. P. 3, bottom paragraph: "If at any time during the term of the agreement the child or his or her guardian indicates in writing that the child wishes to terminate the agreement, the agency must request the juvenile court to hold a transition-to-discharge hearing." And also for the statutory language on p. 15, lines 12 – 25 and p. 16 lines 1 – 16, please redraft to reflect the following:

If the court order is extended to 21, or if the child enters into a voluntary transition to independent-living agreement, the child may opt out at any time. There is no court hearing at that time. For example, if a child extends care to 21 and then at age 20 decides to leave care, that child only needs to notify the county and does not need to go back into court. Same logic applies for the voluntary agreement.

2. Under the bill draft, the court can only order that the dispositional order terminates at age 21 if the child/juvenile or the child's/juvenile's guardian agrees to such an order. See page 6, lines 18-20; page 11, lines 12-14; page 12, lines 14-16; page 35, lines 6-8; page 48, lines 3-5; and page 49, lines 5-7. This language does not specify when the child/juvenile or guardian would have to agree to this, and the extension could be ordered at any time.

Specify that orders under this section can only be made at the time the child is at least 17, and that the child/guardian consent is needed at the time of the extension.

3. P. 4, line 10: the change in the definition of the child to "unless the context requires otherwise" will cause too much confusion. Please return the language to "unless otherwise defined".

4. Modify ss. 48.366(1) and 938.366(1) to allow for extension for kids under a TPR order if they are not in a 48.977 guardianship, to explicitly cover kids who are post-TPR without a guardian.

5. Add similar language to s. 938.55(6m) that would prohibit sanctions in truancy orders for juveniles over the age 18. Modify the current language to make it clear that sanctions and short-term detention cannot be applied to a juvenile over the age of 18.

6. P. 10 lines 1-2: strike out the foster parents and other physical custodian, leaving only the child, guardian and agency to agree to a change in placement.

7. Under s. 48.357(2v), except the children under this section from requirements (a)(3) so that reasonable efforts findings are not included.

8. S. 48.235(1)e should be modified to make it clear that the court may appoint a GAL for children under this provision (it is mandatory under 18 and should be discretionary over 18).