FRIDAY

State of Wisconsin
2013 – 2014 LEGISLATURE

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(p 26, l 8 to 19)
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~~PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION~~

only changes are on p. 26

Gen Cat

Regarate

AN ACT ***to repeal*** 48.44 (2), 48.78 (2) (d) 3., 301.26 (4) (cm) 2., 302.11 (10), 302.17 (3), 302.255, 304.15, 938.992 (3) and 946.42 (3) (d); ***to renumber and amend*** 48.355 (4), 48.357 (6), 48.365 (5), 48.38 (4) (ar), 48.44 (1), 48.619, 938.357 (6), 938.365 (5) and 938.38 (4) (ar); ***to amend*** 20.410 (3) (cg), 48.235 (1) (e), 48.33 (4) (intro.), 48.335 (3g) (intro.), 48.357 (1) (am) 2. (intro.), 48.357 (2), 48.357 (2m) (a), 48.357 (2m) (b), 48.357 (2v) (a) 3., 48.38 (2) (intro.), 48.38 (2) (g), 48.385, 48.48 (17) (c) 4., 48.481 (2), 48.57 (3) (a) 4., 48.57 (3m) (a) 1., 48.57 (3n) (a) 1., 48.57 (3n) (am) 6. a., 48.64 (4) (a), 48.64 (4) (c), 48.645 (1) (intro.), 48.645 (1) (a), 48.645 (2) (a) 3., 48.645 (2) (b), 48.685 (1) (am), 48.685 (1) (b), 146.82 (2) (a) 18m., 227.03 (4), 252.15 (3m) (d) 15., 301.03 (9), 301.12 (2), 301.26 (4) (a), 301.26 (4) (b), 301.26 (4) (c), 301.26 (4) (d) 1m., 302.11 (1), 302.17 (2), 302.31 (7), 767.405 (8) (b) 1., 767.405 (10) (e) 1., 767.41 (2) (b) 2. c., 767.41 (5) (am) 12., 905.045 (1) (a), 938.235 (1) (e), 938.33 (4) (intro.), 938.335 (3g) (intro.), 938.355 (4) (a), 938.355 (6) (a) 1., 938.355 (6) (a) 2., 938.355 (6d) (a) 1., 938.355 (6d) (a) 2., 938.355 (6d) (b) 1., 938.355 (6d) (b) 2., 938.355 (6d) (c) 1., 938.355 (6d) (c) 2.,

938.355 (6m) (a) (intro.), 938.357 (1) (am) 2. (intro.), 938.357 (2), 938.357 (2m) (a), 938.357 (2m) (b), 938.357 (2v) (a) 3., 938.357 (4g) (b), 938.38 (2) (intro.), 938.44, 938.53, 938.57 (3) (a) 4., 938.595, 938.78 (2) (d) 3., 946.42 (1) (a) 1. f., 946.44 (2) (d), 946.45 (2) (d) and 976.08; ***to repeal and recreate*** 48.366; and ***to create*** 48.355 (4) (b) 4., 48.357 (1) (am) 2r., 48.357 (2m) (bv), 48.357 (6) (a) 4., 48.365 (5) (b) 4., 48.38 (4) (ar) 2., 48.38 (4) (fg) 6., 48.38 (5) (c) 9., 48.619 (2), 48.64 (4) (d), 938.355 (4) (am) 4., 938.355 (6) (a) 3., 938.355 (6d) (a) 2g., 938.355 (6d) (a) 2r., 938.355 (6d) (b) 2g., 938.355 (6d) (b) 2r., 938.355 (6d) (c) 2g., 938.355 (6d) (c) 2r., 938.357 (1) (am) 2r., 938.357 (2m) (bv), 938.357 (6) (a) 4., 938.365 (5) (b) 4., 938.366, 938.38 (4) (ar) 2., 938.38 (4) (fg) 6., 938.38 (5) (c) 9. and 938.385 of the statutes; **relating to:** extended out–of–home care to 21 years of age for children with individualized education programs, providing an exemption from emergency rule procedures, providing an exemption from rule–making procedures, and granting rule–making authority.

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.

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 is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, 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.)

Specifically, the bill requires an agency, not less than 120 days before the termination date of a dispositional order of a child with an IEP who has attained 18 years of age or the termination date of a termination of parental rights order transferring a child with an IEP to the guardianship of an agency (TPR agency guardianship order), to request the child to indicate whether he or she wishes to be discharged from out–of–home care on termination of the dispositional or TPR agency guardianship order, wishes to continue in out–of–home care under an extension of the dispositional order, or wishes to continue in out–of–home care under a voluntary transition–to–independent–living agreement.

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 or TPR agency guardianship 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 dispositional or TPR agency guardianship order, continuing in out–of–home care under an extension of the dispositional order, or continuing in out–of–home care under a voluntary 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 or TPR agency guardianship order, the juvenile court 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 is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a full–time student at a secondary school or its vocational or technical equivalent and the IEP remains in effect. 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.

The bill permits a child with an IEP, or the child's guardian on behalf of the child, on termination of a dispositional or TPR agency guardianship order, to enter into a transition–to–independent–living agreement with the agency under which the child continues in out–of–home care and continues to be a full–time student at a secondary school or its vocational or technical equivalent under the IEP until the child reaches 21 years of age, is granted a high school or high school equivalency diploma, 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. The bill also permits a child or his or her guardian to terminate the agreement at any time by notifying the agency in writing that the child wishes to terminate the agreement. In addition, the bill 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 is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a full–time student at a secondary school or its vocational or technical equivalent and the IEP remains in effect.

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

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

SECTION 1. 20.410 (3) (cg) of the statutes is amended to read:

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

SECTION 2. 48.235 (1) (e) of the statutes is amended to read:

48.235 **(1)** (e) The court shall appoint a guardian ad litem, or extend the appointment of a guardian ad litem previously appointed under par. (a), for any child alleged or found to be in need of protection or services, if the court has ordered, or if a request or recommendation has been made that the court order, the child to be placed out of his or her home under s. 48.345 or 48.357. This paragraph does not apply to a child who is subject to a dispositional order that terminates as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4.

SECTION 3. 48.33 (4) (intro.) of the statutes is amended to read:

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

SECTION 4. 48.335 (3g) (intro.) of the statutes is amended to read:

48.335 **(3g)** (intro.) At hearings under this section, if the agency, as defined in s. 48.38 (1) (a), is recommending placement of the child 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, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement, the agency shall present as evidence specific information showing all of the following:

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

48.355 **(4)** (a) Except as provided under s. 48.368, an order under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or continues the placement of the child in his or her home 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.

(b) Except as provided under s. 48.368, an order under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or continues the placement of the child 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, or in a supervised independent living arrangement shall terminate ~~when~~ on the latest of the following dates, unless the judge specifies a shorter period or the judge terminates the order sooner:

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

2. The date that is one year after ~~its entry, or, if~~ the date on which the order is entered.

3. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child reaches 19 years of age, whichever occurs first, 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 judge specifies a shorter period of time or the judge terminates the order sooner~~.

(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.

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

48.355 **(4)** (b) 4. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child reaches 21 years of age, whichever occurs first, 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. The court may not enter an order that terminates

as provided in this subdivision unless the child is 17 years of age or older when the order is entered and the child, or the child's guardian on behalf of the child, agrees to the order. At any time after the child reaches 18 years of age, the child, or the child's guardian on behalf of the child, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate 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 this paragraph only if the child or the child's guardian on behalf of the child consents to the change in placement. That person or agency, the district attorney, or the corporation counsel shall cause written notice of the proposed change in placement to be sent to the child, the guardian of the child, and any foster parent or other physical custodian described in s. 48.62 (2) of the child. No 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.

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

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

SECTION 10. 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 11. 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 information is available that affects the advisability of the current placement. ~~A~~ Except as provided in par. (bv), a hearing is not required if the requested or proposed change in placement does not involve a change in placement of a child placed in the child's home to a placement outside the child's home, written waivers of objection to the proposed change in placement are signed by all persons entitled to receive notice under this paragraph, other than a court–appointed special advocate, and the court approves. If a hearing is scheduled, not less than 3 days before the hearing the court shall notify the child, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian described in s. 48.62 (2) of the child, the child's court–appointed special advocate, all parties who are bound by the dispositional order, and, if the child is an Indian child, the Indian child's Indian custodian and tribe. If the child is the expectant mother of an unborn child under s. 48.133, the court shall also notify the unborn child by the unborn child's guardian ad litem. If the change in placement involves an adult expectant mother of an unborn child under s. 48.133, the court shall notify the adult expectant mother, the unborn

child by the unborn child's guardian ad litem, and all parties who are bound by the dispositional order, at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. Subject to par. (br), if all of the parties consent, the court may proceed immediately with the hearing.

SECTION 12. 48.357 (2m) (bv) of the statutes is created to read:

48.357 **(2m)** (bv) 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., only the child or the child's guardian on behalf of the child or a person or agency primarily bound by the dispositional order may request a change in placement under par. (a). No hearing is required for a change in placement described in this paragraph if written waivers of objection to the proposed change in placement are signed by the child, the guardian of the child, and all parties that are bound by the dispositional order. If a hearing is scheduled, the court may proceed immediately with the hearing on the consent of the person who requested the change in placement, the child, the guardian of the child, and all parties who are bound by the dispositional order.

SECTION 13. 48.357 (2v) (a) 3. of the statutes is amended to read:

48.357 **(2v)** (a) 3. If the court finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the agency primarily responsible for providing services under the change in placement order is not required to make reasonable efforts with respect to the parent to make it possible for the child to return safely to his or her home. This subdivision does not apply to a child who is subject to a dispositional order that terminates as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4.

SECTION 14. 48.357 (6) of the statutes is renumbered 48.357 (6) (a) (intro.) and amended to read:

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

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

2. The date that is one year after the date ~~of~~ on which the change in placement order~~, or, if~~ is entered.

3. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child reaches 19 years of age, whichever occurs first, 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~~, to the date on which the child reaches 19 years of age, whichever is later, or for a shorter period of time as specified by the court~~.

(b) If the change in placement is from a placement outside the home to a placement in the child's home and if the expiration date of the original order is more than one year after the date ~~of~~ on which the change in placement order is entered, the court shall shorten the expiration date of the original order to the date that is one year after the date ~~of~~ on which the change in placement order is entered or to an earlier date as specified by the court.

SECTION 15. 48.357 (6) (a) 4. of the statutes is created to read:

48.357 **(6)** (a) 4. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child reaches 21 years of age, whichever occurs first, 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. The court may not enter an order that terminates as provided in this subdivision unless the child is 17 years of age or older when the order is entered and the child, or the child's guardian on behalf of the child, agrees to the order. At any time after the child reaches 18 years of age, the child, or the child's guardian on behalf of the child, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

SECTION 16. 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.

3. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child reaches 19 years of age,

whichever occurs first, 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 17. 48.365 (5) (b) 4. of the statutes is created to read:

48.365 **(5)** (b) 4. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child reaches 21 years of age, whichever occurs first, 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. The court may not enter an order that terminates as provided in this subdivision unless the child is 17 years of age or older when the order is entered and the child, or the child's guardian on behalf of the child, agrees to the order. At any time after the child reaches 18 years of age, the child, or the child's guardian on behalf of the child, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

SECTION 18. 48.366 of the statutes is repealed and recreated to read:

48.366 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, or in a supervised independent living arrangement under an order under s. 48.355, 48.357, or 48.365 that terminates as provided 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 attains 18 years of age or who is in the guardianship and custody of an agency specified in s. 48.427 (3m) (a) 1. to 4. or (am) under an order under s. 48.43, 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.

(2) TRANSITION-TO-DISCHARGE HEARING. (a) Not less than 120 days before an order described in sub. (1) terminates, the agency primarily responsible for providing services under the order shall request the person who is the subject of the order to indicate whether he or she wishes to be discharged from out–of–home care on termination of the order or wishes to continue in out–of–home care under a voluntary agreement under sub. (3). If the person is subject to an order under s. 48.355, 48.357, or 48.365 described in sub. (1), the agency shall also request the person to indicate whether he or she wishes to continue in out–of–home care until the date specified in s. 48.365 (5) (b) 4. under an extension of the order. 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 an order under s. 48.355, 48.357, or 48.365 described in sub. (1), 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 agreement.

(b) 1. If the person who is the subject of an order described in sub. (1) indicates that he or she wishes to be discharged from out–of–home care on termination of the order, 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 s. 48.62 (2) of that person, that person's court–appointed special

advocate, all parties who are bound by the dispositional order, and, if that person is an Indian child who has been removed from the home of his or her parent or Indian custodian, that person's Indian custodian and tribe.

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

3. At the hearing the court shall review with the person who is the subject of an order described in sub. (1) the options specified in par. (a) and shall advise the person that he or she may continue in out–of–home care as provided in par. (a) under an extension of an order under s. 48.355, 48.357, or 48.365 described in sub. (1) or under a voluntary agreement under sub. (3).

4. If the court determines that the person who is the subject of an order described in sub. (1) understands that he or she may continue in out–of–home care, but wishes to be discharged from that care on termination of the order, the court shall advise the person that he or she may enter into a voluntary agreement under sub. (3) at any time before he or she is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a full–time student at a secondary school or its vocational or technical equivalent and an individualized education program under s. 115.787 is in effect for him or her. If the court determines that the person wishes to continue in out–of–home care under an extension of an order under s. 48.355, 48.357, or 48.365 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).

(3) VOLUNTARY TRANSITION–TO–INDEPENDENT–LIVING AGREEMENT. (a) On termination of an order described in sub. (1), the person who is the subject of the order, 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 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 until the date on which the person reaches 21 years of age, is granted a high school or high school equivalency diploma, 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.

(b) The person who is the subject of an agreement under par. (a) or his or her guardian may terminate the agreement at any time during the term of the agreement by notifying the agency primarily responsible for providing services under the agreement in writing that the person wishes to terminate 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 responsible for providing services to the person under the agreement to enter into a new voluntary agreement under this subsection at any time before the person is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as the person is a full–time student at a secondary

school or its vocational or technical equivalent and an individualized education program under s. 115.787 is in effect for him or her. If the request meets the conditions set forth in the rules promulgated under sub. (4) (b), the agency shall enter into a new voluntary agreement with that person.

(4) RULES. The department shall promulgate rules to implement this section. Those rules shall include all of the following:

(a) 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).

(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).

SECTION 19. 48.38 (2) (intro.) of the statutes is amended to read:

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

SECTION 20. 48.38 (2) (g) of the statutes is amended to read:

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

SECTION 21. 48.38 (4) (ar) of the statutes is renumbered 48.38 (4) (ar) (intro.) and amended to read:

48.38 **(4)** (ar) (intro.) A description of the services offered and any services provided in an effort to prevent the removal of the child from his or her home, while assuring that the health and safety of the child 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 child to prevent the removal of the child from the home or to achieve the permanency goal of returning the child safely to his or her home if any of the following applies:

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

SECTION 22. 48.38 (4) (ar) 2. of the statutes is created to read:

48.38 **(4)** (ar) 2. The child has attained 18 years of age.

SECTION 23. 48.38 (4) (fg) 6. of the statutes is created to read:

48.38 **(4)** (fg) 6. If the child has attained 18 years of age, transition to independent living.

SECTION 24. 48.38 (5) (c) 9. of the statutes is created to read:

48.38 **(5)** (c) 9. If the 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., the appropriateness of the transition–to–independent–living plan developed under s. 48.385; the extent of

compliance with that plan by the child, the child's guardian, if any, the agency primarily responsible for providing services under that plan, and any other service providers; and the progress of the child toward making the transition to independent living.

SECTION 25. 48.385 of the statutes is amended to read:

48.385 Plan for transition to independent living. During the 90 days immediately before a child who is placed 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, or in a supervised independent living arrangement attains 18 years of age or, if the child is placed in such a placement under an order under s. 48.355, 48.357, or 48.365~~, 938.355, 938.357, or 938.365~~ that terminates under s. 48.355 (4) ~~or 938.355 (4)~~ (b) after the child attains 18 years of age, during the 90 days immediately before the termination of the order, the agency primarily responsible for providing services to the child under the order shall provide the child with assistance and support in developing a plan for making the transition from out–of–home care to independent living. The transition plan shall be personalized at the direction of the child, shall be as detailed as the child directs, and shall include specific options for obtaining housing, health care, education, mentoring and continuing support services, and workforce support and employment services.

SECTION 26. 48.44 (1) of the statutes is renumbered 48.44 and amended to read:

48.44 Jurisdiction over persons 17 or older. The court has jurisdiction over persons 17 years of age or older as provided under ss. 48.133, 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in this chapter.

SECTION 27. 48.44 (2) of the statutes is repealed.

SECTION 28. 48.48 (17) (c) 4. of the statutes is amended to read:

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

SECTION 29. 48.481 (2) of the statutes, as created by 2013 Wisconsin Act 20, is amended to read:

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 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, or in a supervised independent living arrangement 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 30. 48.57 (3) (a) 4. of the statutes is amended to read:

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

SECTION 31. 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 32. 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, 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 33. 48.57 (3n) (am) 6. a. of the statutes is amended to read:

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

SECTION 34. 48.619 of the statutes is renumbered 48.619 (intro.) and amended to read:

48.619 Definition. (intro.) In this subchapter, "child" means a person under 18 years of age ~~and also includes, for~~. For purposes of counting the number of children for whom a foster home or group home may provide care and maintenance,

"child" also includes a person 18 years of age or over~~, but~~ who resides in the foster home or group home, if any of the following applies:

(1) The person is under 19 years of age, ~~who~~ is a full–time student at a secondary school or its vocational or technical equivalent, ~~who~~ and is reasonably expected to complete the program before reaching 19 years of age~~, who was residing in the foster home or group home immediately prior to his or her 18th birthday, and who continues to reside in that foster home or group home~~.

SECTION 35. 48.619 (2) of the statutes is created to read:

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

SECTION 36. 48.64 (4) (a) of the statutes is amended to read:

48.64 **(4)** (a) ~~Any~~ Except as provided in par. (d), any decision or order issued by an agency that affects the head of a foster home or group home, the head of the home of a relative other than a parent in which a child is placed, or the child involved may be appealed to the department under fair hearing procedures established under rules promulgated by the department. Upon receipt of an appeal, the department shall give the head of the home reasonable notice and an opportunity for a fair hearing. The department may make any additional investigation that the department considers necessary. The department shall give notice of the hearing to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. Each person receiving notice is entitled to be represented at the hearing. At all hearings conducted under this paragraph, the head of the home, or a representative of the head of the home, shall have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all

documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including an opportunity to confront and cross–examine adverse witnesses. The department shall grant a continuance for a reasonable period of time when an issue is raised for the first time during a hearing. This requirement may be waived with the consent of the parties. The decision of the department shall be based exclusively on evidence introduced at the hearing. A transcript of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the findings of the hearing examiner shall constitute the exclusive record for decision by the department. The department shall make the record available at any reasonable time and at an accessible place to the head of the home or his or her representative. Decisions by the department shall specify the reasons for the decision and identify the supporting evidence. No person participating in an agency action being appealed may participate in the final administrative decision on that action. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. The decision shall be binding on all parties concerned.

SECTION 37. 48.64 (4) (c) of the statutes is amended to read:

48.64 **(4)** (c) ~~The~~ Except as provided in par. (d), the circuit court for the county where the dispositional order placing a child in a foster home or group home or in the home of a relative other than a parent was entered or the voluntary agreement under s. 48.63 placing a child in a foster home or group home was made has jurisdiction

upon petition of any interested party over the child who is placed in the foster home, group home, or home of the relative. The circuit court may call a hearing, at which the head of the home and the supervising agency under sub. (2) shall be present, for the purpose of reviewing any decision or order of that agency involving the placement and care of the child. If the child has been placed in a foster home or in the home of a relative other than a parent, the foster parent or relative may present relevant evidence at the hearing. The petitioner has the burden of proving by clear and convincing evidence that the decision or order issued by the agency is not in the best interests of the child.

SECTION 38. 48.64 (4) (d) of the statutes is created to read:

48.64 **(4)** (d) No decision or order to change the placement of a 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) may be appealed to the department under par. (a) or reviewed by the circuit court under par. (c).

SECTION 39. 48.645 (1) (intro.) of the statutes is amended to read:

48.645 **(1)** DEFINITION. (intro.) In this section, "dependent child" means a child under the age of 18 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, is under the age of 19, or, if the child is a full–time student at a secondary school or its vocational or technical equivalent for whom an individualized educational program under s. 115.787 is in effect, is under 21 years of age, who meets all of the following conditions:

SECTION 40. 48.645 (1) (a) of the statutes is amended to read:

48.645 **(1)** (a) The child is living in a foster home licensed under s. 48.62 if a license is required under that section, in a foster home located within the boundaries

of a reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625, in a subsidized guardianship home under s. 48.623, ~~or~~ in a residential care center for children and youth licensed under s. 48.60, or in a supervised independent living arrangement and has been placed in ~~the foster home, group home, subsidized guardianship~~ that home, ~~or~~ center, or arrangement by a county department under s. 46.215, 46.22, or 46.23, by the department, or by a governing body of an Indian tribe in this state under an agreement with a county department under s. 46.215, 46.22, or 46.23.

SECTION 41. 48.645 (2) (a) 3. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

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

SECTION 42. 48.645 (2) (b) of the statutes is amended to read:

48.645 **(2)** (b) Notwithstanding par. (a), aid under this section may not be granted for placement of a child in a foster home licensed by a governing body of an Indian tribe, for placement of a child in a foster home, group home, subsidized guardianship home, ~~or~~ residential care center for children and youth, or supervised

independent living arrangement by a governing body of an Indian tribe or its designee, or for the placement of a child who is a ward of a tribal court if the governing body of the Indian tribe of the tribal court is receiving or is eligible to receive funds from the federal government for that type of placement.

SECTION 43. 48.685 (1) (am) of the statutes is amended to read:

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

SECTION 44. 48.685 (1) (b) of the statutes is amended to read:

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

SECTION 45. 48.78 (2) (d) 3. of the statutes is repealed.

SECTION 46. 146.82 (2) (a) 18m. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

146.82 **(2)** (a) 18m. If the subject of the patient health care records is a child or juvenile who has been placed in a foster home, group home, residential care center for children and youth, or juvenile correctional facility or in a supervised

independent living arrangement, including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, group home, residential care center for children and youth, or juvenile correctional facility or in a supervised independent living arrangement is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, to the foster parent of the child or juvenile or the operator of the group home, residential care center for children and youth, or juvenile correctional facility in which the child or juvenile is placed, or to an agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements, to the foster parent of the child or juvenile or the operator of the group home, residential care center for children and youth, or juvenile correctional facility in which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

SECTION 47. 227.03 (4) of the statutes is amended to read:

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

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

SECTION 48. 252.15 (3m) (d) 15. of the statutes is amended to read:

252.15 **(3m)** (d) 15. If the subject of the HIV test is a child who has been placed in a foster home, group home, residential care center for children and youth, or juvenile correctional facility, as defined in s. 938.02 (10p), or in a supervised independent living arrangement, including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, group home, residential care center for children and youth, or juvenile correctional facility or in a supervised independent living arrangement is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child, or to an agency that placed the child or arranged for the placement of the child in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or arranged for the placement of the child in any of those placements, to the child's foster parent or the operator of the group home, residential care center for children and youth, or juvenile correctional facility in which the child is placed, as provided in s. 48.371 or 938.371.

SECTION 49. 301.03 (9) of the statutes is amended to read:

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

SECTION 50. 301.12 (2) of the statutes is amended to read:

301.12 **(2)** Except as provided in subs. (2m) and (14) (b) and (c), any person, including ~~but not limited to~~ a person placed under s. ~~48.366,~~ 938.183, 938.34 (4h) or (4m), or 938.357 (4) or (5) (e), receiving care, maintenance, services, and supplies provided by any institution in this state operated or contracted for by the department, in which the state is chargeable with all or part of the person's care, maintenance, services, and supplies, and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 301.03 (18). If a spouse, widow, or minor, or an incapacitated person, may be lawfully dependent upon the property for ~~their~~ his or her support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for ~~those persons~~ that person. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.

SECTION 51. 301.26 (4) (a) of the statutes is amended to read:

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

SECTION 52. 301.26 (4) (b) of the statutes is amended to read:

301.26 **(4)** (b) Assessment of costs under par. (a) shall be made periodically on the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4. Except as provided in pars. (bm), (c), and (cm), liability shall apply to county departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising jurisdiction under ~~chs. 48 and~~ ch. 938 for each person receiving services from the department of corrections under s. ~~48.366,~~ 938.183~~,~~ or 938.34 or the department of health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and (cm), in multicounty court jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department, and prorated according to the ratio of the amount designated under sub. (3) (c) to the total applicable estimated costs of care, services, and supplies provided by the department of corrections under ss. ~~48.366,~~

938.183~~,~~ and 938.34 and the department of health services under s. 46.057 or 51.35 (3).

SECTION 53. 301.26 (4) (c) of the statutes is amended to read:

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

SECTION 54. 301.26 (4) (cm) 2. of the statutes is repealed.

SECTION 55. 301.26 (4) (d) 1m. of the statutes is amended to read:

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

SECTION 56. 302.11 (1) of the statutes is amended to read:

302.11 **(1)** The warden or superintendent shall keep a record of the conduct of each inmate, specifying each infraction of the rules. Except as provided in subs. (1g), (1m), (1q), (1z), and (7) ~~and (10)~~, each inmate is entitled to mandatory release on parole by the department. The mandatory release date is established at two–thirds of the sentence. Any calculations under this subsection or sub. (1q) (b) or (2) (b) resulting in fractions of a day shall be rounded in the inmate's favor to a whole day.

SECTION 57. 302.11 (10) of the statutes is repealed.

SECTION 58. 302.17 (2) of the statutes is amended to read:

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

SECTION 59. 302.17 (3) of the statutes is repealed.

SECTION 60. 302.255 of the statutes is repealed.

SECTION 61. 302.31 (7) of the statutes is amended to read:

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

SECTION 62. 304.15 of the statutes is repealed.

SECTION 63. 767.405 (8) (b) 1. of the statutes is amended to read:

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

SECTION 64. 767.405 (10) (e) 1. of the statutes is amended to read:

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

SECTION 65. 767.41 (2) (b) 2. c. of the statutes is amended to read:

767.41 **(2)** (b) 2. c. The parties will not be able to cooperate in the future decision making required under an award of joint legal custody. In making this finding the court shall consider, along with any other pertinent items, any reasons offered by a

party objecting to joint legal custody. Evidence that either party engaged in abuse, as defined in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b), or evidence of interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (am), creates a rebuttable presumption that the parties will not be able to cooperate in the future decision making required.

SECTION 66. 767.41 (5) (am) 12. of the statutes is amended to read:

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

SECTION 67. 905.045 (1) (a) of the statutes is amended to read:

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

SECTION 68. 938.235 (1) (e) of the statutes is amended to read:

938.235 **(1)** (e) The court shall appoint a guardian ad litem, or extend the appointment of a guardian ad litem previously appointed under par. (a), for any juvenile alleged or found to be in need of protection or services, if the court has ordered, or if a request or recommendation has been made that the court order, the juvenile to be placed out of his or her home under s. 938.345 or 938.357. This paragraph does not apply to a juvenile who is subject to a dispositional order that terminates as provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4.

SECTION 69. 938.33 (4) (intro.) of the statutes is amended to read:

938.33 **(4)** OTHER OUT–OF–HOME PLACEMENTS. (intro.) A report recommending placement in a foster home, group home, or nonsecured residential care center for

children and youth, in the home of a relative other than a parent, ~~or~~ in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement shall be in writing, except that the report may be presented orally at the dispositional hearing if all parties consent. A report that is presented orally shall be transcribed and made a part of the court record. The report shall include all of the following:

SECTION 70. 938.335 (3g) (intro.) of the statutes is amended to read:

938.335 **(3g)** REASONABLE EFFORTS FINDING. (intro.) At hearings under this section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of the juvenile 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, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement, the agency shall present as evidence specific information showing all of the following:

SECTION 71. 938.355 (4) (a) of the statutes is amended to read:

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

(am) Except as provided in par. (b) or s. 938.368, an order under this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places or continues the placement of the juvenile 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, or in a supervised independent living arrangement shall terminate ~~when~~ on the latest of the following dates, unless the court specifies a shorter period or the court terminates the order sooner:

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

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

3. The date on which the juvenile is granted a high school or high school equivalency diploma or the date on which the juvenile attains 19 years of age, whichever occurs first, 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~~, when the juvenile attains 19 years of age, whichever is later, unless the court specifies a shorter period of time or the court terminates the order sooner~~.

SECTION 72. 938.355 (4) (am) 4. of the statutes is created to read:

938.355 **(4)** (am) 4. The date on which the juvenile is granted a high school or high school equivalency diploma or the date on which the juvenile attains 21 years of age, whichever occurs first, if the juvenile 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 juvenile. The court may not grant an order that terminates as provided in this subdivision unless the juvenile is 17 years of age or older when the order is granted and the juvenile, or the juvenile's guardian on behalf of the juvenile, agrees to the order. At any time after the juvenile attains 18 years of age, the juvenile, or the juvenile's guardian on behalf of the juvenile, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

SECTION 73. 938.355 (6) (a) 1. of the statutes is amended to read:

938.355 **(6)** (a) 1. ~~If~~ Except as provided in subd. 3., if a juvenile who has been adjudged delinquent or to have violated a civil law or ordinance, other than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition specified in sub.

(2) (b) 7., the court may impose on the juvenile any of the sanctions specified in par. (d). ~~A sanction may be imposed under this subdivision only if, at the dispositional hearing under s. 938.335, the court explained the conditions to the juvenile and informed the juvenile of those possible sanctions or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions.~~

SECTION 74. 938.355 (6) (a) 2. of the statutes is amended to read:

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

2m. A sanction may be imposed under ~~this subdivision~~ subd. 1. or 2. only if, at the dispositional hearing under s. 938.335, the court explained the conditions specified in sub. (2) (b) 7. to the juvenile and informed the juvenile of those possible sanctions or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions.

SECTION 75. 938.355 (6) (a) 3. of the statutes is created to read:

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

SECTION 76. 938.355 (6d) (a) 1. of the statutes is amended to read:

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

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

SECTION 77. 938.355 (6d) (a) 2. of the statutes is amended to read:

938.355 **(6d)** (a) 2. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any general written policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by the county board relating to the taking into custody and placement of a juvenile under this subdivision~~ subds. 2g., 2m., and 2r., if a juvenile who has been adjudged delinquent violates a condition specified in sub. (2) (b) 7., the

juvenile's caseworker or any other person authorized to provide or providing intake or dispositional services for the court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place the juvenile in a juvenile detention facility or juvenile portion of a county jail that meets the standards promulgated by the department by rule or in a place of nonsecure custody designated by that person for not more than 72 hours as a consequence of that violation. ~~Short–term detention may be imposed under this subdivision only if at the dispositional hearing the court explained those conditions to the juvenile and informed the juvenile of that possible placement or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and that possible placement and that he or she understands those conditions and that possible placement.~~ A person who takes a juvenile into custody under this subdivision shall permit the juvenile to make a written or oral statement concerning the possible placement of the juvenile and the course of conduct for which the juvenile was taken into custody. A person designated by the court or county department who is employed in a supervisory position by a person authorized to provide or providing intake or dispositional services under s. 938.067 or 938.069 shall review that statement and either approve the placement, modify the terms of the placement, or order the juvenile to be released from custody.

SECTION 78. 938.355 (6d) (a) 2g. of the statutes is created to read:

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

SECTION 79. 938.355 (6d) (a) 2r. of the statutes is created to read:

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

SECTION 80. 938.355 (6d) (b) 1. of the statutes is amended to read:

938.355 **(6d)** (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any general written policies adopted by the court under s. 938.06 (1) or (2), to any policies adopted by the county department relating to aftercare supervision administered by the county department, and to any policies adopted by the county board relating to the taking into custody and placement of a juvenile under this subdivision~~ subds. 2g., 2m., and 2r., if a juvenile who is on aftercare supervision administered by ~~the~~ a county department violates a condition of that supervision, the juvenile's caseworker or any other person authorized to provide or providing intake or dispositional services for the court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place the juvenile in a juvenile detention facility or juvenile portion of a county jail that meets the standards promulgated by the department by rule or in a place of nonsecure custody designated by that person for not more than 72 hours while the alleged violation and the appropriateness of revoking the juvenile's aftercare status are being investigated.

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

SECTION 81. 938.355 (6d) (b) 2. of the statutes is amended to read:

938.355 **(6d)** (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any general written policies adopted by the court under s. 938.06 (1) or (2), to any policies adopted by the county department relating to aftercare supervision administered by the county department, and to any policies adopted by the county board relating to the taking into custody and placement of a juvenile under this subdivision~~ subds. 2g., 2m., and 2r., if a juvenile who is on aftercare supervision administered by the county department violates a condition of that supervision, the juvenile's caseworker or any other person authorized to provide or providing intake or dispositional services for the court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place the juvenile in a juvenile detention facility or juvenile portion of a county jail that meets the standards promulgated by the department by rule or in a place of nonsecure custody designated by that person for not more than 72 hours as a consequence of that violation. ~~Short–term detention under this subdivision may be imposed only if at the dispositional hearing the court explained those conditions to the juvenile and informed the juvenile of that possible placement or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and that possible placement and that he or she understands those conditions and that possible placement.~~ A person who takes a juvenile into custody under this subdivision shall permit the juvenile to make a written or oral statement concerning the possible placement of the juvenile and the course of conduct for which the juvenile was taken into custody. A person designated by the court or the county department who is employed in a supervisory position by a person authorized to provide or providing intake or dispositional services under s. 938.067 or 938.069 shall review that statement and either approve the placement of

the juvenile, modify the terms of the placement, or order the juvenile to be released from custody.

SECTION 82. 938.355 (6d) (b) 2g. of the statutes is created to read:

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

SECTION 83. 938.355 (6d) (b) 2r. of the statutes is created to read:

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

SECTION 84. 938.355 (6d) (c) 1. of the statutes is amended to read:

938.355 **(6d)** (c) 1. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any general written policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by the county board relating to the taking into custody and placement of a juvenile under this subdivision~~ subds. 2g., 2m., and 2r., if a juvenile who has been found to be in need of protection or services under s. 938.13 violates a condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person authorized to provide or providing intake or dispositional services for the court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place the juvenile in a place of nonsecure custody designated by that person for not more than 72 hours while the alleged violation and the appropriateness of a sanction under sub. (6) or (6m) are being investigated.

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

SECTION 85. 938.355 (6d) (c) 2. of the statutes is amended to read:

938.355 **(6d)** (c) 2. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any general written policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by the county board relating to the taking into custody and placement of a juvenile under this subdivision~~ subds. 2g., 2m., and 2r., if a juvenile who has been found to be in need of protection or services under s. 938.13 violates a condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person authorized to provide or providing intake or dispositional services for the court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place the juvenile in a place of nonsecure custody designated by that person for not more than 72 hours as a consequence of that violation. ~~Short–term detention may be imposed under this subdivision only if at the dispositional hearing the court explained those conditions to the juvenile and informed the juvenile of that possible placement or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and that possible placement and that he or she understands those conditions and that possible placement.~~ A person who takes a juvenile into custody under this subdivision shall permit the juvenile to make a written or oral statement concerning the possible

placement of the juvenile and the course of conduct for which the juvenile was taken into custody. A person designated by the court or the county department who is employed in a supervisory position by a person authorized to provide or providing intake or dispositional services under s. 938.067 or 938.069 shall review that statement and either approve the placement, modify the terms of the placement, or order the juvenile to be released from custody.

SECTION 86. 938.355 (6d) (c) 2g. of the statutes is created to read:

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

SECTION 87. 938.355 (6d) (c) 2r. of the statutes is created to read:

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

SECTION 88. 938.355 (6m) (a) (intro.) of the statutes is amended to read:

938.355 **(6m)** (a) *Violation of habitual truancy order.* (intro.) If the court finds by a preponderance of the evidence that a juvenile who has been found to have violated a municipal ordinance enacted under s. 118.163 (2) or who has been found to be in need of protection or services under s. 938.13 (6) has violated a condition specified under sub. (2) (b) 7., the court may order as a sanction any combination of the sanctions under subds.1g. to 4. and the dispositions under s. 938.342 (1g) (d) to (j) and (1m), regardless of whether the disposition was imposed in the order violated by the juvenile. A sanction may be imposed under this paragraph only if at the dispositional hearing under s. 938.335 the court explained those conditions to the

juvenile and informed the juvenile of the possible sanctions under this paragraph for a violation or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions. The court may not impose a sanction under this paragraph on a juvenile who is subject to an order under this section or s. 938.357 or 938.365 that terminates as provided in sub. (4) (am) 4. or s. 938.357 (6) (a) 4. or 938.365 (5) (b) 4. The court may order as a sanction under this paragraph any of the following:

SECTION 89. 938.357 (1) (am) 2. (intro.) of the statutes is amended to read:

938.357 **(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. 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice. ~~Placements~~ Except as provided in subds. 2m. and 2r., placements may not be changed until 10 days after that notice is sent to the court unless the parent, guardian, legal custodian, or Indian custodian, the juvenile, if 12 or more years of age, and the juvenile's tribe, if the juvenile is an Indian juvenile who has been removed from the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), sign written waivers of objection~~, except that changes~~.

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

SECTION 90. 938.357 (1) (am) 2r. of the statutes is created to read:

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

SECTION 91. 938.357 (2) of the statutes is amended to read:

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

SECTION 92. 938.357 (2m) (a) of the statutes is amended to read:

938.357 **(2m)** (a) *Request; information required.* ~~The~~ Except as provided in par. (bv), the juvenile, the parent, guardian, or legal custodian of the juvenile, any person or agency primarily bound by the dispositional order, other than the person or agency responsible for implementing the order, or, if the juvenile is an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian 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 juvenile placed in the juvenile's home to a placement outside the home, the request shall also contain specific information showing that continued placement of the juvenile in the juvenile's home would be contrary to the welfare of the juvenile and, unless any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile'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 93. 938.357 (2m) (b) of the statutes is amended to read:

938.357 **(2m)** (b) *Hearing; when required.* 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 information is available that affects the advisability of the current placement. ~~A~~ Except as provided in par. (bv), a hearing is not required if the requested or proposed change in placement does not involve a change in placement of a juvenile placed in the juvenile's home to a placement outside the

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

SECTION 94. 938.357 (2m) (bv) of the statutes is created to read:

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

SECTION 95. 938.357 (2v) (a) 3. of the statutes is amended to read:

938.357 **(2v)** (a) 3. If the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the

agency primarily responsible for providing services under the change in placement order is not required to make reasonable efforts with respect to the parent to make it possible for the juvenile to return safely to his or her home. This subdivision does not apply to a juvenile who is subject to a dispositional order that terminates as provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4.

SECTION 96. 938.357 (4g) (b) of the statutes is amended to read:

938.357 **(4g)** (b) The department may waive the time period within which an aftercare plan must be prepared and submitted under par. (a) if the department anticipates that the juvenile will remain in the juvenile correctional facility or secured residential care center for children and youth for a period exceeding 8 months or if the juvenile is subject to s. ~~48.366 or~~ 938.183. If the department waives that time period, the designated aftercare provider shall prepare the aftercare plan within 30 days after the date on which the department requests the aftercare plan.

SECTION 97. 938.357 (6) of the statutes is renumbered 938.357 (6) (a) and amended to read:

938.357 **(6)** (a) No change in placement may extend the expiration date of the original order, except that if the change in placement is from a placement in the juvenile's home to a placement in a foster home, group home, or residential care center for children and youth ~~or~~, in the home of a relative who is not a parent, or in a supervised independent living arrangement, the court may extend the expiration date of the original order to the latest of the following dates, unless the court specifies a shorter period:

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

2. The date that is one year after the date ~~of~~ on which the change in placement order~~, or, if~~ is granted.

3. The date on which the juvenile is granted a high school or high school equivalency diploma or the date on which the juvenile attains 19 years of age, whichever occurs first, 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~~, to the date on which the juvenile attains 19 years of age, whichever is later, or for a shorter period of time as specified by the court~~.

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

SECTION 98. 938.357 (6) (a) 4. of the statutes is created to read:

938.357 **(6)** (a) 4. The date on which the juvenile is granted a high school or high school equivalency diploma or the date on which the juvenile attains 21 years of age, whichever occurs first, if the juvenile 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 juvenile. The court may not grant an order that terminates as provided in this subdivision unless the juvenile is 17 years of age or older when the order is granted and the juvenile, or the juvenile's guardian on behalf of the juvenile, agrees to the order. At any time after the juvenile attains 18 years of age, the juvenile, or the juvenile's guardian on behalf of the juvenile, may request

the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

SECTION 99. 938.365 (5) of the statutes is renumbered 938.365 (5) (a) and amended to read:

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 ~~or,~~ in the home of a relative other than a parent, or in a supervised independent living arrangement shall be for 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~~.

3. The date on which the juvenile is granted a high school or high school equivalency diploma or the date on which the juvenile attains 19 years of age, whichever occurs first, 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 100. 938.365 (5) (b) 4. of the statutes is created to read:

938.365 **(5)** (b) 4. The date on which the juvenile is granted a high school or high school equivalency diploma or the date on which the juvenile attains 21 years of age, whichever occurs first, if the juvenile 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 juvenile. The court may not grant an order that terminates as provided in this subdivision unless the juvenile is 17 years of age or older when the order is granted and the juvenile, or the juvenile's guardian on behalf of the juvenile, agrees to the order. At any time after the juvenile attains 18 years of age, the juvenile, or the juvenile's guardian on behalf of the juvenile, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

SECTION 101. 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, or in a supervised independent living arrangement under an order under s. 938.355, 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 1., 2., or 3., 938.357 (6) (a) 1., 2., or 3., or 938.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age, 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.

(2) TRANSITION–TO–DISCHARGE HEARING. (a) Not less than 120 days before an order described in sub. (1) terminates, the agency primarily responsible for providing services under the order shall request the person who is the subject of the order 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 until the date specified in s. 938.365 (5) (b) 4. under an extension of the order, or wishes to continue in out–of–home care under a voluntary agreement under sub. (3). 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.

(b) 1. If the person who is the subject of an order described in sub. (1) indicates that he or she wishes to be discharged from out–of–home care on termination of the order, 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 s. 48.62 (2) of that person, all parties who are bound by the dispositional order, and, if that person is an Indian juvenile who has been removed from the home of his or her parent or Indian custodian, that person's Indian custodian and tribe.

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

3. At the hearing the court shall review with the person who is the subject of an order described in sub. (1) the options specified in par. (a) and shall advise the

person that he or she may continue in out–of–home care as provided in par. (a) under an extension of the order or under a voluntary agreement under sub. (3).

4. If the court determines that the person who is the subject of an order described in sub. (1) understands that he or she may continue in out–of–home care, but wishes to be discharged from that care on termination of the order, the court shall advise the person that he or she may enter into a voluntary agreement under sub. (3) at any time before he or she is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a full–time student at a secondary school or its vocational or technical equivalent and an individualized education program under s. 115.787 is in effect for him or her. If the court determines that the person wishes to continue in out–of–home care under an extension of the order described in sub. (1), the court shall schedule an extension hearing under s. 938.365. 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).

(3) VOLUNTARY TRANSITION–TO–INDEPENDENT–LIVING AGREEMENT. (a) On termination of an order described in sub. (1), the person who is the subject of the order, 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 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 until the date on which the person reaches 21 years of age, is granted

a high school or high school equivalency diploma, 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.

(b) The person who is the subject of an agreement under par. (a) or his or her guardian may terminate the agreement at any time during the term of the agreement by notifying the agency primarily responsible for providing services under the agreement in writing that the person wishes to terminate 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 responsible for providing services to the person under the agreement to enter into a new voluntary agreement under this subsection at any time before the person is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as the person is a full–time student at a secondary school or its vocational or technical equivalent and an individualized education program under s. 115.787 is in effect for him or her. If the request meets the conditions set forth in the rules promulgated under sub. (4) (b), the agency shall enter into a new voluntary agreement with that person.

(4) RULES. The department of children and families shall promulgate rules to implement this section. Those rules shall include all of the following:

(a) 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).

(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).

SECTION 102. 938.38 (2) (intro.) of the statutes is amended to read:

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

SECTION 103. 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.

SECTION 104. 938.38 (4) (ar) 2. of the statutes is created to read:

938.38 **(4)** (ar) 2. The juvenile has attained 18 years of age.

SECTION 105. 938.38 (4) (fg) 6. of the statutes is created to read:

938.38 **(4)** (fg) 6. If the juvenile has attained 18 years of age, transition to independent living.

SECTION 106. 938.38 (5) (c) 9. of the statutes is created to read:

938.38 **(5)** (c) 9. If the juvenile is the subject of an order that terminates as provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4., the appropriateness of the transition–to–independent–living plan developed under s. 938.385; the extent of compliance with that plan by the juvenile, the juvenile's guardian, if any, the agency primarily responsible for providing services under that plan, and any other service providers; and the progress of the juvenile toward making the transition to independent living.

SECTION 107. 938.385 of the statutes is created to read:

938.385 Plan for transition to independent living. During the 90 days immediately before a juvenile 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, or in a supervised independent living arrangement attains 18 years of age or, if the juvenile is placed in such a placement under an order under s. 938.355, 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after the juvenile attains 18 years of age, during the 90 days immediately before the termination of the order, the agency primarily responsible for providing services to the juvenile under the order shall provide the juvenile with assistance and support in developing a plan for making the transition from out–of–home care to independent living. The transition plan shall be personalized at the direction of the juvenile, shall be as detailed as the juvenile directs, and shall include specific options for obtaining

housing, health care, education, mentoring and continuing support services, and workforce support and employment services.

SECTION 108. 938.44 of the statutes is amended to read:

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

SECTION 109. 938.53 of the statutes is amended to read:

938.53 Duration of control of department over delinquents. Except as provided under ~~ss. 48.366 and~~ s. 938.183, a juvenile adjudged delinquent who has been placed under the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) shall be discharged as soon as the department determines that there is a reasonable probability that departmental supervision is no longer necessary for the rehabilitation and treatment of the juvenile or for the protection of the public.

SECTION 110. 938.57 (3) (a) 4. of the statutes is amended to read:

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

SECTION 111. 938.595 of the statutes is amended to read:

938.595 Duration of control of county departments over delinquents. ~~Except as provided in s. 48.366, a~~ A juvenile who has been adjudged delinquent and placed under the supervision of a county department under s. 938.34 (4d) or (4n) shall be discharged as soon as the county department determines that there is a reasonable probability that it is no longer necessary either for the rehabilitation and

treatment of the juvenile or for the protection of the public that the county department retain supervision.

SECTION 112. 938.78 (2) (d) 3. of the statutes is amended to read:

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

SECTION 113. 938.992 (3) of the statutes is repealed.

SECTION 114. 946.42 (1) (a) 1. f. of the statutes is amended to read:

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

SECTION 115. 946.42 (3) (d) of the statutes is repealed.

SECTION 116. 946.44 (2) (d) of the statutes is amended to read:

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

SECTION 117. 946.45 (2) (d) of the statutes is amended to read:

946.45 **(2)** (d) "Prisoner" includes a person who is under the supervision of the department of corrections under s. 938.34 (4h), who is placed in a juvenile correctional facility or a secured residential care center for children and youth under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e), or who is placed in a Type 2 residential

care center for children and youth under s. 938.34 (4d)~~, or who is subject to an order under s. 48.366~~.

SECTION 118. 976.08 of the statutes is amended to read:

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

SECTION 119. Nonstatutory provisions.

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

(a) *Permanent rules.* The department of children and families shall present the statement of scope of the rules required under section 48.366 (4) of the statutes, as affected by this act, and section 938.366 (4) of the statutes, as created by this act, to the governor for approval under section 227.135 (2) of the statutes no later than the 30th day after the effective date of this paragraph. The department of children and families shall submit in proposed form the rules required under section 48.366 (4) of the statutes, as affected by this act, and section 938.366 (4) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statues no later than the first day of the 4th month beginning after the governor approves the statement of scope for the rules.

(b) *Emergency rules.* Using the procedure under section 227.24 of the statutes, the department of children and families may promulgate the rules required under section 48.366 (4) of the statutes, as affected by this act, and section 938.366 (4) of the statutes, as created by this act, for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statues. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the

department of children and families is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

SECTION 120. Effective dates. This act takes effect on the first day of the 4th month beginning after publication, except as follows:

(1) RULES. SECTION 119 (1) of this act takes effect on the day after publication.

(END)

Parisi, Lori

From: Liedl, Kimberly - DCF <Kimberly.Liedl@wisconsin.gov>
Sent: Friday, December 06, 2013 2:48 PM
To: 'lrb.legal@legis.wisconsin.gov'
Cc: Buschman, Sara - DCF
Subject: Draft Review: LRB -2915/1 Topic: Extended out-of-home care to age 21 for children with individualized educational programs

Please Jacket LRB -2915/1 for the ASSEMBLY.

Barman, Mike

From: Barman, Mike
Sent: Monday, December 09, 2013 7:53 AM
To: 'Buschman, Sara - DCF'
Cc: Liedl, Kimberly - GOV
Subject: RE: Draft Review: LRB -2915/1 Topic: Extended out-of-home care to age 21 for children with individualized educational programs

Bill jacket is read for pick-up at the LRB front desk.

Mike Barman (Lead Program Assistant)
State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Buschman, Sara - DCF [mailto:Sara.Buschman@wisconsin.gov]
Sent: Friday, December 06, 2013 7:03 PM
To: LRB.Legal
Cc: Liedl, Kimberly - GOV
Subject: Draft Review: LRB -2915/1 Topic: Extended out-of-home care to age 21 for children with individualized educational programs

Please Jacket LRB -2915/1 for the ASSEMBLY.

Gov. office

If you can let Kimber Liedl know when it is available she will come and pick up the jacket. Thanks.

Sara L. Buschman
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Department of Children and Families

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