

2013 DRAFTING REQUEST

Bill

Received: 12/14/2012 Received By: gmalaise
Wanted: As time permits Same as LRB:
For: Administration-Budget 6-2288 By/Representing: Major
May Contact: Drafter: gmalaise
Subject: Children - out-of-home placement Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Major, BB0307 -

Topic:

Extended out-of-home care for children with individualized education programs

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 12/18/2012	kfollett 12/19/2012	rschluet 12/19/2012	_____			
/1	gmalaise 1/23/2013			_____	sbasford 12/19/2012		State
/2		kfollett 1/23/2013	jmurphy 1/24/2013	_____	sbasford 1/24/2013		State

FE Sent For:

<END>

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/1		12/19/12 1/23	Jim 1/23/13	_____	sbasford 12/19/2012		State
			Jim + Pkt 1/24/13	_____			

FE Sent For:

<END>

Malaise, Gordon

From: Hanaman, Cathlene
Sent: Friday, December 14, 2012 11:38 AM
To: Malaise, Gordon; Shea, Elisabeth
Subject: FW: Statutory Language Drafting Request - BB0307

From: katrina.major@wisconsin.gov [<mailto:katrina.major@wisconsin.gov>]
Sent: Friday, December 14, 2012 11:35 AM
To: Hanaman, Cathlene
Cc: Kraus, Jennifer - DOA; Major, Katrina L - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request - BB0307

Biennial Budget: 2013-15

DOA Tracking Code: BB0307

Topic: extend out of home care

SBO Team: GGCF

SBO Analyst: Major, Katrina L - DOA
Phone: 608-266-2288
E-mail: katrina.major@wisconsin.gov

Agency Acronym: DCF

Agency Number: 437

Priority: Medium

Intent:

Extend the age of out of home care for foster care youth with Individualized Education Program (Wis. Stat. 115.787) to 21 years old.

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov



EM 12/18



DOA:.....Major, BB0307 - Extended out-of-home care for children with individualized education programs

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

of the order

→ of the order

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, an order of the court assigned to exercise jurisdiction under the Children's Code (juvenile court) that places or continues the placement of a child in an out-of-home placement terminates when the child reaches 18 years of age, ~~at the end of~~ one year after ~~its~~ entry, 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 provides that an order of the juvenile court that places or continues the placement of a child in an out-of-home placement terminates when the child reaches 21 years of age if an individualized education program (IEP) is in effect for the child, unless the juvenile court specified a shorter period of time or terminates the order sooner. 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.

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

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

1 SECTION 1. 48.355 (4) of the statutes is renumbered⁺ 48.355 (4) (a) and amended
2 to read:

3 48.355 (4) (a) Except as provided under s. 48.368, an order under this section
4 or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or
5 continues the placement of the child in his or her home shall terminate ~~at the end~~
6 of one year after ~~its entry~~ the date on which the order is entered unless the judge
7 specifies a shorter period of time or the judge terminates the order sooner.

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

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

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

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

1 ~~whichever is later, unless the judge specifies a shorter period of time or the judge~~
2 ~~terminates the order sooner.~~

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

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; 2011 a. 181, 258; s. 13.92 (2) (i).

8 **SECTION 2.** 48.355 (4) (b) 4. of the statutes is created to read:

9 48.355 (4) (b) 4. If an individualized education program under s. 115.787 is in
10 effect for the child, the date on which the child reaches 21 years of age. ✓

11 **SECTION 3.** 48.357 (6) of the statutes is renumbered 48.357 (6) (a) (intro.) and
12 amended to read:

13 48.357 (6) (a) (intro.) No change in placement may extend the expiration date
14 of the original order, except that if the change in placement is from a placement in
15 the child's home to a placement outside the home the court may extend the expiration
16 date of the original order to the latest of the following dates, unless the court specifies
17 a shorter period:

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

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

21 3. If the child is a full-time student at a secondary school or its vocational or
22 technical equivalent and is reasonably expected to complete the program before
23 reaching 19 years of age, to the date on which the child reaches 19 years of age,
24 whichever is later, or for a shorter period of time as specified by the court.

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

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

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

8 48.357 (6) (a) 4. If an individualized education program under s. 115.787 is in
9 effect for the child, the date on which the child reaches 21 years of age. ✓

10 SECTION 5. 48.365 (5) of the statutes is renumbered ~~48.365~~ (5) (a) and amended
11 to read: ✓

12 48.365 (5) (a) Except as provided in s. 48.368, an order under this section that
13 continues the placement of a child in his or her home or that relates to an unborn
14 child of an adult expectant mother shall be for a specified length of time not to exceed
15 one year after its the date of entry on which the order is entered.

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

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

20 2. The date that is one year after the date of entry of on which the order, or, if
21 is entered.

22 3. If the child is a full-time student at a secondary school or its vocational or
23 technical equivalent and is reasonably expected to complete the program before

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

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28, 79, 94, 185; 2011 a. 181, 258; 2011 a. 260 s. 80; s. 13.92 (2) (i).

3 **SECTION 6.** 48.365 (5) (b) 4. of the statutes is created to read: ✓

4 48.365 (5) (b) 4. If an individualized education program under s. 115.787 is in
5 effect for the child, the date on which the child reaches 21 years of age.

6 **SECTION 7.** 48.385 of the statutes is amended to read: ✓

7 **48.385 Plan for transition to independent living.** During the 90 days
8 immediately before a child who is placed in a foster home, group home, or residential
9 care center for children and youth or in the home of a relative other than a parent
10 attains 18 years of age or, if the child is placed in such a placement under an order
11 under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under
12 s. 48.355 (4) (b) or 938.355 (4) (am) after the child attains 18 years of age, during the
13 90 days immediately before the termination of the order, the agency primarily
14 responsible for providing services to the child under the order shall provide the child
15 with assistance and support in developing a plan for making the transition from
16 out-of-home care to independent living. The transition plan shall be personalized
17 at the direction of the child, shall be as detailed as the child directs, and shall include
18 specific options for obtaining housing, health care, education, mentoring and
19 continuing support services, and workforce support and employment services.

History: 2009 a. 79; 2011 a. 32.

20 **SECTION 8.** 48.57 (3m) (a) 1. of the statutes is amended to read: ✓

21 48.57 (3m) (a) 1. "Child" means a person under 18 years of age or; a person 18
22 years of age or over, but under 19 years of age, who is a full-time student in good
23 academic standing at a secondary school or its vocational or technical equivalent and
24 who is reasonably expected to complete his or her program of study and be granted

1 a high school or high school equivalency diploma; or a person 18 years of age or over,
2 but under 21 years of age, if an individualized education program under s. 115.787
3 is in effect for the person.

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

4 **SECTION 9.** 48.57 (3n) (a) 1. of the statutes is amended to read:

5 48.57 (3n) (a) 1. “Child” means a person under 18 years of age or; a person 18
6 years of age or over, but under 19 years of age, who is a full-time student in good
7 academic standing at a secondary school or its vocational or technical equivalent and
8 who is reasonably expected to complete his or her program of study and be granted
9 a high school or high school equivalency diploma; or a person 18 years of age or over,
10 but under 21 years of age, if an individualized education program under s. 115.787
11 is in effect for the person.

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

12 **SECTION 10.** 48.57 (3n) (am) 6. a. of the statutes is amended to read:

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

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

1 SECTION 11. 48.619 of the statutes is renumbered 48.619 (intro.) and amended
2 to read:

3 48.619 Definition. (intro.) In this subchapter, "child" means a person under
4 18 years of age and also includes, for, For purposes of counting the number of
5 children for whom a foster home or group home may provide care and maintenance,
6 "child" also includes a person 18 years of age or over, but who was residing in the
7 foster home or group home immediately prior to his or her 18th birthday and who
8 continues to reside in that foster home or group home, if any of the following apply

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

History: 2001 a. 69; 2009 a. 28.

14 SECTION 12. 48.619 (2) of the statutes is created to read:

15 48.619 (2) The person is under 21 years of age and an individualized education
16 program under s. 115.787 is in effect for the person.

17 SECTION 13. 938.355 (4) (a) of the statutes is amended to read:

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

23 (am) Except as provided in par. (b) or s. 938.368, an order under this section
24 or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places

1 or continues the placement of the juvenile in a foster home, group home, or
 2 residential care center for children and youth or in the home of a relative other than
 3 a parent shall terminate ~~when~~ on the latest of the following dates, unless the court
 4 specifies a shorter period or the court terminates the order sooner:

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

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

7 3. If the juvenile is a full-time student at a secondary school or its vocational
 8 or technical equivalent and is reasonably expected to complete the program before
 9 attaining 19 years of age, ~~when the date on which~~ the juvenile attains 19 years of age,
 10 ~~whichever is later, unless the court specifies a shorter period of time or the court~~
 11 ~~terminates the order sooner.~~

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 103, 180, 185, 302; 2011 a. 181, 258; s. 13.92 (2) (i).

12 **SECTION 14.** 938.355 (4) (am) 4. of the statutes is created to read:

13 938.355 (4) (am) 4. If an individualized education program under s. 115.787 is
 14 in effect for the juvenile, the date on which the juvenile attains 21 years of age.

15 **SECTION 15.** 938.357 (6) of the statutes is renumbered 938.357 (6) (a) and
 16 amended to read:

17 938.357 (6) (a) No change in placement may extend the expiration date of the
 18 original order, except that if the change in placement is from a placement in the
 19 juvenile's home to a placement in a foster home, group home, or residential care
 20 center for children and youth or in the home of a relative who is not a parent, the court
 21 may extend the expiration date of the original order to the latest of the following
 22 dates, unless the court specifies a shorter period:

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

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

3 3. If the juvenile is a full-time student at a secondary school or its vocational
4 or technical equivalent and is reasonably expected to complete the program before
5 attaining 19 years of age, ~~to the date on which the juvenile attains 19 years of age,~~
6 ~~whichever is later, or for a shorter period of time as specified by the court.~~

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

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

14 **SECTION 16.** 938.357 (6) (a) 4. of the statutes is created to read: ✓

15 938.357 (6) (a) 4. If an individualized education program under s. 115.787 is ✓
16 in effect for the juvenile, the date on which the juvenile reaches 21 years of age.

17 **SECTION 17.** 938.365 (5) of the statutes is renumbered 938.365 (5) (a) and
18 amended to read:

19 938.365 (5) (a) DURATION OF EXTENSION. Except as provided in s. 938.368, an
20 order under this section that continues the placement of a juvenile in his or her home
21 or that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified
22 length of time not to exceed one year after its the date of entry on which the order
23 is granted.

1 (b) Except as provided in s. 938.368, an order under this section that continues
 2 the placement of a juvenile in a foster home, group home, or residential care center
 3 for children and youth or in the home of a relative other than a parent shall be for
 4 a specified length of time not to exceed the latest of the following dates:

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

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

7 3. If the juvenile is a full-time student at a secondary school or its vocational
 8 or technical equivalent and is reasonably expected to complete the program before
 9 attaining 19 years of age, the date on which the juvenile attains 19 years of age,
 10 whichever is later.

11 History: 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344; 2007 a. 199; 2009 a. 28, 79, 94, 185; 2011 a. 181, 258; 2011 a. 260 s. 80; s. 13.92 (2) (i).

12 **SECTION 18. 938.365 (5) (b) 4.** of the statutes is created to read:

13 938.365 (5) (b) 4. If an individualized education program under s. 115.787 is
 14 in effect for the juvenile, the date on which the juvenile attains 21 years of age.

15 **SECTION 9307. Initial applicability; Circuit Courts.**

16 (1) OUT-OF-HOME CARE FOR CHILDREN WITH INDIVIDUALIZED EDUCATION PROGRAMS.

17 The treatment of sections 48.385 of the statutes, the renumbering and amendment
 18 of sections 48.355 (4), 48.357 (6), and 48.365 (5) of the statutes, and the creation of
 19 sections 48.355 (4) (b) 4., 48.357 (6) (a) 4., and 48.365 (5) (b) 4. of the statutes first
 20 apply to an order of the court assigned to exercise jurisdiction under chapter 48 of
 the statutes entered on the effective date of this subsection.

21 (2) OUT-OF-HOME CARE FOR JUVENILES WITH INDIVIDUALIZED EDUCATION PROGRAMS.

22 The treatment of section 938.355 (4) (a) of the statutes, the renumbering and
 23 amendment of sections 938.357 (6) and 938.365 (5) of the statutes, and the creation
 24 of sections 938.355 (4) (am) 4., 938.357 (6) (a) 4., and 938.365 (5) (b) 4. of the statutes

1 first apply to an order of the court assigned to exercise jurisdiction under chapter 938 ✓
2 of the statutes granted on the effective date of this subsection.

3 (END)

1/22/13

(and have IEP in effect)

Katie Major-DOA

Specify that the child must be in school to

qualify for extended jurisdiction to age 21



IN 1123

DOA:.....Major, BB0307 - Extended out-of-home care for children with individualized education programs

FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION

UPS: This may look like the same change over & over but they are different. Don't just copy & paste.

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

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, an order of the court assigned to exercise jurisdiction under the Children's Code (juvenile court) that places or continues the placement of a child in an out-of-home placement 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 provides that an order of the juvenile court that places or continues the placement of a child in an out-of-home placement terminates when the child reaches 21 years of age if an individualized education program (IEP) is in effect for the child, unless the juvenile court specified a shorter period of time or terminates the order sooner. 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.

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

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

✓

1 SECTION 1. 48.355 (4) of the statutes is renumbered 48.355 (4) (a) and amended
2 to read:

3 48.355 (4) (a) Except as provided under s. 48.368, an order under this section
4 or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or
5 continues the placement of the child in his or her home shall terminate ~~at the end~~
6 ~~of one year after its entry~~ the date on which the order is entered unless the judge
7 specifies a shorter period of time or the judge terminates the order sooner.

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

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

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

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

1 whichever is later, unless the judge specifies a shorter period of time or the judge
2 terminates the order sooner.

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

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

8 SECTION 2. 48.355 (4) (b) 4. of the statutes is created to read:

9 48.355 (4) (b) 4. If an individualized education program under s. 115.787 is in
10 effect for the child, the date on which the child reaches 21 years of age.

11 SECTION 3. 48.357 (6) of the statutes is renumbered 48.357 (6) (a) (intro.) and
12 amended to read:

13 48.357 (6) (a) (intro.) No change in placement may extend the expiration date
14 of the original order, except that if the change in placement is from a placement in
15 the child's home to a placement outside the home the court may extend the expiration
16 date of the original order to the latest of the following dates, unless the court specifies
17 a shorter period:

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

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

21 3. If the child is a full-time student at a secondary school or its vocational or
22 technical equivalent and is reasonably expected to complete the program before
23 reaching 19 years of age, to the date on which the child reaches 19 years of age,
24 whichever is later, or for a shorter period of time as specified by the court.

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

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

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

8 48.357 (6) (a) 4. If an individualized education program under s. 115.787 is in
 9 effect for the child, the date on which the child reaches 21 years of age.

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

12 48.365 (5) (a) Except as provided in s. 48.368, an order under this section that
 13 continues the placement of a child in his or her home or that relates to an unborn
 14 child of an adult expectant mother shall be for a specified length of time not to exceed
 15 one year after its the date of entry on which the order is entered.

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

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

20 2. The date that is one year after the date of entry of on which the order, or, if
 21 is entered.

22 3. If the child is a full-time student at a secondary school or its vocational or
 23 technical equivalent and is reasonably expected to complete the program before
 24 reaching 19 years of age, the date on which the child reaches 19 years of age,
 25 whichever is later.

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

1 SECTION 6. 48.365 (5) (b) 4. of the statutes is created to read:

2 48.365 (5) (b) 4. If an individualized education program under s. 115.787 is in
3 effect for the child, the date on which the child reaches 21 years of age.

4 SECTION 7. 48.385 of the statutes is amended to read:

5 **48.385 Plan for transition to independent living.** During the 90 days
6 immediately before a child who is placed in a foster home, group home, or residential
7 care center for children and youth or in the home of a relative other than a parent
8 attains 18 years of age or, if the child is placed in such a placement under an order
9 under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under
10 s. 48.355 (4) (b) or 938.355 (4) (am) after the child attains 18 years of age, during the
11 90 days immediately before the termination of the order, the agency primarily
12 responsible for providing services to the child under the order shall provide the child
13 with assistance and support in developing a plan for making the transition from
14 out-of-home care to independent living. The transition plan shall be personalized
15 at the direction of the child, shall be as detailed as the child directs, and shall include
16 specific options for obtaining housing, health care, education, mentoring and
17 continuing support services, and workforce support and employment services.

18 SECTION 8. 48.57 (3m) (a) 1. of the statutes is amended to read:

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

24 but under 21 years of age, if an individualized education program under s. 115.787
25 is in effect for the person.

who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent

who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent

1 SECTION 9. 48.57 (3n) (a) 1. of the statutes is amended to read:

2 48.57 (3n) (a) 1. "Child" means a person under 18 years of age or; a person 18
3 years of age or over, but under 19 years of age, who is a full-time student in good
4 academic standing at a secondary school or its vocational or technical equivalent and
5 who is reasonably expected to complete his or her program of study and be granted
6 a high school or high school equivalency diploma; a person 18 years of age or over,
7 but under 21 years of age, if an individualized education program under s. 115.787
8 is in effect for the person.

the child is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and

9 SECTION 10. 48.57 (3n) (am) 6. a. of the statutes is amended to read:

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

19 SECTION 11. 48.619 of the statutes is renumbered 48.619 (intro.) and amended
20 to read:

21 **48.619 Definition.** (intro.) In this subchapter, "child" means a person under
22 18 years of age ~~and also includes, for.~~ For purposes of counting the number of
23 children for whom a foster home or group home may provide care and maintenance,
24 "child" also includes a person 18 years of age or over, but who was residing in the

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

1 foster home or group home immediately prior to his or her 18th birthday and who
 2 continues to reside in that foster home or group home, if any of the following applies:

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

8 SECTION 12. 48.619 (2) of the statutes is created to read:

9 48.619 (2) The person is under 21 years of age, and an individualized education
 10 program under s. 115.787 is in effect for the person.

11 SECTION 13. 938.355 (4) (a) of the statutes is amended to read:

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

17 (am) Except as provided in par. (b) or s. 938.368, an order under this section
 18 or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places
 19 or continues the placement of the juvenile in a foster home, group home, or
 20 residential care center for children and youth or in the home of a relative other than
 21 a parent shall terminate when on the latest of the following dates, unless the court
 22 specifies a shorter period or the court terminates the order sooner:

- 23 1. The date on which the juvenile attains 18 years of age, at the end of.
- 24 2. The date that is one year after the date on which the order is granted, or, if.

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

1 3. If the juvenile is a full-time student at a secondary school or its vocational
2 or technical equivalent and is reasonably expected to complete the program before
3 attaining 19 years of age, ~~when the date on which~~ the juvenile attains 19 years of age,
4 ~~whichever is later, unless the court specifies a shorter period of time or the court~~
5 ~~terminates the order sooner.~~

6 SECTION 14. 938.355 (4) (am) 4. of the statutes is created to read:

7 938.355 (4) (am) 4. If an individualized education program under s. 115.787 is
8 in effect for the juvenile, the date on which the juvenile attains 21 years of age.

9 SECTION 15. 938.357 (6) of the statutes is renumbered 938.357 (6) (a) and
10 amended to read:

11 938.357 (6) (a) No change in placement may extend the expiration date of the
12 original order, except that if the change in placement is from a placement in the
13 juvenile's home to a placement in a foster home, group home, or residential care
14 center for children and youth or in the home of a relative who is not a parent, the court
15 may extend the expiration date of the original order to the latest of the following
16 dates, unless the court specifies a shorter period:

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

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

20 3. If the juvenile is a full-time student at a secondary school or its vocational
21 or technical equivalent and is reasonably expected to complete the program before
22 attaining 19 years of age, to the date on which the juvenile attains 19 years of age,
23 whichever is later, or for a shorter period of time as specified by the court.

24 (b) If the change in placement is from a placement in a foster home, group home,
25 or residential care center for children and youth or in the home of a relative to a

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

1 placement in the juvenile's home and if the expiration date of the original order is
2 more than one year after the date of the change in placement order, the court shall
3 shorten the expiration date of the original order to the date that is one year after the
4 date of on which the change in placement order is granted or to an earlier date as
5 specified by the court.

6 SECTION 16. 938.357 (6) (a) 4. of the statutes is created to read:

7 938.357 (6) (a) 4. If an individualized education program under s. 115.787 is
8 in effect for the juvenile, the date on which the juvenile reaches 21 years of age.

9 SECTION 17. 938.365 (5) of the statutes is renumbered 938.365 (5) (a) and
10 amended to read:

11 938.365 (5) (a) DURATION OF EXTENSION. Except as provided in s. 938.368, an
12 order under this section that continues the placement of a juvenile in his or her home
13 or that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified
14 length of time not to exceed one year after ~~its~~ the date of entry on which the order
15 is granted.

16 (b) Except as provided in s. 938.368, an order under this section that continues
17 the placement of a juvenile in a foster home, group home, or residential care center
18 for children and youth or in the home of a relative other than a parent shall be for
19 a specified length of time not to exceed the latest of the following dates:

- 20 1. The date on which the juvenile attains 18 years of age,
- 21 2. The date that is one year after the date on which the order is granted, or, if,
- 22 3. If the juvenile is a full-time student at a secondary school or its vocational
23 or technical equivalent and is reasonably expected to complete the program before
24 attaining 19 years of age, the date on which the juvenile attains 19 years of age,
25 whichever is later.

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

1 SECTION 18. 938.365 (5) (b) 4. of the statutes is created to read:

2 938.365 (5) (b) 4. If an individualized education program under s. 115.787 is
3 in effect for the juvenile, the date on which the juvenile attains 21 years of age.

4 SECTION 9307. Initial applicability; Circuit Courts.

5 (1) OUT-OF-HOME CARE FOR CHILDREN WITH INDIVIDUALIZED EDUCATION PROGRAMS.

6 The treatment of sections 48.385 of the statutes, the renumbering and amendment
7 of sections 48.355 (4), 48.357 (6), and 48.365 (5) of the statutes, and the creation of
8 sections 48.355 (4) (b) 4., 48.357 (6) (a) 4., and 48.365 (5) (b) 4. of the statutes first
9 apply to an order of the court assigned to exercise jurisdiction under chapter 48 of
10 the statutes entered on the effective date of this subsection.

11 (2) OUT-OF-HOME CARE FOR JUVENILES WITH INDIVIDUALIZED EDUCATION PROGRAMS.

12 The treatment of section 938.355 (4) (a) of the statutes, the renumbering and
13 amendment of sections 938.357 (6) and 938.365 (5) of the statutes, and the creation
14 of sections 938.355 (4) (am) 4., 938.357 (6) (a) 4., and 938.365 (5) (b) 4. of the statutes
15 first apply to an order of the court assigned to exercise jurisdiction under chapter 938
16 of the statutes granted on the effective date of this subsection.

17 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0841/2
GMM:kjf:jm

DOA:.....Major, BB0307 - Extended out-of-home care for children with individualized education programs

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, an order of the court assigned to exercise jurisdiction under the Children's Code (juvenile court) that places or continues the placement of a child in an out-of-home placement 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 provides that an order of the juvenile court that places or continues the placement of a child in an out-of-home placement terminates when the child reaches 21 years of age if the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program (IEP) is in effect for the child, unless the juvenile court specified a shorter period of time or terminates the order sooner. 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.

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

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

1 **SECTION 1.** 48.355 (4) of the statutes is renumbered 48.355 (4) (a) and amended
2 to read:

3 48.355 (4) (a) Except as provided under s. 48.368, an order under this section
4 or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or
5 continues the placement of the child in his or her home shall terminate ~~at the end~~
6 of one year after ~~its entry~~ the date on which the order is entered unless the judge
7 specifies a shorter period of time or the judge terminates the order sooner.

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

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

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

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

1 ~~whichever is later, unless the judge specifies a shorter period of time or the judge~~
2 ~~terminates the order sooner.~~

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

8 **SECTION 2.** 48.355 (4) (b) 4. of the statutes is created to read:

9 48.355 (4) (b) 4. If the child is a full-time student at a secondary school or its
10 vocational or technical equivalent and if an individualized education program under
11 s. 115.787 is in effect for the child, the date on which the child reaches 21 years of age.

12 **SECTION 3.** 48.357 (6) of the statutes is renumbered 48.357 (6) (a) (intro.) and
13 amended to read:

14 48.357 (6) (a) (intro.) No change in placement may extend the expiration date
15 of the original order, except that if the change in placement is from a placement in
16 the child's home to a placement outside the home the court may extend the expiration
17 date of the original order to the latest of the following dates, unless the court specifies
18 a shorter period:

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

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

22 3. If the child is a full-time student at a secondary school or its vocational or
23 technical equivalent and is reasonably expected to complete the program before
24 reaching 19 years of age, to the date on which the child reaches 19 years of age,
25 whichever is later, or for a shorter period of time as specified by the court.

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

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

8 48.357 (6) (a) 4. If the child is a full-time student at a secondary school or its
9 vocational or technical equivalent and if an individualized education program under
10 s. 115.787 is in effect for the child, the date on which the child reaches 21 years of age.

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

13 48.365 (5) (a) Except as provided in s. 48.368, an order under this section that
14 continues the placement of a child in his or her home or that relates to an unborn
15 child of an adult expectant mother shall be for a specified length of time not to exceed
16 one year after its the date of entry on which the order is entered.

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

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

21 2. The date that is one year after the date of entry of on which the order, or, if
22 is entered.

23 3. If the child is a full-time student at a secondary school or its vocational or
24 technical equivalent and is reasonably expected to complete the program before

1 reaching 19 years of age, the date on which the child reaches 19 years of age,
2 whichever is later.

3 **SECTION 6.** 48.365 (5) (b) 4. of the statutes is created to read:

4 48.365 (5) (b) 4. If the child is a full-time student at a secondary school or its
5 vocational or technical equivalent and if an individualized education program under
6 s. 115.787 is in effect for the child, the date on which the child reaches 21 years of age.

7 **SECTION 7.** 48.385 of the statutes is amended to read:

8 **48.385 Plan for transition to independent living.** During the 90 days
9 immediately before a child who is placed in a foster home, group home, or residential
10 care center for children and youth or in the home of a relative other than a parent
11 attains 18 years of age or, if the child is placed in such a placement under an order
12 under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under
13 s. 48.355 (4) (b) or 938.355 (4) (am) after the child attains 18 years of age, during the
14 90 days immediately before the termination of the order, the agency primarily
15 responsible for providing services to the child under the order shall provide the child
16 with assistance and support in developing a plan for making the transition from
17 out-of-home care to independent living. The transition plan shall be personalized
18 at the direction of the child, shall be as detailed as the child directs, and shall include
19 specific options for obtaining housing, health care, education, mentoring and
20 continuing support services, and workforce support and employment services.

21 **SECTION 8.** 48.57 (3m) (a) 1. of the statutes is amended to read:

22 48.57 (3m) (a) 1. "Child" means a person under 18 years of age or; a person 18
23 years of age or over, but under 19 years of age, who is a full-time student in good
24 academic standing at a secondary school or its vocational or technical equivalent and
25 who is reasonably expected to complete his or her program of study and be granted

1 a high school or high school equivalency diploma; or a person 18 years of age or over,
2 but under 21 years of age, who is a full-time student in good academic standing at
3 a secondary school or its vocational or technical equivalent if an individualized
4 education program under s. 115.787 is in effect for the person.

5 **SECTION 9.** 48.57 (3n) (a) 1. of the statutes is amended to read:

6 48.57 (3n) (a) 1. "Child" means a person under 18 years of age or; a person 18
7 years of age or over, but under 19 years of age, who is a full-time student in good
8 academic standing at a secondary school or its vocational or technical equivalent and
9 who is reasonably expected to complete his or her program of study and be granted
10 a high school or high school equivalency diploma; or a person 18 years of age or over,
11 but under 21 years of age, who is a full-time student in good academic standing at
12 a secondary school or its vocational or technical equivalent if an individualized
13 education program under s. 115.787 is in effect for the person.

14 **SECTION 10.** 48.57 (3n) (am) 6. a. of the statutes is amended to read:

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

1 **SECTION 11.** 48.619 of the statutes is renumbered 48.619 (intro.) and amended
2 to read:

3 **48.619 Definition.** (intro.) In this subchapter, "child" means a person under
4 18 years of age and ~~also includes, for, For~~ purposes of counting the number of
5 children for whom a foster home or group home may provide care and maintenance,
6 "child" also includes a person 18 years of age or over, but who was residing in the
7 foster home or group home immediately prior to his or her 18th birthday and who
8 continues to reside in that foster home or group home, if any of the following applies:

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

14 **SECTION 12.** 48.619 (2) of the statutes is created to read:

15 48.619 (2) The person is under 21 years of age, is a full-time student at a
16 secondary school or its vocational or technical equivalent, and an individualized
17 education program under s. 115.787 is in effect for the person.

18 **SECTION 13.** 938.355 (4) (a) of the statutes is amended to read:

19 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under
20 this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age
21 that places or continues the placement of the juvenile in his or her home shall
22 terminate at the end of one year after the date on which the order is granted unless
23 the court specifies a shorter period of time or the court terminates the order sooner.

24 (am) Except as provided in par. (b) or s. 938.368, an order under this section
25 or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places

1 or continues the placement of the juvenile in a foster home, group home, or
2 residential care center for children and youth or in the home of a relative other than
3 a parent shall terminate ~~when~~ on the latest of the following dates, unless the court
4 specifies a shorter period or the court terminates the order sooner:

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

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

7 3. If the juvenile is a full-time student at a secondary school or its vocational
8 or technical equivalent and is reasonably expected to complete the program before
9 attaining 19 years of age, when the date on which the juvenile attains 19 years of age,
10 ~~whichever is later, unless the court specifies a shorter period of time or the court~~
11 ~~terminates the order sooner.~~

12 **SECTION 14.** 938.355 (4) (am) 4. of the statutes is created to read:

13 938.355 (4) (am) 4. If the juvenile is a full-time student at a secondary school
14 or its vocational or technical equivalent and if an individualized education program
15 under s. 115.787 is in effect for the juvenile, the date on which the juvenile attains
16 21 years of age.

17 **SECTION 15.** 938.357 (6) of the statutes is renumbered 938.357 (6) (a) and
18 amended to read:

19 938.357 (6) (a) No change in placement may extend the expiration date of the
20 original order, except that if the change in placement is from a placement in the
21 juvenile's home to a placement in a foster home, group home, or residential care
22 center for children and youth or in the home of a relative who is not a parent, the court
23 may extend the expiration date of the original order to the latest of the following
24 dates, unless the court specifies a shorter period:

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

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

3 3. If the juvenile is a full-time student at a secondary school or its vocational
4 or technical equivalent and is reasonably expected to complete the program before
5 attaining 19 years of age, ~~to the date on which the juvenile attains 19 years of age,~~
6 ~~whichever is later, or for a shorter period of time as specified by the court.~~

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

14 **SECTION 16.** 938.357 (6) (a) 4. of the statutes is created to read:

15 938.357 (6) (a) 4. If the juvenile is a full-time student at a secondary school or
16 its vocational or technical equivalent and if an individualized education program
17 under s. 115.787 is in effect for the juvenile, the date on which the juvenile reaches
18 21 years of age.

19 **SECTION 17.** 938.365 (5) of the statutes is renumbered 938.365 (5) (a) and
20 amended to read:

21 938.365 (5) (a) Except as provided in s. 938.368, an order under this section that
22 continues the placement of a juvenile in his or her home or that extends an order
23 under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time not to
24 exceed one year after its the date of entry on which the order is granted.

1 (b) Except as provided in s. 938.368, an order under this section that continues
2 the placement of a juvenile in a foster home, group home, or residential care center
3 for children and youth or in the home of a relative other than a parent shall be for
4 a specified length of time not to exceed the latest of the following dates:

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

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

7 3. If the juvenile is a full-time student at a secondary school or its vocational
8 or technical equivalent and is reasonably expected to complete the program before
9 attaining 19 years of age, the date on which the juvenile attains 19 years of age,
10 whichever is later.

11 **SECTION 18.** 938.365 (5) (b) 4. of the statutes is created to read:

12 938.365 (5) (b) 4. If the juvenile is a full-time student at a secondary school or
13 its vocational or technical equivalent and if an individualized education program
14 under s. 115.787 is in effect for the juvenile, the date on which the juvenile attains
15 21 years of age.

16 **SECTION 9307. Initial applicability; Circuit Courts.**

17 (1) OUT-OF-HOME CARE FOR CHILDREN WITH INDIVIDUALIZED EDUCATION PROGRAMS.

18 The treatment of section 48.385 of the statutes, the renumbering and amendment
19 of sections 48.355 (4), 48.357 (6), and 48.365 (5) of the statutes, and the creation of
20 sections 48.355 (4) (b) 4., 48.357 (6) (a) 4., and 48.365 (5) (b) 4. of the statutes first
21 apply to an order of the court assigned to exercise jurisdiction under chapter 48 of
22 the statutes entered on the effective date of this subsection.

23 (2) OUT-OF-HOME CARE FOR JUVENILES WITH INDIVIDUALIZED EDUCATION PROGRAMS.

24 The treatment of section 938.355 (4) (a) of the statutes, the renumbering and
25 amendment of sections 938.357 (6) and 938.365 (5) of the statutes, and the creation

1 of sections 938.355 (4) (am) 4., 938.357 (6) (a) 4., and 938.365 (5) (b) 4. of the statutes
2 first apply to an order of the court assigned to exercise jurisdiction under chapter 938
3 of the statutes granted on the effective date of this subsection.

4 (END)