



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 334
[2013 Senate Bill 451]

**Extending Out-of-Home Care for
Young Adults With an
Individualized Education Program**

2013 Wisconsin Act 334 permits a child who is in out-of-home care (e.g., foster care) and who has an individualized education program (IEP) to continue in such care until the child is granted a high school diploma or its equivalent or until he or she reaches 21 years of age, whichever occurs first, if the child is a full-time student at a high school or its vocational or technical equivalent. Under current law, out-of-home care placements generally end when the child reaches 18 years of age.

The Act requires an agency to notify a child with an IEP not less than 120 days before the termination of the order placing the child outside of his or her home to request that the child indicate whether he or she would like to continue in out-of-home care or would like to be discharged from the order. If the child indicates he or she would like to be discharged from the order, the agency must request the juvenile court to hold a transition-to-discharge hearing at which the court must review with the child his or her options.

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 upon termination of the order, the 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 diploma or its equivalent or reaches 21 years of age, whichever occurs first, as long as he or she is a full-time student at a high school or its vocational or technical equivalent. If the juvenile court determines that the child wishes to continue in out-of-home care, the court must schedule a hearing to extend the order.

The Act specifies how an order for out-of-home care may be terminated and permits a child who terminates an order to enter into a new agreement at any time before he or she is granted a high school diploma or its equivalent or reaches 21 years of age, whichever occurs first, as long as he or she is a full-time student at a high school or its vocational or technical equivalent.

Effective date: Act 334 takes effect on August 1, 2014.

Prepared by: Anne Sappenfield, Principal Attorney

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.