



2013 SENATE BILL 451

December 20, 2013 – Introduced by Senators MOULTON, DARLING and L. TAYLOR, cosponsored by Representatives LOUDENBECK, LEMAHIEU, KOLSTE, KRUG, PETRYK and C. TAYLOR. Referred to Committee on Education.

1 **AN ACT to repeal** 48.44 (2), 48.78 (2) (d) 3., 301.26 (4) (cm) 2., 302.11 (10), 302.17
2 (3), 302.255, 304.15, 938.992 (3) and 946.42 (3) (d); **to renumber and amend**
3 48.355 (4), 48.357 (6), 48.365 (5), 48.38 (4) (ar), 48.44 (1), 48.619, 938.357 (6),
4 938.365 (5) and 938.38 (4) (ar); **to amend** 20.410 (3) (cg), 48.235 (1) (e), 48.33
5 (4) (intro.), 48.335 (3g) (intro.), 48.357 (1) (am) 2. (intro.), 48.357 (2), 48.357 (2m)
6 (a), 48.357 (2m) (b), 48.357 (2v) (a) 3., 48.38 (2) (intro.), 48.38 (2) (g), 48.385,
7 48.48 (17) (c) 4., 48.481 (2), 48.57 (3) (a) 4., 48.57 (3m) (a) 1., 48.57 (3n) (a) 1.,
8 48.57 (3n) (am) 6. a., 48.64 (4) (a), 48.64 (4) (c), 48.645 (1) (intro.), 48.645 (1) (a),
9 48.645 (2) (a) 3., 48.645 (2) (b), 48.685 (1) (am), 146.82 (2) (a) 18m., 227.03 (4),
10 252.15 (3m) (d) 15., 301.03 (9), 301.12 (2), 301.26 (4) (a), 301.26 (4) (b), 301.26
11 (4) (c), 301.26 (4) (d) 1m., 302.11 (1), 302.17 (2), 302.31 (7), 767.405 (8) (b) 1.,
12 767.405 (10) (e) 1., 767.41 (2) (b) 2. c., 767.41 (5) (am) 12., 905.045 (1) (a), 938.235
13 (1) (e), 938.33 (4) (intro.), 938.335 (3g) (intro.), 938.355 (4) (a), 938.355 (6) (a) 1.,
14 938.355 (6) (a) 2., 938.355 (6d) (a) 1., 938.355 (6d) (a) 2., 938.355 (6d) (b) 1.,

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1 938.355 (6d) (b) 2., 938.355 (6d) (c) 1., 938.355 (6d) (c) 2., 938.355 (6m) (a)
2 (intro.), 938.357 (1) (am) 2. (intro.), 938.357 (2), 938.357 (2m) (a), 938.357 (2m)
3 (b), 938.357 (2v) (a) 3., 938.357 (4g) (b), 938.38 (2) (intro.), 938.44, 938.53,
4 938.57 (3) (a) 4., 938.595, 938.78 (2) (d) 3., 946.42 (1) (a) 1. f., 946.44 (2) (d),
5 946.45 (2) (d) and 976.08; **to repeal and recreate** 48.366; and **to create** 48.355
6 (4) (b) 4., 48.357 (1) (am) 2r., 48.357 (2m) (bv), 48.357 (6) (a) 4., 48.365 (5) (b) 4.,
7 48.38 (4) (ar) 2., 48.38 (4) (fg) 6., 48.38 (5) (c) 9., 48.619 (2), 48.64 (4) (d), 938.355
8 (4) (am) 4., 938.355 (6) (a) 3., 938.355 (6d) (a) 2g., 938.355 (6d) (a) 2r., 938.355
9 (6d) (b) 2g., 938.355 (6d) (b) 2r., 938.355 (6d) (c) 2g., 938.355 (6d) (c) 2r., 938.357
10 (1) (am) 2r., 938.357 (2m) (bv), 938.357 (6) (a) 4., 938.365 (5) (b) 4., 938.366,
11 938.38 (4) (ar) 2., 938.38 (4) (fg) 6., 938.38 (5) (c) 9. and 938.385 of the statutes;
12 **relating to:** extended out-of-home care to 21 years of age for children with
13 individualized education programs, providing an exemption from emergency
14 rule procedures, providing an exemption from rule-making procedures, and
15 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

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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

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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:

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

2 20.410 (3) (cg) *Serious juvenile offenders.* Biennially, the amounts in the
3 schedule for juvenile correctional institution, corrective sanctions, alternate care,
4 aftercare, and other juvenile program services specified in s. 938.538 (3) provided for
5 the persons specified in s. 301.26 (4) (cm), and for juvenile correctional institution
6 services for persons placed in juvenile correctional institutions under s. 973.013 (3m)
7 and for juvenile correctional services for persons under 18 years of age placed with
8 ~~the department under s. 48.366 (8).~~

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

10 48.235 (1) (e) The court shall appoint a guardian ad litem, or extend the
11 appointment of a guardian ad litem previously appointed under par. (a), for any child
12 alleged or found to be in need of protection or services, if the court has ordered, or if
13 a request or recommendation has been made that the court order, the child to be
14 placed out of his or her home under s. 48.345 or 48.357. This paragraph does not

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1 apply to a child who is subject to a dispositional order that terminates as provided
2 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4.

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

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

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

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

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

20 48.355 (4) (a) Except as provided under s. 48.368, an order under this section
21 or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or
22 continues the placement of the child in his or her home shall terminate ~~at the end~~
23 ~~of one year after its entry~~ the date on which the order is entered unless the judge
24 specifies a shorter period of time or the judge terminates the order sooner.

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1 **(b)** Except as provided under s. 48.368, an order under this section or s. 48.357
2 or 48.365 made before the child reaches 18 years of age that places or continues the
3 placement of the child in a foster home, group home, or residential care center for
4 children and youth ~~or, in the home of a relative other than a parent, or in a supervised~~
5 independent living arrangement shall terminate ~~when~~ on the latest of the following
6 dates, unless the judge specifies a shorter period or the judge terminates the order
7 sooner:

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

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

11 3. The date on which the child is granted a high school or high school
12 equivalency diploma or the date on which the child reaches 19 years of age,
13 whichever occurs first, if the child is a full-time student at a secondary school or its
14 vocational or technical equivalent and is reasonably expected to complete the
15 program before reaching 19 years of age, when the child reaches 19 years of age,
16 whichever is later, unless the judge specifies a shorter period of time or the judge
17 terminates the order sooner.

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

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

24 48.355 (4) (b) 4. The date on which the child is granted a high school or high
25 school equivalency diploma or the date on which the child reaches 21 years of age,

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1 whichever occurs first, if the child is a full-time student at a secondary school or its
2 vocational or technical equivalent and if an individualized education program under
3 s. 115.787 is in effect for the child. The court may not enter an order that terminates
4 as provided in this subdivision unless the child is 17 years of age or older when the
5 order is entered and the child, or the child's guardian on behalf of the child, agrees
6 to the order. At any time after the child reaches 18 years of age, the child, or the
7 child's guardian on behalf of the child, may request the court in writing to terminate
8 the order and, on receipt of such a request, the court, without a hearing, shall
9 terminate the order.

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

11 48.357 (1) (am) 2. (intro.) Any Except as provided in subd. 2r., any person
12 receiving the notice under subd. 1. or notice of a specific placement under s. 48.355
13 (2) (b) 2., other than a court-appointed special advocate, may obtain a hearing on the
14 matter by filing an objection with the court within 10 days after receipt of the notice.
15 Except as provided in subd. subds. 2m. and 2r., placements may not be changed until
16 10 days after that notice is sent to the court unless written waivers of objection are
17 signed as follows:

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

19 48.357 (1) (am) 2r. If the proposed change in placement involves a child who
20 is subject to a dispositional order that terminates as provided in sub. (6) (a) 4. or s.
21 48.355 (4) (b) 4. or 48.365 (5) (b) 4., the person or agency primarily responsible for
22 implementing the dispositional order, the district attorney, or the corporation
23 counsel may request a change in placement under this paragraph only if the child
24 or the child's guardian on behalf of the child consents to the change in placement.
25 That person or agency, the district attorney, or the corporation counsel shall cause

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1 written notice of the proposed change in placement to be sent to the child, the
2 guardian of the child, and any foster parent or other physical custodian described in
3 s. 48.62 (2) of the child. No hearing is required for a change in placement described
4 in this subdivision, and the child's placement may be changed at any time after notice
5 of the proposed change in placement is sent to the court.

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

7 48.357 (2) If emergency conditions necessitate an immediate change in the
8 placement of a child or expectant mother placed outside the home, the person or
9 agency primarily responsible for implementing the dispositional order may remove
10 the child or expectant mother to a new placement, whether or not authorized by the
11 existing dispositional order, without the prior notice provided in sub. (1) (am) 1. or
12 the consent required under sub. (1) (am) 2r. The notice shall, however, be sent within
13 48 hours after the emergency change in placement. Any party receiving notice may
14 demand a hearing under sub. (1) (am) 2. In emergency situations, a child may be
15 placed in a licensed public or private shelter care facility as a transitional placement
16 for not more than 20 days, as well as in any placement authorized under s. 48.345
17 (3).

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

19 48.357 (2m) (a) The Except as provided in par. (bv), the child, the parent,
20 guardian, legal custodian, or Indian custodian of the child, the expectant mother, the
21 unborn child by the unborn child's guardian ad litem, or any person or agency
22 primarily bound by the dispositional order, other than the person or agency
23 responsible for implementing the order, may request a change in placement under
24 this paragraph. The request shall contain the name and address of the new
25 placement requested and shall state what new information is available that affects

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1 the advisability of the current placement. If the proposed change in placement would
2 change the placement of a child placed in the child's home to a placement outside the
3 child's home, the request shall also contain specific information showing that
4 continued placement of the child in the home would be contrary to the welfare of the
5 child and, unless any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies,
6 specific information showing that the agency primarily responsible for
7 implementing the dispositional order has made reasonable efforts to prevent the
8 removal of the child from the home, while assuring that the child's health and safety
9 are the paramount concerns. The request shall be submitted to the court. The court
10 may also propose a change in placement on its own motion.

11 **SECTION 11.** 48.357 (2m) (b) of the statutes is amended to read:

12 48.357 **(2m)** (b) The court shall hold a hearing prior to ordering any change in
13 placement requested or proposed under par. (a) if the request states that new
14 information is available that affects the advisability of the current placement. ~~A~~
15 Except as provided in par. (bv), a hearing is not required if the requested or proposed
16 change in placement does not involve a change in placement of a child placed in the
17 child's home to a placement outside the child's home, written waivers of objection to
18 the proposed change in placement are signed by all persons entitled to receive notice
19 under this paragraph, other than a court-appointed special advocate, and the court
20 approves. If a hearing is scheduled, not less than 3 days before the hearing the court
21 shall notify the child, the parent, guardian, and legal custodian of the child, any
22 foster parent or other physical custodian described in s. 48.62 (2) of the child, the
23 child's court-appointed special advocate, all parties who are bound by the
24 dispositional order, and, if the child is an Indian child, the Indian child's Indian
25 custodian and tribe. If the child is the expectant mother of an unborn child under

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1 s. 48.133, the court shall also notify the unborn child by the unborn child's guardian
2 ad litem. If the change in placement involves an adult expectant mother of an unborn
3 child under s. 48.133, the court shall notify the adult expectant mother, the unborn
4 child by the unborn child's guardian ad litem, and all parties who are bound by the
5 dispositional order, at least 3 days prior to the hearing. A copy of the request or
6 proposal for the change in placement shall be attached to the notice. Subject to par.
7 (br), if all of the parties consent, the court may proceed immediately with the hearing.

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

9 48.357 (2m) (bv) If the proposed change in placement involves a child who is
10 subject to a dispositional order that terminates as provided in sub. (6) (a) 4. or s.
11 48.355 (4) (b) 4. or 48.365 (5) (b) 4., only the child or the child's guardian on behalf
12 of the child or a person or agency primarily bound by the dispositional order may
13 request a change in placement under par. (a). No hearing is required for a change
14 in placement described in this paragraph if written waivers of objection to the
15 proposed change in placement are signed by the child, the guardian of the child, and
16 all parties that are bound by the dispositional order. If a hearing is scheduled, the
17 court may proceed immediately with the hearing on the consent of the person who
18 requested the change in placement, the child, the guardian of the child, and all
19 parties who are bound by the dispositional order.

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

21 48.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
22 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the
23 agency primarily responsible for providing services under the change in placement
24 order is not required to make reasonable efforts with respect to the parent to make
25 it possible for the child to return safely to his or her home. This subdivision does not

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1 apply to a child who is subject to a dispositional order that terminates as provided
2 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4.

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

5 48.357 **(6)** (a) (intro.) No change in placement may extend the expiration date
6 of the original order, except that if the change in placement is from a placement in
7 the child's home to a placement outside the home the court may extend the expiration
8 date of the original order to the latest of the following dates, unless the court specifies
9 a shorter period:

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

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

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

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

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

2 48.357 **(6)** (a) 4. The date on which the child is granted a high school or high
3 school equivalency diploma or the date on which the child reaches 21 years of age,
4 whichever occurs first, 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 court may not enter an order that terminates
7 as provided in this subdivision unless the child is 17 years of age or older when the
8 order is entered and the child, or the child's guardian on behalf of the child, agrees
9 to the order. At any time after the child reaches 18 years of age, the child, or the
10 child's guardian on behalf of the child, may request the court in writing to terminate
11 the order and, on receipt of such a request, the court, without a hearing, shall
12 terminate the order.

13 **SECTION 16.** 48.365 (5) of the statutes is renumbered 48.365 (5) (a) and
14 amended to read:

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

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

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

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

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1 3. The date on which the child is granted a high school or high school
2 equivalency diploma or the date on which the child reaches 19 years of age,
3 whichever occurs first, if the child is a full-time student at a secondary school or its
4 vocational or technical equivalent and is reasonably expected to complete the
5 program before reaching 19 years of age, ~~the date on which the child reaches 19 years~~
6 ~~of age, whichever is later.~~

7 **SECTION 17.** 48.365 (5) (b) 4. of the statutes is created to read:

8 48.365 (5) (b) 4. The date on which the child is granted a high school or high
9 school equivalency diploma or the date on which the child reaches 21 years of age,
10 whichever occurs first, if the child is a full-time student at a secondary school or its
11 vocational or technical equivalent and if an individualized education program under
12 s. 115.787 is in effect for the child. The court may not enter an order that terminates
13 as provided in this subdivision unless the child is 17 years of age or older when the
14 order is entered and the child, or the child's guardian on behalf of the child, agrees
15 to the order. At any time after the child reaches 18 years of age, the child, or the
16 child's guardian on behalf of the child, may request the court in writing to terminate
17 the order and, on receipt of such a request, the court, without a hearing, shall
18 terminate the order.

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

20 **48.366 Extended out-of-home care. (1) APPLICABILITY.** This section applies
21 to a person who is placed in a foster home, group home, or residential care center for
22 children and youth, in the home of a relative other than a parent, or in a supervised
23 independent living arrangement under an order under s. 48.355, 48.357, or 48.365
24 that terminates as provided in s. 48.355 (4) (b) 1., 2., or 3., 48.357 (6) (a) 1., 2., or 3.,
25 or 48.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age or who is

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1 in the guardianship and custody of an agency specified in s. 48.427 (3m) (a) 1. to 4.
2 or (am) under an order under s. 48.43, who is a full-time student of a secondary
3 school or its vocational or technical equivalent, and for whom an individualized
4 education program under s. 115.787 is in effect.

5 (2) TRANSITION-TO-DISCHARGE HEARING. (a) Not less than 120 days before an
6 order described in sub. (1) terminates, the agency primarily responsible for providing
7 services under the order shall request the person who is the subject of the order to
8 indicate whether he or she wishes to be discharged from out-of-home care on
9 termination of the order or wishes to continue in out-of-home care under a voluntary
10 agreement under sub. (3). If the person is subject to an order under s. 48.355, 48.357,
11 or 48.365 described in sub. (1), the agency shall also request the person to indicate
12 whether he or she wishes to continue in out-of-home care until the date specified in
13 s. 48.365 (5) (b) 4. under an extension of the order. If the person indicates that he or
14 she wishes to be discharged from out-of-home care on termination of the order, the
15 agency shall request a transition-to-discharge hearing under par. (b). If the person
16 indicates that he or she wishes to continue in out-of-home care under an extension
17 of an order under s. 48.355, 48.357, or 48.365 described in sub. (1), the agency shall
18 request an extension of the order under s. 48.365. If the person indicates that he or
19 she wishes to continue in out-of-home care under a voluntary agreement under sub.
20 (3), the agency and the person shall enter into such an agreement.

21 (b) 1. If the person who is the subject of an order described in sub. (1) indicates
22 that he or she wishes to be discharged from out-of-home care on termination of the
23 order, the agency primarily responsible for providing services to the person under the
24 order shall request the court to hold a transition-to-discharge hearing and shall
25 cause notice of that request to be provided to that person, the parent, guardian, and

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

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

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

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

SENATE BILL 451**SECTION 18**

1 an extension of an order under s. 48.355, 48.357, or 48.365 described in sub. (1), the
2 court shall schedule an extension hearing under s. 48.365. If the court determines
3 that the person wishes to continue in out-of-home care under a voluntary agreement
4 under sub. (3), the court shall order the agency primarily responsible for providing
5 services to the person under the order to provide transition-to-independent-living
6 services for the person under a voluntary agreement under sub. (3).

7 **(3) VOLUNTARY TRANSITION-TO-INDEPENDENT-LIVING AGREEMENT.** (a) On
8 termination of an order described in sub. (1), the person who is the subject of the
9 order, or the person's guardian on behalf of the person, and the agency primarily
10 responsible for providing services to the person under the order may enter into a
11 transition-to-independent-living agreement under which the person continues in
12 out-of-home care and continues to be a full-time student at a secondary school or
13 its vocational or technical equivalent under an individualized education program
14 under s. 115.787 until the date on which the person reaches 21 years of age, is granted
15 a high school or high school equivalency diploma, or terminates the agreement as
16 provided in par. (b), whichever occurs first, and the agency provides services to the
17 person to assist him or her in transitioning to independent living.

18 (b) The person who is the subject of an agreement under par. (a) or his or her
19 guardian may terminate the agreement at any time during the term of the
20 agreement by notifying the agency primarily responsible for providing services
21 under the agreement in writing that the person wishes to terminate the agreement.

22 (c) A person who terminates a voluntary agreement under this subsection, or
23 the person's guardian on the person's behalf, may request the agency primarily
24 responsible for providing services to the person under the agreement to enter into a
25 new voluntary agreement under this subsection at any time before the person is

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1 granted a high school or high school equivalency diploma or reaches 21 years of age,
2 whichever occurs first, so long as the person is a full-time student at a secondary
3 school or its vocational or technical equivalent and an individualized education
4 program under s. 115.787 is in effect for him or her. If the request meets the
5 conditions set forth in the rules promulgated under sub. (4) (b), the agency shall enter
6 into a new voluntary agreement with that person.

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

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

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

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

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

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

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

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

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

10 48.38 (4) (ar) (intro.) A description of the services offered and any services
11 provided in an effort to prevent the removal of the child from his or her home, while
12 assuring that the health and safety of the child are the paramount concerns, and to
13 achieve the goal of the permanency plan, except that the permanency plan is not
14 required to include a description of the services offered or provided with respect to
15 a parent of the child to prevent the removal of the child from the home or to achieve
16 the permanency goal of returning the child safely to his or her home if any of the
17 following applies:

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

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

21 48.38 (4) (ar) 2. The child has attained 18 years of age.

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

23 48.38 (4) (fg) 6. If the child has attained 18 years of age, transition to
24 independent living.

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

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1 48.38 (5) (c) 9. If the child is the subject of an order that terminates as provided
2 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4. or 48.365 (5) (b) 4., the appropriateness of the
3 transition-to-independent-living plan developed under s. 48.385; the extent of
4 compliance with that plan by the child, the child's guardian, if any, the agency
5 primarily responsible for providing services under that plan, and any other service
6 providers; and the progress of the child toward making the transition to independent
7 living.

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

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

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

SENATE BILL 451**SECTION 26**

1 **48.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
2 over persons 17 years of age or older as provided under ss. 48.133, 48.355 (4), 48.357
3 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in this chapter.

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

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

6 48.48 **(17)** (c) 4. Is living in a foster home, group home, or residential care center
7 for children and youth or in a supervised independent living arrangement.

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

10 48.481 **(2)** TRANSITION TO INDEPENDENT LIVING. The department shall distribute
11 at least \$231,700 in each fiscal year ~~to counties~~ for the purpose of assisting
12 individuals who attain the age of 18 while residing in a foster home, group home, or
13 residential care center for children and youth ~~or~~, in the home of a relative other than
14 a parent, or in a supervised independent living arrangement to make the transition
15 from out-of-home care to independent living. No county may use funds provided
16 under this subsection to replace funds previously used by the county for this purpose.

17 **SECTION 30.** 48.57 (3) (a) 4. of the statutes is amended to read:

18 48.57 **(3)** (a) 4. Is living in a foster home, group home, residential care center
19 for children and youth, or subsidized guardianship home or in a supervised
20 independent living arrangement.

21 **SECTION 31.** 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

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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 32.** 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 33.** 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 is granted a high school or high school equivalency diploma
25 or the date on which the child attains the age of 21 years, whichever occurs first.

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1 **SECTION 34.** 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 resides in the foster
7 home or group home, if any of the following applies:

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

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

14 48.619 (2) The person is under 21 years of age, is a full-time student at a
15 secondary school or its vocational or technical equivalent, and an individualized
16 education program under s. 115.787 is in effect for the person.

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

18 48.64 (4) (a) Any Except as provided in par. (d), any decision or order issued by
19 an agency that affects the head of a foster home or group home, the head of the home
20 of a relative other than a parent in which a child is placed, or the child involved may
21 be appealed to the department under fair hearing procedures established under
22 rules promulgated by the department. Upon receipt of an appeal, the department
23 shall give the head of the home reasonable notice and an opportunity for a fair
24 hearing. The department may make any additional investigation that the
25 department considers necessary. The department shall give notice of the hearing to

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1 the head of the home and to the departmental subunit, county department, or child
2 welfare agency that issued the decision or order. Each person receiving notice is
3 entitled to be represented at the hearing. At all hearings conducted under this
4 paragraph, the head of the home, or a representative of the head of the home, shall
5 have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all
6 documents and records to be used at the hearing at a reasonable time before the date
7 of the hearing as well as during the hearing, to bring witnesses, to establish all
8 pertinent facts and circumstances, and to question or refute any testimony or
9 evidence, including an opportunity to confront and cross-examine adverse
10 witnesses. The department shall grant a continuance for a reasonable period of time
11 when an issue is raised for the first time during a hearing. This requirement may
12 be waived with the consent of the parties. The decision of the department shall be
13 based exclusively on evidence introduced at the hearing. A transcript of testimony
14 and exhibits, or an official report containing the substance of what transpired at the
15 hearing, together with all papers and requests filed in the proceeding, and the
16 findings of the hearing examiner shall constitute the exclusive record for decision by
17 the department. The department shall make the record available at any reasonable
18 time and at an accessible place to the head of the home or his or her representative.
19 Decisions by the department shall specify the reasons for the decision and identify
20 the supporting evidence. No person participating in an agency action being appealed
21 may participate in the final administrative decision on that action. The department
22 shall render its decision as soon as possible after the hearing and shall send a
23 certified copy of its decision to the head of the home and to the departmental subunit,
24 county department, or child welfare agency that issued the decision or order. The
25 decision shall be binding on all parties concerned.

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

2 48.64 (4) (c) The Except as provided in par. (d), the circuit court for the county
3 where the dispositional order placing a child in a foster home or group home or in the
4 home of a relative other than a parent was entered or the voluntary agreement under
5 s. 48.63 placing a child in a foster home or group home was made has jurisdiction
6 upon petition of any interested party over the child who is placed in the foster home,
7 group home, or home of the relative. The circuit court may call a hearing, at which
8 the head of the home and the supervising agency under sub. (2) shall be present, for
9 the purpose of reviewing any decision or order of that agency involving the placement
10 and care of the child. If the child has been placed in a foster home or in the home of
11 a relative other than a parent, the foster parent or relative may present relevant
12 evidence at the hearing. The petitioner has the burden of proving by clear and
13 convincing evidence that the decision or order issued by the agency is not in the best
14 interests of the child.

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

16 48.64 (4) (d) No decision or order to change the placement of a child who is in
17 out-of-home care under a voluntary transition-to-independent-living agreement
18 under s. 48.366 (3) or 938.366 (3) may be appealed to the department under par. (a)
19 or reviewed by the circuit court under par. (c).

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

21 48.645 (1) **DEFINITION.** (intro.) In this section, "dependent child" means a child
22 under the age of 18 or, if the child is a full-time student at a secondary school or its
23 vocational or technical equivalent and is reasonably expected to complete the
24 program before reaching 19 years of age, is under the age of 19, or, if the child is a
25 full-time student at a secondary school or its vocational or technical equivalent for

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1 whom an individualized educational program under s. 115.787 is in effect, is under
2 21 years of age, who meets all of the following conditions:

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

4 48.645 (1) (a) The child is living in a foster home licensed under s. 48.62 if a
5 license is required under that section, in a foster home located within the boundaries
6 of a reservation in this state and licensed by the tribal governing body of the
7 reservation, in a group home licensed under s. 48.625, in a subsidized guardianship
8 home under s. 48.623, ~~or~~ in a residential care center for children and youth licensed
9 under s. 48.60, or in a supervised independent living arrangement and has been
10 placed in the foster home, group home, subsidized guardianship ~~that~~ home, ~~or~~ center,
11 or arrangement by a county department under s. 46.215, 46.22, or 46.23, by the
12 department, or by a governing body of an Indian tribe in this state under an
13 agreement with a county department under s. 46.215, 46.22, or 46.23.

14 **SECTION 41.** 48.645 (2) (a) 3. of the statutes, as affected by 2013 Wisconsin Act
15 20, is amended to read:

16 48.645 (2) (a) 3. A county or, in a county having a population of 750,000 or more,
17 the department, when the child is placed in a licensed foster home, group home, or
18 residential care center for children and youth ~~or~~, in a subsidized guardianship home,
19 or in a supervised independent living arrangement by a licensed child welfare agency
20 or by a governing body of an Indian tribe in this state or by its designee, if the child
21 is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or
22 the department under s. 48.48 (17) or if the child was removed from the home of a
23 relative as a result of a judicial determination that continuance in the home of the
24 relative would be contrary to the child's welfare for any reason and the placement is
25 made under an agreement with the county department or the department.

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

2 48.645 (2) (b) Notwithstanding par. (a), aid under this section may not be
3 granted for placement of a child in a foster home licensed by a governing body of an
4 Indian tribe, for placement of a child in a foster home, group home, subsidized
5 guardianship home, ~~or residential care center for children and youth,~~ or supervised
6 independent living arrangement by a governing body of an Indian tribe or its
7 designee, or for the placement of a child who is a ward of a tribal court if the governing
8 body of the Indian tribe of the tribal court is receiving or is eligible to receive funds
9 from the federal government for that type of placement.

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

11 48.685 (1) (am) “Client” means a ~~child~~ person who receives direct care or
12 treatment services from an entity or from a caregiver specified in par. (ag) 1. am.

13 **SECTION 44.** 48.78 (2) (d) 3. of the statutes is repealed.

14 **SECTION 45.** 146.82 (2) (a) 18m. of the statutes, as affected by 2013 Wisconsin
15 Act 20, is amended to read:

16 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
17 or juvenile who has been placed in a foster home, group home, residential care center
18 for children and youth, or juvenile correctional facility or in a supervised
19 independent living arrangement, including a placement under s. 48.205, 48.21,
20 938.205, or 938.21, or for whom placement in a foster home, group home, residential
21 care center for children and youth, or juvenile correctional facility or in a supervised
22 independent living arrangement is recommended under s. 48.33 (4), 48.425 (1) (g),
23 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court
24 report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33
25 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425

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1 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing
2 a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5)
3 (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, to the foster
4 parent of the child or juvenile or the operator of the group home, residential care
5 center for children and youth, or juvenile correctional facility in which the child or
6 juvenile is placed, or to an agency that placed the child or juvenile or arranged for
7 the placement of the child or juvenile in any of those placements and, by any of those
8 agencies, to any other of those agencies and, by the agency that placed the child or
9 juvenile or arranged for the placement of the child or juvenile in any of those
10 placements, to the foster parent of the child or juvenile or the operator of the group
11 home, residential care center for children and youth, or juvenile correctional facility
12 in which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

13 **SECTION 46.** 227.03 (4) of the statutes is amended to read:

14 227.03 (4) The provisions of this chapter relating to contested cases do not
15 apply to proceedings involving the revocation of aftercare supervision under s.
16 ~~48.366 (5) or~~ 938.357 (5), the revocation of parole, extended supervision, or probation,
17 the grant of probation, prison discipline, mandatory release under s. 302.11, or any
18 other proceeding involving the care and treatment of a resident or an inmate of a
19 correctional institution.

20 **SECTION 47.** 252.15 (3m) (d) 15. of the statutes is amended to read:

21 252.15 (3m) (d) 15. If the subject of the HIV test is a child who has been placed
22 in a foster home, group home, residential care center for children and youth, or
23 juvenile correctional facility, as defined in s. 938.02 (10p), or in a supervised
24 independent living arrangement, including a placement under s. 48.205, 48.21,
25 938.205, or 938.21, or for whom placement in a foster home, group home, residential

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1 care center for children and youth, or juvenile correctional facility or in a supervised
2 independent living arrangement is recommended under s. 48.33 (4), 48.425 (1) (g),
3 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court
4 report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33
5 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425
6 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing
7 a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5)
8 (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child, or to an agency that
9 placed the child or arranged for the placement of the child in any of those placements
10 and, by any of those agencies, to any other of those agencies and, by the agency that
11 placed the child or arranged for the placement of the child in any of those placements,
12 to the child's foster parent or the operator of the group home, residential care center
13 for children and youth, or juvenile correctional facility in which the child is placed,
14 as provided in s. 48.371 or 938.371.

15 **SECTION 48.** 301.03 (9) of the statutes is amended to read:

16 301.03 (9) Supervise all persons placed under s. ~~48.366 (8)~~ or 938.183 in a state
17 prison.

18 **SECTION 49.** 301.12 (2) of the statutes is amended to read:

19 301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
20 including ~~but not limited to~~ a person placed under s. ~~48.366~~, 938.183, 938.34 (4h) or
21 (4m), or 938.357 (4) or (5) (e), receiving care, maintenance, services, and supplies
22 provided by any institution in this state operated or contracted for by the
23 department, in which the state is chargeable with all or part of the person's care,
24 maintenance, services, and supplies, and the person's property and estate, including
25 the homestead, and the spouse of the person, and the spouse's property and estate,

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1 including the homestead, and, in the case of a minor child, the parents of the person,
2 and their property and estates, including their homestead, and, in the case of a
3 foreign child described in s. 48.839 (1) who became dependent on public funds for his
4 or her primary support before an order granting his or her adoption, the resident of
5 this state appointed guardian of the child by a foreign court who brought the child
6 into this state for the purpose of adoption, and his or her property and estate,
7 including his or her homestead, shall be liable for the cost of the care, maintenance,
8 services, and supplies in accordance with the fee schedule established by the
9 department under s. 301.03 (18). If a spouse, widow, or minor, or an incapacitated
10 person, may be lawfully dependent upon the property for ~~their~~ his or her support, the
11 court shall release all or such part of the property and estate from the charges that
12 may be necessary to provide for ~~those persons~~ that person. The department shall
13 make every reasonable effort to notify the liable persons as soon as possible after the
14 beginning of the maintenance, but the notice or the receipt of the notice is not a
15 condition of liability.

16 **SECTION 50.** 301.26 (4) (a) of the statutes is amended to read:

17 301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of
18 corrections shall bill counties or deduct from the allocations under s. 20.410 (3) (cd)
19 for the costs of care, services, and supplies purchased or provided by the department
20 of corrections for each person receiving services under s. ~~48.366~~, 938.183 or 938.34
21 or the department of health services for each person receiving services under s.
22 46.057 or 51.35 (3). The department of corrections may not bill a county for or deduct
23 from a county's allocation the cost of care, services, and supplies provided to a person
24 subject to an order under s. ~~48.366~~ or 938.183 after the person reaches 18 years of
25 age. Payment shall be due within 60 days after the billing date. If any payment has

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1 not been received within those 60 days, the department of corrections may withhold
2 aid payments in the amount due from the appropriation under s. 20.410 (3) (cd).

3 **SECTION 51.** 301.26 (4) (b) of the statutes is amended to read:

4 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
5 the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4.
6 Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
7 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
8 jurisdiction under ~~chs. 48 and ch.~~ 938 for each person receiving services from the
9 department of corrections under s. ~~48.366~~, 938.183, or 938.34 or the department of
10 health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and
11 (cm), in multicounty court jurisdictions, the county of residency within the
12 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
13 par. (a) shall also be made according to the general placement type or level of care
14 provided, as defined by the department, and prorated according to the ratio of the
15 amount designated under sub. (3) (c) to the total applicable estimated costs of care,
16 services, and supplies provided by the department of corrections under ~~ss. 48.366~~,
17 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35
18 (3).

19 **SECTION 52.** 301.26 (4) (c) of the statutes is amended to read:

20 301.26 (4) (c) Notwithstanding pars. (a), (b), and (bm), the department of
21 corrections shall pay, from the appropriation under s. 20.410 (3) (hm), (ho). or (hr),
22 the costs of care, services, and supplies provided for each person receiving services
23 under s. 46.057, ~~48.366~~, 51.35 (3), 938.183, or 938.34 who was under the
24 guardianship of the department of children and families pursuant to an order under
25 ch. 48 at the time that the person was adjudicated delinquent.

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1 **SECTION 53.** 301.26 (4) (cm) 2. of the statutes is repealed.

2 **SECTION 54.** 301.26 (4) (d) 1m. of the statutes is amended to read:

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

7 **SECTION 55.** 302.11 (1) of the statutes is amended to read:

8 302.11 (1) The warden or superintendent shall keep a record of the conduct of
9 each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),
10 (1m), (1q), (1z), and (7) ~~and (10)~~, each inmate is entitled to mandatory release on
11 parole by the department. The mandatory release date is established at two-thirds
12 of the sentence. Any calculations under this subsection or sub. (1q) (b) or (2) (b)
13 resulting in fractions of a day shall be rounded in the inmate's favor to a whole day.

14 **SECTION 56.** 302.11 (10) of the statutes is repealed.

15 **SECTION 57.** 302.17 (2) of the statutes is amended to read:

16 302.17 (2) The department shall make entries on the register to reflect the
17 progress made by each inmate while incarcerated and the inmate's release on parole
18 or extended supervision, condition at the time of release on parole or extended
19 supervision and progress made while on parole or extended supervision. ~~This~~
20 ~~subsection does not apply to inmates subject to an order under s. 48.366.~~

21 **SECTION 58.** 302.17 (3) of the statutes is repealed.

22 **SECTION 59.** 302.255 of the statutes is repealed.

23 **SECTION 60.** 302.31 (7) of the statutes is amended to read:

24 302.31 (7) The temporary placement of persons in the custody of the
25 department, other than persons under 17 years of age, and persons who have

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1 attained the age of 17 years but have not attained the age of 25 years who are under
2 the supervision of the department under s. ~~48.366~~ or 938.355 (4) and who have been
3 taken into custody pending revocation of aftercare supervision under s. ~~48.366 (5)~~ or
4 938.357 (5) (e).

5 **SECTION 61.** 304.15 of the statutes is repealed.

6 **SECTION 62.** 767.405 (8) (b) 1. of the statutes is amended to read:

7 767.405 (8) (b) 1. That a party engaged in abuse, as defined in s. 813.122 (1)
8 (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b).

9 **SECTION 63.** 767.405 (10) (e) 1. of the statutes is amended to read:

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

12 **SECTION 64.** 767.41 (2) (b) 2. c. of the statutes is amended to read:

13 767.41 (2) (b) 2. c. The parties will not be able to cooperate in the future decision
14 making required under an award of joint legal custody. In making this finding the
15 court shall consider, along with any other pertinent items, any reasons offered by a
16 party objecting to joint legal custody. Evidence that either party engaged in abuse,
17 as defined in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b),
18 or evidence of interspousal battery, as described under s. 940.19 or 940.20 (1m), or
19 domestic abuse, as defined in s. 813.12 (1) (am), creates a rebuttable presumption
20 that the parties will not be able to cooperate in the future decision making required.

21 **SECTION 65.** 767.41 (5) (am) 12. of the statutes is amended to read:

22 767.41 (5) (am) 12. Whether there is evidence that a party engaged in abuse,
23 as defined in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b).

24 **SECTION 66.** 905.045 (1) (a) of the statutes is amended to read:

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

5 **SECTION 67.** 938.235 (1) (e) of the statutes is amended to read:

6 938.235 (1) (e) The court shall appoint a guardian ad litem, or extend the
7 appointment of a guardian ad litem previously appointed under par. (a), for any
8 juvenile alleged or found to be in need of protection or services, if the court has
9 ordered, or if a request or recommendation has been made that the court order, the
10 juvenile to be placed out of his or her home under s. 938.345 or 938.357. This
11 paragraph does not apply to a juvenile who is subject to a dispositional order that
12 terminates as provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b)
13 4.

14 **SECTION 68.** 938.33 (4) (intro.) of the statutes is amended to read:

15 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
16 placement in a foster home, group home, or nonsecured residential care center for
17 children and youth, in the home of a relative other than a parent, ~~or~~ in the home of
18 a guardian under s. 48.977 (2), or in a supervised independent living arrangement
19 shall be in writing, except that the report may be presented orally at the dispositional
20 hearing if all parties consent. A report that is presented orally shall be transcribed
21 and made a part of the court record. The report shall include all of the following:

22 **SECTION 69.** 938.335 (3g) (intro.) of the statutes is amended to read:

23 938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this
24 section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of
25 the juvenile in a foster home, group home, or residential care center for children and

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1 youth, ~~or~~ in the home of a relative other than a parent, in the home of a guardian
2 under s. 48.977 (2), or in a supervised independent living arrangement, the agency
3 shall present as evidence specific information showing all of the following:

4 **SECTION 70.** 938.355 (4) (a) of the statutes is amended to read:

5 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under
6 this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age
7 that places or continues the placement of the juvenile in his or her home shall
8 terminate ~~at the end of~~ one year after the date on which the order is granted unless
9 the court specifies a shorter period of time or the court terminates the order sooner.

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

- 17 1. The date on which the juvenile attains 18 years of age, ~~at the end of.~~
- 18 2. The date that is one year after the date on which the order is granted, ~~or, if.~~
- 19 3. The date on which the juvenile is granted a high school or high school
20 equivalency diploma or the date on which the juvenile attains 19 years of age,
21 whichever occurs first, if the juvenile is a full-time student at a secondary school or
22 its vocational or technical equivalent and is reasonably expected to complete the
23 program before attaining 19 years of age, ~~when the juvenile attains 19 years of age,~~
24 ~~whichever is later, unless the court specifies a shorter period of time or the court~~
25 ~~terminates the order sooner.~~

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1 **SECTION 71.** 938.355 (4) (am) 4. of the statutes is created to read:

2 938.355 (4) (am) 4. The date on which the juvenile is granted a high school or
3 high school equivalency diploma or the date on which the juvenile attains 21 years
4 of age, whichever occurs first, if the juvenile is a full-time student at a secondary
5 school or its vocational or technical equivalent and if an individualized education
6 program under s. 115.787 is in effect for the juvenile. The court may not grant an
7 order that terminates as provided in this subdivision unless the juvenile is 17 years
8 of age or older when the order is granted and the juvenile, or the juvenile's guardian
9 on behalf of the juvenile, agrees to the order. At any time after the juvenile attains
10 18 years of age, the juvenile, or the juvenile's guardian on behalf of the juvenile, may
11 request the court in writing to terminate the order and, on receipt of such a request,
12 the court, without a hearing, shall terminate the order.

13 **SECTION 72.** 938.355 (6) (a) 1. of the statutes is amended to read:

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

24 **SECTION 73.** 938.355 (6) (a) 2. of the statutes is amended to read:

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1 938.355 (6) (a) 2. ~~If~~ Except as provided in subd. 3., if a juvenile who has been
2 found to be in need of protection or services under s. 938.13 (4), (6m), (7), (12), or (14)
3 violates a condition specified in sub. (2) (b) 7., the court may impose on the juvenile
4 any of the sanctions under par. (d), other than placement in a juvenile detention
5 facility or juvenile portion of a county jail.

6 2m. A sanction may be imposed under ~~this subdivision~~ subd. 1. or 2. only if, at
7 the dispositional hearing under s. 938.335, the court explained the conditions
8 specified in sub. (2) (b) 7. to the juvenile and informed the juvenile of those possible
9 sanctions or if before the violation the juvenile has acknowledged in writing that he
10 or she has read, or has had read to him or her, those conditions and possible sanctions
11 and that he or she understands those conditions and possible sanctions.

12 **SECTION 74.** 938.355 (6) (a) 3. of the statutes is created to read:

13 938.355 (6) (a) 3. The court may not impose a sanction under subd. 1. or 2. on
14 a juvenile who is subject to an order under this section or s. 938.357 or 938.365 that
15 terminates as provided in sub. (4) (am) 4. or s. 938.357 (6) (a) 4. or 938.365 (5) (b) 4.

16 **SECTION 75.** 938.355 (6d) (a) 1. of the statutes is amended to read:

17 938.355 (6d) (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any~~
18 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
19 ~~policies adopted by the county board relating to the taking into custody and~~
20 ~~placement of a juvenile under this subdivision~~ subds. 2g., 2m., and 2r., if a juvenile
21 who has been adjudged delinquent violates a condition specified in sub. (2) (b) 7., the
22 juvenile's caseworker or any other person authorized to provide or providing intake
23 or dispositional services for the court under s. 938.067 or 938.069 may, without a
24 hearing, take the juvenile into custody and place the juvenile in a juvenile detention
25 facility or juvenile portion of a county jail that meets the standards promulgated by

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1 the department by rule or in a place of nonsecure custody designated by that person
2 for not more than 72 hours while the alleged violation and the appropriateness of a
3 sanction under sub. (6) are being investigated.

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

11 **SECTION 76.** 938.355 (6d) (a) 2. of the statutes is amended to read:

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

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

11 **SECTION 77.** 938.355 (6d) (a) 2g. of the statutes is created to read:

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

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

17 938.355 **(6d)** (a) 2r. A juvenile who is subject to an order under this section or
18 s. 938.357 or 938.365 that terminates as provided in sub. (am) 4. or s. 938.357 (6) (a)
19 4. or 938.365 (5) (b) 4. may not be taken into custody under subd 1. or 2.

20 **SECTION 79.** 938.355 (6d) (b) 1. of the statutes is amended to read:

21 938.355 **(6d)** (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
22 ~~general written policies adopted by the court under s. 938.06 (1) or (2), to any policies~~
23 ~~adopted by the county department relating to aftercare supervision administered by~~
24 ~~the county department, and to any policies adopted by the county board relating to~~
25 ~~the taking into custody and placement of a juvenile under this subdivision subds. 2g.,~~

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1 2m., and 2r., if a juvenile who is on aftercare supervision administered by the a
2 county department violates a condition of that supervision, the juvenile's caseworker
3 or any other person authorized to provide or providing intake or dispositional
4 services for the court under s. 938.067 or 938.069 may, without a hearing, take the
5 juvenile into custody and place the juvenile in a juvenile detention facility or juvenile
6 portion of a county jail that meets the standards promulgated by the department by
7 rule or in a place of nonsecure custody designated by that person for not more than
8 72 hours while the alleged violation and the appropriateness of revoking the
9 juvenile's aftercare status are being investigated.

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

17 **SECTION 80.** 938.355 (6d) (b) 2. of the statutes is amended to read:

18 938.355 **(6d)** (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
19 ~~general written policies adopted by the court under s. 938.06 (1) or (2), to any policies~~
20 ~~adopted by the county department relating to aftercare supervision administered by~~
21 ~~the county department, and to any policies adopted by the county board relating to~~
22 ~~the taking into custody and placement of a juvenile under this subdivision~~ subds. 2g.,
23 2m., and 2r., if a juvenile who is on aftercare supervision administered by the county
24 department violates a condition of that supervision, the juvenile's caseworker or any
25 other person authorized to provide or providing intake or dispositional services for

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1 the court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into
2 custody and place the juvenile in a juvenile detention facility or juvenile portion of
3 a county jail that meets the standards promulgated by the department by rule or in
4 a place of nonsecure custody designated by that person for not more than 72 hours
5 as a consequence of that violation. ~~Short-term detention under this subdivision may~~
6 ~~be imposed only if at the dispositional hearing the court explained those conditions~~
7 ~~to the juvenile and informed the juvenile of that possible placement or if before the~~
8 ~~violation the juvenile has acknowledged in writing that he or she has read, or has had~~
9 ~~read to him or her, those conditions and that possible placement and that he or she~~
10 ~~understands those conditions and that possible placement.~~ A person who takes a
11 juvenile into custody under this subdivision shall permit the juvenile to make a
12 written or oral statement concerning the possible placement of the juvenile and the
13 course of conduct for which the juvenile was taken into custody. A person designated
14 by the court or the county department who is employed in a supervisory position by
15 a person authorized to provide or providing intake or dispositional services under s.
16 938.067 or 938.069 shall review that statement and either approve the placement of
17 the juvenile, modify the terms of the placement, or order the juvenile to be released
18 from custody.

19 **SECTION 81.** 938.355 (6d) (b) 2g. of the statutes is created to read:

20 938.355 (6d) (b) 2g. The taking into custody and placement of a juvenile under
21 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
22 938.06 (1) and (2), to any policies adopted by the county department relating to
23 aftercare supervision administered by the county department, and to any policies
24 adopted by the county board relating to such taking into custody and placement.

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

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

4 **SECTION 83.** 938.355 (6d) (c) 1. of the statutes is amended to read:

5 938.355 (6d) (c) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
6 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
7 ~~policies adopted by the county board relating to the taking into custody and~~
8 ~~placement of a juvenile under this subdivision subds. 2g., 2m., and 2r., if a juvenile~~
9 who has been found to be in need of protection or services under s. 938.13 violates
10 a condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person
11 authorized to provide or providing intake or dispositional services for the court under
12 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
13 the juvenile in a place of nonsecure custody designated by that person for not more
14 than 72 hours while the alleged violation and the appropriateness of a sanction
15 under sub. (6) or (6m) are being investigated.

16 2m. Short-term detention may be imposed under ~~this subdivision~~ subd. 1. or
17 2. only if at the dispositional hearing the court explained ~~those~~ the conditions
18 specified in sub. (2) (b) 7. to the juvenile and informed the juvenile of that possible
19 placement or if before the violation the juvenile has acknowledged in writing that he
20 or she has read, or has had read to him or her, those conditions and that possible
21 placement and that he or she understands those conditions and that possible
22 placement.

23 **SECTION 84.** 938.355 (6d) (c) 2. of the statutes is amended to read:

24 938.355 (6d) (c) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
25 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~

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1 ~~policies adopted by the county board relating to the taking into custody and~~
2 ~~placement of a juvenile under this subdivision subds. 2g., 2m., and 2r., if a juvenile~~
3 ~~who has been found to be in need of protection or services under s. 938.13 violates~~
4 ~~a condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person~~
5 ~~authorized to provide or providing intake or dispositional services for the court under~~
6 ~~s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place~~
7 ~~the juvenile in a place of nonsecure custody designated by that person for not more~~
8 ~~than 72 hours as a consequence of that violation. ~~Short-term detention may be~~~~
9 ~~imposed under this subdivision only if at the dispositional hearing the court~~
10 ~~explained those conditions to the juvenile and informed the juvenile of that possible~~
11 ~~placement or if before the violation the juvenile has acknowledged in writing that he~~
12 ~~or she has read, or has had read to him or her, those conditions and that possible~~
13 ~~placement and that he or she understands those conditions and that possible~~
14 ~~placement. A person who takes a juvenile into custody under this subdivision shall~~
15 ~~permit the juvenile to make a written or oral statement concerning the possible~~
16 ~~placement of the juvenile and the course of conduct for which the juvenile was taken~~
17 ~~into custody. A person designated by the court or the county department who is~~
18 ~~employed in a supervisory position by a person authorized to provide or providing~~
19 ~~intake or dispositional services under s. 938.067 or 938.069 shall review that~~
20 ~~statement and either approve the placement, modify the terms of the placement, or~~
21 ~~order the juvenile to be released from custody.~~

22 **SECTION 85.** 938.355 (6d) (c) 2g. of the statutes is created to read:

23 938.355 **(6d)** (c) 2g. The taking into custody and placement of a juvenile under
24 subd. 1. or 2. is subject to any general written policies adopted by the court under s.

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1 938.06 (1) and (2) and to any policies adopted by the county board relating to such
2 taking into custody and placement.

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

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

7 **SECTION 87.** 938.355 (6m) (a) (intro.) of the statutes is amended to read:

8 938.355 (6m) (a) *Violation of habitual truancy order.* (intro.) If the court finds
9 by a preponderance of the evidence that a juvenile who has been found to have
10 violated a municipal ordinance enacted under s. 118.163 (2) or who has been found
11 to be in need of protection or services under s. 938.13 (6) has violated a condition
12 specified under sub. (2) (b) 7., the court may order as a sanction any combination of
13 the sanctions under subds. 1g. to 4. and the dispositions under s. 938.342 (1g) (d) to
14 (j) and (1m), regardless of whether the disposition was imposed in the order violated
15 by the juvenile. A sanction may be imposed under this paragraph only if at the
16 dispositional hearing under s. 938.335 the court explained those conditions to the
17 juvenile and informed the juvenile of the possible sanctions under this paragraph for
18 a violation or if before the violation the juvenile has acknowledged in writing that
19 he or she has read, or has had read to him or her, those conditions and possible
20 sanctions and that he or she understands those conditions and possible sanctions.
21 The court may not impose a sanction under this paragraph on a juvenile who is
22 subject to an order under this section or s. 938.357 or 938.365 that terminates as
23 provided in sub. (4) (am) 4. or s. 938.357 (6) (a) 4. or 938.365 (5) (b) 4. The court may
24 order as a sanction under this paragraph any of the following:

25 **SECTION 88.** 938.357 (1) (am) 2. (intro.) of the statutes is amended to read:

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1 938.357 (1) (am) 2. (intro.) ~~Any~~ Except as provided in subd. 2r., any person
2 receiving the notice under subd. 1. or notice of a specific placement under s. 938.355
3 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court
4 within 10 days after receipt of the notice. ~~Placements~~ Except as provided in subds.
5 2m. and 2r., placements may not be changed until 10 days after that notice is sent
6 to the court unless the parent, guardian, legal custodian, or Indian custodian, the
7 juvenile, if 12 or more years of age, and the juvenile's tribe, if the juvenile is an Indian
8 juvenile who has been removed from the home of his or her parent or Indian
9 custodian under s. 938.13 (4), (6), (6m), or (7), sign written waivers of objection,
10 ~~except that changes.~~

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

16 **SECTION 89.** 938.357 (1) (am) 2r. of the statutes is created to read:

17 938.357 (1) (am) 2r. If the proposed change in placement involves a juvenile
18 who is subject to a dispositional order that terminates as provided in sub. (6) (a) 4.
19 or s. 938.355 (4) (am) 4. or 938.365 (5) (b) 4., the person or agency primarily
20 responsible for implementing the dispositional order or the district attorney may
21 request a change in placement under this paragraph only if the juvenile or the
22 juvenile's guardian on behalf of the juvenile consents to the change in placement.
23 That person or agency or the district attorney shall cause written notice of the
24 proposed change in placement to be sent to the juvenile, the guardian of the juvenile,
25 and any foster parent or other physical custodian described in s. 48.62 (2) of the

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1 juvenile. No hearing is required for a change in placement described in this
2 subdivision, and the juvenile's placement may be changed at any time after notice
3 of the proposed change in placement is sent to the court.

4 **SECTION 90.** 938.357 (2) of the statutes is amended to read:

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

15 **SECTION 91.** 938.357 (2m) (a) of the statutes is amended to read:

16 938.357 (2m) (a) *Request; information required.* ~~The~~ Except as provided in par.
17 (bv), the juvenile, the parent, guardian, or legal custodian of the juvenile, any person
18 or agency primarily bound by the dispositional order, other than the person or agency
19 responsible for implementing the order, or, if the juvenile is an Indian juvenile who
20 is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian
21 juvenile's Indian custodian may request a change in placement under this
22 paragraph. The request shall contain the name and address of the new placement
23 requested and shall state what new information is available that affects the
24 advisability of the current placement. If the proposed change in placement would
25 change the placement of a juvenile placed in the juvenile's home to a placement

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1 outside the home, the request shall also contain specific information showing that
2 continued placement of the juvenile in the juvenile's home would be contrary to the
3 welfare of the juvenile and, unless any of the circumstances under s. 938.355 (2d) (b)
4 1. to 4. applies, specific information showing that the agency primarily responsible
5 for implementing the dispositional order has made reasonable efforts to prevent the
6 removal of the juvenile from the home, while assuring that the juvenile's health and
7 safety are the paramount concerns. The request shall be submitted to the court. The
8 court may also propose a change in placement on its own motion.

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

10 938.357 **(2m)** (b) *Hearing; when required.* The court shall hold a hearing prior
11 to ordering any change in placement requested or proposed under par. (a) if the
12 request states that new information is available that affects the advisability of the
13 current placement. ~~A~~ Except as provided in par. (bv), a hearing is not required if
14 the requested or proposed change in placement does not involve a change in
15 placement of a juvenile placed in the juvenile's home to a placement outside the
16 juvenile's home, written waivers of objection to the proposed change in placement are
17 signed by all parties entitled to receive notice under this paragraph, and the court
18 approves. If a hearing is scheduled, not less than 3 days before the hearing the court
19 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,
20 any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile,
21 all parties who are bound by the dispositional order, and, if the juvenile is an Indian
22 juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7),
23 the Indian juvenile's Indian custodian and tribe. A copy of the request or proposal
24 for the change in placement shall be attached to the notice. Subject to par. (br), if all
25 of the parties consent, the court may proceed immediately with the hearing.

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1 **SECTION 93.** 938.357 (2m) (bv) of the statutes is created to read:

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

13 **SECTION 94.** 938.357 (2v) (a) 3. of the statutes is amended to read:

14 938.357 (**2v**) (a) 3. If the court finds that any of the circumstances under s.
15 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
16 agency primarily responsible for providing services under the change in placement
17 order is not required to make reasonable efforts with respect to the parent to make
18 it possible for the juvenile to return safely to his or her home. This subdivision does
19 not apply to a juvenile who is subject to a dispositional order that terminates as
20 provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4.

21 **SECTION 95.** 938.357 (4g) (b) of the statutes is amended to read:

22 938.357 (**4g**) (b) The department may waive the time period within which an
23 aftercare plan must be prepared and submitted under par. (a) if the department
24 anticipates that the juvenile will remain in the juvenile correctional facility or
25 secured residential care center for children and youth for a period exceeding 8

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1 months or if the juvenile is subject to s. ~~48.366~~ or 938.183. If the department waives
2 that time period, the designated aftercare provider shall prepare the aftercare plan
3 within 30 days after the date on which the department requests the aftercare plan.

4 **SECTION 96.** 938.357 (6) of the statutes is renumbered 938.357 (6) (a) and
5 amended to read:

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

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

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

16 3. The date on which the juvenile is granted a high school or high school
17 equivalency diploma or the date on which the juvenile attains 19 years of age,
18 whichever occurs first, if the juvenile is a full-time student at a secondary school or
19 its vocational or technical equivalent and is reasonably expected to complete the
20 program before attaining 19 years of age, to the date on which the juvenile attains
21 19 years of age, whichever is later, or for a shorter period of time as specified by the
22 court.

23 (b) If the change in placement is from a placement in a foster home, group home,
24 or residential care center for children and youth or in the home of a relative to a
25 placement in the juvenile's home and if the expiration date of the original order is

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

5 **SECTION 97.** 938.357 (6) (a) 4. of the statutes is created to read:

6 938.357 (6) (a) 4. The date on which the juvenile is granted a high school or high
7 school equivalency diploma or the date on which the juvenile attains 21 years of age,
8 whichever occurs first, if the juvenile is a full-time student at a secondary school or
9 its vocational or technical equivalent and if an individualized education program
10 under s. 115.787 is in effect for the juvenile. The court may not grant an order that
11 terminates as provided in this subdivision unless the juvenile is 17 years of age or
12 older when the order is granted and the juvenile, or the juvenile's guardian on behalf
13 of the juvenile, agrees to the order. At any time after the juvenile attains 18 years
14 of age, the juvenile, or the juvenile's guardian on behalf of the juvenile, may request
15 the court in writing to terminate the order and, on receipt of such a request, the court,
16 without a hearing, shall terminate the order.

17 **SECTION 98.** 938.365 (5) of the statutes is renumbered 938.365 (5) (a) and
18 amended to read:

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

23 (b) Except as provided in s. 938.368, an order under this section that continues
24 the placement of a juvenile in a foster home, group home, or residential care center
25 for children and youth ~~or~~, in the home of a relative other than a parent, or in a

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1 supervised independent living arrangement shall be for a specified length of time not
2 to exceed the latest of the following dates:

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

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

5 3. The date on which the juvenile is granted a high school or high school
6 equivalency diploma or the date on which the juvenile attains 19 years of age,
7 whichever occurs first, if the juvenile is a full-time student at a secondary school or
8 its vocational or technical equivalent and is reasonably expected to complete the
9 program before attaining 19 years of age, the date on which the juvenile attains 19
10 years of age, whichever is later.

11 **SECTION 99.** 938.365 (5) (b) 4. of the statutes is created to read:

12 938.365 (5) (b) 4. The date on which the juvenile is granted a high school or high
13 school equivalency diploma or the date on which the juvenile attains 21 years of age,
14 whichever occurs first, if the juvenile is a full-time student at a secondary school or
15 its vocational or technical equivalent and if an individualized education program
16 under s. 115.787 is in effect for the juvenile. The court may not grant an order that
17 terminates as provided in this subdivision unless the juvenile is 17 years of age or
18 older when the order is granted and the juvenile, or the juvenile's guardian on behalf
19 of the juvenile, agrees to the order. At any time after the juvenile attains 18 years
20 of age, the juvenile, or the juvenile's guardian on behalf of the juvenile, may request
21 the court in writing to terminate the order and, on receipt of such a request, the court,
22 without a hearing, shall terminate the order.

23 **SECTION 100.** 938.366 of the statutes is created to read:

24 **938.366 Extended out-of-home care. (1) APPLICABILITY.** This section
25 applies to a person who is placed in a foster home, group home, or residential care

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1 center for children and youth, in the home of a relative other than a parent, or in a
2 supervised independent living arrangement under an order under s. 938.355,
3 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 1., 2., or 3.,
4 938.357 (6) (a) 1., 2., or 3., or 938.365 (5) (b) 1., 2., or 3. on or after the person attains
5 18 years of age, who is a full-time student of a secondary school or its vocational or
6 technical equivalent, and for whom an individualized education program under s.
7 115.787 is in effect.

8 (2) TRANSITION-TO-DISCHARGE HEARING. (a) Not less than 120 days before an
9 order described in sub. (1) terminates, the agency primarily responsible for providing
10 services under the order shall request the person who is the subject of the order to
11 indicate whether he or she wishes to be discharged from out-of-home care on
12 termination of the order, wishes to continue in out-of-home care until the date
13 specified in s. 938.365 (5) (b) 4. under an extension of the order, or wishes to continue
14 in out-of-home care under a voluntary agreement under sub. (3). If the person
15 indicates that he or she wishes to be discharged from out-of-home care on
16 termination of the order, the agency shall request a transition-to-discharge hearing
17 under par. (b). If the person indicates that he or she wishes to continue in
18 out-of-home care under an extension of the order, the agency shall request an
19 extension of the order under s. 938.365. If the person indicates that he or she wishes
20 to continue in out-of-home care under a voluntary agreement under sub. (3), the
21 agency and the person shall enter into such an agreement.

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

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

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

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

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

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1 hearing under s. 938.365. If the court determines that the person wishes to continue
2 in out-of-home care under a voluntary agreement under sub. (3), the court shall
3 order the agency primarily responsible for providing services to the person under the
4 order to provide transition-to-independent-living services for the person under a
5 voluntary agreement under sub. (3).

6 **(3) VOLUNTARY TRANSITION-TO-INDEPENDENT-LIVING AGREEMENT.** (a) On
7 termination of an order described in sub. (1), the person who is the subject of the
8 order, or the person's guardian on behalf of the person, and the agency primarily
9 responsible for providing services to the person under the order may enter into a
10 transition-to-independent-living agreement under which the person continues in
11 out-of-home care and continues to be a full-time student at a secondary school or
12 its vocational or technical equivalent under an individualized education program
13 under s. 115.787 until the date on which the person reaches 21 years of age, is granted
14 a high school or high school equivalency diploma, or terminates the agreement as
15 provided in par. (b), whichever occurs first, and the agency provides services to the
16 person to assist him or her in transitioning to independent living.

17 (b) The person who is the subject of an agreement under par. (a) or his or her
18 guardian may terminate the agreement at any time during the term of the
19 agreement by notifying the agency primarily responsible for providing services
20 under the agreement in writing that the person wishes to terminate the agreement.

21 (c) A person who terminates a voluntary agreement under this subsection, or
22 the person's guardian on the person's behalf, may request the agency primarily
23 responsible for providing services to the person under the agreement to enter into a
24 new voluntary agreement under this subsection at any time before the person is
25 granted a high school or high school equivalency diploma or reaches 21 years of age,

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1 whichever occurs first, so long as the person is a full-time student at a secondary
2 school or its vocational or technical equivalent and an individualized education
3 program under s. 115.787 is in effect for him or her. If the request meets the
4 conditions set forth in the rules promulgated under sub. (4) (b), the agency shall enter
5 into a new voluntary agreement with that person.

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

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

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

16 **SECTION 101.** 938.38 (2) (intro.) of the statutes is amended to read:

17 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
18 for each juvenile living in a foster home, group home, residential care center for
19 children and youth, juvenile detention facility, ~~or~~ shelter care facility, or supervised
20 independent living arrangement, the agency that placed the juvenile or arranged the
21 placement or the agency assigned primary responsibility for providing services to the
22 juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any
23 of the following conditions exists, and, for each juvenile living in the home of a
24 guardian or a relative other than a parent, that agency shall prepare a written
25 permanency plan, if any of the conditions under pars. (a) to (e) exists:

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1 **SECTION 102.** 938.38 (4) (ar) of the statutes is renumbered 938.38 (4) (ar)
2 (intro.) and amended to read:

3 938.38 (4) (ar) (intro.) A description of the services offered and any services
4 provided in an effort to prevent the removal of the juvenile from his or her home,
5 while assuring that the health and safety of the juvenile are the paramount concerns,
6 and to achieve the goal of the permanency plan, except that the permanency plan is
7 not required to include a description of the services offered or provided with respect
8 to a parent of the juvenile to prevent the removal of the juvenile from the home or
9 to achieve the permanency goal of returning the juvenile safely to his or her home
10 if any of the following applies:

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

13 **SECTION 103.** 938.38 (4) (ar) 2. of the statutes is created to read:

14 938.38 (4) (ar) 2. The juvenile has attained 18 years of age.

15 **SECTION 104.** 938.38 (4) (fg) 6. of the statutes is created to read:

16 938.38 (4) (fg) 6. If the juvenile has attained 18 years of age, transition to
17 independent living.

18 **SECTION 105.** 938.38 (5) (c) 9. of the statutes is created to read:

19 938.38 (5) (c) 9. If the juvenile is the subject of an order that terminates as
20 provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4., the
21 appropriateness of the transition-to-independent-living plan developed under s.
22 938.385; the extent of compliance with that plan by the juvenile, the juvenile's
23 guardian, if any, the agency primarily responsible for providing services under that
24 plan, and any other service providers; and the progress of the juvenile toward
25 making the transition to independent living.

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1 **SECTION 106.** 938.385 of the statutes is created to read:

2 **938.385 Plan for transition to independent living.** During the 90 days
3 immediately before a juvenile who is placed in a foster home, group home, or
4 residential care center for children and youth, in the home of a relative other than
5 a parent, or in a supervised independent living arrangement attains 18 years of age
6 or, if the juvenile is placed in such a placement under an order under s. 938.355,
7 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after the juvenile
8 attains 18 years of age, during the 90 days immediately before the termination of the
9 order, the agency primarily responsible for providing services to the juvenile under
10 the order shall provide the juvenile with assistance and support in developing a plan
11 for making the transition from out-of-home care to independent living. The
12 transition plan shall be personalized at the direction of the juvenile, shall be as
13 detailed as the juvenile directs, and shall include specific options for obtaining
14 housing, health care, education, mentoring and continuing support services, and
15 workforce support and employment services.

16 **SECTION 107.** 938.44 of the statutes is amended to read:

17 **938.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
18 over persons 17 years of age or older as provided under ss. 938.355 (4), 938.357 (6),
19 938.365 (5), and 938.45 and as otherwise specified in this chapter.

20 **SECTION 108.** 938.53 of the statutes is amended to read:

21 **938.53 Duration of control of department over delinquents.** Except as
22 provided under ~~ss. 48.366 and s.~~ 938.183, a juvenile adjudged delinquent who has
23 been placed under the supervision of the department under s. 938.183, 938.34 (4h),
24 (4m), or (4n), or 938.357 (4) shall be discharged as soon as the department determines
25 that there is a reasonable probability that departmental supervision is no longer

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1 necessary for the rehabilitation and treatment of the juvenile or for the protection
2 of the public.

3 **SECTION 109.** 938.57 (3) (a) 4. of the statutes is amended to read:

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

7 **SECTION 110.** 938.595 of the statutes is amended to read:

8 **938.595 Duration of control of county departments over delinquents.**

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

15 **SECTION 111.** 938.78 (2) (d) 3. of the statutes is amended to read:

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

18 **SECTION 112.** 938.992 (3) of the statutes is repealed.

19 **SECTION 113.** 946.42 (1) (a) 1. f. of the statutes is amended to read:

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

25 **SECTION 114.** 946.42 (3) (d) of the statutes is repealed.

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1 **SECTION 115.** 946.44 (2) (d) of the statutes is amended to read:

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

8 **SECTION 116.** 946.45 (2) (d) of the statutes is amended to read:

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

15 **SECTION 117.** 976.08 of the statutes is amended to read:

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

19 **SECTION 118. Nonstatutory provisions.**

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

21 (a) *Permanent rules.* The department of children and families shall present the
22 statement of scope of the rules required under section 48.366 (4) of the statutes, as
23 affected by this act, and section 938.366 (4) of the statutes, as created by this act, to
24 the governor for approval under section 227.135 (2) of the statutes no later than the
25 30th day after the effective date of this paragraph. The department of children and

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1 families shall submit in proposed form the rules required under section 48.366 (4)
2 of the statutes, as affected by this act, and section 938.366 (4) of the statutes, as
3 created by this act, to the legislative council staff under section 227.15 (1) of the
4 statutes no later than the first day of the 4th month beginning after the governor
5 approves the statement of scope for the rules.

6 (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
7 the department of children and families may promulgate the rules required under
8 section 48.366 (4) of the statutes, as affected by this act, and section 938.366 (4) of
9 the statutes, as created by this act, for the period before the effective date of the rules
10 submitted under paragraph (a), but not to exceed the period authorized under section
11 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the
12 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the
13 department of children and families is not required to provide evidence that
14 promulgating a rule under this paragraph as an emergency rule is necessary for the
15 preservation of the public peace, health, safety, or welfare and is not required to
16 provide a finding of emergency for a rule promulgated under this paragraph.

17 **SECTION 119. Effective dates.** This act takes effect on the first day of the 4th
18 month beginning after publication, except as follows:

19 (1) RULES. SECTION 118 (1) of this act takes effect on the day after publication.

20

(END)