



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3802/2
GMM:wlj:ph

2011 ASSEMBLY BILL 599

February 20, 2012 - Introduced by Representatives KERKMAN, GRIGSBY, LOUDENBECK and SPANBAUER. Referred to Committee on Children and Families.

1 **AN ACT** *to renumber and amend* 48.355 (2b), 48.38 (1) (b), 48.38 (4) (fm),
2 938.355 (2b), 938.38 (1) (b) and 938.38 (4) (fm); *to amend* 48.028 (4) (g) 1. d.,
3 48.07 (5) (c), 48.21 (5) (d), 48.235 (4) (a) 1., 48.235 (4) (a) 2., 48.235 (4m) (a) 1.,
4 48.235 (4m) (a) 2., 48.236 (3) (b), 48.299 (4) (b), 48.315 (2m) (b), 48.32 (1) (b) 1.
5 c., 48.32 (1) (c), 48.33 (4) (a), 48.33 (4) (c), 48.335 (3g) (c), 48.335 (4), 48.355 (2)
6 (b) 5., 48.355 (2) (b) 6., 48.355 (2b) (title), 48.355 (2c) (b), 48.355 (2d) (b) (intro.),
7 48.355 (2d) (c), 48.355 (2e) (title), 48.355 (2e) (a), 48.355 (2e) (b), 48.355 (2e) (c),
8 48.356 (1), 48.357 (1) (am) 1., 48.357 (1) (c) 1., 48.357 (2v) (c), 48.363 (1) (a),
9 48.365 (2g) (b) 2., 48.365 (2g) (b) 3., 48.365 (2m) (a) 1., 48.365 (2m) (a) 1m.,
10 48.365 (2m) (a) 3., 48.365 (2m) (ad), 48.365 (7), 48.371 (1) (a), 48.371 (1) (b),
11 48.371 (3) (intro.), 48.371 (4), 48.371 (5), subchapter VII (title) of chapter 48
12 [precedes 48.38], 48.38 (title), 48.38 (1) (am), 48.38 (2) (intro.), 48.38 (3), 48.38
13 (4) (intro.), 48.38 (4) (ar), 48.38 (4) (br) 2., 48.38 (4) (f) 3., 48.38 (4) (fg) (intro.),
14 48.38 (4) (fg) 5., 48.38 (4) (i), 48.38 (4m) (title), 48.38 (4m) (a), 48.38 (4m) (c),

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1 48.38 (5) (a), 48.38 (5) (ag), 48.38 (5) (am), 48.38 (5) (bm) 2., 48.38 (5) (c) 2., 48.38
2 (5) (c) 5., 48.38 (5) (c) 6. (intro.), 48.38 (5) (c) 6. d., 48.38 (5) (c) 7., 48.38 (5) (d),
3 48.38 (5m) (title), 48.38 (5m) (a), 48.38 (5m) (b), 48.38 (5m) (c) 2., 48.38 (5m) (d),
4 48.38 (5m) (e), 48.38 (5m) (f), 48.38 (6) (a), 48.38 (6) (d), 48.417 (1) (a), 48.417
5 (2) (b), 48.417 (2) (c), 48.417 (2) (cm), 48.425 (1) (c), 48.43 (1) (c), 48.43 (1) (cm),
6 48.43 (2) (b), 48.43 (5) (a), 48.43 (5) (b) 1., 48.43 (5) (b) 2., 48.43 (5) (c), 48.43 (5m),
7 48.63 (4), 48.63 (5) (c), 48.63 (5) (d) 1., 48.63 (5) (d) 2., 48.63 (5) (d) 3., 48.63 (5)
8 (d) 4., 48.63 (5) (d) 6., 48.831 (4) (e), 48.834 (1), 48.834 (2), 48.977 (3r), 48.977
9 (4) (e), 48.977 (4) (i), 49.471 (4) (a) 4. a., 49.471 (4) (b) 4. a., 146.82 (2) (a) 18m.,
10 252.15 (3m) (d) 15., 757.69 (1) (g) 14., 767.41 (3) (b), 767.41 (3) (c), 808.075 (4)
11 (a) 8., 808.075 (4) (fn) 8., 938.028 (4) (f) 1. d., 938.21 (5) (d), 938.235 (4) (a) 1.,
12 938.235 (4) (a) 2., 938.315 (2m) (b), 938.32 (1) (c) 1. c., 938.32 (1) (d), 938.33 (4)
13 (a), 938.33 (4) (c), 938.335 (3g) (c), 938.335 (4), 938.355 (2) (b) 5., 938.355 (2) (b)
14 6., 938.355 (2b) (title), 938.355 (2c) (b), 938.355 (2d) (b) (intro.), 938.355 (2d) (c),
15 938.355 (2e) (title), 938.355 (2e) (a), 938.355 (2e) (b), 938.355 (2e) (c), 938.356
16 (1), 938.357 (1) (am) 1., 938.357 (1) (c) 1., 938.357 (2v) (c), 938.363 (1) (a),
17 938.365 (2g) (b) 2., 938.365 (2g) (b) 3., 938.365 (2m) (a) 1., 938.365 (2m) (a) 1m.,
18 938.365 (2m) (a) 3., 938.365 (2m) (ad), 938.365 (7), 938.371 (1) (a), 938.371 (1)
19 (b), 938.371 (3) (intro.), 938.371 (4), 938.371 (5), subchapter VII (title) of chapter
20 938 [precedes 938.38], 938.38 (title), 938.38 (1) (am), 938.38 (2) (intro.), 938.38
21 (3) (intro.), 938.38 (3) (a), 938.38 (3) (b), 938.38 (4) (intro.), 938.38 (4) (ar), 938.38
22 (4) (br) 2., 938.38 (4) (f) 3., 938.38 (4) (fg) (intro.), 938.38 (4) (fg) 5., 938.38 (4)
23 (i), 938.38 (4m) (title), 938.38 (4m) (a), 938.38 (4m) (c), 938.38 (5) (a), 938.38 (5)
24 (ag), 938.38 (5) (am), 938.38 (5) (bm) 2., 938.38 (5) (c) 2., 938.38 (5) (c) 5., 938.38
25 (5) (c) 6. (intro.), 938.38 (5) (c) 6. d., 938.38 (5) (c) 7., 938.38 (5) (d), 938.38 (5m)

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1 (title), 938.38 (5m) (a), 938.38 (5m) (b), 938.38 (5m) (c) 2., 938.38 (5m) (d), 938.38
2 (5m) (e), 938.38 (5m) (f), 938.38 (6) (a) and 938.38 (6) (d); and **to create** 48.355
3 (2b) (a), 48.358, 48.38 (4) (fm) 1., 48.38 (5) (c) 6m., 938.355 (2b) (a), 938.358,
4 938.38 (4) (fm) 1. and 938.38 (5) (c) 6m. of the statutes; **relating to:** case
5 planning for a child placed in out-of-home care, including concurrent
6 permanency goals, trial reunifications, and planned permanent living
7 arrangements for such a child.

Analysis by the Legislative Reference Bureau***Introduction***

Under current law, for each child living in an out-of-home placement, the county department of human services or social services, the licensed child welfare agency, or the Department of Children and Families (DCF) that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child (collectively “agency”) must prepare a permanency plan for the child. A permanency plan must describe, among other things, the goal or goals of the permanency plan, with those goals being either the safe return of the child to his or her home or placement of the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement, such as sustaining care, independent living, or long-term foster care.

This bill changes the term “permanency plan” to “case plan” and makes certain other changes relating to case planning for a child placed in out-of-home care, including changes relating to: 1) concurrent planning; 2) trial reunifications; and 3) planned permanent living arrangements, for such a child.

Concurrent planning

Under current law, an agency, at the same time as the agency is making reasonable efforts to prevent the removal of a child from his or her home or to make it possible for the child to return home, may work with an adoption agency in making reasonable efforts to place the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement (concurrent reasonable efforts). If an agency is making concurrent reasonable efforts, the child’s permanency plan must include the goals of the permanency plan.

This bill eliminates the authority of an agency to make concurrent reasonable efforts and instead permits an agency to engage in concurrent planning, which the bill defines as reasonable efforts to work simultaneously towards achieving more than one permanency goal for a child. Under the bill, an agency must determine, in accordance with standards established by DCF (concurrent planning standards) whether to engage in concurrent planning. If, according to the concurrent planning

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standards, concurrent planning is required, the agency must engage in concurrent planning and the juvenile court must make a finding as to whether the agency has made reasonable efforts to achieve the primary goal of the concurrent plan. If an agency determines to engage in concurrent planning for a child, the child's case plan must include the rationale for that determination and a description of the concurrent plan and the primary and concurrent goals of the concurrent plan. In addition, if a child's case plan calls for concurrent planning, the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) or a case plan review panel appointed by the juvenile court, in reviewing the child's case plan, must determine the appropriateness, in light of the concurrent planning standards, of each of the permanency goals of the concurrent plan and, if the juvenile court or case plan review panel does not approve of any one or more of those goals, that court or panel must include in its determinations the reasons for that disapproval.

Trial reunifications

Current law — changes in placement. Under current law, the juvenile court, on the request of the person or agency primarily responsible for implementing a dispositional order, of the juvenile court, may order a change in placement for a child placed outside of his or her home under a dispositional order of the juvenile court. The juvenile court may order the change in placement without a hearing, unless a party receiving the notice files an objection. Current law also permits the person or agency primarily responsible for implementing the dispositional order to make an emergency change in placement if emergency conditions necessitate an immediate change in placement.

The bill — trial reunifications. This bill provides a similar procedure under which the juvenile court may order a trial reunification, which the bill defines as a return of a child who is placed in an out-of-home placement to the home of his or her parent or other home from which the child was removed for a specified and limited period for the purpose of determining the appropriateness of permanently returning the child to that home. The bill, however, does not permit an emergency trial reunification. Under the bill, if an emergency condition necessitates an immediate return of a child to the home of his or her parent or other home from which the child was removed, the person or agency primarily responsible for implementing the dispositional order must make an emergency change in placement as provided under current law.

Under the bill, the juvenile court may order a trial reunification on the request of the person or agency primarily responsible for implementing the dispositional order, or on its own motion. Notice of the proposed trial reunification must 1) be provided to the child, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian of the child, the child's court-appointed special advocate, all parties who are bound by the dispositional order, and, in the case of an Indian child, the Indian child's Indian custodian and tribe; and 2) contain a statement describing why the trial reunification is in the best interests of the child and a statement describing how the trial reunification satisfies the objectives of the

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child's case plan. The juvenile court may order the trial reunification without a hearing, unless a party receiving the notice files an objection.

If the juvenile court finds that the trial reunification is in the best interests of the child and that the trial reunification satisfies the objectives of the child's case plan, the juvenile court must grant an order authorizing the trial reunification. A trial reunification terminates 90 days after the date of the order, unless the juvenile court specifies a shorter period in the order, extends the trial reunification, or revokes the trial reunification or the person or agency primarily responsible for implementing the dispositional order makes an emergency change in placement. At the end of a trial reunification, the person or agency primarily responsible for implementing the dispositional order may return the child to an out-of-home placement without further order of the juvenile court or may request the juvenile court to order a change in placement changing the placement of the child to the home or his or her parent or other home from which the child was removed.

The bill also permits the person or agency primarily responsible for implementing the dispositional order to request an extension of the trial reunification. The request must contain a statement describing how the trial reunification continues to be in the best interests of the child and continues to meet the objectives of the child's case plan, and the same notice and hearing requirements that apply to an original request for a trial reunification also apply to a request for an extension of a trial reunification. If the juvenile court finds that the trial reunification continues to be in the best interests of the child and continues to meet the objectives of the child's case plan, the juvenile court must grant an order extending the trial reunification for a period specified by the juvenile court not to exceed 60 days. Any number of extensions may be granted, but the total period for a trial reunification may not exceed 150 days.

In addition, the bill permits the person or agency primarily responsible for implementing the dispositional order to request the juvenile court to revoke a trial reunification if that person or agency has reasonable cause to suspect that a child who has been returned to the home of his or her parent or other home from which the child was removed for a trial reunification has been abused or neglected, has reason to believe that such a child has been threatened with abuse or neglect and that abuse or neglect of the child is likely to occur, or otherwise has reason to believe that the trial reunification is no longer in the best interest of the child. The revocation request must state the reasons for the proposed revocation, and the same notice and hearing requirements that apply to an original request for a trial reunification also apply to a request for a revocation of a trial reunification. If the juvenile court finds that the child, while returned to the home of his or her parent or other home from which the child was removed for a trial reunification, has been abused or neglected, or has been threatened with abuse or neglect and that abuse or neglect of the child is likely to occur, or finds that the trial reunification is no longer in the best interests of the child, the juvenile court must grant an order revoking the trial reunification and returning the child to an out-of-home placement.

Finally, with respect to trial reunifications, the bill permits the person or agency primarily responsible or implementing the dispositional order to make an

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emergency change in placement if emergency conditions necessitate an immediate removal of the child from the home of his or her parent or other home from which the child has been removed.

Other planned permanent living arrangement

Under current law, if a goal of a child's permanency plan is an alternative permanent placement, the permanency plan must document a compelling reason why it would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative.

This bill changes the term "alternative permanent placement" to "other planned permanent living arrangement," requires the arrangement to include a long-term relationship between the child and an adult, and eliminates independent living as a planned permanent living arrangement option. The bill also permits a child's case plan to include the permanency goal of placement of the child in a planned permanent living arrangement only if the agency determines that there is a compelling reason why it would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative. If an agency makes that determination, the child's case plan must include 1) a concurrent plan towards achieving the permanency goal of safely returning the child to his or her home or placing the child for adoption, with a guardian, or with a fit and willing relative as well as the permanency goal of placing the child in some other planned permanent living arrangement; and 2) the compelling reason why it would not be in the best interests of the child to return the child to his or her home or to place the child for adoption, with a guardian, or with a fit and willing relative and the efforts made to achieve that goal, including, if appropriate, through an out-of-state placement.

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.** 48.028 (4) (g) 1. d. of the statutes is amended to read:
- 2 48.028 (4) (g) 1. d. Arrangements were made to provide natural and
- 3 unsupervised family interaction in the most natural setting that can ensure the
- 4 Indian child's safety, as appropriate to the goals of the Indian child's permanency
- 5 case plan, including arrangements for transportation and other assistance to enable
- 6 family members to participate in that interaction.

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1 **SECTION 2.** 48.07 (5) (c) of the statutes is amended to read:

2 48.07 (5) (c) *Training.* A court-appointed special advocate program shall
3 require a volunteer or employee of the program selected under par. (b) to complete
4 a training program before the volunteer or employee may be designated as a
5 court-appointed special advocate under s. 48.236 (1). The training program shall
6 include instruction on recognizing child abuse and neglect, cultural competency, as
7 defined in s. 48.982 (1) (bm), child development, the procedures of the court,
8 permanency case planning, the activities of a court-appointed special advocate
9 under s. 48.236 (3) and information gathering and documentation, and shall include
10 observation of a proceeding under s. 48.13. A court-appointed special advocate
11 program shall also require each volunteer and employee of the program selected
12 under par. (b) to complete continuing training annually.

13 **SECTION 3.** 48.21 (5) (d) of the statutes is amended to read:

14 48.21 (5) (d) If the judge or circuit court commissioner finds that any of the
15 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
16 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)
17 within 30 days after the date of that finding to determine the permanency case plan
18 for the child.

19 **SECTION 4.** 48.235 (4) (a) 1. of the statutes is amended to read:

20 48.235 (4) (a) 1. Participate in permanency case planning under ss. 48.38 and
21 48.43 (5).

22 **SECTION 5.** 48.235 (4) (a) 2. of the statutes is amended to read:

23 48.235 (4) (a) 2. Petition for a change in placement under s. 48.357 or a trial
24 reunification under s. 48.358.

25 **SECTION 6.** 48.235 (4m) (a) 1. of the statutes is amended to read:

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1 48.235 (4m) (a) 1. Participate in ~~permanency case~~ case planning under ss. 48.38 and
2 48.43 (5) after the child is born.

3 **SECTION 7.** 48.235 (4m) (a) 2. of the statutes is amended to read:

4 48.235 (4m) (a) 2. Petition for a change in placement under s. 48.357 or a trial
5 reunification under s. 48.358.

6 **SECTION 8.** 48.236 (3) (b) of the statutes is amended to read:

7 48.236 (3) (b) Maintain regular contact with the child for whom the designation
8 is made; monitor the appropriateness and safety of the environment of the child, the
9 extent to which the child and the child's family are complying with any consent
10 decree or dispositional order of the court and with any ~~permanency case~~ case plan under
11 s. 48.38, and the extent to which any agency that is required to provide services for
12 the child and the child's family under a consent decree, dispositional order or
13 ~~permanency case~~ case plan is providing those services; and, based on that regular contact
14 and monitoring, provide information to the court in the form of written reports or, if
15 requested by the court, oral testimony.

16 **SECTION 9.** 48.299 (4) (b) of the statutes is amended to read:

17 48.299 (4) (b) Except as provided in s. 901.05, neither common law nor
18 statutory rules of evidence are binding at a hearing for a child held in custody under
19 s. 48.21, a hearing for an adult expectant mother held in custody under s. 48.213, a
20 runaway home hearing under s. 48.227 (4), a dispositional hearing, or a hearing
21 about changes in placement, trial reunifications, revision of dispositional orders,
22 extension of dispositional orders, or termination of guardianship orders entered
23 under s. 48.977 (4) (h) 2. or (6) or 48.978 (2) (j) 2. or (3) (g). At those hearings, the court
24 shall admit all testimony having reasonable probative value, but shall exclude
25 immaterial, irrelevant, or unduly repetitious testimony or evidence that is

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1 inadmissible under s. 901.05. Hearsay evidence may be admitted if it has
2 demonstrable circumstantial guarantees of trustworthiness. The court shall give
3 effect to the rules of privilege recognized by law. The court shall apply the basic
4 principles of relevancy, materiality, and probative value to proof of all questions of
5 fact. Objections to evidentiary offers and offers of proof of evidence not admitted may
6 be made and shall be noted in the record.

7 **SECTION 10.** 48.315 (2m) (b) of the statutes is amended to read:

8 48.315 **(2m)** (b) The court making an initial finding under s. 48.38 (5m) that
9 the agency primarily responsible for providing services to the child has made
10 reasonable efforts to achieve the goals of the child's permanency case plan more than
11 12 months after the date on which the child was removed from the home or making
12 any subsequent findings under s. 48.38 (5m) as to those reasonable efforts more than
13 12 months after the date of a previous finding as to those reasonable efforts.

14 **SECTION 11.** 48.32 (1) (b) 1. c. of the statutes is amended to read:

15 48.32 **(1)** (b) 1. c. If a permanency case plan has previously been prepared for
16 the child, a finding as to whether the county department, department, or agency has
17 made reasonable efforts to achieve the goal of the child's permanency case plan,
18 including, if appropriate, through an out-of-state placement,

19 **SECTION 12.** 48.32 (1) (c) of the statutes is amended to read:

20 48.32 **(1)** (c) If the judge or circuit court commissioner finds that any of the
21 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
22 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)
23 within 30 days after the date of that finding to determine the permanency case plan
24 for the child.

25 **SECTION 13.** 48.33 (4) (a) of the statutes is amended to read:

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1 48.33 (4) (a) A permanency case plan prepared under s. 48.38.

2 **SECTION 14.** 48.33 (4) (c) of the statutes is amended to read:

3 48.33 (4) (c) Specific information showing that continued placement of the child
4 in his or her home would be contrary to the welfare of the child, specific information
5 showing that the county department, the department, in a county having a
6 population of 500,000 or more, or the agency primarily responsible for providing
7 services to the child has made reasonable efforts to prevent the removal of the child
8 from the home, while assuring that the child's health and safety are the paramount
9 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
10 applies, and, if a permanency case plan has previously been prepared for the child,
11 specific information showing that the county department, department, or agency has
12 made reasonable efforts to achieve the goal of the child's permanency case plan,
13 including, if appropriate, through an out-of-state placement,.

14 **SECTION 15.** 48.335 (3g) (c) of the statutes is amended to read:

15 48.335 (3g) (c) That, if a permanency case plan has previously been prepared
16 for the child, the county department, department, or agency has made reasonable
17 efforts to achieve the goal of the child's permanency case plan, including, if
18 appropriate, through an out-of-state placement,.

19 **SECTION 16.** 48.335 (4) of the statutes is amended to read:

20 48.335 (4) At hearings under this section, s. 48.357, 48.358, 48.363, or 48.365,
21 on the request of any party, unless good cause to the contrary is shown, the court may
22 admit testimony on the record by telephone or live audiovisual means, if available,
23 under s. 807.13 (2). The request and the showing of good cause may be made by
24 telephone.

25 **SECTION 17.** 48.355 (2) (b) 5. of the statutes is amended to read:

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1 48.355 (2) (b) 5. For a child placed outside his or her home pursuant to an order
2 under s. 48.345, a permanency case plan under s. 48.38 if one has been prepared.

3 **SECTION 18.** 48.355 (2) (b) 6. of the statutes is amended to read:

4 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued
5 placement of the child in his or her home would be contrary to the welfare of the child,
6 a finding as to whether the county department, the department, in a county having
7 a population of 500,000 or more, or the agency primarily responsible for providing
8 services under a court order has made reasonable efforts to prevent the removal of
9 the child from the home, while assuring that the child's health and safety are the
10 paramount concerns, unless the court finds that any of the circumstances specified
11 in sub. (2d) (b) 1. to 5. applies, and, if a permanency case plan has previously been
12 prepared for the child, a finding as to whether the county department, department,
13 or agency has made reasonable efforts to achieve the goal of the child's permanency
14 case plan, including, if appropriate, through an out-of-state placement. The court
15 shall make the findings specified in this subdivision on a case-by-case basis based
16 on circumstances specific to the child and shall document or reference the specific
17 information on which those findings are based in the court order. A court order that
18 merely references this subdivision without documenting or referencing that specific
19 information in the court order or an amended court order that retroactively corrects
20 an earlier court order that does not comply with this subdivision is not sufficient to
21 comply with this subdivision.

22 **SECTION 19.** 48.355 (2b) (title) of the statutes is amended to read:

23 48.355 (2b) (title) ~~CONCURRENT REASONABLE EFFORTS PERMITTED~~ PLANNING.

24 **SECTION 20.** 48.355 (2b) of the statutes is renumbered 48.355 (2b) (b) and
25 amended to read:

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1 48.355 (2b) (b) A county department, the department, in a county having a
2 population of 500,000 or more, or the agency primarily responsible for providing
3 services to a child under a court order ~~may, at the same time as the county~~
4 ~~department, department, or agency is making the reasonable efforts required under~~
5 ~~sub. (2) (b) 6. to prevent the removal of the child from the home or to make it possible~~
6 ~~for the child to return safely to his or her home, work with the department, a county~~
7 ~~department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under~~
8 ~~s. 48.61 (5) in making reasonable efforts to place the child for adoption, with a~~
9 ~~guardian, with a fit and willing relative, or in some other alternative permanent~~
10 ~~placement, including reasonable efforts to identify an appropriate out-of-state~~
11 ~~placement shall determine, in accordance with standards established by the~~
12 ~~department, whether to engage in concurrent planning. If, according to those~~
13 ~~standards, concurrent planning is required, the county department, department, or~~
14 ~~agency shall engage in concurrent planning on and the court shall make a finding~~
15 ~~as to whether the county department, department, or agency has made reasonable~~
16 ~~efforts to achieve the primary goal of the concurrent plan.~~

17 **SECTION 21.** 48.355 (2b) (a) of the statutes is created to read:

18 48.355 (2b) (a) In this subsection, “concurrent planning” means reasonable
19 efforts to work simultaneously towards achieving more than one of the permanency
20 goals listed in s. 48.38 (4) (fg) 1. to 5. for a child who is placed in out-of-home care
21 and for whom a case plan is required under s. 48.38 (2).

22 **SECTION 22.** 48.355 (2c) (b) of the statutes is amended to read:

23 48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
24 the county department, department, in a county having a population of 500,000 or
25 more, or agency primarily responsible for providing services to the child under a

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1 court order has made reasonable efforts to achieve the goal of the permanency case
2 plan, the court's consideration of reasonable efforts shall include the considerations
3 listed under par. (a) 1. to 5. and whether visitation schedules between the child and
4 his or her parents were implemented, unless visitation was denied or limited by the
5 court.

6 **SECTION 23.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

7 48.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required
8 to include in a dispositional order a finding as to whether the county department, the
9 department, in a county having a population of 500,000 or more, or the agency
10 primarily responsible for providing services under a court order has made reasonable
11 efforts with respect to a parent of a child to prevent the removal of the child from the
12 home, while assuring that the child's health and safety are the paramount concerns,
13 or a finding as to whether the county department, department, or agency has made
14 reasonable efforts with respect to a parent of a child to achieve the permanency case
15 plan goal of returning the child safely to his or her home, if the court finds any of the
16 following:

17 **SECTION 24.** 48.355 (2d) (c) of the statutes is amended to read:

18 48.355 (2d) (c) If the court finds that any of the circumstances specified in par.
19 (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s.
20 48.38 (4m) within 30 days after the date of that finding to determine the permanency
21 case plan for the child.

22 **SECTION 25.** 48.355 (2e) (title) of the statutes is amended to read:

23 48.355 (2e) (title) PERMANENCY CASE PLANS; FILING; AMENDED ORDERS; COPIES.

24 **SECTION 26.** 48.355 (2e) (a) of the statutes is amended to read:

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1 48.355 (2e) (a) If a permanency case plan has not been prepared at the time
2 the dispositional order is entered, or if the court orders a disposition that is not
3 consistent with the permanency case plan, the agency responsible for preparing the
4 plan shall prepare a permanency case plan that is consistent with the order or revise
5 the permanency case plan to conform to the order and shall file the plan with the
6 court within the time specified in s. 48.38 (3). A permanency case plan filed under
7 this paragraph shall be made a part of the dispositional order.

8 **SECTION 27.** 48.355 (2e) (b) of the statutes is amended to read:

9 48.355 (2e) (b) Each time a child's placement is changed under s. 48.357, a trial
10 reunification is ordered under s. 48.358, or a dispositional order is revised under s.
11 48.363 or extended under s. 48.365, the agency that prepared the permanency case
12 plan shall revise the plan to conform to the order and shall file a copy of the revised
13 plan with the court. Each plan filed under this paragraph shall be made a part of
14 the court order.

15 **SECTION 28.** 48.355 (2e) (c) of the statutes is amended to read:

16 48.355 (2e) (c) Either the court or the agency that prepared the permanency
17 case plan shall furnish a copy of the original plan and each revised plan to the child's
18 parent or guardian, to the child or the child's counsel or guardian ad litem, to the
19 child's court-appointed special advocate and to the person representing the interests
20 of the public.

21 **SECTION 29.** 48.356 (1) of the statutes is amended to read:

22 48.356 (1) Whenever the court orders a child to be placed outside his or her
23 home, orders an expectant mother of an unborn child to be placed outside of her
24 home, or denies a parent visitation because the child or unborn child has been
25 adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,

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1 48.363, or 48.365 and whenever the court reviews a ~~permanency~~ case plan under s.
2 48.38 (5m), the court shall orally inform the parent or parents who appear in court
3 or the expectant mother who appears in court of any grounds for termination of
4 parental rights under s. 48.415 which may be applicable and of the conditions
5 necessary for the child or expectant mother to be returned to the home or for the
6 parent to be granted visitation.

7 **SECTION 30.** 48.357 (1) (am) 1. of the statutes is amended to read:

8 48.357 (1) (am) 1. If the proposed change in placement involves any change in
9 placement other than a change in placement specified in par. (c), the person or agency
10 primarily responsible for implementing the dispositional order, the district attorney,
11 or the corporation counsel shall cause written notice of the proposed change in
12 placement to be sent to the child, the parent, guardian, and legal custodian of the
13 child, any foster parent or other physical custodian described in s. 48.62 (2) of the
14 child, the child's court-appointed special advocate, and, if the child is an Indian child
15 who has been removed from the home of his or her parent or Indian custodian, the
16 Indian child's Indian custodian and tribe. If the child is the expectant mother of an
17 unborn child under s. 48.133, written notice shall also be sent to the unborn child by
18 the unborn child's guardian ad litem. If the change in placement involves an adult
19 expectant mother of an unborn child under s. 48.133, written notice shall be sent to
20 the adult expectant mother and the unborn child by the unborn child's guardian ad
21 litem. The notice shall contain the name and address of the new placement, the
22 reasons for the change in placement, a statement describing why the new placement
23 is preferable to the present placement, and a statement of how the new placement
24 satisfies the objectives of the treatment child's case plan ~~ordered by the court.~~

25 **SECTION 31.** 48.357 (1) (c) 1. of the statutes is amended to read:

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1 48.357 (1) (c) 1. If the proposed change in placement would change the
2 placement of a child placed in the home to a placement outside the home, the person
3 or agency primarily responsible for implementing the dispositional order, the district
4 attorney, or the corporation counsel shall submit a request for the change in
5 placement to the court. The request shall contain the name and address of the new
6 placement, the reasons for the change in placement, a statement describing why the
7 new placement is preferable to the present placement, and a statement of how the
8 new placement satisfies the objectives of the treatment child's case plan ordered by
9 ~~the court~~. The request shall also contain specific information showing that continued
10 placement of the child in his or her home would be contrary to the welfare of the child
11 and, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies,
12 specific information showing that the agency primarily responsible for
13 implementing the dispositional order has made reasonable efforts to prevent the
14 removal of the child from the home, while assuring that the child's health and safety
15 are the paramount concerns.

16 **SECTION 32.** 48.357 (2v) (c) of the statutes is amended to read:

17 48.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances
18 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall
19 hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to
20 determine the permanency case plan for the child.

21 **SECTION 33.** 48.358 of the statutes is created to read:

22 **48.358 Trial reunification. (1) DEFINITION.** In this section, "trial
23 reunification" means a return of a child who is placed in an out-of-home placement
24 under s. 48.355 or 48.357 to the home of his or her parent or other home from which

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1 the child was removed for a specified and limited period for the purpose of
2 determining the appropriateness of permanently returning the child to that home.

3 (2) TRIAL REUNIFICATION; PROCEDURE. (a) *Request or proposal.* The person or
4 agency primarily responsible for implementing the dispositional order may request,
5 or the court on its own motion may propose, a trial reunification. The request or
6 proposal shall contain the name and address of the home that is the site of the
7 requested or proposed trial reunification, a statement describing why the trial
8 reunification is in the best interests of the child, and a statement describing how the
9 trial reunification satisfies the objectives of the child's case plan. No person may
10 request or propose a trial reunification on the grounds that an emergency condition
11 necessitates an immediate return of the child to the home of his or her parent or other
12 home from which the child was removed. If an emergency condition necessitates
13 such an immediate return, the person or agency primarily responsible for
14 implementing the dispositional order shall proceed as provided in s. 48.357 (2).

15 (b) *Notice; information required.* The person requesting the trial reunification
16 shall submit the request to the court. That person or the court shall cause written
17 notice of the requested or proposed trial reunification to be sent to the child, the
18 parent, guardian, and legal custodian of the child, any foster parent or other physical
19 custodian described in s. 48.62 (2) of the child, the child's court-appointed special
20 advocate, all parties who are bound by the dispositional order, and, if the child is an
21 Indian child who has been removed from the home of his or her parent or Indian
22 custodian, the Indian child's Indian custodian and tribe. The notice shall contain the
23 information that is required to be included in the request or proposal under par. (a).

24 (c) *Hearing; when required.* Any person receiving the notice under par. (b),
25 other than a court-appointed special advocate, may obtain a hearing on the matter

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1 by filing an objection with the court within 10 days after receipt of the notice. If a
2 hearing is scheduled, not less than 3 days before the hearing the person requesting
3 the trial reunification or the court shall provide notice of the hearing to all person
4 who are entitled to receive notice under par. (b). A copy of the request or proposal
5 for the trial reunification shall be attached to the notice. If all of the parties consent,
6 the court may proceed immediately with the hearing.

7 (d) *Order.* If the court finds that the trial reunification is in the best interests
8 of the child and that the trial reunification satisfies the objectives of the child's case
9 plan, the court shall grant an order authorizing the trial reunification. A trial
10 reunification shall terminate 90 days after the date of the order, unless the court
11 specifies a shorter period in the order, extends the trial reunification under sub. (3),
12 or revokes the trial reunification under sub. (4) (c) or the person or agency primarily
13 responsible for implementing the dispositional order makes an emergency change in
14 placement as provided in sub. (4) (d). No trial reunification order may extend the
15 expiration date of the original dispositional order under s. 48.355 or any extension
16 order under s. 48.365. A trial reunification under this section is not a change in
17 placement under s. 48.357. At the end of a trial reunification, the person or agency
18 primarily responsible for implementing the dispositional order may return the child
19 to an out-of-home placement without further order of the court, notwithstanding s.
20 48.357, or may request a change in placement under s. 48.357 (1) (am) to change the
21 placement of the child to a placement in the home of the child's parent or other home
22 from which the child was removed.

23 **(3) EXTENSION OF TRIAL REUNIFICATION.** (a) *Extension request or proposal.* The
24 person or agency primarily responsible for implementing the dispositional order may
25 request, or the court on its own motion may propose, an extension of the trial

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1 reunification. The request or proposal shall contain a statement describing how the
2 trial reunification continues to be in the best interests of the child and continues to
3 meet the objectives of the child's case plan. No later than 10 days prior to the
4 expiration of the trial reunification, the person who requests or proposes the
5 extension shall submit the request or proposal to the court that ordered the trial
6 reunification and shall cause notice of the request or proposal to be provided to all
7 persons who are entitled to receive notice under sub. (2) (b).

8 (b) *Extension hearing; when required.* Any person who is entitled to receive
9 notice of the extension request or proposal under par. (a), other than a
10 court-appointed special advocate, may obtain a hearing on the matter by filing an
11 objection with the court within 5 days after receipt of the notice. If a hearing is
12 scheduled, not less than 3 days before the hearing the person requesting the
13 extension or the court shall provide notice of the hearing to all persons who are
14 entitled to receive notice of the extension request or proposal under par. (a). A copy
15 of the request or proposal for the extension shall be attached to the notice. If all of
16 the parties consent, the court may proceed immediately with the hearing.

17 (c) *Extension order.* If the court finds that the trial reunification continues to
18 be in the best interests of the child and continues to meet the objectives of the child's
19 case plan, the court shall grant an order extending the trial reunification for a period
20 specified by the court not to exceed 60 days. Any number of extensions may be
21 granted under this paragraph, but the total period for a trial reunification may not
22 exceed 150 days.

23 (4) **REVOCATION OF TRIAL REUNIFICATION.** (a) *Revocation request; information*
24 *required.* If the person or agency primarily responsible for implementing the
25 dispositional order has reasonable cause to suspect that a child who has been

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1 returned to the home of his or her parent or other home from which the child was
2 removed for a trial reunification has been abused or neglected, has reason to believe
3 that such a child has been threatened with abuse or neglect and that abuse or neglect
4 of the child is likely to occur, or otherwise has reason to believe that the trial
5 reunification is longer in the best interests of the child, that person or agency may
6 request the court to revoke the trial reunification. That person or agency shall
7 submit the request to the court that ordered the trial reunification and shall cause
8 notice of the request to be provided to all persons who are entitled to receive notice
9 of the trial reunification under a sub. (2) (b). The request shall contain the reasons
10 for the proposed revocation.

11 (b) *Revocation hearing; when required.* Any person who is entitled to receive
12 notice of the revocation request under par. (a), other than a court-appointed special
13 advocate, may obtain a hearing on the matter by filing an objection with the court
14 within 5 days after receipt of the notice. If a hearing is scheduled, not less than 3 days
15 prior to the hearing the court shall provide notice of the hearing, together with a copy
16 of the request for the revocation, to all persons who are entitled to receive notice
17 under par. (a). If all parties consent, the court may proceed immediately with the
18 hearing.

19 (c) *Revocation order.* If the court finds that the child, while returned to the home
20 of his or her parent or other home from which the child was removed for a trial
21 reunification, has been abused or neglected, or has been threatened with abuse or
22 neglect and that abuse or neglect of the child is likely to occur, or finds that the trial
23 reunification is no longer in the best interests of the child, the court shall grant an
24 order revoking the trial reunification and returning the child to an out-of-home
25 placement.

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1 (d) *Emergency change in placements.* If an emergency condition necessitates
2 an immediate removal of the child from the home of his or her parent or other home
3 from which the child was removed, the person or agency primarily responsible for
4 implementing the dispositional order may proceed as provided in s. 48.357 (2).

5 **(5) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN.** If a hearing is
6 held under sub. (2) (c) and the trial reunification would remove a child from a foster
7 home or other placement with a physical custodian described in s. 48.62 (2), the court
8 shall give the foster parent or other physical custodian a right to be heard at the
9 hearing by permitting the foster parent or other physical custodian to make a written
10 or oral statement during the hearing or to submit a written statement prior to the
11 hearing relating to the child and the requested trial reunification. A foster parent
12 or other physical custodian described in s. 48.62 (2) who receives notice of a hearing
13 under sub. (2) (c) and a right to be heard under this subsection does not become a
14 party to the proceeding on which the hearing is held solely on the basis of receiving
15 that notice and right to be heard.

16 **(6) PROHIBITED TRIAL REUNIFICATIONS BASED ON HOMICIDE OF PARENT.** (a)
17 *Prohibition.* Except as provided in par. (c), the court may not order a trial
18 reunification in the home of a person who has been convicted under s. 940.01 of the
19 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
20 homicide, of a parent of the child, if the conviction has not been reversed, set aside,
21 or vacated.

22 (b) *Revocation.* Except as provided in par. (c), if a parent in whose home a child
23 is placed for a trial reunification is convicted under s. 940.01 of the first-degree
24 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of

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1 the child's other parent, and the conviction has not been reversed, set aside, or
2 vacated, the court shall revoke the trial reunification as provided in sub. (4) (c).

3 (c) *Exception.* Paragraphs (a) and (b) do not apply if the court determines by
4 clear and convincing evidence that the placement would be in the best interests of
5 the child. The court shall consider the wishes of the child in making that
6 determination.

7 **SECTION 34.** 48.363 (1) (a) of the statutes is amended to read:

8 48.363 (1) (a) A child, the child's parent, guardian, legal custodian, or Indian
9 custodian, an expectant mother, an unborn child by the unborn child's guardian ad
10 litem, any person or agency bound by a dispositional order, or the district attorney
11 or corporation counsel in the county in which the dispositional order was entered
12 may request a revision in the order that does not involve a change in placement or
13 a trial reunification, including a revision with respect to the amount of child support
14 to be paid by a parent. The court may also propose a revision. The request or court
15 proposal shall set forth in detail the nature of the proposed revision and what new
16 information is available that affects the advisability of the court's disposition. The
17 request or court proposal shall be submitted to the court. The court shall hold a
18 hearing on the matter prior to any revision of the dispositional order if the request
19 or court proposal indicates that new information is available which affects the
20 advisability of the court's dispositional order, unless written waivers of objections to
21 the revision are signed by all parties entitled to receive notice and the court approves.

22 **SECTION 35.** 48.365 (2g) (b) 2. of the statutes is amended to read:

23 48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and
24 of any progress the child has made, suggestions for amendment of the permanency
25 case plan, and specific information showing the efforts that have been made to

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1 achieve the goal of the permanency case plan, including, if applicable, the efforts of
2 the parents to remedy the factors that contributed to the child's placement.

3 **SECTION 36.** 48.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act
4 79, is amended to read:

5 48.365 (2g) (b) 3. If the child has been placed outside of his or her home in a
6 foster home, group home, residential care center for children and youth, or shelter
7 care facility for 15 of the most recent 22 months, not including any period during
8 which the child was a runaway from the out-of-home placement or ~~the first 6 months~~
9 ~~of any period during which the child was returned to his or her home for a trial home~~
10 ~~visit~~ reunification, a statement of whether or not a recommendation has been made
11 to terminate the parental rights of the parents of the child. If a recommendation for
12 a termination of parental rights has been made, the statement shall indicate the date
13 on which the recommendation was made, any previous progress made to accomplish
14 the termination of parental rights, any barriers to the termination of parental rights,
15 specific steps to overcome the barriers and when the steps will be completed, reasons
16 why adoption would be in the best interest of the child, and whether or not the child
17 should be registered with the adoption information exchange. If a recommendation
18 for termination of parental rights has not been made, the statement shall include an
19 explanation of the reasons why a recommendation for termination of parental rights
20 has not been made. If the lack of appropriate adoptive resources is the primary
21 reason for not recommending a termination of parental rights, the agency shall
22 recommend that the child be registered with the adoption information exchange or
23 report the reason why registering the child is contrary to the best interest of the child.

24 **SECTION 37.** 48.365 (2m) (a) 1. of the statutes is amended to read:

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1 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
2 extension. If the child is placed outside of his or her home, the person or agency
3 primarily responsible for providing services to the child shall present as evidence
4 specific information showing that the person or agency has made reasonable efforts
5 to achieve the goal of the child's permanency case plan, including, if appropriate,
6 through an out-of-state placement, ~~under~~. If an Indian child is placed outside the
7 home of his or her parent or Indian custodian, the person or agency primarily
8 responsible for providing services to the Indian child shall also present as evidence
9 specific information showing that active efforts under s. 48.028 (4) (d) 2. have been
10 made to prevent the breakup of the Indian child's family and that those efforts have
11 proved unsuccessful.

12 **SECTION 38.** 48.365 (2m) (a) 1m. of the statutes is amended to read:

13 48.365 (2m) (a) 1m. The judge shall make findings of fact and conclusions of
14 law based on the evidence. The findings of fact shall include a finding as to whether
15 reasonable efforts were made by the person or agency primarily responsible for
16 providing services to the child to achieve the goal of the child's permanency case plan,
17 including, if appropriate, through an out-of-state placement, ~~under~~. If the child is
18 an Indian child who is placed outside the home of his or her parent or Indian
19 custodian, the findings of fact shall also include a finding that active efforts under
20 s. 48.028 (4) (d) 2. were made to prevent the breakup of the Indian child's family and
21 that those efforts have proved unsuccessful. An order shall be issued under s. 48.355.

22 **SECTION 39.** 48.365 (2m) (a) 3. of the statutes is amended to read:

23 48.365 (2m) (a) 3. The judge shall make the findings under subd. 1m. relating
24 to reasonable efforts to achieve the goal of the child's permanency case plan and the
25 findings under subd. 2. on a case-by-case basis based on circumstances specific to

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1 the child and shall document or reference the specific information on which those
2 findings are based in the order issued under s. 48.355. An order that merely
3 references subd. 1m. or 2. without documenting or referencing that specific
4 information in the order or an amended order that retroactively corrects an earlier
5 order that does not comply with this subdivision is not sufficient to comply with this
6 subdivision.

7 **SECTION 40.** 48.365 (2m) (ad) of the statutes is amended to read:

8 48.365 (2m) (ad) If the judge finds that any of the circumstances under s.
9 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a hearing
10 under s. 48.38 (4m) within 30 days after the date of that finding to determine the
11 permanency case plan for the child.

12 **SECTION 41.** 48.365 (7) of the statutes is amended to read:

13 48.365 (7) Nothing in this section may be construed to allow any changes in
14 placement or trial reunifications. Changes in placement may take place only under
15 s. 48.357, and trial reunifications may take place only under s. 48.358.

16 **SECTION 42.** 48.371 (1) (a) of the statutes is amended to read:

17 48.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the child,
18 as provided under s. 252.15 (3m) (d) 15., including results included in a court report
19 or permanency case plan. At the time that the HIV test results are provided, the
20 agency shall notify the foster parent, relative, or operator of the group home or
21 residential care center for children and youth of the confidentiality requirements
22 under s. 252.15 (6).

23 **SECTION 43.** 48.371 (1) (b) of the statutes is amended to read:

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1 48.371 (1) (b) Results of any tests of the child to determine the presence of viral
2 hepatitis, type B, including results included in a court report or permanency case
3 plan.

4 **SECTION 44.** 48.371 (3) (intro.) of the statutes is amended to read:

5 48.371 (3) (intro.) At the time of placement of a child in a foster home, group
6 home, or residential care center for children and youth or in the home of a relative
7 other than a parent or, if the information is not available at that time, as soon as
8 possible after the date on which the court report or permanency case plan has been
9 submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38
10 (1) (a), responsible for preparing the child's permanency case plan shall provide to
11 the foster parent, relative, or operator of the group home or residential care center
12 for children and youth information contained in the court report submitted under s.
13 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4) (c) or permanency case plan
14 submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), or
15 48.831 (4) (e) relating to findings or opinions of the court or agency that prepared the
16 court report or permanency case plan relating to any of the following:

17 **SECTION 45.** 48.371 (4) of the statutes is amended to read:

18 48.371 (4) Subsection (1) does not preclude an agency, as defined in s. 48.38 (1)
19 (a), that is arranging for the placement of a child from providing the information
20 specified in sub. (1) (a) to (c) to a person specified in sub. (1) (intro.) before the time
21 of placement of the child. Subsection (3) does not preclude an agency, as defined in
22 s. 48.38 (1) (a), responsible for preparing a child's court report or permanency case
23 plan from providing the information specified in sub. (3) (a) to (e) to a person specified
24 in sub. (3) (intro.) before the time of placement of the child.

25 **SECTION 46.** 48.371 (5) of the statutes is amended to read:

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1 48.38 (2) ~~PERMANENCY~~ CASE PLAN REQUIRED. (intro.) Except as provided in sub.
2 (3), for each child living in a foster home, group home, residential care center for
3 children and youth, juvenile detention facility, or shelter care facility, the agency that
4 placed the child or arranged the placement or the agency assigned primary
5 responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall
6 prepare a written ~~permanency~~ case plan, if any of the following conditions exists,
7 and, for each child living in the home of a relative other than a parent, that agency
8 shall prepare a written ~~permanency~~ case plan, if any of the conditions specified in
9 pars. (a) to (e) exists:

10 **SECTION 52.** 48.38 (3) of the statutes is amended to read:

11 48.38 (3) TIME. Subject to sub. (4m) (a), the agency shall file the ~~permanency~~
12 case plan with the court within 60 days after the date on which the child was first
13 removed from his or her home, except that if the child is held for less than 60 days
14 in a juvenile detention facility, juvenile portion of a county jail, or a shelter care
15 facility, no ~~permanency~~ case plan is required if the child is returned to his or her home
16 within that period.

17 **SECTION 53.** 48.38 (4) (intro.) of the statutes is amended to read:

18 48.38 (4) CONTENTS OF PLAN. (intro.) The ~~permanency~~ case plan shall include
19 all of the following:

20 **SECTION 54.** 48.38 (4) (ar) of the statutes is amended to read:

21 48.38 (4) (ar) A description of the services offered and any services provided in
22 an effort to prevent the removal of the child from his or her home, while assuring that
23 the health and safety of the child are the paramount concerns, and to achieve the goal
24 of the ~~permanency~~ case plan, except that the ~~permanency~~ case plan is not required
25 to include a description of the services offered or provided with respect to a parent

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1 of the child to prevent the removal of the child from the home or to achieve the
2 permanency case plan goal of returning the child safely to his or her home if any of
3 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent.

4 **SECTION 55.** 48.38 (4) (br) 2. of the statutes is amended to read:

5 48.38 (4) (br) 2. If the child has one or more siblings who have also been
6 removed from the home, a description of the efforts made to place the child in a
7 placement that enables the sibling group to remain together and, if a decision is made
8 not to place the child and his or her siblings in a joint placement, a statement as to
9 why a joint placement would be contrary to the safety or well-being of the child or
10 any of those siblings and a description of the efforts made to provide for frequent
11 visitation or other ongoing interaction between the child and those siblings. If a
12 decision is made not to provide for that visitation or interaction, the permanency case
13 plan shall include a statement as to why that visitation or interaction would be
14 contrary to the safety or well-being of the child or any of those siblings.

15 **SECTION 56.** 48.38 (4) (f) 3. of the statutes is amended to read:

16 48.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe
17 return of the child to his or her home, or, if appropriate, obtain ~~an alternative~~
18 permanent placement for the child a placement for adoption, with a guardian, with
19 a fit and willing relative, or in some other planned permanent living arrangement
20 in which the child is in a long-term relationship with an adult.

21 **SECTION 57.** 48.38 (4) (fg) (intro.) of the statutes is amended to read:

22 48.38 (4) (fg) (intro.) The goal of the permanency case plan or, if the agency is
23 ~~making concurrent reasonable efforts under engaging in concurrent planning, as~~
24 defined in s. 48.355 (2b) (a), the primary and concurrent goals of the permanency case
25 plan. If a goal of the permanency case plan is ~~any goal other than return of the child~~

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1 ~~to his or her home to place the child for adoption, with a guardian, or with a fit and~~
2 ~~willing relative, the permanency case plan shall include the rationale for deciding~~
3 ~~on that goal. If a goal of the permanency plan is an alternative permanent placement~~
4 ~~under subd. 5., the permanency plan shall document a compelling reason why it~~
5 ~~would not be in the best interest of the child to pursue a goal specified in subds. 1.~~
6 ~~to 4. and the efforts made to achieve that goal, including, if appropriate, through an~~
7 ~~out-of-state placement. If the agency determines under s. 48.355 (2b) (b) to engage~~
8 ~~in concurrent planning, the case plan shall include the rationale for that~~
9 ~~determination and a description of the concurrent plan and the primary and~~
10 ~~concurrent goals of the concurrent plan. The agency shall determine one or more of~~
11 ~~the following goals to be the goal or goals of a child's permanency case plan:~~

12 **SECTION 58.** 48.38 (4) (fg) 5. of the statutes is amended to read:

13 48.38 (4) (fg) 5. ~~Some~~ As provided in par. (fm), some other alternative planned
14 permanent placement living arrangement in which the child is in a long-term
15 relationship with an adult, including sustaining care, independent living, or
16 long-term foster care, but not including independent living.

17 **SECTION 59.** 48.38 (4) (fm) of the statutes is renumbered 48.38 (4) (fm) (intro.)
18 and amended to read:

19 48.38 (4) (fm) (intro.) ~~If the goal of the permanency plan is to~~ agency determines
20 that there is a compelling reason why it would not be in the best interests of the child
21 to return the child to his or her home or to place the child for adoption, with a
22 guardian, or with a fit and willing relative, or the permanency goal of placing the
23 child in some other alternative planned permanent placement, living arrangement
24 described in par. (fg) 5. If the agency makes that determination, the plan shall
25 include all of the following:

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1 2. The compelling reason why it would not be in the best interests of the child
2 to return the child to his or her home or to place the child for adoption, with a
3 guardian, or with a fit and willing relative and the efforts made to achieve that goal,
4 including, if appropriate, through an out-of-state placement.

5 **SECTION 60.** 48.38 (4) (fm) 1. of the statutes is created to read:

6 48.38 (4) (fm) 1. A concurrent plan under s. 48.355 (2b) (b) towards achieving
7 a permanency goal under par. (fg) 1. to 4. as well as the permanency goal under par.
8 (fg) 5.

9 **SECTION 61.** 48.38 (4) (i) of the statutes is amended to read:

10 48.38 (4) (i) A statement as to whether the child's age and developmental level
11 are sufficient for the court to consult with the child at the permanency case plan
12 determination hearing under sub. (4m) (c) or at the permanency case plan hearing
13 under sub. (5m) (c) 2. or s. 48.43 (5) (b) 2. or for the court or panel to consult with the
14 child at the permanency case plan review under sub. (5) (bm) 2. and, if a decision is
15 made that it would not be age appropriate or developmentally appropriate for the
16 court or panel to consult with the child, a statement as to why consultation with the
17 child would not be appropriate.

18 **SECTION 62.** 48.38 (4m) (title) of the statutes is amended to read:

19 48.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PERMANENCY
20 CASE PLAN DETERMINATION HEARING.

21 **SECTION 63.** 48.38 (4m) (a) of the statutes is amended to read:

22 48.38 (4m) (a) If in a proceeding under s. 48.21, 48.32, 48.355, 48.357, or 48.365
23 the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies
24 with respect to a parent, the court shall hold a hearing within 30 days after the date
25 of that finding to determine the permanency case plan for the child. If a hearing is

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1 held under this paragraph, the agency responsible for preparing the permanency
2 case plan shall file the permanency case plan with the court not less than 5 days
3 before the date of the hearing. At the hearing, the court shall consider placing the
4 child in a placement outside this state if the court determines that such a placement
5 would be in the best interests of the child and appropriate to achieving the goal of the
6 child's permanency case plan.

7 **SECTION 64.** 48.38 (4m) (c) of the statutes is amended to read:

8 48.38 (4m) (c) If the child's permanency case plan includes a statement under
9 sub. (4) (i) indicating that the child's age and developmental level are sufficient for
10 the court to consult with the child regarding the child's permanency case plan or if,
11 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
12 court to consult with the child, the court determines that consultation with the child
13 would be in the best interests of the child, the court shall consult with the child, in
14 an age-appropriate and developmentally appropriate manner, regarding the child's
15 permanency case plan and any other matters the court finds appropriate. If none of
16 those circumstances apply, the court may permit the child's caseworker, the child's
17 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
18 or oral statement during the hearing, or to submit a written statement prior to the
19 hearing, expressing the child's wishes, goals, and concerns regarding the
20 permanency case plan and those matters. If the court permits such a written or oral
21 statement to be made or submitted, the court may nonetheless require the child to
22 be physically present at the hearing.

23 **SECTION 65.** 48.38 (5) (a) of the statutes is amended to read:

24 48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed
25 under par. (ag) shall review the permanency case plan in the manner provided in this

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1 subsection not later than 6 months after the date on which the child was first
2 removed from his or her home and every 6 months after a previous review under this
3 subsection for as long as the child is placed outside the home, except that for the
4 review that is required to be conducted not later than 12 months after the child was
5 first removed from his or her home and the reviews that are required to be conducted
6 every 12 months after that review the court shall hold a hearing under sub. (5m) to
7 review the permanency case plan, which hearing may be instead of or in addition to
8 the review under this subsection.

9 **SECTION 66.** 48.38 (5) (ag) of the statutes is amended to read:

10 48.38 (5) (ag) If the court elects not to review the permanency case plan, the
11 court shall appoint a panel to review the permanency case plan. The panel shall
12 consist of 3 persons who are either designated by an independent agency that has
13 been approved by the chief judge of the judicial administrative district or designated
14 by the agency that prepared the permanency case plan. A voting majority of persons
15 on each panel shall be persons who are not employed by the agency that prepared the
16 permanency case plan and who are not responsible for providing services to the child
17 or the parents of the child whose permanency case plan is the subject of the review.

18 **SECTION 67.** 48.38 (5) (am) of the statutes is amended to read:

19 48.38 (5) (am) The court may appoint an independent agency to designate a
20 panel to conduct a permanency case plan review under par. (a). If the court in a
21 county having a population of less than 500,000 appoints an independent agency
22 under this paragraph, the county department of the county of the court shall
23 authorize and contract for the purchase of services from the independent agency. If
24 the court in a county having a population of 500,000 or more appoints an independent

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1 agency under this paragraph, the department shall authorize and contract for the
2 purchase of services from the independent agency.

3 **SECTION 68.** 48.38 (5) (bm) 2. of the statutes is amended to read:

4 48.38 (5) (bm) 2. If the child's permanency case plan includes a statement under
5 sub. (4) (i) indicating that the child's age and developmental level are sufficient for
6 the court or panel to consult with the child regarding the child's permanency case
7 plan or if, notwithstanding a decision under sub. (4) (i) that it would not be
8 appropriate for the court or panel to consult with the child, the court or panel
9 determines that consultation with the child would be in the best interests of the child,
10 the court or panel shall consult with the child, in an age-appropriate and
11 developmentally appropriate manner, regarding the child's permanency case plan
12 and any other matters the court or panel finds appropriate. If none of those
13 circumstances apply, the court or panel may permit the child's caseworker, the child's
14 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
15 or oral statement during the review, or to submit a written statement prior to the
16 review, expressing the child's wishes, goals, and concerns regarding the permanency
17 case plan and those matters. If the court or panel permits such a written or oral
18 statement to be made or submitted, the court or panel may nonetheless require the
19 child to be physically present at the review.

20 **SECTION 69.** 48.38 (5) (c) 2. of the statutes is amended to read:

21 48.38 (5) (c) 2. The extent of compliance with the permanency case plan by the
22 agency and any other service providers, the child's parents, the child and the child's
23 guardian, if any.

24 **SECTION 70.** 48.38 (5) (c) 5. of the statutes is amended to read:

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1 48.38 (5) (c) 5. The date by which it is likely that the child will be returned to
2 his or her home or placed for adoption, with a guardian, with a fit and willing relative,
3 or in some other ~~alternative~~ planned permanent placement living arrangement in
4 which the child is in a long-term relationship with an adult.

5 **SECTION 71.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

6 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,
7 as described in s. 48.365 (1), in a foster home, group home, residential care center for
8 children and youth, or shelter care facility for 15 of the most recent 22 months, not
9 including any period during which the child was a runaway from the out-of-home
10 placement or ~~the first 6 months of any period during which the child was returned~~
11 to his or her home for a trial ~~home visit~~ reunification, the appropriateness of the
12 permanency case plan and the circumstances which prevent the child from any of the
13 following:

14 **SECTION 72.** 48.38 (5) (c) 6. d. of the statutes is amended to read:

15 48.38 (5) (c) 6. d. Being placed in some other ~~alternative~~ planned permanent
16 placement living arrangement in which the child is in a long-term relationship with
17 an adult, including sustaining care, ~~independent living~~, or long-term foster care, but
18 not including independent living.

19 **SECTION 73.** 48.38 (5) (c) 6m. of the statutes is created to read:

20 48.38 (5) (c) 6m. If the case plan calls for concurrent planning, as defined in s.
21 48.355 (2b) (a), the appropriateness, in light of the standards established by the
22 department, of each of the permanency goals of the concurrent plan. If the court or
23 panel does not approve of any one or more of those goals, the court or panel must
24 include in its determinations under this paragraph the reasons for that disapproval.

25 **SECTION 74.** 48.38 (5) (c) 7. of the statutes is amended to read:

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1 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
2 the goal of the permanency case plan, including, if appropriate, through an
3 out-of-state placement,

4 **SECTION 75.** 48.38 (5) (d) of the statutes is amended to read:

5 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the
6 permanency case plan shall, at least 5 days before a review by a review panel, provide
7 to each person appointed to the review panel, the child's parent, guardian, and legal
8 custodian, the person representing the interests of the public, the child's counsel, the
9 child's guardian ad litem, the child's court-appointed special advocate, and, if the
10 child is an Indian child who is placed outside the home of his or her parent or Indian
11 custodian, the Indian child's Indian custodian and tribe a copy of the permanency
12 case plan and any written comments submitted under par. (bm) 1. Notwithstanding
13 s. 48.78 (2) (a), a person appointed to a review panel, the person representing the
14 interests of the public, the child's counsel, the child's guardian ad litem, the child's
15 court-appointed special advocate, and, if the child is an Indian child who is placed
16 outside the home of his or her parent or Indian custodian, the Indian child's Indian
17 custodian and tribe may have access to any other records concerning the child for the
18 purpose of participating in the review. A person permitted access to a child's records
19 under this paragraph may not disclose any information from the records to any other
20 person.

21 **SECTION 76.** 48.38 (5m) (title) of the statutes is amended to read:

22 48.38 (5m) (title) PERMANENCY CASE PLAN HEARING.

23 **SECTION 77.** 48.38 (5m) (a) of the statutes is amended to read:

24 48.38 (5m) (a) The court shall hold a hearing to review the permanency case
25 plan and to make the determinations specified in sub. (5) (c) no later than 12 months

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1 after the date on which the child was first removed from the home and every 12
2 months after a previous hearing under this subsection for as long as the child is
3 placed outside the home.

4 **SECTION 78.** 48.38 (5m) (b) of the statutes is amended to read:

5 48.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court
6 shall notify the child; the child's parent, guardian, and legal custodian; and the
7 child's foster parent, the operator of the facility in which the child is living, or the
8 relative with whom the child is living; of the time, place, and purpose of the hearing,
9 of the issues to be determined at the hearing, and of the fact that they shall have a
10 right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's
11 counsel, the child's guardian ad litem, and the child's court-appointed special
12 advocate; the agency that prepared the permanency case plan; the person
13 representing the interests of the public; and, if the child is an Indian child who is
14 placed outside the home of his or her parent or Indian custodian, the Indian child's
15 Indian custodian and tribe of the date, time, and place, and purpose of the hearing,
16 of the issues to be determined at the hearing, and of the fact that they may have an
17 opportunity to be heard at the hearing as provided in par. (c) 1.

18 **SECTION 79.** 48.38 (5m) (c) 2. of the statutes is amended to read:

19 48.38 **(5m)** (c) 2. If the child's permanency case plan includes a statement under
20 sub. (4) (i) indicating that the child's age and developmental level are sufficient for
21 the court to consult with the child regarding the child's permanency case plan or if,
22 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
23 court to consult with the child, the court determines that consultation with the child
24 would be in the best interests of the child, the court shall consult with the child, in
25 an age-appropriate and developmentally appropriate manner, regarding the child's

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1 permanency case plan and any other matters the court finds appropriate. If none of
2 those circumstances apply, the court may permit the child's caseworker, the child's
3 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
4 or oral statement during the hearing, or to submit a written statement prior to the
5 hearing, expressing the child's wishes, goals, and concerns regarding the
6 permanency case plan and those matters. If the court permits such a written or oral
7 statement to be made or submitted, the court may nonetheless require the child to
8 be physically present at the hearing.

9 **SECTION 80.** 48.38 (5m) (d) of the statutes is amended to read:

10 48.38 (**5m**) (d) At least 5 days before the date of the hearing the agency that
11 prepared the permanency case plan shall provide a copy of the permanency case plan
12 and any written comments submitted under par. (c) 1. to the court, to the child's
13 parent, guardian, and legal custodian, to the person representing the interests of the
14 public, to the child's counsel or guardian ad litem, to the child's court-appointed
15 special advocate, and, if the child is an Indian child who is placed outside the home
16 of his or her parent or Indian custodian, to the Indian child's Indian custodian and
17 tribe. Notwithstanding s. 48.78 (2) (a), the person representing the interests of the
18 public, the child's counsel or guardian ad litem, the child's court-appointed special
19 advocate, and, if the child is an Indian child who is placed outside of the home of his
20 or her parent or Indian custodian, the Indian child's Indian custodian and tribe may
21 have access to any other records concerning the child for the purpose of participating
22 in the review. A person permitted access to a child's records under this paragraph
23 may not disclose any information from the records to any other person.

24 **SECTION 81.** 48.38 (5m) (e) of the statutes is amended to read:

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1 48.38 (5m) (e) After the hearing, the court shall make written findings of fact
2 and conclusions of law relating to the determinations under sub. (5) (c) and shall
3 provide a copy of those findings of fact and conclusions of law to the child; the child's
4 parent, guardian, and legal custodian; the child's foster parent, the operator of the
5 facility in which the child is living, or the relative with whom the child is living; the
6 child's court-appointed special advocate; the agency that prepared the permanency
7 case plan; the person representing the interests of the public; and, if the child is an
8 Indian child who is placed outside the home of his or her parent or Indian custodian,
9 the Indian child's Indian custodian and tribe. The court shall make the findings
10 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to
11 the child and shall document or reference the specific information on which those
12 findings are based in the findings of fact and conclusions of law prepared under this
13 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)
14 7. without documenting or referencing that specific information in the findings of fact
15 and conclusions of law or amended findings of fact and conclusions of law that
16 retroactively correct earlier findings of fact and conclusions of law that do not comply
17 with this paragraph are not sufficient to comply with this paragraph.

18 **SECTION 82.** 48.38 (5m) (f) of the statutes is amended to read:

19 48.38 (5m) (f) If the findings of fact and conclusions of law under par. (e) conflict
20 with the child's dispositional order or provide for any additional services not specified
21 in the dispositional order, the court shall revise the dispositional order under s.
22 48.363 ~~or~~, order a change in placement under s. 48.357, or order a trial reunification
23 under s. 48.358, as appropriate.

24 **SECTION 83.** 48.38 (6) (a) of the statutes is amended to read:

25 48.38 (6) (a) Procedures for conducting permanency case plan reviews.

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1 **SECTION 84.** 48.38 (6) (d) of the statutes is amended to read:

2 48.38 **(6)** (d) The format for permanency case plans and review panel reports.

3 **SECTION 85.** 48.417 (1) (a) of the statutes is amended to read:

4 48.417 **(1)** (a) The child has been placed outside of his or her home, as described
5 in s. 48.365 (1) or 938.365 (1), in a foster home, group home, nonsecured residential
6 care center for children and youth, or shelter care facility for 15 of the most recent
7 22 months, not including any period during which the child was a runaway from the
8 out-of-home placement or ~~the first 6 months of any period during which the child~~
9 was returned to his or her home for a trial ~~home visit~~ reunification. If the
10 circumstances specified in this paragraph apply, the petition shall be filed or joined
11 in by the last day of the 15th month, as described in this paragraph, for which the
12 child was placed outside of his or her home.

13 **SECTION 86.** 48.417 (2) (b) of the statutes is amended to read:

14 48.417 **(2)** (b) The child's permanency case plan indicates and provides
15 documentation that termination of parental rights to the child is not in the best
16 interests of the child.

17 **SECTION 87.** 48.417 (2) (c) of the statutes is amended to read:

18 48.417 **(2)** (c) The agency primarily responsible for providing services to the
19 family under a court order, if required under s. 48.355 (2) (b) 6. to make reasonable
20 efforts to make it possible for the child to return safely to his or her home, has not
21 provided to the family of the child, consistent with the time period in the child's
22 permanency case plan, the services necessary for the safe return of the child to his
23 or her home.

24 **SECTION 88.** 48.417 (2) (cm) of the statutes is amended to read:

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1 48.417 (2) (cm) In the case of an Indian child, the agency primarily responsible
2 for providing services to the Indian child and the family under a court order, if
3 required under s. 48.355 (2) (b) 6v. to make active efforts under s. 48.028 (4) (d) 2. to
4 prevent the breakup of the Indian child's family, has not provided to the Indian child's
5 family, consistent with the child's permanency case plan, the services necessary to
6 prevent the breakup of the Indian child's family.

7 **SECTION 89.** 48.425 (1) (c) of the statutes is amended to read:

8 48.425 (1) (c) If the child has been previously adjudicated to be in need of
9 protection and services, a statement of the steps the agency or person responsible for
10 provision of services has taken to remedy the conditions responsible for court
11 intervention and the parent's response to and cooperation with these services. If the
12 child has been removed from the home, the report shall also include a statement of
13 the reasons why the child cannot be returned safely to the family and the steps the
14 person or agency has taken to effect this return. If a permanency case plan has
15 previously been prepared for the child, the report shall also include specific
16 information showing that the agency primarily responsible for providing services to
17 the child has made reasonable efforts to achieve the goal of the child's permanency
18 case plan, including, if appropriate, through an out-of-state placement.

19 **SECTION 90.** 48.43 (1) (c) of the statutes is amended to read:

20 48.43 (1) (c) If an agency receives custody of the child under par. (a), the child's
21 permanency case plan prepared under s. 48.38 by the agency. If a permanency case
22 plan has not been prepared at the time the order is entered, or if the court enters an
23 order that is not consistent with the permanency case plan, the agency shall prepare
24 a permanency case plan that is consistent with the order or revise the permanency

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1 case plan to conform to the order and shall file the plan with the court within 60 days
2 from the date of the order.

3 **SECTION 91.** 48.43 (1) (cm) of the statutes is amended to read:

4 48.43 (1) (cm) If a permanency case plan has previously been prepared for the
5 child, a finding as to whether the agency primarily responsible for providing services
6 to the child has made reasonable efforts to achieve the goal of the child's permanency
7 case plan, including, if appropriate, through an out-of-state placement. The court
8 shall make the findings specified in this paragraph on a case-by-case basis based
9 on circumstances specific to the child and shall document or reference the specific
10 information on which those findings are based in the order. An order that merely
11 references this paragraph without documenting or referencing that specific
12 information in the order or an amended order that retroactively corrects an earlier
13 order that does not comply with this paragraph is not sufficient to comply with this
14 paragraph.

15 **SECTION 92.** 48.43 (2) (b) of the statutes is amended to read:

16 48.43 (2) (b) A relative whose relationship to the child is derived through the
17 parent whose parental rights are terminated is considered to be a relative of the child
18 for purposes of placement of, and permanency case planning for, the child until that
19 relationship is extinguished by an order of adoption as provided in s. 48.92 (2).

20 **SECTION 93.** 48.43 (5) (a) of the statutes is amended to read:

21 48.43 (5) (a) If the custodian specified in sub. (1) (a) is an agency, the agency
22 shall report to the court on the status of the child at least once each year until the
23 child is adopted or reaches 18 years of age, whichever is sooner. The agency shall file
24 an annual report no less than 30 days before the anniversary of the date of the order.
25 An agency may file an additional report at any time if it determines that more

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1 frequent reporting is appropriate. A report shall summarize the child's permanency
2 case plan and the recommendations of the review panel under s. 48.38 (5), if any, and
3 shall describe any progress that has been made in finding a permanent placement
4 for the child.

5 **SECTION 94.** 48.43 (5) (b) 1. of the statutes is amended to read:

6 48.43 (5) (b) 1. The court shall hold a hearing to review the permanency case
7 plan within 30 days after receiving a report under par. (a). At least 10 days before
8 the date of the hearing, the court shall provide notice of the time, place, and purpose
9 of the hearing to the agency that prepared the report, the child's guardian, the child,
10 and the child's foster parent, the operator of the facility in which the child is living,
11 or the relative with whom the child is living.

12 **SECTION 95.** 48.43 (5) (b) 2. of the statutes is amended to read:

13 48.43 (5) (b) 2. If the child's permanency case plan includes a statement under
14 s. 48.38 (4) (i) indicating that the child's age and developmental level are sufficient
15 for the court to consult with the child regarding the child's permanency case plan or
16 if, notwithstanding a decision under s. 48.38 (4) (i) that it would not be appropriate
17 for the court to consult with the child, the court determines that consultation with
18 the child would be in the best interests of the child, the court shall consult with the
19 child, in an age-appropriate and developmentally appropriate manner, regarding
20 the child's permanency case plan and any other matters the court finds appropriate.
21 If none of those circumstances apply, the court may permit the child's caseworker, the
22 child's counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make
23 a written or oral statement during the hearing, or to submit a written statement
24 prior to the hearing, expressing the child's wishes, goals, and concerns regarding the
25 permanency case plan and those matters. If the court permits such a written or oral

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1 statement to be made or submitted, the court may nonetheless require the child's
2 presence at the hearing.

3 **SECTION 96.** 48.43 (5) (c) of the statutes is amended to read:

4 48.43 (5) (c) Following the hearing, the court shall make all of the
5 determinations specified under s. 48.38 (5) (c), except the determinations relating to
6 the child's parents. The court may amend the order under sub. (1) to transfer the
7 child's guardianship and custody to any agency specified under s. 48.427 (3m) (a) 1.
8 to 4. or (am) that consents to the transfer, if the court determines that the transfer
9 is in the child's best interest. If an Indian child's guardianship and custody are
10 transferred under this paragraph, the agency consenting to the transfer shall comply
11 with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s.
12 48.028 (7) (c) in placing the child, unless the agency finds good cause, as described
13 in s. 48.028 (7) (e), for departing from that order. If an order is amended, the agency
14 that prepared the ~~permanency~~ case plan shall revise the plan to conform to the order
15 and shall file a copy of the revised plan with the court. Each plan filed under this
16 paragraph shall be made a part of the court order.

17 **SECTION 97.** 48.43 (5m) of the statutes is amended to read:

18 48.43 (5m) Either the court or the agency that prepared the ~~permanency~~ case
19 plan shall furnish a copy of the original plan and each revised plan to the child, if he
20 or she is 12 years of age or over, to the child's guardian, to the child's foster parent
21 ~~or,~~ the operator of the facility in which the child is living, or the relative with whom
22 the child is living, and, if the order under sub. (1) involuntarily terminated parental
23 rights to an Indian child, to the Indian child's tribe.

24 **SECTION 98.** 48.63 (4) of the statutes is amended to read:

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1 48.63 (4) A permanency case plan under s. 48.38 is required for each child
2 placed in a foster home under sub. (1). If the child is living in a foster home under
3 a voluntary agreement, the agency that negotiated or acted as intermediary for the
4 placement shall prepare the permanency case plan within 60 days after the date on
5 which the child was removed from his or her home under the voluntary agreement.
6 A copy of each plan shall be provided to the child if he or she is 12 years of age or over
7 and to the child's parent, guardian, or Indian custodian. If the agency that arranged
8 the voluntary placement intends to seek a court order to place the child outside of his
9 or her home at the expiration of the voluntary placement, the agency shall prepare
10 a revised permanency case plan and file that revised plan with the court prior to the
11 date of the hearing on the proposed placement.

12 **SECTION 99.** 48.63 (5) (c) of the statutes is amended to read:

13 48.63 (5) (c) A permanency case plan under s. 48.38 is required for each child
14 placed in a group home under par. (b) and for any child of that child who is residing
15 with that child. The agency that placed the child or that arranged the placement of
16 the child shall prepare the plan within 60 days after the date on which the child was
17 removed from his or her home under the voluntary agreement and shall provide a
18 copy of the plan to the child and the child's parent, guardian, or Indian custodian.

19 **SECTION 100.** 48.63 (5) (d) 1. of the statutes is amended to read:

20 48.63 (5) (d) 1. In this paragraph, "independent reviewing agency" means a
21 person contracted with under subd. 2. to review permanency case plans and
22 placements under subds. 3. to 6.

23 **SECTION 101.** 48.63 (5) (d) 2. of the statutes is amended to read:

24 48.63 (5) (d) 2. An agency that places children under par. (b) or that arranges
25 those placements shall contract with another agency licensed under s. 48.61 (3) to

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1 place children or with a county department to review the ~~permanency~~ case plans and
2 placements of those children and of any children of those children who are residing
3 with those children as provided in subds. 3. to 6.

4 **SECTION 102.** 48.63 (5) (d) 3. of the statutes is amended to read:

5 48.63 (5) (d) 3. If the agency that has placed a child under par. (b) or that has
6 arranged the placement of the child wishes to extend the placement of the child, the
7 agency shall prepare a revised ~~permanency~~ case plan for that child and for any child
8 of that child who is residing with that child and submit the revised ~~permanency~~ case
9 plan or plans, together with a request for a review of the revised ~~permanency~~ case
10 plan or plans and the child's placement, to the independent reviewing agency before
11 the expiration of the child's placement. The request shall include a statement that
12 an extension of the child's placement would be in the best interests of the child,
13 together with reliable and credible information in support of that statement, a
14 statement that the child and the parent, guardian, or Indian custodian of the child
15 consent to the extension of the child's placement, and a request that the independent
16 reviewing agency approve an extension of the child's placement. On receipt of a
17 revised ~~permanency~~ case plan or plans and a request for review, the independent
18 reviewing agency shall set a time and place for the review and shall advise the agency
19 that placed the child or that arranged the placement of the child of the time and place
20 of the review.

21 **SECTION 103.** 48.63 (5) (d) 4. of the statutes is amended to read:

22 48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed
23 the child or that arranged the placement of the child shall provide a copy of the
24 revised ~~permanency~~ case plan or plans and the request for review submitted under
25 subd. 3. and notice of the time and place of the review to the child, the parent,

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1 guardian, Indian custodian, and legal custodian of the child, and the operator of the
2 group home in which the child is placed, together with notice of the issues to be
3 determined as part of the permanency case plan review and notice of the fact that
4 those persons shall have a right to be heard at the review by submitting written
5 comments to that agency or the independent reviewing agency before the review or
6 by participating at the review.

7 **SECTION 104.** 48.63 (5) (d) 6. of the statutes is amended to read:

8 48.63 (5) (d) 6. Within 30 days after the review, the agency that prepared the
9 revised permanency case plan or plans shall prepare a written summary of the
10 determinations specified in s. 48.38 (5) (c) that were made under subd. 5. and shall
11 provide a copy of that summary to the independent reviewing agency, the child, the
12 parent, guardian, Indian custodian, and legal custodian of the child, and the operator
13 of the group home in which the child was placed.

14 **SECTION 105.** 48.831 (4) (e) of the statutes is amended to read:

15 48.831 (4) (e) The court shall order the custodian appointed under par. (b) or
16 (c) to prepare a permanency case plan under s. 48.38 for the child within 60 days after
17 the date of the order. A permanency case plan ordered under this paragraph is
18 subject to review under s. 48.38 (5). In preparing a permanency case plan, the
19 department, county department or child welfare agency need not include any
20 information specified in s. 48.38 (4) that relates to the child's parents or returning
21 the child to his or her home. In reviewing a permanency case plan, a court or panel
22 need not make any determination under s. 48.38 (5) (c) that relates to the child's
23 parents or returning the child to his or her home.

24 **SECTION 106.** 48.834 (1) of the statutes is amended to read:

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1 48.834 (1) PLACEMENT WITH RELATIVES. Before placing a child for adoption under
2 s. 48.833, the department, county department under s. 48.57 (1) (e) or (hm), or child
3 welfare agency making the placement shall consider the availability of a placement
4 for adoption with a relative of the child who is identified in the child's permanency
5 case plan under s. 48.38 or 938.38 or who is otherwise known by the department,
6 county department, or child welfare agency.

7 **SECTION 107.** 48.834 (2) of the statutes is amended to read:

8 48.834 (2) PLACEMENT WITH SIBLINGS. If a child who is being placed for adoption
9 under s. 48.833 has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have
10 been adopted or who have been placed for adoption, the department, county
11 department under s. 48.57 (1) (e) or (hm), or child welfare agency making the
12 placement shall make reasonable efforts to place the child for adoption with an
13 adoptive parent or proposed adoptive parent of such a sibling who is identified in the
14 child's permanency case plan under s. 48.38 or 938.38 or who is otherwise known by
15 the department, county department, or child welfare agency, unless the department,
16 county department, or child welfare agency determines that a joint placement would
17 be contrary to the safety or well-being of the child or any of those siblings, in which
18 case the department, county department, or child welfare agency shall make
19 reasonable efforts to provide for frequent visitation or other ongoing interaction
20 between the child and the siblings, unless the department, county department, or
21 child welfare agency determines that such visitation or interaction would be contrary
22 to the safety or well-being of the child or any of those siblings.

23 **SECTION 108.** 48.977 (3r) of the statutes, as affected by 2011 Wisconsin Act 32,
24 is amended to read:

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1 48.977 (3r) SUBSIDIZED GUARDIANSHIP. Subsidized guardianship payments
2 under s. 48.623 (1) may not be made to a guardian of a child unless a subsidized
3 guardianship agreement under s. 48.623 (2) is entered into before the guardianship
4 order is granted and the court either terminates any order specified in sub. (2) (a) or
5 dismisses any proceeding in which the child has been adjudicated in need of
6 protection or services as specified in sub. (2) (a). If a child's permanency case plan
7 calls for placement of the child in the home of a guardian and the provision of monthly
8 subsidized guardianship payments to the guardian, the petitioner under sub. (4) (a)
9 shall include in the petition under sub. (4) (b) a statement of the determinations
10 made under s. 48.623 (1) and a request for the court to include in the court's findings
11 under sub. (4) (d) a finding confirming those determinations. If the court confirms
12 those determinations, appoints a guardian for the child under sub. (2), and either
13 terminates any order specified in sub. (2) (a) or dismisses any proceeding in which
14 the child is adjudicated to be in need of protection or services as specified in sub. (2)
15 (a), the county department or, in a county having a population of 750,000 or more,
16 department shall provide monthly subsidized guardianship payments to the
17 guardian under s. 48.623 (1).

18 **SECTION 109.** 48.977 (4) (e) of the statutes is amended to read:

19 48.977 (4) (e) *Court report.* For a child who has been placed, or continued in
20 a placement, outside of his or her home for 6 months or longer, the court shall order
21 the person or agency primarily responsible for providing services to the child under
22 a court order to file with the court a report containing the written summary under
23 s. 48.38 (5) (e) and as much information relating to the appointment of a guardian
24 as is reasonably ascertainable. For a child who has been placed, or continued in a
25 placement, outside of his or her home for less than 6 months, the court shall order

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1 the person or agency primarily responsible for providing services to the child under
2 a court order to file with the court the report submitted under s. 48.33 (1) or 938.33
3 (1), the ~~permanency~~ case plan prepared under s. 48.38 or 938.38, if one has been
4 prepared, and as much information relating to the appointment of a guardian as is
5 reasonably ascertainable. The agency shall file the report at least 48 hours before
6 the date of the dispositional hearing under par. (fm).

7 **SECTION 110.** 48.977 (4) (i) of the statutes is amended to read:

8 48.977 (4) (i) *Effect of disposition on ~~permanency~~ case plan review process.*

9 After a disposition under par. (h), the child's ~~permanency~~ case plan shall continue to
10 be reviewed under s. 48.38 (5), if applicable.

11 **SECTION 111.** 49.471 (4) (a) 4. a. of the statutes is amended to read:

12 49.471 (4) (a) 4. a. The individual is a parent or caretaker relative of a child who
13 is living in the home with the parent or caretaker relative or who is temporarily
14 absent from the home for not more than 6 months or, if the child has been removed
15 from the home for more than 6 months, the parent or caretaker relative is working
16 toward unifying the family by complying with a ~~permanency~~ case plan under s. 48.38
17 or 938.38.

18 **SECTION 112.** 49.471 (4) (b) 4. a. of the statutes is amended to read:

19 49.471 (4) (b) 4. a. The individual is a parent or caretaker relative of a child who
20 is living in the home with the parent or caretaker relative or who is temporarily
21 absent from the home for not more than 6 months or, if the child has been removed
22 from the home for more than 6 months, the parent or caretaker relative is working
23 toward unifying the family by complying with a ~~permanency~~ case plan under s. 48.38
24 or 938.38.

25 **SECTION 113.** 146.82 (2) (a) 18m. of the statutes is amended to read:

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1 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
2 or juvenile who has been placed in a foster home, group home, residential care center
3 for children and youth, or juvenile correctional facility, including a placement under
4 s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, group
5 home, residential care center for children and youth, or juvenile correctional facility
6 is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4),
7 to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424
8 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for
9 preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or
10 938.365 (2g), to an agency responsible for preparing a ~~permanency~~ case plan under
11 s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355
12 (2e), or 938.38 regarding the child or juvenile, or to an agency that placed the child
13 or juvenile or arranged for the placement of the child or juvenile in any of those
14 placements and, by any of those agencies, to any other of those agencies and, by the
15 agency that placed the child or juvenile or arranged for the placement of the child or
16 juvenile in any of those placements, to the foster parent of the child or juvenile or the
17 operator of the group home, residential care center for children and youth, or juvenile
18 correctional facility in which the child or juvenile is placed, as provided in s. 48.371
19 or 938.371.

20 **SECTION 114.** 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), including a placement
24 under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home,
25 group home, residential care center for children and youth, or juvenile correctional

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

14 **SECTION 115.** 757.69 (1) (g) 14. of the statutes is amended to read:

15 757.69 (1) (g) 14. Conduct permanency case plan reviews under s. 48.38 (5) or
16 938.38 (5) and permanency case plan hearings under s. 48.38 (5m) or 938.38 (5m).

17 **SECTION 116.** 767.41 (3) (b) of the statutes is amended to read:

18 767.41 (3) (b) If the legal custodian appointed under par. (a) is an agency, the
19 agency shall report to the court on the status of the child at least once each year until
20 the child reaches 18 years of age, is returned to the custody of a parent or is placed
21 under the guardianship of an agency. The agency shall file an annual report no less
22 than 30 days before the anniversary of the date of the order. An agency may file an
23 additional report at any time if it determines that more frequent reporting is
24 appropriate. A report shall summarize the child's permanency case plan and the
25 recommendations of the review panel under s. 48.38 (5), if any.

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1 **SECTION 117.** 767.41 (3) (c) of the statutes is amended to read:

2 767.41 (3) (c) The court shall hold a hearing to review the permanency case plan
3 within 30 days after receiving a report under par. (b). At least 10 days before the date
4 of the hearing, the court shall provide notice of the time, place, and purpose of the
5 hearing to the agency that prepared the report; the child; the child's parents,
6 guardian, and legal custodian; and the child's foster parent, the operator of the
7 facility in which the child is living, or the relative with whom the child is living.

8 **SECTION 118.** 808.075 (4) (a) 8. of the statutes is amended to read:

9 808.075 (4) (a) 8. Review of permanency plan case plans under s. 48.38 (5).

10 **SECTION 119.** 808.075 (4) (fn) 8. of the statutes is amended to read:

11 808.075 (4) (fn) 8. Review of permanency plan case plans under s. 938.38 (5).

12 **SECTION 120.** 938.028 (4) (f) 1. d. of the statutes is amended to read:

13 938.028 (4) (f) 1. d. Arrangements were made to provide natural and
14 unsupervised family interaction in the most natural setting that can ensure the
15 Indian juvenile's safety, as appropriate to the goals of the Indian juvenile's
16 permanency case plan, including arrangements for transportation and other
17 assistance to enable family members to participate in that interaction.

18 **SECTION 121.** 938.21 (5) (d) of the statutes is amended to read:

19 938.21 (5) (d) If the court finds that any of the circumstances specified in s.
20 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
21 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
22 permanency case plan for the juvenile.

23 **SECTION 122.** 938.235 (4) (a) 1. of the statutes is amended to read:

24 938.235 (4) (a) 1. Participate in permanency case planning under ss. 48.43 (5)
25 and 938.38.

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1 **SECTION 123.** 938.235 (4) (a) 2. of the statutes is amended to read:

2 938.235 (4) (a) 2. Petition for a change in placement under s. 938.357 or a trial
3 reunification under s. 938.358.

4 **SECTION 124.** 938.315 (2m) (b) of the statutes is amended to read:

5 938.315 (2m) (b) The court making an initial finding under s. 938.38 (5m) that
6 the agency primarily responsible for providing services to the juvenile has made
7 reasonable efforts to achieve the goals of the juvenile's ~~permanency~~ case plan more
8 than 12 months after the date on which the juvenile was removed from the home or
9 making any subsequent findings under s. 938.38 (5m) as to those reasonable efforts
10 more than 12 months after the date of a previous finding as to those reasonable
11 efforts.

12 **SECTION 125.** 938.32 (1) (c) 1. c. of the statutes is amended to read:

13 938.32 (1) (c) 1. c. If a ~~permanency~~ case plan has previously been prepared for
14 the juvenile, a finding as to whether the county department or agency has made
15 reasonable efforts to achieve the goal of the juvenile's ~~permanency~~ case plan,
16 including, if appropriate, through an out-of-state placement.

17 **SECTION 126.** 938.32 (1) (d) of the statutes is amended to read:

18 938.32 (1) (d) If the court finds that any of the circumstances specified in s.
19 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
20 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
21 ~~permanency~~ case plan for the juvenile.

22 **SECTION 127.** 938.33 (4) (a) of the statutes is amended to read:

23 938.33 (4) (a) A ~~permanency~~ case plan prepared under s. 938.38.

24 **SECTION 128.** 938.33 (4) (c) of the statutes is amended to read:

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1 938.33 (4) (c) Specific information showing that continued placement of the
2 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
3 information showing that the county department or the agency primarily
4 responsible for providing services to the juvenile has made reasonable efforts to
5 prevent the removal of the juvenile from the home, while assuring that the juvenile's
6 health and safety are the paramount concerns, unless any of the circumstances
7 specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency case plan has
8 previously been prepared for the juvenile, specific information showing that the
9 county department or agency has made reasonable efforts to achieve the goal of the
10 juvenile's permanency case plan, including, if appropriate, through an out-of-state
11 placement.

12 **SECTION 129.** 938.335 (3g) (c) of the statutes is amended to read:

13 938.335 (3g) (c) That, if a permanency case plan has previously been prepared
14 for the juvenile, the county department or agency has made reasonable efforts to
15 achieve the goal of the juvenile's permanency case plan, including, if appropriate,
16 through an out-of-state placement.

17 **SECTION 130.** 938.335 (4) of the statutes is amended to read:

18 938.335 (4) TESTIMONY BY TELEPHONE OR LIVE AUDIOVISUAL MEANS. At hearings
19 under this section, s. 938.357, 938.358, 938.363, or 938.365, on the request of any
20 party, unless good cause to the contrary is shown, the court may admit testimony on
21 the record by telephone or live audiovisual means, if available, under s. 807.13 (2).
22 The request and the showing of good cause may be made by telephone.

23 **SECTION 131.** 938.355 (2) (b) 5. of the statutes is amended to read:

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1 938.355 (2) (b) 5. For a juvenile placed outside his or her home under an order
2 under s. 938.34 (3) or 938.345, a permanency case plan under s. 938.38 if one has been
3 prepared.

4 **SECTION 132.** 938.355 (2) (b) 6. of the statutes is amended to read:

5 938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that
6 continued placement of the juvenile in his or her home would be contrary to the
7 welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is
8 placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that
9 the juvenile's current residence will not safeguard the welfare of the juvenile or the
10 community due to the serious nature of the act for which the juvenile was adjudicated
11 delinquent. The court order shall also contain a finding as to whether the county
12 department or the agency primarily responsible for providing services under a court
13 order has made reasonable efforts to prevent the removal of the juvenile from the
14 home, while assuring that the juvenile's health and safety are the paramount
15 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.
16 to 4. applies, and, if a permanency case plan has previously been prepared for the
17 juvenile, a finding as to whether the county department or agency has made
18 reasonable efforts to achieve the goal of the juvenile's permanency case plan,
19 including, if appropriate, through an out-of-state placement,. The court shall make
20 the findings specified in this subdivision on a case-by-case basis based on
21 circumstances specific to the juvenile and shall document or reference the specific
22 information on which those findings are based in the court order. A court order that
23 merely references this subdivision without documenting or referencing that specific
24 information in the court order or an amended court order that retroactively corrects

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1 an earlier court order that does not comply with this subdivision is not sufficient to
2 comply with this subdivision.

3 **SECTION 133.** 938.355 (2b) (title) of the statutes is amended to read:

4 938.355 **(2b)** (title) ~~CONCURRENT REASONABLE EFFORTS PERMITTED~~ PLANNING.

5 **SECTION 134.** 938.355 (2b) of the statutes is renumbered 938.355 (2b) (b) and
6 amended to read:

7 938.355 **(2b)** (b) A county department or the agency primarily responsible for
8 providing services to a juvenile under a court order ~~may, at the same time as the~~
9 ~~county department or agency is making the reasonable efforts required under sub.~~
10 ~~(2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible~~
11 ~~for the juvenile to return safely to his or her home, work with the department of~~
12 ~~children and families, a county department under s. 48.57 (1) (e) or (hm), or a child~~
13 ~~welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the~~
14 ~~juvenile for adoption, with a guardian, with a fit and willing relative, or in some other~~
15 ~~alternative permanent placement, including reasonable efforts to identify an~~
16 ~~appropriate out-of-state placement shall determine, in accordance with standards~~
17 ~~established by the department, whether to engage in concurrent planning. If,~~
18 ~~according to those standards, concurrent planning is required, the county~~
19 ~~department or agency shall engage in concurrent planning and the court shall make~~
20 ~~a finding as to whether the county department or agency has made reasonable efforts~~
21 ~~to achieve the primary goal of the concurrent plan.~~

22 **SECTION 135.** 938.355 (2b) (a) of the statutes is created to read:

23 938.355 **(2b)** (a) In this subsection, “concurrent planning” means reasonable
24 efforts to work simultaneously towards achieving more than one of the permanency

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1 goals listed in s. 938.38 (4) (fg) 1. to 5. for a juvenile who is placed in out-of-home care
2 and for whom a case plan is required under s. 938.38 (2).

3 **SECTION 136.** 938.355 (2c) (b) of the statutes is amended to read:

4 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
5 the county department or the agency primarily responsible for providing services to
6 the juvenile under a court order has made reasonable efforts to achieve the goal of
7 the ~~permanency~~ case plan, the court's consideration of reasonable efforts shall
8 include the considerations under par. (a) and whether visitation schedules between
9 the juvenile and his or her parents were implemented, unless visitation was denied
10 or limited by the court.

11 **SECTION 137.** 938.355 (2d) (b) (intro.) of the statutes is amended to read:

12 938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not
13 required to include in a dispositional order a finding as to whether the county
14 department or the agency primarily responsible for providing services under a court
15 order has made reasonable efforts with respect to a parent of a juvenile to prevent
16 the removal of the juvenile from the home, while assuring that the juvenile's health
17 and safety are the paramount concerns, or, if applicable, a finding as to whether the
18 county department or agency has made reasonable efforts with respect to a parent
19 of a juvenile to achieve the ~~permanency~~ case plan goal of returning the juvenile safely
20 to his or her home, if the court finds any of the following:

21 **SECTION 138.** 938.355 (2d) (c) of the statutes is amended to read:

22 938.355 (2d) (c) If the court finds that any of the circumstances under par. (b)
23 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38
24 (4m) within 30 days after the date of that finding to determine the ~~permanency~~ case
25 plan for the juvenile.

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1 **SECTION 139.** 938.355 (2e) (title) of the statutes is amended to read:

2 938.355 (2e) (title) ~~PERMANENCY CASE~~ PLANS; FILING; AMENDED ORDERS; COPIES.

3 **SECTION 140.** 938.355 (2e) (a) of the statutes is amended to read:

4 938.355 (2e) (a) If a ~~permanency case~~ plan has not been prepared at the time
5 the dispositional order is entered, or if the court orders a disposition that is not
6 consistent with the ~~permanency case~~ plan, the agency responsible for preparing the
7 plan shall prepare a ~~permanency case~~ plan that is consistent with the order or revise
8 the ~~permanency case~~ plan to conform to the order and shall file the plan with the
9 court within the time specified in s. 938.38 (3). A ~~permanency case~~ plan filed under
10 this paragraph shall be made a part of the dispositional order.

11 **SECTION 141.** 938.355 (2e) (b) of the statutes is amended to read:

12 938.355 (2e) (b) Each time a juvenile's placement is changed under s. 938.357,
13 a trial reunification is ordered under s. 938.358, or a dispositional order is revised
14 under s. 938.363 or extended under s. 938.365, the agency that prepared the
15 ~~permanency case~~ plan shall revise the plan to conform to the order and shall file a
16 copy of the revised plan with the court. Each plan filed shall be made a part of the
17 court order.

18 **SECTION 142.** 938.355 (2e) (c) of the statutes is amended to read:

19 938.355 (2e) (c) Either the court or the agency that prepared the ~~permanency~~
20 ~~case~~ plan shall furnish a copy of the original plan and each revised plan to the
21 juvenile's parent or guardian, to the juvenile or the juvenile's counsel or guardian ad
22 litem and to the person representing the interests of the public.

23 **SECTION 143.** 938.356 (1) of the statutes is amended to read:

24 938.356 (1) ORAL WARNING. Whenever the court orders a juvenile to be placed
25 outside his or her home or denies a parent visitation because the juvenile has been

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1 adjudged to be delinquent or to be in need of protection or services under s. 938.34,
2 938.345, 938.357, 938.363, or 938.365 and whenever the court reviews a permanency
3 case plan under s. 938.38 (5m), the court shall orally inform the parent or parents
4 who appear in court of any grounds for termination of parental rights under s. 48.415
5 which may be applicable and of the conditions necessary for the juvenile to be
6 returned to the home or for the parent to be granted visitation.

7 **SECTION 144.** 938.357 (1) (am) 1. of the statutes is amended to read:

8 938.357 (1) (am) 1. If the proposed change in placement involves any change
9 in placement other than a change in placement under par. (c), the person or agency
10 primarily responsible for implementing the dispositional order or the district
11 attorney shall cause written notice of the proposed change in placement to be sent
12 to the juvenile, the parent, guardian, and legal custodian of the juvenile, and any
13 foster parent or other physical custodian described in s. 48.62 (2) of the juvenile. If
14 the juvenile is an Indian juvenile who has been removed from the home of his or her
15 parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), written notice shall
16 also be sent to the Indian juvenile's Indian custodian and tribe. The notice shall
17 contain the name and address of the new placement, the reasons for the change in
18 placement, a statement describing why the new placement is preferable to the
19 present placement, and a statement of how the new placement satisfies the
20 objectives of the treatment juvenile's case plan ordered by the court.

21 **SECTION 145.** 938.357 (1) (c) 1. of the statutes is amended to read:

22 938.357 (1) (c) 1. If the proposed change in placement would change the
23 placement of a juvenile placed in the home to a placement outside the home, the
24 person or agency primarily responsible for implementing the dispositional order or
25 the district attorney shall submit a request for the change in placement to the court.

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1 The request shall contain the name and address of the new placement, the reasons
2 for the change in placement, a statement describing why the new placement is
3 preferable to the present placement, and a statement of how the new placement
4 satisfies the objectives of the treatment juvenile's case plan ordered by the court. The
5 request shall also contain specific information showing that continued placement of
6 the juvenile in his or her home would be contrary to the welfare of the juvenile and,
7 unless any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies, specific
8 information showing that the agency primarily responsible for implementing the
9 dispositional order has made reasonable efforts to prevent the removal of the
10 juvenile from the home, while assuring that the juvenile's health and safety are the
11 paramount concerns.

12 **SECTION 146.** 938.357 (2v) (c) of the statutes is amended to read:

13 938.357 (2v) (c) *Permanency Case plan hearing*. If the court finds under par.
14 (a) 3. that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with
15 respect to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days
16 after the date of that finding to determine the permanency case plan for the juvenile.

17 **SECTION 147.** 938.358 of the statutes is created to read:

18 **938.358 Trial reunification.** (1) DEFINITION. In this section, "trial
19 reunification" means a return of a juvenile who is placed in an out-of-home
20 placement under s. 938.355 or 938.357 to the home of his or her parent or other home
21 from which the juvenile was removed for a specified and limited period for the
22 purpose of determining the appropriateness of permanently returning the juvenile
23 to that home.

24 (2) TRIAL REUNIFICATION; PROCEDURE. (a) *Request or proposal*. The person or
25 agency primarily responsible for implementing the dispositional order may request,

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1 or the court on its own motion may propose, a trial reunification. The request or
2 proposal shall contain the name and address of the home that is the site of the
3 requested or proposed trial reunification, a statement describing why the trial
4 reunification is in the best interests of the juvenile, and a statement describing how
5 the trial reunification satisfies the objectives of the juvenile's case plan. No person
6 may request or propose a trial reunification on the grounds that an emergency
7 condition necessitates an immediate return of the juvenile to the home of his or her
8 parent or other home from which the juvenile was removed. If an emergency
9 condition necessitates such an immediate return, the person or agency primarily
10 responsible for implementing the dispositional order shall proceed as provided in s.
11 938.357 (2).

12 (b) *Notice; information required.* The person requesting the trial reunification
13 shall submit the request to the court. That person or the court shall cause written
14 notice of the proposed trial reunification to be sent to the juvenile, the parent,
15 guardian, and legal custodian of the juvenile, any foster parent or other physical
16 custodian described in s. 48.62 (2) of the juvenile, all parties who are bound by the
17 dispositional order, and, if the juvenile is an Indian juvenile who has been removed
18 from the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m),
19 or (7), the Indian juvenile's Indian custodian and tribe. The notice shall contain the
20 information that is required to be included in the request or proposal under par. (a).

21 (c) *Hearing; when required.* Any person receiving the notice under par. (b) may
22 obtain a hearing on the matter by filing an objection with the court within 10 days
23 after receipt of the notice. If a hearing is scheduled, not less than 3 days before the
24 hearing the person requesting the trial reunification or the court shall provide notice
25 of the hearing to all persons who are entitled to receive notice under par. (b). A copy

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1 of the request or proposal for the trial reunification shall be attached to the notice.

2 If all of the parties consent, the court may proceed immediately with the hearing.

3 (d) *Order*. If the court finds that the trial reunification is in the best interests
4 of the juvenile and that the trial reunification satisfies the objectives of the juvenile's
5 case plan, the court shall grant an order authorizing the trial reunification. A trial
6 reunification shall terminate 90 days after the date of the order, unless the court
7 specifies a shorter period in the order, extends the trial reunification under sub. (3),
8 or revokes the trial reunification under sub. (4) (c) or the person or agency primarily
9 responsible for implementing the dispositional order makes an emergency change in
10 placement as provided in sub. (4) (d). No trial reunification order may extend the
11 expiration date of the original dispositional order under s. 938.355 or any extension
12 order under s. 938.365. A trial reunification under this section is not a change in
13 placement under s. 938.357. At the end of a trial reunification, the person or agency
14 primarily responsible for implementing the dispositional order may return the
15 juvenile to an out-of-home placement without further order of the court,
16 notwithstanding s. 938.357, or may request a change in placement under s. 938.357
17 (1) (am) to change the placement of the juvenile to a placement in the home of the
18 juvenile's parent or other home from which the juvenile was removed.

19 **(3) EXTENSION OF TRIAL REUNIFICATION.** (a) *Extension request or proposal*. The
20 person or agency primarily responsible for implementing the dispositional order may
21 request, or the court on its own motion may propose, an extension of the trial
22 reunification. The request or proposal shall contain a statement describing how the
23 trial reunification continues to be in the best interests of the juvenile and continues
24 to meet the objectives of the juvenile's case plan. No later than 10 days prior to the
25 expiration of the trial reunification, the person who requests or proposes the

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1 extension shall submit the request or proposal to the court that ordered the trial
2 reunification and shall cause notice of the request or proposal to be provided to all
3 persons who are entitled to receive notice under sub. (2) (b).

4 (b) *Extension hearing; when required.* Any person who is entitled to receive
5 notice of the extension request or proposal under par. (a) may obtain a hearing on the
6 matter by filing an objection with the court within 5 days after receipt of the notice.
7 If a hearing is scheduled, not less than 3 days before the hearing the person
8 requesting the extension or the court shall provide notice of the hearing to all persons
9 who are entitled to receive notice of the extension request or proposal under par. (a).
10 A copy of the request or proposal for the extension shall be attached to the notice.
11 If all of the parties consent, the court may proceed immediately with the hearing.

12 (c) *Extension order.* If the court finds that the trial reunification continues to
13 be in the best interests of the juvenile and continues to meet the objectives of the
14 juvenile's case plan, the court shall grant an order extending the trial reunification
15 for a period specified by the court not to exceed 60 days. Any number of extensions
16 may be granted under this paragraph, but the total period for a trial reunification
17 may not exceed 150 days.

18 **(4) REVOCATION OF TRIAL REUNIFICATION.** (a) *Revocation request; information*
19 *required.* If the person or agency primarily responsible for implementing the
20 dispositional order has reasonable cause to suspect that a juvenile who has been
21 returned to the home of his or her parent or other home from which the juvenile was
22 removed for a trial reunification has been abused or neglected, has reason to believe
23 that such a juvenile has been threatened with abuse or neglect and that abuse or
24 neglect of the juvenile is likely to occur, or otherwise has reason to believe that the
25 trial reunification is no longer in the best interests of the juvenile, that person or

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1 agency may request the court to revoke the trial reunification. That person or agency
2 shall submit the request to the court that ordered the trial reunification and shall
3 cause notice of the request to be provided to all persons who are entitled to receive
4 notice of the trial reunification under a sub. (2) (b). The request shall contain the
5 reasons for the proposed revocation.

6 (b) *Revocation hearing; when required.* Any person who is entitled to receive
7 notice of the revocation request under par. (a) may obtain a hearing on the matter
8 by filing an objection with the court within 5 days after receipt of the notice. If a
9 hearing is scheduled, not less than 3 days prior to the hearing the court shall provide
10 notice of the hearing, together with a copy of the request for the revocation, to all
11 persons who are entitled to receive notice under par. (a). If all parties consent, the
12 court may proceed immediately with the hearing.

13 (c) *Revocation order.* If the court finds that the juvenile, while returned to the
14 home of his or her parent or other home from which the juvenile was removed for a
15 trial reunification, has been abused or neglected, or has been threatened with abuse
16 or neglect and that abuse or neglect of the juvenile is likely to occur, or finds that the
17 trial reunification is no longer in the best interests of the juvenile, the court shall
18 grant an order revoking the trial reunification and returning the juvenile to an
19 out-of-home placement.

20 (d) *Emergency change in placement.* If an emergency condition necessitates an
21 immediate removal of the juvenile from the home of his or her parent or other home
22 from which the juvenile was removed, the person or agency primarily responsible for
23 implementing the dispositional order may proceed as provided in s. 938.357 (2).

24 **(5) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN.** If a hearing is
25 held under sub. (2) (c) and the trial reunification would remove a juvenile from a

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1 foster home or other placement with a physical custodian described in s. 48.62 (2),
2 the court shall give the foster parent or other physical custodian a right to be heard
3 at the hearing by permitting the foster parent or other physical custodian to make
4 a written or oral statement during the hearing or to submit a written statement prior
5 to the hearing relating to the juvenile and the requested trial reunification. A foster
6 parent or other physical custodian described in s. 48.62 (2) who receives notice of a
7 hearing under sub. (2) (c) and a right to be heard under this subsection does not
8 become a party to the proceeding on which the hearing is held solely on the basis of
9 receiving that notice and right to be heard.

10 **(6) PROHIBITED TRIAL REUNIFICATIONS BASED ON HOMICIDE OF PARENT. (a)**

11 *Prohibition.* Except as provided in par. (c), the court may not order a trial
12 reunification in the home of a person who has been convicted under s. 940.01 of the
13 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
14 homicide, of a parent of the juvenile, if the conviction has not been reversed, set aside,
15 or vacated.

16 (b) *Revocation.* Except as provided in par. (c), if a parent in whose home a
17 juvenile is placed for a trial reunification is convicted under s. 940.01 of the
18 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
19 homicide, of the juvenile's other parent, and the conviction has not been reversed, set
20 aside, or vacated, the court shall revoke the trial reunification as provided in sub. (4)
21 (c).

22 (c) *Exception.* Paragraphs (a) and (b) do not apply if the court determines by
23 clear and convincing evidence that the placement would be in the best interests of
24 the juvenile. The court shall consider the wishes of the juvenile in making that
25 determination.

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1 **SECTION 148.** 938.363 (1) (a) of the statutes is amended to read:

2 938.363 (1) (a) A juvenile, the juvenile's parent, guardian, or legal custodian,
3 any person or agency bound by a dispositional order, the district attorney or
4 corporation counsel in the county in which the dispositional order was entered or, if
5 the juvenile is an Indian juvenile who is in need of protection or services under s.
6 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian may request a
7 revision in the order that does not involve a change in placement or a trial
8 reunification, including a revision with respect to the amount of child support to be
9 paid by a parent. The court may also propose a revision. The request or court
10 proposal shall set forth in detail the nature of the proposed revision and what new
11 information is available that affects the advisability of the court's disposition. The
12 request or court proposal shall be submitted to the court. The court shall hold a
13 hearing on the matter prior to any revision of the dispositional order if the request
14 or court proposal indicates that new information is available that affects the
15 advisability of the court's dispositional order, unless written waivers of objections to
16 the revision are signed by all parties entitled to receive notice and the court approves.

17 **SECTION 149.** 938.365 (2g) (b) 2. of the statutes is amended to read:

18 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement
19 and of any progress the juvenile has made, suggestions for amendment of the
20 permanency case plan, and specific information showing the efforts that have been
21 made to achieve the goal of the permanency case plan, including, if applicable, the
22 efforts of the parents to remedy the factors that contributed to the juvenile's
23 placement.

24 **SECTION 150.** 938.365 (2g) (b) 3. of the statutes is amended to read:

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1 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
2 in a foster home, group home, nonsecured residential care center for children and
3 youth, or shelter care facility for 15 of the most recent 22 months, not including any
4 period during which the juvenile was a runaway from the out-of-home placement
5 or ~~the first 6 months of any period during which the juvenile was returned to his or~~
6 ~~her home for a trial home visit~~ reunification, a statement of whether or not a
7 recommendation has been made to terminate the parental rights of the parents of
8 the juvenile. If a recommendation for a termination of parental rights has been
9 made, the statement shall indicate the date on which the recommendation was made,
10 any previous progress made to accomplish the termination of parental rights, any
11 barriers to the termination of parental rights, specific steps to overcome the barriers
12 and when the steps will be completed, reasons why adoption would be in the best
13 interest of the juvenile and whether or not the juvenile should be registered with the
14 adoption information exchange. If a recommendation for termination of parental
15 rights has not been made, the statement shall include an explanation of the reasons
16 why a recommendation for termination of parental rights has not been made. If the
17 lack of appropriate adoptive resources is the primary reason for not recommending
18 a termination of parental rights, the agency shall recommend that the juvenile be
19 registered with the adoption information exchange or report the reason why
20 registering the juvenile is contrary to the best interest of the juvenile.

21 **SECTION 151.** 938.365 (2m) (a) 1. of the statutes is amended to read:

22 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
23 extension. If the juvenile is placed outside of his or her home, the person or agency
24 primarily responsible for providing services to the juvenile shall present as evidence
25 specific information showing that the person or agency has made reasonable efforts

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1 to achieve the goal of the juvenile's permanency case plan, including, if appropriate,
2 through an out-of-state placement,. If an Indian juvenile is placed outside the home
3 of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the person
4 or agency primarily responsible for providing services to the Indian juvenile shall
5 also present as evidence specific information showing that active efforts under s.
6 938.028 (4) (d) 2. have been made to prevent the breakup of the Indian juvenile's
7 family and that those efforts have proved unsuccessful.

8 **SECTION 152.** 938.365 (2m) (a) 1m. of the statutes is amended to read:

9 938.365 (2m) (a) 1m. The court shall make findings of fact and conclusions of
10 law based on the evidence. The findings of fact shall include a finding as to whether
11 reasonable efforts were made by the person or agency primarily responsible for
12 providing services to the juvenile to achieve the goal of the juvenile's permanency
13 case plan, including, if appropriate, through an out-of-state placement,. If the
14 juvenile is an Indian juvenile who is placed outside the home of his or her parent or
15 Indian custodian under s. 938.13 (4), (6), (6m), or (7), the findings of fact shall also
16 include a finding that active efforts under s. 938.028 (4) (d) 2. were made to prevent
17 the breakup of the Indian juvenile's family and that those efforts have proved
18 unsuccessful. An order shall be issued under s. 938.355.

19 **SECTION 153.** 938.365 (2m) (a) 3. of the statutes is amended to read:

20 938.365 (2m) (a) 3. The court shall make the findings under subd. 1m. relating
21 to reasonable efforts to achieve the goal of the juvenile's permanency case plan and
22 the findings under subd. 2. on a case-by-case basis based on circumstances specific
23 to the juvenile and shall document or reference the specific information on which
24 those findings are based in the order issued under s. 938.355. An order that merely
25 references subd. 1m. or 2. without documenting or referencing that specific

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1 information in the order or an amended order that retroactively corrects an earlier
2 order that does not comply with this subdivision is not sufficient to comply with this
3 subdivision.

4 **SECTION 154.** 938.365 (2m) (ad) of the statutes is amended to read:

5 938.365 (2m) (ad) If the court finds that any of the circumstances under s.
6 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
7 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
8 permanency case plan for the juvenile.

9 **SECTION 155.** 938.365 (7) of the statutes is amended to read:

10 938.365 (7) CHANGES IN PLACEMENT AND TRIAL REUNIFICATIONS NOT PERMITTED.
11 Nothing in this section may be construed to allow any changes in placement, trial
12 reunification, or revocation of aftercare supervision. Revocation and other changes
13 in placement may take place only under s. 938.357, and trial reunifications may take
14 place only under s. 938.358.

15 **SECTION 156.** 938.371 (1) (a) of the statutes is amended to read:

16 938.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the
17 juvenile as provided under s. 252.15 (3m) (d) 15., including results included in a court
18 report or permanency case plan. At the time that the test results are provided, the
19 agency shall notify the foster parent, relative, or operator of the group home,
20 residential care center for children and youth, or juvenile correctional facility of the
21 confidentiality requirements under s. 252.15 (6).

22 **SECTION 157.** 938.371 (1) (b) of the statutes is amended to read:

23 938.371 (1) (b) Results of any tests of the juvenile to determine the presence
24 of viral hepatitis, type B, including results included in a court report or permanency
25 case plan.

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1 **SECTION 158.** 938.371 (3) (intro.) of the statutes is amended to read:

2 938.371 (3) OTHER INFORMATION. (intro.) At the time of placement of a juvenile
3 in a foster home, group home, residential care center for children and youth, or
4 juvenile correctional facility or in the home of a relative other than a parent or, if the
5 information is not available at that time, as soon as possible after the date on which
6 the court report or permanency case plan has been submitted, but no later than 7
7 days after that date, the agency, as defined in s. 938.38 (1) (a), responsible for
8 preparing the juvenile's permanency case plan shall provide to the foster parent,
9 relative, or operator of the group home, residential care center for children and
10 youth, or juvenile correctional facility information contained in the court report
11 submitted under s. 938.33 (1) or 938.365 (2g) or permanency case plan submitted
12 under s. 938.355 (2e) or 938.38 relating to findings or opinions of the court or agency
13 that prepared the court report or permanency case plan relating to any of the
14 following:

15 **SECTION 159.** 938.371 (4) of the statutes is amended to read:

16 938.371 (4) DISCLOSURE BEFORE PLACEMENT PERMITTED. Subsection (1) does not
17 preclude an agency, as defined in s. 48.38 (1) (a), that is arranging for the placement
18 of a juvenile from providing the information specified in sub. (1) (a) to (c) to a person
19 specified in sub. (1) (intro.) before the time of placement of the juvenile. Subsection
20 (3) does not preclude an agency, as defined in s. 48.38 (1) (a), responsible for preparing
21 a juvenile's court report or permanency case plan from providing the information
22 specified in sub. (3) (a) to (e) to a person specified in sub. (3) (intro.) before the time
23 of placement of the juvenile.

24 **SECTION 160.** 938.371 (5) of the statutes is amended to read:

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1 938.371 (5) CONFIDENTIALITY OF INFORMATION. Except as permitted under s.
2 252.15 (6), a foster parent, treatment foster parent, relative, or operator of a group
3 home, residential care center for children and youth, or juvenile correctional facility
4 that receives any information under sub. (1) or (3), other than the information
5 described in sub. (3) (e), shall keep the information confidential and may disclose that
6 information only for the purposes of providing care for the juvenile or participating
7 in a court hearing or permanency case plan review concerning the juvenile.

8 **SECTION 161.** Subchapter VII (title) of chapter 938 [precedes 938.38] of the
9 statutes is amended to read:

CHAPTER 938

SUBCHAPTER VII

PERMANENCY CASE PLANNING; RECORDS

12 **SECTION 162.** 938.38 (title) of the statutes is amended to read:

13 **938.38** (title) **Permanency Case planning.**

14 **SECTION 163.** 938.38 (1) (am) of the statutes is amended to read:

15 938.38 (1) (am) “Independent agency” means a private, nonprofit organization,
16 but does not include a licensed child welfare agency that is authorized to prepare
17 permanency case plans or that is assigned the primary responsibility of providing
18 services under a permanency case plan.

19 **SECTION 164.** 938.38 (1) (b) of the statutes is renumbered 938.02 (1v) and
20 amended to read:

21 938.02 (1v) “Permanency Case plan” means a plan designed to ensure that a
22 juvenile is reunified with his or her family whenever appropriate, or that the juvenile
23 quickly attains a placement or home providing long-term stability.

24 **SECTION 165.** 938.38 (2) (intro.) of the statutes is amended to read:
25

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

10 **SECTION 166.** 938.38 (3) (intro.) of the statutes is amended to read:

11 938.38 (3) TIME. (intro.) Subject to sub. (4m) (a), the agency shall file the
12 ~~permanency~~ case plan with the court within 60 days after the date on which the
13 juvenile was first removed from his or her home, except under either of the following
14 conditions:

15 **SECTION 167.** 938.38 (3) (a) of the statutes is amended to read:

16 938.38 (3) (a) If the juvenile is alleged to be delinquent and is being held in a
17 juvenile detention facility, juvenile portion of a county jail, or shelter care facility, and
18 the agency intends to recommend that the juvenile be placed in a juvenile
19 correctional facility or a secured residential care center for children and youth, the
20 agency is not required to submit the ~~permanency~~ case plan unless the court does not
21 accept the recommendation of the agency. If the court places the juvenile in any
22 facility outside of the juvenile's home other than a juvenile correctional facility or a
23 secured residential care center for children and youth, the agency shall file the
24 ~~permanency~~ case plan with the court within 60 days after the date of disposition.

25 **SECTION 168.** 938.38 (3) (b) of the statutes is amended to read:

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1 938.38 (3) (b) If the juvenile is held for less than 60 days in a juvenile detention
2 facility, juvenile portion of a county jail, or a shelter care facility, no permanency case
3 plan is required if the juvenile is returned to his or her home within that period.

4 **SECTION 169.** 938.38 (4) (intro.) of the statutes is amended to read:

5 938.38 (4) CONTENTS OF PLAN. (intro.) The permanency case plan shall include
6 all of the following:

7 **SECTION 170.** 938.38 (4) (ar) of the statutes is amended to read:

8 938.38 (4) (ar) A description of the services offered and any services provided
9 in an effort to prevent the removal of the juvenile from his or her home, while
10 assuring that the health and safety of the juvenile are the paramount concerns, and
11 to achieve the goal of the permanency case plan, except that the permanency case
12 plan is not required to include a description of the services offered or provided with
13 respect to a parent of the juvenile to prevent the removal of the juvenile from the
14 home or to achieve the permanency case plan goal of returning the juvenile safely to
15 his or her home if any of the circumstances under s. 938.355 (2d) (b) 1. to 4. apply to
16 that parent.

17 **SECTION 171.** 938.38 (4) (br) 2. of the statutes is amended to read:

18 938.38 (4) (br) 2. If the juvenile has one or more siblings who have also been
19 removed from the home, a description of the efforts made to place the juvenile in a
20 placement that enables the sibling group to remain together and, if a decision is made
21 not to place the juvenile and his or her siblings in a joint placement, a statement as
22 to why a joint placement would be contrary to the safety or well-being of the juvenile
23 or any of those siblings and a description of the efforts made to provide for frequent
24 visitation or other ongoing interaction between the juvenile and those siblings. If a
25 decision is made not to provide for that visitation or interaction, the permanency case

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1 plan shall include a statement as to why that visitation or interaction would be
2 contrary to the safety or well-being of the juvenile or any of those siblings.

3 **SECTION 172.** 938.38 (4) (f) 3. of the statutes is amended to read:

4 938.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe
5 return of the juvenile to his or her home, or, if appropriate, obtain an alternative
6 permanent placement for the juvenile a placement for adoption, with a guardian,
7 with a fit and willing relative, or in some other planned permanent living
8 arrangement in which the juvenile is in a long-term relationship with an adult.

9 **SECTION 173.** 938.38 (4) (fg) (intro.) of the statutes is amended to read:

10 938.38 (4) (fg) (intro.) The goal of the permanency case plan or, if the agency
11 is making concurrent reasonable efforts under engaging in concurrent planning, as
12 defined in s. 938.355 (2b) (a), the primary and concurrent goals of the permanency
13 case plan. If a goal of the permanency plan is any goal other than return of the
14 juvenile to his or her home to place the juvenile for adoption, with a guardian, or with
15 a fit and willing relative, the permanency case plan shall include the rationale for
16 deciding on that goal. ~~If a goal of the permanency plan is an alternative permanent~~
17 ~~placement under subd. 5., the permanency plan shall document a compelling reason~~
18 ~~why it would not be in the best interest of the juvenile to pursue a goal specified in~~
19 ~~subds. 1. to 4. and the efforts made to achieve that goal, including, if appropriate,~~
20 ~~through an out-of-state placement. If the agency determines under s. 938.355 (2b)~~
21 ~~(b) to engage in concurrent planning, the case plan shall include the rationale for that~~
22 ~~determination and a description of the concurrent plan and the primary and~~
23 ~~concurrent goals of the concurrent plan.~~ The agency shall determine one or more of
24 the following goals to be the goal or goals of a juvenile's permanency case plan:

25 **SECTION 174.** 938.38 (4) (fg) 5. of the statutes is amended to read:

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1 938.38 (4) (fg) 5. ~~Some~~ As provided in par. (fm), some other alternative planned
2 permanent placement living arrangement in which the juvenile is in a long-term
3 relationship with an adult, including sustaining care, ~~independent living~~, or
4 long-term foster care, but not including independent living.

5 **SECTION 175.** 938.38 (4) (fm) of the statutes is renumbered 938.38 (4) (fm)
6 (intro.) and amended to read:

7 938.38 (4) (fm) If the ~~goal of the permanency plan is to~~ agency determines that
8 there is a compelling reason why it would not be in the best interests of the juvenile
9 to return the juvenile to his or her home or to place the juvenile for adoption, with
10 a guardian, or with a fit and willing relative, or the permanency goal of placing the
11 juvenile in some other alternative planned permanent placement living
12 arrangement described in par. (fg) 5. If the agency makes that determination, the
13 plan shall include all of the following:

14 2. The compelling reason why it would not be in the best interests of the juvenile
15 to return the juvenile to his or her home or to place the juvenile for adoption, with
16 a guardian, or with a fit and willing relative and the efforts made to achieve that goal,
17 including, if appropriate, through an out-of-state placement.

18 **SECTION 176.** 938.38 (4) (fm) 1. of the statutes is created to read:

19 938.38 (4) (fm) 1. A concurrent plan under s. 938.355 (2b) (b) towards achieving
20 a permanency goal under par. (fg) 1. to 4. as well as the permanency goal under par.
21 (fg) 5.

22 **SECTION 177.** 938.38 (4) (i) of the statutes is amended to read:

23 938.38 (4) (i) A statement as to whether the juvenile's age and developmental
24 level are sufficient for the court to consult with the juvenile at the permanency case
25 plan determination hearing under sub. (4m) (c) or at the permanency case plan

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1 hearing under sub. (5m) (c) 2. or for the court or panel to consult with the juvenile
2 at the permanency case plan review under sub. (5) (bm) 2. and, if a decision is made
3 that it would not be age appropriate or developmentally appropriate for the court to
4 consult with the juvenile, a statement as to why consultation with the juvenile would
5 not be appropriate.

6 **SECTION 178.** 938.38 (4m) (title) of the statutes is amended to read:

7 938.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY
8 PERMANENCY CASE PLAN DETERMINATION HEARING.

9 **SECTION 179.** 938.38 (4m) (a) of the statutes is amended to read:

10 938.38 (4m) (a) If in a proceeding under s. 938.21, 938.32, 938.355, 938.357,
11 or 938.365 the court finds that any of the circumstances in s. 938.355 (2d) (b) 1. to
12 4. applies with respect to a parent, the court shall hold a hearing within 30 days after
13 the date of that finding to determine the permanency case plan for the juvenile. If
14 a hearing is held under this paragraph, the agency responsible for preparing the
15 permanency case plan shall file the permanency case plan with the court not less
16 than 5 days before the date of the hearing. At the hearing, the court shall consider
17 placing the juvenile in a placement outside this state if the court determines that
18 such a placement would be in the best interests of the juvenile and appropriate to
19 achieving the goal of the juvenile's permanency case plan.

20 **SECTION 180.** 938.38 (4m) (c) of the statutes is amended to read:

21 938.38 (4m) (c) If the juvenile's permanency case plan includes a statement
22 under sub. (4) (i) indicating that the juvenile's age and developmental level are
23 sufficient for the court to consult with the juvenile regarding the juvenile's
24 permanency case plan or if, notwithstanding a decision under sub. (4) (i) that it would
25 not be appropriate for the court to consult with the juvenile, the court determines

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1 that consultation with the juvenile would be in the best interests of the juvenile, the
2 court shall consult with the juvenile, in an age-appropriate and developmentally
3 appropriate manner, regarding the juvenile's ~~permanency~~ case plan and any other
4 matters the court finds appropriate. If none of those circumstances apply, the court
5 may permit the juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235
6 (3) (a), the juvenile's guardian ad litem to make a written or oral statement during
7 the hearing, or to submit a written statement prior to the hearing, expressing the
8 juvenile's wishes, goals, and concerns regarding the ~~permanency~~ case plan and those
9 matters. If the court permits such a written or oral statement to be made or
10 submitted, the court may nonetheless require the juvenile to be physically present
11 at the hearing.

12 **SECTION 181.** 938.38 (5) (a) of the statutes is amended to read:

13 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel
14 appointed under par. (ag) shall review the ~~permanency~~ case plan in the manner
15 provided in this subsection not later than 6 months after the date on which the
16 juvenile was first removed from his or her home and every 6 months after a previous
17 review under this subsection for as long as the juvenile is placed outside the home,
18 except that for the review that is required to be conducted not later than 12 months
19 after the juvenile was first removed from his or her home and the reviews that are
20 required to be conducted every 12 months after that review, the court shall hold a
21 hearing under sub. (5m) to review the ~~permanency~~ case plan. The hearing may be
22 instead of or in addition to the review under this subsection.

23 **SECTION 182.** 938.38 (5) (ag) of the statutes is amended to read:

24 938.38 (5) (ag) If the court elects not to review the ~~permanency~~ case plan, the
25 court shall appoint a panel to review the ~~permanency~~ case plan. The panel shall

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1 consist of 3 persons who are either designated by an independent agency that has
2 been approved by the chief judge of the judicial administrative district or designated
3 by the agency that prepared the permanency case plan. A voting majority of persons
4 on each panel shall be persons who are not employed by the agency that prepared the
5 permanency case plan and who are not responsible for providing services to the
6 juvenile or the parents of the juvenile whose permanency case plan is the subject of
7 the review.

8 **SECTION 183.** 938.38 (5) (am) of the statutes is amended to read:

9 938.38 (5) (am) The court may appoint an independent agency to designate a
10 panel to conduct a permanency case plan review under par. (a). If the court appoints
11 an independent agency under this paragraph, the county department of the county
12 of the court shall authorize and contract for the purchase of services from the
13 independent agency.

14 **SECTION 184.** 938.38 (5) (bm) 2. of the statutes is amended to read:

15 938.38 (5) (bm) 2. If the juvenile's permanency case plan includes a statement
16 under sub. (4) (i) indicating that the juvenile's age and developmental level are
17 sufficient for the court or panel to consult with the juvenile regarding the juvenile's
18 permanency case plan or if, notwithstanding a decision under sub. (4) (i) that it would
19 not be appropriate for the court or panel to consult with the juvenile, the court or
20 panel determines that consultation with the juvenile would be in the best interests
21 of the juvenile, the court or panel shall consult with the juvenile, in an
22 age-appropriate and developmentally appropriate manner, regarding the juvenile's
23 permanency case plan and any other matters the court or panel finds appropriate.
24 If none of those circumstances apply, the court or panel may permit the juvenile's
25 caseworker, the juvenile's counsel, or, subject to s. 938.235 (3) (a), the juvenile's

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1 guardian ad litem to make a written or oral statement during the review, or to submit
2 a written statement prior to the review, expressing the juvenile's wishes, goals, and
3 concerns regarding the permanency case plan and those matters. If the court or
4 panel permits such a written or oral statement to be made or submitted, the court
5 or panel may nonetheless require the juvenile to be physically present at the review.

6 **SECTION 185.** 938.38 (5) (c) 2. of the statutes is amended to read:

7 938.38 (5) (c) 2. The extent of compliance with the permanency case plan by the
8 agency and any other service providers, the juvenile's parents, the juvenile and the
9 juvenile's guardian, if any.

10 **SECTION 186.** 938.38 (5) (c) 5. of the statutes is amended to read:

11 938.38 (5) (c) 5. The date by which it is likely that the juvenile will be returned
12 to his or her home or placed for adoption, with a guardian, with a fit and willing
13 relative, or in some other alternative planned permanent placement living
14 arrangement in which the juvenile is in a long-term relationship with an adult.

15 **SECTION 187.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

16 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
17 home, as described in s. 938.365 (1), in a foster home, group home, nonsecured
18 residential care center for children and youth, or shelter care facility for 15 of the
19 most recent 22 months, not including any period during which the juvenile was a
20 runaway from the out-of-home placement or ~~the first 6 months of any period during~~
21 ~~which the juvenile~~ was returned to his or her home for a trial home visit
22 reunification, the appropriateness of the permanency case plan and the
23 circumstances which prevent the juvenile from any of the following:

24 **SECTION 188.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

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1 938.38 (5) (c) 6. d. Being placed in some other ~~alternative~~ planned permanent
2 placement living arrangement in which the juvenile is in a long-term relationship
3 with an adult, including sustaining care, ~~independent living~~, or long-term foster
4 care, but not including independent living.

5 **SECTION 189.** 938.38 (5) (c) 6m. of the statutes is created to read:

6 938.38 (5) (c) 6m. If the case plan calls for concurrent planning, as defined in
7 s. 938.355 (2b) (a), the appropriateness, in light of the standards established by the
8 department, of each of the permanency goals of the concurrent plan. If the court or
9 panel does not approve of any one or more of those goals, the court or panel must
10 include in its determinations under this paragraph the reasons for that disapproval.

11 **SECTION 190.** 938.38 (5) (c) 7. of the statutes is amended to read:

12 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
13 the goal of the ~~permanency~~ case plan, including, if appropriate, through an
14 out-of-state placement,.

15 **SECTION 191.** 938.38 (5) (d) of the statutes is amended to read:

16 938.38 (5) (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the
17 ~~permanency~~ case plan shall, at least 5 days before a review by a review panel, provide
18 to each person appointed to the review panel, the juvenile's parent, guardian, and
19 legal custodian, the person representing the interests of the public, the juvenile's
20 counsel, the juvenile's guardian ad litem, and, if the juvenile is an Indian juvenile
21 who is placed outside the home of his or her parent or Indian custodian under s.
22 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe a copy
23 of the ~~permanency~~ case plan and any written comments submitted under par. (bm)
24 1. Notwithstanding s. 938.78 (2) (a), a person appointed to a review panel, the person
25 representing the interests of the public, the juvenile's counsel, the juvenile's

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1 guardian ad litem, and, if the juvenile is an Indian juvenile who is placed outside the
2 home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the
3 Indian juvenile's Indian custodian and tribe may have access to any other records
4 concerning the juvenile for the purpose of participating in the review. A person
5 permitted access to a juvenile's records under this paragraph may not disclose any
6 information from the records to any other person.

7 **SECTION 192.** 938.38 (5m) (title) of the statutes is amended to read:

8 938.38 (5m) (title) ~~PERMANENCY CASE~~ PLAN HEARING.

9 **SECTION 193.** 938.38 (5m) (a) of the statutes is amended to read:

10 938.38 (5m) (a) The court shall hold a hearing to review the ~~permanency case~~
11 plan and to make the determinations specified in sub. (5) (c) no later than 12 months
12 after the date on which the juvenile was first removed from the home and every 12
13 months after a previous hearing under this subsection for as long as the juvenile is
14 placed outside the home.

15 **SECTION 194.** 938.38 (5m) (b) of the statutes is amended to read:

16 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
17 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the
18 juvenile's foster parent, the operator of the facility in which the juvenile is living, or
19 the relative with whom the juvenile is living; of the time, place, and purpose of the
20 hearing, of the issues to be determined at the hearing, and of the fact that they shall
21 have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the
22 juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the
23 ~~permanency case~~ plan; the person representing the interests of the public; and, if the
24 juvenile is an Indian juvenile who is placed outside the home of his or her parent or
25 Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian

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1 custodian and tribe of the date, time, and place, and purpose of the hearing, of the
2 issues to be determined at the hearing, and of the fact that they may have an
3 opportunity to be heard at the hearing as provided in par. (c) 1.

4 **SECTION 195.** 938.38 (5m) (c) 2. of the statutes is amended to read:

5 938.38 **(5m)** (c) 2. If the juvenile's permanency case plan includes a statement
6 under sub. (4) (i) indicating that the juvenile's age and developmental level are
7 sufficient for the court to consult with the juvenile regarding the juvenile's
8 permanency case plan or if, notwithstanding a decision under sub. (4) (i) that it would
9 not be appropriate for the court to consult with the juvenile, the court determines
10 that consultation with the juvenile would be in the best interests of the juvenile, the
11 court shall consult with the juvenile, in an age-appropriate and developmentally
12 appropriate manner, regarding the juvenile's permanency case plan and any other
13 matters the court finds appropriate. If none of those circumstances apply, the court
14 may permit the juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235
15 (3) (a), the juvenile's guardian ad litem to make a written or oral statement during
16 the hearing, or to submit a written statement prior to the hearing, expressing the
17 juvenile's wishes, goals, and concerns regarding the permanency case plan and those
18 matters. If the court permits such a written or oral statement to be made or
19 submitted, the court may nonetheless require the juvenile to be physically present
20 at the hearing.

21 **SECTION 196.** 938.38 (5m) (d) of the statutes is amended to read:

22 938.38 **(5m)** (d) At least 5 days before the date of the hearing the agency that
23 prepared the permanency case plan shall provide a copy of the permanency case plan
24 and any written comments submitted under par. (c) 1. to the court, to the juvenile's
25 parent, guardian, and legal custodian, to the person representing the interests of the

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1 public, to the juvenile's counsel or guardian ad litem, and, if the juvenile is an Indian
2 juvenile who is placed outside the home of his or her parent or Indian custodian
3 under s. 938.13 (4), (6), (6m), or (7), to the Indian juvenile's Indian custodian and
4 tribe. Notwithstanding s. 938.78 (2) (a), the person representing the interests of the
5 public, the juvenile's counsel or guardian ad litem, and, if the juvenile is an Indian
6 juvenile who is placed outside the home of his or her parent or Indian custodian
7 under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe
8 may have access to any other records concerning the juvenile for the purpose of
9 participating in the review. A person permitted access to a juvenile's records under
10 this paragraph may not disclose any information from the records to any other
11 person.

12 **SECTION 197.** 938.38 (5m) (e) of the statutes is amended to read:

13 938.38 **(5m)** (e) After the hearing, the court shall make written findings of fact
14 and conclusions of law relating to the determinations under sub. (5) (c) and shall
15 provide a copy of those findings of fact and conclusions of law to the juvenile; the
16 juvenile's parent, guardian, and legal custodian; the juvenile's foster parent, the
17 operator of the facility in which the juvenile is living, or the relative with whom the
18 juvenile is living; the agency that prepared the permanency case plan; the person
19 representing the interests of the public; and, if the juvenile is an Indian juvenile who
20 is placed outside the home of his or her parent or Indian custodian under s. 938.13
21 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe. The court shall
22 make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on
23 circumstances specific to the juvenile and shall document or reference the specific
24 information on which those findings are based in the findings of fact and conclusions
25 of law prepared under this paragraph. Findings of fact and conclusions of law that

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1 merely reference sub. (5) (c) 7. without documenting or referencing that specific
2 information in the findings of fact and conclusions of law or amended findings of fact
3 and conclusions of law that retroactively correct earlier findings of fact and
4 conclusions of law that do not comply with this paragraph are not sufficient to comply
5 with this paragraph.

6 **SECTION 198.** 938.38 (5m) (f) of the statutes is amended to read:

7 938.38 (5m) (f) If the findings of fact and conclusions of law under par. (e)
8 conflict with the juvenile's dispositional order or provide for any additional services
9 not specified in the dispositional order, the court shall revise the dispositional order
10 under s. 938.363 ~~or~~, order a change in placement under s. 938.357, or order a trial
11 reunification under s. 938.358, as appropriate.

12 **SECTION 199.** 938.38 (6) (a) of the statutes is amended to read:

13 938.38 (6) (a) Procedures for conducting ~~permanency~~ case plan reviews.

14 **SECTION 200.** 938.38 (6) (d) of the statutes is amended to read:

15 938.38 (6) (d) The format for ~~permanency~~ case plans and review panel reports.

16 **SECTION 201. Initial applicability.**

17 (1) CASE PLANNING FOR CHILDREN IN OUT-OF-HOME CARE.

18 (a) *Case plan contents.* Except as provided in paragraph (b) and subsection (2),
19 this act first applies to a case plan filed on the effective date of this paragraph.

20 (b) *Case plan reviews and hearings.* The treatment of sections 48.38 (5) (c) 5.,
21 6. (intro.) and d., and 6m. and (5m) (f) and 938.38 (5) (c) 5., 6. (intro.) and d., and 6m.
22 and (5m) (f) of the statutes first apply to a hearing or review for which a case plan
23 is filed or provided on the effective date of this paragraph.

24 (2) TRIAL REUNIFICATIONS FOR CHILDREN IN OUT-OF-HOME CARE.

