



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0421/1
EHS:kjf

2021 SENATE BILL 161

February 25, 2021 - Introduced by Senators DARLING, JOHNSON, BALLWEG, FELZKOWSKI and LARSON, cosponsored by Representatives ROZAR, BILLINGS, SNYDER, ARMSTRONG, CABRERA, CONSIDINE, DITTRICH, EMERSON, HEBL, RAMTHUN, S. RODRIGUEZ, SHANKLAND, SINICKI, SPIROS, SPREITZER, STUBBS, SUBECK and EDMING. Referred to Committee on Human Services, Children and Families.

1 **AN ACT** *to renumber* 48.21 (6), 48.217 (2), 48.217 (2m) (c), 48.357 (2) (a), 48.357
2 (2m) (a), 48.437 (2), 938.217 (2), 938.357 (2) (a) and 938.357 (2m) (a); *to amend*
3 48.217 (1) (b) 2., 48.357 (1) (am) 1. c., 48.38 (5) (c) 1., 48.38 (5) (d), 48.38 (5m)
4 (d), 48.437 (1) (a) 2., 48.437 (1) (c), 48.73, 938.217 (1) (b) 2., 938.357 (1) (am) 1.,
5 938.38 (5) (c) 1., 938.38 (5) (d) and 938.38 (5m) (d); and *to create* 48.02 (14k),
6 48.02 (17t), 48.21 (1) (c), 48.21 (5) (b) 2g., 48.21 (5) (cm), 48.21 (6) (b), 48.217 (1)
7 (b) 3., 48.217 (1) (b) 4., 48.217 (2) (b) and (c), 48.217 (2m) (b) 3., 48.217 (2m) (c)
8 2. and 3., 48.217 (2v) (d) 1. and 2., 48.32 (1) (b) 1r., 48.32 (1) (cd), 48.33 (4) (cm),
9 48.33 (4) (cr), 48.355 (2) (b) 6d., 48.355 (2) (cd), 48.357 (1) (am) 1m. and 1r.,
10 48.357 (1) (c) 1r., 48.357 (2) (a) 2., 3. and 4., 48.357 (2) (b) 5. and 6., 48.357 (2m)
11 (a) 2., 48.357 (2v) (a) 5. and 6., 48.38 (1) (ag), 48.38 (1) (ap), 48.38 (1) (c), 48.38
12 (3m), 48.38 (4) (k), 48.38 (4) (L), 48.38 (5) (bm) 4., 48.38 (5m) (c) 4., 48.437 (1)
13 (a) 3. and 4., 48.437 (2) (b) and (c), 48.437 (2v) (d), 48.48 (20), 48.675, 48.715 (8),
14 938.02 (14m), 938.02 (17t), 938.21 (1) (c), 938.21 (5) (b) 2g., 938.21 (5) (cm),

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1 938.217 (1) (b) 3. and 4., 938.217 (2) (b) and (c), 938.217 (2m) (b) 3., 938.217 (2v)
2 (d) 1. and 2., 938.32 (1) (c) 1r., 938.32 (1) (cd), 938.33 (4) (cm), 938.33 (4) (cr),
3 938.355 (2) (b) 6d., 938.355 (2) (cd), 938.357 (1) (am) 1m. and 1r., 938.357 (1) (c)
4 1r., 938.357 (2) (a) 2., 3. and 4., 938.357 (2) (b) 5. and 6., 938.357 (2m) (a) 2.,
5 938.357 (2v) (a) 5. and 6., 938.38 (1) (ag), 938.38 (1) (as), 938.38 (1) (bp), 938.38
6 (3m), 938.38 (4) (k), 938.38 (4) (L), 938.38 (5) (cm) and 938.38 (5m) (c) 4. of the
7 statutes; **relating to:** qualified residential treatment programs and granting
8 rule-making authority.

Analysis by the Legislative Reference Bureau

This bill allows for the certification of qualified residential treatment programs and establishes certain procedures that apply when a child is placed in one.

This bill allows the Department of Children and Families to certify a residential care center for children and youth, group home, or shelter care facility to operate a qualified residential treatment program (QRTP) if it determines that the program meets the federal requirements for such a program to receive Title IV-E child welfare funding and DCF's requirements for such a program. The bill allows DCF to monitor compliance with certification requirements, including by inspection authority, and to deny, suspend, restrict, refuse to renew, or otherwise withhold a certification for failure to comply with those requirements. Under the bill, DCF may promulgate rules for the establishment, certification, operation, and monitoring of, and the placement of a child in, a QRTP.

Currently, when a child or juvenile (collectively referred to as "child") alleged or adjudged to be in need of protection or services is removed from his or her home in a proceeding under the Children's Code or Juvenile Justice Code, the agency responsible for that child's removal is required to prepare a permanency plan, designed to ensure that the child is reunified with his or her family whenever appropriate, or that the child quickly attains a placement or home providing long-term stability. Current law requires the juvenile court to periodically review the plan and to periodically hold a hearing on the plan.

Under this bill, if a child is placed in a certified QRTP, the agency must assemble a family permanency team to participate in permanency planning for the child, and invite appropriate biological family members, relatives, like-kin, and professionals who serve as a resource for the family to participate. The bill requires the agency to include in the permanency plan information about the family permanency team and its meetings and recommendations.

The bill requires that, in a review or hearing on a permanency plan for a child who is placed in a certified QRTP, the agency that prepared the permanency plan

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must present to the juvenile court certain information that the juvenile court must consider when determining the continuing necessity for and the safety and appropriateness of the placement, including 1) whether the placement is supported by assessment of the child's needs, is the most effective and appropriate level of care in the least restrictive environment, and meets the goals for the child in the permanency plan; 2) the specific treatment or service needs that the placement will meet and how long the child will need that treatment or service; and 3) the efforts made by the agency to prepare the child to return home or to be placed with a relative, guardian, or adoptive parent or in a foster home.

Under the bill, if a child is placed or proposed to be placed in a certified QRTP in juvenile court proceedings for a temporary physical custody (TPC) hearing, a change in placement (CIP), consent decree, or a disposition, a qualified individual must conduct an assessment, using a tool determined by DCF, of the strengths and needs of the child to determine the appropriateness of that placement (standardized assessment). The bill creates a definition for "qualified individual" to match the term used in federal law, meaning a trained professional or licensed clinician who is not an employee of the state and who is not connected to, or affiliated with, any placement setting in which children are placed by the state. The federal law definition provides that a state may request a waiver from this definition, and on December 14, 2020, Wisconsin requested such a waiver to allow state and county child welfare staff to serve as qualified individuals.

The bill requires the qualified individual to develop a recommendation on all of the following: 1) whether the proposed placement will provide the child with the most effective and appropriate level of care in the least restrictive environment; 2) how the placement is consistent with the short-term and long-term goals for the child in the permanency plan; 3) the reasons why the child's needs can or cannot be met by the child's family or in a foster home (and a shortage or lack of foster homes is not an acceptable reason); and 4) the placement preference of the family permanency team and, if it is not the placement recommended by the qualified individual, why that recommended placement is not preferred. Then, depending on the type of proceeding, the intake worker, agency primarily responsible for providing services under a temporary custody, person or agency primarily responsible for implementing the dispositional order, or agency appointed as the guardian of the child must submit the standardized assessment and the qualified individual's recommendation to the juvenile court and any person who is required to receive a copy of the notice or request in the proceeding.

Under the bill, the standardized assessment and recommendation must be submitted by the time of a TPC hearing, by the time the notice or request is filed in a CIP proceeding, by the time the consent decree is entered, or by the time the disposition report is filed. With respect to most CIP proceedings, if not available by the time the notice or request is filed, the bill generally requires it to be submitted within 10 days after the filing of the CIP notice, except this does not apply to a CIP requested by someone other than the intake worker, agency, district attorney, or corporation counsel or from in-home to out-of-home, to a consent decree, or to a disposition. In all cases, if the required information is not available by these first

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deadlines, it must be submitted no later than 30 days after the date on which the placement is made.

The bill requires the juvenile court to make the following findings when it issues an order placing a child in a certified QRTP: 1) whether the needs of the child can be met through placement in a foster home; 2) whether placement of the child in a certified QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment; 3) whether the placement is consistent with the short-term and long-term goals for the child in the permanency plan; and 4) whether the juvenile court approves or disapproves the placement. The answers to these questions do not affect whether the placement may be made. If the standardized assessment and recommendation of the qualified individual are not available at the time of this order, the bill requires the juvenile court to defer making the findings. However, no later than 60 days after the date on which the placement was made the juvenile court must issue an order making those findings.

The bill requires that, for youth in out-of-home care who are parenting or pregnant, a permanency plan must include 1) a list of the services or programs to be provided to or on behalf of the child to ensure that the child, if pregnant, is prepared and, if a parent, is able to be a parent; and 2) the out-of-home care prevention strategy for any child born to the parenting or pregnant child.

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

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

1 **SECTION 1.** 48.02 (14k) of the statutes is created to read:

2 48.02 (14k) “Qualified individual” has the meaning given under 42 USC 675a
3 (c) (1) (D).

4 **SECTION 2.** 48.02 (17t) of the statutes is created to read:

5 48.02 (17t) “Standardized assessment” means an assessment, using a tool
6 determined by the department, of the strengths and needs of a child to determine
7 appropriateness of a placement in a residential care center, group home, or shelter
8 care facility certified under s. 48.675. This definition does not apply to s. 48.62 (8)
9 (b).

10 **SECTION 3.** 48.21 (1) (c) of the statutes is created to read:

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1 48.21 (1) (c) If the child is held in custody in a residential care center for
2 children and youth, group home, or shelter care facility certified under s. 48.675, the
3 qualified individual shall conduct a standardized assessment and the intake worker
4 or agency primarily responsible for providing services under the custody order shall
5 submit it and the recommendation of the qualified individual who conducted the
6 standardized assessment, including all of the following, to the court and all persons
7 who are required to receive a copy of the petition or request under par. (b) no later
8 than the hearing or, if not available by that time, no later than 30 days after the date
9 on which the placement is made:

10 1. Whether the proposed placement will provide the child with the most
11 effective and appropriate level of care in the least restrictive environment.

12 2. How the placement is consistent with the short-term and long-term goals
13 for the child, as specified in the permanency plan.

14 3. The reasons why the child's needs can or cannot be met by the child's family
15 or in a foster home. A shortage or lack of foster homes is not an acceptable reason
16 for determining that the child's needs cannot be met in a foster home.

17 4. The placement preference of the family permanency team under s. 48.38
18 (3m) and, if that preference is not the placement recommended by the qualified
19 individual, why that recommended placement is not preferred.

20 **SECTION 4.** 48.21 (5) (b) 2g. of the statutes is created to read:

21 48.21 (5) (b) 2g. Except as provided in par. (cm), if the child is held in custody
22 in a residential care center for children and youth, group home, or shelter care facility
23 certified under s. 48.675, a finding as to each of the following, the answers to which
24 do not affect whether the placement may be made, after considering the

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1 standardized assessment and the recommendation of the qualified individual under
2 sub. (1) (c):

3 a. Whether the needs of the child can be met through placement in a foster
4 home.

5 b. Whether placement of the child in a residential care center for children and
6 youth, group home, or shelter care facility certified under s. 48.675 provides the most
7 effective and appropriate level of care for the child in the least restrictive
8 environment.

9 c. Whether the placement is consistent with the short-term and long-term
10 goals for the child, as identified in the permanency planning.

11 d. Whether the judge or court commissioner approves or disapproves the
12 placement.

13 **SECTION 5.** 48.21 (5) (cm) of the statutes is created to read:

14 48.21 (5) (cm) If the results of the standardized assessment and
15 recommendation of the qualified individual who conducted the standardized
16 assessment are required under sub. (1) (c) but not available at the time of the custody
17 order, the judge or court commissioner shall defer making the findings under par. (b)
18 2g. as provided in this paragraph. No later than 60 days after the date on which the
19 placement is made, the judge or court commissioner shall issue an order making the
20 findings under par. (b) 2g.

21 **SECTION 6.** 48.21 (6) of the statutes is renumbered 48.21 (6) (a).

22 **SECTION 7.** 48.21 (6) (b) of the statutes is created to read:

23 48.21 (6) (b) If under par. (a) a child is transferred to a residential care center
24 for children and youth, group home, or shelter care facility certified under s. 48.675,
25 the qualified individual shall conduct a standardized assessment and the intake

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1 worker or agency primarily responsible for providing services under the custody
2 order shall include it and the recommendation of the qualified individual who
3 conducted the standardized assessment, including all of the information specified
4 under sub. (1) (c) with the notice under par. (a) or, if not available at that time, submit
5 it to the court and all persons who received the notice no later than 30 days after the
6 date on which the transfer is made. No later than 60 days after the date on which
7 the transfer is made the judge or court commissioner shall issue an order making the
8 findings under sub. (5) (b) 2g.

9 **SECTION 8.** 48.217 (1) (b) 2. of the statutes is amended to read:

10 48.217 (1) (b) 2. The notice shall contain the name and address of the new
11 placement, the reasons for the change in placement, whether the new placement is
12 certified under s. 48.675, and a statement describing why the new placement is
13 preferable to the present placement. The person sending the notice shall file the
14 notice with the court on the same day that the notice is sent.

15 **SECTION 9.** 48.217 (1) (b) 3. of the statutes is created to read:

16 48.217 (1) (b) 3. If the proposed change in placement would place the child in
17 a residential care center for children and youth, group home, or shelter care facility
18 certified under s. 48.675, the qualified individual shall conduct a standardized
19 assessment and the intake worker or agency primarily responsible for providing
20 services under a temporary physical custody order shall submit it and the
21 recommendation of the qualified individual who conducted the standardized
22 assessment, including all of the following, to the court and all persons who are
23 required to receive the notice under subd. 1. a. no later than the filing of that notice
24 or, if not available by that time, and except as provided under subd. 4., no later than
25 10 days after the notice is filed:

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1 a. Whether the proposed placement will provide the child with the most
2 effective and appropriate level of care in the least restrictive environment.

3 b. How the placement is consistent with the short-term and long-term goals
4 for the child, as specified in the permanency plan.

5 c. The reasons why the child's needs can or cannot be met by the child's family
6 or in a foster home. A shortage or lack of foster homes is not an acceptable reason
7 for determining that the child's needs cannot be met in a foster home.

8 d. The placement preference of the family permanency team under s. 48.38
9 (3m) and, if that preference is not the placement recommended by the qualified
10 individual, why that recommended placement is not preferred.

11 **SECTION 10.** 48.217 (1) (b) 4. of the statutes is created to read:

12 48.217 (1) (b) 4. If, for good cause shown, the information required to be
13 submitted under subd. 3. is not available by the deadline under that subdivision, the
14 the intake worker or agency primarily responsible for providing services under a
15 temporary physical custody order shall submit it no later than 30 days after the date
16 on which the placement is made.

17 **SECTION 11.** 48.217 (2) of the statutes is renumbered 48.217 (2) (a).

18 **SECTION 12.** 48.217 (2) (b) and (c) of the statutes are created to read:

19 48.217 (2) (b) 1. If the emergency change in placement under par. (a) results
20 in a child being placed in a residential care center for children and youth, group
21 home, or shelter care facility certified under s. 48.675, the qualified individual shall
22 conduct a standardized assessment and the intake worker or agency primarily
23 responsible for providing services under a temporary physical custody order shall
24 submit it and the recommendation of the qualified individual who conducted the
25 standardized assessment, including the information specified under sub. (1) (b) 3.

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1 with the notice under par. (a) or, if not available at that time, and except as provided
2 under subd. 2., no later than 10 days after the filing of that notice.

3 2. If, for good cause shown, the information required to be submitted under
4 subd. 1. is not available by the deadline under that subdivision, the intake worker
5 or agency primarily responsible for providing services under a temporary physical
6 custody order shall submit it no later than 30 days after the date on which the
7 placement was made.

8 (c) If the emergency change in placement under par. (a) results in a child being
9 placed in a residential care center for children and youth, group home, or shelter care
10 facility certified under s. 48.675, the court shall, no later than 60 days after the
11 placement is made, issue an order making all of the findings required under sub. (2v)
12 (d) 1., the answers to which do not affect whether the placement may be made, after
13 considering the standardized assessment and the recommendation of the qualified
14 individual who conducted the standardized assessment.

15 **SECTION 13.** 48.217 (2m) (b) 3. of the statutes is created to read:

16 48.217 (2m) (b) 3. If the change in placement results in a child being placed in
17 a residential care center for children and youth, group home, or shelter care facility
18 certified under s. 48.675, the qualified individual shall conduct a standardized
19 assessment and the intake worker or agency primarily responsible for providing
20 services under a temporary physical custody order shall submit it and the
21 recommendation of the qualified individual who conducted the standardized
22 assessment, including the information under sub. (1) (b) 3., to the court and to all
23 persons who are required to receive the notice under subd. 2., no later than the
24 hearing or, if not available by that time, no later than 30 days after the date on which
25 the placement is made.

SENATE BILL 161**SECTION 14**

1 **SECTION 14.** 48.217 (2m) (c) of the statutes is renumbered 48.217 (2m) (c) 1.

2 **SECTION 15.** 48.217 (2m) (c) 2. and 3. of the statutes are created to read:

3 48.217 **(2m)** (c) 2. Except as provided in subd. 3., if the court changes the
4 placement to a residential care center for children and youth, group home, or shelter
5 care facility certified under s. 48.675, the change-in-placement order shall contain
6 the findings under sub. (2v) (d) 1., the answers to which do not affect whether the
7 placement may be made, after considering the standardized assessment and the
8 recommendation of the qualified individual who conducted the standardized
9 assessment.

10 3. If the results of the standardized assessment and recommendation of the
11 qualified individual who conducted the standardized assessment are not available
12 at the time of the order, the court shall defer making the findings under sub. (2v) (d)
13 1. as provided in this subdivision. No later than 60 days after the date on which the
14 placement was made, the court shall issue an order making the findings under sub.
15 (2v) (d) 1.

16 **SECTION 16.** 48.217 (2v) (d) 1. and 2. of the statutes are created to read:

17 48.217 **(2v)** (d) 1. Except as provided in subd. 2., if the court changes the
18 placement to a residential care center for children and youth, group home, or shelter
19 care facility certified under s. 48.675, the change-in-placement order shall contain
20 a finding as to each of the following, the answers to which do not affect whether the
21 placement may be made, after considering the standardized assessment and the
22 recommendation of the qualified individual who conducted the standardized
23 assessment:

24 a. Whether the needs of the child can be met through placement in a foster
25 home.

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1 b. Whether placement of the child in a residential care center for children and
2 youth, group home, or shelter care facility certified under s. 48.675 provides the most
3 effective and appropriate level of care for the child in the least restrictive
4 environment.

5 c. Whether the placement is consistent with the short-term and long-term
6 goals for the child, as specified in the permanency plan.

7 d. Whether the court approves or disapproves the placement.

8 2. If the results of the standardized assessment and recommendation of the
9 qualified individual who conducted the standardized assessment are not available
10 at the time of the order, the court shall defer making the findings under subd. 1. as
11 provided in this subdivision. No later than 60 days after the date on which the
12 placement was made, the court shall issue an order making the findings under subd.
13 1.

14 **SECTION 17.** 48.32 (1) (ar) of the statutes is created to read:

15 48.32 (1) (ar) If the consent decree places a child in a residential care center
16 for children and youth, group home, or shelter care facility certified under s. 48.675,
17 the qualified individual shall conduct a standardized assessment and the agency
18 primarily responsible for providing services to the child shall submit it and the
19 recommendation of the qualified individual who completed the assessment,
20 including all of the following, to the court and to all persons who are parties to the
21 consent decree, no later than the time the consent decree is entered or, if not available
22 by that time, no later than 30 days after the date on which the placement is made:

23 1. Whether the proposed placement will provide the child with the most
24 effective and appropriate level of care in the least restrictive environment.

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1 2. How the placement is consistent with the short-term and long-term goals
2 for the child, as specified in the permanency plan.

3 3. The reasons why the child's needs can or cannot be met by the child's family
4 or in a foster home. A shortage or lack of foster homes is not an acceptable reason
5 for determining that the child's needs cannot be met in a foster home.

6 4. The placement preference of the family permanency team under s. 48.38
7 (3m) and, if that preference is not the placement recommended by the qualified
8 individual, why that recommended placement is not preferred.

9 **SECTION 18.** 48.32 (1) (b) 1r. of the statutes is created to read:

10 48.32 (1) (b) 1r. Except as provided in par. (cd), if the child is placed in a
11 residential care center for children and youth, group home, or shelter care facility
12 certified under s. 48.675, a finding as to each of the following, the answers to which
13 do not affect whether the placement may be made, after considering the
14 standardized assessment and the recommendation of the qualified individual who
15 conducted the standardized assessment under par. (ar):

16 a. Whether the needs of the child can be met through placement in a foster
17 home.

18 b. Whether placement of the child in a residential care center for children and
19 youth, group home, or shelter care facility certified under s. 48.675 provides the most
20 effective and appropriate level of care for the child in the least restrictive
21 environment.

22 c. Whether the placement is consistent with the short-term and long-term
23 goals for the child, as specified in the permanency plan.

24 d. Whether the court approves or disapproves the placement.

25 **SECTION 19.** 48.32 (1) (cd) of the statutes is created to read:

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1 48.32 (1) (cd) If the results of the standardized assessment and
2 recommendation of the qualified individual who conducted the standardized
3 assessment are required but not available at the time of the order, the court shall
4 defer making the findings under par. (b) 1r. as provided in this paragraph. No later
5 than 60 days after the date on which the placement was made, the court shall issue
6 an order making the findings under par. (b) 1r.

7 **SECTION 20.** 48.33 (4) (cm) of the statutes is created to read:

8 48.33 (4) (cm) A statement indicating whether the recommended placement is
9 certified under s. 48.675.

10 **SECTION 21.** 48.33 (4) (cr) of the statutes is created to read:

11 48.33 (4) (cr) 1. If the report recommends placement of a child in a residential
12 care center for children and youth, group home, or shelter care facility certified under
13 s. 48.675, except as provided in subd. 2., the report shall contain the results of the
14 standardized assessment and the recommendation of the qualified individual who
15 conducted the standardized assessment, including all of the following:

16 a. Whether the proposed placement will provide the child with the most
17 effective and appropriate level of care in the least restrictive environment.

18 b. How the placement is consistent with the short-term and long-term goals
19 for the child, as specified in the permanency plan.

20 c. The reasons why the child's needs can or cannot be met by the child's family
21 or in a foster home. A shortage or lack of foster homes is not an acceptable reason
22 for determining that the child's needs cannot be met in a foster home.

23 d. The placement preference of the family permanency team under s. 48.38
24 (3m) and, if that preference is not the placement recommended by the qualified
25 individual, why that recommended placement is not preferred.

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1 2. If the information under subd. 1. is not available at the time of the report,
2 the agency shall submit it by the date of the dispositional hearing or, if it is not
3 available on that date, no later than 30 days after the date on which the placement
4 was made.

5 **SECTION 22.** 48.355 (2) (b) 6d. of the statutes is created to read:

6 48.355 (2) (b) 6d. Except as provided in par. (cd), if the child is placed in a
7 residential care center for children and youth, group home, or shelter care facility
8 certified under s. 48.675, a finding as to each of the following, the answers to which
9 do not affect whether the placement may be made, after considering the
10 standardized assessment and the recommendation of the qualified individual who
11 conducted the standardized assessment:

12 a. Whether the needs of the child can be met through placement in a foster
13 home.

14 b. Whether placement of the child in a residential care center for children and
15 youth, group home, or shelter care facility certified under s. 48.675 provides the most
16 effective and appropriate level of care for the child in the least restrictive
17 environment.

18 c. Whether the placement is consistent with the short-term and long-term
19 goals for the child, as specified in the permanency plan.

20 d. Whether the court approves or disapproves the placement.

21 **SECTION 23.** 48.355 (2) (cd) of the statutes is created to read:

22 48.355 (2) (cd) If the results of the standardized assessment and
23 recommendation of the qualified individual who conducted the standardized
24 assessment are required but not available at the time of the order, the court shall
25 defer making the findings under par. (b) 6d. as provided in this paragraph. No later

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1 than 60 days after the date on which the placement was made, the court shall issue
2 an order making the findings under par. (b) 6d.

3 **SECTION 24.** 48.357 (1) (am) 1. c. of the statutes is amended to read:

4 48.357 (1) (am) 1. c. The notice shall contain the name and address of the new
5 placement, the reasons for the change in placement, whether the new placement is
6 certified under s. 48.675, a statement describing why the new placement is
7 preferable to the present placement, and a statement of how the new placement
8 satisfies the objectives of the treatment plan or permanency plan ordered by the
9 court. The person sending the notice shall file the notice with the court on the same
10 day that the notice is sent.

11 **SECTION 25.** 48.357 (1) (am) 1m. and 1r. of the statutes are created to read:

12 48.357 (1) (am) 1m. If the proposed change in placement would place the child
13 in a residential care center for children and youth, group home, or shelter care facility
14 certified under s. 48.675, the qualified individual shall conduct a standardized
15 assessment and the person or agency primarily responsible for implementing the
16 dispositional order shall submit it and the recommendation of the qualified
17 individual who conducted the standardized assessment, including all of the
18 following, to the court and all persons who are required to receive the notice under
19 subd. 1. no later than time of filing that notice or, if not available by that time, and
20 except as provided under subd. 1r., no later than 10 days after the notice is filed:

21 a. Whether the proposed placement will provide the child with the most
22 effective and appropriate level of care in the least restrictive environment.

23 b. How the placement is consistent with the short-term and long-term goals
24 for the child, as specified in the permanency plan.

SENATE BILL 161**SECTION 25**

1 c. The reasons why the child's needs can or cannot be met by the child's family
2 or in a foster home. A shortage or lack of foster homes is not an acceptable reason
3 for determining that the child's needs cannot be met in a foster home.

4 d. The placement preference of the family permanency team under s. 48.38
5 (3m) and, if that preference is not the placement recommended by the qualified
6 individual, why that recommended placement is not preferred.

7 1r. If, for good cause shown, the information required to be submitted under
8 subd. 1m. is not available by the deadline under that subdivision, the person or
9 agency primarily responsible for implementing the dispositional order shall submit
10 it no later than 30 days after the date on which the placement is made.

11 **SECTION 26.** 48.357 (1) (c) 1r. of the statutes is created to read:

12 48.357 (1) (c) 1r. If the proposed change in placement would place the child in
13 a residential care center for children and youth, group home, or shelter care facility
14 certified under s. 48.675, the qualified individual shall conduct a standardized
15 assessment and the person or agency primarily responsible for implementing the
16 dispositional order shall submit it and the recommendation of the qualified
17 individual who conducted the standardized assessment, including the information
18 under par. (am) 1m., to the court and to all persons who are required to receive the
19 notice under par. (am) 1. a. no later than the filing of that request or, if not available
20 by that time, no later than 30 days after the date on which the placement was made.

21 **SECTION 27.** 48.357 (2) (a) of the statutes is renumbered 48.357 (2) (a) 1.

22 **SECTION 28.** 48.357 (2) (a) 2., 3. and 4. of the statutes are created to read:

23 48.357 (2) (a) 2. If the emergency change in placement under subd. 1. results
24 in a child being placed in a residential care center for children and youth, group
25 home, or shelter care facility certified under s. 48.675, the qualified individual shall

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1 conduct a standardized assessment and the person or agency primarily responsible
2 for implementing the dispositional order shall submit it and the recommendation of
3 the qualified individual who conducted the standardized assessment, including the
4 information specified under sub. (1) (am) 1m. with the notice under subd. 1. or, if not
5 available at that time, and except as provided under subd. 3., no later than 10 days
6 after the filing of that notice.

7 3. If, for good cause shown, the information required to be submitted under
8 subd. 2. is not available by the deadline under that subdivision, the person or agency
9 primarily responsible for implementing the dispositional order shall submit it no
10 later than 30 days after the date on which the placement was made.

11 4. If the emergency change in placement under subd. 1. results in a child being
12 placed in a residential care center for children and youth, group home, or shelter care
13 facility certified under s. 48.675, the court shall, no later than 60 days after the
14 placement is made, issue an order making the findings under sub. (2v) (a) 5., the
15 answers to which do not affect whether the placement may be made, after
16 considering the standardized assessment and the recommendation of the qualified
17 individual who conducted the standardized assessment.

18 **SECTION 29.** 48.357 (2) (b) 5. and 6. of the statutes are created to read:

19 48.357 (2) (b) 5. If the emergency change in placement under this paragraph
20 results in a child being placed in a residential care center for children and youth,
21 group home, or shelter care facility certified under s. 48.675, the qualified individual
22 shall conduct a standardized assessment and the person or agency primarily
23 responsible for implementing the dispositional order shall submit it and the
24 recommendation of the qualified individual who conducted the standardized
25 assessment, including the information specified under sub. (1) (am) 1m., to the court

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1 and all persons who are required to receive the notice under subd. 2. no later than
2 the filing of that request or, if not available by that time, no later than 30 days after
3 the date on which the placement was made.

4 6. If the emergency change in placement under this paragraph results in a child
5 being placed in a residential care center for children and youth, group home, or
6 shelter care facility certified under s. 48.675, the court shall, no later than 60 days
7 after the placement is made, issue an order making the findings under sub. (2v) (a)
8 5., the answers to which do not affect whether the placement may be made, after
9 considering the standardized assessment and the recommendation of the qualified
10 individual who conducted the standardized assessment.

11 **SECTION 30.** 48.357 (2m) (a) of the statutes is renumbered 48.357 (2m) (a) 1.

12 **SECTION 31.** 48.357 (2m) (a) 2. of the statutes is created to read:

13 48.357 (2m) (a) 2. If the change in placement results in the child being placed
14 in a residential care center for children and youth, group home, or shelter care facility
15 certified under s. 48.675, the qualified individual shall conduct a standardized
16 assessment and the person or agency primarily responsible for implementing the
17 dispositional order shall submit it and the recommendation of the qualified
18 individual who conducted the standardized assessment, including the information
19 specified under sub. (1) (am) 1m., to the court and to all persons who are required to
20 receive the notice under par. (b) 2., no later than the filing of that request or, if not
21 available by that time, no later than 30 days after the date on which the placement
22 was made.

23 **SECTION 32.** 48.357 (2v) (a) 5. and 6. of the statutes are created to read:

24 48.357 (2v) (a) 5. Except as provided in subd. 6., if the court changes the
25 placement to a residential care center for children and youth, group home, or shelter

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1 care facility certified under s. 48.675, the change-in-placement order shall contain
2 a finding as to each of the following, the answers to which do not affect whether the
3 placement may be made, after considering the standardized assessment and the
4 recommendation of the qualified individual who conducted the standardized
5 assessment:

6 a. Whether the needs of the child can be met through placement in a foster
7 home.

8 b. Whether placement of the child in a residential care center for children and
9 youth, group home, or shelter care facility certified under s. 48.675 provides the most
10 effective and appropriate level of care for the child in the least restrictive
11 environment.

12 c. Whether the placement is consistent with the short-term and long-term
13 goals for the child, as specified in the permanency plan.

14 d. Whether the court approves or disapproves the placement.

15 6. If the results of the standardized assessment and recommendation of the
16 qualified individual who conducted the standardized assessment are not available
17 at the time of the order, the court shall defer making the findings under subd. 5. as
18 provided in this paragraph. No later than 60 days after the date on which the
19 placement was made, the court shall issue an order making the findings under subd.
20 5.

21 **SECTION 33.** 48.38 (1) (ag) of the statutes is created to read:

22 48.38 (1) (ag) "Family permanency team" means the team of individuals
23 assembled under sub. (3m) to participate in a child's permanency planning.

24 **SECTION 34.** 48.38 (1) (ap) of the statutes is created to read:

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1 48.38 (1) (ap) “Like-kin” means a person who has a significant emotional
2 relationship with a child or the child’s family and to whom any of the following
3 applies:

4 1. Prior to the child’s placement in out-of-home care, the person had an
5 existing relationship with the child or the child’s family that is similar to a familial
6 relationship.

7 2. During the child’s placement in out-of-home care, the person developed a
8 relationship with the child or the child’s family that is similar to a familial
9 relationship.

10 **SECTION 35.** 48.38 (1) (c) of the statutes is created to read:

11 48.38 (1) (c) “Qualified residential treatment program” means a residential
12 care center for children and youth, group home, or shelter care facility certified under
13 s. 48.675.

14 **SECTION 36.** 48.38 (3m) of the statutes is created to read:

15 48.38 (3m) FAMILY PERMANENCY TEAM. If a child is placed in a qualified
16 residential treatment program, the agency that placed the child or arranged the
17 placement or the agency assigned primary responsibility for providing services to the
18 child under s. 48.355 (2) (b) 6g. shall invite all of the following to participate in
19 permanency planning and may invite others at the agency’s discretion:

20 (a) All appropriate biological family members, relatives, and like-kin of the
21 child, as determined by the agency.

22 (b) Appropriate professionals who serve as a resource for the family of the child,
23 such as teachers, medical or mental health providers who have treated the child, or
24 clergy.

25 (c) Others identified by a child over the age of 14 as provided under sub. (2m).

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1 **SECTION 37.** 48.38 (4) (k) of the statutes is created to read:

2 48.38 (4) (k) If the child is placed in a qualified residential treatment program,
3 all of the following:

4 1. Documentation of reasonable and good faith efforts to identify and include
5 all required individuals on the family permanency team.

6 2. The contact information for the members of the family permanency team.

7 3. Information showing that meetings of the family permanency team are held
8 at a time and place convenient for the family to the extent possible.

9 4. If reunification is the child's permanency goal, information demonstrating
10 that the parent from whom the child was removed provided input on the members
11 of the family permanency team or why that input was not obtained.

12 5. Information showing that the standardized assessment, as determined by
13 the department, was used to determine the appropriateness of the placement in a
14 qualified residential treatment program

15 6. The placement preferences of the family permanency team, including a
16 recognition that a child should be placed with his or her siblings unless the court
17 determines that a joint placement would be contrary to the safety or well-being of
18 the child or any of those siblings.

19 7. If placement preferences of the family permanency team are not the
20 placement recommended by the qualified individual who conducted the
21 standardized assessment, the reasons why these preferences were not
22 recommended.

23 8. The recommendations of the qualified individual who conducted the
24 standardized assessment, including all of the following:

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1 a. Whether the recommended placement in a qualified residential treatment
2 program is the placement that will provide the child with the most effective and
3 appropriate level of care in the least restrictive environment and how that placement
4 is consistent with the short-term and long-term goals for the child, as specified in
5 the permanency plan.

6 b. Whether and why the child's needs can or cannot be met by the child's family
7 or in a foster home. A shortage or lack of foster homes is not an acceptable reason
8 for determining that the child's needs cannot be met in a foster home.

9 9. Documentation of the approval or disapproval of the placement in a qualified
10 residential treatment program by a court, if such a determination has been made.

11 **SECTION 38.** 48.38 (4) (L) of the statutes is created to read:

12 48.38 (4) (L) If the child is a parent or is pregnant, all of the following:

13 1. A list of the services or programs to be provided to or on behalf of the child
14 to ensure that the child, if pregnant, is prepared and, if a parent, is able to be a
15 parent.

16 2. The out-of-home care prevention strategy for any child born to the parenting
17 or pregnant child.

18 **SECTION 39.** 48.38 (5) (bm) 4. of the statutes is created to read:

19 48.38 (5) (bm) 4. If the child is placed in a qualified residential treatment
20 program, the agency that prepared the permanency plan shall submit to the court
21 or panel specific information showing all of the following, which the court or panel
22 shall consider when determining the continuing necessity for and the safety and
23 appropriateness of the placement:

24 a. Whether ongoing assessment of the strengths and needs of the child
25 continues to support the determination that the needs of the child cannot be met

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1 through placement in a foster home, whether the placement in a qualified residential
2 treatment program provides the most effective and appropriate level of care for the
3 child in the least restrictive environment, and how the placement is consistent with
4 the short-term and long-term goals for the child, as specified in the child's
5 permanency plan.

6 b. The specific treatment or service needs that will be met for the child in the
7 placement and the length of the time the child is expected to need the treatment or
8 services.

9 c. The efforts made by the agency to prepare the child to return home or to be
10 placed with a fit and willing relative, a guardian, or an adoptive parent or in a foster
11 home.

12 **SECTION 40.** 48.38 (5) (c) 1. of the statutes is amended to read:

13 48.38 (5) (c) 1. The continuing necessity for and the safety and appropriateness
14 of the placement, subject to par. (bm) 4. and sub. (5m) (c) 4. If the permanency goal
15 of the child's permanency plan is placement of the child in a planned permanent
16 living arrangement described in sub. (4) (fg) 5., the determination under this
17 subdivision shall include an explanation of why the planned permanent living
18 arrangement is the best permanency goal for the child and why, supported by
19 compelling reasons, it continues not to be in the best interests of the child to be
20 returned to his or her home or to be placed for adoption, with a guardian, or with a
21 fit and willing relative.

22 **SECTION 41.** 48.38 (5) (d) of the statutes is amended to read:

23 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the
24 permanency plan shall, at least 5 days before a review by a review panel, provide to
25 each person appointed to the review panel, the child's parent, guardian, and legal

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1 custodian, the person representing the interests of the public, the child's counsel, the
2 child's guardian ad litem, the child's court-appointed special advocate, and, if the
3 child is an Indian child who is placed outside the home of his or her parent or Indian
4 custodian, the Indian child's Indian custodian and tribe a copy of the permanency
5 plan, any information submitted under par. (bm) 4., and any written comments
6 submitted under par. (bm) 1. Notwithstanding s. 48.78 (2) (a), a person appointed
7 to a review panel, the person representing the interests of the public, the child's
8 counsel, the child's guardian ad litem, the child's court-appointed special advocate,
9 and, if the child is an Indian child who is placed outside the home of his or her parent
10 or Indian custodian, the Indian child's Indian custodian and tribe may have access
11 to any other records concerning the child for the purpose of participating in the
12 review. A person permitted access to a child's records under this paragraph may not
13 disclose any information from the records to any other person.

14 **SECTION 42.** 48.38 (5m) (c) 4. of the statutes is created to read:

15 48.38 (5m) (c) 4. If the child is placed in a qualified residential treatment
16 program, the agency that prepared the permanency plan shall present to the court
17 specific information showing all of the following, which the court shall consider when
18 determining the continuing necessity for and the safety and appropriateness of the
19 placement under sub. (5) (c) 1.:

20 a. Whether ongoing assessment of the strengths and needs of the child
21 continues to support the determination that the needs of the child cannot be met
22 through placement in a foster home, whether the placement in a qualified residential
23 treatment program provides the most effective and appropriate level of care for the
24 child in the least restrictive environment, and how the placement is consistent with

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1 the short-term and long-term goals for the child, as specified in the child's
2 permanency plan.

3 b. The specific treatment or service needs that will be met for the child in the
4 placement and the length of the time the child is expected to need the treatment or
5 services.

6 c. The efforts made by the agency to prepare the child to return home or to be
7 placed with a fit and willing relative, a guardian, or an adoptive parent or in a foster
8 home.

9 **SECTION 43.** 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 plan shall provide a copy of the permanency plan, any
12 information submitted under par. (bm) 4., and any written comments submitted
13 under par. (c) 1. to the court, to the child's parent, guardian, and legal custodian, to
14 the person representing the interests of the public, to the child's counsel or guardian
15 ad litem, to the child's court-appointed special advocate, and, if the child is an Indian
16 child who is placed outside the home of his or her parent or Indian custodian, to the
17 Indian child's Indian custodian and tribe. Notwithstanding s. 48.78 (2) (a), the
18 person representing the interests of the public, the child's counsel or guardian ad
19 litem, the child's court-appointed special advocate, and, if the child is an Indian child
20 who is placed outside of the home of his or her parent or Indian custodian, the Indian
21 child's Indian custodian and tribe may have access to any other records concerning
22 the child for the purpose of participating in the review. A person permitted access
23 to a child's records under this paragraph may not disclose any information from the
24 records to any other person.

25 **SECTION 44.** 48.437 (1) (a) 2. of the statutes is amended to read:

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1 48.437 (1) (a) 2. The notice shall contain the name and address of the new
2 placement, the reasons for the change in placement, whether the new placement is
3 certified under s. 48.675, a statement describing why the new placement is
4 preferable to the present placement, a statement of how the new placement satisfies
5 the objectives of the treatment plan or permanency plan ordered by the court, and,
6 if the child is an Indian child who has been removed from the home of his or her
7 parent or Indian custodian, a statement as to whether the new placement is in
8 compliance with the order of placement preference under s. 48.028 (7) (b) or, if
9 applicable, s. 48.028 (7) (c) and, if the new placement is not in compliance with that
10 order, specific information showing good cause, as described in s. 48.028 (7) (e), for
11 departing from that order. The person sending the notice shall file the notice with
12 the court on the same day the notice is sent.

13 **SECTION 45.** 48.437 (1) (a) 3. and 4. of the statutes are created to read:

14 48.437 (1) (a) 3. If the proposed change in placement would place the child in
15 a residential care center for children and youth, group home, or shelter care facility
16 certified under s. 48.675, the qualified individual shall conduct a standardized
17 assessment and the agency appointed as the guardian of the child shall submit it and
18 the recommendation of the qualified individual who conducted the standardized
19 assessment, including all of the following, to the court and all persons who are
20 required to receive the notice under subd. 1. no later than time of filing of that notice,
21 or, if not available by that time, and except as provided under subd. 4., no later than
22 10 days after the notice is filed:

23 a. Whether the proposed placement will provide the child with the most
24 effective and appropriate level of care in the least restrictive environment.

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1 b. How the placement is consistent with the short-term and long-term goals
2 for the child, as specified in the permanency plan.

3 c. The reasons why the child's needs can or cannot be met by the child's family
4 or in a foster home. A shortage or lack of foster homes is not an acceptable reason
5 for determining that the child's needs cannot be met in a foster home.

6 d. The placement preference of the family permanency team under s. 48.38
7 (3m) and, if that preference is not the placement recommended by the qualified
8 individual, why that recommended placement is not preferred.

9 4. If, for good cause shown, the information required to be submitted under
10 subd. 3. is not available by the deadline under that subdivision, the agency appointed
11 as the guardian of the child shall submit it no later than 30 days after the date on
12 which the placement is made.

13 **SECTION 46.** 48.437 (1) (c) of the statutes is amended to read:

14 48.437 (1) (c) *Contents of order.* The change-in-placement order shall contain
15 the applicable order under sub. (2v) (a), the applicable statement under sub. (2v) (b),
16 and the ~~finding~~ applicable findings under sub. (2v) (c) and (d). If the court changes
17 the placement of an Indian child who has been removed from the home of his or her
18 parent or Indian custodian, the change-in-placement order shall, in addition,
19 comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable,
20 s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e),
21 for departing from that order.

22 **SECTION 47.** 48.437 (2) of the statutes is renumbered 48.437 (2) (a).

23 **SECTION 48.** 48.437 (2) (b) and (c) of the statutes are created to read:

24 48.437 (2) (b) 1. If the emergency change in placement under par. (a) results
25 in a child being placed in a residential care center for children and youth, group

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1 home, or shelter care facility certified under s. 48.675, the qualified individual shall
2 conduct a standardized assessment and the agency appointed as the guardian of the
3 child shall submit it and the recommendation of the qualified individual who
4 conducted the standardized assessment, including the information specified under
5 sub. (1) (a) 3. with the notice under par. (a) or, if not available at that time, and except
6 as provided under subd. 2., no later than 10 days after the filing of that notice.

7 2. If, for good cause shown, the information required to be submitted under
8 subd. 1. is not available by the deadline under that subdivision, the agency appointed
9 as the guardian of the child shall submit it no later than 30 days after the date on
10 which the placement was made.

11 (c) If the emergency change in placement under par. (a) results in a child being
12 placed in a residential care center for children and youth, group home, or shelter care
13 facility certified under s. 48.675, the court shall, no later than 60 days after the
14 placement is made, issue an order making the findings under sub. (2v) (d) 1., the
15 answers to which do not affect whether the placement may be made, after
16 considering the standardized assessment and the recommendation of the qualified
17 individual who conducted the standardized assessment.

18 **SECTION 49.** 48.437 (2v) (d) of the statutes is created to read:

19 48.437 (2v) (d) 1. Except as provided in subd. 2., if the court changes the
20 placement to a residential care center for children and youth, group home, or shelter
21 care facility certified under s. 48.675, the change-in-placement order shall contain
22 a finding as to each of the following, the answers to which do not affect whether the
23 placement may be made, after considering the standardized assessment and the
24 recommendation of the qualified individual who conducted the standardized
25 assessment:

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1 a. Whether the needs of the child can be met through placement in a foster
2 home.

3 b. Whether placement of the child in a residential care center for children and
4 youth, group home, or shelter care facility certified under s. 48.675 provides the most
5 effective and appropriate level of care for the child in the least restrictive
6 environment.

7 c. Whether the placement is consistent with the short-term and long-term
8 goals for the child, as specified in the permanency plan.

9 d. Whether the court approves or disapproves the placement.

10 2. If the results of the standardized assessment and recommendation of the
11 qualified individual who conducted the standardized assessment are not available
12 at the time of the order, the court shall defer making the findings under that subd.

13 1. as provided in this paragraph. No later than 60 days after the date on which the
14 placement was made, the court shall issue an order making the findings under subd.
15 1.

16 **SECTION 50.** 48.48 (20) of the statutes is created to read:

17 48.48 (20) To certify a residential care center for children and youth, group
18 home, or shelter care facility to operate a qualified residential treatment program as
19 provided under s. 48.675 and monitor compliance with certification requirements.

20 **SECTION 51.** 48.675 of the statutes is created to read:

21 **48.675 Qualified residential treatment programs. (1)** The department
22 may certify a residential care center for children and youth, group home, or shelter
23 care facility to operate a qualified residential treatment program if it determines
24 that the program meets the requirements of 42 USC 672 (k) (4) and any other
25 requirements established by the department under this section. A residential care

SENATE BILL 161**SECTION 51**

1 center for children and youth, group home, or shelter care facility certified under this
2 section shall comply with all other requirements applicable to the residential care
3 center for children and youth, group home, or shelter care facility.

4 (2) The department may promulgate rules for the establishment, certification,
5 operation, and monitoring of, and the placement of a child in, a qualified residential
6 treatment program under sub. (1).

7 **SECTION 52.** 48.715 (8) of the statutes is created to read:

8 48.715 (8) The department may deny, suspend, restrict, refuse to renew, or
9 otherwise withhold a certification under s. 48.675 based on a failure to comply with
10 certification requirements established by administrative rule under that section.

11 **SECTION 53.** 48.73 of the statutes is amended to read:

12 **48.73 Inspection of licensees and school district child care programs.**

13 The department may visit and inspect each child welfare agency, foster home, group
14 home, and child care center licensed by the department and each entity certified by
15 the department under s. 48.675, and for that purpose shall be given unrestricted
16 access to the premises described in the license or certification. The department may
17 visit and inspect each child care program established or contracted for under s.
18 120.13 (14) that receives payment under s. 49.155 for the child care provided, and for
19 that purpose shall be given unrestricted access to the premises used for the child care
20 program.

21 **SECTION 54.** 938.02 (14m) of the statutes is created to read:

22 938.02 (14m) "Qualified individual" has the meaning given under 42 USC 675a
23 (c) (1) (D).

24 **SECTION 55.** 938.02 (17t) of the statutes is created to read:

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1 938.02 (17t) “Standardized assessment” means an assessment, using a tool
2 determined by the department, of the strengths and needs of a juvenile to determine
3 appropriateness of a placement in a residential care center for children and youth,
4 group home, or shelter care facility certified under s. 48.675.

5 **SECTION 56.** 938.21 (1) (c) of the statutes is created to read:

6 938.21 (1) (c) If the juvenile is held in custody in a residential care center for
7 children and youth, group home, or shelter care facility certified under s. 48.675, the
8 qualified individual shall conduct a standardized assessment and the agency
9 primarily responsible for providing services under the custody order shall submit it
10 and the recommendation of the qualified individual who conducted the standardized
11 assessment, including all of the following, to the court and all persons who are
12 required to receive a copy of the petition or request under par. (b) no later than the
13 hearing or, if not available by that time, no later than 30 days after the date on which
14 the placement is made:

15 1. Whether the proposed placement will provide the juvenile with the most
16 effective and appropriate level of care in the least restrictive environment.

17 2. How the placement is consistent with the short-term and long-term goals
18 for the juvenile, as specified in the permanency plan.

19 3. The reasons why the juvenile’s needs can or cannot be met by the juvenile’s
20 family or in a foster home. A shortage or lack of foster homes is not an acceptable
21 reason for determining that the juvenile’s needs cannot be met in a foster home.

22 4. The placement preference of the family permanency team under s. 938.38
23 (3m) and, if that preference is not the placement recommended by the qualified
24 individual, why that recommended placement is not preferred.

25 **SECTION 57.** 938.21 (5) (b) 2g. of the statutes is created to read:

SENATE BILL 161**SECTION 57**

1 938.21 (5) (b) 2g. Except as provided in par. (cm), if the juvenile is held in
2 custody in a residential care center for children and youth, group home, or shelter
3 care facility certified under s. 48.675, a finding as to each of the following, the
4 answers to which do not affect whether the placement may be made, after
5 considering the standardized assessment and the recommendation submitted by the
6 qualified individual who conducted the standardized assessment under sub. (1) (c):

7 a. Whether the needs of the juvenile can be met through placement in a foster
8 home.

9 b. Whether placement of the juvenile in a residential care center for children
10 and youth, group home, or shelter care facility certified under s. 48.675 provides the
11 most effective and appropriate level of care for the juvenile in the least restrictive
12 environment.

13 c. Whether the placement is consistent with the short-term and long-term
14 goals for the juvenile, as identified in the permanency planning.

15 d. Whether the court approves or disapproves the placement.

16 **SECTION 58.** 938.21 (5) (cm) of the statutes is created to read:

17 938.21 (5) (cm) If the results of the standardized assessment and
18 recommendation of the qualified individual who conducted the standardized
19 assessment are required under sub. (1) (c) but not available at the time of the order,
20 the court shall defer making the findings under par. (b) 2g. as provided in this
21 paragraph. No later than 60 days after the date on which the placement is made, the
22 court shall issue an order making the findings under par. (b) 2g.

23 **SECTION 59.** 938.217 (1) (b) 2. of the statutes is amended to read:

24 938.217 (1) (b) 2. The notice shall contain the name and address of the new
25 placement, the reasons for the change in placement, whether the new placement is

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1 certified under s. 48.675, and a statement describing why the new placement is
2 preferable to the present placement. The person sending the notice shall file the
3 notice with the court on the same day that the notice is sent.

4 **SECTION 60.** 938.217 (1) (b) 3. and 4. of the statutes are created to read:

5 938.217 (1) (b) 3. If the proposed change in placement would place the juvenile
6 in a residential care center for children and youth, group home, or shelter care facility
7 certified under s. 48.675, the qualified individual shall conduct a standardized
8 assessment and the intake worker or agency primarily responsible for providing
9 services under a temporary physical custody order shall submit it and the
10 recommendation of the qualified individual who conducted the standardized
11 assessment, including all of the following, to the court and all persons who are
12 required to receive the notice under subd. 1. no later than the filing of that notice or,
13 if not available by that time, and except as provided under subd. 4., no later than 10
14 days after the notice is filed:

15 a. Whether the proposed placement will provide the juvenile with the most
16 effective and appropriate level of care in the least restrictive environment.

17 b. How the placement is consistent with the short-term and long-term goals
18 for the juvenile, as specified in the permanency plan.

19 c. The reasons why the juvenile's needs can or cannot be met by the juvenile's
20 family or in a foster home. A shortage or lack of foster homes is not an acceptable
21 reason for determining that the juvenile's needs cannot be met in a foster home.

22 d. The placement preference of the family permanency team under s. 938.38
23 (3m) and, if that preference is not the placement recommended by the qualified
24 individual, why that recommended placement is not preferred.

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1 4. If, for good cause shown, the information required to be submitted under
2 subd. 3. is not available by the deadline under that subdivision, the intake worker
3 or agency primarily responsible for providing services under a temporary physical
4 custody order shall submit it no later than 30 days after the date on which the
5 placement is made.

6 **SECTION 61.** 938.217 (2) of the statutes is renumbered 938.217 (2) (a).

7 **SECTION 62.** 938.217 (2) (b) and (c) of the statutes are created to read:

8 938.217 (2) (b) 1. If the emergency change in placement under par. (a) results
9 in a juvenile being placed in a residential care center for children and youth, group
10 home, or shelter care facility certified under s. 48.675, the qualified individual shall
11 conduct a standardized assessment and the intake worker or agency primarily
12 responsible for providing services under a temporary physical custody order shall
13 submit it and the recommendation of the qualified individual who conducted the
14 standardized assessment, including the information specified under sub. (1) (b) 3.
15 with the notice under par. (a) or, if not available at that time, and except as provided
16 under subd. 2., no later than 10 days after the filing of that notice.

17 2. If, for good cause shown, the information required to be submitted under
18 subd. 1. is not available by the deadline under that subdivision, the intake worker
19 or agency primarily responsible for providing services under a temporary physical
20 custody order shall submit it no later than 30 days after the date on which the
21 placement was made.

22 (c) If the emergency change in placement under par. (a) results in a juvenile
23 being placed in a residential care center for children and youth, group home, or
24 shelter care facility certified under s. 48.675, the court shall, no later than 60 days
25 after the placement is made, issue an order making all of the findings required under

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1 sub. (2v) (d) 1., the answers to which do not affect whether the placement may be
2 made, after considering the standardized assessment and the recommendation of
3 the qualified individual who conducted the standardized assessment.

4 **SECTION 63.** 938.217 (2m) (b) 3. of the statutes is created to read:

5 938.217 **(2m)** (b) 3. If the change in placement results in a juvenile being placed
6 in a residential care center for children and youth, group home, or shelter care facility
7 certified under s. 48.675, the qualified individual shall conduct a standardized
8 assessment and the agency primarily responsible for providing services under the
9 temporary physical custody order shall submit it and the recommendation of the
10 qualified individual who conducted the standardized assessment, including the
11 information under sub. (1) (b) 3., to the court and to all persons who are required to
12 receive the notice under subd. 2., no later than the hearing or, if not available by that
13 time, no later than 30 days after the date on which the placement is made.

14 **SECTION 64.** 938.217 (2v) (d) 1. and 2. of the statutes are created to read:

15 938.217 **(2v)** (d) 1. Except as provided in subd. 2., if the court changes the
16 placement to a residential care center for children and youth, group home, or shelter
17 care facility certified under s. 48.675, the change-in-placement order shall contain
18 a finding as to each of the following, the answers to which do not affect whether the
19 placement may be made, after considering the standardized assessment and the
20 recommendation of the qualified individual who conducted the standardized
21 assessment:

22 a. Whether the needs of the juvenile can be met through placement in a foster
23 home.

24 b. Whether placement of the juvenile in a residential care center for children
25 and youth, group home, or shelter care facility certified under s. 48.675 provides the

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1 most effective and appropriate level of care for the juvenile in the least restrictive
2 environment.

3 c. Whether the placement is consistent with the short-term and long-term
4 goals for the juvenile, as specified in the permanency plan.

5 d. Whether the court approves or disapproves the placement.

6 2. If the results of the standardized assessment and recommendation of the
7 qualified individual who conducted the standardized assessment are not available
8 at the time of the order, the court shall defer making the findings under subd. 1. as
9 provided in this subdivision. No later than 60 days after the date on which the
10 placement was made, the court shall issue an order making the findings under subd.
11 1.

12 **SECTION 65.** 938.32 (1) (br) of the statutes is created to read:

13 938.32 (1) (br) If the consent decree places a juvenile in a residential care center
14 for children and youth, group home, or shelter care facility certified under s. 48.675,
15 the qualified individual shall conduct a standardized assessment and the agency
16 primarily responsible for providing services to the juvenile shall submit it and the
17 recommendation of the qualified individual who completed the assessment,
18 including all of the following, to the court and to all persons who are parties to the
19 consent decree, no later than the time the consent decree is entered or, if not available
20 by that time, no later than 30 days after the date on which the placement is made:

21 1. Whether the proposed placement will provide the juvenile with the most
22 effective and appropriate level of care in the least restrictive environment.

23 2. How the placement is consistent with the short-term and long-term goals
24 for the juvenile, as specified in the permanency plan.

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1 3. The reasons why the juvenile's needs can or cannot be met by the juvenile's
2 family or in a foster home. A shortage or lack of foster homes is not an acceptable
3 reason for determining that the juvenile's needs cannot be met in a foster home.

4 4. The placement preference of the family permanency team under s. 938.38
5 (3m) and, if that preference is not the placement recommended by the qualified
6 individual, why that recommended placement is not preferred.

7 **SECTION 66.** 938.32 (1) (c) 1r. of the statutes is created to read:

8 938.32 (1) (c) 1r. Except as provided in par. (cd), if the juvenile is placed in a
9 residential care center for children and youth, group home, or shelter care facility
10 certified under s. 48.675, a finding as to each of the following, the answers to which
11 do not affect whether the placement may be made, after considering the
12 standardized assessment and the recommendation of the qualified individual who
13 conducted the standardized assessment under par. (br):

14 a. Whether the needs of the juvenile can be met through placement in a foster
15 home.

16 b. Whether placement of the juvenile in a residential care center for children
17 and youth, group home, or shelter care facility certified under s. 48.675 provides the
18 most effective and appropriate level of care for the juvenile in the least restrictive
19 environment.

20 c. Whether the placement is consistent with the short-term and long-term
21 goals for the juvenile, as specified in the permanency plan.

22 d. Whether the court approves or disapproves the placement.

23 **SECTION 67.** 938.32 (1) (cd) of the statutes is created to read:

24 938.32 (1) (cd) If the results of the standardized assessment and
25 recommendation of the qualified individual who conducted the standardized

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1 assessment are required but not available at the time of the order, the court shall
2 defer making the findings under par. (c) 1r. as provided in this paragraph. No later
3 than 60 days after the date on which the placement was made, the court shall issue
4 an order making the findings under par. (c) 1r.

5 **SECTION 68.** 938.33 (4) (cm) of the statutes is created to read:

6 938.33 (4) (cm) A statement indicating whether the recommended placement
7 is certified under s. 48.675.

8 **SECTION 69.** 938.33 (4) (cr) of the statutes is created to read:

9 938.33 (4) (cr) 1. If the report recommends placement of a juvenile in a
10 residential care center for children and youth, group home, or shelter care facility
11 certified under s. 48.675, except as provided in subd. 2., the report shall contain the
12 results of the standardized assessment and the recommendation of the qualified
13 individual who conducted the standardized assessment, including all of the
14 following:

15 a. Whether the proposed placement will provide the juvenile with the most
16 effective and appropriate level of care in the least restrictive environment.

17 b. How the placement is consistent with the short-term and long-term goals
18 for the juvenile, as specified in the permanency plan.

19 c. The reasons why the juvenile's needs can or cannot be met by the juvenile's
20 family or in a foster home. A shortage or lack of foster homes is not an acceptable
21 reason for determining that the juvenile's needs cannot be met in a foster home.

22 d. The placement preference of the family permanency team under s. 938.38
23 (3m) and, if that preference is not the placement recommended by the qualified
24 individual, why that recommended placement is not preferred.

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1 2. If the information under subd. 1. is not available at the time of the report,
2 the agency shall submit it by the date of the dispositional hearing or, if it is not
3 available on that date, no later than 30 days after the date on which the placement
4 was made.

5 **SECTION 70.** 938.355 (2) (b) 6d. of the statutes is created to read:

6 938.355 (2) (b) 6d. Except as provided in par. (cd), if the juvenile is placed in
7 a residential care center for children and youth, group home, or shelter care facility
8 certified under s. 48.675, a finding as to each of the following, the answers to which
9 do not affect whether the placement may be made, after considering the
10 standardized assessment and the recommendation of the qualified individual who
11 conducted the standardized assessment:

12 a. Whether the needs of the juvenile can be met through placement in a foster
13 home.

14 b. Whether placement of the juvenile in a residential care center for children
15 and youth, group home, or shelter care facility certified under s. 48.675 provides the
16 most effective and appropriate level of care for the juvenile in the least restrictive
17 environment.

18 c. Whether the placement is consistent with the short-term and long-term
19 goals for the juvenile, as specified in the permanency plan.

20 d. Whether the court approves or disapproves the placement.

21 **SECTION 71.** 938.355 (2) (cd) of the statutes is created to read:

22 938.355 (2) (cd) If the results of the standardized assessment and
23 recommendation of the qualified individual who conducted the standardized
24 assessment are required but not available at the time of the order, the court shall
25 defer making the findings under par. (b) 6d. as provided in this paragraph. No later

SENATE BILL 161**SECTION 71**

1 than 60 days after the date on which the placement was made, the court shall issue
2 an order making the findings under par. (b) 6d.

3 **SECTION 72.** 938.357 (1) (am) 1. of the statutes is amended to read:

4 938.357 (1) (am) 1. Except as provided in par. (c), the person or agency
5 primarily responsible for implementing the dispositional order, the district attorney,
6 or the corporation counsel may request a change in placement under this subsection
7 by causing written notice of the proposed change in placement to be sent to the
8 juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, and legal
9 custodian of the juvenile, and any foster parent or other physical custodian described
10 in s. 48.62 (2) of the juvenile. If the request is for a change in placement under sub.
11 (3), notice shall be sent to the entity that operates the secured residential care center
12 for children and youth or Type 1 juvenile correctional facility where placement is
13 proposed. If the juvenile is an Indian juvenile who has been removed from the home
14 of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), written
15 notice shall also be sent to the Indian juvenile's Indian custodian and tribe. The
16 notice shall contain the name and address of the new placement, the reasons for the
17 change in placement, whether the new placement is certified under s. 48.675, a
18 statement describing why the new placement is preferable to the present placement,
19 and a statement of how the new placement satisfies objectives of the treatment plan
20 or permanency plan ordered by the court. The person sending the notice shall file
21 the notice with the court on the same day that the notice is sent.

22 **SECTION 73.** 938.357 (1) (am) 1m. and 1r. of the statutes are created to read:

23 938.357 (1) (am) 1m. If the proposed change in placement would place the
24 juvenile in a residential care center for children and youth, group home, or shelter
25 care facility certified under s. 48.675, the qualified individual shall conduct a

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1 standardized assessment and the person or agency primarily responsible for
2 implementing the dispositional order shall submit it and the recommendation of the
3 qualified individual who conducted the standardized assessment, including all of the
4 following, to the court and all persons who are required to receive the notice under
5 subd. 1. no later than time of filing that notice or, if not available by that time, and
6 except as provided under subd. 1r., no later than 10 days after the notice is filed:

7 a. Whether the proposed placement will provide the juvenile with the most
8 effective and appropriate level of care in the least restrictive environment.

9 b. How the placement is consistent with the short-term and long-term goals
10 for the juvenile, as specified in the permanency plan.

11 c. The reasons why the juvenile's needs can or cannot be met by the juvenile's
12 family or in a foster home. A shortage or lack of foster homes is not an acceptable
13 reason for determining that the juvenile's needs cannot be met in a foster home.

14 d. The placement preference of the family permanency team under s. 938.38
15 (3m) and, if that preference is not the placement recommended by the qualified
16 individual, why that recommended placement is not preferred.

17 1r. If, for good cause shown, the information required to be submitted under
18 subd. 1m. is not available by the deadline under that subdivision, the person or
19 agency primarily responsible for implementing the dispositional order shall submit
20 it no later than 30 days after the date on which the placement is made.

21 **SECTION 74.** 938.357 (1) (c) 1r. of the statutes is created to read:

22 938.357 (1) (c) 1r. If the proposed change in placement would place the juvenile
23 in a residential care center for children and youth, group home, or shelter care facility
24 certified under s. 48.675, the qualified individual shall conduct a standardized
25 assessment and the person or agency primarily responsible for implementing the

SENATE BILL 161**SECTION 74**

1 dispositional order shall submit it and the recommendation of the qualified
2 individual who conducted the standardized assessment, including the information
3 specified in sub. (1) (am) 1m., to the court and to the party that requested the change
4 in placement under subd. 1. no later than the filing of that request or, if not available
5 by that time, no later than 30 days after the date on which the placement was made.

6 **SECTION 75.** 938.357 (2) (a) of the statutes is renumbered 938.357 (2) (a) 1.

7 **SECTION 76.** 938.357 (2) (a) 2., 3. and 4. of the statutes are created to read:

8 938.357 (2) (a) 2. If the emergency change in placement under subd. 1. results
9 in a juvenile being placed in a residential care center for children and youth, group
10 home, or shelter care facility certified under s. 48.675, the qualified individual shall
11 conduct a standardized assessment and the person or agency primarily responsible
12 for implementing the dispositional order shall submit it and the recommendation of
13 the qualified individual who conducted the standardized assessment, including the
14 information specified under sub. (1) (am) 1m. with the notice under subd. 1. or, if not
15 available at that time, and except as provided under subd. 3., no later than 10 days
16 after the filing of that notice.

17 3. If, for good cause shown, the information required to be submitted under
18 subd. 2. is not available by the deadline under that subdivision, the person or agency
19 primarily responsible for implementing the dispositional order shall submit it no
20 later than 30 days after the date on which the placement was made.

21 4. If the emergency change in placement under subd. 1. results in a juvenile
22 being placed in a residential care center for children and youth, group home, or
23 shelter care facility certified under s. 48.675, the court shall, no later than 60 days
24 after the placement is made, issue an order making the findings under sub. (2v) (a)
25 5., the answers to which do not affect whether the placement may be made, after

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1 considering the standardized assessment and the recommendation of the qualified
2 individual who conducted the standardized assessment.

3 **SECTION 77.** 938.357 (2) (b) 5. and 6. of the statutes are created to read:

4 938.357 (2) (b) 5. If the emergency change in placement under this paragraph
5 results in a juvenile being placed in a residential care center for children and youth,
6 group home, or shelter care facility certified under s. 48.675, the qualified individual
7 shall conduct a standardized assessment and the person or agency primarily
8 responsible for implementing the dispositional order shall submit it and the
9 recommendation of the qualified individual who conducted the standardized
10 assessment, including the information specified in sub. (1) (am) 1m., to the court and
11 all persons who are required to receive the notice under subd. 2. that requested the
12 change in placement no later than the filing of that request or, if not available by that
13 time, no later than 30 days after the date on which the placement was made.

14 6. If the emergency change in placement this paragraph results in a juvenile
15 being placed in a residential care center for children and youth, group home, or
16 shelter care facility certified under s. 48.675, the court shall, no later than 60 days
17 after the placement is made, issue an order making the findings under sub. (2v) (a)
18 5., the answers to which do not affect whether the placement may be made, after
19 considering the standardized assessment and the recommendation of the qualified
20 individual who conducted the standardized assessment.

21 **SECTION 78.** 938.357 (2m) (a) of the statutes is renumbered 938.357 (2m) (a)

22 1.

23 **SECTION 79.** 938.357 (2m) (a) 2. of the statutes is created to read:

24 938.357 (2m) (a) 2. If the change in placement results in the juvenile being
25 placed in a residential care center for children and youth, group home, or shelter care

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1 facility certified under s. 48.675, the qualified individual shall conduct a
2 standardized assessment and the person or agency primarily responsible for
3 implementing the dispositional order shall submit it and the recommendation of the
4 qualified individual who conducted the standardized assessment, including the
5 information under sub. (1) (am) 1m., to the court and to the party that requested the
6 change in placement under subd. 1. no later than the filing of that request or, if not
7 available by that time, no later than 30 days after the date on which the placement
8 was made.

9 **SECTION 80.** 938.357 (2v) (a) 5. and 6. of the statutes are created to read:

10 938.357 (2v) (a) 5. Except as provided in subd. 6., if the court changes the
11 placement to a residential care center for children and youth, group home, or shelter
12 care facility certified under s. 48.675, the change-in-placement order shall contain
13 a finding as to each of the following, the answers to which do not affect whether the
14 placement may be made, after considering the standardized assessment and the
15 recommendation of the qualified individual who conducted the standardized
16 assessment:

17 a. Whether the needs of the juvenile can be met through placement in a foster
18 home.

19 b. Whether placement of the juvenile in a residential care center for children
20 and youth, group home, or shelter care facility certified under s. 48.675 provides the
21 most effective and appropriate level of care for the juvenile in the least restrictive
22 environment.

23 c. Whether the placement is consistent with the short-term and long-term
24 goals for the juvenile, as specified in the permanency plan.

25 d. Whether the court approves or disapproves the placement.

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1 6. If the results of the standardized assessment and recommendation of the
2 qualified individual who conducted the standardized assessment are not available
3 at the time of the order, the court shall defer making the findings under subd. 5. as
4 provided in this paragraph. No later than 60 days after the date on which the
5 placement was made, the court shall issue an order making the findings under subd.
6 5.

7 **SECTION 81.** 938.38 (1) (ag) of the statutes is created to read:

8 938.38 (1) (ag) “Family permanency team” means the team of individuals
9 assembled under sub. (3m) to participate in a juvenile’s permanency planning.

10 **SECTION 82.** 938.38 (1) (as) of the statutes is created to read:

11 938.38 (1) (as) “Like-kin” means a person who has a significant emotional
12 relationship with a juvenile or the juvenile’s family and to whom any of the following
13 applies:

14 1. Prior to the juvenile’s placement in out-of-home care, the person had an
15 existing relationship with the juvenile or the juvenile’s family that is similar to a
16 familial relationship.

17 2. During the juvenile’s placement in out-of-home care, the person developed
18 a relationship with the juvenile or the juvenile’s family that is similar to a familial
19 relationship.

20 **SECTION 83.** 938.38 (1) (bp) of the statutes is created to read:

21 938.38 (1) (bp) “Qualified residential treatment program” means a residential
22 care center for children and youth, group home, or shelter care facility certified under
23 s. 48.675.

24 **SECTION 84.** 938.38 (3m) of the statutes is created to read:

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1 938.38 **(3m)** FAMILY PERMANENCY TEAM. If a juvenile is placed in a residential
2 care center for children and youth, group home, or shelter care facility certified under
3 s. 48.675, the agency that placed the juvenile or arranged the placement or the
4 agency assigned primary responsibility for providing services to the juvenile under
5 s. 48.355 (2) (b) 6g. shall invite all of the following to participate in permanency
6 planning and may invite others at the agency's discretion:

7 (a) All appropriate biological family members, relatives, and like-kin of the
8 juvenile, as determined by the agency.

9 (b) Appropriate professionals who serve as a resource for the family of the
10 juvenile, such as teachers, medical or mental health providers who have treated the
11 juvenile, or clergy.

12 (c) Others identified by a juvenile over the age of 14 as provided under sub.
13 (2m).

14 **SECTION 85.** 938.38 (4) (k) of the statutes is created to read:

15 938.38 **(4)** (k) If the juvenile is placed in a qualified residential treatment
16 program, all of the following:

17 1. Documentation of reasonable and good faith efforts to identify and include
18 all required individuals on the family permanency team.

19 2. The contact information for the members of the family permanency team.

20 3. Information showing that meetings of the family permanency team are held
21 at a time and place convenient for the family to the extent possible.

22 4. If reunification is the juvenile's permanency goal, information
23 demonstrating that the parent from whom the juvenile was removed provided input
24 on the members of the family permanency team or why that input was not obtained.

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1 5. Information showing that the standardized assessment, as determined by
2 the department, was used to determine the appropriateness of the placement in a
3 qualified residential treatment program

4 6. The placement preferences of the family permanency team, including a
5 recognition that a juvenile should be placed with his or her siblings unless the court
6 determines that a joint placement would be contrary to the safety or well-being of
7 the juvenile or any of those siblings.

8 7. If placement preferences of the family permanency team are not the
9 placement recommended by the qualified individual who conducted the
10 standardized assessment, the reasons why these preferences were not
11 recommended.

12 8. The recommendations of the qualified individual who conducted the
13 standardized assessment, including all of the following:

14 a. Whether the recommended placement in a qualified residential treatment
15 program is the placement that will provide the juvenile with the most effective and
16 appropriate level of care in the least restrictive environment and how that placement
17 is consistent with the short-term and long-term goals for the juvenile, as specified
18 in the permanency plan.

19 b. Whether and why the juvenile's needs can or cannot be met by the juvenile's
20 family or in a foster home. A shortage or lack of foster homes is not an acceptable
21 reason for determining that the juvenile's needs cannot be met in a foster home.

22 9. Documentation of the approval or disapproval of the placement in a qualified
23 residential treatment program by a court, if such a determination has been made.

24 **SECTION 86.** 938.38 (4) (L) of the statutes is created to read:

25 938.38 (4) (L) If the juvenile is a parent or is pregnant, all of the following:

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1 1. A list of the services or programs to be provided to or on behalf of the juvenile
2 to ensure that the juvenile, if pregnant, is prepared and, if a parent, is able to be a
3 parent.

4 2. The out-of-home care prevention strategy for any juvenile born to the
5 parenting or pregnant juvenile.

6 **SECTION 87.** 938.38 (5) (c) 1. of the statutes is amended to read:

7 938.38 (5) (c) 1. The continuing necessity for and the safety and
8 appropriateness of the placement, subject to par. (cm) and sub. (5m) (c) 4. If the
9 permanency goal of the juvenile's permanency plan is placement of the juvenile in
10 a planned permanent living arrangement described in sub. (4) (fg) 5., the
11 determination under this subdivision shall include an explanation of why the
12 planned permanent living arrangement is the best permanency goal for the juvenile
13 and why, supported by compelling reasons, it continues not to be in the best interests
14 of the juvenile to be returned to his or her home or to be placed for adoption, with a
15 guardian, or with a fit and willing relative.

16 **SECTION 88.** 938.38 (5) (cm) of the statutes is created to read:

17 938.38 (5) (cm) If the juvenile is placed in a qualified residential treatment
18 program, the agency that prepared the permanency plan shall submit to the court
19 specific information showing all of the following, which the court shall consider when
20 determining the continuing necessity for and the safety and appropriateness of the
21 placement:

22 1. Whether ongoing assessment of the strengths and needs of the juvenile
23 continues to support the determination that the needs of the juvenile cannot be met
24 through placement in a foster home, whether the placement in a qualified residential
25 treatment program provides the most effective and appropriate level of care for the

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1 juvenile in the least restrictive environment, and how the placement is consistent
2 with the short-term and long-term goals for the juvenile, as specified in the
3 juvenile's permanency plan.

4 2. The specific treatment or service needs that will be met for the juvenile in
5 the placement and the length of the time the juvenile is expected to need the
6 treatment or services.

7 3. The efforts made by the agency to prepare the juvenile to return home or to
8 be placed with a fit and willing relative, a guardian, or an adoptive parent or in a
9 foster home.

10 **SECTION 89.** 938.38 (5) (d) of the statutes is amended to read:

11 938.38 (5) (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the
12 permanency plan shall, at least 5 days before a review by a review panel, provide to
13 each person appointed to the review panel, the juvenile's parent, guardian, and legal
14 custodian, the person representing the interests of the public, the juvenile's counsel,
15 the juvenile's guardian ad litem, and, if the juvenile is an Indian juvenile who is
16 placed outside the home of his or her parent or Indian custodian under s. 938.13 (4),
17 (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe a copy of the
18 permanency plan, any information submitted under par. (cm), and any written
19 comments submitted under par. (bm) 1. Notwithstanding s. 938.78 (2) (a), a person
20 appointed to a review panel, the person representing the interests of the public, the
21 juvenile's counsel, the juvenile's guardian ad litem, and, if the juvenile is an Indian
22 juvenile who is placed outside the home of his or her parent or Indian custodian
23 under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe
24 may have access to any other records concerning the juvenile for the purpose of
25 participating in the review. A person permitted access to a juvenile's records under

SENATE BILL 161**SECTION 89**

1 this paragraph may not disclose any information from the records to any other
2 person.

3 **SECTION 90.** 938.38 (5m) (c) 4. of the statutes is created to read:

4 938.38 **(5m)** (c) 4. If the juvenile is placed in a qualified residential treatment
5 program, the agency that prepared the permanency plan shall present to the court
6 specific information showing all of the following, which the court shall consider when
7 determining the continuing necessity for and the safety and appropriateness of the
8 placement under sub. (5) (c) 1.:

9 a. Whether ongoing assessment of the strengths and needs of the juvenile
10 continues to support the determination that the needs of the juvenile cannot be met
11 through placement in a foster home, whether the placement in a qualified residential
12 treatment program provides the most effective and appropriate level of care for the
13 juvenile in the least restrictive environment, and how the placement is consistent
14 with the short-term and long-term goals for the juvenile, as specified in the
15 juvenile's permanency plan.

16 b. The specific treatment or service needs that will be met for the juvenile in
17 the placement and the length of the time the juvenile is expected to need the
18 treatment or services.

19 c. The efforts made by the agency to prepare the juvenile to return home or to
20 be placed with a fit and willing relative, a guardian, or an adoptive parent or in a
21 foster home.

22 **SECTION 91.** 938.38 (5m) (d) of the statutes is amended to read:

23 938.38 **(5m)** (d) At least 5 days before the date of the hearing the agency that
24 prepared the permanency plan shall provide a copy of the permanency plan, any
25 information submitted under par. (cm), and any written comments submitted under

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

SECTION 92. Nonstatutory provisions.

14 (1) EMERGENCY RULES CONCERNING QUALIFIED RESIDENTIAL TREATMENT PROGRAMS.
15 The department of children and families may promulgate emergency rules under s.
16 227.24 to implement s. 48.675. Notwithstanding s. 227.24 (1) (c) and (2), emergency
17 rules promulgated under this subsection remain in effect until July 1, 2023, or the
18 date on which permanent rules take effect, whichever is sooner. Notwithstanding
19 s. 227.24 (1) (a) and (3), the department is not required to provide evidence that
20 promulgating a rule under this subsection as an emergency rule is necessary for the
21 preservation of the public peace, health, safety, or welfare and is not required to
22 provide a finding of emergency for a rule promulgated under this subsection.

23 **SECTION 93. Effective dates.** This act takes effect on September 29, 2021,
24 except as follows:

