

## 2001 ASSEMBLY BILL 596

October 29, 2001 – Introduced by Representatives LADWIG, JESKEWITZ, ALBERS, DUFF, KREIBICH, LIPPERT, LOEFFELHOLZ, MCCORMICK, OWENS, PETROWSKI, RYBA, SERATTI, STARZYK and TOWNSEND, cosponsored by Senators PLACHE, ROSENZWEIG, HUELSMAN, DARLING and ROESSLER. Referred to Committee on Children and Families.

1 **AN ACT to amend** 48.38 (2) (intro.), 48.38 (4) (f) (intro.), 48.38 (5) (a), 48.38 (5)  
2 (b), 938.38 (2) (intro.), 938.38 (4) (f) (intro.), 938.38 (5) (a) and 938.38 (5) (b) of  
3 the statutes; **relating to:** requiring a permanency plan to be prepared for a  
4 child who is living in the home of a relative under a juvenile court order.

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### *Analysis by the Legislative Reference Bureau*

Under current law, for each child living in a foster home, treatment foster home, group home, child caring institution, secure detention facility, or shelter care facility, whether under a voluntary agreement or under an order of the court assigned to exercise jurisdiction under the children's code and the juvenile justice code (juvenile court), the agency that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child under the juvenile court order must prepare a written permanency plan, which is a plan designed to ensure that a child is reunified with his or her family whenever appropriate or that the child quickly attains a placement or home providing long-term stability. This bill requires a permanency plan to be prepared for a child who, under a juvenile court order, is living in the home of a relative.

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

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

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1           **SECTION 1.** 48.38 (2) (intro.) of the statutes is amended to read:

2           **48.38 (2) PERMANENCY PLAN REQUIRED.** (intro.) Except as provided in sub. (3),  
3 for each child living in a foster home, treatment foster home, group home,  
4 child-caring institution, secure detention facility, or shelter care facility or in the  
5 home of a relative, the agency that placed the child or arranged the placement or the  
6 agency assigned primary responsibility for providing services to the child under s.  
7 48.355 shall prepare a written permanency plan, if one of the following conditions  
8 exists:

9           **SECTION 2.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

10           **48.38 (4) (f) (intro.)** The services that will be provided to the child, the child's  
11 family, and the child's foster parent, the child's treatment foster parent ~~or~~, the  
12 operator of the facility where the child is living, or the relative with whom the child  
13 is living to carry out the dispositional order, including services planned to accomplish  
14 all of the following:

15           **SECTION 3.** 48.38 (5) (a) of the statutes is amended to read:

16           **48.38 (5) (a)** The court or a panel appointed under this paragraph shall review  
17 the permanency plan every 6 months from the date on which the child was first held  
18 in physical custody or placed outside of his or her home under a court order. If the  
19 court elects not to review the permanency plan, the court shall appoint a panel to  
20 review the permanency plan. The panel shall consist of 3 persons who are either  
21 designated by an independent agency that has been approved by the chief judge of  
22 the judicial administrative district or designated by the agency that prepared the  
23 permanency plan. A voting majority of persons on each panel shall be persons who  
24 are not employed by the agency that prepared the permanency plan and who are not

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1 responsible for providing services to the child or the parents of the child whose  
2 permanency plan is the subject of the review.

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

4 48.38 (5) (b) The court or the agency shall notify the parents of the child, the  
5 child if he or she is 12 years of age or older, and the child's foster parent, the child's  
6 treatment foster parent ~~or~~, the operator of the facility in which the child is living, or  
7 the relative with whom the child is living of the date, time, and place of the review,  
8 of the issues to be determined as part of the review, and of the fact that they may have  
9 an opportunity to be heard at the review by submitting written comments not less  
10 than 10 working days before the review or by participating at the review. The court  
11 or agency shall notify the person representing the interests of the public, the child's  
12 counsel, the child's guardian ad litem, and the child's court-appointed special  
13 advocate of the date of the review, of the issues to be determined as part of the review,  
14 and of the fact that they may submit written comments not less than 10 working days  
15 before the review. The notices under this paragraph shall be provided in writing not  
16 less than 30 days before the review and copies of the notices shall be filed in the child's  
17 case record.

18 **SECTION 5.** 938.38 (2) (intro.) of the statutes is amended to read:

19 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
20 for each juvenile living in a foster home, treatment foster home, group home, child  
21 caring institution, secure detention facility, or shelter care facility or in the home of  
22 a relative, the agency that placed the juvenile or arranged the placement or the  
23 agency assigned primary responsibility for providing services to the juvenile under  
24 s. 938.355 shall prepare a written permanency plan, if any of the following conditions  
25 exists:

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1           **SECTION 6.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

2           938.38 (4) (f) (intro.) The services that will be provided to the juvenile, the  
3 juvenile's family, and the juvenile's foster parent, the juvenile's treatment foster  
4 parent ~~or~~, the operator of the facility where the juvenile is living, or the relative with  
5 whom the juvenile is living to carry out the dispositional order, including services  
6 planned to accomplish all of the following:

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

8           938.38 (5) (a) The court or a panel appointed under this paragraph shall review  
9 the permanency plan every 6 months from the date on which the juvenile was first  
10 held in physical custody or placed outside of his or her home under a court order. If  
11 the court elects not to review the permanency plan, the court shall appoint a panel  
12 to review the permanency plan. The panel shall consist of 3 persons who are either  
13 designated by an independent agency that has been approved by the chief judge of  
14 the judicial administrative district or designated by the agency that prepared the  
15 permanency plan. A voting majority of persons on each panel shall be persons who  
16 are not employed by the agency that prepared the permanency plan and who are not  
17 responsible for providing services to the juvenile or the parents of the juvenile whose  
18 permanency plan is the subject of the review.

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

20           938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,  
21 the juvenile if he or she is 10 years of age or older, and the juvenile's foster parent,  
22 the juvenile's treatment foster parent ~~or~~, the operator of the facility in which the  
23 juvenile is living, or the relative with whom the juvenile is living of the date, time,  
24 and place of the review, of the issues to be determined as part of the review, and of  
25 the fact that they may have an opportunity to be heard at the review by submitting

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1 written comments not less than 10 working days before the review or by  
2 participating at the review. The court or agency shall notify the person representing  
3 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem  
4 of the date of the review, of the issues to be determined as part of the review, and of  
5 the fact that they may submit written comments not less than 10 working days before  
6 the review. The notices under this paragraph shall be provided in writing not less  
7 than 30 days before the review and copies of the notices shall be filed in the juvenile's  
8 case record.

**SECTION 9. Nonstatutory provisions.**

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10 (1) COURT-ORDERED RELATIVE PLACEMENT PERMANENCY PLANS. Notwithstanding  
11 sections 48.38 (3) and 938.38 (3) of the statutes and SECTION 10 (1) of this act, for  
12 children or juveniles who are living in the home of a relative, as defined in section  
13 48.02 (15) or 938.02 (15) of the statutes, under an order of the court assigned to  
14 exercise jurisdiction under chapters 48 and 938 of the statutes, as affected by this act,  
15 on the day before the effective date of this subsection, the agency assigned primary  
16 responsibility for providing services to those children or juveniles under section  
17 48.355 or 938.355 of the statutes shall file a permanency plan with that court with  
18 respect to not less than 33% of those children or juveniles by the first day of the 3rd  
19 month beginning after the effective date of this subsection, with respect to not less  
20 than 67% of those children or juveniles by the first day of the 5th month beginning  
21 after the effective date of this subsection, and with respect to all of those children or  
22 juveniles by the first day of the 7th month beginning after the effective date of this  
23 subsection, giving priority to those children or juveniles who have been living in the  
24 home of a relative for the longest period of time. Notwithstanding section 48.38 (5)  
25 (a) of the statutes, as affected by this act, and section 938.38 (5) (a) of the statutes,

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1 as affected by this act, a permanency plan filed under this subsection shall be  
2 reviewed within 6 months after the date on which the permanency plan is filed.

3 **SECTION 10. Initial applicability.**

4 (1) COURT-ORDERED RELATIVE PLACEMENT PERMANENCY PLANS. This act first  
5 applies to a child or juvenile who is placed in the home of a relative, as defined in  
6 section 48.02 (15) or 938.02 (15) of the statutes, by order of the court assigned to  
7 exercise jurisdiction under chapters 48 and 938 of the statutes, as affected by this act,  
8 on the effective date of this subsection.

9 (END)