

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4375/2dn
GMM:kg:jf

February 12, 2002

Representative Kestell:

As a result of my meeting on Thursday afternoon with Therese Durkin and Michelle Jensen of DHFS, this redraft makes the following changes to the draft:

1. The redraft permits the juvenile court to reference another document when making the contrary-to-welfare and reasonable-efforts findings rather than having to recite the information on which those findings are based in the court order.
2. The redraft requires the juvenile court merely to find that continued placement in the home would be contrary to the *welfare* of the child rather than contrary to the *health, safety, and welfare* of the child.
3. The redraft permits a parent who has waived his or her right to participate in a custody hearing to obtain a rehearing only *on good cause shown*. The previous draft did not include that good-cause requirement, thereby permitting such a parent to obtain a rehearing merely on request.
4. The redraft requires a petition requesting the juvenile court to assert its jurisdiction over a child who has been removed from the home to specify reliable and credible information showing that continued placement in the home would be contrary to the welfare of the child and, unless an aggravated circumstance applies, that the person who took the child into custody and the intake worker have made reasonable efforts to prevent the removal of the child from the home and to return the child to the home.
5. The redraft specifies that a juvenile court order placing outside the home a child who is a full-time student and who is reasonably expected to complete his or her educational program before reaching 19 years of age terminates when the child reaches 19 years of age unless, of course, the child completes the program sooner, in which case the child is no longer a full-time student and this exception would no longer apply.
6. The redraft clarifies that, when speaking of an out-of-home placement in the home of a relative, the term "relative" does not include a parent.
7. The redraft deletes references to trial home visits of more than six months authorized by the juvenile court. Although the federal regulations permit trial home visits of more than six months, DHFS has chosen to be more restrictive and not let trial home visits drag on that long.

8. In ss. 48.38 (5) (a) and 938.38 (5) (a), the redraft attempts to distinguish more clearly between permanency plan *reviews* conducted by the juvenile court or a panel appointed by the juvenile court and permanency plan *hearings*, which must be conducted by the juvenile court.

At our meeting we also discussed replacing a cross-reference to the now-defunct AFDC program, s. 49.19, with a cross-reference to s. 46.261, which is still in operation. This redraft does not make that change because s. 46.261 itself cross-references s. 49.19. As such, the cross-reference to s. 46.261 would merely result in a roundabout cross-reference to s. 49.19 in any event.

If you have any questions about this draft, please do not hesitate to contact me directly at the phone number or e-mail address listed below.

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