



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4375/1

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Mon 2/11

Due

2001 BILL

or, if impossible,
first thing Tues 2/12 AM

NOTE

Reprints

1 AN ACT to renumber 48.32 (1); to renumber and amend 48.355 (2d) (c), 48.357
2 (1), 48.357 (2m), 48.357 (2v), 48.365 (2m) (a), 48.38 (4) (a), 48.38 (5) (c) 6. am.,
3 938.355 (2d) (c), 938.357 (1), 938.357 (2m), 938.357 (2v), 938.365 (2m) (a),
4 938.38 (4) (a) and 938.38 (5) (c) 6. am.; to amend 48.21 (3) (am), 48.27 (3) (a)
5 1m., 48.33 (4) (intro.), 48.355 (2) (b) 6., 48.355 (2b), 48.355 (2c) (b), 48.355 (2d)
6 (b) (intro.), 48.355 (2d) (b) 1., 48.355 (2d) (b) 2., 48.355 (2d) (b) 3., 48.355 (2d) (b)
7 4., 48.355 (2d) (b) 5., 48.355 (4), 48.357 (2), 48.357 (2r), 48.357 (6), 48.365 (1),
8 48.365 (2g) (b) 2., 48.365 (2g) (b) 3., 48.365 (2m) (ag), 48.365 (5), 48.38 (2)
9 (intro.), 48.38 (2) (c), 48.38 (2) (f), 48.38 (3), 48.38 (4) (intro.), 48.38 (4) (bm),
10 48.38 (4) (e), 48.38 (4) (f) (intro.), 48.38 (4) (fm), 48.38 (5) (a), 48.38 (5) (b), 48.38
11 (5) (c) 6. (intro.), 48.38 (5) (c) 6. d., 48.38 (5) (c) 7., 48.417 (1) (a), 48.417 (1) (b),
12 48.417 (1) (c), 48.417 (1) (d), 48.417 (2) (a), 48.417 (2) (b), 48.42 (2g) (am), 48.427
13 (1m), 48.63 (1), 48.63 (4), 48.685 (5) (bm) 4., 48.78 (2) (a), 48.977 (2) (f), 938.21
14 (2) (am), 938.21 (3) (am), 938.27 (3) (a) 1m., 938.33 (4) (intro.), 938.355 (1),

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1 938.355 (2) (b) 6., 938.355 (2b), 938.355 (2c) (b), 938.355 (2d) (b) (intro.), 938.355
2 (2d) (b) 1., 938.355 (2d) (b) 2., 938.355 (2d) (b) 3., 938.355 (2d) (b) 4., 938.355 (4)
3 (a), 938.355 (4) (b), 938.355 (6) (a), 938.357 (2), 938.357 (2r), 938.357 (3),
4 938.357 (4) (b) 2., 938.357 (4) (c) 1., 938.357 (4) (c) 2., 938.357 (4) (d), 938.357
5 (5) (a), 938.357 (6), 938.365 (1), 938.365 (2g) (b) 2., 938.365 (2g) (b) 3., 938.365
6 (2m) (ag), 938.365 (5), 938.38 (2) (intro.), 938.38 (2) (c), 938.38 (2) (f), 938.38 (3)
7 (intro.), 938.38 (4) (intro.), 938.38 (4) (bm), 938.38 (4) (e), 938.38 (4) (f) (intro.),
8 938.38 (4) (fm), 938.38 (5) (a), 938.38 (5) (b), 938.38 (5) (c) 6. (intro.), 938.38 (5)
9 (c) 6. d., 938.38 (5) (c) 7. and 938.78 (2) (a); *to repeal and recreate* 48.21 (5)
10 (b) 1. and 938.21 (5) (b) 1.; and *to create* 48.21 (5) (b) 3., 48.21 (5) (c), 48.21 (5)
11 (d), 48.315 (2m), 48.32 (1) (b), 48.32 (1) (c), 48.33 (4) (c), 48.335 (3g), 48.355 (2)
12 (b) 6r., 48.355 (2d) (bm), 48.355 (2d) (c) 2. and 3., 48.357 (1) (b) 3., 48.357 (1) (c),
13 48.357 (2m) (c), 48.357 (2v) (a) (intro.), 48.357 (2v) (a) 1., 48.357 (2v) (a) 3.,
14 48.357 (2v) (b), 48.357 (2v) (c), 48.365 (2m) (a) 2., 48.365 (2m) (a) 3., 48.365 (2m)
15 (ad), 48.38 (4) (ag), 48.38 (4) (am), 48.38 (4) (dg), 48.38 (4) (dm), 48.38 (4) (dr),
16 48.38 (4) (fg), 48.38 (4) (h), 48.38 (5) (c) 6. cg., 48.38 (5m), 48.417 (2) (d), 938.21
17 (5) (b) 3., 938.21 (5) (c), 938.21 (5) (d), 938.315 (2m), 938.32 (1) (c), 938.32 (1) (d),
18 938.33 (4) (c), 938.335 (3g), 938.355 (2) (b) 6r., 938.355 (2d) (bm), 938.355 (2d)
19 (c) 2. and 3., 938.355 (6m) (cm), 938.357 (1) (b) 3., 938.357 (1) (c), 938.357 (2m)
20 (c), 938.357 (2v) (a) (intro.), 938.357 (2v) (a) 1., 938.357 (2v) (a) 3., 938.357 (2v)
21 (b), 938.357 (2v) (c), 938.365 (2m) (a) 2., 938.365 (2m) (a) 3., 938.365 (2m) (ad),
22 938.38 (4) (ag), 938.38 (4) (am), 938.38 (4) (dg), 938.38 (4) (dm), 938.38 (4) (dr),
23 938.38 (4) (fg), 938.38 (4) (h), 938.38 (5) (c) 6. cg. and 938.38 (5m) of the statutes;
24 **relating to:** permanency planning for a child placed outside the home,
25 required juvenile court findings when a child is placed outside the home, the

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1 expiration date of a juvenile court order placing or continuing the placement of
2 a child outside the home, the requirement that a termination of parental rights
3 petition be filed under certain circumstances, statements by foster parents at
4 juvenile court hearings, and prohibiting a person who has committed an
5 alcohol-related felony within the last 5 years from being licensed to operate a
6 foster home or treatment foster home.

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

Under Title IV-E of the federal Social Security Act (Title IV-E), states that meet certain conditions specified in Title IV-E and the regulations promulgated under Title IV-E are reimbursed for the cost of providing care for children placed in foster homes, treatment foster homes, group homes, child caring institutions, secure detention facilities, or shelter care facilities (out-of-home placements). Recently, the federal department of health and human services promulgated regulations implementing the Adoption and Safe Families Act of 1997 (ASFA), which amended Title IV-E. This bill conforms certain provisions of the Children's Code and the Juvenile Justice Code relating to children placed in out-of-home placements to conform those provisions to ASFA and its implementing regulations.

Permanency planning

Under current law, for each child living in an out-of-home placement, the county department of human services or social services, the licensed child welfare agency, the department of health and family services, in a county having a population of 500,000 or more, or the department of corrections, in the case of a child who has been adjudged delinquent, (collectively "agency") that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child must prepare a permanency plan for the child, which is a 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. A permanency plan must be prepared within 60 days after the date on which the child was first held in physical custody or placed outside the home under an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) and must be prepared if the child is being held under a physical custody order of the juvenile court, is under the guardianship, legal custody, or supervision of an agency, is placed under a voluntary agreement between the child's parents and an agency, or meets the requirements for aid under the former aid to families with dependent children program. This bill requires a permanency plan to be prepared for a child living in the home of a relative who meets any of those requirements. The bill also requires

other than a parent,

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a permanency plan to be prepared within 60 days after a child was first removed from his or her home.

A permanency plan must describe, among other things, the services that were provided to prevent the placement of the child outside the home, the services that have been and will be provided to make it possible for the child to return safely to the home, and the conditions, if any, upon which the child will be returned to the home. This bill requires the permanency plan to include certain additional information including the goal or goals of the permanency plan, with those goals being return of the child to the home or placement of the child for adoption, with a guardian, in the home of a relative, or in some other alternative permanent placement, in that order of preference. If a goal of the permanency plan is any goal other than return of the child to the home, the permanency plan must include the rationale for deciding on that goal and, if the goal of the permanency plan is some other alternative permanent placement, the permanency plan must document a compelling reason for not pursuing return of the child to the home or placement of the child for adoption, with a guardian, or with a relative.

The bill also requires a permanency plan to include a description of the programs and services that are or will be provided to assist a child 15 years of age or over in preparing for the transition from out-of-home care to independent living. In addition, under the bill, if as a result of the child's placement the child has been or will be transferred from his or her school, the permanency plan must include documentation that the placement would be in the child's best interests or that a placement that would maintain the child in his or her school is unavailable or inappropriate. Finally, the bill requires the permanency plan to include the name, address, and telephone number of the child's parent, guardian, and legal custodian, the date on which the child was removed from his or her home and the date on which the child was placed in out-of-home care, and certain educational and medical information relating to the child.

Under current law, the juvenile court or a panel appointed by the juvenile court must review a child's permanency plan every six months to determine, among other things, the continuing necessity for and appropriateness of the placement, the progress being made toward eliminating the causes of the child's placement and returning the child to the home or obtaining a permanent placement for the child, and whether reasonable efforts are being made to make it possible for the child to return to his or her home. This bill requires the juvenile court or panel, in reviewing a child's permanency plan, to determine whether reasonable efforts are being made to achieve the goal of the child's permanency plan, whether the goal is return of the child to the home or placement of the child for adoption, with a guardian, in the home of a relative, or in some other alternative placement.

The bill also requires the juvenile court to hold a hearing to review a child's permanency plan not later than 12 months after the child is removed from the home and every 12 months after that hearing ~~and the juvenile court or panel to review a child's permanency plan using the procedure under current law not later than six months after the child is removed from the home and every 12 months after that review so that, in effect, the permanency plan reviews required under current law~~

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which hearing may be held instead of or in addition to the ~~the~~ review required under current law

and the permanency plan hearings required under the bill will alternate every six months.

Contrary-to-welfare and reasonable-efforts findings

Under current law, a dispositional order of the juvenile court placing a child outside the home must include a finding that continued placement of the child in the home would be contrary to the ~~health, safety, and~~ welfare of the child and a finding as to whether the agency primarily responsible for providing services under a juvenile court order has made reasonable efforts to prevent the removal of the child from the home or, if applicable, a finding as to whether the agency has made reasonable efforts to make it possible for the child to return safely to his or her home. The juvenile court, however, is not required to find that those reasonable efforts have been made with respect to a parent if the juvenile court finds that the parent has committed certain crimes of homicide against a child of the parent; has committed battery, sexual assault, or physical or sexual abuse resulting in great bodily harm or substantial bodily harm to the child or to another child of the parent; has had his or her parental rights terminated with respect to another child; or has subjected the child to aggravated circumstances, which are defined as including criminal abandonment, torture, chronic abuse, and sexual abuse. If the juvenile court finds that any of those circumstances applies to a parent, the juvenile court must hold a hearing within 30 days after the date of that finding to determine the permanency plan for the child.

This bill requires a dispositional order that places a child outside the home to include a finding that the agency has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and a circumstance applies to a parent under which reasonable efforts to return the child to the home are not required. If the juvenile court finds that such a circumstance applies to a parent, the dispositional order must include a determination that the agency is not required to make those reasonable efforts with respect to the parent.

In addition, the bill requires the juvenile court to make the same ~~contrary-to-welfare and reasonable-efforts~~ findings that the juvenile court is required to make in a dispositional order placing a child outside the home in a temporary physical custody order holding a child outside the home, a change in placement order changing the placement of a child from an in-home placement to an out-of-home placement, and a consent decree maintaining a child placed outside the home under a voluntary agreement or other living arrangement in that placement or other living arrangement. If the juvenile court finds in the custody order, change in placement order, or consent decree that a circumstance applies to a parent under which reasonable efforts to return the child to the home are not required, the custody order, change in placement order, or consent decree must include a determination that the agency is not required to make those reasonable efforts with respect to the parent and the juvenile court must hold a hearing within 30 days after the date of the finding to determine the permanency plan for the child.

Finally, the bill requires the juvenile court to make the ~~contrary-to-welfare and reasonable-efforts~~ findings on a case-by-case basis based on circumstances

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specific to the child and to document the specific information on which those findings are based in the custody order, dispositional order, change in placement order, or consent decree and also in an order extending the dispositional order of a child placed outside the home, an order appointing a relative as the guardian of a child in need of protection or services, and a sanction order placing a child in a place of nonsecure custody. The bill further provides that such an order or consent decree that merely references the statutes ~~or that merely references or incorporates a document other than the order or consent decree~~ without documenting that specific information in the order or consent decree or an amended order or consent decree that retroactively corrects an earlier order or consent decree that does not comply with those requirements is not sufficient to comply with those requirements.

Termination of orders

Under current law, dispositional orders and extension orders of the juvenile court terminate at the end of one year, unless the judge specifies a shorter period of time, except that the judge may make a dispositional order placing a juvenile who has been adjudged delinquent in a Type 2 child caring institution or a secured correctional facility apply for up to two years or until the juvenile's 18th birthday, whichever is earlier, and the judge must make a dispositional order placing a juvenile who has committed a Class B felony in the serious juvenile offender program (SJOP) apply for five years and must make a dispositional order placing a juvenile who has committed a Class A felony in the SJOP apply until the juvenile reaches 25 years of age. Under current law, a change in placement order may not extend the expiration date of the original dispositional order.

Under this bill, a dispositional order, extension order, or change in placement order that places or continues the placement of a child in an out-of-home placement terminates when the child reaches 18 years of age ^{or} at the end of one year after its entry, whichever is later, unless the judge specifies a shorter period of time or the judge terminates the order sooner. The bill does not affect the length of a dispositional order or extension order that places or continues the placement of a child in an in-home placement or a dispositional order placing a juvenile in a Type 2 child caring institution, a secured correctional facility, or the SJOP. The bill also requires, in the case of a change in placement from an out-of-home placement to an in-home placement of a child who is subject to an original order the expiration date of which is more than one year after the date of the change in placement order, the juvenile court to shorten the expiration date of the original order to the date that is one year after the date of the change in placement order or to an earlier date as specified by the court.

Time limits

Under current law, certain actions in a proceeding under the Children's Code or the Juvenile Justice Code must take place within certain time limits. If a time limit under the Children's Code is not met, the juvenile court loses competency to exercise its jurisdiction and, therefore, must dismiss the proceeding. Under the Juvenile Justice Code, however, failure to meet a time limit does not deprive the juvenile court of competency to exercise its jurisdiction. Instead, the juvenile court may grant a continuance for good cause shown, dismiss the petition with or without

or, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 14 years of age, ~~the order shall terminate~~ when the child reaches 14 years of age.

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prejudice, release the child from custody, or grant any other relief that the juvenile court considers appropriate. Certain time periods, such as a period of delay resulting from a continuance or an extension granted by the juvenile court, however, are excluded in computing the time requirements under those codes.

This bill prohibits the juvenile court from granting a continuance or an extension of a time limit specified in the Children's Code or the Juvenile Justice Code and from excluding a period of delay in computing a time requirement under those codes if the continuance, extension, or exclusion would result in the juvenile court making an initial finding that reasonable efforts have been made to prevent the removal of a child from his or her home, or an initial finding that those efforts were not required to be made because a circumstance under which those efforts are not required applies, more than 60 days after the date on which the child was removed from the home. The bill also prohibits such a continuance, extension, or exclusion if the continuance, extension, or exclusion would result in the juvenile court making an initial finding that the agency primarily responsible for providing services to the child has made reasonable efforts to achieve the goals of the child's permanency plan more than 12 months after the date on which the child was removed from the home or making any subsequent findings as to those reasonable efforts more than 12 months after the date of a previous finding as to those reasonable efforts. In addition, the bill provides that a failure to meet one of those time limits under the Children's Code does not deprive the juvenile court of competency to exercise its jurisdiction. Instead, the juvenile court may dismiss the petition with or without prejudice, release the child from custody, or grant any other relief that the juvenile court considers appropriate.

Termination of parental rights filing requirements

Under current law, subject to certain exceptions, if a child has been placed in an out-of-home placement for 15 of the most recent 22 months, if a child was abandoned as an infant, or if a child's parent has committed certain crimes of homicide against another child of the parent or has committed battery, sexual assault, or physical or sexual abuse resulting in great bodily harm or substantial bodily harm to the child or to another child of the parent, an agency or the district attorney, corporation counsel, or other appropriate official designated by the county board to prosecute termination of parental rights (TPR) proceedings must file a TPR petition with respect to the child or, if a TPR petition with respect to the child has already been filed, must join in the petition. A person responsible for filing TPR petitions, however, is not required to file or join in a TPR petition with respect to such a child if the child is being cared for by a relative, if a TPR is not in the best interests of the child, or if the agency primarily responsible for providing services to the child and the family is required to make reasonable efforts to make it possible for the child to return safely home and has not provided the services necessary for that safe return.

This bill, for purposes of determining whether a child has been placed outside the home for 15 of the most recent 22 months, excludes any period during which the child was a runaway from the out-of-home placement or the child was returned to his or her home for a trial home visit of six months or less ~~or, if authorized by the~~

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~~court, for a trial home visit of more than six months.~~ If the child has been placed outside the home for 15 of the most recent 22 months, as calculated under the bill, the TPR petition must be filed or joined in by the last day of that 15th month. Similarly, if the child was abandoned as an infant, the TPR petition must be filed or joined in within 60 days after a court of competent jurisdiction finds that the child was so abandoned and, if the parent has committed certain crimes of homicide against another child of the parent or has committed battery, sexual assault, or physical or sexual abuse resulting in great bodily harm or substantial bodily harm to the child or to another child of the parent, the TPR petition must be filed or joined in within 60 days after the juvenile court determines, based on a finding that the parent has committed such a serious felony, that reasonable efforts to make it possible for the child to return safely home are not required. The bill provides, however, that the filing or joining of a TPR petition is not required if grounds for an involuntary TPR do not exist.

Foster parent debarment

Under current law, a person who has committed a crime against children that is a felony, felony spousal abuse, or certain felonies involving violence or who has committed, within the past five years, a felony battery or a drug-related felony may not be licensed to operate a foster home or treatment foster home, including a foster home or treatment foster home that is a placement for adoption of a child for whom adoption assistance will be provided after the adoption is finalized. This bill prohibits a person who has committed, within the past five years, certain alcohol-related felonies from being licensed to operate such a foster home or treatment foster home. Those felonies include homicide by intoxicated use of a firearm or vehicle, causing injury by intoxicated use of a vehicle, felony operation of a motor vehicle while intoxicated (fifth offense or with a minor under 16 years of age in the vehicle), causing injury or death by providing alcohol beverages to a minor, providing false proof of age to an underage person for money or other consideration, impersonating an employee of the department of revenue or the department of justice with intent to commit a crime, manufacturing intoxicating liquor without a permit, and using, selling, or otherwise disposing of alcohol redistilled from denatured alcohol.

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

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

SECTION 1. 48.21 (3) (am) of the statutes is amended to read:

48.21 (3) (am) The parent, guardian, or legal custodian may waive his or her right to participate in the hearing under this section. ~~Agreement in writing of the~~

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for good cause shown

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child is required if he or she is over 12. After any waiver, a hearing rehearing shall be granted at the request of any the parent, guardian, legal custodian, or any other interested party.

SECTION 2. 48.21 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin Act 16, is repealed and recreated to read:

48.21 (5) (b) 1. A finding that continued placement of the child in his or her home would be contrary to the ~~health, safety, and~~ welfare of the child and, unless the judge or juvenile court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, a finding as to whether 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, while assuring that the child's health and safety are the paramount concerns, and to make it possible for the child to return safely home or, if for good cause shown sufficient information is not available for the judge or juvenile court commissioner to make those findings, an order for the county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services to the child under the custody order to file with the court sufficient information for the judge or juvenile court commissioner to make those findings by no later than 5 days after the date of the order.

SECTION 3. 48.21 (5) (b) 3. of the statutes is created to read:

48.21 (5) (b) 3. If the judge or juvenile court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services

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1 under the custody order is not required to make reasonable efforts with respect to the
2 parent to make it possible for the child to return safely to his or her home.

3 **SECTION 4.** 48.21 (5) (c) of the statutes is created to read:

4 48.21 (5) (c) The judge or juvenile court commissioner shall make the findings
5 specified in par. (b) 1. and 3. ~~on a case-by-case basis based on circumstances specific~~
6 ~~to the child and shall document~~ ^{or reference} the specific information on which those findings are
7 based in the custody order. A custody order that merely references par. (b) 1. or 3.
8 ~~or that merely references or incorporates the petition under s. 48.25 or any other~~
9 ~~document~~ ^{or referencing} without documenting that specific information in the custody order or an
10 amended custody order that retroactively corrects an earlier custody order that does
11 not comply with this paragraph is not sufficient to comply with this paragraph.

12 **SECTION 5.** 48.21 (5) (d) of the statutes is created to read:

13 48.21 (5) (d) 1. If the judge or juvenile court commissioner finds that any of the
14 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
15 the judge or juvenile court commissioner shall hold a hearing within 30 days after
16 the date of that finding to determine the permanency plan for the child. If a hearing
17 is held under this subdivision, the agency responsible for preparing the permanency
18 plan shall file the permanency plan with the court not less than 5 days before the date
19 of the hearing.

20 2. If a hearing is held under subd. 1., at least 10 days before the date of the
21 hearing the court shall notify the child, any parent, guardian, and legal custodian
22 of the child, and any foster parent, treatment foster parent, or other physical
23 custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the
24 hearing.

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1 3. The court shall give a foster parent, treatment foster parent, or other
2 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
3 2. an opportunity to be heard at the hearing by permitting the foster parent,
4 treatment foster parent, or other physical custodian to make a written or oral
5 statement during the hearing, or to submit a written statement prior to the hearing,
6 relevant to the issues to be determined at the hearing. Any written or oral statement
7 made under this subdivision shall be made upon oath or affirmation. A foster parent,
8 treatment foster parent, or other physical custodian who receives a notice of a
9 hearing under subd. 2. and an opportunity to be heard under this subdivision does
10 not become a party to the proceeding on which the hearing is held solely on the basis
11 of receiving that notice and opportunity to be heard.

12 **SECTION 6.** 48.27 (3) (a) 1m. of the statutes is amended to read:

13 48.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,
14 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
15 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
16 treatment foster parent, or other physical custodian to make a written or oral
17 statement during the hearing, or to submit a written statement prior to the hearing,
18 relevant to the issues to be determined at the hearing. Any written or oral statement
19 made under this subdivision shall be made upon oath or affirmation. A foster parent,
20 treatment foster parent, or other physical custodian described in s. 48.62 (2) who
21 receives a notice of a hearing under subd. 1. and an opportunity to be heard under
22 this subdivision does not become a party to the proceeding on which the hearing is
23 held solely on the basis of receiving that notice and opportunity to be heard.

24 **SECTION 7.** 48.315 (2m) of the statutes is created to read:

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1 48.315 (2m) (a) No continuance or extension of a time limit specified in this
2 chapter may be granted and no period of delay specified in sub. (1) may be excluded
3 in computing a time requirement under this chapter if the continuance, extension,
4 or exclusion would result in any of the following:

5 1. The court making an initial finding under s. 48.21 (5) (b) 1., 48.355 (2) (b) 6.,
6 or 48.357 (2v) (a) 1. that reasonable efforts have been made to prevent the removal
7 of the child from the home, while assuring that the child's health and safety are the
8 paramount concerns, or an initial finding under s. 48.21 (5) (b) 3., 48.355 (2) (b) 6r.,
9 or 48.357 (2v) (a) 3. that those efforts were not required to be made because a
10 circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, more than 60 days after
11 the date on which the child was removed from the home.

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

18 (b) Failure to comply with any time limit specified in par. (a) does not deprive
19 the court of personal or subject matter jurisdiction or of competency to exercise that
20 jurisdiction. If a party does not comply with a time limit specified in par. (a), the court
21 may dismiss the proceeding with or without prejudice, release the child from custody,
22 or grant any other relief that the court considers appropriate.

23 **SECTION 8.** 48.32 (1) of the statutes is renumbered 48.32 (1) (a).

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

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1 48.32 (1) (b) 1. If at the time the consent decree is entered into the child is placed
2 outside the home under a voluntary agreement under s. 48.63 or is otherwise living
3 outside the home without a court order and if the consent decree maintains the child
4 in that placement or other living arrangement, the consent decree shall include a
5 finding that placement of the child in his or her home would be contrary to the ~~health~~
6 ~~safety~~ and welfare of the child, a finding as to whether the county department, the
7 department, in a county having a population of 500,000 or more, or the agency
8 primarily responsible for providing services to the child has made reasonable efforts
9 to prevent the removal of the child from the home, while assuring that the child's
10 health and safety are the paramount concerns, unless the judge or juvenile court
11 commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to
12 5. applies, and a finding as to whether the county department, department, or agency
13 has made reasonable efforts to achieve the goal of the child's permanency plan,
14 unless return of the child to the home is the goal of the permanency plan and the
15 judge or juvenile court commissioner finds that any of the circumstances specified
16 in s. 48.355 (2d) (b) 1. to 5. applies.

17 2. If the judge or juvenile court commissioner finds that any of the
18 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
19 the consent decree shall include a determination that the county department,
20 department, in a county having a population of 500,000 or more, or agency primarily
21 responsible for providing services under the consent decree is not required to make
22 reasonable efforts with respect to the parent to make it possible for the child to return
23 safely to his or her home.

24 3. The judge or juvenile court commissioner shall make the findings specified
25 in subds. 1. and 2. on a case-by-case basis based on circumstances specific to the

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or reference

or referencing

1 child and shall document the specific information on which those findings are based
2 in the consent decree. A consent decree that merely references subd. 1. or 2. ~~or that~~
3 ~~merely references or incorporates the permanency plan or any other document~~
4 without documenting that specific information in the consent decree or an amended
5 consent decree that retroactively corrects an earlier consent decree that does not
6 comply with this subdivision is not sufficient to comply with this subdivision.

7 SECTION 10. 48.32 (1) (c) of the statutes is created to read:

8 48.32 (1) (c) 1. If the judge or juvenile court commissioner finds that any of the
9 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
10 the judge or juvenile court commissioner shall hold a hearing within 30 days after
11 the date of that finding to determine the permanency plan for the child. If a hearing
12 is held under this subdivision, the agency responsible for preparing the permanency
13 plan shall file the permanency plan with the court not less than 5 days before the date
14 of the hearing.

15 2. If a hearing is held under subd. 1., at least 10 days before the date of the
16 hearing the court shall notify the child, any parent, guardian, and legal custodian
17 of the child, and any foster parent, treatment foster parent, or other physical
18 custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the
19 hearing.

20 3. The court shall give a foster parent, treatment foster parent, or other
21 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
22 2. an opportunity to be heard at the hearing by permitting the foster parent,
23 treatment foster parent, or other physical custodian to make a written or oral
24 statement during the hearing, or to submit a written statement prior to the hearing,
25 relevant to the issues to be determined at the hearing. Any written or oral statement

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1 made under this subdivision shall be made upon oath or affirmation. A foster parent,
2 treatment foster parent, or other physical custodian who receives a notice of a
3 hearing under subd. 2. and an opportunity to be heard under this subdivision does
4 not become a party to the proceeding on which the hearing is held solely on the basis
5 of receiving that notice and opportunity to be heard.

other than a parent

6 **SECTION 11.** 48.33 (4) (intro.) of the statutes is amended to read:

7 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
8 placement of an adult expectant mother outside of her home shall be in writing. A
9 report recommending placement of a child in a foster home, treatment foster home,
10 group home, or child caring institution or in the home of a relative, shall be in writing
11 and shall include all of the following:

12 **SECTION 12.** 48.33 (4) (c) of the statutes is created to read:

13 48.33 (4) (c) Specific information showing that continued placement of the child
14 in his or her home would be contrary to the ~~health, safety, and~~ welfare of the child,
15 specific information showing that the county department, the department, in a
16 county having a population of 500,000 or more, or the agency primarily responsible
17 for providing services to the child has made reasonable efforts to prevent the removal
18 of the child from the home, while assuring that the child's health and safety are the
19 paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b)
20 1. to 5. applies, and specific information showing that the county department,
21 department, or agency has made reasonable efforts to achieve the goal of the child's
22 permanency plan, unless return of the child to the home is the goal of the permanency
23 plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

24 **SECTION 13.** 48.335 (3g) of the statutes is created to read:

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other than a parent

1 48.335 (3g) At hearings under this section, if the agency, as defined in s. 48.38
2 (1) (a), is recommending placement of the child in a foster home, treatment foster
3 home, group home, or child caring institution or in the home of a relative, the agency
4 shall present as evidence specific information showing that continued placement of
5 the child in his or her home would be contrary to the ~~health, safety, and~~ welfare of
6 the child, specific information showing that the county department, the department,
7 in a county having a population of 500,000 or more, or the agency primarily
8 responsible for providing services to the child has made reasonable efforts to prevent
9 the removal of the child from the home, while assuring that the child's health and
10 safety are the paramount concerns, unless any of the circumstances specified in s.
11 48.355 (2d) (b) 1. to 5. applies, and specific information showing that the county
12 department, department, or agency has made reasonable efforts to achieve the goal
13 of the child's permanency plan, unless return of the child to the home is the goal of
14 the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1.
15 to 5. applies.

16 SECTION 14. 48.355 (2) (b) 6. of the statutes is amended to read:

17 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued
18 placement of the child in his or her home would be contrary to the ~~health, safety, and~~ ✓
19 welfare of the child ~~and, if sub. (2d) does not apply,~~ a finding as to whether the county
20 department, the department, in a county having a population of 500,000 or more, or
21 the agency primarily responsible for providing services under a court order has made
22 reasonable efforts to prevent the removal of the child from the home, while assuring
23 that the child's health and safety are the paramount concerns, ~~or, if applicable,~~
24 unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5.
25 applies, and a finding as to whether the county department, department, or agency

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1 primarily responsible for providing services under a court order has made reasonable
 2 efforts to make it possible for the child to return safely to his or her home achieve the
 3 goal of the child's permanency plan, unless return of the child to the home is the goal
 4 of the permanency plan and the court finds that any of the circumstances specified
 5 in sub. (2d) (b) 1. to 5. applies. The court shall make the findings specified in this
 6 subdivision on a case-by-case basis based on circumstances specific to the child and
 7 shall document the specific information on which those findings are based in the
 8 court order. A court order that merely references this subdivision or that merely
 9 references or incorporates the court report under s. 48.33 (1) or any other document
 10 without documenting that specific information in the court order or an amended
 11 court order that retroactively corrects an earlier court order that does not comply
 12 with this subdivision is not sufficient to comply with this subdivision.

13 SECTION 15. 48.355 (2) (b) 6r. of the statutes is created to read:

14 48.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
 15 sub. (2d) (b) 1. to 5. applies with respect to a parent, a determination that the county
 16 department, department, in a county having a population of 500,000 or more, or
 17 agency primarily responsible for providing services under the court order is not
 18 required to make reasonable efforts with respect to the parent to make it possible for
 19 the child to return safely to his or her home.

20 SECTION 16. 48.355 (2b) of the statutes is amended to read:

21 48.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
 22 department, the department, in a county having a population of 500,000 or more, or
 23 the agency primarily responsible for providing services to a child under a court order
 24 may, at the same time as the county department, department, or agency is making
 25 the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child

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1 from the home or to make it possible for the child to return safely to his or her home,
2 work with the department, a county department under s. 48.57 (1) (e) or (hm), or a
3 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
4 the child for adoption, with a guardian, with a fit and willing relative, or in some
5 other alternative permanent placement.

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

7 48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
8 the county department, department, in a county having a population of 500,000 or
9 more, or agency primarily responsible for providing services to the child under a
10 court order has made reasonable efforts to ~~make it possible for the child to return~~
11 ~~safely to his or her home~~ achieve the goal of the permanency plan, the court's
12 consideration of reasonable efforts shall include, ~~but not be limited to,~~ the
13 considerations listed under par. (a) 1. to 5. and whether visitation schedules between
14 the child and his or her parents were implemented, unless visitation was denied or
15 limited by the court.

16 **SECTION 18.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

17 48.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not~~ is not
18 required to include in a dispositional order a finding as to whether the county
19 department, the department, in a county having a population of 500,000 or more, or
20 the agency primarily responsible for providing services under a court order has made
21 reasonable efforts with respect to a parent of a child to prevent the removal of the
22 child from the home, while assuring that the child's health and safety are the
23 paramount concerns, ~~or, if applicable,~~ a finding as to whether the county department,
24 department, or agency primarily responsible for providing services under a court
25 ~~order~~ has made reasonable efforts with respect to a parent of a child to make it

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1 possible for the child to return achieve the permanency plan goal of returning the
2 child safely to his or her home, if the court finds, ~~as evidenced by a final judgment~~
3 ~~of conviction~~, any of the following:

4 **SECTION 19.** 48.355 (2d) (b) 1. of the statutes is amended to read:

5 48.355 (2d) (b) 1. That the parent has subjected the child to aggravated
6 circumstances, as evidenced by a final judgment of conviction.

7 **SECTION 20.** 48.355 (2d) (b) 2. of the statutes is amended to read:

8 48.355 (2d) (b) 2. That the parent has committed, has aided or abetted the
9 commission of, or has solicited, conspired, or attempted to commit, a violation of s.
10 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal
11 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if
12 committed in this state, as evidenced by a final judgment of conviction, and that the
13 victim of that violation is a child of the parent.

14 **SECTION 21.** 48.355 (2d) (b) 3. of the statutes is amended to read:

15 48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2), (3),
16 (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or
17 a violation of the law of any other state or federal law, if that violation would be a
18 violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
19 or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment
20 of conviction, and that the violation resulted in great bodily harm, as defined in s.
21 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the child
22 or another child of the parent.

23 **SECTION 22.** 48.355 (2d) (b) 4. of the statutes is amended to read:

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1 48.355 (2d) (b) 4. That the parental rights of the parent to another child have
2 been involuntarily terminated, as evidenced by a final order of a court of competent
3 jurisdiction terminating those parental rights.

4 SECTION 23. 48.355 (2d) (b) 5. of the statutes, as created by 2001 Wisconsin Act
5 2, is amended to read:

6 48.355 (2d) (b) 5. That the parent has been found under s. 48.13 (2m) to have
7 relinquished custody of the child under s. 48.195 (1) when the child was 72 hours old
8 or younger, as evidenced by a final order of a court of competent jurisdiction making
9 that finding. or referencing or reference

10 SECTION 24. 48.355 (2d) (bm) of the statutes is created to read:

11 48.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 5. on
12 a case-by-case basis based on circumstances specific to the child and shall document
13 the specific information on which that finding is based in the dispositional order. A
14 dispositional order that merely references par. (b) 1. to 5. ~~or that merely references~~
15 ~~or incorporates a final judgment of conviction, a final order of a court of competent~~
16 ~~jurisdiction, or any other document~~ without documenting that specific information
17 in the dispositional order or an amended dispositional order that retroactively
18 corrects an earlier dispositional order that does not comply with this paragraph is
19 not sufficient to comply with this paragraph.

20 SECTION 25. 48.355 (2d) (c) of the statutes, as affected by 2001 Wisconsin Act
21 2, is renumbered 48.355 (2d) (c) 1. and amended to read:

22 48.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the
23 circumstances specified in par. (b) 1., ~~2., 3., 4., or 5.~~ to 5. applies with respect to a
24 parent, the court shall hold a hearing within 30 days after the date of that finding
25 to determine the permanency plan for the child. If a hearing is held under this

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1 ~~paragraph subdivision~~, the agency responsible for preparing the permanency plan
2 shall file the permanency plan with the court not less than 5 days before the date of
3 the hearing.

4 **SECTION 26.** 48.355 (2d) (c) 2. and 3. of the statutes are created to read:

5 48.355 (2d) (c) 2. If a hearing is held under subd. 1., at least 10 days before the
6 date of the hearing the court shall notify the child, any parent, guardian, and legal
7 custodian of the child, and any foster parent, treatment foster parent, or other
8 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
9 of the hearing.

10 3. The court shall give a foster parent, treatment foster parent, or other
11 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
12 2. an opportunity to be heard at the hearing by permitting the foster parent,
13 treatment foster parent, or other physical custodian to make a written or oral
14 statement during the hearing, or to submit a written statement prior to the hearing,
15 relevant to the issues to be determined at the hearing. Any written or oral statement
16 made under this subdivision shall be made upon oath or affirmation. A foster parent,
17 treatment foster parent, or other physical custodian who receives a notice of a
18 hearing under subd. 2. and an opportunity to be heard under this subdivision does
19 not become a party to the proceeding on which the hearing is held solely on the basis
20 of receiving that notice and opportunity to be heard.

21 **SECTION 27.** 48.355 (4) of the statutes is amended to read:

22 48.355 (4) TERMINATION OF ORDERS. Except as provided under s. 48.368, all
23 orders an order under this section shall terminate at the end of one year unless the
24 judge specifies a shorter period of time. Except if s. 48.368 applies, extensions or
25 revisions under s. 48.357, or under s. 48.365 made before the child reaches 18 years

or

BILL or, if the child is a full-time student at a secondary school or its vocational or technical equivalent and, is reasonably expected to complete the program

SECTION 27

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of age that places or continues the placement of the child in his or her home shall terminate at the end of one year after its entry unless the judge specifies a shorter period of time. Any order made before the child reaches the age of majority or the judge terminates the order sooner. Except as provided under s. 48.368, an order under this section ~~under~~ ^{or} s. 48.357, or ~~under~~ ^{or} s. 48.365 made before the child reaches 18 years of age that places or continues the placement of the child in a foster home, treatment foster home, group home, or residential treatment center or in the home of a relative ^{other than a parent} shall terminate when the child reaches 18 years of age ^{or} at the end of one year after its entry, whichever is later, unless the judge specifies a shorter period of time or the judge terminates the order sooner. An order under this section ~~under~~ ^{or} s. 48.357, or ~~under~~ ^{or} s. 48.365 relating to an unborn child in need of protection or services that is made before the unborn child is born shall be effective for a time up to terminate at the end of one year after its entry unless the judge specifies a shorter period of time or the judge terminates the order sooner.

before reaching 19 years of age, when the child reaches 19 years of age,

SECTION 28. 48.357 (1) of the statutes is renumbered 48.357 (1) (a) and amended to read:

48.357 (1) (a) The person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel may request a change in the placement of the child or expectant mother, whether or not the change requested is authorized in the dispositional order and, as provided in par. (b) or (c), whichever is applicable.

(b) 1. If the proposed change in placement involves any change in placement other than a change in placement specified in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel shall cause written notice of the proposed change in placement

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1 to be sent to the child, the parent, guardian, and legal custodian of the child, any
2 foster parent, treatment foster parent, or other physical custodian described in s.
3 48.62 (2) of the child, the child's court-appointed special advocate, and, if the child
4 is the expectant mother of an unborn child under s. 48.133, the unborn child by the
5 unborn child's guardian ad litem. If the expectant mother is an adult, written notice
6 shall be sent to the adult expectant mother and the unborn child by the unborn child's
7 guardian ad litem. The notice shall contain the name and address of the new
8 placement, the reasons for the change in placement, a statement describing why the
9 new placement is preferable to the present placement, and a statement of how the
10 new placement satisfies objectives of the treatment plan ordered by the court.

11 2. Any person receiving the notice under ~~this subsection~~ subd. 1. or notice of
12 a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed special
13 advocate, may obtain a hearing on the matter by filing an objection with the court
14 within 10 days after receipt of the notice. Placements may not be changed until 10
15 days after that notice is sent to the court unless the parent, guardian, or legal
16 custodian and the child, if 12 years of age or over, or the child expectant mother, if
17 12 years of age or over, her parent, guardian, or legal custodian and the unborn child
18 by the unborn child's guardian ad litem, or the adult expectant mother and the
19 unborn child by the unborn child's guardian ad litem, sign written waivers of
20 objection, except that ~~placement changes which~~ changes in placement that were
21 authorized in the dispositional order may be made immediately if notice is given as
22 required ~~in this subsection~~ under subd. 1. In addition, a hearing is not required for
23 placement changes authorized in the dispositional order except when an objection
24 filed by a person who received notice alleges that new information is available ~~which~~
25 that affects the advisability of the court's dispositional order.

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1 **SECTION 29.** 48.357 (1) (b) 3. of the statutes is created to read:

2 48.357 (1) (b) 3. If the court changes the child's placement from a placement
3 outside the home to another placement outside the home, the change in placement
4 order shall contain one of the statements specified in sub. (2v) (a) 2.

5 **SECTION 30.** 48.357 (1) (c) of the statutes is created to read:

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

21 2. The court shall hold a hearing prior to ordering any change in placement
22 requested under subd. 1. Not less than 3 days prior to the hearing, the court shall
23 provide notice of the hearing, together with a copy of the request for the change in
24 placement, to the child, the parent, guardian, and legal custodian of the child, the
25 child's court-appointed special advocate, and all parties that are bound by the

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1 dispositional order. If all parties consent, the court may proceed immediately with
2 the hearing.

3 3. If the court changes the child's placement from a placement in the child's
4 home to a placement outside the child's home, the change in placement order shall
5 contain the findings specified in sub. (2v) (a) 1., one of the statements specified in sub.
6 (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified
7 in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination
8 specified in sub. (2v) (a) 3.

9 **SECTION 31.** 48.357 (2) of the statutes is amended to read:

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

20 **SECTION 32.** 48.357 (2m) of the statutes is renumbered 48.357 (2m) (a) and
21 amended to read:

22 48.357 (2m) (a) The child, the parent, guardian, or legal custodian of the child,
23 the expectant mother, the unborn child by the unborn child's guardian at litem, or
24 any person or agency primarily bound by the dispositional order, other than the
25 person or agency responsible for implementing the order, may request a change in

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1 placement under this ~~subsection~~ paragraph. The request shall contain the name and
2 address of ~~the place of~~ the new placement requested and shall state what new
3 information is available ~~which~~ ^{STRIKE} ~~that~~ affects the advisability of the current placement.
4 If the proposed change in placement would change the placement of a child placed
5 in the home to a placement outside the home, the request shall also contain specific
6 information showing that continued placement of the child in the home would be
7 contrary to the ~~health, safety, and~~ welfare of the child and, unless any of the
8 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, specific information
9 showing that the agency primarily responsible for implementing the dispositional
10 order has made reasonable efforts to prevent the removal of the child from the home,
11 while assuring that the child's health and safety are the paramount concerns. This
12 request shall be submitted to the court. In addition, the court may propose a change
13 in placement on its own motion.

14 (b) The court shall hold a hearing on the matter prior to ordering any change
15 in placement ~~under this subsection~~ requested or proposed under par. (a) if the
16 request states that new information is available ~~which~~ ~~that~~ affects the advisability
17 of the current placement, unless the requested or proposed change in placement
18 involves any change in placement other than a change in placement of a child placed
19 in the home to a placement outside the home and written waivers of objection to the
20 proposed change in placement are signed by all persons entitled to receive notice
21 under sub. (1) (b) 1., other than a court-appointed special advocate, and the court
22 approves. If a hearing is scheduled, the court shall notify the child, the parent,
23 guardian, and legal custodian of the child, any foster parent, treatment foster parent,
24 or other physical custodian described in s. 48.62 (2) of the child, the child's
25 court-appointed special advocate, all parties who are bound by the dispositional

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

8 **SECTION 33.** 48.357 (2m) (c) of the statutes is created to read:

9 48.357 (2m) (c) If the court changes the child's placement from a placement in
10 the child's home to a placement outside the child's home, the change in placement
11 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements
12 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the
13 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
14 the determination specified in sub. (2v) (a) 3.

15 **SECTION 34.** 48.357 (2r) of the statutes is amended to read:

16 48.357 (2r) If a hearing is held under sub. (1) (b) 2. or (2m) (b) and the change
17 in placement would remove a child from a foster home, treatment foster home, or
18 other placement with a physical custodian described in s. 48.62 (2), the court shall
19 give the foster parent, treatment foster parent, or other physical custodian described
20 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster
21 parent, treatment foster parent, or other physical custodian to make a written or oral
22 statement during the hearing or to submit a written statement prior to the hearing
23 relating to the child and the requested change in placement. Any written or oral
24 statement made under this subsection shall be made under oath or affirmation. A
25 foster parent, treatment foster parent, or other physical custodian described in s.

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1 48.62 (2) who receives notice of a hearing under sub. (1) (b) 1. or (2m) (b) and an
2 opportunity to be heard under this subsection does not become a party to the
3 proceeding on which the hearing is held solely on the basis of receiving that notice
4 and opportunity to be heard.

5 **SECTION 35.** 48.357 (2v) of the statutes, as created by 2001 Wisconsin Act 16,
6 is renumbered 48.357 (2v) (a) 2. and amended to read:

7 48.357 (2v) (a) 2. ~~If a hearing is held under sub. (1) or (2m) and the change in~~
8 ~~placement would place the child outside the home in a placement order would change~~
9 ~~the placement of the child to a placement outside the home~~ recommended by the
10 person or agency primarily responsible for implementing the dispositional order, the
11 ~~change in placement order shall include whether from a placement in the home or~~
12 ~~from another placement outside the home,~~ a statement that the court approves the
13 placement recommended by that person or agency or, if the ~~child is placed outside the~~
14 ~~home in a placement other than change in placement order would change the~~
15 ~~placement of the child to a placement outside the home that is not a placement~~
16 recommended by that person or agency, whether from a placement in the home or
17 from another placement outside the home, a statement that the court has given bona
18 fide consideration to the recommendations made by that person or agency and all
19 parties relating to the child's placement.

20 **SECTION 36.** 48.357 (2v) (a) (intro.) of the statutes is created to read:

21 48.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m) shall
22 contain all of the following:

23 **SECTION 37.** 48.357 (2v) (a) 1. of the statutes is created to read:

24 48.357 (2v) (a) 1. If the change in placement order changes the child's
25 placement from a placement in the child's home to a placement outside the child's

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1 home, a finding that continued placement of the child in his or her home would be
 2 contrary to the ~~health, safety, and~~ welfare of the child and, unless a circumstance
 3 specified in s. 48.355 (2d) (b) 1. to 5. applies, a finding that the agency primarily
 4 responsible for implementing the dispositional order has made reasonable efforts to
 5 prevent the removal of the child from the home, while assuring that the child's health
 6 and safety are the paramount concerns.

7 **SECTION 38.** 48.357 (2v) (a) 3. of the statutes is created to read:

8 48.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
 9 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the
 10 agency primarily responsible for providing services under the change in placement
 11 order is not required to make reasonable efforts with respect to the parent to make
 12 it possible for the child to return safely to his or her home. ^{or reference}

13 **SECTION 39.** 48.357 (2v) (b) of the statutes is created to read: ^{or referencing}

14 48.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and 3.
 15 on a case-by-case basis based on circumstances specific to the child and shall
 16 document the specific information on which those findings are based in the change
 17 in placement order. A change in placement order that merely references par. (a) 1.
 18 or 3. ~~or that merely references or incorporates the request for a change in placement~~
 19 ~~or any other document~~ without documenting that specific information in the change
 20 in placement order or an amended change in placement order that retroactively
 21 corrects an earlier change in placement order that does not comply with this
 22 paragraph is not sufficient to comply with this paragraph.

23 **SECTION 40.** 48.357 (2v) (c) of the statutes is created to read:

24 48.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
 25 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,

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1 the court shall hold a hearing within 30 days after the date of that finding to
2 determine the permanency plan for the child. If a hearing is held under this
3 subdivision, the agency responsible for preparing the permanency plan shall file the
4 permanency plan with the court not less than 5 days before the date of the hearing.

5 2. If a hearing is held under subd. 1., at least 10 days before the date of the
6 hearing the court shall notify the child, any parent, guardian, and legal custodian
7 of the child, and any foster parent, treatment foster parent, or other physical
8 custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the
9 hearing.

10 3. The court shall give a foster parent, treatment foster parent, or other
11 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
12 2. an opportunity to be heard at the hearing by permitting the foster parent,
13 treatment foster parent, or other physical custodian to make a written or oral
14 statement during the hearing, or to submit a written statement prior to the hearing,
15 relevant to the issues to be determined at the hearing. Any written or oral statement
16 made under this subdivision shall be made upon oath or affirmation. A foster parent,
17 treatment foster parent, or other physical custodian who receives a notice of a
18 hearing under subd. 2. and an opportunity to be heard under this subdivision does
19 not become a party to the proceeding on which the hearing is held solely on the basis
20 of receiving that notice and opportunity to be heard.

21 **SECTION 41.** 48.357 (6) of the statutes is amended to read:

22 48.357 (6) No change in placement may extend the expiration date of the
23 original order, except that if the change in placement is from a placement in the
24 child's home to a placement outside the home the court may extend the expiration
25 date of the original order to the date on which the child reaches 18 years of age to

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SECTION 41

or, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, when the child reaches 19 years of age, the date that is one year after the date of the change in placement order, whichever

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is later, or for a shorter period of time as specified by the court. If the change in placement is from a placement outside the home to a placement in the child's home and if the expiration date of the original order is more than one year after the date of the change in placement order, the court shall shorten the expiration date of the original order to the date that is one year after the date of the change in placement order or to an earlier date as specified by the court.

SECTION 42. 48.365 (1) of the statutes is amended to read:

48.365 (1) In this section, a child is considered to have been placed outside of his or her home on the date on which ~~the court first found that the child has been subjected to abuse or neglect or on the date that is 60 days after the date on which~~ the child was first removed from his or her home, ~~whichever is earlier.~~

SECTION 43. 48.365 (2g) (b) 2. of the statutes is amended to read:

48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and of any progress the child has made, suggestions for amendment of the permanency plan, ~~a description of efforts to return the child safely to his or her home and specific information showing the efforts that have been made to achieve the goal of the permanency plan, including, if applicable, the efforts of the parents to remedy the factors which that~~ contributed to the child's placement and, if continued placement outside of the child's home is recommended, ~~an explanation of why returning the child to his or her home is not safe or feasible, unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355~~ (2d) (b) 1. to 5. applies.

SECTION 44. 48.365 (2g) (b) 3. of the statutes is amended to read:

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1 48.365 (2g) (b) 3. If the child has been placed outside of his or her home for 15
2 of the most recent 22 months, not including any period during which the child was
3 a runaway from the out-of-home placement or the child was returned to his or her
4 home for a trial home visit of 6 months or less or, if authorized by the court, a trial
5 home visit of more than 6 months, a statement of whether or not a recommendation
6 has been made to terminate the parental rights of the parents of the child. If a
7 recommendation for a termination of parental rights has been made, the statement
8 shall indicate the date on which the recommendation was made, any previous
9 progress made to accomplish the termination of parental rights, any barriers to the
10 termination of parental rights, specific steps to overcome the barriers and when the
11 steps will be completed, reasons why adoption would be in the best interest of the
12 child, and whether or not the child should be registered with the adoption
13 information exchange. If a recommendation for termination of parental rights has
14 not been made, the statement shall include an explanation of the reasons why a
15 recommendation for termination of parental rights has not been made. If the lack
16 of appropriate adoptive resources is the primary reason for not recommending a
17 termination of parental rights, the agency shall recommend that the child be
18 registered with the adoption information exchange or report the reason why
19 registering the child is contrary to the best interest of the child.

20 **SECTION 45.** 48.365 (2m) (a) of the statutes is renumbered 48.365 (2m) (a) 1.
21 and amended to read:

22 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
23 extension. If the child is placed outside of his or her home, the person or agency
24 primarily responsible for providing services to the child shall present as evidence
25 specific information showing that the agency has made reasonable efforts to achieve

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1 the goal of the child's permanency plan, unless return of the child to the home is the
 2 goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d)
 3 (b) 1. to 5. applies. The judge shall make findings of fact and conclusions of law based
 4 on the evidence. ~~Subject to s. 48.355 (2d), the~~ The findings of fact shall include a
 5 finding as to whether reasonable efforts were made by the agency primarily
 6 responsible for providing services to the child ~~or expectant mother to make it possible~~
 7 ~~for the child to return safely to his or her home or for the expectant mother to return~~
 8 ~~to her home to achieve the goal of the child's permanency plan, unless return of the~~
 9 child to the home is the goal of the permanency plan and the judge finds that any of
 10 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies. An order shall be
 11 issued under s. 48.355.

12 **SECTION 46.** 48.365 (2m) (a) 2. of the statutes is created to read:

13 48.365 (2m) (a) 2. If the judge finds that any of the circumstances specified in
 14 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the order shall include a
 15 determination that the person or agency primarily responsible for providing services
 16 to the child is not required to make reasonable efforts with respect to the parent to
 17 make it possible for the child to return safely to his or her home. or reference

18 **SECTION 47.** 48.365 (2m) (a) 3. of the statutes is created to read:

19 48.365 (2m) (a) 3. The judge shall make the findings specified in subd. 1.
 20 relating to reasonable efforts to achieve the goal of the child's permanency plan and
 21 the findings specified in subd. 2. on a case-by-case basis based on circumstances
 22 specific to the child and shall document the specific information on which those
 23 findings are based in the order issued under s. 48.355. An order that merely
 24 references subd. 1. or 2. ~~or that merely references or incorporates the report under~~
 25 ~~sub (2g) or any other document without documenting that specific information in the~~
or referencing

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

3 **SECTION 48.** 48.365 (2m) (ad) of the statutes is created to read:

4 48.365 (2m) (ad) 1. If the judge finds that any of the circumstances specified
5 in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a
6 hearing within 30 days after the date of that finding to determine the permanency
7 plan for the child. If a hearing is held under this subdivision, the agency responsible
8 for preparing the permanency plan shall file the permanency plan with the court not
9 less than 5 days before the date of the hearing.

10 2. If a hearing is held under subd. 1., at least 10 days before the date of the
11 hearing the court shall notify the child, any parent, guardian, and legal custodian
12 of the child, and any foster parent, treatment foster parent, or other physical
13 custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the
14 hearing.

15 **SECTION 49.** 48.365 (2m) (ag) of the statutes is amended to read:

16 48.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The
17 court shall give a foster parent, treatment foster parent, or other physical custodian
18 described in s. 48.62 (2) ~~of the child who is notified of a hearing under par. (ad) 2. or~~
19 sub. (2) an opportunity to be heard at the hearing by permitting the foster parent,
20 treatment foster parent, or other physical custodian to make a written or oral
21 statement during the hearing, or to submit a written statement prior to the hearing,
22 relevant to the issue of extension. Any written or oral statement made under this
23 paragraph shall be made under oath or affirmation. A foster parent, treatment foster
24 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
25 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this

or, if the child is a full-time student at a secondary school or its vocational or technical equivalent, and is reasonably expected to ~~complete~~ complete the program before reaching 19 years of age, the date on which the child reaches 19 years

1 paragraph does not become a party to the proceeding on which the hearing is held
2 solely on the basis of receiving that notice and opportunity to be heard.

of
age,

3 SECTION 50. 48.365 (5) of the statutes is amended to read:

4 48.365 (5) Except as provided in s. 48.368, all orders an order under this section
5 that continues the placement of a child in his or her home or that relates to an unborn
6 child of an adult expectant mother shall be for a specified length of time not to exceed
7 one year after its date of entry. Except as provided in s. 48.368, an order under this
8 section that continues the placement of a child in an out-of-home placement shall
9 be for a specified length of time not to exceed the date on which the child reaches 18
10 years of age or one year after the date of entry of the order, whichever is later.

11 SECTION 51. 48.38 (2) (intro.) of the statutes is amended to read:

other than a
parent

12 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
13 for each child living in a foster home, treatment foster home, group home,
14 child-caring institution, secure detention facility, or shelter care facility or in the
15 home of a relative, the agency that placed the child or arranged the placement or the
16 agency assigned primary responsibility for providing services to the child under s.
17 48.355 shall prepare a written permanency plan, if ~~one~~ any of the following
18 conditions exists:

19 SECTION 52. 48.38 (2) (c) of the statutes is amended to read:

20 48.38 (2) (c) The child is under the supervision of an agency under s. 48.64 (2)
21 or pursuant to, under a consent decree under s. 48.32 (1) (b), or under a court order
22 under s. 48.355.

23 SECTION 53. 48.38 (2) (f) of the statutes is amended to read:

24 48.38 (2) (f) The child's care is paid would be paid for under s. 49.19 but for s.
25 49.19 (20).

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1 **SECTION 54.** 48.38 (3) of the statutes is amended to read:

2 48.38 (3) TIME. Subject to s. 48.355 (2d) (c) 1, the agency shall file the
3 permanency plan with the court within 60 days after the date on which the child was
4 first held in physical custody or placed outside of his or her home under a court order
5 removed from his or her home, except that if the child is held for less than 60 days
6 in a secure detention facility, juvenile portion of a county jail, or a shelter care facility,
7 no permanency plan is required if the child is returned to his or her home within that
8 period.

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

10 48.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~
11 ~~description of~~ all of the following:

12 **SECTION 56.** 48.38 (4) (a) of the statutes, as affected by 2001 Wisconsin Act 2,
13 is renumbered 48.38 (4) (ar) and amended to read:

14 48.38 (4) (ar) ~~The~~ A description of the services offered and any service services
15 provided in an effort to prevent holding or placing the child outside of the removal
16 of the child from his or her home, while assuring that the health and safety of the
17 child are the paramount concerns, and to ~~make it possible for the child to return~~
18 ~~safely home~~ achieve the goal of the permanency plan, except that the permanency
19 plan ~~need not~~ is not required to include a description of ~~these~~ the services offered or
20 provided with respect to a parent of the child to prevent the removal of the child from
21 the home or to achieve the permanency plan goal of returning the child safely to his
22 or her home if any of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3., 4., or
23 to 5. apply ~~applies~~ to that parent.

24 **SECTION 57.** 48.38 (4) (ag) of the statutes is created to read:

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1 48.38 (4) (ag) The name, address, and telephone number of the child's parent,
2 guardian, and legal custodian.

3 **SECTION 58.** 48.38 (4) (am) of the statutes is created to read:

4 48.38 (4) (am) The date on which the child was removed from his or her home
5 and the date on which the child was placed in out-of-home care.

6 **SECTION 59.** 48.38 (4) (bm) of the statutes is amended to read:

7 48.38 (4) (bm) The A statement as to the availability of a safe and appropriate
8 placement with a fit and willing relative of the child and, if a decision is made not
9 to place the child with an available relative, a statement as to why placement with
10 the relative is not safe or appropriate.

11 **SECTION 60.** 48.38 (4) (dg) of the statutes is created to read:

12 48.38 (4) (dg) Information about the child's education, including all of the
13 following:

14 1. The name and address of the school in which the child is or was most recently
15 enrolled.

16 2. Any special education programs in which the child is or was previously
17 enrolled.

18 3. The grade level in which the child is or was most recently enrolled and all
19 information that is available concerning the child's grade level performance.

20 4. A summary of all available education records relating to the child that are
21 relevant to any education goals included in the education services plan prepared
22 under s. 48.33 (1) (e).

23 **SECTION 61.** 48.38 (4) (dm) of the statutes is created to read:

24 48.38 (4) (dm) If as a result of the placement the child has been or will be
25 transferred from the school in which the child is or most recently was enrolled,

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1 documentation that a placement that would maintain the child in that school is
2 either unavailable or inappropriate or that a placement that would result in the
3 child's transfer to another school would be in the child's best interests.

4 **SECTION 62.** 48.38 (4) (dr) of the statutes is created to read:

5 48.38 (4) (dr) Medical information relating to the child, including all of the
6 following:

7 1. The names and addresses of the child's physician, dentist, and any other
8 health care provider that is or was previously providing health care services to the
9 child.

10 2. The child's immunization record, including the name and date of each
11 immunization administered to the child.

12 3. Any known medical condition for which the child is receiving medical care
13 or treatment and any known serious medical condition for which the child has
14 previously received medical care or treatment.

15 4. The name, purpose, and dosage of any medication that is being administered
16 to the child and the name of any medication that causes the child to suffer an allergic
17 or other negative reaction.

18 **SECTION 63.** 48.38 (4) (e) of the statutes is amended to read:

19 48.38 (4) (e) The A plan for ensuring the safety and appropriateness of the
20 placement and a description of the services provided to meet the needs of the child
21 and family, including a discussion of services that have been investigated and
22 considered and are not available or likely to become available within a reasonable
23 time to meet the needs of the child or, if available, why such services are not safe or
24 appropriate.

25 **SECTION 64.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

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1 48.38 (4) (f) (intro.) ~~The~~ A description of the services that will be provided to
2 the child, the child's family, and the child's foster parent, the child's treatment foster
3 parent ~~or~~, the operator of the facility where the child is living, or the relative with
4 whom the child is living to carry out the dispositional order, including services
5 planned to accomplish all of the following:

6 **SECTION 65.** 48.38 (4) (fg) of the statutes is created to read:

7 48.38 (4) (fg) The goal of the permanency plan or, if the agency is making
8 concurrent reasonable efforts under s. 48.355 (2b), the goals of the permanency plan,
9 in the order of preference specified in subds. 1. to 5. If a goal of the permanency plan
10 is any goal other than return of the child to his or her home, the permanency plan
11 shall include the rationale for deciding on that goal. If a goal of the permanency plan
12 is an alternative permanent placement under subd. 5., the permanency plan shall
13 document a compelling reason why it would not be in the best interest of the child
14 to pursue a goal specified in subds. 1. to 4. The agency shall determine the goal or
15 goals of a child's permanency plan in the following order of preference:

- 16 1. Return of the child to the child's home.
- 17 2. Placement of the child for adoption.
- 18 3. Placement of the child with a guardian.
- 19 4. Permanent placement of the child with a fit and willing relative.
- 20 5. Some other alternative permanent placement, including sustaining care,
21 independent living, or long-term foster care.

22 **SECTION 66.** 48.38 (4) (fm) of the statutes is amended to read:

23 48.38 (4) (fm) If the goal of the permanency plan calls for placing is to place the
24 child for adoption, with a guardian, with a fit and willing relative, or in some other

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1 alternative permanent placement, the efforts made to place the child for adoption,
2 with a guardian or in some other alternative permanent placement ^{strike} achieve that goal.

3 **SECTION 67.** 48.38 (4) (h) of the statutes is created to read:

4 48.38 (4) (h) If the child is 15 years of age or over, a description of the programs
5 and services that are or will be provided to assist the child in preparing for the
6 transition from out-of-home care to independent living. The description shall
7 include all of the following:

8 1. The anticipated age at which the child will be discharged from out-of-home
9 care.

10 2. The anticipated amount of time available in which to prepare the child for
11 the transition from out-of-home care to independent living.

12 3. The anticipated location and living situation of the child on discharge from
13 out-of-home care.

14 4. A description of the assessment processes, tools, and methods that have been
15 or will be used to determine the programs and services that are or will be provided
16 to assist the child in preparing for the transition from out-of-home care to
17 independent living.

18 5. The rationale for each program or service that is or will be provided to assist
19 the child in preparing for the transition from out-of-home care to independent
20 living, the time frames for delivering those programs or services, and the intended
21 outcome of those programs or services.

In the manner provided in this subsection

22 **SECTION 68.** 48.38 (5) (a) of the statutes is amended to read:

23 48.38 (5) (a) The court or ~~subject to this paragraph~~ a panel appointed under
24 ~~this paragraph~~ shall review the permanency plan every not later than 6 months from
25 after the date on which the child was first held in physical custody or placed outside

par. (a)

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except that for the

required to be

1 of removed from his or her home and every 6 months after a previous review under
 2 this subsection for as long as the child is placed outside the home. The review that
 3 is conducted not later than 6 months after the child was first removed from his or her
 4 home and the reviews that are conducted every 12 months after that review shall be
 5 conducted by the court or panel as provided in this subsection. The review that is
 6 conducted not later than 12 months after the child was first removed from his or her
 7 home and the reviews that are conducted every 12 months after that review shall be

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

which hearing may be

SECTION 69. 48.38 (5) (b) of the statutes is amended to read:

18 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
 19 child, if he or she is 12 years of age or older, and the child's foster parent, the child's
 20 treatment foster parent or the operator of the facility in which the child is living, or
 21 the relative with whom the child is living of the date, time, and place of the review,
 22 of the issues to be determined as part of the review, and of the fact that they may have
 23 an opportunity to be heard at the review by submitting written comments not less
 24 than 10 working days before the review or by participating at the review. The court
 25 or agency shall notify the person representing the interests of the public, the child's

shall

the court may hold a hearing under sub. (5m) to
review the permanency plan, instead of or in addition to
the review under this subsection (a) (a) (plan)

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1 counsel, the child's guardian ad litem, and the child's court-appointed special
2 advocate of the date of the review, of the issues to be determined as part of the review,
3 and of the fact that they may submit written comments not less than 10 working days
4 before the review. Any written or oral statement made to the court under this
5 paragraph by a foster parent, treatment foster parent, operator of a facility in which
6 a child is living, or relative with whom a child is living shall be made under oath or
7 affirmation. The notices under this paragraph shall be provided in writing not less
8 than 30 days before the review and copies of the notices shall be filed in the child's
9 case record.

10 **SECTION 70.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

11 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,
12 as described in s. 48.365 (1), for 15 of the most recent 22 months, not including any
13 period during which the child was a runaway from the out-of-home placement or the
14 child was returned to his or her home for a trial home visit of 6 months or less or, if
15 authorized by the court, a trial home visit of more than 6 months, the
16 appropriateness of the permanency plan and the circumstances which prevent the
17 child from any of the following:

18 **SECTION 71.** 48.38 (5) (c) 6. am. of the statutes is renumbered 48.38 (5) (c) 6.
19 cm. and amended to read:

20 48.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the
21 child.

22 **SECTION 72.** 48.38 (5) (c) 6. cg. of the statutes is created to read:

23 48.38 (5) (c) 6. cg. Being placed with a guardian.

24 **SECTION 73.** 48.38 (5) (c) 6. d. of the statutes is amended to read:

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1 48.38 (5) (c) 6. d. Being placed in some other alternative permanent placement,
2 including sustaining care, independent living, or long-term foster care.

3 **SECTION 74.** 48.38 (5) (c) 7. of the statutes, as affected by 2001 Wisconsin Act
4 2, is amended to read:

5 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to ~~make~~
6 ~~it possible for the child to return safely to his or her home, except that the court or~~
7 ~~panel need not determine whether those reasonable efforts were made with respect~~
8 ~~to a parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1.,~~
9 ~~2., 3., 4., or 5. apply to that parent~~ achieve the goal of the permanency plan, unless
10 return of the child to the home is the goal of the permanency plan and any of the
11 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

12 **SECTION 75.** 48.38 (5m) of the statutes is created to read:

13 48.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to
14 review the permanency plan and to make the determinations specified in sub. (5) (c)
15 no later than 12 months after the date on which the child was first removed from the
16 home and every 12 months after a previous hearing under this subsection for as long
17 as the child is placed outside the home.

18 (b) Not less than 30 days before the date of the hearing, the court shall notify
19 the child; the child's parent, guardian, and legal custodian; the child's foster parent
20 or treatment foster parent, the operator of the facility in which the child is living, or
21 the relative with whom the child is living; the child's court-appointed special
22 advocate; the agency that prepared the permanency plan; and the person
23 representing the interests of the public of the date, time, and place of the hearing.

24 (c) Any person who is provided notice of the hearing may have an opportunity
25 to be heard at the hearing by submitting written comments relevant to the

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1 determinations specified in sub. (5) (c) not less than 10 working days before the date
2 of the hearing or by participating at the hearing. Any written or oral comment made
3 to the court under this paragraph by a foster parent, treatment foster parent,
4 operator of a facility in which a child is living, or relative with whom a child is living
5 shall be made under oath or affirmation. A foster parent, treatment foster parent,
6 operator of a facility in which a child is living, or relative with whom a child is living
7 who receives notice of a hearing under par. (b) and an opportunity to be heard under
8 this paragraph does not become a party to the proceeding on which the hearing is
9 held solely on the basis of receiving that notice and opportunity to be heard.

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

21 (e) After the hearing, the court shall make written findings of fact and
22 conclusions of law relating to the determinations under sub. (5) (c) and shall provide
23 a copy of those findings of fact and conclusions of law to the child; the child's parent,
24 guardian, and legal custodian; the child's foster parent or treatment foster parent,
25 the operator of the facility in which the child is living, or the relative with whom the

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or referencing

or reference

1 child is living; the child's court-appointed special advocate; the agency that prepared
 2 the permanency plan; and the person representing the interests of the public. The
 3 court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based
 4 on circumstances specific to the child and shall document the specific information on
 5 which those findings are based in the findings of fact and conclusions of law prepared
 6 under this paragraph. Findings of fact and conclusions of law that merely reference
 7 sub. (5) (c) 7. ~~or that merely reference or incorporate the permanency plan or any~~
 8 ~~other document~~ without documenting that specific information in the findings of fact
 9 and conclusions of law or amended findings of fact and conclusions of law that
 10 retroactively correct earlier findings of fact and conclusions of law that do not comply
 11 with this paragraph are not sufficient to comply with this paragraph.

12 (f) If the findings of fact and conclusions of law under par. (e) conflict with the
 13 child's dispositional order or provide for any additional services not specified in the
 14 dispositional order, the court shall revise the dispositional order under s. 48.363 or
 15 order a change in placement under s. 48.357, as appropriate.

16 **SECTION 76.** 48.417 (1) (a) of the statutes is amended to read:

17 48.417 (1) (a) The child has been placed outside of his or her home, as described
 18 in s. 48.365 (1), for 15 of the most recent 22 months, not including any period during
 19 which the child was a runaway from the out-of-home placement or the child was
 20 returned to his or her home for a trial home visit of 6 months or less or, if authorized
 21 by the court, a trial home visit of more than 6 months. If the circumstances specified
 22 in this paragraph apply, the petition shall be filed or joined in by the last day of the
 23 15th month, as described in this paragraph, for which the child was placed outside
 24 of his or her home.

25 **SECTION 77.** 48.417 (1) (b) of the statutes is amended to read: