

ASSEMBLY BILL 809

533bj
1 SECTION ~~132~~. 938.357 (1) (c) of the statutes is created to read:

2 938.357 (1) (c) 1. If the proposed change in placement would change the
3 placement of a juvenile placed in the home to a placement outside the home, the
4 person or agency primarily responsible for implementing the dispositional order or
5 the district attorney shall submit a request for the change in placement to the court.
6 The request shall contain the name and address of the new placement, the reasons
7 for the change in placement, a statement describing why the new placement is
8 preferable to the present placement, and a statement of how the new placement
9 satisfies objectives of the treatment plan ordered by the court. The request shall also
10 contain specific information showing that continued placement of the juvenile in his
11 or her home would be contrary to the welfare of the juvenile and, unless any of the
12 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information
13 showing that the agency primarily responsible for implementing the dispositional
14 order has made reasonable efforts to prevent the removal of the juvenile from the
15 home, while assuring that the juvenile's health and safety are the paramount
16 concerns.

17 2. The court shall hold a hearing prior to ordering any change in placement
18 requested under subd. 1. Not less than 3 days prior to the hearing, the court shall
19 provide notice of the hearing, together with a copy of the request for the change in
20 placement, to the juvenile, the parent, guardian, and legal custodian of the juvenile,
21 and all parties that are bound by the dispositional order. If all parties consent, the
22 court may proceed immediately with the hearing.

23 3. If the court changes the juvenile's placement from a placement in the
24 juvenile's home to a placement outside the juvenile's home, the change in placement
25 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements

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1 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the
2 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
3 the determination specified in sub. (2v) (a) 3. *as affected by 2001 Wisconsin Act 103*

4 SECTION ~~132~~ ^{533bL} 938.357 (2) of the statutes *is* amended to read:

5 938.357 (2) If emergency conditions necessitate an immediate change in the
6 placement of a juvenile placed outside the home, the person or agency primarily
7 responsible for implementing the dispositional order may remove the juvenile to a
8 new placement, whether or not authorized by the existing dispositional order,
9 without the prior notice provided in sub. (1) ~~1~~. *(am) ✓* The notice shall, however, be sent
10 within 48 hours after the emergency change in placement. Any party receiving
11 notice may demand a hearing under sub. (1) ~~2~~. *(am) ✓* In emergency situations, *(a)*
12 juvenile may be placed in a licensed public or private shelter care facility as a
13 transitional placement for not more than 20 days, as well as in any placement
14 authorized under s. 938.34 (3). *(a)* *as affected by 2001 Wisconsin Act 103*

15 SECTION ~~131~~ ^{533bn} 938.357 (2m) *(a)* of the statutes *is* renumbered ~~938.357 (2m) (a)~~ and
16 amended to read:

17 938.357 (2m) (a) The juvenile, the parent, guardian, *(plain) ✓* or legal custodian of the
18 juvenile, *(plain) ✓* or any person or agency primarily bound by the dispositional order, other
19 than the person or agency responsible for implementing the order, may request a
20 change in placement under this ~~subsection~~ *paragraph* *plain*. The request shall contain the
21 name and address of the place of the new placement requested and shall state what
22 new information is available *when* *that* *plain* affects the advisability of the current
23 placement. If the proposed change in placement would change the placement of a
24 juvenile placed in the home to a placement outside the home, the request shall also
25 contain specific information showing that continued placement of the juvenile in the

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SECTION 533 ~~bo.~~ Am; 938.357 (2m) (b), as affected by 2001 Wisconsin Act 103,

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home would be contrary to the welfare of the juvenile and, unless any of the
circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information
showing that the agency primarily responsible for implementing the dispositional
order has made reasonable efforts to prevent the removal of the juvenile from the
home, while assuring that the juvenile's health and safety are the paramount
concerns. ^{(The) plain ✓} This request shall be submitted to the court. In addition, the court may
 propose a change in placement on its own motion.

^{plain} 938.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering any change
 in placement ~~under this subsection~~ ^{plain} requested or proposed ^(plain) under par. (a) if the
 request states that new information is available ^{plain} ~~which~~ ^{plain} that affects the advisability
 of the current placement, unless the requested or proposed change in placement
involves any change in placement other than a change in placement of a juvenile
placed in the home to a placement outside the home and written waivers of objection
to the proposed change in placement are signed by all parties entitled to receive
notice under sub. (1) ~~1.~~ ^{(a) (am) ✓} and the court approves. If a hearing is scheduled, the court
shall notify the juvenile, the parent, guardian, ^{plain ✓} and legal custodian of the juvenile,
any foster parent, treatment foster parent, ^{plain ✓} or other physical custodian described in
s. 48.62 (2) of the juvenile, ^{plain ✓} and all parties who are bound by the dispositional order
at least 3 days prior to the hearing. A copy of the request or proposal for the change
in placement shall be attached to the notice. If ^{(a) ✓} all the parties consent, the court may
proceed immediately with the hearing.

^{533 bp}
 SECTION ~~134.~~ 938.357 (2m) (c) of the statutes is created to read:

938.357 (2m) (c) If the court changes the juvenile's placement from a placement
 in the juvenile's home to a placement outside the juvenile's home, the change in
 placement order shall contain the findings specified in sub. (2v) (a) 1., one of the

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1 statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of
2 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
3 parent, the determination specified in sub. (2v) (a) 3.

was affected by 2001 Wisconsin Act 103

4 SECTION ~~103~~ 938.357 (2r) of the statutes ^{533br} is amended to read:

5 938.357 (2r) If a hearing is held under sub. (1) ~~(a) 2.~~ ^{(b) (am) ✓} or (2m) ^{(b) plain ✓} and the change
6 in placement would remove a juvenile from a foster home, treatment foster home ^{plain ✓} or
7 other placement with a physical custodian described in s. 48.62 (2), the court shall
8 give the foster parent, treatment foster parent, ^{plain ✓} or other physical custodian described
9 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster
10 parent, treatment foster parent, ^{plain ✓} or other physical custodian to make a written or oral
11 statement during the hearing or to submit a written statement prior to the hearing
12 relating to the juvenile and the requested change in placement. ~~Any written or oral~~
13 ~~statement made under this subsection shall be made under oath or affirmation.~~ A
14 foster parent, treatment foster parent, ^{plain ✓} or other physical custodian described in s.
15 48.62 (2) who receives notice of a hearing under sub. (1) ~~(a) 1.~~ ^{(b) (am) ✓} or (2m) ^{(b) plain ✓} and an
16 opportunity to be heard under this subsection does not become a party to the
17 proceeding on which the hearing is held solely on the basis of receiving that notice
18 and opportunity to be heard.

19 SECTION ~~107~~ 938.357 (2v) of the statutes, as ^{533bt} created by 2001 Wisconsin Act ^{affected} 103
20 is renumbered 938.357 (2v) (a) 2. and amended to read: ^{(b) ✓ (c) ✓}

21 938.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) or (2m)~~ and the change
22 in placement would place the juvenile outside the home in a placement order would
23 change the placement of the juvenile to a placement outside the home recommended
24 by the person or agency primarily responsible for implementing the dispositional
25 order, ~~the change in placement order shall include whether from a placement in the~~

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1 home or from another placement outside the home, a statement that the court
 2 approves the placement recommended by the person or agency or, if the juvenile is
 3 placed outside the home in a placement other than change in placement order would
 4 change the placement of the juvenile to a placement outside the home that is not a
 5 placement recommended by that person or agency, whether from a placement in the
 6 home or from another placement outside the home, a statement that the court has
 7 given bona fide consideration to the recommendations made by that person or agency
 8 and all parties relating to the juvenile's placement.

9 ^{533bv} SECTION ~~138~~. 938.357 (2v) (a) (intro.) of the statutes is created to read:

10 938.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m)
 11 shall contain all of the following:

12 ^{533bx} SECTION ~~139~~. 938.357 (2v) (a) 1. of the statutes is created to read:

13 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a
 14 placement in the juvenile's home to a placement outside the juvenile's home, a
 15 finding that continued placement of the juvenile in his or her home would be contrary
 16 to the ~~health, safety, and~~ ^{health, safety, and} welfare of the juvenile and, unless a circumstance specified
 17 in s. 938.355 (2d) (b) 1. to 4. applies, a finding that the agency primarily responsible
 18 for implementing the dispositional order has made reasonable efforts to prevent the
 19 removal of the juvenile from the home, while assuring that the juvenile's health and
 20 safety are the paramount concerns.

21 ^{533bz} SECTION ~~140~~. 938.357 (2v) (a) 3. of the statutes is created to read:

22 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
 23 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
 24 agency primarily responsible for providing services under the change in placement

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

3 SECTION ~~938.357~~^{533c} 938.357 (2v) (b) of the statutes is created to read:

4 938.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and
5 3. on a case-by-case basis based on circumstances specific to the juvenile and shall
6 document or reference the specific information on which those findings are based in
7 the change in placement order. A change in placement order that merely references
8 par. (a) 1. or 3. without documenting or referencing that specific information in the
9 change in placement order or an amended change in placement order that
10 retroactively corrects an earlier change in placement order that does not comply with
11 this paragraph is not sufficient to comply with this paragraph.

12 SECTION ~~938.357~~^{533cb} 938.357 (2v) (c) of the statutes is created to read:

13 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
14 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
15 the court shall hold a hearing within 30 days after the date of that finding to
16 determine the permanency plan for the juvenile. If a hearing is held under this
17 paragraph, the agency responsible for preparing the permanency plan shall file the
18 permanency plan with the court not less than 5 days before the date of the hearing.

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

24 3. The court shall give a foster parent, treatment foster parent, or other
25 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.

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

10 SECTION ~~938.357~~^{533cd} 938.357 (3) of the statutes ^{as affected by 2001 Wisconsin Act 103,} is amended to read:

11 938.357 (3) Subject to sub. ^(S) (4) (b) and (c) and (5) (e), if the proposed change in
12 placement would involve placing a juvenile in a secured correctional facility, a
13 secured child caring institution, ^{plan} or a secured group home, notice shall be given as
14 provided in sub. (1) ^{(a) (am)} ~~(1)~~ ^{plan}. A hearing shall be held, unless waived by the juvenile,
15 parent, guardian, ^{plan} and legal custodian, before the judge makes a decision on the
16 request. The juvenile shall be entitled to counsel at the hearing, and any party
17 opposing or favoring the proposed new placement may present relevant evidence and
18 cross-examine witnesses. The proposed new placement may be approved only if the
19 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been
20 met.

21 SECTION ~~938.357~~^{533cd f} 938.357 (4) (b) 2. of the statutes, as affected by 2001 Wisconsin
22 Act ~~93~~¹⁰³, is amended to read:

23 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child
24 caring institution under s. 938.34 (4d) violates a condition of his or her placement in
25 the Type 2 child caring institution, the child welfare agency operating the Type 2

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1 child caring institution shall notify the county department that has supervision over
 2 the juvenile and, if the county department agrees to a change in placement under this
 3 subdivision, the child welfare agency shall notify the department, and the
 4 department, after consulting with the child welfare agency, may place the juvenile
 5 in a Type 1 secured correctional facility under the supervision of the department,
 6 without a hearing under sub. (1) ~~2.~~ ^{(b) (am) ✓}, for not more than 10 days. If a juvenile is
 7 placed in a Type 1 secured correctional facility under this subdivision, the county
 8 department that has supervision over the juvenile shall reimburse the child welfare
 9 agency operating the Type 2 child caring institution in which the juvenile was placed
 10 at the rate established under s. 46.037, and that child welfare agency shall reimburse
 11 the department at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is
 12 applicable, for the cost of the juvenile's care while placed in a Type 1 secured
 13 correctional facility.

14 ^{533ch} SECTION ~~145~~ 938.357 (4) (c) 1. of the statutes ^{as affected by 2001 Wisconsin Act 103} is amended to read:

15 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 secured correctional facility
 16 operated by a child welfare agency under par. (a) and it appears that a less restrictive
 17 placement would be appropriate for the juvenile, the department, after consulting
 18 with the child welfare agency that is operating the Type 2 secured correctional
 19 facility in which the juvenile is placed, may place the juvenile in a less restrictive
 20 placement, and may return the juvenile to the Type 2 secured correctional facility
 21 without a hearing under sub. (1) ~~2.~~ ^{(b) (am) ✓}. The child welfare agency shall establish a rate
 22 for each type of placement in the manner provided in s. 46.037.

23 ^{533c} SECTION ~~146~~ 938.357 (4) (c) 2. of the statutes is amended to read:

24 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under
 25 s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate

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for the juvenile, the child welfare agency operating the Type 2 child caring institution shall notify the county department that has supervision over the juvenile and, if the county department agrees to a change in placement under this subdivision, the child welfare agency may place the juvenile in a less restrictive placement. A child welfare agency may also, with the agreement of the county department that has supervision over a juvenile who is placed in a less restrictive placement under this subdivision, return the juvenile to the Type 2 child caring institution without a hearing under sub. (1) ~~2~~^{(b) (am) ✓}. The child welfare agency shall establish a rate for each type of placement in the manner provided in s. 46.037.

5332L
SECTION ~~217~~ 938.357 (4) (d) of the statutes *as affected by 2001 Wisconsin Act 103,* is amended to read:

938.357 (4) (d) The department may transfer a juvenile who is placed in a Type 1 secured correctional facility to the Racine youthful offender correctional facility named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile offender review in the department has determined that the conduct of the juvenile in the Type 1 secured correctional facility presents a serious problem to the juvenile or others. The factors that the office of juvenile offender review may consider in making that determination shall include, but are not limited to, whether and to what extent the juvenile's conduct in the Type 1 secured correctional facility is violent and disruptive, the security needs of the Type 1 secured correctional facility ^{(Plan) ✓} and whether and to what extent the juvenile is refusing to cooperate or participate in the treatment programs provided for the juvenile in the Type 1 secured correctional facility. Notwithstanding sub. (1) ~~2~~^{(b) (am) ✓}, a juvenile is not entitled to a hearing regarding the department's exercise of authority under this paragraph unless the department provides for a hearing by rule. A juvenile may seek review of a decision of the department under this paragraph only by the common law writ of certiorari.

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plain

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If the department transfers a juvenile under this paragraph, the department shall send written notice of the transfer to the parent, guardian, legal custodian, and committing court.

SECTION 938.357 (5) (a) of the statutes is amended to read:

938.357 (5) (a) The department or a county department, whichever has been designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the aftercare status of that juvenile. Revocation of aftercare supervision shall not require prior notice under sub. (1) ~~1~~.

533 CN, as affected by 2001 Wisconsin Act 103,

residential care center for children and youth

SECTION 938.357 (6) of the statutes is amended to read:

938.357 (6) No change in placement may extend the expiration date of the original order, except that if the change in placement is from a placement in the juvenile's home to a placement in a foster home, treatment foster home, group home, or child caring institution or in the home of a relative who is not a parent, the court may extend the expiration date of the original order to the date on which the juvenile reaches 18 years of age, to the date that is one year after the date of the change in placement order, or, if the juvenile 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, to the date on which the juvenile reaches 19 years of age, whichever is later, or for a shorter period of time as specified by the court. If the change in placement is from a placement in a foster home, treatment foster home, group home, or child caring institution or in the home of a relative to a placement in the juvenile'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.

533 CP

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Insert 82-25 ✓

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533ct

1 SECTION ~~450~~. 938.365 (1) of the statutes is amended to read:

2 938.365 (1) In this section, a juvenile is considered to have been placed outside
3 of his or her home on the date on which the juvenile was first placed outside of his
4 or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363
5 or on the date that is 60 days after the date on which the juvenile was first removed
6 from his or her home, ~~whichever is earlier.~~

533cv

7 SECTION ~~451~~. 938.365 (2g) (b) 2. of the statutes is amended to read:

8 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement
9 and of any progress the juvenile has made, suggestions for amendment of the
10 permanency plan, ~~a description of efforts to return the juvenile safely to his or her~~
11 home and specific information showing the efforts that have been made to achieve
12 the goal of the permanency plan, including, if applicable, the efforts of the parents
13 to remedy the factors which that contributed to the juvenile's placement and, if
14 continued placement outside of the juvenile's home is recommended, an explanation
15 of why returning the juvenile to his or her home is not safe or feasible, unless return
16 of the juvenile to the home is the goal of the permanency plan and any of the
17 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

The first 6 months of any period during which

533cx

18 SECTION ~~452~~. 938.365 (2g) (b) 3. of the statutes is amended to read:

19 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
20 for 15 of the most recent 22 months, not including any period during which the
21 juvenile was a runaway from the out-of-home placement or the juvenile was
22 returned to his or her home for a trial home visit of 6 months or less, a statement of
23 whether or not a recommendation has been made to terminate the parental rights
24 of the parents of the juvenile. If a recommendation for a termination of parental
25 rights has been made, the statement shall indicate the date on which the

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1 recommendation was made, any previous progress made to accomplish the
2 termination of parental rights, any barriers to the termination of parental rights,
3 specific steps to overcome the barriers and when the steps will be completed, reasons
4 why adoption would be in the best interest of the juvenile and whether or not the
5 juvenile should be registered with the adoption information exchange. If a
6 recommendation for termination of parental rights has not been made, the
7 statement shall include an explanation of the reasons why a recommendation for
8 termination of parental rights has not been made. If the lack of appropriate adoptive
9 resources is the primary reason for not recommending a termination of parental
10 rights, the agency shall recommend that the juvenile be registered with the adoption
11 information exchange or report the reason why registering the juvenile is contrary
12 to the best interest of the juvenile.

533CZ

13 SECTION ~~152~~. 938.365 (2m) (a) of the statutes is renumbered 938.365 (2m) (a)

14 1. and amended to read:

15 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
16 extension. If the juvenile is placed outside of his or her home, the person or agency
17 primarily responsible for providing services to the juvenile shall present as evidence
18 specific information showing that the agency has made reasonable efforts to achieve
19 the goal of the juvenile's permanency plan, unless return of the juvenile to the home
20 is the goal of the permanency plan and any of the circumstances specified in s.
21 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions
22 of law based on the evidence. ~~Subject to s. 938.355 (2d), the~~ The findings of fact shall
23 include a finding as to whether reasonable efforts were made by the agency primarily
24 responsible for providing services to the juvenile to ~~make it possible for the juvenile~~
25 ~~to return safely to his or her home~~ achieve the goal of the juvenile's permanency plan,

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1 unless return of the juvenile to the home is the goal of the permanency plan and the
2 court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.
3 applies. An order shall be issued under s. 938.355.

4 ^{533d}
SECTION ~~934~~. 938.365 (2m) (a) 2. of the statutes is created to read:

5 938.365 (2m) (a) 2. If the court finds that any of the circumstances specified
6 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include
7 a determination that the person or agency primarily responsible for providing
8 services to the juvenile is not required to make reasonable efforts with respect to the
9 parent to make it possible for the juvenile to return safely to his or her home.

10 ^{533db}
SECTION ~~935~~. 938.365 (2m) (a) 3. of the statutes is created to read:

11 938.365 (2m) (a) 3. The court shall make the findings specified in subd. 1.
12 relating to reasonable efforts to achieve the goal of the juvenile's permanency plan
13 and the findings specified in subd. 2. on a case-by-case basis based on circumstances
14 specific to the juvenile and shall document or reference the specific information on
15 which those findings are based in the order issued under s. 938.355. An order that
16 merely references subd. 1. or 2. without documenting or referencing that specific
17 information in the order or an amended order that retroactively corrects an earlier
18 order that does not comply with this subdivision is not sufficient to comply with this
19 subdivision.

20 ^{533dd}
SECTION ~~936~~. 938.365 (2m) (ad) of the statutes is created to read:

21 938.365 (2m) (ad) 1. If the court finds that any of the circumstances specified
22 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a
23 hearing within 30 days after the date of that finding to determine the permanency
24 plan for the juvenile. If a hearing is held under this subdivision, the agency

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1 responsible for preparing the permanency plan shall file the permanency plan with
2 the court not less than 5 days before the date of the hearing.

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

8 ^{533df} SECTION ~~157~~. 938.365 (2m) (ag) of the statutes is amended to read:

9 938.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The
10 court shall give a foster parent, treatment foster parent, or other physical custodian
11 described in s. 48.62 (2) ~~of the juvenile who is notified of a hearing under par. (ad)~~
12 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster
13 parent, 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 issue of extension. ~~Any written or oral statement made under this~~
16 ~~paragraph shall be made under oath or affirmation.~~ A foster parent, treatment foster
17 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
18 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this
19 paragraph does not become a party to the proceeding on which the hearing is held
20 solely on the basis of receiving that notice and opportunity to be heard.

21 ^{533dh} SECTION ~~158~~. 938.365 (5) of the statutes is amended to read:

22 938.365 (5) Except as provided in s. 938.368, ~~all orders~~ an order under this
23 section that continues the placement of a juvenile in his or her home or that extends
24 an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time
25 not to exceed one year after its date of entry. Except as provided in s. 938.368, an

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1 order under this section that continues the placement of a juvenile in a foster home,
2 treatment foster home, group home, or child caring institution, or in the home of a
3 relative other than a parent shall be for a specified length of time not to exceed the
4 date on which the juvenile reaches 18 years of age, one year after the date of entry
5 of the order, or, if the juvenile is a full-time student at a secondary school or its
6 vocational or technical equivalent and is reasonably expected to complete the
7 program before reaching 19 years of age, the date on which the juvenile reaches 19
8 years of age, whichever is later.

9 SECTION 159. 938.38 (2) (intro.) of the statutes is amended to read:

10 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
11 for each juvenile living in a foster home, treatment foster home, group home, child
12 caring institution, secure detention facility, or shelter care facility or in the home of
13 a relative other than a parent, the agency that placed the juvenile or arranged the
14 placement or the agency assigned primary responsibility for providing services to the
15 juvenile under s. 938.355 shall prepare a written permanency plan, if any of the
16 following conditions exists:

17 SECTION ~~159~~^{533dL}. 938.38 (2) (c) of the statutes is amended to read:

18 938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64
19 (2) ~~or pursuant to~~, under a consent decree under s. 938.32 (1) (c), or under a court
20 order under s. 938.355.

21 SECTION ~~161~~^{533dn}. 938.38 (2) (f) of the statutes is amended to read:

22 938.38 (2) (f) The juvenile's care is ~~paid~~ would be paid for under s. 49.19 but
23 for s. 49.19 (20).

24 SECTION ~~162~~^{533dp}. 938.38 (3) (intro.) of the statutes is amended to read:

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1 938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (c) 1, the agency shall file
2 the permanency plan with the court within 60 days after the date on which the
3 juvenile was first held in physical custody or placed outside of removed from his or
4 her home ~~under a court order~~, except under either of the following conditions:

5 ^{533dr} SECTION ~~003~~. 938.38 (4) (intro.) of the statutes is amended to read:

6 938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~
7 ~~description of~~ all of the following:

8 ^{533dt} SECTION ~~004~~. 938.38 (4) (a) of the statutes is renumbered 938.38 (4) (ar) and
9 amended to read:

10 938.38 (4) (ar) The A description of the services offered and any service services
11 provided in an effort to prevent holding or placing the juvenile outside of the removal
12 of the juvenile from his or her home, while assuring that the health and safety of the
13 juvenile are the paramount concerns, and to make it possible for the juvenile to
14 return safely home, achieve the goal of the permanency plan, except that the
15 permanency plan need not is not required to include a description of these the
16 services offered or provided with respect to a parent of the juvenile to prevent the
17 removal of the juvenile from the home or to achieve the permanency plan goal of
18 returning the juvenile safely to his or her home if any of the circumstances specified
19 in s. 938.355 (2d) (b) 1., 2., 3. or to 4. apply to that parent.

20 ^{533dv} SECTION ~~005~~. 938.38 (4) (ag) of the statutes is created to read:

21 938.38 (4) (ag) The name, address, and telephone number of the juvenile's
22 parent, guardian, and legal custodian.

23 ^{533dx} SECTION ~~006~~. 938.38 (4) (am) of the statutes is created to read:

24 938.38 (4) (am) The date on which the juvenile was removed from his or her
25 home and the date on which the juvenile was placed in out-of-home care.

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1 SECTION ^{533dz}~~167~~. 938.38 (4) (bm) of the statutes is amended to read:

2 938.38 (4) (bm) The A statement as to the availability of a safe and appropriate
3 placement with a fit and willing relative of the juvenile and, if a decision is made not
4 to place the juvenile with an available relative, a statement as to why placement with
5 the relative is not safe or appropriate.

6 SECTION ^{533e}~~168~~. 938.38 (4) (dg) of the statutes is created to read:

7 938.38 (4) (dg) Information about the juvenile's education, including all of the
8 following:

9 1. The name and address of the school in which the juvenile is or was most
10 recently enrolled.

11 2. Any special education programs in which the juvenile is or was previously
12 enrolled.

13 3. The grade level in which the juvenile is or was most recently enrolled and
14 all information that is available concerning the juvenile's grade level performance.

15 4. A summary of all available education records relating to the juvenile that are
16 relevant to any education goals included in the education services plan prepared
17 under s. 938.33 (1) (e).

18 SECTION ^{533eb}~~169~~. 938.38 (4) (dm) of the statutes is created to read:

19 938.38 (4) (dm) If as a result of the placement the juvenile has been or will be
20 transferred from the school in which the juvenile is or most recently was enrolled,
21 documentation that a placement that would maintain the juvenile in that school is
22 either unavailable or inappropriate or that a placement that would result in the
23 juvenile's transfer to another school would be in the juvenile's best interests.

24 SECTION ^{533ed}~~170~~. 938.38 (4) (dr) of the statutes is created to read:

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SECTION 170

1 938.38 (4) (dr) Medical information relating to the juvenile, including all of the
2 following:

3 1. The names and addresses of the juvenile's physician, dentist, and any other
4 health care provider that is or was previously providing health care services to the
5 juvenile.

6 2. The juvenile's immunization record, including the name and date of each
7 immunization administered to the juvenile.

8 3. Any known medical condition for which the juvenile is receiving medical care
9 or treatment and any known serious medical condition for which the juvenile has
10 previously received medical care or treatment.

11 4. The name, purpose, and dosage of any medication that is being administered
12 to the juvenile and the name of any medication that causes the juvenile to suffer an
13 allergic or other negative reaction.

14 ^{533ef}
SECTION ~~170~~. 938.38 (4) (e) of the statutes is amended to read:

15 938.38 (4) (e) The A plan for ensuring the safety and appropriateness of the
16 placement and a description of the services provided to meet the needs of the juvenile
17 and family, including a discussion of services that have been investigated and
18 considered and are not available or likely to become available within a reasonable
19 time to meet the needs of the juvenile or, if available, why such services are not safe
20 or appropriate.

21 ^{533eh}
SECTION ~~172~~. 938.38 (4) (f) (intro.) of the statutes is amended to read:

22 938.38 (4) (f) (intro.) The A description of the services that will be provided to
23 the juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's
24 treatment foster parent ~~or~~, the operator of the facility where the juvenile is living,

one or more of the following goals
to be the

1 or the relative with whom the juvenile is living to carry out the dispositional order,
2 including services planned to accomplish all of the following:

3 ^{533ej} SECTION ~~172~~ 938.38 (4) (fg) of the statutes is created to read:

4 938.38 (4) (fg) The goal of the permanency plan or, if the agency is making
5 concurrent reasonable efforts under s. 938.355 (2b), the goals of the permanency
6 plan, ~~in the order of preference specified in subds. 1. to 5.~~ If a goal of the permanency
7 plan is any goal other than return of the juvenile to his or her home, the permanency
8 plan shall include the rationale for deciding on that goal. If a goal of the permanency
9 plan is an alternative permanent placement under subd. 5., the permanency plan
10 shall document a compelling reason why it would not be in the best interest of the
11 juvenile to pursue a goal specified in subds. 1. to 4. The agency shall determine ~~the~~
12 goal or goals of a juvenile's permanency plan ~~in the following order of preference:~~

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

19 ^{533el} SECTION ~~172~~ 938.38 (4) (fm) of the statutes is amended to read:

20 938.38 (4) (fm) If the goal of the permanency plan calls for placing is to place
21 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
22 other alternative permanent placement, the efforts made to ~~place the juvenile for~~
23 ~~adoption, with a guardian or in some other alternative permanent placement~~ achieve
24 that goal.

25 ^{533en} SECTION ~~172~~ 938.38 (4) (h) of the statutes is created to read:

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1 938.38 (4) (h) If the juvenile is 15 years of age or over, a description of the
2 programs and services that are or will be provided to assist the juvenile in preparing
3 for the transition from out-of-home care to independent living. The description
4 shall include all of the following:

5 1. The anticipated age at which the juvenile will be discharged from
6 out-of-home care.

7 2. The anticipated amount of time available in which to prepare the juvenile
8 for the transition from out-of-home care to independent living.

9 3. The anticipated location and living situation of the juvenile on discharge
10 from out-of-home care.

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

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

as affected by 2001 Wisconsin Act 69

19 SECTION 938.38 (5) (a) of the statutes, as amended to read:

20 938.38 (5) (a) The court or a panel appointed under this paragraph par. (a)
21 shall review the permanency plan every in the manner provided in this subsection
22 not later than 6 months from after the date on which the juvenile was first held in
23 physical custody or placed outside of removed from his or her home and every 12
24 months after a previous review under this subsection for as long as the juvenile is
25 placed outside the home, except that for the review that is required to be conducted

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plan) Except as provided in s. 48.63 (5)(d), the

1 not later than 12 months after the juvenile was first removed from his or her home
2 and the reviews that are required to be conducted every 12 months after that review
3 the court shall hold a hearing under sub. (5m) to review the permanency plan, which
4 hearing may be instead of or in addition to the review under this subsection.

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

13 SECTION ^{533er} ~~177~~. 938.38 (5) (b) of the statutes is amended to read:

14 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
15 the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,
16 the juvenile's treatment foster parent ~~or~~, the operator of the facility in which the
17 juvenile is living, or the relative with whom the juvenile is living of the date, time,
18 and place of the review, of the issues to be determined as part of the review, and of
19 the fact that they may have an opportunity to be heard at the review by submitting
20 written comments not less than 10 working days before the review or by
21 participating at the review. The court or agency shall notify the person representing
22 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem
23 of the date of the review, of the issues to be determined as part of the review, and of
24 the fact that they may submit written comments not less than 10 working days before
25 the review. Any written or oral statement made to the court under this paragraph

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1 ~~by a foster parent, treatment foster parent, operator of a facility in which a juvenile~~
2 ~~is living, or relative with whom a juvenile is living shall be made under oath or~~
3 ~~affirmation.~~ The notices under this paragraph shall be provided in writing not less

4 than 30 days before the review and copies of the notices shall be filed in the juvenile's
5 case record.

The first 6 months of any period during which

6 SECTION ~~478~~. 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

7 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
8 home, as described in s. 938.365 (1), for 15 of the most recent 22 months, not including
9 any period during which the juvenile was a runaway from the out-of-home
10 placement or the juvenile was returned to his or her home for a trial home visit of
11 months or less, the appropriateness of the permanency plan and the circumstances

12 which prevent the juvenile from any of the following:

13 SECTION ~~479~~. 938.38 (5) (c) 6. am. of the statutes is renumbered 938.38 (5) (c)
14 6. cm. and amended to read:

15 938.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the
16 juvenile.

17 SECTION ~~480~~. 938.38 (5) (c) 6. cg. of the statutes is created to read:

18 938.38 (5) (c) 6. cg. Being placed with a guardian.

19 SECTION ~~481~~. 938.38 (5) (c) 6. d. of the statutes is amended to read:

20 938.38 (5) (c) 6. d. Being placed in some other alternative permanent
21 placement, including sustaining care, independent living, or long-term foster care.

22 SECTION ~~482~~. 938.38 (5) (c) 7. of the statutes is amended to read:

23 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to make
24 it possible for the juvenile to return safely to his or her home, except that the court
25 or panel need not determine whether those reasonable efforts were made with

1 respect to a parent of the juvenile if any of the circumstances specified in s. 938.355
2 (2d) (b) 1., 2., 3. or 4. apply to that parent achieve the goal of the permanency plan,
3 unless return of the juvenile to the home is the goal of the permanency plan and any
4 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

5 SECTION ~~938.~~^{533f b} 938.38 (5m) of the statutes is created to read:

6 938.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to
7 review the permanency plan and to make the determinations specified in sub. (5) (c)
8 no later than 12 months after the date on which the juvenile was first removed from
9 the home and every 12 months after a previous hearing under this subsection for as
10 long as the juvenile is placed outside the home.

11 (b) Not less than 30 days before the date of the hearing, the court shall notify
12 the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster
13 parent or treatment foster parent, the operator of the facility in which the juvenile
14 is living, or the relative with whom the juvenile is living; the agency that prepared
15 the permanency plan; and the person representing the interests of the public of the
16 date, time, and place of the hearing.

17 (c) Any person who is provided notice of the hearing may have an opportunity
18 to be heard at the hearing by submitting written comments relevant to the
19 determinations specified in sub. (5) (c) not less than 10 working days before the date
20 of the hearing or by participating at the hearing. ~~Any written or oral comment made~~
21 ~~to the court under this paragraph by a foster parent, treatment foster parent,~~
22 ~~operator of a facility in which a juvenile is living, or relative with whom a juvenile~~
23 ~~is living shall be made under oath or affirmation.~~ A foster parent, treatment foster
24 parent, operator of a facility in which a juvenile is living, or relative with whom a
25 juvenile is living who receives notice of a hearing under par. (b) and an opportunity

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

4 (d) At least 5 days before the date of the hearing the agency that prepared the
5 permanency plan shall provide a copy of the permanency plan and any written
6 comments submitted under par. (c) to the court, to the juvenile's parent, guardian,
7 and legal custodian, to the person representing the interests of the public, and to the
8 juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a), the person
9 representing the interests of the public and the juvenile's counsel or guardian ad
10 litem may have access to any other records concerning the juvenile for the purpose
11 of participating in the review. A person permitted access to a juvenile's records under
12 this paragraph may not disclose any information from the records to any other
13 person.

14 (e) After the hearing, the court shall make written findings of fact and
15 conclusions of law relating to the determinations under sub. (5) (c) and shall provide
16 a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's
17 parent, guardian, and legal custodian; the juvenile's foster parent or treatment foster
18 parent, the operator of the facility in which the juvenile is living, or the relative with
19 whom the juvenile is living; the agency that prepared the permanency plan; and the
20 person representing the interests of the public. The court shall make the findings
21 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to
22 the juvenile and shall document or reference the specific information on which those
23 findings are based in the findings of fact and conclusions of law prepared under this
24 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)
25 7. without documenting or referencing that specific information in the findings of fact

H. Page 353, line 15: after that line insert:

1 and conclusions of law or amended findings of fact and conclusions of law that
2 retroactively correct earlier findings of fact and conclusions of law that do not comply
3 with this paragraph are not sufficient to comply with this paragraph.

4 (f) If the findings of fact and conclusions of law under par. (e) conflict with the
5 juvenile's dispositional order or provide for any additional services not specified in
6 the dispositional order, the court shall revise the dispositional order under s. 938.363
7 or order a change in placement under s. 938.357, as appropriate.

8 SECTION ~~184~~^{533fd}. 938.78 (2) (a) of the statutes is amended to read:

9 938.78 (2) (a) No agency may make available for inspection or disclose the
10 contents of any record kept or information received about an individual in its care
11 or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d)
12 or (5m) (d), or 938.51 or by order of the court. " , ✓

13 ~~SECTION 185. Nonstatutory provisions.~~
14 ~~(1) RELATIVE PLACEMENT PERMANENCY PLANS.~~

15 (a) Notwithstanding sections 48.38 (3) and 938.38 (3) of the statutes, for
16 children or juveniles who are living in the home of a relative, as defined in section
17 48.02 (15) or 938.02 (15) of the statutes, under the supervision of an agency under
18 section 48.64 (2) of the statutes, under a consent decree under section 48.32 or 938.32
19 of the statutes, or under an order under section 48.355 or 938.355 of the statutes on
20 the day before the effective date of this paragraph, the agency assigned primary
21 responsibility for providing services to those children or juveniles shall file a
22 permanency plan with that court with respect to not less than 33% of those children
23 or juveniles by ~~July~~^{September} 1, 2002, with respect to not less than 67% of those children or
24 juveniles by ~~September~~^{November} 1, 2002, and with respect to all of those children or juveniles

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by November 1, 2002, giving priority to those children or juveniles who have been living in the home of a relative for the longest period of time.

(b) The agency shall request the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes, as affected by this act, to make a finding under section 48.363 or 938.363 of the statutes that reasonable efforts have been made to prevent the removal of the child or juvenile from the home or that those efforts are not required to be made because a circumstance specified in section 48.355 (2d) (b) 1. to 5. of the statutes, as affected by this act, or section 938.355 (2d) (b) 1. to 4. of the statutes, as affected by this act, applies, not more than 60 days after the date on which the permanency plan is filed.

(c) Notwithstanding section 48.38 (5) (a) of the statutes, as affected by this act, section 48.38 (5m) of the statutes, as created by this act, section 938.38 (5) (a) of the statutes, as affected by this act, and section 938.38 (5m) of the statutes, as created by this act, a permanency plan filed under this subsection shall be reviewed within 6 months after the date on which the permanency plan is filed and a permanency plan hearing shall be had to review a permanency plan filed under this subsection within 12 months after the date on which the permanency plan is filed.

SECTION 186. Initial applicability.

JUVENILE COURT ORDERS. The treatment of sections 48.21 (5) (b) 1. and 3., (c), and (d), 48.355 (2) (b) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1., 2., 3., 4., and 5. and (bm), and (4), 48.357 (6), 48.365 (2m) (ag) and (5), 48.977 (2) (f), 938.21 (5) (b) 1. and 3., (c), and (d), 938.32 (1) (c) and (d), 938.355 (2) (b) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1., 2., 3., 4., and 5. and (bm), (4) (a) and (b) (6) (a), and (6m) (cm), 938.357 (6), and 938.365 (2m) (ag) and (5) of the statutes, the renumbering and amendment of sections 48.32 (1), 48.355 (2d) (c), 48.365 (2m) (a), 938.355 (2d) (c), and 938.365 (2m)

Page 435, line 2: after that line insert:

Handwritten notes and circled numbers: 17 (1vv), 18, 19 ((1vv)), 23, 24, 25, 9359

Handwritten notes: (by SECTION 531E), (by SECTION 1012)

Handwritten note: (by SECTION 532V)

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SECTION 186

and 938.363 (1m)

1 (a) of the statutes, and the creation of sections 48.32 (1) (b) and (c), 48.355 (2d) (c) 2.
2 and 3., 48.365 (2m) (a) 2. and 3. and (ad), 938.355 (2d) (c) 2. and 3., and 938.365 (2m)
3 (a) 2. and 3. and (ad) of the statutes first apply to a physical custody order, consent
4 decree, dispositional order, change in placement order, extension order, sanction
5 order, or guardianship order entered on the effective date of this subsection.

6 (2) JUVENILE COURT REPORTS. The treatment of sections 48.33 (4) (intro.) and (c),
7 48.365 (1) and (2g) (b) 2. and 3., 938.33 (4) (intro.) and (c), and 938.365 (1) and (2g)
8 (b) 2. and 3. of the statutes first applies to reports filed with the court assigned to
9 exercise jurisdiction under chapters 48 and 938 of the statutes on the effective of this
10 subsection.

11 (3) JUVENILE COURT HEARINGS. The treatment of sections 48.21 (1) (a) and (3)

12 (am) and (e), 48.27 (3) (a) 1m, 48.335 (3g), 48.42 (2g) (am), 48.427 (1m), 938.21 (1)
13 (a), (2) (am) and (d), and (3) (am) and (e), 938.27 (3) (a) 1m, and 938.335 (3g) of the
14 statutes first applies to hearings held by the court assigned to exercise jurisdiction
15 under chapters 48 and 938 of the statutes on the effective of this subsection.

16 (4) PERMANENCY PLAN CONTENTS. The treatment of sections 48.38 (4) (intro.), (a),
17 (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) and 938.38 (4)
18 (intro.), (a), (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) of the
19 statutes first applies to permanency plans filed on the effective date of this
20 subsection.

21 (5) PERMANENCY PLAN REVIEWS AND HEARINGS. The treatment of sections 48.38
22 (5) (a), (b), and (c) 6. (intro.), am., cg., and d. and 7. and (5m) and 938.38 (5) (a), (b),
23 and (c) 6. (intro.), am., cg., and d. and 7. and (5m) of the statutes first applies to
24 permanency plan reviews and hearings for which notice is provided on the effective
25 date of this subsection.

48.363 (1m)

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SECTION 186

(2m)(a)

and (b)

(1)(a), (1)(b), (1)(c), (1)(d), (1)(e), (1)(f), (1)(g), (1)(h), (1)(i), (1)(j), (1)(k), (1)(l), (1)(m), (1)(n), (1)(o), (1)(p), (1)(q), (1)(r), (1)(s), (1)(t), (1)(u), (1)(v), (1)(w), (1)(x), (1)(y), (1)(z)

(2m)(a)

(1)(a)

1 (1)(a), ~~(1)(b)~~ CHANGES IN PLACEMENT. The treatment of sections 48.357 (2) and (2r) and
 2 938.357 (2), (2r), (3), (4) (b) 2., (c) 1. and 2., and (d), and (5) (a) of the statutes, the
 3 renumbering and amendment of sections 48.357 (1) ~~(1)(b)~~ and (2v) and 938.357 (1)
 4 (2m) and (2v) of the statutes, and the creation of sections 48.357 (1) (b) 3., and (c),
 5 (2m) (c), and (2v) (a) (intro.), 1., and 3., (b), and (c) and 938.357 (1) ~~(1)(b)~~ 3. and (c), (2m)
 6 (c), and (2v) (a) (intro.), 1., and 3., (b), and (c) of the statutes first apply to changes
 7 in placement requested or proposed on the effective date of this subsection. ~~(1)(b)~~ (2) (3)

8 ~~(1)(b)~~ (1)(w) TIME LIMITS. The treatment of sections 48.315 (2m) and 938.315 (2m) of the
 9 statutes first applies to continuances and extensions granted, and periods of delay
 10 that begin, on the effective date of this subsection.

11 ~~(1)(b)~~ (1)(w) JUVENILE COURT PETITIONS. The treatment of sections 48.255 (1) (f), (1m) (f),
 12 and (2) and 938.255 (1) (f) and (2) of the statutes first applies to petitions filed with
 13 the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes
 14 on the effective date of this subsection.

15 (END)

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was affected by 2001 Wisconsin Act ... (this act),

(d) 1. An insurer shall provide the information requested under par. (b) within 180 days after receiving the department's request if it is the first time that the department has requested the insurer to disclose information under this subsection.

2. An insurer shall provide the information requested under par. (b) within 30 days after receiving the department's request if the department has previously requested the insurer to disclose information under this subsection.

3. If an insurer fails to comply with subd. 1. or 2., the department may notify the commissioner of insurance, and the commissioner of insurance may initiate enforcement proceedings against the insurer under s. 601.41 (4) (a).

SECTION 101. 47.03 (3) (d) of the statutes is amended to read:

47.03 (3) (d) Any person who violates this subsection shall be fined not more than \$1,000 ~~\$10,000~~ or imprisoned for not more than 2 years 9 months or both.

SECTION 102. 48.355 (2d) (b) 3. of the statutes is amended to read:

48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child of the parent.

SECTION 103. 48.415 (9m) (b) 2. of the statutes is amended to read:

48.415 (9m) (b) 2. The commission of a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other

as evidenced by a final judgment of conviction, (plan)

1024-gd

1 ~~10.~~ Page 32, line 14: delete "Any written or oral statement".

2 ~~11.~~ Page 32 line 15: delete that line and substitute "A foster parent,".

3 ~~12.~~ Page 33 line 9: after that line insert:

4 SECTION 46m. 48.363 (1m) of the statutes is amended to read:

5 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present
6 evidence relevant to the issue of revision of the dispositional order. In addition, the
7 court shall give a foster parent, treatment foster parent, or other physical custodian
8 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by
9 permitting the foster parent, treatment foster parent, or other physical custodian to
10 make a written or oral statement during the hearing, or to submit a written
11 statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral
12 statement made under this subsection shall be made under oath or affirmation.~~ A
13 foster parent, treatment foster parent, or other physical custodian described in s.
14 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be
15 heard under this subsection does not become a party to the proceeding on which the
16 hearing is held solely on the basis of receiving that notice and opportunity to be
17 heard."

6
Insert
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33-9
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18 ~~13.~~ Page 36, line 22: delete lines 22 and 23 and substitute "relevant to the
19 issue of extension. ~~Any written or oral statement made under this paragraph shall
20 be made under oath or affirmation.~~ A foster parent, treatment foster".

21 ~~14.~~ Page 44, line 6: delete lines 6 to 8 and substitute "before the review".

22 ~~15.~~ Page 44, line 9: delete "affirmation.".

Inserts 37-21
+ 87-16

SENATE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 809

(Handwritten signature)

March 12, 2002 - Offered by Senators MOORE, ROBSON, PLACHE and WELCH.

(plan)
residential care center for children and youth

as affected by 2001 Wisconsin Act 59

1 At the locations indicated, amend the bill as follows:

2 ~~1. Page 37, line 14: delete lines 14 to 20 and substitute:~~

3 "SECTION 56d. 48.38 (2) (intro.) of the statutes is amended to read:

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

12 ~~2. Page 87, line 9: delete lines 9 to 16 and substitute:~~

13 "SECTION 159d. 938.38 (2) (intro.) of the statutes is amended to read:

Insert 87-16

Insert 37-24

PROV w/FOLIO

Insert 38-3

as created by 2001 Wisconsin Act 69, is amended

102 jr

SECTION 16. 48.38 (2) (g) of the statutes ~~is created~~ to read:

48.38 (2) (g) The child's parent is placed in a foster home, treatment foster home, group home, ~~child-caring institution~~, secure detention facility, or shelter care facility and the child is residing with that parent.

residential care center for children
and youth

(end of insert)

is affected by 2001 Wisconsin Act ... (this act),

state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 if committed in this state.

SECTION 104. 48.417 (1) (d) of the statutes is amended to read:

48.417 (1) (d) A court of competent jurisdiction has found that the parent has committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child of the parent.

SECTION 110. 48.57 (3p) (g) 2. of the statutes is amended to read:

48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified in s. 939.64, 1999 stats., or s. 939.641, 1999 stats., or s. 939.62, 939.621, 939.63, 939.64, 939.641 or 939.645 or has been convicted of a violation of the law of any other state or federal law under circumstances under which the person would be subject to a penalty specified in any of those sections if convicted in this state.

SECTION 111. 48.685 (1) (c) of the statutes is amended to read:

48.685 (1) (c) "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or

1046
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Insert 49-9

Page 35, line 4: after "statutes" insert
" as affected by 2001 Wisconsin Act ... (this act), "

Page 35, line 12: after "parent,"
insert

2001 - 2002 Legislature
ASSEMBLY BILL 809

LRB 4375/2
GMM:kgjf
SECTION 84

1 federal law, if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225
2 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state,
3 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or
4 in substantial bodily harm, as defined in s. 939.22 (39), to the child or another child
5 of the parent. If the circumstances specified in this paragraph apply, the petition
6 shall be filed or joined in within 60 days after the date on which the court assigned
7 to exercise jurisdiction under this chapter determines, based on a finding that a
8 circumstance specified in this paragraph applies, that reasonable efforts to make it
9 possible for the child to return safely to his or her home are not required.

Insert
49-9

plain

Page 35, line 12: after that line insert:
(best insert)

Enset 51-25

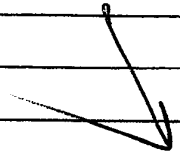
SEC 110r AM ; 48.63 (5)(b), as created by 2001 Wisconsin

Act 69,

48.63 (5)(b)

180 days from the date on which the child was removed from the home under the voluntary agreement

(b) If a child who is at least 14 years of age, who is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother, and who is in need of a safe and structured living arrangement and the parent or guardian of the child consent, a child welfare agency licensed to place children in group homes may place the child or arrange the placement of the child in a group home described in s. 48.625 (1m). Before placing a child or arranging the placement of a child under this paragraph, the child welfare agency shall report any suspected abuse or neglect of the child as required under s. 48.981 (2). A voluntary agreement to place a child in a group home described in s. 48.625 (1m) may be made only under this paragraph, shall be in writing, and shall specifically state that the agreement may be terminated at any time by the parent, guardian, or child. An initial placement under this paragraph may not exceed ~~6 months~~, but may be extended as provided in par. (d) 3. to 6. An initial placement under this paragraph of a child who is under 16 years of age on the date of the initial placement may be extended as provided in par. (d) 3. to 6. no more than once.



Insert 51-25

SEC 110s. AM: 48.63 (5)(c), as created by
2001 Wisconsin Act 69,

date on which the child was removed from ^{his or her} ~~the~~ home

under the voluntary agreement

48.63 (5)

(c) A permanency plan under s. 48.38 is required for each child placed in a group home under par. (b) and for any child of that child who is residing with that child. The agency that placed the child or that arranged the placement of the child shall prepare the plan within 60 days after the placement and shall provide a copy of the plan to the child and the child's parent or guardian. " ✓

(edit out)

was affected by 2001 Wisconsin Act ... (this act),

1 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),
2 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
3 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
4 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

5 SECTION 112. 48.685 (5) (bm) 2. of the statutes is amended to read:

6 48.685 (5) (bm) 2. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), (3),
7 (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

8 SECTION 113. 48.685 (5) (bm) 3. of the statutes is amended to read:

9 48.685 (5) (bm) 3. A violation of s. 943.23 (1m) or (1r), 1999 stats., or of s. 940.01
10 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31,
11 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), (1m) or (1r) or 943.32 (2) (f), (a), (d)
or (3m), (plan)

12 SECTION 114. 48.685 (5) (bm) 4. of the statutes is amended to read:

13 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), (3),
14 (4), (5) or (6), 940.20, 940.203, 940.205 or 940.207, or an offense under ch. 961 that
15 is a felony, if committed not more than 5 years before the date of the investigation
16 under sub. (2) (am).
17 or 940.025, a violation of s. 346.62 (1), (2), (5), or (6) that is a felony under s. 346.65 (2)(e) or

18 SECTION 115. 49.141 (7) (a) of the statutes is amended to read:

19 49.141 (7) (a) A person who is convicted of violating sub. (6) in connection with
20 the furnishing by that person of items or services for which payment is or may be
21 made under Wisconsin works may be fined not more than \$25,000 or imprisoned for
22 not more than 7 years and 6 months or both is guilty of a Class H felony.

23 SECTION 116. 49.141 (7) (b) of the statutes is amended to read:

24 49.141 (7) (b) A person, other than a person under par. (a), who is convicted of
25 violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than
2 years 9 months or both. (plan)

125.075 (1), 125.085 (3)(a) 2., 125.105 (2)(b),
125.66 (3), 125.68 (12), 940.09

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- 20. Page 47, line 19: after ~~“placement or”~~ insert “the first 6 months of any period during which”.
- 21. Page 47, line 20: delete “of 6 months or less”.
- 22. Page 53, line 20: delete lines 20 to 22 and substitute “shall be granted a rehearing upon request for good cause shown.”
- 23. Page 54, line 4: delete lines 4 to 13.
- 24. Page 54, line 20: delete lines 20 to 25.
- 25. Page 55, line 1: delete lines 1 to 5.
- 26. Page 55, line 9: delete “and, unless” and substitute “. Unless”.
- 27. Page 55, line 11: after “applies,” insert “the order shall in addition include”.
- 28. Page 55, line 14: after “concerns, and” insert “a finding as to whether the person who took the juvenile into custody and the intake worker have made reasonable efforts”.
- 29. Page 55, line 16: delete “those findings,” and substitute “a finding as to whether those reasonable efforts were made to prevent the removal of the juvenile from the home, a finding as to whether those reasonable efforts were made to make it possible for the juvenile to return safely home and”.
- 30. Page 55, line 19: delete “those findings” and substitute “a finding as to whether those reasonable efforts were made to prevent the removal of the juvenile from the home”.
- 31. Page 59, line 4: after that line insert:

SECTION 107n. 938.315 (3) of the statutes is amended to read:

Insert
59-4

529n

Insert 59.4

1 938.315 (3) Failure to comply with any time limit specified in this chapter does
2 not deprive the court of personal or subject matter jurisdiction or of competency to
3 exercise that jurisdiction. Failure to object to a period of delay or a continuance
4 waives the time limit that is the subject of the period of delay or continuance. If a
5 party does not comply with a time limit specified in this chapter, the court, while
6 assuring the safety of the juvenile, may grant a continuance under sub. (2), dismiss
7 the petition with or without prejudice, release the juvenile from secure or nonsecure
8 custody or from the terms of a custody order, or grant any other relief that the court
9 considers appropriate.”

10 ~~32.~~ Page 63, line 14: after “(d)” insert “or (4d)”.

11 ~~33.~~ Page 83, line 6: after “earlier” insert “except that in the case of a juvenile
12 who on removal from his or her home was first placed in a secure detention facility,
13 a secured correctional facility, a secured child caring institution, or a secured group
14 home for 60 days or more and then moved to a nonsecured out-of-home placement,
15 the juvenile is considered to have been placed outside of his or her home on the date
16 on which the juvenile was moved to the nonsecured out-of-home placement”.

Insert
83-6

17 ~~34.~~ Page 83, line 21: after “placement or” insert “the first 6 months of any
18 period during which”.

19 ~~35.~~ Page 83, line 22: delete “of 6 months or less”.

20 ~~36.~~ Page 91, line 6: delete that line and substitute “plan. If a goal of the
21 permanency”.

22 ~~37.~~ Page 91, line 11: delete “determine the” and substitute “determine”.

as affected by 2001 Wisconsin Act ... (this act),

~~940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, (1), or 948.30 (2), 948.35 (1) (b) or 948.36 or the juvenile is 10 years of age or over and has been adjudicated delinquent for attempting or committing a violation of s. 940.01 or for committing a violation of 940.02 or 940.05.~~

SECTION 531. 938.34 (4m) (b) 1. of the statutes is amended to read:

~~938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), (1m) or (1r), 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.~~

(Plan)

as evidenced by a final judgment of conviction,

532b ✓

SECTION 532. 938.355 (2d) (b) 3. of the statutes is amended to read:

~~938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3), 1999 stats., or s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the juvenile or another child of the parent.~~

SECTION 533. 938.355 (4) (b) of the statutes is amended to read:

~~938.355 (4) (b) An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile has been adjudicated delinquent is subject to par. (a), except that the judge may make an order under s. 938.34 (4d) or (4m) apply for up to 2 years or until the juvenile's 18th birthdate, whichever is earlier and the judge shall make an order under s. 938.34 (4h) apply for 5 years, if the juvenile is adjudicated delinquent for committing a violation~~

(end of insert)

SECTION 530

Insert 69 - 23

Except as provided in s. 938.368

1 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m)
2 or (1r), 943.32 (2), 948.02 (1), 948.025, (1), or 948.30 (2), 948.35 (1) (b) or 948.36 or
3 the juvenile is 10 years of age or over and has been adjudicated delinquent for
4 attempting or committing a violation of s. 940.01 or for committing a violation of
5 940.02 or 940.05.

6 SECTION 531. 938.34 (4m) (b) 1. of the statutes is amended to read:

7 938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be
8 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
9 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), (1m) or (1r), 943.32 (2), 947.013 (1t), (1v)
10 or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

11 SECTION 532. 938.355 (2d) (b) 3. of the statutes is amended to read:

12 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
13 1999 stats., or s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025
14 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law,
15 if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2),
16 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state, and that
17 the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in
18 substantial bodily harm, as defined in s. 939.22 (38), to the juvenile or another child
19 of the parent.

plain
made before the juvenile reaches
18 years of age may

was affected by 2001 Wisconsin Act 100 (this act)

20 SECTION 533. 938.355 (4) (b) of the statutes is amended to read:

21 938.355 (4) (b) ~~An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile~~
22 ~~has been adjudicated delinquent is subject to par. (a), except that the judge may make~~
23 ~~an order under s. 938.34 (4d) or (4m) apply for up to 2 years or until the juvenile's 18th~~
24 ~~birthdate, whichever is earlier and the judge shall make an order under s. 938.34 (4h)~~
25 ~~apply for 5 years, if the juvenile is adjudicated delinquent for committing a violation~~

(plain) unless the court specifies a shorter period of time or the court terminates the order sooner. Except as provided in s. 938.368,

made before the juvenile reaches 18 years of age shall

Insert 69-23
227

1 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C
2 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the
3 juvenile is adjudicated delinquent for committing an act that would be punishable
4 as a Class A felony if committed by an adult.

5 ~~SECTION 534. 938.78 (3) of the statutes is amended to read:~~

6 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1998 stats., or s.
7 938.12 or found to be in need of protection or services under s. 48.13 (12), 1998 stats.,
8 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
9 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235,
10 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325,
11 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02,
12 948.025, 948.03, 948.05, 948.055, 948.60, 948.605 or 948.61 or any crime specified in
13 ch. 940 has escaped from a secured correctional facility, child caring institution,
14 secured group home, inpatient facility, as defined in s. 51.01 (10), secure detention
15 facility or juvenile portion of a county jail, or from the custody of a peace officer or
16 a guard of such a facility, institution or jail, or has been allowed to leave a secured
17 correctional facility, child caring institution, secured group home, inpatient facility,
18 secure detention facility or juvenile portion of a county jail for a specified time period
19 and is absent from the facility, institution, home or jail for more than 12 hours after
20 the expiration of the specified period, the department or county department having
21 supervision over the juvenile may release the juvenile's name and any information
22 about the juvenile that is necessary for the protection of the public or to secure the
23 juvenile's return to the facility, institution, home or jail. The department of
24 corrections shall promulgate rules establishing guidelines for the release of the
25 juvenile's name or information about the juvenile to the public.

See insert

- 69 -
Insert 69-23

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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 juvenile reaches 19 years of age, whichever is later, unless the court specifies a shorter period of time or the court terminates the order sooner.

5320

SECTION 127. 938.355 (4) (b) of the statutes is amended to read:

938.355 (4) (b) An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile has been adjudicated delinquent is subject to par. (a), except that the judge may make Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before the juvenile reaches 18 years of age may apply for up to 2 years after its entry or until the juvenile's 18th birthdate, whichever is earlier and the judge shall make, unless the court specifies a shorter period of time or the court terminates the order sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class B felony if committed by an adult, or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class A felony if committed by an adult. Except as provided in s.

938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile reaches 17 years of age shall terminate at the end of one year after its entry unless the court specifies a shorter period of time or the court terminates the order sooner. No extension under s. 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age or older when the original dispositional order terminates.

SECTION 128. 938.355 (6) (a) of the statutes is amended to read:

Ced. of Ment

Plain text

Insert 69-23

91m

Insert
79-21 ✓

as affected by 2001 Wisconsin Act 103

Section #. 938.357 (4) (b) 1. of the statutes is amended to read:

533 ce

938.357 (4) (b) 1. If a juvenile whom the department has placed in a Type 2 secured correctional facility operated by a child welfare agency violates a condition of his or her placement in the Type 2 secured correctional facility, the child welfare agency operating the Type 2 secured correctional facility shall notify the department and the department, after consulting with the child welfare agency, may place the juvenile in a Type 1 secured correctional facility under the supervision of the department without a hearing under sub. (1).

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16.

~~(b)~~ (am) 2 ✓

(Ed. insert)

- 1 ~~16.~~ Page 46, line 2: delete lines 2 to 5 and substitute "of the hearing or by
- 2 participating at the hearing. A foster parent, treatment foster parent,".
- 3 ~~17.~~ Page 49, line 20: delete lines 20 to 25.
- 4 ~~18.~~ Page 50, line 1: delete lines 1 to 19.
- 5 ~~19.~~ Page 57, line 6: delete "Any written or oral statement".
- 6 ~~20.~~ Page 57, line 7: delete that line and substitute "A foster parent,".
- 7 ~~21.~~ Page 57, line 24: delete that line.
- 8 ~~22.~~ Page 58, line 1: delete lines 1 to 11.
- 9 ~~23.~~ Page 61, line 4: delete "Any written or oral statement".
- 10 ~~24.~~ Page 61, line 5: delete that line and substitute "A foster parent,".
- 11 ~~25.~~ Page 68, line 2: delete "Any written or oral statement".
- 12 ~~26.~~ Page 68, line 3: delete that line and substitute "A foster parent,".
- 13 ~~27.~~ Page 76, line 12: delete "Any written or oral" and substitute "Any written
- 14 or oral".
- 15 ~~28.~~ Page 76, line 13: delete that line and substitute "statement made under
- 16 this subsection shall be made under oath or affirmation. A".
- 17 ~~29.~~ Page 79, line 4: delete "Any written or oral statement".
- 18 ~~30.~~ Page 79, line 5: delete that line and substitute "A foster parent,".
- 19 ~~31.~~ Page 82, line 25: after that line insert:

"SECTION ~~938.363~~ 938.363 (1m) of the statutes is amended to read:

533cr

938.363 (1m) If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the

Insert
22
82-25

Insert
82-25

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

12 ~~32. Page 86, line 15: delete lines 15 and 16 and substitute "relevant to the~~
 13 ~~issue of extension. Any written or oral statement made under this paragraph shall~~
 14 ~~be made under oath or affirmation. A foster parent, treatment foster".~~

15 ~~33. Page 93, line 25: delete that line and substitute "the review."~~

16 ~~34. Page 94, line 1: delete lines 1 and 2.~~

17 ~~35. Page 94, line 3: delete "affirmation."~~

18 ~~36. Page 95, line 20: delete lines 20 to 23 and substitute "of the hearing or by~~
 19 ~~participating at the hearing. A foster parent, treatment foster".~~

20 ~~37. Page 99, line 12: delete that line and substitute "(am) and (e), 48.335 (2g),~~
 21 ~~48.363 (1m), 938.21 (1)"~~

Correct

~~Insert 59-4~~

~~Insert 83-6~~

1 938.315 (3) Failure to comply with any time limit specified in this chapter does
 2 not deprive the court of personal or subject matter jurisdiction or of competency to
 3 exercise that jurisdiction. Failure to object to a period of delay or a continuance
 4 waives the time limit that is the subject of the period of delay or continuance. If a
 5 party does not comply with a time limit specified in this chapter, the court, while
 6 assuring the safety of the juvenile, may grant a continuance under sub. (2), dismiss
 7 the petition with or without prejudice, release the juvenile from secure or nonsecure
 8 custody or from the terms of a custody order, or grant any other relief that the court
 9 considers appropriate."

10 ~~32.~~ Page 63, line 14: after "(d)" insert "or (4d)".

11 ~~33.~~ Page 83, line 6: after "earlier" insert "except that in the case of a juvenile
 12 who on removal from his or her home was first placed in a secure detention facility,
 13 a secured correctional facility, a secured child caring institution, or a secured group
 14 home for 60 days or more and then moved to a nonsecured out-of-home placement,
 15 the juvenile is considered to have been placed outside of his or her home on the date
 16 on which the juvenile was moved to the nonsecured out-of-home placement)."

~~Insert
83-6~~

17 ~~34.~~ Page 83, line 21: after "placement or" insert "the first 6 months of any
 18 period during which".

19 ~~35.~~ Page 83, line 22: delete "of 6 months or less".

20 ~~36.~~ Page 91, line 6: delete that line and substitute "plan. If a goal of the
 21 permanency".

22 ~~37.~~ Page 91, line 11: delete "determine the" and substitute "determine".

(cedstmr)

Inserts *BMT*
+ 87-16

SENATE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 809

March 12, 2002 - Offered by Senators MOORE, ROBSON, PLACHE and WELCH

(plain)
residential care
center for children
and youth

(use twice)
, as affected by Wisconsin
Act 59,

At the locations indicated, amend the bill as follows:

1. Page 37, line 14: delete lines 14 to 20 and substitute:

"SECTION 56d. 48.38 (2) (intro.) of the statutes is amended to read:

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

2. Page 87, line 9: delete lines 9 to 16 and substitute:

"SECTION ~~938~~ 938.38 (2) (intro.) of the statutes is amended to read:

Insert
37-20

Insert
87-16

533dj

u

(p/1)

Insert 87-16

residential care center for children and youth

Page 10 / FOLIO

1
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938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
for each juvenile living in a foster home, treatment foster home, group home, ~~and~~
~~care institution~~, secure detention facility, or shelter care facility, the agency that
placed the juvenile or arranged the placement or the agency assigned primary
responsibility for providing services to the juvenile under s. 938.355 shall prepare
a written permanency plan, if any of the following conditions exists, and, for each
juvenile living in the home of a relative other than a parent, that agency shall
prepare a written permanency plan, if any of the conditions specified in pars. (a) to
(e) exists:

10

(END)

(Contract)

Insert 100-14

938.355

Page 440, line 2: delete "938.355 ~~(2d)~~(b) 3.,
938.355 (4)(b)" and substitute "938.355 (2d)(b) 3.
(by SECTION 532b), 938.355 (4)(b) (by SECTION
533b),".

Page 450, line 1: after "48.355 (2d)(b) 3."
insert "(by SECTION 102b)".

Page 450, line 2: after "48.417 (1)(2)" insert
"(by SECTION 104b)".

Page 450, line 4: after "48.685 (5)(bm) 4."
insert "(by SECTION 114b)".

Page 451, line 4: after delete "938.355 (2d)(b) 3.,
938.355 (4)(b)", and substitute "938.355 (2d)(b)
3. (by SECTION 532b), 938.355 (4)(b) (by SECTION
533b),". (edit insert)

DNOTE

GMM:Kmg:

Yvonne:

As I mentioned to you last week, because we are confident that the Conference Committee will adopt the Assembly position on AB-809, I went ahead and drafted AB-809, as affected by Assembly Amendments 1 and 2 and Senate Amendment 1, as a Conference Committee amendment. Due to intervening legislative action since the senate concurred in AB-809, this amendment varies from the senate version of AB-809 as follows:

1. The amendment uses the term "circuit court commissioner" instead of "juvenile court commissioner" to reflect the changes made by 2001 Wisconsin Act 61.

(2.)

2. The amendment uses the term "residential care center for children and youth"

and 2001 Wisconsin Act 103 which already breaks up s2
STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU - LEGAL SECTION

(608-266-3561)
49.357 (1) and (2m) and 498.357 (1) and (2m) into
smaller units.

instead of "child caring institution" to reflect

the changes made by 2001 Wisconsin Act 59.

3. The amendment includes certain additional
changes to reflect the enactment of 2001 Wisconsin
Act 69 relating to ~~second~~ 2nd-chance homes.

In addition, the amendment double drafts
certain provisions of ASA A to Special Session AB-1
relating to youth-in-sentencing to reflect the changes
made by AB-809.

Finally, due to the passage of time, the July,
September, and November ~~dates~~ deadlines for the
preparation of permanency plans for currently children placed
with relatives are probably no longer realistic.

Accordingly, this ~~date~~ amendment sets back those
deadlines to September, November, and January.

GMM

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb3034/1dn
GMM:kmg:jf

May 24, 2002

Yvonne:

As I mentioned to you last week, because we are confident that the Conference Committee will adopt the Assembly position on AB-809, I went ahead and drafted AB-809, as affected by Assembly Amendments 1 and 2 and Senate Amendment 1, as a Conference Committee amendment. Due to intervening legislative action since the senate concurred in AB-809, this amendment varies from the senate version of AB-809 as follows:

1. The amendment uses the term "circuit court commissioner" instead of "juvenile court commissioner" to reflect the changes made by 2001 Wisconsin Act 61.
2. The amendment the term "residential care center for children and youth" instead of "child caring institution" to reflect the changes made by 2001 Wisconsin Act 59.
3. The amendment includes certain additional changes to reflect the enactment of 2001 Wisconsin Act 69 relating to 2nd-chance homes and 2001 Wisconsin Act 103 which already breaks up ss. 49.357 (1) and (2m) and 938.357 (1) and (2m) into smaller units.

In addition, the amendment double drafts certain provisions of ASA1 to Special Session AB-1 relating to truth-in-sentencing to reflect the changes made by AB-809.

Finally, due to the passage of time, the July, September, and November deadlines for the preparation of permanency plans for children currently placed with relatives are probably no longer realistic. Accordingly, this amendment sets back those deadlines to September, November, and January.

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