



State of Wisconsin  
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb3034/1  
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LFB:.....Arsenault – Out-of-Home Placements of Children

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 1**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 34, line 13: delete lines 13 to 21 and substitute:

3 **“SECTION 101b.** 48.21 (1) (a) of the statutes, as affected by 2001 Wisconsin Act  
4 61, is amended to read:

5 48.21 (1) (a) If a child who has been taken into custody is not released under  
6 s. 48.20, a hearing to determine whether the child shall continue to be held in custody  
7 under the criteria of ss. 48.205 to 48.209 shall be conducted by the judge or a circuit  
8 court commissioner within 48 hours of the time the decision to hold the child was  
9 made, excluding Saturdays, Sundays, and legal holidays. By the time of the hearing  
10 a petition under s. 48.25 shall be filed, except that no petition need be filed where a

1 child is taken into custody under s. 48.19 (1) (b) or (d) 2. or 7. or where the child is  
2 a runaway from another state, in which case a written statement of the reasons for  
3 holding a child in custody shall be substituted if the petition is not filed. If no hearing  
4 has been held within 48 hours, excluding Saturdays, Sundays, and legal holidays,  
5 or if no petition or statement has been filed at the time of the hearing, the child shall  
6 be released except as provided in par. (b). A parent not present at the hearing shall  
7 be granted a rehearing upon request for good cause shown.

8 **SECTION 101c.** 48.21 (3) (am) of the statutes is amended to read:

9 48.21 (3) (am) The parent, guardian, or legal custodian may waive his or her  
10 right to participate in the hearing under this section. Agreement in writing of the  
11 child is required if he or she is over 12. After any waiver, a hearing rehearing shall  
12 be granted at the request of any the parent, guardian, legal custodian, or any other  
13 interested party for good cause shown.

14 **SECTION 101d.** 48.21 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin Act  
15 16, is repealed and recreated to read:

16 48.21 (5) (b) 1. A finding that continued placement of the child in his or her  
17 home would be contrary to the welfare of the child. Unless the judge or circuit court  
18 commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to  
19 5. applies, the order shall in addition include a finding as to whether the person who  
20 took the child into custody and the intake worker have made reasonable efforts to  
21 prevent the removal of the child from the home, while assuring that the child's health  
22 and safety are the paramount concerns, and a finding as to whether the person who  
23 took the child into custody and the intake worker have made reasonable efforts to  
24 make it possible for the child to return safely home or, if for good cause shown  
25 sufficient information is not available for the judge or circuit court commissioner to

1 make a finding as to whether those reasonable efforts were made to prevent the  
2 removal of the child from the home, a finding as to whether those reasonable efforts  
3 were made to make it possible for the child to return safely home and an order for  
4 the county department, department, in a county having a population of 500,000 or  
5 more, or agency primarily responsible for providing services to the child under the  
6 custody order to file with the court sufficient information for the judge or circuit court  
7 commissioner to make a finding as to whether those reasonable efforts were made  
8 to prevent the removal of the child from the home by no later than 5 days after the  
9 date of the order.

10 **SECTION 101e.** 48.21 (5) (b) 3. of the statutes is created to read:

11 48.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the  
12 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
13 a determination that the county department, department, in a county having a  
14 population of 500,000 or more, or agency primarily responsible for providing services  
15 under the custody order is not required to make reasonable efforts with respect to the  
16 parent to make it possible for the child to return safely to his or her home.

17 **SECTION 101f.** 48.21 (5) (c) of the statutes is created to read:

18 48.21 (5) (c) The judge or circuit court commissioner shall make the findings  
19 specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific  
20 to the child and shall document or reference the specific information on which those  
21 findings are based in the custody order. A custody order that merely references par.  
22 (b) 1. or 3. without documenting or referencing that specific information in the  
23 custody order or an amended custody order that retroactively corrects an earlier  
24 custody order that does not comply with this paragraph is not sufficient to comply  
25 with this paragraph.

1           **SECTION 101g.** 48.21 (5) (d) of the statutes is created to read:

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

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

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

24          **SECTION 101h.** 48.255 (1) (f) of the statutes is created to read:

1           48.255 (1) (f) If the child is being held in custody outside of his or her home,  
2 reliable and credible information showing that continued placement of the child in  
3 his or her home would be contrary to the welfare of the child and, unless any of the  
4 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, reliable and credible  
5 information showing that the person who took the child into custody and the intake  
6 worker have made reasonable efforts to prevent the removal of the child from the  
7 home, while assuring that the child's health and safety are the paramount concerns,  
8 and to make it possible for the child to return safely home.

9           **SECTION 101i.** 48.255 (1m) (f) of the statutes is created to read:

10           48.255 (1m) (f) If the expectant mother is a child and the child expectant  
11 mother is being held in custody outside of her home, reliable and credible information  
12 showing that continued placement of the child expectant mother in her home would  
13 be contrary to the welfare of the child expectant mother and, unless any of the  
14 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, reliable and credible  
15 information showing that the person who took the child expectant mother into  
16 custody and the intake worker have made reasonable efforts to prevent the removal  
17 of the child expectant mother from the home, while assuring that the child expectant  
18 mother's health and safety are the paramount concerns, and to make it possible for  
19 the child expectant mother to return safely home.

20           **SECTION 101j.** 48.255 (2) of the statutes is amended to read:

21           48.255 (2) If any of the facts required under sub. (1) (a) to (cm) and (f) or (1m)  
22 (a) to (d) and (f) are not known or cannot be ascertained by the petitioner, the petition  
23 shall so state.

24           **SECTION 101k.** 48.315 (2m) of the statutes is created to read:

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

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

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

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

24           **SECTION 101L.** 48.32 (1) of the statutes, as affected by 2001 Wisconsin Act 61,  
25 is renumbered 48.32 (1) (a).

1           **SECTION 101m.** 48.32 (1) (b) of the statutes is created to read:

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

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

1           3. The judge or circuit court commissioner shall make the findings specified in  
2       subds. 1. and 2. on a case-by-case basis based on circumstances specific to the child  
3       and shall document or reference the specific information on which those findings are  
4       based in the consent decree. A consent decree that merely references subd. 1. or 2.  
5       without documenting or referencing that specific information in the consent decree  
6       or an amended consent decree that retroactively corrects an earlier consent decree  
7       that does not comply with this subdivision is not sufficient to comply with this  
8       subdivision.

9           **SECTION 101n.** 48.32 (1) (c) of the statutes is created to read:

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

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

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



1 statement during the hearing, or to submit a written statement prior to the hearing,  
2 relevant to the issues to be determined at the hearing. A foster parent, treatment  
3 foster parent, or other physical custodian who receives a notice of a hearing under  
4 subd. 2. and an opportunity to be heard under this subdivision does not become a  
5 party to the proceeding on which the hearing is held solely on the basis of receiving  
6 that notice and opportunity to be heard.

7 **SECTION 101p.** 48.33 (4) (intro.) of the statutes, as affected by 2001 Wisconsin  
8 Act 59, is amended to read:

9 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
10 placement of an adult expectant mother outside of her home shall be in writing. A  
11 report recommending placement of a child in a foster home, treatment foster home,  
12 group home, or residential care center for children and youth or in the home of a  
13 relative other than a parent shall be in writing and shall include all of the following:

14 **SECTION 101q.** 48.33 (4) (c) of the statutes is created to read:

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

1           **SECTION 101r.** 48.335 (3g) of the statutes is created to read:

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

17           **SECTION 101s.** 48.355 (2) (b) 6. of the statutes is amended to read:

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

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

13 **SECTION 101t.** 48.355 (2) (b) 6r. of the statutes is created to read:

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

20 **SECTION 101u.** 48.355 (2b) of the statutes is amended to read:

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

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

6 **SECTION 101v.** 48.355 (2c) (b) of the statutes is amended to read:

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

16 **SECTION 101w.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

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

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

4 **SECTION 101x.** 48.355 (2d) (b) 1. of the statutes is amended to read:

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

7 **SECTION 101y.** 48.355 (2d) (b) 2. of the statutes is amended to read:

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

14 **SECTION 101z.** 48.355 (2d) (b) 3. of the statutes is amended to read:

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

23 **SECTION 102b.** 48.355 (2d) (b) 3. of the statutes, as affected by 2001 Wisconsin

24 Act .... (this act), is amended to read:

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

9           **SECTION 102bd.** 48.355 (2d) (b) 4. of the statutes is amended to read:

10           48.355 (2d) (b) 4. That the parental rights of the parent to another child have  
11 been involuntarily terminated, as evidenced by a final order of a court of competent  
12 jurisdiction terminating those parental rights.

13           **SECTION 102bg.** 48.355 (2d) (b) 5. of the statutes, as created by 2001 Wisconsin  
14 Act 2, is amended to read:

15           48.355 (2d) (b) 5. That the parent has been found under s. 48.13 (2m) to have  
16 relinquished custody of the child under s. 48.195 (1) when the child was 72 hours old  
17 or younger, as evidenced by a final order of a court of competent jurisdiction making  
18 that finding.

19           **SECTION 102bm.** 48.355 (2d) (bm) of the statutes is created to read:

20           48.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 5. on  
21 a case-by-case basis based on circumstances specific to the child and shall document  
22 or reference the specific information on which that finding is based in the  
23 dispositional order. A dispositional order that merely references par. (b) 1. to 5.  
24 without documenting or referencing that specific information in the dispositional  
25 order or an amended dispositional order that retroactively corrects an earlier

1 dispositional order that does not comply with this paragraph is not sufficient to  
2 comply with this paragraph.

3 **SECTION 102br.** 48.355 (2d) (c) of the statutes, as affected by 2001 Wisconsin  
4 Act 2, is renumbered 48.355 (2d) (c) 1. and amended to read:

5 48.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the  
6 circumstances specified in par. (b) 1., ~~2., 3., 4., or 5.~~ to 5. applies with respect to a  
7 parent, the court shall hold a hearing within 30 days after the date of that finding  
8 to determine the permanency plan for the child. If a hearing is held under this  
9 paragraph subdivision, the agency responsible for preparing the permanency plan  
10 shall file the permanency plan with the court not less than 5 days before the date of  
11 the hearing.

12 **SECTION 102c.** 48.355 (2d) (c) 2. and 3. of the statutes are created to read:

13 48.355 (2d) (c) 2. If a hearing is held under subd. 1., at least 10 days before the  
14 date of the hearing the court shall notify the child, any parent, guardian, and legal  
15 custodian of the child, and any foster parent, treatment foster parent, or other  
16 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose  
17 of the hearing.

18 3. The court shall give a foster parent, treatment foster parent, or other  
19 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
20 2. an opportunity to be heard at the hearing by permitting the foster parent,  
21 treatment foster parent, or other physical custodian to make a written or oral  
22 statement during the hearing, or to submit a written statement prior to the hearing,  
23 relevant to the issues to be determined at the hearing. A foster parent, treatment  
24 foster parent, or other physical custodian who receives a notice of a hearing under  
25 subd. 2. and an opportunity to be heard under this subdivision does not become a

1 party to the proceeding on which the hearing is held solely on the basis of receiving  
2 that notice and opportunity to be heard.

3 **SECTION 102cg.** 48.355 (4) of the statutes is amended to read:

4 48.355 (4) TERMINATION OF ORDERS. Except as provided under s. 48.368, all  
5 orders an order under this section shall terminate at the end of one year unless the  
6 judge specifies a shorter period of time. ~~Except if s. 48.368 applies, extensions or~~  
7 revisions or s. 48.357 or 48.365 made before the child reaches 18 years of age that  
8 places or continues the placement of the child in his or her home shall terminate at  
9 the end of one year after its entry unless the judge specifies a shorter period of time.  
10 Any order made before the child reaches the age of majority or or the judge  
11 terminates the order sooner. Except as provided under s. 48.368, an order under this  
12 section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places  
13 or continues the placement of the child in a foster home, treatment foster home,  
14 group home, or residential care center for children and youth or in the home of a  
15 relative other than a parent shall terminate when the child reaches 18 years of age,  
16 at the end of one year after its entry, or, if the child is a full-time student at a  
17 secondary school or its vocational or technical equivalent and is reasonably expected  
18 to complete the program before reaching 19 years of age, when the child reaches 19  
19 years of age, whichever is later, unless the judge specifies a shorter period of time or  
20 the judge terminates the order sooner. An order under this section or s. 48.357 or  
21 48.365 relating to an unborn child in need of protection or services that is made  
22 before the unborn child is born shall be effective for a time up to terminate at the end  
23 of one year after its entry unless the judge specifies a shorter period of time or the  
24 judge terminates the order sooner.



1           **SECTION 102cr.** 48.357 (1) (a) of the statutes, as affected by 2001 Wisconsin Act  
2 103, is amended to read:

3           48.357 (1) (a) The person or agency primarily responsible for implementing the  
4 dispositional order, the district attorney, or the corporation counsel may request a  
5 change in the placement of the child or expectant mother, whether or not the change  
6 requested is authorized in the dispositional order, and, as provided in par. (am) or (c),  
7 whichever is applicable.

8           (am) 1. If the proposed change in placement involves any change in placement  
9 other than a change in placement specified in par. (c), the person or agency primarily  
10 responsible for implementing the dispositional order, the district attorney, or the  
11 corporation counsel shall cause written notice of the proposed change in placement  
12 to be sent to the child, the parent, guardian, and legal custodian of the child, any  
13 foster parent, treatment foster parent, or other physical custodian described in s.  
14 48.62 (2) of the child, the child's court-appointed special advocate, and, if the child  
15 is the expectant mother of an unborn child under s. 48.133, the unborn child by the  
16 unborn child's guardian ad litem. If the expectant mother is an adult, written notice  
17 shall be sent to the adult expectant mother and the unborn child by the unborn child's  
18 guardian ad litem. The notice shall contain the name and address of the new  
19 placement, the reasons for the change in placement, a statement describing why the  
20 new placement is preferable to the present placement, and a statement of how the  
21 new placement satisfies objectives of the treatment plan ordered by the court.

22           **SECTION 102ct.** 48.357 (1) (b) of the statutes, as affected by 2001 Wisconsin Act  
23 103, is renumbered 48.357 (1) (am) 2. and amended to read:

24           48.537 (1) (am) 2. Any person receiving the notice under ~~par. (a)~~ subd. 1. or  
25 notice of a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed

1 special advocate, may obtain a hearing on the matter by filing an objection with the  
2 court within 10 days after receipt of the notice. Placements may not be changed until  
3 10 days after that notice is sent to the court unless the parent, guardian, or legal  
4 custodian and the child, if 12 years of age or over, or the child expectant mother, if  
5 12 years of age or over, her parent, guardian, or legal custodian and the unborn child  
6 by the unborn child's guardian ad litem, or the adult expectant mother and the  
7 unborn child by the unborn child's guardian ad litem, sign written waivers of  
8 objection, except that ~~placement~~ changes in placement that were authorized in the  
9 dispositional order may be made immediately if notice is given as required under ~~par-~~  
10 (a) subd. 1. In addition, a hearing is not required for placement changes authorized  
11 in the dispositional order except when an objection filed by a person who received  
12 notice alleges that new information is available that affects the advisability of the  
13 court's dispositional order.

14 **SECTION 102d.** 48.357 (1) (am) 3. of the statutes is created to read:

15 48.357 (1) (am) 3. If the court changes the child's placement from a placement  
16 outside the home to another placement outside the home, the change in placement  
17 order shall contain one of the statements specified in sub. (2v) (a) 2.

18 **SECTION 102dg.** 48.357 (1) (c) of the statutes is created to read:

19 48.357 (1) (c) 1. If the proposed change in placement would change the  
20 placement of a child placed in the home to a placement outside the home, the person  
21 or agency primarily responsible for implementing the dispositional order, the district  
22 attorney, or the corporation counsel shall submit a request for the change in  
23 placement to the court. The request shall contain the name and address of the new  
24 placement, the reasons for the change in placement, a statement describing why the  
25 new placement is preferable to the present placement, and a statement of how the

1 new placement satisfies objectives of the treatment plan ordered by the court. The  
2 request shall also contain specific information showing that continued placement of  
3 the child in his or her home would be contrary to the welfare of the child and, unless  
4 any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, specific  
5 information showing that the agency primarily responsible for implementing the  
6 dispositional order has made reasonable efforts to prevent the removal of the child  
7 from the home, while assuring that the child's health and safety are the paramount  
8 concerns.

9 2. The court shall hold a hearing prior to ordering any change in placement  
10 requested under subd. 1. Not less than 3 days prior to the hearing, the court shall  
11 provide notice of the hearing, together with a copy of the request for the change in  
12 placement, to the child, the parent, guardian, and legal custodian of the child, the  
13 child's court-appointed special advocate, and all parties that are bound by the  
14 dispositional order. If all parties consent, the court may proceed immediately with  
15 the hearing.

16 3. If the court changes the child's placement from a placement in the child's  
17 home to a placement outside the child's home, the change in placement order shall  
18 contain the findings specified in sub. (2v) (a) 1., one of the statements specified in sub.  
19 (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified  
20 in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination  
21 specified in sub. (2v) (a) 3.

22 **SECTION 102dr.** 48.357 (2) of the statutes, as affected by 2001 Wisconsin Act  
23 103, is amended to read:

24 48.357 (2) If emergency conditions necessitate an immediate change in the  
25 placement of a child or expectant mother placed outside the home, the person or

1 agency primarily responsible for implementing the dispositional order may remove  
2 the child or expectant mother to a new placement, whether or not authorized by the  
3 existing dispositional order, without the prior notice provided in sub. (1) ~~(a)~~ (am) 1.  
4 The notice shall, however, be sent within 48 hours after the emergency change in  
5 placement. Any party receiving notice may demand a hearing under sub. (1) ~~(b)~~ (am)  
6 2. In emergency situations, a child may be placed in a licensed public or private  
7 shelter care facility as a transitional placement for not more than 20 days, as well  
8 as in any placement authorized under s. 48.345 (3).

9 **SECTION 102e.** 48.357 (2m) (a) of the statutes, as affected by 2001 Wisconsin  
10 Act 103, is amended to read:

11 48.357 (2m) (a) The child, the parent, guardian, or legal custodian of the child,  
12 the expectant mother, the unborn child by the unborn child's guardian ad litem, or  
13 any person or agency primarily bound by the dispositional order, other than the  
14 person or agency responsible for implementing the order, may request a change in  
15 placement under this paragraph. The request shall contain the name and address  
16 of the place of the new placement requested and shall state what new information  
17 is available that affects the advisability of the current placement. If the proposed  
18 change in placement would change the placement of a child placed in the home to a  
19 placement outside the home, the request shall also contain specific information  
20 showing that continued placement of the child in the home would be contrary to the  
21 welfare of the child and, unless any of the circumstances specified in s. 48.355 (2d)  
22 (b) 1. to 5. applies, specific information showing that the agency primarily  
23 responsible for implementing the dispositional order has made reasonable efforts to  
24 prevent the removal of the child from the home, while assuring that the child's health

1 and safety are the paramount concerns. The request shall be submitted to the court.

2 In addition, the court may propose a change in placement on its own motion.

3 **SECTION 102ec.** 48.357 (2m) (b) of the statutes, as affected by 2001 Wisconsin  
4 Act 103, is amended to read:

5 48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering  
6 any change in placement requested or proposed under par. (a) if the request states  
7 that new information is available that affects the advisability of the current  
8 placement, unless the requested or proposed change in placement involves any  
9 change in placement other than a change in placement of a child placed in the home  
10 to a placement outside the home and written waivers of objection to the proposed  
11 change in placement are signed by all persons entitled to receive notice under sub.  
12 (1) ~~(a)~~ (am) 1., other than a court-appointed special advocate, and the court  
13 approves. If a hearing is scheduled, the court shall notify the child, the parent,  
14 guardian, and legal custodian of the child, any foster parent, treatment foster parent,  
15 or other physical custodian described in s. 48.62 (2) of the child, the child's  
16 court-appointed special advocate, all parties who are bound by the dispositional  
17 order, and, if the child is the expectant mother of an unborn child under s. 48.133,  
18 the unborn child by the unborn child's guardian ad litem, or shall notify the adult  
19 expectant mother, the unborn child by the unborn child's guardian ad litem, and all  
20 parties who are bound by the dispositional order, at least 3 days prior to the hearing.  
21 A copy of the request or proposal for the change in placement shall be attached to the  
22 notice. If all of the parties consent, the court may proceed immediately with the  
23 hearing.

24 **SECTION 102eg.** 48.357 (2m) (c) of the statutes is created to read:

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

7           **SECTION 102em.** 48.357 (2r) of the statutes, as affected by 2001 Wisconsin Act  
8 103, is amended to read:

9           48.357 (2r) If a hearing is held under sub. (1) ~~(b)~~ (am) 2. or (2m) (b) and the  
10 change in placement would remove a child from a foster home, treatment foster  
11 home, or other placement with a physical custodian described in s. 48.62 (2), the court  
12 shall give the foster parent, treatment foster parent, or other physical custodian  
13 described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the  
14 foster parent, treatment foster parent, or other physical custodian to make a written  
15 or oral statement during the hearing or to submit a written statement prior to the  
16 hearing relating to the child and the requested change in placement. ~~Any written~~  
17 ~~or oral statement made under this subsection shall be made under oath or~~  
18 ~~affirmation.~~ A foster parent, treatment foster parent, or other physical custodian  
19 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) ~~(b)~~ (am) 1. or  
20 (2m) (b) and an opportunity to be heard under this subsection does not become a  
21 party to the proceeding on which the hearing is held solely on the basis of receiving  
22 that notice and opportunity to be heard.

23           **SECTION 102er.** 48.357 (2v) of the statutes, as affected by 2001 Wisconsin Act  
24 103, is renumbered 48.357 (2v) (a) 2. and amended to read:

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

14           **SECTION 102f.** 48.357 (2v) (a) (intro.) of the statutes is created to read:

15           48.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m) shall  
16 contain all of the following:

17           **SECTION 102fg.** 48.357 (2v) (a) 1. of the statutes is created to read:

18           48.357 (2v) (a) 1. If the change in placement order changes the child's  
19 placement from a placement in the child's home to a placement outside the child's  
20 home, a finding that continued placement of the child in his or her home would be  
21 contrary to the welfare of the child and, unless a circumstance specified in s. 48.355  
22 (2d) (b) 1. to 5. applies, a finding that the agency primarily responsible for  
23 implementing the dispositional order has made reasonable efforts to prevent the  
24 removal of the child from the home, while assuring that the child's health and safety  
25 are the paramount concerns.

1           **SECTION 102fm.** 48.357 (2v) (a) 3. of the statutes is created to read:

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

7           **SECTION 102fr.** 48.357 (2v) (b) of the statutes is created to read:

8           48.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and 3.  
9 on a case-by-case basis based on circumstances specific to the child and shall  
10 document or reference the specific information on which those findings are based in  
11 the change in placement order. A change in placement order that merely references  
12 par. (a) 1. or 3. without documenting or referencing that specific information in the  
13 change in placement order or an amended change in placement order that  
14 retroactively corrects an earlier change in placement order that does not comply with  
15 this paragraph is not sufficient to comply with this paragraph.

16           **SECTION 102g.** 48.357 (2v) (c) of the statutes is created to read:

17           48.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the  
18 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
19 the court shall hold a hearing within 30 days after the date of that finding to  
20 determine the permanency plan for the child. If a hearing is held under this  
21 subdivision, the agency responsible for preparing the permanency plan shall file the  
22 permanency plan with the court not less than 5 days before the date of the hearing.

23           2. If a hearing is held under subd. 1., at least 10 days before the date of the  
24 hearing the court shall notify the child, any parent, guardian, and legal custodian  
25 of the child, and any foster parent, treatment foster parent, or other physical



1     custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the  
2     hearing.

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

13             **SECTION 102gb.** 48.357 (6) of the statutes is amended to read:

14             48.357 (6) No change in placement may extend the expiration date of the  
15     original order, except that if the change in placement is from a placement in the  
16     child's home to a placement outside the home the court may extend the expiration  
17     date of the original order to the date on which the child reaches 18 years of age, to  
18     the date that is one year after the date of the change in placement order, or, if the child  
19     is a full-time student at a secondary school or its vocational or technical equivalent  
20     and is reasonably expected to complete the program before reaching 19 years of age,  
21     to the date on which the child reaches 19 years of age, whichever is later, or for a  
22     shorter period of time as specified by the court. If the change in placement is from  
23     a placement outside the home to a placement in the child's home and if the expiration  
24     date of the original order is more than one year after the date of the change in  
25     placement order, the court shall shorten the expiration date of the original order to

1 the date that is one year after the date of the change in placement order or to an  
2 earlier date as specified by the court.

3 **SECTION 102gd.** 48.363 (1m) of the statutes is amended to read:

4 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present  
5 evidence relevant to the issue of revision of the dispositional order. In addition, the  
6 court shall give a foster parent, treatment foster parent, or other physical custodian  
7 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by  
8 permitting the foster parent, treatment foster parent, or other physical custodian to  
9 make a written or oral statement during the hearing, or to submit a written  
10 statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral~~  
11 ~~statement made under this subsection shall be made under oath or affirmation.~~ A  
12 foster parent, treatment foster parent, or other physical custodian described in s.  
13 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be  
14 heard under this subsection does not become a party to the proceeding on which the  
15 hearing is held solely on the basis of receiving that notice and opportunity to be  
16 heard.

17 **SECTION 102gf.** 48.365 (1) of the statutes is amended to read:

18 48.365 (1) In this section, a child is considered to have been placed outside of  
19 his or her home on the date on which ~~the court first found that the child has been~~  
20 ~~subjected to abuse or neglect or on the date that is 60 days after the date on which~~  
21 the child was first removed from his or her home, ~~whichever is earlier.~~

22 **SECTION 102gh.** 48.365 (2g) (b) 2. of the statutes is amended to read:

23 48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and  
24 of any progress the child has made, suggestions for amendment of the permanency  
25 plan, ~~a description of efforts to return the child safely to his or her home~~ and specific

1 information showing the efforts that have been made to achieve the goal of the  
2 permanency plan, including, if applicable, the efforts of the parents to remedy the  
3 factors which that contributed to the child's placement and, if continued placement  
4 outside of the child's home is recommended, an explanation of why returning the  
5 child to his or her home is not safe or feasible, unless return of the child to the home  
6 is the goal of the permanency plan and any of the circumstances specified in s. 48.355  
7 (2d) (b) 1. to 5. applies.

8 **SECTION 102gk.** 48.365 (2g) (b) 3. of the statutes is amended to read:

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

1 recommend that the child be registered with the adoption information exchange or  
2 report the reason why registering the child is contrary to the best interest of the child.

3 **SECTION 102gm.** 48.365 (2m) (a) of the statutes is renumbered 48.365 (2m) (a)  
4 1. and amended to read:

5 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of  
6 extension. If the child is placed outside of his or her home, the person or agency  
7 primarily responsible for providing services to the child shall present as evidence  
8 specific information showing that the agency has made reasonable efforts to achieve  
9 the goal of the child's permanency plan, unless return of the child to the home is the  
10 goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d)  
11 (b) 1. to 5. applies. The judge shall make findings of fact and conclusions of law based  
12 on the evidence. ~~Subject to s. 48.355 (2d), the~~ The findings of fact shall include a  
13 finding as to whether reasonable efforts were made by the agency primarily  
14 responsible for providing services to the child ~~or expectant mother to make it possible~~  
15 ~~for the child to return safely to his or her home or for the expectant mother to return~~  
16 ~~to her home~~ to achieve the goal of the child's permanency plan, unless return of the  
17 child to the home is the goal of the permanency plan and the judge finds that any of  
18 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies. An order shall be  
19 issued under s. 48.355.

20 **SECTION 102go.** 48.365 (2m) (a) 2. of the statutes is created to read:

21 48.365 (2m) (a) 2. If the judge finds that any of the circumstances specified in  
22 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the order shall include a  
23 determination that the person or agency primarily responsible for providing services  
24 to the child is not required to make reasonable efforts with respect to the parent to  
25 make it possible for the child to return safely to his or her home.

1           **SECTION 102gr.** 48.365 (2m) (a) 3. of the statutes is created to read:

2           48.365 (2m) (a) 3. The judge shall make the findings specified in subd. 1.  
3 relating to reasonable efforts to achieve the goal of the child’s permanency plan and  
4 the findings specified in subd. 2. on a case-by-case basis based on circumstances  
5 specific to the child and shall document or reference the specific information on  
6 which those findings are based in the order issued under s. 48.355. An order that  
7 merely references subd. 1. or 2. without documenting or referencing that specific  
8 information in the order or an amended order that retroactively corrects an earlier  
9 order that does not comply with this subdivision is not sufficient to comply with this  
10 subdivision.

11           **SECTION 102h.** 48.365 (2m) (ad) of the statutes is created to read:

12           48.365 (2m) (ad) 1. If the judge finds that any of the circumstances specified  
13 in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a  
14 hearing within 30 days after the date of that finding to determine the permanency  
15 plan for the child. If a hearing is held under this subdivision, the agency responsible  
16 for preparing the permanency plan shall file the permanency plan with the court not  
17 less than 5 days before the date of the hearing.

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

23           **SECTION 102hg.** 48.365 (2m) (ag) of the statutes is amended to read:

24           48.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The  
25 court shall give a foster parent, treatment foster parent, or other physical custodian

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

11 **SECTION 102hr.** 48.365 (5) of the statutes is amended to read:

12 48.365 (5) Except as provided in s. 48.368, all orders an order under this section  
13 that continues the placement of a child in his or her home or that relates to an unborn  
14 child of an adult expectant mother shall be for a specified length of time not to exceed  
15 one year after its date of entry. Except as provided in s. 48.368, an order under this  
16 section that continues the placement of a child in an out-of-home placement shall  
17 be for a specified length of time not to exceed the date on which the child reaches 18  
18 years of age, one year after the date of entry of the order, or, if the child is a full-time  
19 student at a secondary school or its vocational or technical equivalent and is  
20 reasonably expected to complete the program before reaching 19 years of age, the  
21 date on which the child reaches 19 years of age, whichever is later.

22 **SECTION 102j.** 48.38 (2) (intro.) of the statutes, as affected by 2001 Wisconsin  
23 Act 59, is amended to read:

24 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
25 for each child living in a foster home, treatment foster home, group home, residential

1 care center for children and youth, secure detention facility, or shelter care facility,  
2 the agency that placed the child or arranged the placement or the agency assigned  
3 primary responsibility for providing services to the child under s. 48.355 shall  
4 prepare a written permanency plan, if ~~one~~ any of the following conditions exists, and  
5 for each child living in the home of a relative other than a parent, that agency shall  
6 prepare a written permanency plan, if any of the conditions specified in pars. (a) to  
7 (e) exists:

8 **SECTION 102jg.** 48.38 (2) (c) of the statutes is amended to read:

9 48.38 (2) (c) The child is under the supervision of an agency under s. 48.64 (2)  
10 or pursuant to, under a consent decree under s. 48.32 (1) (b), or under a court order  
11 under s. 48.355.

12 **SECTION 102jm.** 48.38 (2) (f) of the statutes is amended to read:

13 48.38 (2) (f) The child's care is paid would be paid for under s. 49.19 but for s.  
14 49.19 (20).

15 **SECTION 102jr.** 48.38 (2) (g) of the statutes, as created by 2001 Wisconsin Act  
16 69, is amended to read:

17 48.38 (2) (g) The child's parent is placed in a foster home, treatment foster  
18 home, group home, ~~child-caring institution~~ residential care center for children and  
19 youth, secure detention facility, or shelter care facility and the child is residing with  
20 that parent.

21 **SECTION 102k.** 48.38 (3) of the statutes is amended to read:

22 48.38 (3) TIME. Subject to s. 48.355 (2d) (c) 1, the agency shall file the  
23 permanency plan with the court within 60 days after the date on which the child was  
24 ~~first held in physical custody or placed outside of his or her home under a court order~~  
25 removed from his or her home, except that if the child is held for less than 60 days

1 in a secure detention facility, juvenile portion of a county jail, or a shelter care facility,  
2 no permanency plan is required if the child is returned to his or her home within that  
3 period.

4 **SECTION 102kg.** 48.38 (4) (intro.) of the statutes is amended to read:

5 48.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~  
6 ~~description of~~ all of the following:

7 **SECTION 102km.** 48.38 (4) (a) of the statutes, as affected by 2001 Wisconsin Act  
8 2, is renumbered 48.38 (4) (ar) and amended to read:

9 48.38 (4) (ar) The A description of the services offered and any service services  
10 provided in an effort to prevent holding or placing the child outside of the removal  
11 of the child from his or her home, while assuring that the health and safety of the  
12 child are the paramount concerns, and to make it possible for the child to return  
13 safely home achieve the goal of the permanency plan, except that the permanency  
14 plan need not is not required to include a description of these the services offered or  
15 provided with respect to a parent of the child to prevent the removal of the child from  
16 the home or to achieve the permanency plan goal of returning the child safely to his  
17 or her home if any of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3., 4., or  
18 to 5. apply applies to that parent.

19 **SECTION 102kr.** 48.38 (4) (ag) of the statutes is created to read:

20 48.38 (4) (ag) The name, address, and telephone number of the child's parent,  
21 guardian, and legal custodian.

22 **SECTION 102m.** 48.38 (4) (am) of the statutes is created to read:

23 48.38 (4) (am) The date on which the child was removed from his or her home  
24 and the date on which the child was placed in out-of-home care.

25 **SECTION 102mg.** 48.38 (4) (bm) of the statutes is amended to read:



1           48.38 (4) (bm) The A statement as to the availability of a safe and appropriate  
2 placement with a fit and willing relative of the child and, if a decision is made not  
3 to place the child with an available relative, a statement as to why placement with  
4 the relative is not safe or appropriate.

5           **SECTION 102mm.** 48.38 (4) (dg) of the statutes is created to read:

6           48.38 (4) (dg) Information about the child's education, including all of the  
7 following:

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

10          2. Any special education programs in which the child is or was previously  
11 enrolled.

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

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

17           **SECTION 102mr.** 48.38 (4) (dm) of the statutes is created to read:

18           48.38 (4) (dm) If as a result of the placement the child has been or will be  
19 transferred from the school in which the child is or most recently was enrolled,  
20 documentation that a placement that would maintain the child in that school is  
21 either unavailable or inappropriate or that a placement that would result in the  
22 child's transfer to another school would be in the child's best interests.

23           **SECTION 102n.** 48.38 (4) (dr) of the statutes is created to read:

24           48.38 (4) (dr) Medical information relating to the child, including all of the  
25 following:

1           1. The names and addresses of the child’s physician, dentist, and any other  
2 health care provider that is or was previously providing health care services to the  
3 child.

4           2. The child’s immunization record, including the name and date of each  
5 immunization administered to the child.

6           3. Any known medical condition for which the child is receiving medical care  
7 or treatment and any known serious medical condition for which the child has  
8 previously received medical care or treatment.

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

12           **SECTION 102ng.** 48.38 (4) (e) of the statutes is amended to read:

13           48.38 (4) (e) The A plan for ensuring the safety and appropriateness of the  
14 placement and a description of the services provided to meet the needs of the child  
15 and family, including a discussion of services that have been investigated and  
16 considered and are not available or likely to become available within a reasonable  
17 time to meet the needs of the child or, if available, why such services are not safe or  
18 appropriate.

19           **SECTION 102nm.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

20           48.38 (4) (f) (intro.) The A description of the services that will be provided to  
21 the child, the child’s family, and the child’s foster parent, the child’s treatment foster  
22 parent ~~or~~, the operator of the facility where the child is living, or the relative with  
23 whom the child is living to carry out the dispositional order, including services  
24 planned to accomplish all of the following:

25           **SECTION 102nr.** 48.38 (4) (fg) of the statutes is created to read:

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

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

16           **SECTION 102p.** 48.38 (4) (fm) of the statutes is amended to read:

17           48.38 (4) (fm) If the goal of the permanency plan calls for placing is to place the  
18 child for adoption, with a guardian, with a fit and willing relative, or in some other  
19 alternative permanent placement, the efforts made to place the child for adoption,  
20 with a guardian or in some other alternative permanent placement achieve that goal.

21           **SECTION 102pg.** 48.38 (4) (h) of the statutes is created to read:

22           48.38 (4) (h) If the child is 15 years of age or over, a description of the programs  
23 and services that are or will be provided to assist the child in preparing for the  
24 transition from out-of-home care to independent living. The description shall  
25 include all of the following:

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

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

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

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

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

15           **SECTION 102pm.** 48.38 (5) (a) of the statutes, as affected by 2001 Wisconsin Act  
16 69, is amended to read:

17           48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed  
18 ~~under this paragraph~~ par. (ag) shall review the permanency plan ~~every in the~~  
19 manner provided in this subsection not later than 6 months from after the date on  
20 which the child was first ~~held in physical custody or placed outside of~~ removed from  
21 his or her home and every 6 months after a previous review under this subsection for  
22 as long as the child is placed outside the home, except that for the review that is  
23 required to be conducted not later than 12 months after the child was first removed  
24 from his or her home and the reviews that are required to be conducted every 12  
25 months after that review the court shall hold a hearing under sub. (5m) to review the

1 permanency plan, which hearing may be instead of or in addition to the review under  
2 this subsection.

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

11 **SECTION 102pr.** 48.38 (5) (b) of the statutes is amended to read:

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

1           **SECTION 102q.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

2           48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,  
3 as described in s. 48.365 (1), for 15 of the most recent 22 months, not including any  
4 period during which the child was a runaway from the out-of-home placement or the  
5 first 6 months of any period during which the child was returned to his or her home  
6 for a trial home visit, the appropriateness of the permanency plan and the  
7 circumstances which prevent the child from any of the following:

8           **SECTION 102qg.** 48.38 (5) (c) 6. am. of the statutes is renumbered 48.38 (5) (c)  
9 6. cm. and amended to read:

10           48.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the  
11 child.

12           **SECTION 102qm.** 48.38 (5) (c) 6. cg. of the statutes is created to read:

13           48.38 (5) (c) 6. cg. Being placed with a guardian.

14           **SECTION 102qr.** 48.38 (5) (c) 6. d. of the statutes is amended to read:

15           48.38 (5) (c) 6. d. Being placed in some other alternative permanent placement,  
16 including sustaining care, independent living, or long-term foster care.

17           **SECTION 102r.** 48.38 (5) (c) 7. of the statutes, as affected by 2001 Wisconsin Act  
18 2, is amended to read:

19           48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to ~~make~~  
20 ~~it possible for the child to return safely to his or her home, except that the court or~~  
21 ~~panel need not determine whether those reasonable efforts were made with respect~~  
22 ~~to a parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1.,~~  
23 ~~2., 3., 4., or 5. apply to that parent~~ achieve the goal of the permanency plan, unless  
24 return of the child to the home is the goal of the permanency plan and any of the  
25 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

1           **SECTION 102rm.** 48.38 (5m) of the statutes is created to read:

2           **48.38 (5m) PERMANENCY PLAN HEARING.** (a) The court shall hold a hearing to  
3 review the permanency plan and to make the determinations specified in sub. (5) (c)  
4 no later than 12 months after the date on which the child was first removed from the  
5 home and every 12 months after a previous hearing under this subsection for as long  
6 as the child is placed outside the home.

7           (b) Not less than 30 days before the date of the hearing, the court shall notify  
8 the child; the child's parent, guardian, and legal custodian; the child's foster parent  
9 or treatment foster parent, the operator of the facility in which the child is living, or  
10 the relative with whom the child is living; the child's counsel, the child's guardian ad  
11 litem, and the child's court-appointed special advocate; the agency that prepared the  
12 permanency plan; and the person representing the interests of the public of the date,  
13 time, and place of the hearing.

14           (c) Any person who is provided notice of the hearing may have an opportunity  
15 to be heard at the hearing by submitting written comments relevant to the  
16 determinations specified in sub. (5) (c) not less than 10 working days before the date  
17 of the hearing or by participating at the hearing. A foster parent, treatment foster  
18 parent, operator of a facility in which a child is living, or relative with whom a child  
19 is living who receives notice of a hearing under par. (b) and an opportunity to be heard  
20 under this paragraph does not become a party to the proceeding on which the hearing  
21 is held solely on the basis of receiving that notice and opportunity to be heard.

22           (d) At least 5 days before the date of the hearing the agency that prepared the  
23 permanency plan shall provide a copy of the permanency plan and any written  
24 comments submitted under par. (c) to the court, to the child's parent, guardian, and  
25 legal custodian, to the person representing the interests of the public, to the child's

1 counsel or guardian ad litem, and to the child's court-appointed special advocate.  
2 Notwithstanding s. 48.78 (2) (a), the person representing the interests of the public,  
3 the child's counsel or guardian ad litem, and the child's court-appointed special  
4 advocate may have access to any other records concerning the child for the purpose  
5 of participating in the review. A person permitted access to a child's records under  
6 this paragraph may not disclose any information from the records to any other  
7 person.

8 (e) After the hearing, the court shall make written findings of fact and  
9 conclusions of law relating to the determinations under sub. (5) (c) and shall provide  
10 a copy of those findings of fact and conclusions of law to the child; the child's parent,  
11 guardian, and legal custodian; the child's foster parent or treatment foster parent,  
12 the operator of the facility in which the child is living, or the relative with whom the  
13 child is living; the child's court-appointed special advocate; the agency that prepared  
14 the permanency plan; and the person representing the interests of the public. The  
15 court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based  
16 on circumstances specific to the child and shall document or reference the specific  
17 information on which those findings are based in the findings of fact and conclusions  
18 of law prepared under this paragraph. Findings of fact and conclusions of law that  
19 merely reference sub. (5) (c) 7. without documenting or referencing that specific  
20 information in the findings of fact and conclusions of law or amended findings of fact  
21 and conclusions of law that retroactively correct earlier findings of fact and  
22 conclusions of law that do not comply with this paragraph are not sufficient to comply  
23 with this paragraph.

24 (f) If the findings of fact and conclusions of law under par. (e) conflict with the  
25 child's dispositional order or provide for any additional services not specified in the



1       dispositional order, the court shall revise the dispositional order under s. 48.363 or  
2       order a change in placement under s. 48.357, as appropriate.”

3           **2.** Page 35, line 4: delete lines 4 to 12 and substitute:

4           **“SECTION 103m.** 48.417 (1) (a) of the statutes is amended to read:

5           48.417 (1) (a) The child has been placed outside of his or her home, as described  
6       in s. 48.365 (1) or 938.365 (1), for 15 of the most recent 22 months, not including any  
7       period during which the child was a runaway from the out-of-home placement or the  
8       first 6 months of any period during which the child was returned to his or her home  
9       for a trial home visit. If the circumstances specified in this paragraph apply, the  
10       petition shall be filed or joined in by the last day of the 15th month, as described in  
11       this paragraph, for which the child was placed outside of his or her home.

12           **SECTION 103p.** 48.417 (1) (b) of the statutes is amended to read:

13           48.417 (1) (b) A court of competent jurisdiction has found under s. 48.13 (2) or  
14       under a law of any other state or a federal law that is comparable to s. 48.13 (2) that  
15       the child was abandoned when he or she was under one year of age or has found that  
16       the parent abandoned the child when the child was under one year of age in violation  
17       of s. 948.20 or in violation of the law of any other state or federal law, if that violation  
18       would be a violation of s. 948.20 if committed in this state. If the circumstances  
19       specified in this paragraph apply, the petition shall be filed or joined in within 60  
20       days after the date on which the court of competent jurisdiction found that the child  
21       was abandoned as described in this paragraph.

22           **SECTION 103r.** 48.417 (1) (c) of the statutes is amended to read:

23           48.417 (1) (c) A court of competent jurisdiction has found that the parent has  
24       committed, has aided or abetted the commission of, or has solicited, conspired, or

1 attempted to commit, a violation of s. 940.01, 940.02, 940.03, or 940.05 or a violation  
2 of the law of any other state or federal law, if that violation would be a violation of  
3 s. 940.01, 940.02, 940.03, or 940.05 if committed in this state, and that the victim of  
4 that violation is a child of the parent. If the circumstances specified in this paragraph  
5 apply, the petition shall be filed or joined in within 60 days after the date on which  
6 the court assigned to exercise jurisdiction under this chapter determines, based on  
7 a finding that a circumstance specified in this paragraph applies, that reasonable  
8 efforts to make it possible for the child to return safely to his or her home are not  
9 required.

10 **SECTION 103t.** 48.417 (1) (d) of the statutes is amended to read:

11 48.417 (1) (d) A court of competent jurisdiction has found that the parent has  
12 committed a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or  
13 (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or  
14 federal law, if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225  
15 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state,  
16 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or  
17 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child  
18 of the parent. If the circumstances specified in this paragraph apply, the petition  
19 shall be filed or joined in within 60 days after the date on which the court assigned  
20 to exercise jurisdiction under this chapter determines, based on a finding that a  
21 circumstance specified in this paragraph applies, that reasonable efforts to make it  
22 possible for the child to return safely to his or her home are not required.

23 **SECTION 104b.** 48.417 (1) (d) of the statutes, as affected by 2001 Wisconsin Act

24 .... (this act), is amended to read:

1           48.417 (1) (d) A court of competent jurisdiction has found that the parent has  
2 committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), (3), (4),  
3 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or a  
4 violation of the law of any other state or federal law, if that violation would be a  
5 violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,  
6 or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted  
7 in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as  
8 defined in s. 939.22 (38), to the child or another child of the parent. If the  
9 circumstances specified in this paragraph apply, the petition shall be filed or joined  
10 in within 60 days after the date on which the court assigned to exercise jurisdiction  
11 under this chapter determines, based on a finding that a circumstance specified in  
12 this paragraph applies, that reasonable efforts to make it possible for the child to  
13 return safely to his or her home are not required.

14           **SECTION 104d.** 48.417 (2) (a) of the statutes is amended to read:

15           48.417 (2) (a) The child is being cared for by a fit and willing relative of the  
16 child.

17           **SECTION 104e.** 48.417 (2) (b) of the statutes is amended to read:

18           48.417 (2) (b) The child's permanency plan indicates and provides  
19 documentation that termination of parental rights to the child is not in the best  
20 interests of the child.

21           **SECTION 104f.** 48.417 (2) (d) of the statutes is created to read:

22           48.417 (2) (d) Grounds for an involuntary termination of parental rights under  
23 s. 48.415 do not exist.”

24           **3.** Page 35, line 18: after that line insert:

1           **“SECTION 110m.** 48.63 (1) of the statutes, as affected by 2001 Wisconsin Act 69,  
2 is amended to read:

3           48.63 (1) Acting ~~pursuant to~~ under court order or voluntary agreement, the  
4 child’s parent or guardian or the department of health and family services, the  
5 department of corrections, a county department, or a child welfare agency licensed  
6 to place children in foster homes, treatment foster homes, or group homes may place  
7 a child or negotiate or act as intermediary for the placement of a child in a foster  
8 home, treatment foster home, or group home. Voluntary agreements under this  
9 subsection may not be used for placements in facilities other than foster, treatment  
10 foster, or group homes and may not be extended. A foster home or treatment foster  
11 home placement under a voluntary agreement may not exceed ~~6 months~~ 180 days  
12 from the date on which the child was removed from the home under the voluntary  
13 agreement. A group home placement under a voluntary agreement may not exceed  
14 15 days from the date on which the child was removed from the home under the  
15 voluntary agreement, except as provided in sub. (5). These time limitations do not  
16 apply to placements made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary  
17 agreements may be made only under this subsection and sub. (5) (b) and shall be in  
18 writing and shall specifically state that the agreement may be terminated at any  
19 time by the parent or guardian or by the child if the child’s consent to the agreement  
20 is required. The child’s consent to the agreement is required whenever the child is  
21 12 years of age or older.

22           **SECTION 110p.** 48.63 (4) of the statutes is amended to read:

23           48.63 (4) A permanency plan under s. 48.38 is required for each child placed  
24 in a foster home or treatment foster home under sub. (1). If the child is living in a  
25 foster home or treatment foster home under a voluntary agreement, the agency that

1 negotiated or acted as intermediary for the placement shall prepare the permanency  
2 plan within 60 days after the placement date on which the child was removed from  
3 his or her home under the voluntary agreement. A copy of each plan shall be provided  
4 to the child if he or she is 12 years of age or over and to the child's parent or guardian.  
5 If the agency ~~which~~ that arranged the voluntary placement intends to seek a court  
6 order to place the child outside of his or her home at the expiration of the voluntary  
7 placement, the agency shall prepare a revised permanency plan and file that revised  
8 plan with the court prior to the date of the hearing on the proposed placement.

9 **SECTION 110r.** 48.63 (5) (b) of the statutes, as created by 2001 Wisconsin Act  
10 69, is amended to read:

11 48.63 (5) (b) If a child who is at least 14 years of age, who is a custodial parent,  
12 as defined in s. 49.141 (1) (b), or an expectant mother, and who is in need of a safe  
13 and structured living arrangement and the parent or guardian of the child consent,  
14 a child welfare agency licensed to place children in group homes may place the child  
15 or arrange the placement of the child in a group home described in s. 48.625 (1m).  
16 Before placing a child or arranging the placement of a child under this paragraph,  
17 the child welfare agency shall report any suspected abuse or neglect of the child as  
18 required under s. 48.981 (2). A voluntary agreement to place a child in a group home  
19 described in s. 48.625 (1m) may be made only under this paragraph, shall be in  
20 writing, and shall specifically state that the agreement may be terminated at any  
21 time by the parent, guardian, or child. An initial placement under this paragraph  
22 may not exceed ~~6 months~~ 180 days from the date on which the child was removed  
23 from the home under the voluntary agreement, but may be extended as provided in  
24 par. (d) 3. to 6. An initial placement under this paragraph of a child who is under 16

1 years of age on the date of the initial placement may be extended as provided in par.  
2 (d) 3. to 6. no more than once.

3 **SECTION 110s.** 48.63 (5) (c) of the statutes, as created by 2001 Wisconsin Act  
4 69, is amended to read:

5 48.63 (5) (c) A permanency plan under s. 48.38 is required for each child placed  
6 in a group home under par. (b) and for any child of that child who is residing with that  
7 child. The agency that placed the child or that arranged the placement of the child  
8 shall prepare the plan within 60 days after the placement date on which the child was  
9 removed from his or her home under the voluntary agreement and shall provide a  
10 copy of the plan to the child and the child's parent or guardian.”

11 **4.** Page 36, line 12: delete lines 12 to 16 and substitute:

12 **“SECTION 113x.** 48.685 (5) (bm) 4. of the statutes is amended to read:

13 48.685 (5) (bm) 4. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b),  
14 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (3), (4), (5), or (6), 940.20, 940.203, 940.205  
15 or, 940.207, or 940.25, a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under  
16 s. 346.65 (2) (e) or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if  
17 committed not more than 5 years before the date of the investigation under sub. (2)  
18 (am).

19 **SECTION 114b.** 48.685 (5) (bm) 4. of the statutes, as affected by 2001 Wisconsin  
20 Act .... (this act), is amended to read:

21 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1),  
22 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (3), (4),  
23 (5), or (6), 940.20, 940.203, 940.205, 940.207, or 940.025, a violation of s. 346.63 (1),  
24 (2), (5), or (6) that is a felony under s. 346.65 (2) (e) or (f), (2j) (d) or (3m), or an offense

1 under ch. 961 that is a felony, if committed not more than 5 years before the date of  
2 the investigation under sub. (2) (am).

3 **SECTION 114g.** 48.78 (2) (a) of the statutes is amended to read:

4 48.78 (2) (a) No agency may make available for inspection or disclose the  
5 contents of any record kept or information received about an individual in its care  
6 or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or (5m) (d),  
7 48.432, 48.433, 48.93, 48.981 (7), 938.51, or 938.78 or by order of the court.

8 **SECTION 114m.** 48.977 (2) (f) of the statutes, as affected by 2001 Wisconsin Act  
9 2, is amended to read:

10 48.977 (2) (f) That the agency primarily responsible for providing services to  
11 the child under a court order has made reasonable efforts to make it possible for the  
12 child to return to his or her home, while assuring that the child's health and safety  
13 are the paramount concerns, but that reunification of the child with the child's  
14 parent or parents is unlikely or contrary to the best interests of the child and that  
15 further reunification efforts are unlikely to be made or are contrary to the best  
16 interests of the child, except that the court ~~need not~~ is not required to find that the  
17 agency has made those reasonable efforts with respect to a parent of the child if any  
18 of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3., 4., or 5. apply to 5. applies  
19 to that parent. The court shall make the findings specified in this paragraph on a  
20 case-by-case basis based on circumstances specific to the child and shall document  
21 or reference the specific information on which those findings are based in the  
22 guardianship order. A guardianship order that merely references this paragraph  
23 without documenting or referencing that specific information in the order or an  
24 amended guardianship order that retroactively corrects an earlier guardianship

1 order that does not comply with this paragraph is not sufficient to comply with this  
2 paragraph.”.

3 **5.** Page 225, line 22: after that line insert:

4 **“SECTION 529b.** 938.21 (1) (a) of the statutes, as affected by Wisconsin Act 61,  
5 is amended to read:

6 938.21 (1) (a) If a juvenile who has been taken into custody is not released  
7 under s. 938.20, a hearing to determine whether the juvenile shall continue to be held  
8 in custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the  
9 judge or circuit court commissioner within 24 hours after the end of the day that the  
10 decision to hold the juvenile was made, excluding Saturdays, Sundays, and legal  
11 holidays. By the time of the hearing a petition under s. 938.25 shall be filed, except  
12 that no petition need be filed where a juvenile is taken into custody under s. 938.19  
13 (1) (b) or (d) 2., 6., or 7. or where the juvenile is a runaway from another state, in  
14 which case a written statement of the reasons for holding a juvenile in custody shall  
15 be substituted if the petition is not filed. If no hearing has been held within 24 hours  
16 or if no petition or statement has been filed at the time of the hearing, the juvenile  
17 shall be released except as provided in par. (b). A parent not present at the hearing  
18 shall be granted a rehearing upon request for good cause shown.

19 **SECTION 529c.** 938.21 (2) (am) of the statutes is amended to read:

20 938.21 (2) (am) A juvenile held in a nonsecure place of custody may waive in  
21 writing his or her right to participate in the hearing under this section. After any  
22 waiver, a hearing rehearing shall be granted upon the request of the juvenile or any  
23 other interested party for good cause shown. Any juvenile transferred to a secure  
24 detention facility shall thereafter have a hearing rehearing under this section.