

1 **SECTION 529d.** 938.21 (3) (am) of the statutes is amended to read:

2 938.21 (3) (am) The parent, guardian, or legal custodian may waive his or her
3 right to participate in the hearing under this section. ~~Agreement in writing of the~~
4 ~~juvenile is required if he or she is over 12.~~ After any waiver, a hearing rehearing shall
5 be granted at the request of any the parent, guardian, legal custodian, or any other
6 interested party for good cause shown.

7 **SECTION 529e.** 938.21 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin
8 Act 16, is repealed and recreated to read:

9 938.21 (5) (b) 1. A finding that continued placement of the juvenile in his or her
10 home would be contrary to the welfare of the juvenile. Unless the judge or circuit
11 court commissioner finds that any of the circumstances specified in s. 938.355 (2d)
12 (b) 1. to 4. applies, the order shall in addition include a finding as to whether the
13 person who took the juvenile into custody and the intake worker have made
14 reasonable efforts to prevent the removal of the juvenile from the home, while
15 assuring that the juvenile's health and safety are the paramount concerns, and a
16 finding as to whether the person who took the juvenile into custody and the intake
17 worker have made reasonable efforts to make it possible for the juvenile to return
18 safely home or, if for good cause shown sufficient information is not available for the
19 judge or circuit court commissioner to make a finding as to whether those reasonable
20 efforts were made to prevent the removal of the juvenile from the home, a finding as
21 to whether those reasonable efforts were made to make it possible for the juvenile
22 to return safely home and an order for the county department or agency primarily
23 responsible for providing services to the juvenile under the custody order to file with
24 the court sufficient information for the judge or circuit court commissioner to make

1 a finding as to whether those reasonable efforts were made to prevent the removal
2 of the juvenile from the home by no later than 5 days after the date of the order.

3 **SECTION 529f.** 938.21 (5) (b) 3. of the statutes is created to read:

4 938.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the
5 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
6 a determination that the county department or agency primarily responsible for
7 providing services under the custody order is not required to make reasonable efforts
8 with respect to the parent to make it possible for the juvenile to return safely to his
9 or her home.

10 **SECTION 529g.** 938.21 (5) (c) of the statutes is created to read:

11 938.21 (5) (c) The judge or circuit court commissioner shall make the findings
12 specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific
13 to the juvenile and shall document or reference the specific information on which
14 those findings are based in the custody order. A custody order that merely references
15 par. (b) 1. or 3. without documenting or referencing that specific information in the
16 custody order or an amended custody order that retroactively corrects an earlier
17 custody order that does not comply with this paragraph is not sufficient to comply
18 with this paragraph.

19 **SECTION 529h.** 938.21 (5) (d) of the statutes is created to read:

20 938.21 (5) (d) 1. If the judge or circuit court commissioner finds that any of the
21 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
22 the judge or circuit court commissioner shall hold a hearing within 30 days after the
23 date of that finding to determine the permanency plan for the juvenile. If a hearing
24 is held under this subdivision, the agency responsible for preparing the permanency

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

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

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

18 **SECTION 529j.** 938.255 (1) (f) of the statutes is created to read:

19 938.255 (1) (f) If the juvenile is being held in custody outside of his or her home,
20 reliable and credible information showing that continued placement of the juvenile
21 in his or her home would be contrary to the welfare of the juvenile and, unless any
22 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, reliable and
23 credible information showing that the person who took the juvenile into custody and
24 the intake worker have made reasonable efforts to prevent the removal of the

1 juvenile from the home, while assuring that the juvenile's health and safety are the
2 paramount concerns, and to make it possible for the juvenile to return safely home.

3 **SECTION 529k.** 938.255 (2) of the statutes is amended to read:

4 938.255 (2) If any of the facts in sub. (1) (a) to (cm) and (f) are not known or
5 cannot be ascertained by the petitioner, the petition shall so state.

6 **SECTION 529m.** 938.315 (2m) of the statutes is created to read:

7 938.315 (2m) No continuance or extension of a time limit specified in this
8 chapter may be granted and no period of delay specified in sub. (1) may be excluded
9 in computing a time requirement under this chapter if the continuance, extension,
10 or exclusion would result in any of the following:

11 (a) The court making an initial finding under s. 938.21 (5) (b) 1., 938.355 (2) (b)
12 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made to prevent the
13 removal of the juvenile from the home, while assuring that the juvenile's health and
14 safety are the paramount concerns, or an initial finding under s. 938.21 (5) (b) 3.,
15 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not required to be
16 made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, more
17 than 60 days after the date on which the juvenile was removed from the home.

18 (b) The court making an initial finding under s. 938.38 (5m) that the agency
19 primarily responsible for providing services to the juvenile has made reasonable
20 efforts to achieve the goals of the juvenile's permanency plan more than 12 months
21 after the date on which the juvenile was removed from the home or making any
22 subsequent findings under s. 938.38 (5m) as to those reasonable efforts more than
23 12 months after the date of a previous finding as to those reasonable efforts.

24 **SECTION 529n.** 938.315 (3) of the statutes is amended to read:

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

10 **SECTION 529p.** 938.32 (1) (c) of the statutes is created to read:

11 938.32 (1) (c) 1. If at the time the consent decree is entered into the juvenile
12 is placed outside the home under a voluntary agreement under s. 48.63 or is
13 otherwise living outside the home without a court order and if the consent decree
14 maintains the juvenile in that placement or other living arrangement, the consent
15 decree shall include a finding that placement of the juvenile in his or her home would
16 be contrary to the welfare of the juvenile, a finding as to whether the county
17 department or the agency primarily responsible for providing services to the juvenile
18 has made reasonable efforts to prevent the removal of the juvenile from the home,
19 while assuring that the juvenile's health and safety are the paramount concerns,
20 unless the judge or circuit court commissioner finds that any of the circumstances
21 specified in s. 938.355 (2d) (b) 1. to 4. applies, and a finding as to whether the county
22 department or agency has made reasonable efforts to achieve the goal of the
23 juvenile's permanency plan, unless return of the juvenile to the home is the goal of
24 the permanency plan and the judge or circuit court commissioner finds that any of
25 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

1 2. If the judge or circuit court commissioner finds that any of the circumstances
2 specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the consent
3 decree shall include a determination that the county department or agency primarily
4 responsible for providing services under the consent decree is not required to make
5 reasonable efforts with respect to the parent to make it possible for the juvenile to
6 return safely to his or her home.

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

15 **SECTION 529q.** 938.32 (1) (d) of the statutes is created to read:

16 938.32 (1) (d) 1. If the judge or circuit court commissioner finds that any of the
17 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
18 the judge or circuit court commissioner shall hold a hearing within 30 days after the
19 date of that finding to determine the permanency plan for the juvenile. If a hearing
20 is held under this subdivision, the agency responsible for preparing the permanency
21 plan shall file the permanency plan with the court not less than 5 days before the date
22 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 juvenile, any parent, guardian, and legal custodian
25 of the juvenile, and any foster parent, treatment foster parent, or other physical

1 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
2 the 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 529r.** 938.33 (4) (intro.) of the statutes, as affected by 2001 Wisconsin
14 Act 59, is amended to read:

15 938.33 (4) **OTHER OUT-OF-HOME PLACEMENTS.** (intro.) A report recommending
16 placement in a foster home, treatment foster home, group home, or nonsecured
17 residential care center for children and youth or in the home of a relative other than
18 a parent shall be in writing, except that the report may be presented orally at the
19 dispositional hearing if all parties consent. A report that is presented orally shall be
20 transcribed and made a part of the court record. The report shall include all of the
21 following:

22 **SECTION 529t.** 938.33 (4) (c) of the statutes is created to read:

23 938.33 (4) (c) Specific information showing that continued placement of the
24 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
25 information showing that the county department or the agency primarily

1 responsible for providing services to the juvenile has made reasonable efforts to
2 prevent the removal of the juvenile from the home, while assuring that the juvenile's
3 health and safety are the paramount concerns, unless any of the circumstances
4 specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that
5 the county department or agency has made reasonable efforts to achieve the goal of
6 the juvenile's permanency plan, unless return of the juvenile to the home is the goal
7 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)
8 1. to 4. applies.

9 **SECTION 529v.** 938.335 (3g) of the statutes is created to read:

10 938.335 (3g) At hearings under this section, if the agency, as defined in s.
11 938.38 (1) (a), is recommending placement of the juvenile in a foster home, treatment
12 foster home, group home, or residential care center for children and youth or in the
13 home of a relative other than a parent, the agency shall present as evidence specific
14 information showing that continued placement of the juvenile in his or her home
15 would be contrary to the welfare of the juvenile, specific information showing that
16 the county department or the agency primarily responsible for providing services to
17 the juvenile has made reasonable efforts to prevent the removal of the juvenile from
18 the home, while assuring that the juvenile's health and safety are the paramount
19 concerns, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.
20 applies, and specific information showing that the county department or agency has
21 made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless
22 return of the juvenile to the home is the goal of the permanency plan and any of the
23 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.”

24 **6.** Page 226, line 11: delete lines 11 to 25.

1 **7.** Page 227, line 1: delete lines 1 to 4 and substitute:

2 **“SECTION 531d.** 938.355 (1) of the statutes, as affected by 2001 Wisconsin Act
3 69, is amended to read:

4 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
5 decide on a placement and treatment finding based on evidence submitted to the
6 court. The disposition shall employ those means necessary to promote the objectives
7 specified in s. 938.01. ~~If the disposition places a juvenile who has been adjudicated~~
8 ~~delinquent outside the home under s. 938.34 (3) (c), (cm) or (d), the order shall include~~
9 ~~a finding that the juvenile’s current residence will not safeguard the welfare of the~~
10 ~~juvenile or the community due to the serious nature of the act for which the juvenile~~
11 ~~was adjudicated delinquent.~~ If the judge has determined that any of the conditions
12 specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall be prima
13 facie evidence that a less restrictive alternative than placement in a secured
14 correctional facility, a secured child caring institution, or a secured group home is not
15 appropriate. If information under s. 938.331 has been provided in a court report
16 under s. 938.33 (1), the court shall consider that information when deciding on a
17 placement and treatment finding.

18 **SECTION 531g.** 938.355 (2) (b) 6. of the statutes is amended to read:

19 938.355 (2) (b) 6. If the juvenile is placed outside the home and if sub. (2d) does
20 not apply, the court’s, a finding that continued placement of the juvenile in his or her
21 home would be contrary to the welfare of the juvenile or, if the juvenile has been
22 adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c),
23 (cm), or (d) or (4d), a finding that the juvenile’s current residence will not safeguard
24 the welfare of the juvenile or the community due to the serious nature of the act for

1 which the juvenile was adjudicated delinquent. The court order shall also contain
2 a finding as to whether -a- the county department which provides social services or
3 the agency primarily responsible for providing services under a court order has made
4 reasonable efforts to prevent the removal of the juvenile from the home, while
5 assuring that the juvenile's health and safety are the paramount concerns, or, if
6 applicable, the court's unless the court finds that any of the circumstances specified
7 in sub. (2d) (b) 1. to 4. applies, and a finding as to whether the county department
8 or agency primarily responsible for providing services under a court order has made
9 reasonable efforts to make it possible for the juvenile to return safely to his or her
10 home achieve the goal of the juvenile's permanency plan, unless return of the
11 juvenile to the home is the goal of the permanency plan and the court finds that any
12 of the circumstances specified in sub. (2d) (b) 1. to 4. applies. The court shall make
13 the findings specified in this subdivision on a case-by-case basis based on
14 circumstances specific to the juvenile and shall document or reference the specific
15 information on which those findings are based in the court order. A court order that
16 merely references this subdivision without documenting or referencing that specific
17 information in the court order or an amended court order that retroactively corrects
18 an earlier court order that does not comply with this subdivision is not sufficient to
19 comply with this subdivision.

20 **SECTION 531h.** 938.355 (2) (b) 6r. of the statutes is created to read:

21 938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
22 sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county
23 department or agency primarily responsible for providing services under the court
24 order is not required to make reasonable efforts with respect to the parent to make
25 it possible for the juvenile to return safely to his or her home.

1 **SECTION 531k.** 938.355 (2b) of the statutes is amended to read:

2 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
3 department ~~that provides social services~~ or the agency primarily responsible for
4 providing services to a juvenile under a court order may, at the same time as the
5 county department or agency is making the reasonable efforts required under sub.
6 (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible
7 for the juvenile to return safely to his or her home, work with the department of
8 health and family services, a county department under s. 48.57 (1) (e) or (hm), or a
9 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
10 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
11 other alternative permanent placement.

12 **SECTION 531m.** 938.355 (2c) (b) of the statutes is amended to read:

13 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
14 the county department or the agency primarily responsible for providing services to
15 the juvenile under a court order has made reasonable efforts to ~~make it possible for~~
16 ~~the juvenile to return safely to his or her home~~ achieve the goal of the permanency
17 plan, the court's consideration of reasonable efforts shall include, ~~but not be limited~~
18 ~~to~~, the considerations listed under par. (a) 1. to 5. and whether visitation schedules
19 between the juvenile and his or her parents were implemented, unless visitation was
20 denied or limited by the court.

21 **SECTION 531p.** 938.355 (2d) (b) (intro.) of the statutes is amended to read:

22 938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not is~~
23 not required to include in a dispositional order a finding as to whether ~~a~~ the county
24 department ~~which provides social services~~ or the agency primarily responsible for
25 providing services under a court order has made reasonable efforts with respect to

1 a parent of a juvenile to prevent the removal of the juvenile from the home, while
2 assuring that the juvenile's health and safety are the paramount concerns, or, if
3 applicable, a finding as to whether the county department or agency primarily
4 responsible for providing services under a court order has made reasonable efforts
5 with respect to a parent of a juvenile to ~~make it possible for the juvenile to return~~
6 achieve the permanency plan goal of returning the juvenile safely to his or her home,
7 if the court finds, ~~as evidenced by a final judgment of conviction,~~ any of the following:

8 **SECTION 531q.** 938.355 (2d) (b) 1. of the statutes is amended to read:

9 938.355 (2d) (b) 1. That the parent has subjected the juvenile to aggravated
10 circumstances, as evidenced by a final judgment of conviction.

11 **SECTION 531r.** 938.355 (2d) (b) 2. of the statutes is amended to read:

12 938.355 (2d) (b) 2. That the parent has committed, has aided or abetted the
13 commission of, or has solicited, conspired, or attempted to commit, a violation of s.
14 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal
15 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if
16 committed in this state, as evidenced by a final judgment of conviction, and that the
17 victim of that violation is a child of the parent.

18 **SECTION 531t.** 938.355 (2d) (b) 3. of the statutes is amended to read:

19 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2),
20 (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a)
21 or a violation of the law of any other state or federal law, if that violation would be
22 a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
23 or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment
24 of conviction, and that the violation resulted in great bodily harm, as defined in s.

1 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the juvenile
2 or another child of the parent.

3 **SECTION 532b.** 938.355 (2d) (b) 3. of the statutes, as affected by 2001 Wisconsin
4 Act (this act), is amended to read:

5 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
6 1999 stats., or s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
7 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law,
8 if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2),
9 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state, as
10 evidenced by a final judgment of conviction, and that the violation resulted in great
11 bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined
12 in s. 939.22 (38), to the juvenile or another child of the parent.

13 **SECTION 532d.** 938.355 (2d) (b) 4. of the statutes is amended to read:

14 938.355 (2d) (b) 4. That the parental rights of the parent to another child have
15 been involuntarily terminated, as evidenced by a final order of a court of competent
16 jurisdiction terminating those parental rights.

17 **SECTION 532g.** 938.355 (2d) (bm) of the statutes is created to read:

18 938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4.
19 on a case-by-case basis based on circumstances specific to the juvenile and shall
20 document or reference the specific information on which that finding is based in the
21 dispositional order. A dispositional order that merely references par. (b) 1. to 4.
22 without documenting or referencing that specific information in the dispositional
23 order or an amended dispositional order that retroactively corrects an earlier
24 dispositional order that does not comply with this paragraph is not sufficient to
25 comply with this paragraph.

1 **SECTION 532j.** 938.355 (2d) (c) of the statutes is renumbered 938.355 (2d) (c)

2 1. and amended to read:

3 938.355 **(2d)** (c) 1. If the court ~~makes a finding~~ finds that any of the
4 circumstances specified in par. (b) 1., ~~2., 3., or 4.~~ to 4. applies with respect to a parent,
5 the court shall hold a hearing within 30 days after the date of that finding to
6 determine the permanency plan for the juvenile. If a hearing is held under this
7 ~~paragraph~~ subdivision, the agency responsible for preparing the permanency plan
8 shall file the permanency plan with the court not less than 5 days before the date of
9 the hearing.

10 **SECTION 532k.** 938.355 (2d) (c) 2. and 3. of the statutes are created to read:

11 938.355 **(2d)** (c) 2. If a hearing is held under subd. 1, at least 10 days before the
12 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal
13 custodian of the juvenile, and any foster parent, treatment foster parent, or other
14 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and
15 purpose of the hearing.

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

1 **SECTION 532t.** 938.355 (4) (a) of the statutes is amended to read:

2 938.355 (4) (a) ~~Except as provided under par. (b) or s. 938.368, all orders an~~
3 ~~order under this section shall terminate at the end of one year unless the court~~
4 ~~specifies a shorter period of time. Except if s. 938.368 applies, extensions or revisions~~
5 ~~or s. 938.357 or 938.365 made before the juvenile reaches 18 years of age that places~~
6 ~~or continues the placement of the juvenile in his or her home shall terminate at the~~
7 ~~end of one year after its entry unless the court specifies a shorter period of time. No~~
8 ~~extension under s. 938.365 of an original dispositional order may be granted for a~~
9 ~~juvenile who is subject to an order under s. 938.34 (4d), (4h), (4m) or (4n) if the~~
10 ~~juvenile is 17 years of age or older when the original dispositional order terminates.~~
11 ~~Any order made before the juvenile reaches the age of majority shall be effective for~~
12 ~~a time up to one year after its entry unless the court specifies a shorter period of time~~
13 ~~or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368,~~
14 ~~an order under this section or s. 938.357 or 938.365 made before the juvenile reaches~~
15 ~~18 years of age that places or continues the placement of the juvenile in a foster home,~~
16 ~~treatment foster home, group home, or residential care center for children and youth~~
17 ~~or in the home of a relative other than a parent shall terminate when the juvenile~~
18 ~~reaches 18 years of age, at the end of one year after its entry, or, if the juvenile is a~~
19 ~~full-time student at a secondary school or its vocational or technical equivalent and~~
20 ~~is reasonably expected to complete the program before reaching 19 years of age, when~~
21 ~~the juvenile reaches 19 years of age, whichever is later, unless the court specifies a~~
22 ~~shorter period of time or the court terminates the order sooner.~~

23 **SECTION 532v.** 938.355 (4) (b) of the statutes is amended to read:

24 938.355 (4) (b) ~~An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile~~
25 ~~has been adjudicated delinquent is subject to par. (a), except that the judge may make~~

1 Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before
2 the juvenile reaches 18 years of age may apply for up to 2 years after its entry or until
3 the juvenile's 18th birthdate birthday, whichever is earlier and the judge shall make,
4 unless the court specifies a shorter period of time or the court terminates the order
5 sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before
6 the juvenile reaches 18 years of age shall apply for 5 years after its entry, if the
7 juvenile is adjudicated delinquent for committing an act that would be punishable
8 as a Class B felony if committed by an adult, or until the juvenile reaches 25 years
9 of age, if the juvenile is adjudicated delinquent for committing an act that would be
10 punishable as a Class A felony if committed by an adult. Except as provided in s.
11 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before
12 the juvenile reaches 17 years of age shall terminate at the end of one year after its
13 entry unless the court specifies a shorter period of time or the court terminates the
14 order sooner. No extension under s. 938.365 of an original dispositional order under
15 s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age
16 or older when the original dispositional order terminates.

17 **SECTION 533b.** 938.355 (4) (b) of the statutes, as affected by 2001 Wisconsin Act
18 (this act), is amended to read:

19 938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)
20 or (4m) made before the juvenile reaches 18 years of age may apply for up to 2 years
21 after its entry or until the juvenile's 18th birthday, whichever is earlier, unless the
22 court specifies a shorter period of time or the court terminates the order sooner.
23 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the
24 juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile
25 is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing

1 an act that would be punishable as a Class B or C felony if committed by an adult,
2 or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent
3 for committing an act that would be punishable as a Class A felony if committed by
4 an adult. Except as provided in s. 938.368, an extension of an order under s. 938.34
5 (4d), (4h), (4m), or (4n) made before the juvenile reaches 17 years of age shall
6 terminate at the end of one year after its entry unless the court specifies a shorter
7 period of time or the court terminates the order sooner. No extension under s.
8 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may
9 be granted for a juvenile who is 17 years of age or older when the original
10 dispositional order terminates.

11 **SECTION 533bb.** 938.355 (6) (a) of the statutes is amended to read:

12 938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have
13 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
14 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on
15 the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing
16 under s. 938.335, the court explained the conditions to the juvenile and informed the
17 juvenile of those possible sanctions or if before the violation the juvenile has
18 acknowledged in writing that he or she has read, or has had read to him or her, those
19 conditions and possible sanctions and that he or she understands those conditions
20 and possible sanctions. If a juvenile who has been found to be in need of protection
21 or services under s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in
22 sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in
23 par. (d), other than placement in a secure detention facility or juvenile portion of a
24 county jail, if, at the dispositional hearing under s. 938.335, the court explained the
25 conditions to the juvenile and informed the juvenile of those possible sanctions or if

1 before the violation the juvenile has acknowledged in writing that he or she has read,
2 or has had read to him or her, those conditions and possible sanctions and that he or
3 she understands those conditions and possible sanctions.

4 (cm) The court may not order the sanction of placement in a place of nonsecure
5 custody specified in par. (d) 1. unless the court finds that the agency primarily
6 responsible for providing services for the juvenile has made reasonable efforts to
7 prevent the removal of the juvenile from his or her home and that continued
8 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.
9 The court shall make the findings specified in this paragraph on a case-by-case basis
10 based on circumstances specific to the juvenile and shall document or reference the
11 specific information on which that finding is based in the sanction order. A sanction
12 order that merely references this paragraph without documenting or referencing
13 that specific information in the sanction order or an amended sanction order that
14 retroactively corrects an earlier sanction order that does not comply with this
15 paragraph is not sufficient to comply with this paragraph.

16 **SECTION 533bd.** 938.355 (6m) (cm) of the statutes is created to read:

17 938.355 (6m) (cm) The court may not order the sanction of placement in a place
18 of nonsecure custody specified in par. (a) 1g. unless the court finds that the agency
19 primarily responsible for providing services for the juvenile has made reasonable
20 efforts to prevent the removal of the juvenile from his or her home and that continued
21 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.
22 The court shall make the findings specified in this paragraph on a case-by-case basis
23 based on circumstances specific to the juvenile and shall document or reference the
24 specific information on which that finding is based in the sanction order. A sanction
25 order that merely references this paragraph without documenting or referencing

1 that specific information in the sanction order or an amended sanction order that
2 retroactively corrects an earlier sanction order that does not comply with this
3 paragraph is not sufficient to comply with this paragraph.

4 **SECTION 533bf.** 938.357 (1) (a) of the statutes, as affected by 2001 Wisconsin
5 Act 103, and is amended to read:

6 938.357 (1) (a) The person or agency primarily responsible for implementing
7 the dispositional order or the district attorney may request a change in the
8 placement of the juvenile, whether or not the change requested is authorized in the
9 dispositional order, and as provided in par. (am) or (c), whichever is applicable.

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

21 **SECTION 533bg.** 938.357 (1) (b) of the statutes, as affected by 2001 Wisconsin
22 Act 103, is renumbered 938.357 (1) (am) 2. and amended to read:

23 938.357 (1) (am) 2. Any person receiving the notice under ~~par. (a) subd. 1.~~ or
24 notice of a specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may
25 obtain a hearing on the matter by filing an objection with the court within 10 days

1 after receipt of the notice. Placements may not be changed until 10 days after that
2 notice is sent to the court unless the parent, guardian, or legal custodian and the
3 juvenile, if 12 or more years of age, sign written waivers of objection, except that
4 ~~placement changes~~ in placement that were authorized in the dispositional order may
5 be made immediately if notice is given as required under ~~par. (a) subd. 1~~. In addition,
6 a hearing is not required for placement changes authorized in the dispositional order
7 except when an objection filed by a person who received notice alleges that new
8 information is available that affects the advisability of the court's dispositional order.

9 **SECTION 533bh.** 938.357 (1) (am) 3. of the statutes is created to read:

10 938.357 (1) (am) 3. If the court changes the juvenile's placement from a
11 placement outside the home to another placement outside the home, the change in
12 placement order shall contain one of the statements specified in sub. (2v) (a) 2.

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

14 938.357 (1) (c) 1. If the proposed change in placement would change the
15 placement of a juvenile placed in the home to a placement outside the home, the
16 person or agency primarily responsible for implementing the dispositional order or
17 the district attorney shall submit a request for the change in placement to the court.
18 The request shall contain the name and address of the new placement, the reasons
19 for the change in placement, a statement describing why the new placement is
20 preferable to the present placement, and a statement of how the new placement
21 satisfies objectives of the treatment plan ordered by the court. The request shall also
22 contain specific information showing that continued placement of the juvenile in his
23 or her home would be contrary to the welfare of the juvenile and, unless any of the
24 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information
25 showing that the agency primarily responsible for implementing the dispositional

1 order has made reasonable efforts to prevent the removal of the juvenile from the
2 home, while assuring that the juvenile's health and safety are the paramount
3 concerns.

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

10 3. If the court changes the juvenile's placement from a placement in the
11 juvenile's home to a placement outside the juvenile's home, the change in placement
12 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements
13 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the
14 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
15 the determination specified in sub. (2v) (a) 3.

16 **SECTION 533bL.** 938.357 (2) of the statutes, as affected by 2001 Wisconsin Act
17 103, is amended to read:

18 938.357 (2) If emergency conditions necessitate an immediate change in the
19 placement of a juvenile placed outside the home, the person or agency primarily
20 responsible for implementing the dispositional order may remove the juvenile to a
21 new placement, whether or not authorized by the existing dispositional order,
22 without the prior notice provided in sub. (1) ~~(a)~~ (am) 1. The notice shall, however,
23 be sent within 48 hours after the emergency change in placement. Any party
24 receiving notice may demand a hearing under sub. (1) ~~(b)~~ (am) 2. In emergency
25 situations, a juvenile may be placed in a licensed public or private shelter care facility

1 as a transitional placement for not more than 20 days, as well as in any placement
2 authorized under s. 938.34 (3).

3 **SECTION 533bn.** 938.357 (2m) (a) of the statutes, as affected by 2001 Wisconsin
4 Act 103, and is amended to read:

5 938.357 (2m) (a) The juvenile, the parent, guardian, or legal custodian of the
6 juvenile, or any person or agency primarily bound by the dispositional order, other
7 than the person or agency responsible for implementing the order, may request a
8 change in placement under this paragraph. The request shall contain the name and
9 address of the place of the new placement requested and shall state what new
10 information is available that affects the advisability of the current placement. If the
11 proposed change in placement would change the placement of a juvenile placed in the
12 home to a placement outside the home, the request shall also contain specific
13 information showing that continued placement of the juvenile in the home would be
14 contrary to the welfare of the juvenile and, unless any of the circumstances specified
15 in s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency
16 primarily responsible for implementing the dispositional order has made reasonable
17 efforts to prevent the removal of the juvenile from the home, while assuring that the
18 juvenile's health and safety are the paramount concerns. The request shall be
19 submitted to the court. In addition, the court may propose a change in placement on
20 its own motion.

21 **SECTION 533bo.** 938.357 (2m) (b) of the statutes, as affected by 2001 Wisconsin
22 Act 103, is amended to read:

23 938.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
24 any change in placement requested or proposed under par. (a) if the request states
25 that new information is available that affects the advisability of the current

1 placement, unless the requested or proposed change in placement involves any
2 change in placement other than a change in placement of a juvenile placed in the
3 home to a placement outside the home and written waivers of objection to the
4 proposed change in placement are signed by all parties entitled to receive notice
5 under sub. (1) ~~(a)~~ (am) 1. and the court approves. If a hearing is scheduled, the court
6 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,
7 any foster parent, treatment foster parent, or other physical custodian described in
8 s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order
9 at least 3 days prior to the hearing. A copy of the request or proposal for the change
10 in placement shall be attached to the notice. If all of the parties consent, the court
11 may proceed immediately with the hearing.

12 **SECTION 533bp.** 938.357 (2m) (c) of the statutes is created to read:

13 938.357 (2m) (c) If the court changes the juvenile's placement from a placement
14 in the juvenile's home to a placement outside the juvenile's home, the change in
15 placement order shall contain the findings specified in sub. (2v) (a) 1., one of the
16 statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of
17 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
18 parent, the determination specified in sub. (2v) (a) 3.

19 **SECTION 533br.** 938.357 (2r) of the statutes, as affected by 2001 Wisconsin Act
20 103, is amended to read:

21 938.357 (2r) If a hearing is held under sub. (1) ~~(b)~~ (am) 2. or (2m) (b) and the
22 change in placement would remove a juvenile from a foster home, treatment foster
23 home, or other placement with a physical custodian described in s. 48.62 (2), the court
24 shall give the foster parent, treatment foster parent, or other physical custodian
25 described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the

1 foster parent, treatment foster parent, or other physical custodian to make a written
2 or oral statement during the hearing or to submit a written statement prior to the
3 hearing relating to the juvenile and the requested change in placement. ~~Any written~~
4 ~~or oral statement made under this subsection shall be made under oath or~~
5 ~~affirmation.~~ A foster parent, treatment foster parent, or other physical custodian
6 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) ~~(b)~~ (am) 1. or
7 (2m) (b) and an opportunity to be heard under this subsection does not become a
8 party to the proceeding on which the hearing is held solely on the basis of receiving
9 that notice and opportunity to be heard.

10 **SECTION 533bt.** 938.357 (2v) of the statutes, as affected by 2001 Wisconsin Act
11 103, is renumbered 938.357 (2v) (a) 2. and amended to read:

12 938.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) (b) or (2m) (b) and the~~
13 ~~change in placement would place the juvenile outside the home in a placement order~~
14 would change the placement of the juvenile to a placement outside the home
15 recommended by the person or agency primarily responsible for implementing the
16 dispositional order, ~~the change in placement order shall include whether from a~~
17 placement in the home or from another placement outside the home, a statement
18 that the court approves the placement recommended by the person or agency or, if
19 ~~the juvenile is placed outside the home in a placement other than change in~~
20 placement order would change the placement of the juvenile to a placement outside
21 the home that is not a placement recommended by that person or agency, whether
22 from a placement in the home or from another placement outside the home, a
23 statement that the court has given bona fide consideration to the recommendations
24 made by that person or agency and all parties relating to the juvenile's placement.

25 **SECTION 533bv.** 938.357 (2v) (a) (intro.) of the statutes is created to read:

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

3 **SECTION 533bx.** 938.357 (2v) (a) 1. of the statutes is created to read:

4 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a
5 placement in the juvenile's home to a placement outside the juvenile's home, a
6 finding that continued placement of the juvenile in his or her home would be contrary
7 to the welfare of the juvenile and, unless a circumstance specified in s. 938.355 (2d)
8 (b) 1. to 4. applies, a finding that the agency primarily responsible for implementing
9 the dispositional order has made reasonable efforts to prevent the removal of the
10 juvenile from the home, while assuring that the juvenile's health and safety are the
11 paramount concerns.

12 **SECTION 533bz.** 938.357 (2v) (a) 3. of the statutes is created to read:

13 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
14 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
15 agency primarily responsible for providing services under the change in placement
16 order is not required to make reasonable efforts with respect to the parent to make
17 it possible for the juvenile to return safely to his or her home.

18 **SECTION 533c.** 938.357 (2v) (b) of the statutes is created to read:

19 938.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and
20 3. on a case-by-case basis based on circumstances specific to the juvenile and shall
21 document or reference the specific information on which those findings are based in
22 the change in placement order. A change in placement order that merely references
23 par. (a) 1. or 3. without documenting or referencing that specific information in the
24 change in placement order or an amended change in placement order that

1 retroactively corrects an earlier change in placement order that does not comply with
2 this paragraph is not sufficient to comply with this paragraph.

3 **SECTION 533cb.** 938.357 (2v) (c) of the statutes is created to read:

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

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

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

1 **SECTION 533cd.** 938.357 (3) of the statutes, as affected by 2001 Wisconsin Act
2 103, is amended to read:

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

13 **SECTION 533ce.** 938.357 (4) (b) 1. of the statutes, as affected by 2001 Wisconsin
14 Act 103, is amended to read:

15 938.357 (4) (b) 1. If a juvenile whom the department has placed in a Type 2
16 secured correctional facility operated by a child welfare agency violates a condition
17 of his or her placement in the Type 2 secured correctional facility, the child welfare
18 agency operating the Type 2 secured correctional facility shall notify the department
19 and the department, after consulting with the child welfare agency, may place the
20 juvenile in a Type 1 secured correctional facility under the supervision of the
21 department without a hearing under sub. (1) ~~(b)~~ (am) 2.

22 **SECTION 533cf.** 938.357 (4) (b) 2. of the statutes, as affected by 2001 Wisconsin
23 Act 103, is amended to read:

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

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

15 **SECTION 533ch.** 938.357 (4) (c) 1. of the statutes, as affected by 2001 Wisconsin
16 Act 103, is amended to read:

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

1 **SECTION 533cj.** 938.357 (4) (c) 2. of the statutes, as affected by 2001 Wisconsin
2 Act 103, is amended to read:

3 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under
4 s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate
5 for the juvenile, the child welfare agency operating the Type 2 child caring
6 institution shall notify the county department that has supervision over the juvenile
7 and, if the county department agrees to a change in placement under this
8 subdivision, the child welfare agency may place the juvenile in a less restrictive
9 placement. A child welfare agency may also, with the agreement of the county
10 department that has supervision over a juvenile who is placed in a less restrictive
11 placement under this subdivision, return the juvenile to the Type 2 child caring
12 institution without a hearing under sub. (1) ~~(b)~~ (am) 2. The child welfare agency shall
13 establish a rate for each type of placement in the manner provided in s. 46.037.

14 **SECTION 533cL.** 938.357 (4) (d) of the statutes, as affected by 2001 Wisconsin
15 Act 103, is amended to read:

16 938.357 (4) (d) The department may transfer a juvenile who is placed in a Type
17 1 secured correctional facility to the Racine youthful offender correctional facility
18 named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile
19 offender review in the department has determined that the conduct of the juvenile
20 in the Type 1 secured correctional facility presents a serious problem to the juvenile
21 or others. The factors that the office of juvenile offender review may consider in
22 making that determination shall include, but are not limited to, whether and to what
23 extent the juvenile's conduct in the Type 1 secured correctional facility is violent and
24 disruptive, the security needs of the Type 1 secured correctional facility, and whether
25 and to what extent the juvenile is refusing to cooperate or participate in the

1 treatment programs provided for the juvenile in the Type 1 secured correctional
2 facility. Notwithstanding sub. (1) ~~(b)~~ (am) 2., a juvenile is not entitled to a hearing
3 regarding the department's exercise of authority under this paragraph unless the
4 department provides for a hearing by rule. A juvenile may seek review of a decision
5 of the department under this paragraph only by the common law writ of certiorari.
6 If the department transfers a juvenile under this paragraph, the department shall
7 send written notice of the transfer to the parent, guardian, legal custodian, and
8 committing court.

9 **SECTION 533cn.** 938.357 (5) (a) of the statutes, as affected by 2001 Wisconsin
10 Act 103, is amended to read:

11 938.357 (5) (a) The department or a county department, whichever has been
12 designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the
13 aftercare status of that juvenile. Revocation of aftercare supervision shall not
14 require prior notice under sub. (1) ~~(a)~~ (am) 1.

15 **SECTION 533cp.** 938.357 (6) of the statutes is amended to read:

16 938.357 (6) No change in placement may extend the expiration date of the
17 original order, except that if the change in placement is from a placement in the
18 juvenile's home to a placement in a foster home, treatment foster home, group home,
19 or residential care center for children and youth or in the home of a relative who is
20 not a parent, the court may extend the expiration date of the original order to the date
21 on which the juvenile reaches 18 years of age, to the date that is one year after the
22 date of the change in placement order, or, if the juvenile is a full-time student at a
23 secondary school or its vocational or technical equivalent and is reasonably expected
24 to complete the program before reaching 19 years of age, to the date on which the
25 juvenile reaches 19 years of age, whichever is later, or for a shorter period of time as

1 specified by the court. If the change in placement is from a placement in a foster
2 home, treatment foster home, group home, or residential care center for children and
3 youth or in the home of a relative to a placement in the juvenile's home and if the
4 expiration date of the original order is more than one year after the date of the change
5 in placement order, the court shall shorten the expiration date of the original order
6 to the date that is one year after the date of the change in placement order or to an
7 earlier date as specified by the court.

8 **SECTION 533cr.** 938.363 (1m) of the statutes is amended to read:

9 938.363 (1m) If a hearing is held under sub. (1) (a), any party may present
10 evidence relevant to the issue of revision of the dispositional order. In addition, the
11 court shall give a foster parent, treatment foster parent, or other physical custodian
12 described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by
13 permitting the foster parent, treatment foster parent, or other physical custodian to
14 make a written or oral statement during the hearing, or to submit a written
15 statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral~~
16 ~~statement made under this subsection shall be made under oath or affirmation.~~ A
17 foster parent, treatment foster parent, or other physical custodian described in s.
18 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be
19 heard under this subsection does not become a party to the proceeding on which the
20 hearing is held solely on the basis of receiving that notice and opportunity to be
21 heard.

22 **SECTION 533ct.** 938.365 (1) of the statutes is amended to read:

23 938.365 (1) In this section, a juvenile is considered to have been placed outside
24 of his or her home on the date on which the juvenile was first placed outside of his
25 ~~or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363~~

1 ~~or on the date that is 60 days after the date on which the juvenile was first removed~~
2 ~~from his or her home, whichever is earlier, except that in the case of a juvenile who~~
3 ~~on removal from his or her home was first placed in a secure detention facility, a~~
4 ~~secured correctional facility, a secured child caring institution, or a secured group~~
5 ~~home for 60 days or more and then moved to a nonsecured out-of-home placement,~~
6 ~~the juvenile is considered to have been placed outside of his or her home on the date~~
7 ~~on which the juvenile was moved to the nonsecured out-of-home placement.~~

8 **SECTION 533cv.** 938.365 (2g) (b) 2. of the statutes is amended to read:

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

19 **SECTION 533cx.** 938.365 (2g) (b) 3. of the statutes is amended to read:

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

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

14 **SECTION 533cz.** 938.365 (2m) (a) of the statutes is renumbered 938.365 (2m)
15 (a) 1. and amended to read:

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

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

5 **SECTION 533d.** 938.365 (2m) (a) 2. of the statutes is created to read:

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

11 **SECTION 533db.** 938.365 (2m) (a) 3. of the statutes is created to read:

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

21 **SECTION 533dd.** 938.365 (2m) (ad) of the statutes is created to read:

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

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

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

8 **SECTION 533df.** 938.365 (2m) (ag) of the statutes is amended to read:

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

21 **SECTION 533dh.** 938.365 (5) of the statutes is amended to read:

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

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

9 **SECTION 533dj.** 938.38 (2) (intro.) of the statutes, as affected by 2001 Wisconsin
10 Act 59, is amended to read:

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

20 **SECTION 533dL.** 938.38 (2) (c) of the statutes is amended to read:

21 938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64
22 (2) ~~or pursuant to, under a consent decree under s. 938.32 (1) (c), or under a court~~
23 order under s. 938.355.

24 **SECTION 533dn.** 938.38 (2) (f) of the statutes is amended to read:

1 938.38 (2) (f) The juvenile's care ~~is paid~~ would be paid for under s. 49.19 but
2 for s. 49.19 (20).

3 **SECTION 533dp.** 938.38 (3) (intro.) of the statutes is amended to read:

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

8 **SECTION 533dr.** 938.38 (4) (intro.) of the statutes is amended to read:

9 938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~
10 ~~description of~~ all of the following:

11 **SECTION 533dt.** 938.38 (4) (a) of the statutes is renumbered 938.38 (4) (ar) and
12 amended to read:

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

23 **SECTION 533dv.** 938.38 (4) (ag) of the statutes is created to read:

24 938.38 (4) (ag) The name, address, and telephone number of the juvenile's
25 parent, guardian, and legal custodian.

1 **SECTION 533dx.** 938.38 (4) (am) of the statutes is created to read:

2 938.38 (4) (am) The date on which the juvenile was removed from his or her
3 home and the date on which the juvenile was placed in out-of-home care.

4 **SECTION 533dz.** 938.38 (4) (bm) of the statutes is amended to read:

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

9 **SECTION 533e.** 938.38 (4) (dg) of the statutes is created to read:

10 938.38 (4) (dg) Information about the juvenile's education, including all of the
11 following:

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

14 2. Any special education programs in which the juvenile is or was previously
15 enrolled.

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

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

21 **SECTION 533eb.** 938.38 (4) (dm) of the statutes is created to read:

22 938.38 (4) (dm) If as a result of the placement the juvenile has been or will be
23 transferred from the school in which the juvenile is or most recently was enrolled,
24 documentation that a placement that would maintain the juvenile in that school is

1 either unavailable or inappropriate or that a placement that would result in the
2 juvenile's transfer to another school would be in the juvenile's best interests.

3 **SECTION 533ed.** 938.38 (4) (dr) of the statutes is created to read:

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

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

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

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

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

17 **SECTION 533ef.** 938.38 (4) (e) of the statutes is amended to read:

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

24 **SECTION 533eh.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

1 938.38 (4) (f) (intro.) The A description of the services that will be provided to
2 the juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's
3 treatment foster parent ~~or~~, the operator of the facility where the juvenile is living,
4 or the relative with whom the juvenile is living to carry out the dispositional order,
5 including services planned to accomplish all of the following:

6 **SECTION 533ej.** 938.38 (4) (fg) of the statutes is created to read:

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

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

22 **SECTION 533eL.** 938.38 (4) (fm) of the statutes is amended to read:

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

1 adoption, with a guardian or in some other alternative permanent placement achieve
2 that goal.

3 **SECTION 533en.** 938.38 (4) (h) of the statutes is created to read:

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

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

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

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

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

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

22 **SECTION 533ep.** 938.38 (5) (a) of the statutes, as affected by 2001 Wisconsin Act
23 69, is amended to read:

24 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel
25 appointed under ~~this paragraph~~ par. (ag) shall review the permanency plan every in

1 the manner provided in this subsection not later than 6 months from after the date
2 on which the juvenile was first held in physical custody or placed outside of removed
3 from his or her home and every 12 months after a previous review under this
4 subsection for as long as the juvenile is placed outside the home, except that for the
5 review that is required to be conducted not later than 12 months after the juvenile
6 was first removed from his or her home and the reviews that are required to be
7 conducted every 12 months after that review the court shall hold a hearing under
8 sub. (5m) to review the permanency plan, which hearing may be instead of or in
9 addition to the review under this subsection.

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

18 **SECTION 533er.** 938.38 (5) (b) of the statutes is amended to read:

19 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
20 the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,
21 the juvenile's treatment foster parent ~~or~~, the operator of the facility in which the
22 juvenile is living, or the relative with whom the juvenile is living of the date, time,
23 and place of the review, of the issues to be determined as part of the review, and of
24 the fact that they may have an opportunity to be heard at the review by submitting
25 written comments not less than 10 working days before the review or by

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

8 **SECTION 533et.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

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

15 **SECTION 533ev.** 938.38 (5) (c) 6. am. of the statutes is renumbered 938.38 (5)
16 (c) 6. cm. and amended to read:

17 938.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the
18 juvenile.

19 **SECTION 533ex.** 938.38 (5) (c) 6. cg. of the statutes is created to read:

20 938.38 (5) (c) 6. cg. Being placed with a guardian.

21 **SECTION 533ez.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

22 938.38 (5) (c) 6. d. Being placed in some other alternative permanent
23 placement, including sustaining care, independent living, or long-term foster care.

24 **SECTION 533f.** 938.38 (5) (c) 7. of the statutes is amended to read:

1 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to make
2 it possible for the juvenile to return safely to his or her home, except that the court
3 or panel need not determine whether those reasonable efforts were made with
4 respect to a parent of the juvenile if any of the circumstances specified in s. 938.355
5 (2d) (b) 1., 2., 3. or 4. apply to that parent achieve the goal of the permanency plan,
6 unless return of the juvenile to the home is the goal of the permanency plan and any
7 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

8 **SECTION 533fb.** 938.38 (5m) of the statutes is created to read:

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

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

21 (c) Any person who is provided notice of the hearing may have an opportunity
22 to be heard at the hearing by submitting written comments relevant to the
23 determinations specified in sub. (5) (c) not less than 10 working days before the date
24 of the hearing or by participating at the hearing. A foster parent, treatment foster
25 parent, operator of a facility in which a juvenile is living, or relative with whom a

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

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

15 (e) After the hearing, the court shall make written findings of fact and
16 conclusions of law relating to the determinations under sub. (5) (c) and shall provide
17 a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's
18 parent, guardian, and legal custodian; the juvenile's foster parent or treatment foster
19 parent, the operator of the facility in which the juvenile is living, or the relative with
20 whom the juvenile is living; the agency that prepared the permanency plan; and the
21 person representing the interests of the public. The court shall make the findings
22 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to
23 the juvenile and shall document or reference the specific information on which those
24 findings are based in the findings of fact and conclusions of law prepared under this
25 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)

1 7. without documenting or referencing that specific information in the findings of fact
2 and conclusions of law or amended findings of fact and conclusions of law that
3 retroactively correct earlier findings of fact and conclusions of law that do not comply
4 with this paragraph are not sufficient to comply with this paragraph.

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

9 **SECTION 533fd.** 938.78 (2) (a) of the statutes is amended to read:

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

14 **8.** Page 353, line 15: after that line insert:

15 “(1z) RELATIVE PLACEMENT PERMANENCY PLANS.

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

1 or juveniles by November 1, 2002, and with respect to all of those children or
2 juveniles by January 1, 2003, giving priority to those children or juveniles who have
3 been living in the home of a relative for the longest period of time.

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

12 (c) Notwithstanding section 48.38 (5) (a) of the statutes, as affected by this act,
13 section 48.38 (5m) of the statutes, as created by this act, section 938.38 (5) (a) of the
14 statutes, as affected by this act, and section 938.38 (5m) of the statutes, as created
15 by this act, a permanency plan filed under this subsection shall be reviewed within
16 6 months after the date on which the permanency plan is filed and a permanency
17 plan hearing shall be had to review a permanency plan filed under this subsection
18 within 12 months after the date on which the permanency plan is filed.”.

19 **9.** Page 435, line 2: after that line insert:

20 “(1vv) JUVENILE COURT ORDERS. The treatment of sections 48.21 (5) (b) 1. and
21 3., (c), and (d), 48.355 (2) (b) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1., 2., 3. (by SECTION
22 101z), 4., and 5. and (bm), and (4), 48.357 (6), 48.365 (2m) (ag) and (5), 48.977 (2) (f),
23 938.21 (5) (b) 1. and 3., (c), and (d), 938.32 (1) (c) and (d), 938.355 (2) (b) 6. and 6r.,
24 (2c) (b), (2d) (b) (intro.), 1., 2., 3. (by SECTION 531t), and 4., and (bm), (4) (a) and (b)

1 (by SECTION 532v), (6) (a), and (6m) (cm), 938.357 (6), and 938.365 (2m) (ag) and (5)
2 of the statutes, the renumbering and amendment of sections 48.32 (1), 48.355 (2d)
3 (c), 48.365 (2m) (a), 938.355 (2d) (c), and 938.365 (2m) (a) of the statutes, and the
4 creation of sections 48.32 (1) (b) and (c), 48.355 (2d) (c) 2. and 3., 48.365 (2m) (a) 2.
5 and 3. and (ad), 938.355 (2d) (c) 2. and 3., and 938.365 (2m) (a) 2. and 3. and (ad) of
6 the statutes first apply to a physical custody order, consent decree, dispositional
7 order, change in placement order, extension order, sanction order, or guardianship
8 order entered on the effective date of this subsection.

9 (1vw) JUVENILE COURT REPORTS. The treatment of sections 48.33 (4) (intro.) and
10 (c), 48.365 (1) and (2g) (b) 2. and 3., 938.33 (4) (intro.) and (c), and 938.365 (1) and
11 (2g) (b) 2. and 3. of the statutes first applies to reports filed with the court assigned
12 to exercise jurisdiction under chapters 48 and 938 of the statutes on the effective of
13 this subsection.

14 (1vx) JUVENILE COURT HEARINGS. The treatment of sections 48.21 (1) (a) and (3)
15 (am), 48.335 (3g), 48.363 (1m), 938.21 (1) (a), (2) (am), and (3) (am), 938.335 (3g), and
16 938.363 (1m) of the statutes first applies to hearings held by the court assigned to
17 exercise jurisdiction under chapters 48 and 938 of the statutes on the effective of this
18 subsection.

19 (1vy) PERMANENCY PLAN CONTENTS. The treatment of sections 48.38 (4) (intro.),
20 (a), (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) and 938.38 (4)
21 (intro.), (a), (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) of the
22 statutes first applies to permanency plans filed on the effective date of this
23 subsection.

24 (1vz) PERMANENCY PLAN REVIEWS AND HEARINGS. The treatment of sections 48.38
25 (5) (a), (b), and (c) 6. (intro.), am., cg., and d. and 7. and (5m) and 938.38 (5) (a), (b),

1 and (c) 6. (intro.), am., cg., and d. and 7. and (5m) of the statutes first applies to
2 permanency plan reviews and hearings for which notice is provided on the effective
3 date of this subsection.

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

12 (1ww) TIME LIMITS. The treatment of sections 48.315 (2m) and 938.315 (2m) and
13 (3) of the statutes first applies to continuances and extensions granted, and periods
14 of delay that begin, on the effective date of this subsection.

15 (1wx) JUVENILE COURT PETITIONS. The treatment of sections 48.255 (1) (f), (1m)
16 (f), and (2) and 938.255 (1) (f) and (2) of the statutes first applies to petitions filed with
17 the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes
18 on the effective date of this subsection.”.

19 **10.** Page 440, line 2: delete “938.355 (2d) (b) 3., 938.355 (4) (b),” and substitute
20 “938.355 (2d) (b) 3. (by SECTION 532b), 938.355 (4) (b) (by SECTION 533b),”.

21 **11.** Page 450, line 1: after “48.355 (2d) (b) 3.” insert “(by SECTION 102b)”.

22 **12.** Page 450, line 2: after “48.417 (1) (d)” insert “(by SECTION 104b)”.

23 **13.** Page 450, line 4: after “48.685 (5) (bm) 4.” insert “(by SECTION 114b)”.

1 **14.** Page 451, line 4: delete “938.355 (2d) (b) 3., 938.355 (4) (b),” and substitute
2 “938.355 (2d) (b) 3. (by SECTION 532b), 938.355 (4) (b) (by SECTION 533b),”.

3

(END)