

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus 7-4887

By/Representing: Hughes

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact: LFB
LFB
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Addl. Drafters:

Subject: Children - out-of-home placement

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Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Hughes - AM22,

Topic:

Court-ordered relative placement permanency plans

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 06/21/2001	gilfokm 06/21/2001		_____ _____			
/1			pgreensl 06/22/2001	_____ _____	lrb_docadmin 06/22/2001		

FE Sent For:

<END>

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1?	malaigm	1-6/21 King	6/22 DG	6/22 p8/ch			

FE Sent For:

<END>

(b) *Family Medicine and practice.* The amounts in the schedule for the development and operation of programs to support the recruitment and training of medical students and residents in Family and Community Medicine.

18. DHFS Provision Requests:

Include the following provisions at the request of DHFS:

GMM
+
MGD
RLR
ISR

a) ~~Court-Ordered Placements (Jeskewitz Request # 261)~~

- Require that all out of home care placement orders include the language necessary under the new federal regulations to receive IV-E reimbursement. The language would require courts to specifically state that they have given due consideration to county or state recommendations when placing a child in a foster home or other setting.

b) Permanency Plans for Court-Ordered Placements with a Relative (Jeskewitz Request #261, Ladwig Request #23)

- Require that an agency responsible for a child who, under the order of a juvenile court, is living in the home of a relative to prepare a permanency plan for the child. Also require the agency, upon request of a guardian or grandparent in whose home a child is placed under a juvenile court order to issue a foster care license to the grandparent or guardian. The requirement would first apply to children and juveniles who are placed in the home of a relative under a court's order on the bill's general effective date.

c) Sexually Violent Persons Patient Rights- Sand Ridge Treatment Center Operational Plan (Information attached)

19. Governor's BadgerCare Revision Language:

Require DHFS to request a waiver from the DHHS to: (a) permit DHFS to verify whether a family or a child has access or has had access to employer-subsidized health care prior to enrolling the family or child in BadgerCare; and (b) increase the time period a family or a child is required to be without coverage to employer-subsidized health care before the family or child would be eligible for BadgerCare.

Specify that the waiver would propose to increase the time period that a family must not have had coverage under employer-subsidized health care from three months to six months, with the following exceptions:

- If the family or child, lost employer-subsidized health care coverage through no fault of the family or child as determined by DHFS, the waiting period would be 45 days.
- If the family or child, lost employer-subsidized health care coverage, but no longer has access because they have exhausted their COBRA coverage, the waiting period would at least be three months.
- If the family or child had employer-subsidized health care but no longer has access because employment was terminated, the waiting period would at least be three months.

Currently, families or children meeting the above requirements would have no waiting period.

20. Intergovernmental Transfers - MA Trust Account

DAK
(Leibham Request # 91)

Budget Amendments 2001 - 2003

GMM

Prepared by the Assembly Republican Caucus

Statement of Intent Permanency Plan for Court-Ordered Relative Placement

Legislator	Ladwig	Amendment	22
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	Janine	Package	

Agency Health and Family Services

Summary Require that agencies prepare permanency plans for each child that is placed in the home of a relative under a court order under the children's code (Chapter 48) or the juvenile justice code (Chapter 938). Specify that this requirement would first apply to children and juveniles who are placed in the home of a relative under a court order on the bill's general effective date.

Under current law, for each child living in a foster home, treatment foster home, group home, child caring institution, secure detention facility, or shelter care facility, whether under a voluntary agreement or under an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court), the agency that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child under the juvenile court order must prepare a written permanency plan, which is a plan designed to ensure that a child is reunified with his or her family whenever appropriate so that the child quickly attains a placement or home providing long-term stability.

This motion requires a permanency plan to be prepared for a child who, under a juvenile court order, is living in the home of a relative.

Fiscal Impact No fiscal impact.

Drafting Inst

ARC Analyst Hughes

Request # 23

2001

Date (time) needed Soon

LRB b 1429 / 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

GMM : Kup :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

✓ #. Page 578, line 6...: after that line insert:



#. Page, line

#. Page, line

#. Page, line

#. Page, line

#. Page, line

DOA:.....Fossum - Court-ordered relative placement permanency plans
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, for each child living in a foster home, treatment foster home, group home, child caring institution, secure detention facility, or shelter care facility, whether under a voluntary agreement or under an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court), the agency that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child under the juvenile court order must prepare a written permanency plan, which is a plan designed to ensure that a child is reunified with his or her family whenever appropriate or that the child quickly attains a placement or home providing long-term stability. This bill requires a permanency plan to be prepared for a child who, under a juvenile court order, is living in the home of a relative.

Under current law, on the request of a grandparent in whose home a grandchild whose parent is under 18 years of age is placed, whether under a voluntary agreement or under a juvenile court order, DHFS, a county department of human services or social services (county department), or a licensed child welfare agency may license that grandparent as the grandchild's foster parent or treatment foster parent. This bill requires DHFS, a county department, or a licensed child welfare agency to license such a grandparent as the grandchild's foster parent or treatment

~~foster parent on the request of the grandparent. Similarly, on the request of a guardian in whose home a minor ward is placed under a juvenile court order, DHFS, a county department, or a licensed child welfare agency may license that guardian as the ward's foster parent or treatment foster parent. This bill requires DHFS, a county department, or a licensed child welfare agency to license such a guardian as the ward's foster parent or treatment foster parent on the request of the guardian.~~

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

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

1588
 (f) SECTION 1. 48.38 (2) (intro.) of the statutes is amended to read:

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

1589
 (g) SECTION 2. 48.38 (4) (f) (intro.) of the statutes is amended to read:

10 48.38 (4) (f) (intro.) The services that will be provided to the child, the child's
 11 family, and the child's foster parent, the child's treatment foster parent ~~or~~, the
 12 operator of the facility where the child is living, or the relative with whom the child
 13 is living to carry out the dispositional order, including services planned to accomplish
 14 all of the following:

1590
 (h) SECTION 3. 48.38 (5) (a) of the statutes is amended to read:

16 48.38 (5) (a) The court or a panel appointed under this paragraph shall review
 17 the permanency plan every 6 months from the date on which the child was first held
 18 in physical custody or placed outside of his or her home under a court order. If the

1 court elects not to review the permanency plan, the court shall appoint a panel to
2 review the permanency plan. The panel shall consist of 3 persons who are either
3 designated by an independent agency that has been approved by the chief judge of
4 the judicial administrative district or designated by the agency that prepared the
5 permanency plan. A voting majority of persons on each panel shall be persons who
6 are not employed by the agency that prepared the permanency plan and who are not
7 responsible for providing services to the child or the parents of the child whose
8 permanency plan is the subject of the review. (1591)

9 SECTION 4. 48.38 (5) (b) of the statutes is amended to read:

10 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
11 child if he or she is 12 years of age or older, and the child's foster parent, the child's
12 treatment foster parent or, the operator of the facility in which the child is living, or
13 the relative with whom the child is living of the date, time, and place of the review,
14 of the issues to be determined as part of the review, and of the fact that they may have
15 an opportunity to be heard at the review by submitting written comments not less
16 than 10 working days before the review or by participating at the review. The court
17 or agency shall notify the person representing the interests of the public, the child's
18 counsel, the child's guardian ad litem, and the child's court-appointed special
19 advocate of the date of the review, of the issues to be determined as part of the review,
20 and of the fact that they may submit written comments not less than 10 working days
21 before the review. The notices under this paragraph shall be provided in writing not
22 less than 30 days before the review and copies of the notices shall be filed in the child's
case record. " (1633)

23
24 " SECTION 5. 48.62 (2) of the statutes is amended to read:

14 Page 582, line 8 : after that line insert:

✓ #. Page 1224, line 13: after that line insert:

1 48.62 (2) A relative, as defined in s. 48.02 (15) or as specified in s. 49.19 (1) (a),
 2 or a guardian of a child, who provides care and maintenance for a child, is not
 3 required to obtain the license specified in this section. The department, a county
 4 department, or a licensed child welfare agency as provided in s. 48.75 may shall issue
 5 a license to operate a foster home or a treatment foster home to a relative who has
 6 no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster
 7 home or treatment foster home for a specific child who is either placed by court order
 8 or who is the subject of a voluntary placement agreement under s. 48.63. The
 9 department, a county department, or a licensed child welfare agency may shall, at
 10 the request of a guardian appointed under s. 48.977 or 48.978 or ch. 880, license the
 11 guardian's home as a foster home or treatment foster home for the guardian's minor
 12 ward who is living in the home and who is placed in the home by court order.
 13 Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978
 14 or ch. 880 who are licensed to operate foster homes or treatment foster homes are
 15 subject to the department's licensing rules."

3905

3905

16 SECTION 6. 938.38 (2) (intro.) of the statutes is amended to read:

17 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
 18 for each juvenile living in a foster home, treatment foster home, group home, child
 19 caring institution, secure detention facility, or shelter care facility or in the home of
 20 a relative, the agency that placed the juvenile or arranged the placement or the
 21 agency assigned primary responsibility for providing services to the juvenile under
 22 s. 938.355 shall prepare a written permanency plan, if any of the following conditions
 23 exists:

3906

24 SECTION 7. 938.38 (4) (f) (intro.) of the statutes is amended to read:

1 938.38 (4) (f) (intro.) The services that will be provided to the juvenile, the
2 juvenile's family, and the juvenile's foster parent, the juvenile's treatment foster
3 parent ~~or~~, the operator of the facility where the juvenile is living, or the relative with
4 whom the juvenile is living to carry out the dispositional order, including services
5 planned to accomplish all of the following: 3907

6 SECTION 8. 938.38 (5) (a) of the statutes is amended to read:

7 938.38 (5) (a) The court or a panel appointed under this paragraph shall review
8 the permanency plan every 6 months from the date on which the juvenile was first
9 held in physical custody or placed outside of his or her home under a court order. If
10 the court elects not to review the permanency plan, the court shall appoint a panel
11 to review the permanency plan. The panel shall consist of 3 persons who are either
12 designated by an independent agency that has been approved by the chief judge of
13 the judicial administrative district or designated by the agency that prepared the
14 permanency plan. A voting majority of persons on each panel shall be persons who
15 are not employed by the agency that prepared the permanency plan and who are not
16 responsible for providing services to the juvenile or the parents of the juvenile whose
17 permanency plan is the subject of the review. 3908

18 SECTION 9. 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

#. Page 1333, line 21 : after that line insert:

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. " (1) ✓

8 ~~SECTION 9123. Nonstatutory provisions; health and family services.~~

9 (1) COURT-ORDERED RELATIVE PLACEMENT PERMANENCY PLANS. Notwithstanding
10 sections 48.38 (3) and 938.38 (3) of the statutes, for children or juveniles who are
11 living in the home of a relative, as defined in section 48.02 (15) or 938.02 (15) of the
12 statutes, under an order of the court assigned to exercise jurisdiction under chapters
13 48 and 938 of the statutes, as affected by this act, on the day before the effective date
14 of this subsection, the agency assigned primary responsibility for providing services
15 to those children or juveniles under section 48.355 or 938.355 of the statutes shall
16 file a permanency plan with that court with respect to not less than 33% of those
17 children or juveniles by November 1, 2001, with respect to not less than 67% of those
18 children or juveniles by January 1, 2002, and with respect to all of those children or
19 juveniles by March 1, 2002, giving priority to those children or juveniles who have
20 been living in the home of a relative for the longest period of time. Notwithstanding
21 section 48.38 (5) (a) of the statutes, as affected by this act, and section 938.38 (5) (a)
22 of the statutes, as affected by this act, a permanency plan filed under this subsection
23 shall be reviewed within 6 months after the date on which the permanency plan is
24 filed. "

25 ~~SECTION 9323. Initial applicability; health and family services.~~

(7)

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(1) COURT-ORDERED RELATIVE PLACEMENT PERMANENCY PLANS. The treatment of sections 48.38 (2) (intro.), (4) (f) (intro.), and (5) (a) and (b) and 938.38 (2) (intro.), (4) (f) (intro.), and (5) (a) and (b) of the statutes first applies to a child or juvenile who is placed in the home of a relative, as defined in section 48.02 (15) or 938.02 (15) of the statutes, by order of the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes, as affected by this act, on the effective date of this subsection.

(END)

H. Page 1398, line 15 ; after that line
insert:

ARC:.....Hughes – AM22, Court-ordered relative placement permanency plans

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:
2 **1.** Page 578, line 6: after that line insert:
3 **"SECTION 1588.** 48.38 (2) (intro.) of the statutes is amended to read:
4 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
5 for each child living in a foster home, treatment foster home, group home,
6 child-caring institution, secure detention facility, or shelter care facility or in the
7 home of a relative, the agency that placed the child or arranged the placement or the
8 agency assigned primary responsibility for providing services to the child under s.
9 48.355 shall prepare a written permanency plan, if one of the following conditions
10 exists:

1 **SECTION 1589.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

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

7 **SECTION 1590.** 48.38 (5) (a) of the statutes is amended to read:

8 48.38 (5) (a) The court or a panel appointed under this paragraph shall review
9 the permanency plan every 6 months from the date on which the child was first held
10 in physical custody or placed outside of his or her home under a court order. If the
11 court elects not to review the permanency plan, the court shall appoint a panel to
12 review the permanency plan. The panel shall consist of 3 persons who are either
13 designated by an independent agency that has been approved by the chief judge of
14 the judicial administrative district or designated by the agency that prepared the
15 permanency plan. A voting majority of persons on each panel shall be persons who
16 are not employed by the agency that prepared the permanency plan and who are not
17 responsible for providing services to the child or the parents of the child whose
18 permanency plan is the subject of the review.

19 **SECTION 1591.** 48.38 (5) (b) of the statutes is amended to read:

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

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

9 **2.** Page 582, line 8: after that line insert:

10 "SECTION 1633. 48.62 (2) of the statutes is amended to read:

11 48.62 (2) A relative, as defined in s. 48.02 (15) or as specified in s. 49.19 (1) (a),
12 or a guardian of a child, who provides care and maintenance for a child, is not
13 required to obtain the license specified in this section. The department, a county
14 department, or a licensed child welfare agency as provided in s. 48.75 ~~may~~ shall issue
15 a license to operate a foster home or a treatment foster home to a relative who has
16 no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster
17 home or treatment foster home for a specific child who is either placed by court order
18 or who is the subject of a voluntary placement agreement under s. 48.63. The
19 department, a county department, or a licensed child welfare agency ~~may~~ shall, at
20 the request of a guardian appointed under s. 48.977 or 48.978 or ch. 880, license the
21 guardian's home as a foster home or treatment foster home for the guardian's minor
22 ward who is living in the home and who is placed in the home by court order.
23 Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978

1 or ch. 880 who are licensed to operate foster homes or treatment foster homes are
2 subject to the department's licensing rules."

3 **3.** Page 1224, line 13: after that line insert:

4 "SECTION 3905. 938.38 (2) (intro.) of the statutes is amended to read:

5 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
6 for each juvenile living in a foster home, treatment foster home, group home, child
7 caring institution, secure detention facility, or shelter care facility or in the home of
8 a relative, the agency that placed the juvenile or arranged the placement or the
9 agency assigned primary responsibility for providing services to the juvenile under
10 s. 938.355 shall prepare a written permanency plan, if any of the following conditions
11 exists:

12 SECTION 3906. 938.38 (4) (f) (intro.) of the statutes is amended to read:

13 938.38 (4) (f) (intro.) The services that will be provided to the juvenile, the
14 juvenile's family, and the juvenile's foster parent, the juvenile's treatment foster
15 parent ~~or~~, the operator of the facility where the juvenile is living, or the relative with
16 whom the juvenile is living to carry out the dispositional order, including services
17 planned to accomplish all of the following:

18 SECTION 3907. 938.38 (5) (a) of the statutes is amended to read:

19 938.38 (5) (a) The court or a panel appointed under this paragraph shall review
20 the permanency plan every 6 months from the date on which the juvenile was first
21 held in physical custody or placed outside of his or her home under a court order. If
22 the court elects not to review the permanency plan, the court shall appoint a panel
23 to review the permanency plan. The panel shall consist of 3 persons who are either
24 designated by an independent agency that has been approved by the chief judge of

1 the judicial administrative district or designated by the agency that prepared the
2 permanency plan. A voting majority of persons on each panel shall be persons who
3 are not employed by the agency that prepared the permanency plan and who are not
4 responsible for providing services to the juvenile or the parents of the juvenile whose
5 permanency plan is the subject of the review.

6 **SECTION 3908.** 938.38 (5) (b) of the statutes is amended to read:

7 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
8 the juvenile if he or she is 10 years of age or older, and the juvenile's foster parent,
9 the juvenile's treatment foster parent ~~or~~, the operator of the facility in which the
10 juvenile is living, or the relative with whom the juvenile is living of the date, time,
11 and place of the review, of the issues to be determined as part of the review, and of
12 the fact that they may have an opportunity to be heard at the review by submitting
13 written comments not less than 10 working days before the review or by
14 participating at the review. The court or agency shall notify the person representing
15 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem
16 of the date of the review, of the issues to be determined as part of the review, and of
17 the fact that they may submit written comments not less than 10 working days before
18 the review. The notices under this paragraph shall be provided in writing not less
19 than 30 days before the review and copies of the notices shall be filed in the juvenile's
20 case record.”.

21 **4.** Page 1333, line 21: after that line insert:

22 “(1) COURT-ORDERED RELATIVE PLACEMENT PERMANENCY PLANS. Notwithstanding
23 sections 48.38 (3) and 938.38 (3) of the statutes, for children or juveniles who are
24 living in the home of a relative, as defined in section 48.02 (15) or 938.02 (15) of the

1 statutes, under an order of the court assigned to exercise jurisdiction under chapters
2 48 and 938 of the statutes, as affected by this act, on the day before the effective date
3 of this subsection, the agency assigned primary responsibility for providing services
4 to those children or juveniles under section 48.355 or 938.355 of the statutes shall
5 file a permanency plan with that court with respect to not less than 33% of those
6 children or juveniles by November 1, 2001, with respect to not less than 67% of those
7 children or juveniles by January 1, 2002, and with respect to all of those children or
8 juveniles by March 1, 2002, giving priority to those children or juveniles who have
9 been living in the home of a relative for the longest period of time. Notwithstanding
10 section 48.38 (5) (a) of the statutes, as affected by this act, and section 938.38 (5) (a)
11 of the statutes, as affected by this act, a permanency plan filed under this subsection
12 shall be reviewed within 6 months after the date on which the permanency plan is
13 filed.”.

14 **5.** Page 1398, line 15: after that line insert:

15 “(7) COURT-ORDERED RELATIVE PLACEMENT PERMANENCY PLANS. The treatment of
16 sections 48.38 (2) (intro.), (4) (f) (intro.), and (5) (a) and (b) and 938.38 (2) (intro.), (4)
17 (f) (intro.), and (5) (a) and (b) of the statutes first applies to a child or juvenile who
18 is placed in the home of a relative, as defined in section 48.02 (15) or 938.02 (15) of
19 the statutes, by order of the court assigned to exercise jurisdiction under chapters
20 48 and 938 of the statutes, as affected by this act, on the effective date of this
21 subsection.”.

22 (END)