



**WISCONSIN LEGISLATIVE COUNCIL
STAFF MEMORANDUM**

TO: REPRESENTATIVE SUZANNE JESKEWITZ

FROM: Joyce L. Kiel, Senior Staff Attorney *JK*

RE: Description of LRB-4981/2, Relating to Placement of a Child Who is a Custodial Parent or an Expectant Mother in a Supportive Living Arrangement

DATE: July 21, 2000

This memorandum describes LRB-4981/2, relating to placement of a child who is a custodial parent or an expectant mother in a supportive living arrangement. The bill draft was prepared to reflect the recommendations of the group of individuals you met with on June 20 and 21, 2000, at the Second Chance Homes Conference which you organized. You asked that the bill draft be prepared and distributed to members of the group so that it could be discussed at the next Second Chance Homes Conference which will be held on July 24, 2000.

To assist the group in its discussion, this memorandum briefly describes each SECTION of LRB-4981/2. The memorandum also notes several issues (*identified by bold/italics print*) relating to the bill draft which the group may wish to discuss at the July 24, 2000 meeting.

The SECTIONS of the draft are as follows:

change to supervised living arrangement

SECTION 1. Defines “support living arrangement” in the general definitions section of ch. 48, Stats. (the Children’s Code). (Each subsequent use of the term in the Children’s Code incorporates this definition.)

The draft provides that “supportive living arrangement” means a placement, supervised by an adult, that needs to be provided to a child who is a custodial parent, as defined under the Wisconsin Works (W-2) program (that is, a parent who resides with the child and, if there has been a determination of legal custody, has legal custody of the child), or who is an expectant mother to protect the well-being of the child and to provide the child with training in parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote the child’s long-term economic independence and the well-being of the child’s child.

SECTION 2. Provides that, if authorized to do so by a judge, a juvenile court commissioner (rather than a judge) may conduct the extension of voluntary placement in a supportive living arrangement hearing (voluntary placement extension hearing) which is discussed in SECTIONS 20 and 30.

SECTION 3. Nonsubstantive technical correction to the ground for children in need of protection or services (CHIPS) jurisdiction over a child who is in need of special treatment or care which the child's parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide.

SECTION 4. Creates a new CHIPS jurisdictional ground over a child who is at least 12 years of age, signs the petition requesting jurisdiction and is in need of a supportive living arrangement (as defined in SECTION 1) which the parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide.

SECTION 5. Provides that a juvenile court has exclusive jurisdiction over the voluntary placement extension hearings under SECTIONS 20 and 30.

SECTION 6. Provides that a child who is the subject of a voluntary placement extension hearing under SECTION 20 or 30 must be represented by legal counsel.

SECTIONS 7 and 8. Applies the more relaxed standards of evidence provisions in the Children's Code to the voluntary placement extension hearings under SECTIONS 20 and 30.

SECTION 9. Technical correction to the listing of places where a child may be placed under a CHIPS dispositional order.

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Yes

SECTION 10. Adds to the list of places where a child may be placed under a CHIPS dispositional order to include a supportive living arrangement in a group home or child caring institution (CCI) that is specially licensed to provide a supportive living arrangement. *Should a similar provision be added to the list of places where a juvenile who has been adjudicated in need of protection or services (JIPS) (for example, because the child has run away from home or is uncontrollable) or who has been adjudicated delinquent may be placed under a ch. 938, Stats. (Juvenile Justice Code), dispositional order?*

SECTION 11. Amends the cross-references to permanency plans to include reference to the proposed requirement that a permanency plan be prepared for a child under a voluntary placement in a group home or CCI that has been specially licensed to provide a supportive living arrangement. (See SECTION 20, item 3 and SECTION 30.) This means that information in a permanency plan relating to findings or opinions of the agency that prepared the permanency plan relating to all of the following issues must be disclosed to the operator of the group home or CCI if there is such a voluntary placement: (a) mental, emotional, cognitive, developmental or behavioral disability of the child; (b) involvement in a criminal gang; (c) involvement in certain harmful activities; (d) involvement of the child in certain sexual activities; and (e) the religious affiliation or belief of the child.

SECTION 12. Specifies that a permanency plan is required for a child placed under a voluntary agreement in a group home or CCI that has been specially licensed to provide a supportive living arrangement.

SECTION 13. Specifies that provisions in current law which require a juvenile court or a permanency plan review panel to review a permanency plan every six months apply to children who are held in custody or placed outside the home under a court order, not to children in a voluntary placement.

SECTION 14. Nonsubstantive technical corrections relating to the authority of the Department of Health and Family Services (DHFS) and relating to the use of a defined term. (The authority for DHFS to accept guardianship of children is already included in s. 48.48 (7), Stats.; the draft deletes the unnecessarily duplicative provisions in s. 48.48 (3), Stats. The reference to "special treatment and care" is changed to "special treatment or care," which is the term defined in the general definitions section of the Children's Code.)

SECTION 15. Nonsubstantive technical correction to change "special treatment and care" to the defined term "special treatment or care."

SECTION 16. Provides that the kinship care program does not apply to a child who meets or is at-risk of meeting the proposed new CHIPS jurisdictional ground of a child who needs a supportive living arrangement as described in SECTION 4.

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Out

Under the kinship care program, a relative who is providing care and maintenance for a child is eligible for a monthly payment of \$215 under certain circumstances. One of the criteria for eligibility is that the county department of human services or county department of social services (county department) or, in Milwaukee County, DHFS, determines that the child meets one or more of the CHIPS or JIPS jurisdictional criteria or would be at-risk of meeting one or more of these criteria if the child were to remain in his or her home. By excluding the proposed new CHIPS ground from the listing, a relative who provides care for a child who is in need of a supportive living arrangement would not be eligible for kinship care payments. *Is it acceptable to the group that the proposed new CHIPS jurisdictional ground is not included for eligibility under the kinship care program?*

SECTION 17. Provides that long-term kinship care payments terminate if a child is placed outside the long-term kinship care relative's home in a supportive living arrangement in a CCI under a voluntary agreement. (Current law would already provide for termination of those benefits if a child is placed in a group home under a voluntary agreement.)

SECTIONS 18 and 19. Defines "child" for purposes of the statutes which require that, with certain exceptions, a person be licensed as a child welfare agency if the person receives four or more children. Under the draft, the definition will include not only a child under 18 years of age (as under current law) but also will include a person who: (a) is 18 years of age; (b) is a full-time student at a secondary school or its vocational or technical equivalent; (c) was residing in the CCI immediately prior to his or her 18th birthday; and (d) continues to reside in the CCI. *Is this provision acceptable to the group?*

SECTION 20. Contains the following provisions:

1. **Section 48.60 (1m) (a).** Provides that DHFS may issue a special license to a child welfare agency to provide a supportive living arrangement in a CCI operated by the child welfare agency. The draft also requires DHFS to promulgate administrative rules to establish

standards for providing a supportive living arrangement in a CCI. Those rules also must require a specially licensed CCI to provide for the health, safety and welfare of the child of a child custodial parent who has been placed in the supportive living arrangement (i.e., the minor child's baby). The rules also must require the CCI to have a policy governing visitation between the baby and the baby's noncustodial parent.

2. Section 48.60 (1m) (b). Provides that any of the following may voluntarily place a child or arrange the placement of a child in a CCI that has been specially licensed to provide a supportive living arrangement: (a) a parent or guardian of a child who is: (i) at least 12 years of age; (ii) is a custodial parent or an expectant mother; and (iii) needs a supportive living; (b) DHFS; (c) the Department of Corrections (DOC); (d) a county department; or (e) a child welfare agency that has a child-placing license. The consent of the child is required.

The voluntary agreement must be in writing and must state that the agreement may be terminated at any time by the parent, guardian or child.

The draft also requires that every child in a CCI that has been specially licensed to provide a supportive living arrangement must be under the supervision of an "agency." *The draft does not define "agency" for this purpose. Under current law, DHFS, DOC, a county department or a licensed child welfare agency must supervise a child in a foster home, treatment foster home or group home. Does the group wish to use the same definition of "agency" with respect to who supervises a child in a voluntary placement in a supportive living arrangement in a CCI?*

3. Section 48.60 (1m) (c). Provides that a permanency plan is required for each child placed in a supportive living arrangement in a CCI under a voluntary placement. The draft requires that the permanency plan be prepared within 60 days after the placement by the agency that placed the child or arranged the placement of the child. A copy of the permanency plan must be provided to the child and the child's parent or guardian. If there is an intention to seek a court order to extend the voluntary placement, a revised permanency plan must be: (a) prepared; (b) filed with the court; and (c) provided to all the persons who receive notice of the extension hearing.
4. Section 48.60 (1m) (d). Provides that an initial voluntary placement in a CCI for a supportive living arrangement may not exceed six months but may be extended. The draft establishes the extension procedure which involves a petition to the court (which must include the items on page 9, lines 8 through 22, of the draft). The draft specifies who may present evidence and requires that the court determine whether an extension is in the best interests of the child and whether the child and the parent or guardian of the child consent to the extension. If the court determines that an extension is in the best interests of the child and that there is consent, the court must extend the placement for a specified period of time, not to exceed six months. The court order must state the reason for the extension.

The draft does not specify whether an extension may be extended again. Does the group wish to clarify this point?

SECTION 21. In the list of persons who are not required to obtain a child welfare agency license, deletes the exemption for a maternity hospital or maternity home licensed, approved or supervised by DHFS. (Currently, DHFS does not separately license, approve or supervise such facilities.)

This means that a maternity hospital would not have to obtain a CCI license if it were, for example, licensed as a hospital. This also means that a residential facility providing care for four or more children and calling itself a maternity home would have to obtain a CCI license unless the facility fit within one of the other exemptions, for example, unless it had a group home license.

SECTION 22. Provides that a child welfare agency may provide a supportive living arrangement in a CCI operated by the child welfare agency if it is specially licensed to do so by DHFS.

SECTIONS 23 and 24. Provides that a child welfare agency that is licensed as a child placing agency may also place children in a supportive living arrangement in a CCI.

SECTION 25. Defines "child" for purposes of counting the number of children for whom a foster home, treatment foster home or group home may provide care. The definition parallels that in SECTION 19 for CCIs.

SECTION 26. Technical correction in school notification statute to include reference to a treatment foster home.

SECTION 27. Provides that DHFS may issue a special license authorizing a group home to provide a supportive living arrangement. The draft also requires that DHFS promulgate administrative rules for providing a supportive living arrangement in a group home. The rules must contain provisions relating to the health, safety and welfare of the child and a visitation policy as described in SECTION 20 with respect to CCIs. (However, the rules promulgated by DHFS for group homes would not necessarily be identical to the rules promulgated for CCIs.)

SECTION 28. Technical correction to an exemption from the group home licensing statute.

SECTION 29. Amends the current voluntary agreement placement statute to reflect the exception created in the draft to allow a group home placement to exceed 15 days if the voluntary placement is of a child in a supportive living arrangement in a group home that has been specially licensed to provide a supportive living arrangement.

SECTION 30. Provides for the voluntary placement of a child in a supportive living arrangement in a group home that has been specially licensed to provide a supportive living arrangement. The provisions parallel those for voluntary placement in a CCI that has been specially licensed to provide a supportive living arrangement as discussed in SECTION 20.

SECTION 31. Amends the definition of "agency" in the statute relating to the placement of children in foster homes, treatment foster homes and group homes to reflect the amendment of s. 48.61 (3), Stats., to allow a child welfare agency which has a child-placing license to also place children in a group home or in a CCI that has been specially licensed to provide a supportive living arrangement. [See SECTION 23.]

SECTION 32. Technical correction in school notification statute to include reference to a treatment foster home.

SECTION 33. In the statute relating to the confidentiality of records of an "agency" under the Children's Code, deletes a licensed maternity hospital from the definition of "agency."

SECTION 34. In the statute relating to disclosing health care records without informed consent, amends the cross-reference to agencies responsible for preparing a permanency plan to include those agencies which prepare a permanency plan for a voluntary placement in a supportive living arrangement in a CCI or group home.

SECTION 35. In the statute relating to disclosing human immunodeficiency (HIV) test results without informed consent, amends the cross-reference to agencies responsible for preparing a permanency plan to include those agencies which prepare a permanency plan for a voluntary placement in a supportive living arrangement in a CCI or group home.

SECTION 36. Expands the provision in the Juvenile Justice Code which currently requires that a permanency plan be prepared for a juvenile who is placed in a foster home, treatment foster home or group home under a voluntary agreement to also include a child placed under a voluntary agreement in a supportive living arrangement in a specially licensed CCI or group home.

SECTION 37. Specifies that provisions in current law which require a juvenile court or a permanency plan review panel to review a permanency plan every six months apply to children who are held in custody or placed outside the home under a court order, not to children in a voluntary placement.

Please contact me at 266-3137 at the Legislative Council Staff offices if you have any questions.

How Second Chance Homes Work in Other States: A Quick Overview

	Detroit, Michigan	Massachusetts	Nevada	New Mexico	Rhode Island	Texas
Number of homes	5	21	2	9	6	1 (3 other sites ensure teens have residential care, but do not provide it themselves)
State appropriation	\$616,000 match (over three years) from city govt. and state housing board	\$5.3 million in TANF block grant funds	\$120,000 in TANF block grant funds	\$517,000 in state funds; legislature may raise this by \$500,000 in 2000	\$580,000 in TANF and state maintenance-of-effort funds	\$1.6 million in TANF block grant funds
Other funding sources	\$2.8 million HUD grant (over three years)	State child care funds, food stamps, Medicaid; teens pay 20 percent of TANF grant as rent; foster care funding for teens in state custody	None	Teens pay program fees; local govts. and non-profits provide most resources for programs	HUD transitional housing funds; teens pay 30 percent of TANF grant as rent.	Federal child care & Welfare-to-Work block grants, Medicaid, food stamps, WIC; teens pay part of TANF grants as rent
Number of slots available for teen families	57	120 for TANF teens; additional 16 for foster care teens	11	75	15	2, plus 5 in a transitional home with 90-day time limit
Number of teens served since program started	70 since Jan. 1998	610 since December 1995	7 since July 1999	800-1,000 since 1990	7 since May 1999	5 in residential program, 281 in non-residential support services

	Detroit, Michigan	Massachusetts	Nevada	New Mexico	Rhode Island	Texas
Which agency administers program?	Wayne County Family Independence Agency	State Department of Social Services, in consultation with Department of Transitional Assistance	State Division of Welfare	State Children, Youth & Family Department Teen Parent Services program	State Department of Human Services contracts out to a non-profit	State Department of Protective and Regulatory Services
Who is eligible?	TANF-eligible teen parents under 19	Teen parents on TANF; some homes also serve teen parents in foster care	Teen parents on TANF; one home also serves teen parents in foster care	Any teen parent in need of assistance; most receive TANF or SSI	TANF-eligible teen parents under age 18 1/2	Teen parents under age 18 on TANF
Who handles assessment/referral?	Family Independence Agency	Dept. of Transitional Assistance refers to Dept. of Social Services for assessment	State Division of Welfare	Local social services & public health agencies, schools, juvenile justice system	State-funded non-profit: the Adolescent Self-Sufficiency Collaborative	Local social services agencies
Does state take custody of teens?	No—teens under 18 must have parental consent to enter program	No in most cases—parental notification is required	No in most cases	No	No—teens must have parental consent to enter program	No
How long do teens stay?	2-year maximum	Average stay is 6 months; teens can stay until age 20	Up to age 18	Up to age 22 if teens are in school	Up to age 18 1/2	Up to age 18
Structure of homes	Range from group home with 24-hour supervision, to shared apartments for older teens	Group homes or shared apartments with on-site supervisor in her own apartment.	One is a group home with live-in house parent; one has shared apartments with day staff only	Range from group homes, to semi-independent living, to shared apartments with no on-site staff	Three levels: group home with 24-hour staff, shared apartments with 16-hour staff, transitional living with 8-hour staff	Group home. Two family foster care placements and transitional group home also available

	Detroit, Michigan	Massachusetts	Nevada	New Mexico	Rhode Island	Texas
Services that homes deliver	Safe and stable housing, supervision, food, clothing, parenting/life skills classes, recreation	Safe and stable housing, counseling, case management, 24-hour supervision, parenting/life skills classes, recreation, access to transportation, family planning, some programs have GED/child care on site	Safe and stable housing, supervision, food	Safe and stable housing, supervision, case management, family planning services	Supervision, case management, money management, transitional services, family planning, child support enforcement	Safe and stable housing if needed, case management, counseling, mentoring, parenting skills, child care, school-to-work services, transportation
Services that outside providers deliver	Counseling, education and job training, child care	Education, child care, help finding permanent housing	Parenting/life skills classes, counseling, support groups	Education, job training, health care, counseling, life skills training, child care	Education/GED	Programs can use outside providers for any or all of above services
Specialized homes	One home for pregnant mothers and young infants; one home for older teen parents	One secure site operating, and one planned, for domestic violence victims	None	None, but the state may place abuse victims in a different part of state	None	None
Emergency Placement	Available in a separate faith-based program	10 beds reserved for emergencies; teens can enter program with 3 hours notice	Not available	Available	Placements can be made within two days	Not available

	Detroit, Michigan	Massachusetts	Nevada	New Mexico	Rhode Island	Texas
Government's Role in Program	Program design, assessment, case management, cash assistance (TANF), child care, subsidized housing when teens leave	Program design, assessment, cash assistance (TANF), contracting & billing, training, parenting curriculum, case management, child care	Program design, assessment, cash assistance (TANF), contracting & billing, case management through 12-member interagency team	Staff salaries and benefits, training, program supplies, technical assistance, program evaluation, cash assistance (TANF)	Program design, assistance with assessment and referral, cash assistance (TANF)	Program design, training, assistance with referral, cash assistance (TANF)
Nature of Community Involvement	Non-profits joined county in applying for HUD funds and operate all homes	Non-profit contractors operate all homes	Non-profit contractors operate all homes	Non-profits operate all homes, with each home governed by a Community Advisory Board	Five regional Adolescent Self-Sufficiency Collaboratives provide all services	Programs collaborate with other service providers in community
Helpful Hints	Full staffing and services should be more important than the number of teens served.	More funding needed for semi-independent living for those who have left	Don't dictate everything in the RFP—let providers create the program	Communities should design and run the programs; the state should provide only funding and technical support	Get everyone at the table when designing the program: non-profits, state agencies, courts	Teens need to understand the TANF eligibility rules, or else they won't participate

Privately-Run Second Chance Homes—A Glance at How They Work

		Hope House, Savannah	Jean's House, Columbus	Tapestry Home, Atlanta	Bridgeway, Denver, CO	Florence Crittenton Home, Charleston, SC <i>(maternity home and transitional living facility)</i>	St. Ann's Home, Hyattsville, MD <i>(maternity home and transitional living facility)</i>
Date program opened its doors	1990	1998	1999	1987	1997 (original maternity home founded 1897)	1983 (original maternity home founded 1860)	
Annual Budget	\$150,000	\$30,000	\$250,000-\$275,000	\$250,000	\$200,000	About \$1,170,000	
Funding sources	Private foundations, churches, United Way, donations, Community Development Block Grant, HUD Emergency Shelter Grant	Private donations, sliding scale fees (minimum fee for teens is \$12 per month)	Foster care payments, Community Development Block Grant, foundations, donations	HUD Supportive Housing funds, churches, non-profit service organizations	Housing acquired free from former naval base; HUD Supportive Housing funds, private foundations, teens' TANF and Medicaid	State and community block grants, foster care payments, United Way, private foundations, donations, endowment fund, sliding scale fees	
Number of slots available for teen families	8	3	4	10	18	30 in group home; 8 in transitional living facility	
Number of teens served since program started	About 250	9	7	360	18	Over 1,000	

Florence		St. Ann's Home, Hyattsville, MD (maternity home and transitional living facility)	Crittendon Home, Charleston, SC (maternity home and transitional living facility)	Tapestry Home, Atlanta	Bridgeway, Denver, CO	Jean's House, Columbus	Hope House, Savannah
Who is eligible?	Young mothers in need, ages 17 and up; program can take 16 year olds with parental consent	Any teen mother over 15; younger teens may live in the home while pregnant but must leave after delivery	Any teen mother over 18; program's maternity home accepts younger girls, but they must leave after delivery	Teen mothers in state custody	Any pregnant teen aged 16-21, or teens with newborn babies	Any parenting teen under age 18	Any parenting teen under age 18
Who handles assessment/referral?	Social service agencies and non-profits; program screens all candidates	Foster care, juvenile justice, social services agencies, with some walk-ins; program screens all candidates	Social services department, housing authority, program's maternity home; program screens all candidates	DFACS; program screens all candidates	Home does its own outreach	50% of placements come from Georgia Baptist maternity home, 50% from hospitals/pregnancy centers	50% of placements come from Georgia Baptist maternity home, 50% from hospitals/pregnancy centers
How long do teens stay?	On average, five months; no time limit	Average stay 8 months; maximum two years in group home, then two more years in shared apartments	Residents agree to stay for two years	No time limit	Up to 18 months	One year time limit (exceptions made for teens close to finishing school or with no alternate living arrangement)	One year time limit (exceptions made for teens close to finishing school or with no alternate living arrangement)
Structure of Homes	Large home; two single bedrooms, four double bedrooms	Group home with shared and single bedrooms for ages 15-17; individual apartments for ages 18-25	Shared and individual apartments	Victorian home; six bedrooms, four full baths	Three-house facility; shared and single bedrooms	Large home; three bedrooms, two full baths	Large home; three bedrooms, two full baths

<p>Florence</p> <p>Crittendon Home, Charleston, SC (maternity home and transitional living facility)</p> <p>St. Ann's Home, Hyattsville, MD (maternity home and transitional living facility)</p>	
<p>Hope House, Savannah</p> <p>Jean's House, Columbus</p> <p>Tapestry Home, Atlanta</p> <p>Bridgeway, Denver, CO</p>	<p>Safe and stable housing, 24-hour supervision, parenting/life skills classes, access to other services off site</p> <p>Safe and stable housing, 24-hour supervision, counseling, access to education, care, clothing, baby supplies</p> <p>Safe and stable housing, 24-hour supervision, parenting/life skills training, counseling, access to education, family planning, child care</p> <p>Safe and stable housing, overnight supervision, case management parenting/life skills classes, access to education, job training, abstinence & adoption classes, access to family planning, mentoring, access to counseling, on-site child care</p> <p>Safe and stable housing, on-site case manager, counseling, health/parenting/life skills classes, career counseling, access to child care and transportation</p> <p>Safe and stable housing, 24-hour supervision, counseling, case management, on-site child care, education, job placement services, parenting/life skills classes, access to family planning, family support group</p>
<p>Services Provided</p>	<p>Licensed as a homeless provider by the local housing authority</p> <p>Licensed as a residential child care facility under DHR Office of Regulatory Services; accredited by the Council on Accreditation</p> <p>Licensed as a residential child care facility under DHR Office of Regulatory Services</p> <p>Licensing not required for facilities housing teens aged 16 and up</p> <p>No regulation of transitional living program; maternity home is licensed as a foster care facility</p> <p>Group home licensed as a foster care facility</p>
<p>Is the program regulated by state or local government?</p>	<p>Licensed as a residential child care facility under DHR Office of Regulatory Services; accredited by the Council on Accreditation</p> <p>Licensed as a residential child care facility under DHR Office of Regulatory Services</p> <p>Licensing not required for facilities housing teens aged 16 and up</p> <p>No regulation of transitional living program; maternity home is licensed as a foster care facility</p> <p>Group home licensed as a foster care facility</p>

Helpful Hints	Hope House, Savannah	Jean's House, Columbus	Tapestry Home, Atlanta	Bridgeway, Denver, CO	Florence Crittenton Home, Charleston, SC (maternity home and transitional living facility)	St. Ann's Home, Hyattsville, MD (maternity home and transitional living facility)
	Keep costs down by using existing services in the community; for instance, all case management at Hope House is provided by local housing authority	Programs should invest as much money as possible on quality staff and on-site child care	States should start with small programs, then expand on the basis of need; careful evaluation of teens' progress is crucial	There isn't a statewide network in Colorado; one would be helpful in standardizing manuals/procedures so that programs don't always have to "reinvent the wheel"	Without state funding, fundraising eats up too much of staff's time	Staff should be trained in adolescent development, childbirth, child development, conflict resolution



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4981/1
GMM/ejs/kjf
3
AMR

Other
into 8/7/00
editing

1999 BILL

1 AN ACT to renumber 48.599 (1); to renumber and amend 48.299 (4) (b); to
 2 amend 48.13 (9), 48.345 (3) (d), 48.371 (3) (intro.), 48.38 (2) (d), 48.38 (5) (a),
 3 48.48 (3), 48.57 (1) (b), 48.57 (3m) (am) 2., 48.57 (3n) (am) 6. c., 48.60 (2) (d),
 4 48.61 (3), 48.615 (1) (b), 48.62 (3), 48.625 (3), 48.63 (1), 48.64 (1), 48.64 (1r),
 5 48.78 (1), 146.82 (2) (a) 18m., 252.15 (5) (a) 19., 938.38 (2) (d) and 938.38 (5) (a);
 6 and to create 48.02 (17p), 48.065 (2) (gp), 48.13 (9m), 48.14 (4), 48.23 (1) (d),
 7 48.299 (4) (b) 4., 48.345 (3) (e), 48.599 (1d), 48.60 (1m), 48.61 (2m), 48.619,
 8 48.625 (1m) and 48.63 (5) of the statutes; relating to: placement of a child who
 9 is a custodial parent or an expectant mother in a ^{supervised} ~~supportive~~ living arrangement
 10 ~~supervised by an adult~~ in order to protect the well-being of the child and to
 11 provide the child with training in parenting skills and other skills to promote

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1 the child's long-term economic independence and the well-being of the child's
2 child and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the court assigned to exercise jurisdiction under the children's code (juvenile court) has jurisdiction over a child who is alleged to be in need of protection or services which can be ordered by the juvenile court and who meets certain grounds. Currently, if a juvenile court finds a child to be in need of protection or services, the juvenile court may order certain dispositions to protect the well-being of the child, including placing the child in a group home or a child caring institution (CCI). Current law also permits a child's parent or guardian to place the child in a group home under a voluntary agreement, but for no longer than 15 days. ~~In addition, current law permits a CCI to contract with a parent or guardian for the care and maintenance of a child.~~

This bill grants to the juvenile court jurisdiction over a child who is at least 12 years of age, signs a petition requesting the juvenile court to exercise its jurisdiction over the child and is in need of a ~~supportive~~ living arrangement, as defined in the bill, which the child's parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide. The bill defines a "supportive living arrangement" as a placement, supervised by an adult, that needs to be provided to a child who is a custodial parent or who is an expectant mother to protect the well-being of the child and to provide the child with training in parenting skills and other skills to promote the child's long-term economic independence and the well-being of the child's child.

Under the bill, if a child is found to be in need of a ~~supportive~~ living arrangement, as defined in the bill, the juvenile court may order the child to be placed in a group home or ~~CCY~~ that has been specially licensed to provide such a ~~supportive~~ living arrangement. The bill also permits a child who is in need of such a ~~supportive~~ living arrangement to be placed in such a group home or ~~CCY~~ under a voluntary agreement for no longer than ~~six months~~, except that such a placement may be extended if the juvenile court determines that an extension of the placement would be in the best interests of the child and that the child and the child's parent or guardian consent to the extension.

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:

3 **SECTION 1.** 48.02 (17p) of the statutes is created to read:

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"Supervised"

① 48.02 (17p) ~~"Supportive living arrangement"~~ means a placement, supervised
 2 by an adult, that needs to be provided to a child who is a custodial parent, as defined
 3 in s. 49.141 (1)(b), or who is an expectant mother to protect the well-being of the child
 4 and to provide the child with training in parenting skills, including child
 5 development, family budgeting, health and nutrition, and other skills to promote the
 6 child's long-term economic independence and the well-being of the child's child.

7 SECTION 2. 48.065 (2) (gp) of the statutes is created to read:

⑧ 48.065 (2) (gp) Conduct proceedings under ~~ss. 48.60 (1m) (d) and~~ 48.63 (5) (d). ✓

9 SECTION 3. 48.13 (9) of the statutes is amended to read:

10 48.13 (9) Who is at least age 12 years of age, signs the petition requesting
 11 jurisdiction under this subsection and is in need of special treatment or care which
 12 the parent, guardian or legal custodian is unwilling, neglecting, unable or needs
 13 assistance to provide;

14 SECTION 4. 48.13 (9m) of the statutes is created to read:

15 48.13 (9m) Who is at least 12 years of age, signs the petition requesting
 16 jurisdiction under this subsection and is in need of a ~~supportive~~ ^{supervised} living arrangement
 17 which the parent, guardian or legal custodian is unwilling, neglecting, unable or
 18 needs assistance to provide;

19 SECTION 5. 48.14 (4) of the statutes is created to read:

⑳ 48.14 (4) Proceedings under ~~ss. 48.60 (1m) (d) and~~ 48.63 (5) (d). ✓

21 SECTION 6. 48.23 (1) (d) of the statutes is created to read:

22 48.23 (1) (d) The court may not extend a voluntary placement of a child under
 23 ~~s. 48.60 (1m) or~~ 48.63 (5) unless the child is represented by counsel at the hearing ✓
 24 at which the extension is made.

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1 **SECTION 7.** 48.299 (4) (b) of the statutes, ~~as affected by 1999 Wisconsin Act 32,~~

2 is renumbered 48.299 (4) (b) (intro.) and amended to read:

3 48.299 (4) (b) (intro.) Except as provided in s. 901.05, neither common law nor
4 statutory rules of evidence are binding at a any of the following hearings:

5 1. A hearing for a child held in custody under s. 48.21, a hearing or for an adult
6 expectant mother held in custody under s. 48.213, a

7 2. A runaway home hearing under s. 48.227 (4), a

8 3. A dispositional hearing, or a hearing about changes on a change in
9 placement, or a hearing on a revision of dispositional orders, or extension of a
10 dispositional orders or order.

11 5. A hearing on a termination of a guardianship orders order entered under s.
12 48.977 (4) (h) 2. or (6) or 48.978 (2) (j) 2. or (3) (g).

13 (c) At these hearings a hearing specified in par. (b), the court shall admit all
14 testimony having reasonable probative value, but shall exclude immaterial,
15 irrelevant or unduly repetitious testimony or evidence that is inadmissible under s.
16 901.05. Hearsay evidence may be admitted if it has demonstrable circumstantial
17 guarantees of trustworthiness. The court shall give effect to the rules of privilege
18 recognized by law. The court shall apply the basic principles of relevancy, materiality
19 and probative value to proof of all questions of fact. Objections to evidentiary offers
20 and offers of proof of evidence not admitted may be made and shall be noted in the
21 record.

22 **SECTION 8.** 48.299 (4) (b) 4. of the statutes is created to read:

23 48.299 (4) (b) 4. A hearing on an extension of a voluntary placement in a
24 ~~supportive~~ living arrangement under s. ~~48.66 (1m) (d) or~~ 48.63 (5) (d).

25 **SECTION 9.** ~~48.345 (3) (d) of the statutes is amended to read:~~

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1 ~~48.345 (3) (d) A residential treatment center child caring institution licensed~~
2 ~~under s. 48.60:~~

3 **SECTION 10.** 48.345 (3) ^(cum) ~~(d)~~ of the statutes is created to read:

4 48.345 (3) ^(cum) ~~(d)~~ A ^{Supervised} ~~supportive~~ living arrangement in a group home ^(cum) ~~or a child caring~~
5 ~~institution~~ that has been specially licensed ^{solely} ~~to provide a supportive~~ ^{Supervised} living
6 arrangement.

7 **SECTION 11.** 48.371 (3) (intro.) of the statutes is amended to read:

8 48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment
9 foster home, group home or child caring institution or, if the information is not
10 available at that time, as soon as possible after the date on which the court report
11 or permanency plan has been submitted, but no later than 7 days after that date, the
12 agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency
13 plan shall provide to the foster parent, treatment foster parent or operator of the
14 group home or child caring institution information contained in the court report
15 submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or
16 permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), ~~48.60~~
17 ~~(1)(m)(n)/48.63 (4) or (5) (c) or 48.831 (4) (e)~~ relating to findings or opinions of the court
18 or agency that prepared the court report or permanency plan relating to any of the
19 following:

20 **SECTION 12.** 48.38 (2) (d) of the statutes is amended to read:

21 48.38 (2) (d) The child was placed under a voluntary agreement between the
22 agency and the child's parent under s. ~~48.60 (1)(m)(n) or~~ 48.63 (1) or (5) (b).

23 **SECTION 13.** 48.38 (5) (a) of the statutes is amended to read:

24 48.38 (5) (a) The court or a panel appointed under this paragraph shall review
25 the permanency plan every 6 months from the date on which the child was first held

BILL

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

10 **SECTION 14.** 48.48 (3) of the statutes is amended to read:

11 48.48 (3) To accept guardianship of children when appointed by the court, and
12 to provide special treatment and or care when directed by the court. A court may not
13 direct the department to administer psychotropic medications to children who
14 receive special treatment or care under this subsection.

15 **SECTION 15.** 48.57 (1) (b) of the statutes is amended to read:

16 48.57 (1) (b) To accept legal custody of children transferred to it by the court
17 under s. 48.355, to accept supervision over expectant mothers of unborn children who
18 are placed under its supervision under s. 48.355 and to provide special treatment and
19 or care for children and expectant mothers if ordered by the court. A court may not
20 order a county department to administer psychotropic medications to children and
21 expectant mothers who receive special treatment or care under this paragraph.

22 ~~**SECTION 16.** 48.57 (3m) (am) 2. of the statutes, as affected by 1999 Wisconsin
23 Act 133, is amended to read:~~

24 ~~48.57 (3m) (am) 2. The county department or department determines that the
25 child meets one or more of the criteria specified in s. 48.13 or 938.13, other than the~~

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1 ~~critera specified in s. 48.13 (9m), that the child would be at risk of meeting one or~~
2 ~~more of those criteria if the child were to remain in his or her home or, if the child~~
3 ~~is 18 years of age or over, that the child would meet or be at risk of meeting one or~~
4 ~~more of those criteria as specified in this subdivision if the child were under 18 years~~
5 ~~of age.~~

6 **SECTION 17.** 48.57 (3n) (am) 6. c. of the statutes is amended to read:

7 48.57 (3n) (am) 6. c. The date on which the child is placed outside the long-term
8 kinship care relative's home under a court order or under a voluntary agreement
9 under s. ~~48.60 (1m)~~ or 48.63. (1) or (5) (b)

10 ~~**SECTION 18.** 48.599 (1) of the statutes is renumbered 48.599 (1r).~~

11 **SECTION 19.** 48.599 (1d) of the statutes is created to read:

12 48.599 (1d) "Child" means a person under 18 years of age and also includes,
13 for purposes of counting the number of children for whom a child welfare agency may
14 provide care and maintenance, a person 18 years of age or over, but under 19 years
15 of age, who is a full-time student at a secondary school or its vocational or technical
16 equivalent, was residing in a child caring institution operated by the child welfare
17 agency immediately prior to his or her 18th birthday and continues to reside in that
18 child caring institution.

19 **SECTION 20.** 48.60 (1m) of the statutes is created to read:

20 48.60 (1m) (a) The department may issue a special license under sub. (1)
21 authorizing a child welfare agency to provide a supportive living arrangement in a
22 child caring institution operated by the child welfare agency. The department shall
23 promulgate rules establishing standards for the provision of a supportive living
24 arrangement in a child caring institution. Those rules shall require a child welfare
25 agency providing a supportive living arrangement to provide for the health, safety

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1 and welfare of the child of any child custodial parent, as defined in s. 49.141 (1) (b),
2 who has been placed in that supportive living arrangement and to have a policy
3 governing visitation between such a child and the child's noncustodial parent.

4 (b) A parent or guardian of a child who is at least 12 years of age, who is a
5 custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother and who is
6 in need of a supportive living arrangement, or the department of health and family
7 services, the department of corrections, a county department or a child welfare
8 agency licensed to place children under s. 48.61 (3), may, with the consent of the child,
9 place the child or arrange the placement of the child in a child caring institution that
10 has been specially licensed to provide a supportive living arrangement. A voluntary
11 agreement to place a child in a supportive living arrangement in a child caring
12 institution may be made only under this paragraph, shall be in writing and shall
13 specifically state that the agreement may be terminated at any time by the parent,
14 guardian or child. Every child placed in a supportive living arrangement under this
15 paragraph shall be under the supervision of an agency.

16 (c) A permanency plan under s. 48.38 is required for each child placed in a
17 supportive living arrangement under par. (b). The agency that placed the child or
18 that arranged the placement of the child shall prepare the plan within 60 days after
19 the placement and shall provide a copy of the plan to the child and the child's parent
20 or guardian. If the child, the parent or guardian of the child or the agency that placed
21 the child or that arranged the placement of the child intends to seek an order under
22 par. (d) to extend the placement of the child, the agency shall prepare a revised
23 permanency plan, file the revised plan with the court and provide a copy of the
24 revised plan to all persons entitled to receive notice of the extension hearing under
25 par. (d) 3. prior to the date of the hearing.

BILL

1 (d) 1. An initial placement under par. (b) may not exceed 6 months, but may be
2 extended as provided in subds. 2. to 4.

3 2. A child who is placed in a supportive living arrangement under par. (b), the
4 child's parent or guardian or the agency that placed the child or arranged the
5 placement of the child may petition the court for an order extending the placement
6 of the child. The petition shall be entitled, "In the interest of (child's name), a person
7 under the age of 18" and shall set forth with specificity all of the following:

8 a. The child's name, birth date and address.

9 b. The names and addresses of the child's parent, guardian and legal custodian
10 or, if no such person can be identified, the name and address of the child's nearest
11 adult relative.

12 c. The name and address of the child caring institution in which the child is
13 placed, the name and address of the agency that placed the child or that arranged
14 the placement of the child and the date on which the child was placed in that child
15 caring institution.

16 d. Whether the child may be subject to the federal Indian Child Welfare Act,
17 25 USC 1911 to 1963.

18 e. A statement that an extension of the child's placement would be in the best
19 interests of the child and reliable and credible information in support of that
20 statement.

21 f. A statement that the child and the parent or guardian of the child consent
22 to the extension of the child's placement.

23 3. The petition shall be filed with the court, and the court shall notify the child,
24 the parent, guardian and legal custodian of the child and the agency that placed the

BILL

1 child or arranged the placement of the child of the time and place of the hearing on
2 the petition.

3 4. At the hearing, any person specified in subd. 3. may present evidence
4 relevant to the issue of extension. After receiving that evidence, the court shall
5 determine whether an extension of the child's placement is in the best interests of
6 the child and whether the child and the parent or guardian of the child consent to
7 the extension. If the court determines that the extension is in the best interests of
8 the child and that the child and the parent or guardian of the child consent to the
9 extension, the court shall enter a written order extending the placement for a
10 specified period of time not to exceed 6 months, stating in the order the reason for
11 the extension.

12 **SECTION 21.** 48.60 (2) (d) of the statutes, as affected by 1999 Wisconsin Act 83

13 and 83, is amended to read:

14 48.60 (2) (d) A hospital, ~~maternity hospital, maternity home~~ or nursing home
15 licensed, approved or supervised by the department.

16 ~~**SECTION 22.** 48.61 (2m) of the statutes is created to read:~~

17 48.61 (2m) If licensed to do so, to provide a supportive living arrangement in
18 a child caring institution operated by the child welfare agency.

19 ~~**SECTION 23.** 48.61 (3) of the statutes, as affected by 1999 Wisconsin Act 83, is
20 amended to read:~~

21 48.61 (3) To provide appropriate care and training for children in its legal or
22 physical custody and, if licensed to do so, to place children in licensed foster homes,
23 licensed treatment foster homes and, licensed group homes and in supportive living
24 arrangements in child caring institutions.

25 ~~**SECTION 24.** 48.615 (1) (b) of the statutes is amended to read:~~

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1 ~~48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to~~
 2 ~~a child welfare agency that places children in licensed foster homes, licensed~~
 3 ~~treatment foster homes and, licensed group homes and supportive living~~
 4 ~~arrangements in child caring institutions, the child welfare agency must pay to the~~
 5 ~~department a biennial fee of \$254.10.~~

6 **SECTION 25.** 48.619 of the statutes is created to read:

7 **48.619 Definition.** In this subchapter, "child" means a person under 18 years
 8 of age and also includes, for purposes of counting the number of children for whom
 9 a foster home, treatment foster home or group home may provide care and
 10 maintenance, a person 18 years of age or over, but under 19 years of age, who is a
 11 full-time student at a secondary school or its vocational or technical equivalent, was
 12 residing in the foster home, treatment foster home or group home immediately prior
 13 to his or her 18th birthday and continues to reside in that foster home, treatment
 14 foster home or group home.

15 **SECTION 26.** 48.62 (3) of the statutes is amended to read:

16 48.62 (3) When the department, a county department or a child welfare agency
 17 issues a license to operate a foster home or a treatment foster home, the department,
 18 county department or child welfare agency shall notify the clerk of the school district
 19 in which the foster home or treatment foster home is located that a foster home or
 20 treatment foster home has been licensed in the school district. ^{supervised}

21 **SECTION 27.** 48.625 (1m) of the statutes is created to read:

22 48.625 (1m) The department may issue a special license under sub. (1)
 23 authorizing a group home ^{solely} to provide a ~~supportive~~ living arrangement. The
 24 department shall promulgate rules establishing standards for the provision of a
 25 ~~supportive~~ living arrangement by a group home. Those rules shall require a group

^{supervised}

BILL

Supervised

1 home providing a ~~supportive~~ living arrangement to provide for the health, safety and
2 welfare of the child of any child custodial parent, as defined in s. 49.141 (1) (b), who
3 has been placed in that ~~supportive~~ living arrangement and to have a policy governing
4 visitation between such a child and the child's noncustodial parent.

or to a treatment
foster home licensed
under s. 48.62
(1)(b)

5 **SECTION 28.** 48.625 (3) of the statutes is amended to read:

6 48.625 (3) This section does not apply to a foster home licensed under s. 48.62

7 (1) (a) ~~in which care and maintenance is provided for more than 4 siblings.~~

8 **SECTION 29.** 48.63 (1) of the statutes is amended to read:

or group homes

9 48.63 (1) Acting pursuant to court order or voluntary agreement, the child's
10 parent or guardian or the department of health and family services, the department
11 of corrections, a county department or a child welfare agency licensed to place
12 children ~~in foster homes or treatment foster homes~~ ^(no strike out) ~~under s. 48.61 (3)~~ ^(no strike out) may place a

13 child or negotiate or act as intermediary for the placement of a child in a foster home,
14 treatment foster home or group home. Voluntary agreements under this subsection
15 may not be used for placements in facilities other than foster, treatment foster or
16 group homes and may not be extended. A foster home or treatment foster home
17 placement under a voluntary agreement may not exceed 6 months. A group home
18 placement under a voluntary agreement may not exceed 15 days, except as provided
19 in sub. (5). These time limitations do not apply to placements made under s. 48.345,
20 938.183, 938.34 or 938.345. Voluntary agreements may be made only under this
21 subsection and sub. (5) (b) and shall be in writing and shall specifically state that the
22 agreement may be terminated at any time by the parent or guardian or by the child
23 if the child's consent to the agreement is required. The child's consent to the
24 agreement is required whenever the child is 12 years of age or older.

25 **SECTION 30.** 48.63 (5) of the statutes is created to read:

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48.63 (5) (a) Subsection (1) does not apply to the voluntary placement of a child in a ~~supportive~~ living arrangement in a group home. Such placements may be made only as provided in this subsection.

Supervised

in group homes

(b) A parent or guardian of a child who is at least 12 years of age, who is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother and who is in need of a ~~supportive~~ living arrangement, or the department of health and family services, the department of corrections, a county department or a child welfare agency licensed to place children ~~under s. 48.61 (3)~~, may, with the consent of the child,

place the child or ~~arrange~~ the placement of the child in a group home that has been specially licensed ^{solo} to provide a ~~supportive~~ living arrangement. A voluntary ^{Supervised}

agreement to place a child in a ~~supportive~~ living arrangement in a group home may be made only under this paragraph, shall be in writing and shall specifically state that the agreement may be terminated at any time by the parent, guardian or child.

(c) ^{Supervised} A permanency plan under s. 48.38 is required for each child placed in a ~~supportive~~ living arrangement under par. (b). The agency that placed the child or that arranged the placement of the child shall prepare the plan within 60 days after the placement and shall provide a copy of the plan to the child and the child's parent or guardian. If the child, the parent or guardian of the child or the agency that placed the child or that arranged the placement of the child intends to seek an order under par. (d) to extend the placement of the child, the agency shall prepare a revised permanency plan ^{and} file the revised plan with the court ~~and provide a copy of the revised plan to all persons entitled to receive notice of the extension hearing under par. (d) 3. prior to the date of the hearing.~~

Not less than 30 days before the termination of the placement

~~and provide a copy of the revised plan to all persons entitled to receive notice of the extension hearing under par. (d) 3. prior to the date of the hearing.~~

180 days

(d) 1. An initial placement under par. (b) may not exceed ~~6 months~~ but may be extended as provided in subds. 2. to ~~6 months~~ ^{6.} An initial placement under par. (b) of a child who is under 15 years of age on the date of the initial placement may be extended as provided in subds. 2. to ~~no more than once.~~ ^{no more than once.}

27-28
13-23

16.

BILL

to be extended

SECTION 30

Supervised

permitting

① 2. A child who is placed in a ~~supportive~~ living arrangement under par. (b), the
 2 child's parent or guardian or the agency that placed the child or arranged the
 ③ placement of the child may petition the court for an order ~~extending~~ the placement
 ④ of the child. The petition shall be entitled, "In the interest of (child's name), a person
 5 under the age of 18" and shall set forth with specificity all of the following:

a. The child's name, birth date and address.

b. The names and addresses of the child's parent, guardian and legal custodian or, if no such person can be identified, the name and address of the child's nearest adult relative.

c. The name and address of the group home in which the child is placed, the name and address of the agency that placed the child or that arranged the placement of the child and the date on which the child was placed in that group home.

d. Whether the child may be subject to the federal Indian Child Welfare Act, 25 USC 1911 to 1963.

and evidence relevant to the determinations specified in s. 48.38 (5)(L)

e. A statement that an extension of the child's placement would be in the best interests of the child and reliable and credible information in support of that statement.

and the operator of the group home in which the child is placed

f. A statement that the child and the parent or guardian of the child consent to the extension of the child's placement.

not less than 30 days before the termination of the placement

3. The petition shall be filed with the court, and the court shall notify the child, the parent, guardian and legal custodian of the child and the agency that placed the child or arranged the placement of the child, of the time and place of the hearing on the petition.

circumstances specified in s. 48.21(5)

⑤ ④ At the hearing, any person specified in subd. f. may present evidence ④,
 25 relevant to the issue of extension. After receiving that evidence, the court shall

The court shall hold a hearing on the petition before the termination of the placement, except that if the court is unable to hold the hearing before the termination date, the court may ~~extend~~ ^{permit} the placement ^{to be extended} for not more than 30 days, not including any period of delay resulting from any of the

set a time and place for a hearing on the petition. Not less than 10 days before the hearing, the court shall

Insert 23 14-23

BILL make the determinations specified in
s. 48.38 (5)(c) and

1 determine whether an extension of the child's placement is in the best interests of
2 the child and whether the child and the parent or guardian of the child consent to
3 the extension. If the court determines that the extension is in the best interests of
4 the child and that the child and the parent or guardian of the child consent to the
5 extension, the court shall enter a written order ^{permitting} extending the placement for a ^{to be extended}

6 specified period of time not to exceed ^{180 days} 6 months, stating in the order the reason for
7 the extension.

no it Notwithstanding the entry of an order under this subsection,
the child or the parent or guardian of the child may terminate
the placement at any time during the extension period.

SECTION 31. 48.64 (1) of the statutes is amended to read:

8
9 48.64 (1) DEFINITION. In this section, "agency" means the department of health
10 and family services, the department of corrections, a county department or a licensed
11 child welfare agency authorized to place children ⁽¹⁾ in foster homes or treatment foster

12 ^{homes} ~~homes~~ ^{under s. 48.61(3)} ~~or group homes~~ ^{or group homes}

13 **SECTION 32.** 48.64 (1r) of the statutes is amended to read:

(no strike out)

14 48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT. When an agency places a
15 school-age child in a foster home, a treatment foster home or a group home, the
16 agency shall notify the clerk of the school district in which the foster home, treatment
17 foster home or group home is located that a school-age child has been placed in a
18 foster home, treatment foster home or group home in the school district.

19 **SECTION 33.** 48.78 (1) of the statutes is amended to read:

20 48.78 (1) In this section, unless otherwise qualified, "agency" means the
21 department, a county department, a licensed child welfare agency, ~~or a licensed day~~
22 ~~care center or a licensed maternity hospital.~~

23 **SECTION 34.** 146.82 (2) (a) 18m. of the statutes, as affected by 1999 Wisconsin
24 Act 32, is amended to read:

Insert 5-7
Insert 15-27

BILL**SECTION 34**

1 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
2 or juvenile who has been placed in a foster home, treatment foster home, group home,
3 child caring institution or a secured correctional facility, including a placement
4 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,
5 treatment foster home, group home, child caring institution or secured correctional
6 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)
7 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),
8 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency
9 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),
10 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency
11 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), ~~48.60 (1m) (c)~~ 48.63 (4) or (5)
12 (c), 48.831 (4) (e), 938.355 (2e) or 938.38 regarding the child or juvenile or to an
13 agency that placed the child or juvenile or arranged for the placement of the child or
14 juvenile in any of those placements and, by any of those agencies, to any other of those
15 agencies and, by the agency that placed the child or juvenile or arranged for the
16 placement of the child or juvenile in any of those placements, to the foster parent or
17 treatment foster parent of the child or juvenile or the operator of the group home,
18 child caring institution or secured correctional facility in which the child or juvenile
19 is placed, as provided in s. 48.371 or 938.371.

20 **SECTION 35.** 252.15 (5) (a) 19. of the statutes is amended to read:

21 252.15 (5) (a) 19. If the test was administered to a child who has been placed
22 in a foster home, treatment foster home, group home, child caring institution or
23 secured correctional facility, as defined in s. 938.02 (15m), including a placement
24 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,
25 treatment foster home, group home, child caring institution or secured correctional

BILL

1 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)
 2 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),
 3 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency
 4 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),
 5 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency
 6 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), ~~48.60 (1)(b)(c)~~ 48.63 (4) or (5)
 7 (c), 48.831 (4) (e), 938.355 (2e) or 938.38 regarding the child or to an agency that
 8 placed the child or arranged for the placement of the child in any of those placements
 9 and, by any of those agencies, to any other of those agencies and, by the agency that
 10 placed the child or arranged for the placement of the child in any of those placements,
 11 to the child's foster parent or treatment foster parent or the operator of the group
 12 home, child caring institution or secured correctional facility in which the child is
 13 placed, as provided in s. 48.371 or 938.371.

14 **SECTION 36.** 938.38 (2) (d) of the statutes is amended to read:

15 938.38 (2) (d) The juvenile was placed under a voluntary agreement between
 16 the agency and the juvenile's parent under s. ~~48.60 (1)(b)(c)~~ 48.63 (1) or (5) (b).

17 **SECTION 37.** 938.38 (5) (a) of the statutes is amended to read:

18 938.38 (5) PLAN REVIEW. (a) The court or a panel appointed under this
 19 paragraph shall review the permanency plan every 6 months from the date on which
 20 the juvenile was first held in physical custody or placed outside of his or her home
 21 under a court order. If the court elects not to review the permanency plan, the court
 22 shall appoint a panel to review the permanency plan. The panel shall consist of 3
 23 persons who are either designated by an independent agency that has been approved
 24 by the chief judge of the judicial administrative district or designated by the agency
 25 that prepared the permanency plan. A voting majority of persons on each panel shall

Insert
17-13

BILL

1 be persons who are not employed by the agency that prepared the permanency plan
2 and who are not responsible for providing services to the juvenile or the parents of
3 the juvenile whose permanency plan is the subject of the review.

4 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4981/3ins
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(INSERT 14-23)

3. The petition shall be filed with the court, and the court shall set a time and ~~and~~ place for a hearing on the petition. The court shall hold the hearing before the termination of the placement, except that if the court is unable to hold the hearing before the termination date, the court may permit the placement to be extended not more than 30 days, not including any period of delay resulting from any of the circumstances specified in s. 48.315 (1). At the hearing, the court shall also review the revised permanency plan filed under par. (c).[✓]

4. Not less than 20 days before the hearing, the court shall provide a copy of the petition and notice of the time and place of the hearing to the child, the parent, guardian and legal custodian of the child, the agency that placed the child or that arranged the placement of the child and the operator of the group home in which the child is placed. Not less than 20 days before the hearing, the court shall provide a copy of the revised permanency plan to the child, the parent, guardian and legal custodian of the child and the operator of the group home in which the child is placed, together with notice of the issues to be determined as part of the permanency plan review and notice of the fact that those persons may have the opportunity to be heard at the review by submitting written comments to the court or agency not less than 10 working days before the hearing or by participating at the hearing. Not less than 5 working days before the hearing, the court shall provide a copy of any written comments submitted under this ~~sub~~ to the child, the parent, guardian and legal

subdivision

custodian of the child, the agency that placed the child or that arranged the placement of the child and the operator of the group home in which the child is placed.

(END OF INSERT)

(INSERT 15-7)

6. Within 30 days after the hearing, the agency that prepared the revised permanency plan shall prepare a written summary of the determinations specified in s. 48.38 (5) (c) that were made under subd. 5. and shall provide a copy of that summary to the court, the child, the parent, guardian and legal custodian of the child and the operator of the group home in which the child was placed.

(END OF INSERT)

(INSERT ¹⁷⁻¹³ ~~17-9~~)

SECTION 1. 938.34 (3) (cm) of the statutes is created to read:

938.34 (3) (cm) A supervised living arrangement in a group home that has been specially licensed solely to provide a supervised living arrangement, as defined in s. 48.02 (17p).

SECTION 2. 938.355 (1) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall decide on a placement and treatment finding based on evidence submitted to the court. The disposition shall employ those means necessary to promote the objectives specified in s. 938.01. If the disposition places a juvenile who has been adjudicated delinquent outside the home under s. 938.34 (3) (c), (cm) or (d), the order shall include a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile

was adjudicated delinquent. If the judge has determined that any of the conditions specified in s. 938.34 (4m) (b) 1., 2. or 3. applies, that determination shall be prima facie evidence that a less restrictive alternative than placement in a secured correctional facility, a secured child caring institution or a secured group home is not appropriate. If information under s. 938.331 has been provided in a court report under s. 938.33 (1), the court shall consider that information when deciding on a placement and treatment finding.

(END OF INSERT)

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103.



State of Wisconsin
1999 - 2000 LEGISLATURE

Soon - Week of 8/21

LRB-4981/4
GMM/cjs/km ANR

1999 BILL

1 **AN ACT** *to renumber and amend* 48.299 (4) (b); *to amend* 48.13 (9), 48.371 (3)
2 (intro.), 48.38 (2) (d), 48.38 (5) (a), 48.48 (3), 48.57 (1) (b), 48.57 (3n) (am) 6. c.,
3 48.60 (2) (d), 48.62 (3), 48.625 (3), 48.63 (1), 48.64 (1), 48.64 (1r), 48.78 (1),
4 146.82 (2) (a) 18m., 252.15 (5) (a) 19., 938.355 (1), 938.38 (2) (d) and 938.38 (5)
5 (a); and *to create* 48.02 (17p), 48.065 (2) (gp), 48.13 (9m), 48.14 (4), 48.23 (1)
6 (d), 48.299 (4) (b) 4., 48.345 (3) (cm), 48.619, 48.625 (1m), 48.63 (5) and 938.34
7 (3) (cm) of the statutes; **relating to:** placement of a child who is a custodial
8 parent or an expectant mother in a supervised living arrangement in order to
9 protect the well-being of the child and to provide the child with training in
10 parenting skills and other skills to promote the child's long-term economic
11 independence and the well-being of the child's child and granting rule-making
12 authority.

Analysis by the Legislative Reference Bureau

Under current law, the court assigned to exercise jurisdiction under the children's code (juvenile court) has jurisdiction over a child who is alleged to be in

BILL

need of protection or services which can be ordered by the juvenile court and who meets certain grounds. Currently, if a juvenile court finds a child to be in need of protection or services, the juvenile court may order certain dispositions to protect the well-being of the child, including placing the child in a group home. Current law also permits a child's parent or guardian to place the child in a group home under a voluntary agreement, but for no longer than 15 days.

This bill grants to the juvenile court jurisdiction over a child who is at least 12 years of age, signs a petition requesting the juvenile court to exercise its jurisdiction over the child and is in need of a supervised living arrangement, as defined in the bill, which the child's parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide. The bill defines a "supervised living arrangement" as a placement, supervised by an adult, that needs to be provided to a child who is a custodial parent or who is an expectant mother to protect the well-being of the child and to provide the child with training in parenting skills and other skills to promote the child's long-term economic independence and the well-being of the child's child.

Under the bill, if a child is found to be in need of a supervised living arrangement, as defined in the bill, the juvenile court may order the child to be placed in a group home that has been specially licensed solely to provide such a supervised living arrangement. The bill also permits a child who is in need of such a supervised living arrangement to be placed in such a group home under a voluntary agreement for no longer than 180 days, except that such a placement may be extended if the juvenile court determines that an extension of the placement would be in the best interests of the child and that the child and the child's parent or guardian consent to the extension.

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:

1 **SECTION 1.** 48.02 (17p) of the statutes is created to read:

2 48.02 (17p) "Supervised living arrangement" means a placement, supervised
3 by an adult, that needs to be provided to a child who is a custodial parent, as defined
4 in s. 49.141 (1) (b), or who is an expectant mother to protect the well-being of the child
5 and to provide the child with training in parenting skills, including child
6 development, family budgeting, health and nutrition, and other skills to promote the
7 child's long-term economic independence and the well-being of the child's child.

8 **SECTION 2.** 48.065 (2) (gp) of the statutes is created to read:

BILL

1 48.065 (2) (gp) Conduct proceedings under s. 48.63 (5) (d).

2 **SECTION 3.** 48.13 (9) of the statutes is amended to read:

3 48.13 (9) Who is at least age 12 years of age, signs the petition requesting
4 jurisdiction under this subsection and is in need of special treatment or care which
5 the parent, guardian or legal custodian is unwilling, neglecting, unable or needs
6 assistance to provide;

7 **SECTION 4.** 48.13 (9m) of the statutes is created to read:

8 48.13 (9m) Who is at least 12 years of age, signs the petition requesting
9 jurisdiction under this subsection and is in need of a supervised living arrangement
10 which the parent, guardian or legal custodian is unwilling, neglecting, unable or
11 needs assistance to provide;

12 **SECTION 5.** 48.14 (4) of the statutes is created to read:

13 48.14 (4) Proceedings under s. 48.63 (5) (d).

14 **SECTION 6.** 48.23 (1) (d) of the statutes is created to read:

15 48.23 (1) (d) The court may not extend a voluntary placement of a child under
16 s. 48.63 (5) unless the child is represented by counsel at the hearing at which the
17 extension is made.

18 **SECTION 7.** 48.299 (4) (b) of the statutes is renumbered 48.299 (4) (b) (intro.)
19 and amended to read:

20 48.299 (4) (b) (intro.) Except as provided in s. 901.05, neither common law nor
21 statutory rules of evidence are binding at a any of the following hearings:

22 1. A hearing for a child held in custody under s. 48.21, a hearing or for an adult
23 expectant mother held in custody under s. 48.213, a.

24 2. A runaway home hearing under s. 48.227 (4), a.

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1 3. A dispositional hearing, or a hearing about changes on a change in
2 placement, or a hearing on a revision of dispositional orders, or extension of a
3 dispositional orders or order.

4 5. A hearing on a termination of a guardianship orders order entered under s.
5 48.977 (4) (h) 2. or (6) or 48.978 (2) (j) 2. or (3) (g).

6 (c) At those hearings a hearing specified in par. (b), the court shall admit all
7 testimony having reasonable probative value, but shall exclude immaterial,
8 irrelevant or unduly repetitious testimony or evidence that is inadmissible under s.
9 901.05. Hearsay evidence may be admitted if it has demonstrable circumstantial
10 guarantees of trustworthiness. The court shall give effect to the rules of privilege
11 recognized by law. The court shall apply the basic principles of relevancy, materiality
12 and probative value to proof of all questions of fact. Objections to evidentiary offers
13 and offers of proof of evidence not admitted may be made and shall be noted in the
14 record.

15 **SECTION 8.** 48.299 (4) (b) 4. of the statutes is created to read:

16 48.299 (4) (b) 4. A hearing on an extension of a voluntary placement in a
17 supervised living arrangement under s. 48.63 (5) (d).

18 **SECTION 9.** 48.345 (3) (cm) of the statutes is created to read:

19 48.345 (3) (cm) A supervised living arrangement in a group home that has been
20 specially licensed solely to provide a supervised living arrangement.

21 **SECTION 10.** 48.371 (3) (intro.) of the statutes is amended to read:

22 48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment
23 foster home, group home or child caring institution or, if the information is not
24 available at that time, as soon as possible after the date on which the court report
25 or permanency plan has been submitted, but no later than 7 days after that date, the

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1 agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency
2 plan shall provide to the foster parent, treatment foster parent or operator of the
3 group home or child caring institution information contained in the court report
4 submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or
5 permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63
6 (4) or (5) (c) or 48.831 (4) (e) relating to findings or opinions of the court or agency that
7 prepared the court report or permanency plan relating to any of the following:

8 **SECTION 11.** 48.38 (2) (d) of the statutes is amended to read:

9 48.38 (2) (d) The child was placed under a voluntary agreement between the
10 agency and the child's parent under s. 48.63 (1) or (5) (b).

11 **SECTION 12.** 48.38 (5) (a) of the statutes is amended to read:

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

23 **SECTION 13.** 48.48 (3) of the statutes is amended to read:

24 48.48 (3) ~~To accept guardianship of children when appointed by the court, and~~
25 ~~to provide special treatment and~~ or care when directed by the court. A court may not

BILL

1 direct the department to administer psychotropic medications to children who
2 receive special treatment or care under this subsection.

3 **SECTION 14.** 48.57 (1) (b) of the statutes is amended to read:

4 48.57 (1) (b) To accept legal custody of children transferred to it by the court
5 under s. 48.355, to accept supervision over expectant mothers of unborn children who
6 are placed under its supervision under s. 48.355 and to provide special treatment ~~and~~
7 or care for children and expectant mothers if ordered by the court. A court may not
8 order a county department to administer psychotropic medications to children and
9 expectant mothers who receive special treatment or care under this paragraph.

10 **SECTION 15.** 48.57 (3n) (am) 6. c. of the statutes is amended to read:

11 48.57 (3n) (am) 6. c. The date on which the child is placed outside the long-term
12 kinship care relative's home under a court order or under a voluntary agreement
13 under s. 48.63 (1) or (5) (b).

14 **SECTION 16.** 48.60 (2) (d) of the statutes, as affected by 1999 Wisconsin Act 83,
15 is amended to read:

16 48.60 (2) (d) A hospital, ~~maternity hospital, maternity home~~ or nursing home
17 licensed, approved or supervised by the department.

18 **SECTION 17.** 48.619 of the statutes is created to read:

19 **48.619 Definition.** In this subchapter, "child" means a person under 18 years
20 of age and also includes, for purposes of counting the number of children for whom
21 a foster home, treatment foster home or group home may provide care and
22 maintenance, a person 18 years of age or over, but under 19 years of age, who is a
23 full-time student at a secondary school or its vocational or technical equivalent, ~~was~~
24 residing in the foster home, treatment foster home or group home immediately prior

who is reasonably expected to complete the program
before reaching 19 years of ~~age~~ age, who ✓

BILL

Who

1 to his or her 18th birthday and continues to reside in that foster home, treatment
2 foster home or group home.

3 **SECTION 18.** 48.62 (3) of the statutes is amended to read:

4 48.62 (3) When the department, a county department or a child welfare agency
5 issues a license to operate a foster home or a treatment foster home, the department,
6 county department or child welfare agency shall notify the clerk of the school district
7 in which the foster home or treatment foster home is located that a foster home or
8 treatment foster home has been licensed in the school district.

9 **SECTION 19.** 48.625 (1m) of the statutes is created to read:

10 48.625 (1m) The department may issue a special license under sub. (1)
11 authorizing a group home solely to provide a supervised living arrangement. The
12 department shall promulgate rules establishing standards for the provision of a
13 supervised living arrangement by a group home. Those rules shall require a group
14 home providing a supervised living arrangement to provide for the health, safety and
15 welfare of the child of any child custodial parent, as defined in s. 49.141 (1) (b), who
16 has been placed in that supervised living arrangement and to have a policy governing
17 visitation between such a child and the child's noncustodial parent.

18 **SECTION 20.** 48.625 (3) of the statutes is amended to read:

19 48.625 (3) This section does not apply to a foster home licensed under s. 48.62
20 (1) (a) ~~in which care and maintenance is provided for more than 4 siblings~~ or to a
21 treatment foster home licensed under s. 48.62 (1) (b).

22 **SECTION 21.** 48.63 (1) of the statutes is amended to read:

23 48.63 (1) Acting pursuant to court order or voluntary agreement, the child's
24 parent or guardian or the department of health and family services, the department
25 of corrections, a county department or a child welfare agency licensed to place

BILL

that has been specially licensed solely to
provide a supervised living arrangement

1 children in foster homes or, treatment foster homes or group homes may place a child
2 or negotiate or act as intermediary for the placement of a child in a foster home,
3 treatment foster home or group home. Voluntary agreements under this subsection
4 may not be used for placements in facilities other than foster, treatment foster or
5 group homes and may not be extended. A foster home or treatment foster home
6 placement under a voluntary agreement may not exceed 6 months. A group home
7 placement under a voluntary agreement may not exceed 15 days, except as provided
8 in sub. (5). These time limitations do not apply to placements made under s. 48.345,
9 938.183, 938.34 or 938.345. Voluntary agreements may be made only under this
10 subsection and sub. (5) (b) and shall be in writing and shall specifically state that the
11 agreement may be terminated at any time by the parent or guardian or by the child
12 if the child's consent to the agreement is required. The child's consent to the
13 agreement is required whenever the child is 12 years of age or older.

14 **SECTION 22.** 48.63 (5) of the statutes is created to read:

15 48.63 (5) (a) Subsection (1) does not apply to the voluntary placement of a child
16 in a supervised living arrangement in a group home. Such placements may be made
17 only as provided in this subsection.

18 (b) A parent or guardian of a child who is at least 12 years of age, who is a
19 custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother and who is
20 in need of a supervised living arrangement, or the department of health and family
21 services, the department of corrections, a county department or a child welfare
22 agency licensed to place children in group homes, may, with the consent of the child,
23 place the child or arrange the placement of the child in a group home that has been
24 specially licensed solely to provide a supervised living arrangement. A voluntary
25 agreement to place a child in a supervised living arrangement in a group home may

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, together with the petition under par. (d) 2.,

1 be made only under this paragraph, shall be in writing and shall specifically state
2 that the agreement may be terminated at any time by the parent, guardian or child.

3 (c) A permanency plan under s. 48.38 is required for each child placed in a
4 supervised living arrangement under par. (b). The agency that placed the child or
5 that arranged the placement of the child shall prepare the plan within 60 days after
6 the placement and shall provide a copy of the plan to the child and the child's parent
7 or guardian. If ~~the child, the parent or guardian of the child or the agency that placed~~
8 ~~the child or that arranged the placement of the child~~ intends to seek an order under
9 par. (d) to extend the placement of the child, the agency shall prepare a revised
10 permanency plan and file the revised plan with the court ~~not less than 30 days~~ before
11 the termination of the placement. ✓

12 (d) 1. An initial placement under par. (b) may not exceed 180 days, but may be
13 extended as provided in subds. 2. to 6. An initial placement under par. (b) of a child
14 who is under ~~15~~ years of age on the date of the initial placement may be extended as
15 provided in subds. 2. to 6. no more than once. ✓

16 2. ~~A child who is placed in a supervised living arrangement under par. (b), the~~
17 ~~child's parent or guardian or the agency that placed the child or arranged the~~
18 placement of the child may petition the court for an order permitting the placement
19 to be extended. The petition shall be entitled, "In the interest of (child's name), a
20 person under the age of 18" and shall set forth with specificity all of the following:

21 a. The child's name, birth date and address.

22 b. The names and addresses of the child's parent, guardian and legal custodian
23 or, if no such person can be identified, the name and address of the child's nearest
24 adult relative.

BILL

1 c. The name and address of the group home in which the child is placed, the
2 name and address of the agency that placed the child or that arranged the placement
3 of the child and the date on which the child was placed in that group home.

4 d. Whether the child may be subject to the federal Indian Child Welfare Act,
5 25 USC 1911 to 1963.

6 e. A statement that an extension of the child's placement would be in the best
7 interests of the child and reliable and credible information in support of that
8 statement.

together with the revised permanency plan under par. (c),

9 f. A statement that the child and the parent or guardian of the child consent
10 to the extension of the child's placement.

If

of the placement

11 3. The petition shall be filed with the court, and the court shall set a time and
12 place for a hearing on the petition. ~~The court shall hold the hearing before the~~
13 ~~termination of the placement, except that if the court is unable to hold the hearing~~
14 ~~before the termination date,~~ the court may permit the placement to be extended not
15 more than 30 days, not including any period of delay resulting from any of the
16 circumstances specified in s. 48.315 (1). At the hearing, the court shall also review
17 the revised permanency plan ~~filed under par. (c).~~

18 4. Not less than ~~20~~¹⁰ days before the hearing, the court shall provide a copy of
19 the petition and notice of the time and place of the hearing to the child, the parent,
20 guardian and legal custodian of the child, the agency that placed the child or that
21 arranged the placement of the child and the operator of the group home in which the
22 child is placed. Not less than ~~20~~¹⁰ days before the hearing, the court shall provide a
23 copy of the revised permanency plan to the child, the parent, guardian and legal
24 custodian of the child and the operator of the group home in which the child is placed,
25 together with notice of the issues to be determined as part of the permanency plan

BILL

1 review and notice of the fact that those persons may have the opportunity to be heard
2 at the review by submitting written comments to the court or agency ~~not less than~~

3 ~~10 working days before the hearing or by participating at the hearing. Not less than~~
4 ~~5 working days before the hearing, the court shall provide a copy of any written~~
5 ~~comments submitted under this subdivision to the child, the parent, guardian and~~
6 ~~legal custodian of the child, the agency that placed the child or that arranged the~~
7 ~~placement of the child and the operator of the group home in which the child is placed.~~

8 5. At the hearing, any person specified in subd. 4. may present evidence
9 relevant to the issue of extension and evidence relevant to the determinations
10 specified in s. 48.38 (5) (c). After receiving that evidence, the court shall make the
11 determinations specified in s. 48.38 (5) (c) and determine whether an extension of the
12 child's placement is in the best interests of the child and whether the child and the
13 parent or guardian of the child consent to the extension. If the court determines that
14 the extension is in the best interests of the child and that the child and the parent
15 or guardian of the child consent to the extension, the court shall enter a written order
16 permitting the placement to be extended for a specified period of time not to exceed
17 180 days, stating in the order the reason for the extension. Notwithstanding the
18 entry of an order under this subdivision, the child or the parent or guardian of the
19 child may terminate the placement at any time during the extension period.

20 6. Within 30 days after the hearing, the agency that prepared the revised
21 permanency plan shall prepare a written summary of the determinations specified
22 in s. 48.38 (5) (c) that were made under subd. 5. and shall provide a copy of that
23 summary to the court, the child, the parent, guardian and legal custodian of the child
24 and the operator of the group home in which the child was placed.

25 **SECTION 23.** 48.64 (1) of the statutes is amended to read:

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1 48.64 (1) DEFINITION. In this section, “agency” means the department of health
2 and family services, the department of corrections, a county department or a licensed
3 child welfare agency authorized to place children in foster homes ~~or~~, treatment foster
4 homes or group homes.

5 **SECTION 24.** 48.64 (1r) of the statutes is amended to read:

6 48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT. When an agency places a
7 school-age child in a foster home, a treatment foster home or a group home, the
8 agency shall notify the clerk of the school district in which the foster home, treatment
9 foster home or group home is located that a school-age child has been placed in a
10 foster home, treatment foster home or group home in the school district.

11 **SECTION 25.** 48.78 (1) of the statutes is amended to read:

12 48.78 (1) In this section, unless otherwise qualified, “agency” means the
13 department, a county department, a licensed child welfare agency, or a licensed day
14 care center ~~or a licensed maternity hospital~~.

15 **SECTION 26.** 146.82 (2) (a) 18m. of the statutes, as affected by 1999 Wisconsin
16 Act 32, is amended to read:

17 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
18 or juvenile who has been placed in a foster home, treatment foster home, group home,
19 child caring institution or a secured correctional facility, including a placement
20 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,
21 treatment foster home, group home, child caring institution or secured correctional
22 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)
23 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),
24 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency
25 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),

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1 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency
2 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4)
3 (e), 938.355 (2e) or 938.38 regarding the child or juvenile or to an agency that placed
4 the child or juvenile or arranged for the placement of the child or juvenile in any of
5 those placements and, by any of those agencies, to any other of those agencies and,
6 by the agency that placed the child or juvenile or arranged for the placement of the
7 child or juvenile in any of those placements, to the foster parent or treatment foster
8 parent of the child or juvenile or the operator of the group home, child caring
9 institution or secured correctional facility in which the child or juvenile is placed, as
10 provided in s. 48.371 or 938.371.

11 **SECTION 27.** 252.15 (5) (a) 19. of the statutes is amended to read:

12 252.15 (5) (a) 19. If the test was administered to a child who has been placed
13 in a foster home, treatment foster home, group home, child caring institution or
14 secured correctional facility, as defined in s. 938.02 (15m), including a placement
15 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,
16 treatment foster home, group home, child caring institution or secured correctional
17 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)
18 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),
19 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency
20 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),
21 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency
22 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4)
23 (e), 938.355 (2e) or 938.38 regarding the child or to an agency that placed the child
24 or arranged for the placement of the child in any of those placements and, by any of
25 those agencies, to any other of those agencies and, by the agency that placed the child

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1 or arranged for the placement of the child in any of those placements, to the child's
2 foster parent or treatment foster parent or the operator of the group home, child
3 caring institution or secured correctional facility in which the child is placed, as
4 provided in s. 48.371 or 938.371.

5 **SECTION 28.** 938.34 (3) (cm) of the statutes is created to read:

6 938.34 (3) (cm) A supervised living arrangement in a group home that has been
7 specially licensed solely to provide a supervised living arrangement, as defined in s.
8 48.02 (17p).

9 **SECTION 29.** 938.355 (1) of the statutes, as affected by 1999 Wisconsin Act 9,
10 is amended to read:

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

25 **SECTION 30.** 938.38 (2) (d) of the statutes is amended to read:

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1 938.38 (2) (d) The juvenile was placed under a voluntary agreement between
2 the agency and the juvenile's parent under s. 48.63 (1) or (5) (b).

3 **SECTION 31.** 938.38 (5) (a) of the statutes is amended to read:

4 938.38 (5) PLAN REVIEW. (a) The court or a panel appointed under this
5 paragraph shall review the permanency plan every 6 months from the date on which
6 the juvenile was first held in physical custody or placed outside of his or her home
7 under a court order. If the court elects not to review the permanency plan, the court
8 shall appoint a panel to review the permanency plan. The panel shall consist of 3
9 persons who are either designated by an independent agency that has been approved
10 by the chief judge of the judicial administrative district or designated by the agency
11 that prepared the permanency plan. A voting majority of persons on each panel shall
12 be persons who are not employed by the agency that prepared the permanency plan
13 and who are not responsible for providing services to the juvenile or the parents of
14 the juvenile whose permanency plan is the subject of the review.

15

(END)