SENATE BILL 493 (LRB -1025)

An Act to amend 938.38 (5) (a) of the statutes; relating to: the frequency of permanency plan reviews for a juvenile who is placed outside the home (suggested as remedial legislation by the Director of State Courts).

2005

02-23.	S.	Introduced by **LAW REVISION COMMITTEE.**
12-27.	S.	Read first time and referred to committee on Judiciary, Corrections and Privacy 512

2006

02-01.	S.	Public hearing held.
02-14.	S.	Executive action taken.
02-21.	S.	Report passage recommended by committee on Judiciary, Corrections and Privacy, Ayes 5, Noes 0 608
02-21.	S.	Available for scheduling.
02-23.	S.	Placed on calendar 2-28-2006 by committee on Senate Organization.
02-28.	S.	Read a second time.
02-28.	S.	Ordered to a third reading.
02-28.	S.	Rules suspended.
02-28.	S.	Read a third time and **passed.**
02-28.	S.	Ordered immediately messaged.
03-06.	A.	Received from Senate 904
03-06.	A.	Read first time and referred to committee on Rules 904
03-07.	A.	Placed on calendar 3-9-2006 by committee on Rules.
03-07.	A.	Made a special order of business at 10:51 A.M. on 3-9-2006 pursuant to Assembly Resolution 51 933
03-09.	A.	Read a second time 953
03-09.	A.	Ordered to a third reading 953
03-09.	A.	Rules suspended 953
03-09.	A.	Read a third time and **passed** 953
03-09.	A.	Ordered immediately messaged 953
03-10.	S.	Received from Assembly concurred in.

9MB

2005
ENROLLED BILL

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ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ___ SubAmdt ___ 05 - 10251 1

Amendments to above (if none, write "NONE"): None

Corrections – show date (if none, write "NONE"): None

Topic Rel, w/o parenthetical

3-15-06 SRMiller

Date Enrolling Drafter

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2005 SENATE BILL 493

December 27, 2005 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Judiciary, Corrections and Privacy.

1 AN ACT ***to amend*** 938.38 (5) (a) of the statutes; **relating to:** the frequency of
2 permanency plan reviews for a juvenile who is placed outside the home
3 (suggested as remedial legislation by the Director of State Courts).

Analysis by the Legislative Reference Bureau

Under current law, for each child living in a foster home, treatment foster home, group home, residential care center for children and youth, secure detention facility, or shelter care facility or in the home of a relative other than a parent, either under an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) or a voluntary agreement, the agency that placed the child or that arranged the placement of the child or the agency assigned primary responsibility for providing services to the child is required to prepare a written permanency plan for the child.

Currently, the Children's Code, which applies to children who are in need of protection or services on certain grounds, such as abuse or neglect, requires the juvenile court or a panel appointed by the juvenile court to review a child's permanency plan six months after the child is removed from the home and every six months after a previous review. The Juvenile Justice Code, which applies to juveniles who are delinquent or in need of protection or services on certain other grounds, such as truancy, however, requires the juvenile court or a panel appointed by the juvenile court to review a juvenile's permanency plan six months after the juvenile is removed from the home and every 12 months after a previous review.

This bill conforms the Juvenile Justice Code to the Children's Code by requiring the juvenile court or a panel appointed by the juvenile court to review a juvenile's permanency plan every *six* months after a previous review.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Director of State Courts and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 938.38 (5) (a) of the statutes is amended to read:

2 938.38 **(5)** (a) Except as provided in s. 48.63 (5) (d), the court or a panel
3 appointed under par. (ag) shall review the permanency plan in the manner provided
4 in this subsection not later than 6 months after the date on which the juvenile was
5 first removed from his or her home and every ~~12~~ 6 months after a previous review
6 under this subsection for as long as the juvenile is placed outside the home, except
7 that for the review that is required to be conducted not later than 12 months after
8 the juvenile was first removed from his or her home and the reviews that are required
9 to be conducted every 12 months after that review the court shall hold a hearing
10 under sub. (5m) to review the permanency plan, which hearing may be instead of or
11 in addition to the review under this subsection.

NOTE: According to the Director of State Courts, this amendment of the frequency of permanency plan reviews makes this provision consistent with current practice, current federal law (see 45 CFR 1355.34 (c) (2)), and the corresponding provision under the Children's Code (s. 48.38 (5) (a), stats.).

12 **(END)**