



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2891/2

GMM.....

Mon 9/24

SA ✓
x-reb ✓

gjs
1

Gen Cat

1 AN ACT ...; relating to: requiring consultation with a child in determining and
2 reviewing his or her permanency plan; requiring agencies, in making
3 reasonable efforts to place a child for adoption, with a guardian, with a relative,
4 or in some other alternative permanent placement, to include efforts to place
5 the child outside this state; requiring juvenile courts to take certain actions to
6 expedite the interstate placement of children; requiring juvenile courts to give
7 a child's out-of-home care provider the right to be heard in proceedings
8 involving the child; requiring health care providers to report cases of infants
9 with controlled substances in their bodily fluids to the agency responsible for
10 investigating suspected child abuse or neglect; authorizing circuit court
11 commissioners to conduct permanency plan reviews and hearings; and

1 providing that the placement of a child may not be changed without a juvenile
 2 court order, regardless of whether a hearing is held on the change in placement. ✓

Analysis by the Legislative Reference Bureau

Introduction

Under current federal law, to be eligible for foster care and adoption assistance under Title IV-E of the Social Security Act (Title IV-E), a state must have a state plan that meets certain conditions specified in Title IV-E. Recently, Congress amended Title IV-E by enactment of the Safe and Timely Interstate Placement of Foster Children Act of 2006 and the Child and Family Services Improvement Act of 2006. This bill amends certain provisions of the Children’s Code and the Juvenile Justice Code relating to permanency planning for children placed in out-of-home care to conform those provisions to the requirements of Title IV-E, as affected by those acts.

Also, under current federal law, to be eligible for a grant under the Child Abuse Prevention and Treatment Act (CAPTA) a state must have in effect a state plan that meets certain conditions specified in CAPTA, including a requirement that a health care provider report to the child protective services system infants who are affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure. This bill conforms current state law relating to the reporting of infants whose bodily fluids contain a controlled substance to that requirement of CAPTA.

Finally, the bill authorizes a circuit court commissioner assigned to assist in juvenile matters to review a child’s permanency plan, which is a plan designed to ensure that the child is reunified with his or her family whenever appropriate or that the child quickly attains a placement or home providing long-term stability, and provides that the placement of a child who is placed outside the home may not be changed without an order of the court assigned to exercise jurisdiction under the Children’s Code and the Juvenile Justice Code (juvenile court), regardless of whether a hearing is held on the change in placement.

Permanency planning for children in out-of-home care

Current law. Under current law, for each child living in an out-of-home placement, the county department of human services or social services (county department), the licensed child welfare agency, the Department of Health and Family Services (DHFS), in Milwaukee County, or the Department of Corrections, in the case of a child who has been adjudged delinquent, (collectively “agency”) that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child must prepare a permanency plan for the child. A permanency plan must describe, among other things, the goal or goals of the permanency plan, with those goals being either the safe return of the child to the home or placement of the child for adoption, with a guardian, in the home of a relative, or in some other alternative permanent placement.

Under current law, the agency primarily responsible for providing services under a juvenile court order must make reasonable efforts to achieve the goal or goals

No 7
→

of the child's permanency plan. In making those reasonable efforts, the agency may, at the same time as the agency is making reasonable efforts to return the child safely to his or her home, make reasonable efforts to place the child for adoption, with a guardian, in the home of a relative, or in some other alternative permanent placement (concurrent reasonable efforts). An agency, however, is not required to make reasonable efforts to return the child to his or her home if the juvenile court finds that the parent has committed certain crimes of homicide against a child of the parent; has committed battery, sexual assault, or physical or sexual abuse resulting in great bodily harm or substantial bodily harm to the child or to another child of the parent; has had his or her parental rights terminated with respect to another child; or has subjected the child to aggravated circumstances, which are defined as including criminal abandonment, torture, chronic abuse, and sexual abuse. If the juvenile court finds that any of those circumstances applies to a parent, the juvenile court must hold a hearing within 30 days after the date of that finding to determine the permanency plan for the child (permanency plan determination hearing). ✓

Under current law, the juvenile court or a panel appointed by the juvenile court (permanency plan review panel) must review a child's permanency plan every six months to determine, among other things, the continuing necessity for and appropriateness of the placement, the progress being made toward eliminating the causes of the child's placement and returning the child to the home or obtaining a permanent placement for the child, and whether reasonable efforts are being made to achieve the goal of the child's permanency plan (permanency plan review). In addition, the juvenile court must hold a hearing to review a child's permanency plan no later than 12 months after the child is removed from the home and every 12 months after that hearing, which hearing may be held instead of or in addition to the permanency plan review (permanency plan hearing).

No ① → **Consultation with child.** The Child and Family Services Improvement Act of 2006 requires a state's case review system to include procedural safeguards to assure that the court or administrative body conducting a permanency plan hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency plan for the child.

This bill requires a child's permanency plan to include a statement as to whether the child's age and developmental level are sufficient for the juvenile court to consult with the child at the permanency plan determination hearing or at the permanency plan hearing or for the juvenile court or permanency plan review panel to consult with the child at the permanency plan review. If the child's permanency plan indicates that the child's age and developmental level are sufficient for the juvenile court or permanency plan review panel to consult with the child regarding the child's permanency plan or if the juvenile court or panel otherwise determines that consultation with the child would be in the best interests of the child, the juvenile court or panel must consult with the child, in an age-appropriate and developmentally appropriate manner, regarding the child's permanency plan and any other matters the court or panel finds appropriate by permitting the child, the child's caseworker, the child's counsel, or the child's guardian ad litem to make a written or oral statement during the hearing or review, or to submit a written

Not

statement prior to the hearing or review, expressing the child's wishes, goals, and concerns regarding the permanency plan and those matters.

Expediting out-of-state placements.

The Safe and Timely Interstate Placement of Foster Children Act of 2006 requires reasonable efforts to be made to place a child in a timely manner in accordance with the child's permanency plan, including, if appropriate, through an interstate placement, requires a permanency plan hearing to consider out-of-state permanent placement options for a child, and requires concurrent reasonable efforts to include identifying appropriate out-of-state placements for adoption or with a legal guardian. That act also provides grants to the highest courts in states receiving assistance under Title IV-E to enable those courts to assess the effect of state laws requiring proceedings to expedite the interstate placement of children, including state laws requiring courts to cooperate in the sharing information, authorizing courts to obtain information and testimony without requiring interstate travel by agencies and parties, and permitting parents, children, other necessary parties, and attorneys to participate in cases involving interstate placement without requiring their interstate travel.

of

This bill requires a permanency plan whose goal is to place a child for adoption, with a guardian, with a relative, or in some other alternative permanent placement to include efforts to place the child in a safe and appropriate placement outside the state if the agency determines that such a placement would be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan. For a child who is placed in a placement outside the state, the bill requires the permanency plan to include a statement as to whether that placement continues to be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan. In addition, the bill requires an agency, in making concurrent reasonable efforts, to place a child for adoption, with a guardian, with a relative, or in some other alternative permanent placement, to include efforts to place the child in a safe and appropriate placement outside the state if the agency determines that such a placement would be in the best interests of the child and appropriate to achieving the goals of the child's permanency plan.

The bill also requires a juvenile court, at the permanency plan determination hearing, to consider placing the child in a placement outside the state if the juvenile court determines that such a placement would be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan. In addition, the bill requires a juvenile court or permanency plan review panel, in determining at the permanency plan hearing or the permanency plan review whether reasonable efforts were made to achieve the permanency planning goal of placing the child for adoption, with a guardian, with a relative, or in some other alternative permanent placement, to determine whether reasonable efforts were made by the agency to place the child in a safe and appropriate placement outside the state that is in the best interests of the child and appropriate to achieving the goal of the child's permanency plan or, if the child is placed in a placement outside the state, to determine whether that placement continues to be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan.

ⓑ ⓓ
proceedings involving

Finally, with respect to expediting the out-of-state placement of children, the bill requires the juvenile courts of this state to cooperate with the courts of other states in the sharing of information; obtain, to the greatest extent possible, information and testimony from agencies and parties located in other states without requiring interstate travel by those agencies and parties; and permit parents, children, other necessary parties, attorneys, and guardians ad litem in proceedings involving the interstate placement of a child to participate in those proceedings without requiring interstate travel by those persons.

Right to be heard in children in out-of-home care ~~proceedings~~ ^{(A) (E)}

The Safe and Timely Interstate Placement of Foster Children Act of 2006 requires a state's case review system to include procedures for assuring that any foster parent, preadoptive parent, or relative providing care for a child is provided *a right* to be heard in any proceeding held with respect to the child. Current state law, however, requires the juvenile court to give a foster parent, treatment foster parent, any relative with whom a child is living, and any other physical custodian of a child *an opportunity* to be heard at any hearing under the Children's Code or the Juvenile Justice Code, involving the child, other than a hearing for which notice need only be provided to the child and his or her counsel, by permitting that person to make a written or oral statement during the hearing or to submit a written statement prior to the hearing.

This bill requires the juvenile court to give a foster parent, treatment foster parent, relative who is providing care for a child, or other physical custodian of a child *a right* to be heard at any hearing under the Children's Code or the Juvenile Justice Code, involving the child, other than a hearing for which notice need only be provided to the child and his or her counsel. The bill also requires a juvenile court to give that right to a preadoptive parent, which the bill defines as a foster parent, treatment foster parent, relative, or other person with whom a child is placed for adoption following a termination of parental rights to the child. ✓

Reporting of infants affected by controlled substances

CAPTA requires a state's state plan to include a requirement that a health care provider involved in the delivery or care of an infant identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure to notify the child protective services system of the occurrence of that condition in the infant. Current state law requires a physician who determines that there is a serious risk that an infant's bodily fluids contain a controlled substance to report that information to a county department of human services or social services or, in Milwaukee County, to the county department of community programs or developmental disabilities services. The county department then must offer or make arrangements for the provision of appropriate treatment or services for the infant and the infant's mother.

This bill requires a physician who determines that there is a serious risk that an infant's bodily fluids contain a controlled substance to report that information to the agency that is responsible for investigating reports of suspected child abuse or neglect, which is the county department, DHFS in Milwaukee County, or a child

welfare agency under contract with a county department or DHFS to conduct those investigations.

Circuit court commissioner review of permanency plans

Under current law, a circuit court commissioner assigned to assist in juvenile matters may conduct certain proceedings under the Children's Code and the Juvenile Justice Code, including temporary physical custody hearings, plea hearings, and uncontested fact-finding and dispositional hearings. This bill permits a circuit court commissioner to conduct permanency plan reviews and hearings.

Change in placement orders

Under current law, the placement of a child who is placed outside the home may be changed without a hearing if the parent, guardian, or legal custodian of the child and the child, if 12 years of age or over, sign written waivers of objection to the change in placement or if the child, the parent, guardian, or legal custodian of the child, and the foster parent, treatment foster parent, or other physical custodian of the child do not file an objection to the proposed change in placement within 10 days after receiving notice of the proposed change in placement. *(ten)*

This bill provides that the placement of a child who is placed outside the home may not be changed without a juvenile court order, regardless of whether a hearing is held on the proposed change in placement, unless the change in placements is authorized in the dispositional order.

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

add space in between rest of analysis and fiscal est tag.

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

1 SECTION 1. 46.238 of the statutes is amended to read:

2 **46.238 Infants and unborn children whose mothers abuse controlled**
3 **substances or controlled substance analogs.** If a county department under s.
4 ~~46.22 or 46.23~~ or, in a county having a population of 500,000 or more, a county
5 department under s. ~~51.42 or 51.437~~ an agency, as defined in s. 48.981 (1) (ag),
6 receives a report under s. 146.0255 (2), the ~~county department~~ agency shall offer to
7 provide appropriate services and treatment to the child and the child's mother or to
8 the unborn child, as defined in s. 48.02 (19), and the expectant mother of the unborn
9 child or the ~~county department~~ agency shall make arrangements for the provision
10 of appropriate services or treatment.

1 **SECTION 2.** 48.02 (14j) of the statutes is created to read:

2 48.02 (14j) "Preadoptive parent" means a foster parent, treatment foster
3 parent, relative, or other person with whom a child is placed under s. 48.833, 48.835,
4 or 48.837 following a termination of parental rights to the child.

5 **SECTION 3.** 48.21 (5) (d) 1. of the statutes is renumbered 48.21 (5) (d) and
6 amended to read:

7 48.21 (5) (d) If the judge or circuit court commissioner finds that any of the
8 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
9 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)
10 within 30 days after the date of that finding to determine the permanency plan for
11 the child. ~~If a hearing is held under this subdivision, the agency responsible for~~
12 ~~preparing the permanency plan shall file the permanency plan with the court not less~~
13 ~~than 5 days before the date of the hearing.~~

14 History: 1977 c. 354, 447; 1979 c. 300; 1983 a. 399; 1985 a. 311; 1993 a. 98; 1995 a. 27, 77, 275; 1997 a. 35, 237, 292; 2001 a. 16, 61, 109; 2005 a. 232.

14 **SECTION 4.** 48.21 (5) (d) 2. of the statutes is repealed. X

15 **SECTION 5.** 48.21 (5) (d) 3. of the statutes is repealed. X

16 **SECTION 6.** 48.27 (3) (a) 1. of the statutes is amended to read:

17 48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a
18 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother
19 who is a child, the court shall also notify, under s. 48.273, the child, any parent,
20 guardian, and legal custodian of the child, any foster parent, treatment foster parent,
21 preadoptive parent, or other physical custodian described in s. 48.62 (2) of the child,
22 the unborn child by the unborn child's guardian ad litem, if applicable, and any
23 person specified in par. (b), (d), or (e), if applicable, of all hearings involving the child,
24 except hearings on motions for which notice need only be provided to the child and

1 his or her counsel. When parents who are entitled to notice have the same place of
2 residence, notice to one shall constitute notice to the other. The first notice to any
3 interested party, foster parent, treatment foster parent, preadoptive parent, or other
4 physical custodian described in s. 48.62 (2) shall be written and may have a copy of
5 the petition attached to it. Thereafter, notice of hearings may be given by telephone
6 at least 72 hours before the time of the hearing. The person giving telephone notice
7 shall place in the case file a signed statement of the time notice was given and the
8 person to whom he or she spoke.

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265.

9 **SECTION 7.** 48.27 (3) (a) 1m. of the statutes is amended to read:

10 48.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,
11 preadoptive parent, or other physical custodian described in s. 48.62 (2) who is
12 notified of a hearing under subd. 1. ~~an opportunity~~ a right to be heard at the hearing
13 by permitting the foster parent, treatment foster parent, preadoptive parent, or
14 other physical custodian to make a written or oral statement during the hearing, or
15 to submit a written statement prior to the hearing, relevant to the issues to be
16 determined at the hearing. A foster parent, treatment foster parent, preadoptive
17 parent, or other physical custodian described in s. 48.62 (2) who receives a notice of
18 a hearing under subd. 1. and ~~an opportunity~~ a right to be heard under this
19 subdivision does not become a party to the proceeding on which the hearing is held
20 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265.

21 **SECTION 8.** 48.27 (3) (a) 2. of the statutes is amended to read:

22 48.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent, treatment
23 foster parent, preadoptive parent, or other physical custodian described in s. 48.62

1 (2) does not deprive the court of jurisdiction in the action or proceeding. If a foster
2 parent, treatment foster parent, preadoptive parent, or other physical custodian
3 described in s. 48.62 (2) is not given notice of a hearing under subd. 1., that person
4 may request a rehearing on the matter during the pendency of an order resulting
5 from the hearing. If the request is made, the court shall order a rehearing.

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265.

6 **SECTION 9.** 48.27 (6) of the statutes is amended to read:

7 48.27 (6) When a proceeding is initiated under s. 48.14, all interested parties
8 shall receive notice and appropriate summons shall be issued in a manner specified
9 by the court, ~~consistent with applicable governing statutes. In addition, if.~~ If the
10 child who is the subject of the proceeding is in the care of a foster parent, treatment
11 foster parent, preadoptive parent, or other physical custodian described in s. 48.62
12 (2), the court shall give the foster parent, treatment foster parent, preadoptive
13 parent, or other physical custodian notice and ~~an opportunity~~ a right to be heard as
14 provided in sub. (3) (a). ✓

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265.

15 **SECTION 10.** 48.299 (1) (ag) of the statutes is amended to read:

16 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
17 a public hearing is not held, only the parties and their counsel or guardian ad litem,
18 the court-appointed special advocate for the child, the child's foster parent,
19 treatment foster parent, preadoptive parent, or other physical custodian described
20 in s. 48.62 (2), witnesses, and other persons requested by a party and approved by
21 the court may be present, except that the court may exclude a foster parent,
22 treatment foster parent, preadoptive parent, or other physical custodian described
23 in s. 48.62 (2) from any portion of the hearing if that portion of the hearing deals with

1 sensitive personal information of the child or the child's family or if the court
2 determines that excluding the foster parent, treatment foster parent, preadoptive
3 parent, or other physical custodian would be in the best interests of the child. Except
4 in a proceeding under s. 48.375 (7), any other person the court finds to have a proper
5 interest in the case or in the work of the court, including a member of the bar, may
6 be admitted by the court.

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265.

7 **SECTION 11.** 48.32 (1) (c) 1. of the statutes is renumbered 48.32 (1) (c) and
8 amended to read:

9 48.32 (1) (c) If the judge or circuit court commissioner finds that any of the
10 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
11 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)
12 within 30 days after the date of that finding to determine the permanency plan for
13 the child. ~~If a hearing is held under this subdivision, the agency responsible for~~
14 ~~preparing the permanency plan shall file the permanency plan with the court not less~~
15 ~~than 5 days before the date of the hearing.~~

History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292; 1999 a. 149; 2001 a. 61, 109.

16 **SECTION 12.** 48.32 (1) (c) 2. of the statutes is repealed.

17 **SECTION 13.** 48.32 (1) (c) 3. of the statutes is repealed.

18 **SECTION 14.** 48.355 (2b) of the statutes is amended to read:

19 48.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
20 department, the department, in a county having a population of 500,000 or more, or
21 the agency primarily responsible for providing services to a child under a court order
22 may, at the same time as the county department, department, or agency is making
23 the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child
24 from the home or to make it possible for the child to return safely to his or her home,

1 work with the department, a county department under s. 48.57 (1) (e) or (hm), or a
 2 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
 3 the child for adoption, with a guardian, with a fit and willing relative, or in some
 4 other alternative permanent placement. Those efforts to place the child for adoption,
 5 with a guardian, with a fit and willing relative, or in some other alternative
 6 permanent placement shall include efforts to place the child in a safe and
 7 appropriate placement outside this state if the county department, department, or
 8 agency determines that such a placement would be in the best interests of the child
 9 and appropriate to achieving the goals of the child's permanency plan. ✓

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277.

10 **SECTION 15.** 48.355 (2d) (c) 1. of the statutes is renumbered 48.355 (2d) (c) and ✕

11 amended to read:

12 48.355 (2d) (c) If the court finds that any of the circumstances specified in par.
 13 (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s.
 14 48.38 (4m) within 30 days after the date of that finding to determine the permanency
 15 plan for the child. ~~If a hearing is held under this subdivision, the agency responsible~~
 16 ~~for preparing the permanency plan shall file the permanency plan with the court not~~
 17 ~~less than 5 days before the date of the hearing.~~

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277.

18 **SECTION 16.** 48.355 (2d) (c) 2. of the statutes is repealed. ✕

19 **SECTION 17.** 48.355 (2d) (c) 3. of the statutes is repealed. ✕

20 **SECTION 18.** 48.357 (1) (am) 1. of the statutes is amended to read:

21 48.357 (1) (am) 1. If the proposed change in placement involves any change in
 22 placement other than a change in placement specified in par. (c), the person or agency
 23 primarily responsible for implementing the dispositional order, the district attorney,

1 or the corporation counsel shall cause written notice of the proposed change in
2 placement to be sent to the child, the parent, guardian, and legal custodian of the
3 child, any foster parent, treatment foster parent, preadoptive parent, or other
4 physical custodian described in s. 48.62 (2) of the child, the child's court-appointed
5 special advocate, and, if the child is the expectant mother of an unborn child under
6 s. 48.133, the unborn child by the unborn child's guardian ad litem. If the expectant
7 mother is an adult, written notice shall be sent to the adult expectant mother and
8 the unborn child by the unborn child's guardian ad litem. The notice shall contain
9 the name and address of the new placement, the reasons for the change in placement,
10 a statement describing why the new placement is preferable to the present
11 placement, and a statement of how the new placement satisfies objectives of the
12 treatment plan ordered by the court.

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253.

13 **SECTION 19.** 48.357 (1) (am) 2m. of the statutes is created to read:

14 48.357 (1) (am) 2m. Regardless of whether a hearing is held under subd. 2., a
15 child's placement may not be changed under this paragraph without a court order
16 unless the change in placement is authorized in the dispositional order.

17 **SECTION 20.** 48.357 (2m) (b) of the statutes is amended to read:

18 48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
19 any change in placement requested or proposed under par. (a) if the request states
20 that new information is available that affects the advisability of the current
21 placement, ~~unless.~~ A hearing is not required if the requested or proposed change in
22 placement ~~involves any~~ does not involve a change in placement ~~other than a change~~
23 ~~in placement~~ of a child placed in the home to a placement outside the home and,
24 written waivers of objection to the proposed change in placement are signed by all

1 persons entitled to receive notice under sub. (1) (am) 1., other than a court-appointed
2 special advocate, and the court approves. If a hearing is scheduled, the court shall
3 notify the child, the parent, guardian, and legal custodian of the child, any foster
4 parent, treatment foster parent, preadoptive parent, or other physical custodian
5 described in s. 48.62 (2) of the child, the child's court-appointed special advocate, all
6 parties who are bound by the dispositional order, and, if the child is the expectant
7 mother of an unborn child under s. 48.133, the unborn child by the unborn child's
8 guardian ad litem, or shall notify the adult expectant mother, the unborn child by the
9 unborn child's guardian ad litem, and all parties who are bound by the dispositional
10 order, at least 3 days prior to the hearing. A copy of the request or proposal for the
11 change in placement shall be attached to the notice. If all of the parties consent, the
12 court may proceed immediately with the hearing.

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253.

13 **SECTION 21.** 48.357 (2r) of the statutes is amended to read:

14 48.357 (2r) If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change
15 in placement would remove a child from a foster home, treatment foster home, the
16 home of a preadoptive parent, or other placement with a physical custodian
17 described in s. 48.62 (2), the court shall give the foster parent, treatment foster
18 parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) ~~an~~
19 ~~opportunity~~ a right to be heard at the hearing by permitting the foster parent,
20 treatment foster parent, preadoptive parent, or other physical custodian to make a
21 written or oral statement during the hearing or to submit a written statement prior
22 to the hearing relating to the child and the requested change in placement. A foster
23 parent, treatment foster parent, preadoptive parent, or other physical custodian
24 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (am) 1. or (2m)

1 (b) and ~~an opportunity~~ a right to be heard under this subsection does not become a
2 party to the proceeding on which the hearing is held solely on the basis of receiving
3 that notice and ~~opportunity~~ right to be heard.

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253.

4 **SECTION 22.** 48.357 (2v) (c) 1. of the statutes is renumbered 48.357 (2v) (c) and ~~and~~
5 amended to read:

6 48.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances
7 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall
8 hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to
9 determine the permanency plan for the child. ~~If a hearing is held under this~~
10 ~~subdivision, the agency responsible for preparing the permanency plan shall file the~~
11 ~~permanency plan with the court not less than 5 days before the date of the hearing.~~

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253.

12 **SECTION 23.** 48.357 (2v) (c) 2. of the statutes is repealed. ~~and~~

13 **SECTION 24.** 48.357 (2v) (c) 3. of the statutes is repealed. ~~and~~

14 **SECTION 25.** 48.363 (1) (b) of the statutes is amended to read:

15 48.363 (1) (b) If a hearing is held, at least 3 days prior to the the hearing the
16 court shall notify the child, the child's parent, guardian and legal custodian, all
17 parties bound by the dispositional order, the child's foster parent, treatment foster
18 parent, preadoptive parent, or other physical custodian described in s. 48.62 (2), the
19 child's court-appointed special advocate, the district attorney or corporation counsel
20 in the county in which the dispositional order was entered, and, if the child is the
21 expectant mother of an unborn child under s. 48.133, the unborn child by the unborn
22 child's guardian ad litem; or shall notify the adult expectant mother, the unborn child
23 through the unborn child's guardian ad litem, all parties bound by the dispositional

1 order, and the district attorney or corporation counsel in the county in which the
2 dispositional order was entered, ~~at least 3 days prior to the hearing.~~ A copy of the
3 request or proposal shall be attached to the notice. If all parties consent, the court
4 may proceed immediately with the hearing. No revision may extend the effective
5 period of the original order.

6 **History:** 1977 c. 354; 1979 c. 300; 1985 a. 172; 1993 a. 481; 1995 a. 275, 404; 1997 a. 3, 80, 237, 292; 1999 a. 103, 149; 2001 a. 38, 109.

6 **SECTION 26.** 48.363 (1m) of the statutes is amended to read:

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

19 **History:** 1977 c. 354; 1979 c. 300; 1985 a. 172; 1993 a. 481; 1995 a. 275, 404; 1997 a. 3, 80, 237, 292; 1999 a. 103, 149; 2001 a. 38, 109.

19 **SECTION 27.** 48.365 (2) of the statutes is amended to read:

20 48.365 (2) No order may be extended without a hearing. The court shall notify
21 the child ~~or the child's guardian ad litem or counsel,~~ the child's parent, guardian, and
22 legal custodian, all the parties present at the original hearing, the child's foster
23 parent, treatment foster parent, preadoptive parent, or other physical custodian
24 described in s. 48.62 (2), the child's court-appointed special advocate, the district

1 attorney or corporation counsel in the county in which the dispositional order was
2 entered, and, if the child is an expectant mother of an unborn child under s. 48.133,
3 the unborn child by the unborn child's guardian ad litem, or shall notify the adult
4 expectant mother, the unborn child through the unborn child's guardian ad litem, all
5 the parties present at the original hearing, and the district attorney or corporation
6 counsel in the county in which the dispositional order was entered, of the time and
7 place of the hearing.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109.

8 **SECTION 28.** 48.365 (2m) (ad) 1. of the statutes is renumbered 48.365 (2m) (ad) ✓
9 and amended to read:

10 48.365 (2m) (ad) If the judge finds that any of the circumstances specified in
11 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a
12 hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine
13 the permanency plan for the child. ~~If a hearing is held under this subdivision, the~~
14 ~~agency responsible for preparing the permanency plan shall file the permanency~~
15 ~~plan with the court not less than 5 days before the date of the hearing.~~

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109.

16 **SECTION 29.** 48.365 (2m) (ad) 2. of the statutes is repealed. x

17 **SECTION 30.** 48.365 (2m) (ag) of the statutes is amended to read:

18 48.365 (2m) (ag) The court shall give a foster parent, treatment foster parent,
19 preadoptive parent, or other physical custodian described in s. 48.62 (2) who is
20 notified of a hearing under ~~par. (ad) 2. or sub. (2) an opportunity~~ a right to be heard
21 at the hearing by permitting the foster parent, treatment foster parent, preadoptive
22 parent, or other physical custodian to make a written or oral statement during the
23 hearing, or to submit a written statement prior to the hearing, relevant to the issue

1 of extension. A foster parent, treatment foster parent, preadoptive parent, or other
2 physical custodian described in s. 48.62 (2) who receives notice of a hearing under
3 ~~par. (a) 2. or sub. (2) and an opportunity~~ a right to be heard under this paragraph
4 does not become a party to the proceeding on which the hearing is held solely on the
5 basis of receiving that notice and ~~opportunity~~ right to be heard.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109.

6 **SECTION 31.** 48.38 (2) (intro.) of the statutes is amended to read:

7 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
8 for each child living in a foster home, treatment foster home, group home, residential
9 care center for children and youth, juvenile detention facility, or shelter care facility
10 or in the home of a preadoptive parent, the agency that placed the child or arranged
11 the placement or the agency assigned primary responsibility for providing services
12 to the child under s. 48.355 shall prepare a written permanency plan, if any of the
13 following conditions exists, and, for each child ~~living in the home~~ in the care of a
14 relative other than a parent, that agency shall prepare a written permanency plan,
15 if any of the conditions specified in pars. (a) to (e) exists:

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.

16 **SECTION 32.** 48.38 (3) of the statutes is amended to read:

17 48.38 (3) TIME. Subject to s. ~~48.355 (2d) (e) 1.~~ sub. (4m) (a), the agency shall file
18 the permanency plan with the court within 60 days after the date on which the child
19 was first removed from his or her home, except that if the child is held for less than
20 60 days in a juvenile detention facility, juvenile portion of a county jail, or a shelter
21 care facility, no permanency plan is required if the child is returned to his or her home
22 within that period.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.

23 **SECTION 33.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

1 48.38 (4) (f) (intro.) A description of the services that will be provided to the
 2 child, the child's family, and the child's foster parent, the child's treatment foster
 3 parent, the child's preadoptive parent, the operator of the facility where the child is
 4 living, or the relative ~~with whom the child is living~~ who is providing care for the child
 5 to carry out the dispositional order, including services planned to accomplish all of
 6 the following:

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.

7 **SECTION 34.** 48.38 (4) (fm) of the statutes is amended to read: *

8 48.38 (4) (fm) If the goal of the permanency plan is to place the child for
 9 adoption, with a guardian, with a fit and willing relative, or in some other alternative
 10 permanent placement, the efforts made to achieve that goal. Those efforts shall
 11 include efforts to place the child in a safe and appropriate placement outside this
 12 state if the agency determines that such a placement would be in the best interests
 13 of the child and appropriate to achieving the goal of the child's permanency plan. If
 14 the agency determines not to place the child in an available placement outside this
 15 state, the permanency plan shall include a statement as to why that placement is not
 16 in the best interests of the child or not appropriate to achieving the goal of the child's
 17 permanency plan. If the child is placed in a placement outside this state, the
 18 permanency plan shall include a statement as to whether that placement continues
 19 to be in the best interests of the child and appropriate to achieving the goal of the
 20 child's permanency plan.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.

21 **SECTION 35.** 48.38 (4) (i) of the statutes is created to read: ^

22 48.38 (4) (i) A statement as to whether the child's age and developmental level
 23 are sufficient for the court to consult with the child at the permanency plan

1 determination hearing under sub. (4m) (c) or at the permanency plan hearing under
2 sub. (5m) (c) 2. or s. 48.43 (5) (b) 2. or for the court or panel to consult with the child
3 at the permanency plan review under sub. (5) (bm) 2. and, if a decision is made that
4 it would not be age appropriate or developmentally appropriate for the court or panel
5 to consult with the child, a statement as to why consultation with the child would not
6 be appropriate.

7 **SECTION 36.** 48.38 (4m) of the statutes is created to read:

8 48.38 (4m) PERMANENCY PLAN DETERMINATION HEARING. (a) If in a proceeding
9 under s. 48.21, 48.32, 48.355, 48.357, or 48.365 the court finds that any of the
10 circumstances under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the
11 court shall hold a hearing within 30 days after the date of that finding to determine
12 the permanency plan for the child. If a hearing is held under this paragraph, the
13 agency responsible for preparing the permanency plan shall file the permanency
14 plan with the court not less than 5 days before the date of the hearing. At the hearing, the court
15 shall consider placing the child in a placement outside this state if the court
16 determines that such a placement would be in the best interests of the child and
17 appropriate to achieving the goal of the child's permanency plan.

18 (b) At least 10 days before the date of the hearing, the court shall notify the child, any
19 parent, guardian, and legal custodian of the child, and any foster parent, treatment
20 foster parent, preadoptive parent, or other physical custodian described in s. 48.62
21 (2) of the child of the time, place, and purpose of the hearing.

22 (c) If the child's permanency plan includes a statement under sub. (4) (i)
23 indicating that the child's age and developmental level are sufficient for the court to
24 consult with the child regarding the child's permanency plan or if, notwithstanding
25 a decision under sub. (4) (i) that it would not be appropriate for the court to consult

1 with the child, the court determines that consultation with the child would be in the
2 best interests of the child, the court shall consult with the child, in an
3 age-appropriate and developmentally appropriate manner, regarding the child's
4 permanency plan and any other matters the court finds appropriate by permitting
5 the child, the child's caseworker, the child's counsel, or, subject to s. 48.235 (3) (a), the
6 child's guardian ad litem to make a written or oral statement during the hearing, or
7 to submit a written statement prior to the hearing, expressing the child's wishes,
8 goals, and concerns regarding the permanency plan and those matters. A
9 caseworker, counsel, or guardian ad litem who makes or submits a statement under
10 this paragraph shall advise the court that the statement represents the wishes,
11 goals, and concerns, but not necessarily the best interests, of the child.

12 (d) The court shall give a foster parent, treatment foster parent, preadoptive
13 parent, or other physical custodian described in s. 48.62 (2) who is notified of a
14 hearing under par. (b) a right to be heard at the hearing by permitting the foster
15 parent, treatment foster parent, preadoptive parent, or other physical custodian to
16 make a written or oral statement during the hearing, or to submit a written
17 statement prior to the hearing, relevant to the issues to be determined at the hearing.
18 The foster parent, treatment foster parent, preadoptive parent, or other physical
19 custodian does not become a party to the proceeding on which the hearing is held
20 solely on the basis of receiving that notice and ~~having the~~ right to be heard.

21 **SECTION 37.** 48.38 (5) (b) of the statutes is amended to read:

22 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
23 child, if he or she is 12 years of age or older, and the child's foster parent, the child's
24 treatment foster parent, the child's preadoptive parent, the operator of the facility
25 in which the child is living, or the relative ~~with whom the child is living~~ who is

1 providing care for the child of the date, time, and place of the review, of the issues to
2 be determined as part of the review, and of the fact that they may have an opportunity
3 shall have a right to be heard at the review ~~by submitting written comments not less~~
4 ~~than 10 working days before the review or by participating at the review as provided~~
5 in par. (bm) 1. The court or agency shall notify the person representing the interests
6 of the public, the child's counsel, the child's guardian ad litem, and the child's
7 court-appointed special advocate of the date of the review, of the issues to be
8 determined as part of the review, and of the fact that they may ~~submit written~~
9 ~~comments not less than 10 working days before the review~~ have an opportunity to
10 be heard at the review as provided in par. (bm) 1. The notices under this paragraph
11 shall be provided in writing not less than 30 days before the review and copies of the
12 notices shall be filed in the child's case record.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.

13 **SECTION 38.** 48.38 (5) (bm) of the statutes is created to read:

14 48.38 (5) (bm) 1. A parent, child, foster parent, treatment foster parent,
15 preadoptive parent, operator of a facility, or relative who is provided notice of the
16 review under par. (b) shall have a right to be heard at the review by submitting
17 written comments relevant to the determinations specified in sub. (5) (c) not less
18 than 10 working days before the date of the review or by participating at the review. ✓
19 A person representing the interests of the public, counsel, guardian ad litem, or
20 court-appointed special advocate who is provided notice of the review under par. (b)
21 may have an opportunity to be heard at the review by submitting written comments
22 relevant to the determinations specified in par. (c) not less than 10 working days
23 before the date of the review. A foster parent, treatment foster parent, preadoptive
24 parent, operator of a facility, or relative who receives notice of a hearing under par.

1 (b) and a right to be heard under this subdivision does not become a party to the
2 proceeding on which the review is held solely on the basis of receiving that notice and
3 right to be heard. ✓

4 2. If the child's permanency plan includes a statement under sub. (4) (i)
5 indicating that the child's age and developmental level are sufficient for the court or
6 panel to consult with the child regarding the child's permanency plan or if,
7 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
8 court or panel to consult with the child, the court or panel determines that
9 consultation with the child would be in the best interests of the child, the court or
10 panel shall consult with the child, in an age-appropriate and developmentally
11 appropriate manner, regarding the child's permanency plan and any other matters
12 the court or panel finds appropriate by permitting the child, the child's caseworker,
13 the child's counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make
14 a written or oral statement during the review, or to submit a written statement prior
15 to the review, expressing the child's wishes, goals, and concerns regarding the
16 permanency plan and those matters. A caseworker, counsel, or guardian ad litem
17 who makes or submits a statement under this subdivision shall advise the court or
18 panel that the statement represents the wishes, goals, and concerns, but not
19 necessarily the best interests, of the child.

20 **SECTION 39.** 48.38 (5) (c) 7. of the statutes is amended to read:

21 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
22 the goal of the permanency plan, unless return of the child to the home is the goal
23 of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b)
24 1. to 5. applies. If the goal of the permanency plan is to place the child for adoption,
25 with a guardian, with a fit and willing relative, or in some other alternative

1 permanent placement, the reasonable efforts determination under this subdivision
 2 shall include a determination as to whether reasonable efforts were made by the
 3 agency to place the child in a safe and appropriate placement outside this state that
 4 is in the best interests of the child and appropriate to achieving the goal of the child's
 5 permanency plan. If the child is placed in a placement outside this state, that
 6 determination shall include a determination as to whether that placement continues
 7 to be in the best interests of the child and appropriate to achieving the goal of the
 8 child's permanency plan.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.

97 **SECTION 40.** 48.38 (5m) (b) of the statutes is amended to read:

10 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
 11 shall notify the child; the child's parent, guardian, and legal custodian; the child's
 12 foster parent ~~or~~, treatment foster parent, or preadoptive parent, the operator of the
 13 facility in which the child is living, or the relative with whom the child is living; who
 14 is providing care for the child of the date, time, and place of the hearing, of the issues
 15 to be determined at the hearing, and of the fact that they shall have a right to be
 16 heard at the hearing as provided in par. (c) 1. and shall notify the child's counsel, the
 17 child's guardian ad litem, and the child's court-appointed special advocate; the
 18 agency that prepared the permanency plan; and the person representing the
 19 interests of the public of the date, time, and place of the hearing, of the issues to be
 20 determined at the hearing, and ^{of the} other fact that they may have an opportunity to be
 21 heard at the hearing as provided in par. (c) 1.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.

22 **SECTION 41.** 48.38 (5m) (c) of the statutes is renumbered 48.38 (5m) (c) 1. and

23 amended to read:

1 48.38 (5m) (c) 1. Any person A child, parent, guardian, legal custodian, foster
2 parent, treatment foster parent, preadoptive parent, operator of a facility, or relative
3 who is provided notice of the hearing may have an opportunity under par. (b) shall
4 have a right to be heard at the hearing by submitting written comments relevant to
5 the determinations specified in sub. (5) (c) not less than 10 working days before the
6 date of the hearing or by participating at the hearing. A counsel, guardian ad litem,
7 court-appointed special advocate, agency, or person representing the interests of the
8 public who is provided notice of the hearing under par. (b) may have an opportunity
9 to be heard at the hearing by submitting written comments relevant to the
10 determinations specified in sub. (5) (c) not less than 10 working days before the date
11 of the hearing or by participating at the hearing. A foster parent, treatment foster
12 parent, preadoptive parent, operator of a facility in which a child is living, or relative
13 with whom a child is living who receives notice of a hearing under par. (b) and an
14 opportunity a right to be heard under this paragraph subdivision does not become
15 a party to the proceeding on which the hearing is held solely on the basis of receiving
16 that notice and opportunity right to be heard.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.

17 **SECTION 42.** 48.38 (5m) (c) 2. of the statutes is created to read:

18 48.38 (5m) (c) 2. If the child's permanency plan includes a statement under sub.
19 (4) (i) indicating that the child's age and developmental level are sufficient for the
20 court to consult with the child regarding the child's permanency plan or if,
21 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
22 court to consult with the child, the court determines that consultation with the child
23 would be in the best interests of the child, the court shall consult with the child, in
24 an age-appropriate and developmentally appropriate manner, regarding the child's

1 permanency plan and any other matters the court finds appropriate by permitting
2 the child, the child's caseworker, the child's counsel, or, subject to s. 48.235 (3) (a), the
3 child's guardian ad litem to make a written or oral statement during the hearing, or
4 to submit a written statement prior to the hearing, expressing the child's wishes,
5 goals, and concerns regarding the permanency plan and those matters. A
6 caseworker, counsel, or guardian ad litem who makes or submits a statement under
7 this subdivision shall advise the court that the statement represents the wishes,
8 goals, and concerns, but not necessarily the best interests, of the child.

9 **SECTION 43.** 48.38 (5m) (e) of the statutes is amended to read:

10 48.38 (5m) (e) After the hearing, the court shall make written findings of fact
11 and conclusions of law relating to the determinations under sub. (5) (c) and shall
12 provide a copy of those findings of fact and conclusions of law to the child; the child's
13 parent, guardian, and legal custodian; the child's foster parent or, treatment foster
14 parent, or preadoptive parent, the operator of the facility in which the child is living,
15 or the relative ~~with whom the child is living~~ who is providing care for the child; the
16 child's court-appointed special advocate; the agency that prepared the permanency
17 plan; and the person representing the interests of the public. The court shall make
18 the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances
19 specific to the child and shall document or reference the specific information on
20 which those findings are based in the findings of fact and conclusions of law prepared
21 under this paragraph. Findings of fact and conclusions of law that merely reference
22 sub. (5) (c) 7. without documenting or referencing that specific information in the
23 findings of fact and conclusions of law or amended findings of fact and conclusions

1 of law that retroactively correct earlier findings of fact and conclusions of law that
2 do not comply with this paragraph are not sufficient to comply with this paragraph.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.

3 **SECTION 44. 48.42 (2g) (am)** of the statutes is amended to read:

4 48.42 (2g) (am) The court shall give a foster parent, treatment foster parent,
5 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
6 par. (a) ~~an opportunity~~ a right to be heard at the hearing by permitting the foster
7 parent, treatment foster parent, or other physical custodian to make a written or oral
8 statement during the hearing, or to submit a written statement prior to the hearing,
9 relevant to the issues to be determined at the hearing. A foster parent, treatment
10 foster parent, or other physical custodian described in s. 48.62 (2) who receives a
11 notice of a hearing under par. (a) and ~~an opportunity~~ a right to be heard under this
12 paragraph does not become a party to the proceeding on which the hearing is held
13 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; s. 13.93 (2) (c).

14 **SECTION 45. 48.427 (1m)** of the statutes is amended to read:

15 48.427 (1m) In addition to any evidence presented under sub. (1), the court
16 shall give the foster parent, treatment foster parent, or other physical custodian
17 described in s. 48.62 (2) of the child ~~an opportunity~~ a right to be heard at the
18 dispositional hearing by permitting the foster parent, treatment foster parent, or
19 other physical custodian to make a written or oral statement during the dispositional
20 hearing, or to submit a written statement prior to disposition, relevant to the issue
21 of disposition. A foster parent, treatment foster parent, or other physical custodian
22 described in s. 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and
23 ~~an opportunity~~ a right to be heard under this subsection does not become a party to

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

3 History: 1979 c. 330; 1981 c. 81, 359; 1985 a. 70, 176; 1995 a. 275, 289; 1997 a. 80, 104, 237; 2005 a. 25, 232.

3 **SECTION 46.** 48.43 (5) (b) of the statutes is renumbered 48.43 (5) (b) 1. and
4 amended to read:

5 48.43 (5) (b) 1. The court shall hold a hearing to review the permanency plan
6 within 30 days after receiving a report under par. (a). At least 10 days before the date
7 of the hearing, the court shall provide notice of the time, date, and purpose of the
8 hearing to the agency that prepared the report, the child's guardian, the child, if he
9 or she is 12 years of age or over, and the child's foster parent, treatment foster parent,
10 preadoptive parent, other physical custodian described in s. 48.62 (2), or the operator
11 of the facility in which the child is living.

12 History: 1979 c. 330; 1983 a. 27, 219, 286; 1985 a. 70, 176, 332; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1993 a. 395, 446; 1995 a. 275; 1997 a. 237; 2005 a. 232, 293, 296.

12 **SECTION 47.** 48.43 (5) (b) 2. of the statutes is created to read:

13 48.43 (5) (b) 2. If the child's permanency plan includes a statement under s.
14 48.38 (4) (i) indicating that the child's age and developmental level are sufficient for
15 the court to consult with the child regarding the child's permanency plan or if,
16 notwithstanding a decision under s. 48.38 (4) (i) that it would not be appropriate for
17 the court to consult with the child, the court determines that consultation with the
18 child would be in the best interests of the child, the court shall consult with the child,
19 in an age-appropriate and developmentally appropriate manner, regarding the
20 child's permanency plan and any other matters the court finds appropriate by
21 permitting the child, the child's caseworker, the child's counsel, or, subject to s.
22 48.235 (3) (a), the child's guardian ad litem to make a written or oral statement
23 during the hearing, or to submit a written statement prior to the hearing, expressing
24 the child's wishes, goals, and concerns regarding the permanency plan and those

1 matters. A caseworker, counsel, or guardian ad litem who makes or submits a
2 statement under this subdivision shall advise the court that the statement
3 represents the wishes, goals, and concerns, but not necessarily the best interests, of
4 the child.

5 **SECTION 48.** 48.43 (5) (b) 3. of the statutes is created to read:

6 48.43 (5) (b) 3. The court shall give a foster parent, treatment foster parent,
7 preadoptive parent, or other physical custodian described in s. 48.62 (2) who is
8 notified of a hearing under par. (b) a right to be heard at the hearing by permitting
9 the foster parent, treatment foster parent, preadoptive parent, or other physical
10 custodian to make a written or oral statement during the hearing, or to submit a
11 written statement prior to the hearing, relevant to the issues to be determined at the
12 hearing. The foster parent, treatment foster parent, preadoptive parent, or other
13 physical custodian does not become a party to the proceeding on which the hearing
14 is held solely on the basis of receiving that notice and having the right to be heard.

15 **SECTION 49.** 48.63 (5) (d) 4. of the statutes is amended to read:

16 48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed
17 the child or that arranged the placement of the child shall provide a copy of the
18 revised permanency plan or plans and the request for review submitted under subd.
19 3. and notice of the time and place of the review to the child, the parent, guardian,
20 and legal custodian of the child, and the operator of the group home in which the child
21 is placed, together with notice of the issues to be determined as part of the
22 permanency plan review and notice of the fact that those persons ~~may have the~~
23 opportunity shall have a right to be heard at the review by submitting written

13
Ins
28-14

^
subd. 1.

having the right to be heard.

1 comments to that agency or the independent reviewing agency before the review or
2 by participating at the review.

3 History: 1977 c. 354, 449; 1979 c. 300; 1981 c. 81; 1983 a. 351, 399; 1985 a. 176; 1989 a. 31, 107; 1993 a. 446; 1995 a. 27 ss. 2594, 9126 (19); 1995 a. 77; 2001 a. 69, 109.

4 **SECTION 50.** 48.999 of the statutes is created to read:

5 **48.999 Expediting interstate placements of children.** The courts of this
6 state shall do all of the following to expedite the interstate placement of children:

7 (1) Subject to ss. 48.396 (2) and 938.396 (2), cooperate with the courts of other
8 states in the sharing of information.

9 (2) To the greatest extent possible, obtain information and testimony from
10 agencies and parties located in other states without requiring interstate travel by
11 those agencies and parties.

12 (3) Permit parents, children, other necessary parties, attorneys, and guardians
13 ad litem in proceedings involving the interstate placement of a child to participate
14 in those proceedings without requiring interstate travel by those persons.

15 **SECTION 51.** 146.0255 (2) of the statutes is amended to read:

16 146.0255 (2) TESTING. Any hospital employee who provides health care, social
17 worker, or intake worker under ch. 48 may refer an infant or an expectant mother
18 of an unborn child, as defined in s. 48.02 (19), to a physician for testing of the bodily
19 fluids of the infant or expectant mother for controlled substances or controlled
20 substance analogs if the hospital employee who provides health care, social worker,
21 or intake worker suspects that the infant or expectant mother has controlled
22 substances or controlled substance analogs in the bodily fluids of the infant or
23 expectant mother because of the use of controlled substances or controlled substance
24 analogs by the mother while she was pregnant with the infant or by the expectant
mother while she is pregnant with the unborn child. The physician may test the

1 infant or expectant mother to ascertain whether or not the infant or expectant
2 mother has controlled substances or controlled substance analogs in the bodily fluids
3 of the infant or expectant mother, if the physician determines that there is a serious
4 risk that there are controlled substances or controlled substance analogs in the
5 bodily fluids of the infant or expectant mother because of the use of controlled
6 substances or controlled substance analogs by the mother while she was pregnant
7 with the infant or by the expectant mother while she is pregnant with the unborn
8 child and that the health of the infant, the unborn child or the child when born may
9 be adversely affected by the controlled substances or controlled substance analogs.
10 If the results of the test indicate that the infant does have controlled substances or
11 controlled substance analogs in the infant's bodily fluids, the physician shall ~~make~~
12 a report report the occurrence of that condition in the infant to the agency, as defined
13 in s. 48.981 (1) (ag), that is responsible for conducting child abuse and neglect
14 investigations under s. 48.981 and that agency shall offer to provide, or arrange for
15 the provision of, services and treatment for the child and the child's mother as
16 provided under s. 46.238. If the results of the test indicate that the expectant mother
17 does have controlled substances or controlled substance analogs in the expectant
18 mother's bodily fluids, the physician may ~~make a report~~ report the occurrence of that
19 condition in the expectant mother to the agency, as defined in s. 48.981 (1) (ag), that
20 is responsible for conducting unborn child abuse and neglect investigations under s.
21 48.981 and that agency shall offer to provide, or arrange for the provision of, services
22 and treatment for the unborn child and expectant mother as provided under s.
23 46.238. Under this subsection, no physician may test an expectant mother without
24 first receiving her informed consent to the testing.

1 **SECTION 52.** 146.0255 (3) (b) of the statutes is amended to read:

2 146.0255 (3) (b) A statement of explanation that the test results of an infant
3 must, and that the test results of an expectant mother may, be disclosed to a county
4 department under s. 46.22 or 46.23 or, in a county having a population of 500,000 or
5 more, to the county department under s. 51.42 or 51.437 in accordance with s. 46.238
6 an agency under sub. (2) if the test results are positive.

7 History: 1989 a. 122, 359; 1993 a. 16, 446; 1995 a. 386, 448; 1997 a. 27, 35, 292.

7 **SECTION 53.** 757.69 (1) (g) 14. of the statutes is created to read:

8 757.69 (1) (g) 14. Conduct permanency plan reviews under s. 48.58^{e 38} (5) or 938.38
9 (5) and permanency plan hearings under s. 48.38 (5m) or 938.38 (5m).

10 **SECTION 54.** 938.02 (14j) of the statutes is created to read:

11 938.02 (14j) "Preadoptive parent" means a foster parent, treatment foster
12 parent, relative, or other person with whom a juvenile is placed under s. 48.833,
13 48.835, or 48.837 following a termination of parental rights to the juvenile.

14 **SECTION 55.** 938.21 (5) (d) 1. of the statutes is renumbered 938.21 (5) (d) and
15 amended to read:

16 938.21 (5) (d) If the court finds that any of the circumstances specified in s.
17 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
18 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
19 permanency plan for the juvenile. ~~If a hearing is held under this subdivision, the~~
20 ~~agency responsible for preparing the permanency plan shall file the permanency~~
21 ~~plan with the court not less than 5 days before the date of the hearing.~~

22 History: 1995 a. 77, 275; 1997 a. 35, 237, 296; 2001 a. 16, 61, 109; 2005 a. 344.

22 **SECTION 56.** 938.21 (5) (d) 2. of the statutes is repealed.

23 **SECTION 57.** 938.21 (5) (d) 3. of the statutes is repealed.

24 **SECTION 58.** 938.27 (3) (a) 1. of the statutes is amended to read:

1 938.27 (3) (a) 1. The court shall notify, under s. 938.273, the juvenile, any
2 parent, guardian, and legal custodian of the juvenile, any foster parent, treatment
3 foster parent, preadoptive parent, or other physical custodian described in s. 48.62
4 (2) of the juvenile, and any person specified in par. (b), if applicable, of all hearings
5 involving the juvenile under this subchapter, except hearings on motions for which
6 notice must be provided only to the juvenile and his or her counsel. If parents entitled
7 to notice have the same place of residence, notice to one constitutes notice to the
8 other. The first notice to any interested party, foster parent, treatment foster parent,
9 preadoptive parent, or other physical custodian described in s. 48.62 (2) shall be in
10 writing and may have a copy of the petition attached to it. Notices of subsequent
11 hearings may be given by telephone at least 72 hours before the time of the hearing.
12 The person giving telephone notice shall place in the case file a signed statement of
13 the date and time notice was given and the person to whom he or she spoke.

History: 1995 a. 77, 275; 1997 a. 80, 181, 237; 2005 a. 293, 344; 2005 a. 443 s. 265; s. 13.93 (2) (c).

14 **SECTION 59.** 938.27 (3) (a) 1m. of the statutes is amended to read:

15 938.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,
16 preadoptive parent, or other physical custodian described in s. 48.62 (2) who is
17 notified of a hearing under subd. 1. ~~an opportunity~~ a right to be heard at the hearing
18 by permitting the foster parent, treatment foster parent, preadoptive parent, or
19 other physical custodian to make a written or oral statement during the hearing, or
20 to submit a written statement prior to the hearing, relevant to the issues to be
21 determined at the hearing. A foster parent, treatment foster parent, preadoptive
22 parent, or other physical custodian described in s. 48.62 (2) who receives a notice of
23 a hearing under subd. 1. and ~~an opportunity~~ a right to be heard under this

1 subdivision does not become a party to the proceeding on which the hearing is held
2 solely on the basis of receiving that notice and opportunity right to be heard.

3 History: 1995 a. 77, 275; 1997 a. 80, 181, 237; 2005 a. 293, 344; 2005 a. 443 s. 265; s. 13.93 (2) (c).

SECTION 60. 938.27 (3) (a) 2. of the statutes is amended to read:

4 938.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent,
5 treatment foster parent, preadoptive parent, or other physical custodian described
6 in s. 48.62 (2) does not deprive the court of jurisdiction in the action or proceeding.
7 If a foster parent, treatment foster parent, preadoptive parent, or other physical
8 custodian described in s. 48.62 (2) is not given notice of a hearing under subd. 1., that
9 person may request a rehearing on the matter during the pendency of an order
10 resulting from the hearing. If the request is made, the court shall order a rehearing.

11 History: 1995 a. 77, 275; 1997 a. 80, 181, 237; 2005 a. 293, 344; 2005 a. 443 s. 265; s. 13.93 (2) (c).

SECTION 61. 938.27 (6) of the statutes is amended to read:

12 938.27 (6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a
13 proceeding is initiated under s. 938.14, all interested parties shall receive notice and
14 appropriate summons shall be issued in a manner specified by the court. If the
15 juvenile who is the subject of the proceeding is in the care of a foster parent,
16 treatment foster parent, preadoptive parent, or other physical custodian described
17 in s. 48.62 (2), the court shall give the foster parent, treatment foster parent,
18 preadoptive parent, or other physical custodian notice and an opportunity a right to
19 be heard as provided in sub. (3) (a).

20 History: 1995 a. 77, 275; 1997 a. 80, 181, 237; 2005 a. 293, 344; 2005 a. 443 s. 265; s. 13.93 (2) (c).

SECTION 62. 938.299 (1) (ag) of the statutes is amended to read:

21 938.299 (1) (ag) If a public hearing is not held, in addition to persons permitted
22 to attend under par. (a), the juvenile's foster parent, treatment foster parent,
23 preadoptive parent, or other physical custodian described in s. 48.62 (2) may be
24 present, except that the court may exclude a foster parent, treatment foster parent,

1 preadoptive parent, or other physical custodian described in s. 48.62 (2) from any
2 portion of the hearing if that portion of the hearing deals with sensitive personal
3 information of the juvenile or the juvenile's family or if the court determines that
4 excluding the foster parent, treatment foster parent, preadoptive parent, or other
5 physical custodian would be in the best interests of the juvenile.

6 History: 1995 a. 77, 275, 352; 1997 a. 35, 205, 252, 296; 1999 a. 32, 188; 2001 a. 16; 2003 a. 284, 326; 2005 a. 277, 344; 2005 a. 443 s. 265; s. 13.93 (2) (c).

6 **SECTION 63.** 938.32 (1) (d) 1. of the statutes is renumbered 938.32 (1) (d) and

7 amended to read:

8 938.32 (1) (d) If the court finds that any of the circumstances specified in s.
9 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
10 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
11 permanency plan for the juvenile. ~~The agency responsible for preparing the~~
12 ~~permanency plan shall file the permanency plan with the court not less than 5 days~~
13 ~~before the date of the hearing.~~

14 History: 1995 a. 77, 352, 448; 1997 a. 181, 183, 205, 239; 1999 a. 9, 32; 2001 a. 16, 61, 105, 109; 2003 a. 138; 2005 a. 344.

14 **SECTION 64.** 938.32 (1) (d) 2. of the statutes is repealed.

15 **SECTION 65.** 938.32 (1) (d) 3. of the statutes is repealed.

16 **SECTION 66.** 938.355 (2b) of the statutes is amended to read:

17 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
18 department or the agency primarily responsible for providing services to a juvenile
19 under a court order may, at the same time as the county department or agency is
20 making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal
21 of the juvenile from the home or to make it possible for the juvenile to return safely
22 to his or her home, work with the department of health and family services, a county
23 department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under
24 s. 48.61 (5) in making reasonable efforts to place the juvenile for adoption, with a

1 guardian, with a fit and willing relative, or in some other alternative permanent
2 placement. Those efforts to place the juvenile for adoption, with a guardian, with a
3 fit and willing relative, or in some other alternative permanent placement shall
4 include efforts to place the juvenile in a safe and appropriate placement outside this
5 state if the county department or agency determines that such a placement would
6 be in the best interests of the juvenile and appropriate to achieving the goals of the
7 juvenile's permanency plan.

8 History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344.

8 **SECTION 67.** 938.355 (2d) (c) 1. of the statutes is renumbered 938.355 (2d) (c)

9 and amended to read:

10 938.355 (2d) (c) If the court finds that any of the circumstances under par. (b)
11 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38
12 (4m) within 30 days after the date of that finding to determine the permanency plan
13 for the juvenile. ~~If a hearing is held under this subdivision, the agency responsible~~
14 ~~for preparing the permanency plan shall file the permanency plan with the court not~~
15 ~~less than 5 days before the date of the hearing.~~

16 History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344.

16 **SECTION 68.** 938.355 (2d) (c) 2. of the statutes is repealed.

17 **SECTION 69.** 938.355 (2d) (c) 3. of the statutes is repealed.

18 **SECTION 70.** 938.357 (1) (am) 1. of the statutes is amended to read:

19 938.357 (1) (am) 1. If the proposed change in placement involves any change
20 in placement other than a change in placement under par. (c), the person or agency
21 primarily responsible for implementing the dispositional order or the district
22 attorney shall cause written notice of the proposed change in placement to be sent
23 to the juvenile, the parent, guardian, and legal custodian of the juvenile, and any
24 foster parent, treatment foster parent, preadoptive parent, or other physical

1 custodian described in s. 48.62 (2) of the juvenile. The notice shall contain the name
2 and address of the new placement, the reasons for the change in placement, a
3 statement describing why the new placement is preferable to the present placement,
4 and a statement of how the new placement satisfies objectives of the treatment plan
5 ordered by the court.

6 History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344.

6 **SECTION 71.** 938.357 (1) (am) 2m. of the statutes is created to read: ✓

7 938.357 (1) (am) 2m. Regardless of whether a hearing is held under subd. 2.,
8 a juvenile's placement may not be changed under this paragraph without a court
9 order unless the change in placement is authorized in the dispositional order. ✓

10 **SECTION 72.** 938.357 (2m) (b) of the statutes is amended to read:

11 938.357 (2m) (b) *Hearing; when required.* The court shall hold a hearing prior
12 to ordering any change in placement requested or proposed under par. (a) if the
13 request states that new information is available that affects the advisability of the
14 current placement. A hearing is not required if the requested or proposed change in
15 placement does not involve a change in placement of a juvenile placed in the home
16 to a placement outside the home, written waivers of objection to the proposed change
17 in placement are signed by all parties entitled to receive notice under sub. (1) (am)
18 1., and the court approves. If a hearing is scheduled, the court shall notify the
19 juvenile, the parent, guardian, and legal custodian of the juvenile, any foster parent,
20 treatment foster parent, preadoptive parent, or other physical custodian described
21 in s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order
22 at least 3 days prior to the hearing. A copy of the request or proposal for the change

1 in placement shall be attached to the notice. If all of the parties consent, the court
2 may proceed immediately with the hearing.

3 **History:** 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344.

3 **SECTION 73.** 938.357 (2r) of the statutes is amended to read:

4 **938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN.** If a hearing
5 is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove
6 a juvenile from a foster home, treatment foster home, the home of a preadoptive
7 parent, or other placement with a physical custodian described in s. 48.62 (2), the
8 court shall give the foster parent, treatment foster parent, preadoptive parent, or
9 other physical custodian ~~an opportunity~~ a right to be heard at the hearing by
10 permitting the foster parent, treatment foster parent, preadoptive parent, or other
11 physical custodian to make a written or oral statement during the hearing or to
12 submit a written statement prior to the hearing relating to the juvenile and the
13 requested change in placement. A foster parent, treatment foster parent,
14 preadoptive parent, or other physical custodian who receives notice of a hearing
15 under sub. (1) (am) 1. or (2m) (b) and ~~an opportunity~~ a right to be heard under this
16 subsection does not become a party to the proceeding on which the hearing is held
17 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

18 **History:** 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344.

18 **SECTION 74.** 938.357 (2v) (c) 1. of the statutes is renumbered 938.357 (2v) (c) X

19 and amended to read:

20 **938.357 (2v) (c)** If the court finds under par. (a) 3. that any of the circumstances
21 under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold
22 a hearing under s. 938.38 (4m) within 30 days after the date of that finding to
23 determine the permanency plan for the juvenile. ~~If a hearing is held under this~~

1 paragraph, the agency responsible for preparing the permanency plan shall file the
2 permanency plan with the court at least 5 days before the date of the hearing.

3 History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344. K

3 SECTION 75. 938.357 (2v) (c) 2. of the statutes is repealed.

4 SECTION 76. 938.357 (2v) (c) 3. of the statutes is repealed. K

5 SECTION 77. 938.363 (1) (b) of the statutes is amended to read:

6 938.363 (1) (b) If a hearing is held, at least 3 days prior to the hearing the court
7 shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all
8 parties bound by the dispositional order, the juvenile's foster parent, treatment
9 foster parent, preadoptive parent, or other physical custodian described in s. 48.62
10 (2), and the district attorney or corporation counsel in the county in which the
11 dispositional order was entered ~~at least 3 days prior to the hearing~~. A copy of the
12 request or proposal shall be attached to the notice. If all parties consent, the court
13 may proceed immediately with the hearing. No revision may extend the effective
14 period of the original order, or revise an original order under s. 938.34 (3) (f) or (6)
15 (am) to impose more than a total of 30 days of detention, nonsecure custody, or
16 inpatient treatment on a juvenile.

17 History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275; 1997 a. 35, 80, 237, 252; 1999 a. 103; 2001 a. 38, 109; 2005 a. 344.

17 SECTION 78. 938.363 (1m) of the statutes is amended to read:

18 938.363 (1m) EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a),
19 any party may present evidence relevant to the issue of revision of the dispositional
20 order. In addition, the court shall give a foster parent, treatment foster parent,
21 preadoptive parent, or other physical custodian described in s. 48.62 (2) of the
22 juvenile ~~an opportunity~~ a right to be heard at the hearing by permitting the foster
23 parent, treatment foster parent, preadoptive parent, or other physical custodian to
24 make a written or oral statement during the hearing, or to submit a written

1 statement prior to the hearing, relevant to the issue of revision. A foster parent,
2 treatment foster parent, preadoptive parent, or other physical custodian who
3 receives notice of a hearing under sub. (1) (a) and ~~an opportunity~~ a right to be heard
4 under this subsection does not become a party to the proceeding on which the hearing
5 is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

6 **History:** 1995 a. 27 s. 9126 (19); 1995 a. 77, 275; 1997 a. 35, 80, 237, 252; 1999 a. 103; 2001 a. 38, 109; 2005 a. 344.

SECTION 79. 938.365 (2) of the statutes is amended to read:

7 938.365 (2) NOTICE. No order may be extended without a hearing. The court
8 shall notify the juvenile ~~or the juvenile's guardian ad litem or counsel~~, the juvenile's
9 parent, guardian, legal custodian, all of the parties present at the original hearing,
10 the juvenile's foster parent, treatment foster parent, preadoptive parent, or other
11 physical custodian described in s. 48.62 (2), and the district attorney or corporation
12 counsel in the county in which the dispositional order was entered of the time and
13 place of the hearing.

14 **History:** 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344.

SECTION 80. 938.365 (2m) (ad) 1. of the statutes is renumbered 938.365 (2m)

15 (ad) and amended to read:

16 938.365 (2m) (ad) If the court finds that any of the circumstances under s.
17 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
18 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
19 permanency plan for the juvenile. ~~If a hearing is held under this subdivision, the~~
20 ~~agency responsible for preparing the permanency plan shall file the permanency~~
21 ~~plan with the court not less than 5 days before the date of the hearing.~~

22 **History:** 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344.

SECTION 81. 938.365 (2m) (ad) 2. of the statutes is repealed. x

23 **SECTION 82.** 938.365 (2m) (ag) of the statutes is amended to read:

1 938.365 (2m) (ag) The court shall give a foster parent, treatment foster parent,
2 preadoptive parent, or other physical custodian described in s. 48.62 (2) who is
3 notified of a hearing under ~~par. (ad) 2. or sub. (2) an opportunity~~ a right to be heard
4 at the hearing by permitting the foster parent, treatment foster parent, preadoptive
5 parent, or other physical custodian to make a written or oral statement during the
6 hearing, or to submit a written statement prior to the hearing, relevant to the issue
7 of extension. A foster parent, treatment foster parent, preadoptive parent, or other
8 physical custodian who receives notice of a hearing under ~~par. (ad) 2. or sub. (2) and~~
9 ~~an opportunity~~ a right to be heard under this paragraph does not become a party to
10 the proceeding on which the hearing is held solely on the basis of receiving that notice
11 and ~~opportunity~~ right to be heard.

History: 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344.

12 **SECTION 83.** 938.38 (2) (intro.) of the statutes is amended to read:

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

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448.

23 **SECTION 84.** 938.38 (3) (intro.) of the statutes is amended to read:

1 938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (e) 1. sub. (4m) (a), the agency
2 shall file the permanency plan with the court within 60 days after the date on which
3 the juvenile was first removed from his or her home, except under either of the
4 following conditions:

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448.

5 **SECTION 85.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

6 938.38 (4) (f) (intro.) A description of the services that will be provided to the
7 juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's
8 treatment foster parent, the juvenile's preadoptive parent, the operator of the facility
9 where the juvenile is living, or the relative ~~with whom the juvenile is living~~ who is
10 providing care for the juvenile to carry out the dispositional order, including services
11 planned to accomplish all of the following:

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448.

12 **SECTION 86.** 938.38 (4) (fm) of the statutes is amended to read:

13 938.38 (4) (fm) If the goal of the permanency plan is to place the juvenile for
14 adoption, with a guardian, with a fit and willing relative, or in some other alternative
15 permanent placement, the efforts made to achieve that goal. Those efforts shall
16 include efforts to place the juvenile in a safe and appropriate placement outside this
17 state if the agency determines that such a placement would be in the best interests
18 of the juvenile and appropriate to achieving the goal of the juvenile's permanency
19 plan. If the agency determines not to place the juvenile in an available placement
20 outside this state, the permanency plan shall include a statement as to why that
21 placement is not in the best interests of the juvenile or not appropriate to achieving
22 the goal of the juvenile's permanency plan. If the juvenile is placed in a placement
23 outside this state, the permanency plan shall include a statement as to whether that

1 placement continues to be in the best interests of the juvenile and appropriate to
2 achieving the goal of the juvenile's permanency plan.

3 History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448.

3 **SECTION 87.** 938.38 (4) (i) of the statutes is created to read:

4 938.38 (4) (i) A statement as to whether the juvenile's age and developmental
5 level are sufficient for the court to consult with the juvenile at the permanency plan
6 determination hearing under sub. (4m) (c) or at the permanency plan hearing under
7 sub. (5m) (c) 2. or for the court or panel to consult with the juvenile at the permanency
8 plan review under sub. (5) (bm) 2. and, if a decision is made that it would not be age
9 appropriate or developmentally appropriate for the court to consult with the
10 juvenile, a statement as to why consultation with the juvenile would not be
11 appropriate.

12 **SECTION 88.** 938.38 (4m) of the statutes is created to read:

13 938.38 (4m) PERMANENCY PLAN DETERMINATION HEARING. (a) If in a proceeding
14 under s. 938.21, 938.32, 938.355, 938.357, or 938.365 the court finds that any of the
15 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
16 the court shall hold a hearing within 30 days after the date of that finding to
17 determine the permanency plan for the juvenile. If a hearing is held under this
18 paragraph, the agency responsible for preparing the permanency plan shall file the
19 permanency plan with the court not less than 5 days before the ^{date of the} hearing. At the
20 hearing, the court shall consider placing the juvenile in a placement outside this
21 state if the court determines that such a placement would be in the best interests of
22 the juvenile and appropriate to achieving the goal of the juvenile's permanency plan.

23 (b) At least 10 days before the ^{date of the} hearing the court shall notify the juvenile, any
24 parent, guardian, and legal custodian of the juvenile, and any foster parent,

1 treatment foster parent, preadoptive parent, or other physical custodian described
2 in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

3 (c) If the juvenile's permanency plan includes a statement under sub. (4) (i)
4 indicating that the juvenile's age and developmental level are sufficient for the court
5 to consult with the juvenile regarding the juvenile's permanency plan or if,
6 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
7 court to consult with the juvenile, the court determines that consultation with the
8 juvenile would be in the best interests of the juvenile, the court shall consult with the
9 juvenile, in an age-appropriate and developmentally appropriate manner, regarding
10 the juvenile's permanency plan and any other matters the court finds appropriate by
11 permitting the juvenile, the juvenile's caseworker, the juvenile's counsel, or, subject
12 to s. 938.235 (3) (a), the juvenile's guardian ad litem to make a written or oral
13 statement during the hearing, or to submit a written statement prior to the hearing,
14 expressing the juvenile's wishes, goals, and concerns regarding the permanency plan
15 and those matters. A caseworker, counsel, or guardian ad litem who makes or
16 submits a statement under this paragraph shall advise the court that the statement
17 represents the wishes, goals, and concerns, but not necessarily the best interests, of
18 the juvenile.

19 (d) The court shall give a foster parent, treatment foster parent, preadoptive
20 parent, or other physical custodian described in s. 48.62 (2) who is notified of a
21 hearing under par. (b) a right to be heard at the hearing by permitting the foster
22 parent, treatment foster parent, preadoptive parent, or other physical custodian to
23 make a written or oral statement during the hearing, or to submit a written
24 statement prior to the hearing, relevant to the issues to be determined at the hearing.
25 The foster parent, treatment foster parent, or other physical custodian does not

preadoptive parent,

1 become a party to the proceeding on which the hearing is held solely on the basis of
2 receiving that notice and ~~having the~~ right to be heard.

3 SECTION 89. 938.38 (5) (b) of the statutes is amended to read:

4 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
5 the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,
6 the juvenile's treatment foster parent, the juvenile's preadoptive parent, the
7 operator of the facility in which the juvenile is living, or the relative with whom the
8 juvenile is living who is providing care for the juvenile of the date, time, and place
9 of the review, of the issues to be determined as part of the review, and of the fact that
10 they ~~may have an opportunity~~ shall have a right to be heard at the review by
11 ~~submitting written comments not less than 10 working days before the review or by~~
12 ~~participating at the review~~ as provided in par. (bm) 1. The court or agency shall notify
13 the person representing the interests of the public, the juvenile's counsel, and the
14 juvenile's guardian ad litem of the date of the review, of the issues to be determined
15 as part of the review, and of the fact that they may ~~submit written comments not less~~
16 ~~than 10 working days before the review~~ have an opportunity to be heard at the review
17 as provided in par. (bm) 1. The notices under this paragraph shall be provided in
18 writing not less than 30 days before the review and copies of the notices shall be filed
19 in the juvenile's case record.

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448.

20 SECTION 90. 938.38 (5) (bm) of the statutes is created to read:

21 938.38 (5) (bm) 1. A parent, juvenile, foster parent, treatment foster parent,
22 preadoptive parent, operator of a facility, or relative who is provided notice of the
23 review under par. (b) shall have a right to be heard at the review by submitting
24 written comments relevant to the determinations specified in sub. (5) (c) not less

par.

1 than 10 working days before the date of the review or by participating at the review.
2 A person representing the interests of the public, counsel, or guardian ad litem who
3 is provided notice of the review under par. (b) may have an opportunity to be heard
4 at the review by submitting written comments relevant to the determinations
5 specified in par. (c) not less than 10 working days before the date of the review. A
6 foster parent, treatment foster parent, preadoptive parent, operator of a facility, or
7 relative who receives notice of a hearing under par. (b) and a right to be heard under
8 this subdivision does not become a party to the proceeding on which the review is held
9 solely on the basis of receiving that notice and right to be heard. ✓

10 2. If the juvenile's permanency plan includes a statement under sub. (4) (i)
11 indicating that the juvenile's age and developmental level are sufficient for the court
12 or panel to consult with the juvenile regarding the juvenile's permanency plan or if,
13 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
14 court or panel to consult with the juvenile, the court or panel determines that
15 consultation with the juvenile would be in the best interests of the juvenile, the court
16 or panel shall consult with the juvenile, in an age-appropriate and developmentally
17 appropriate manner, regarding the juvenile's permanency plan and any other
18 matters the court or panel finds appropriate by permitting the juvenile, the juvenile's
19 caseworker, the juvenile's counsel, or, subject to s. 938.235 (3) (a), the juvenile's
20 guardian ad litem to make a written or oral statement during the review, or to submit
21 a written statement prior to the review, expressing the juvenile's wishes, goals, and
22 concerns regarding the permanency plan and those matters. A caseworker, counsel,
23 or guardian ad litem who makes or submits a statement under this subdivision shall ✓
24 advise the court or panel that the statement represents the wishes, goals, and
25 concerns, but not necessarily the best interests, of the juvenile.

1 SECTION 91. 938.38 (5) (c) 7. of the statutes is amended to read:

2 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
3 the goal of the permanency plan, unless return of the juvenile to the home is the goal
4 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)
5 1. to 4. applies. If the goal of the permanency plan is to place the juvenile for adoption,
6 with a guardian, with a fit and willing relative, or in some other alternative
7 permanent placement, the reasonable efforts determination under this subdivision
8 shall include a determination as to whether reasonable efforts were made by the
9 agency to place the juvenile in a safe and appropriate placement outside this state
10 that is in the best interests of the juvenile and appropriate to achieving the goal of
11 the juvenile's permanency plan. If the juvenile is placed in a placement outside this
12 state, that determination shall include a determination as to whether that
13 placement continues to be in the best interests of the juvenile and appropriate to
14 achieving the goal of the juvenile's permanency plan.

Insert
14
46-14 182

15 History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448.
SECTION 92. 938.38 (5m) (b) of the statutes is amended to read:

16 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
17 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the
18 juvenile's foster parent or, treatment foster parent, or preadoptive parent, the
19 operator of the facility in which the juvenile is living, or the relative with whom the
20 juvenile is living; who is providing care for the juvenile of the date, time, and place
21 of the hearing, of the issues to be determined at the hearing, and of the fact that they
22 shall have a right to be heard at the hearing as provided in par. (c) 1. and shall notify
23 the juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared
24 the permanency plan; and the person representing the interests of the public of the

1 date, time, and place of the hearing, of the issues to be determined at the hearing,
2 and of the fact that they may have an opportunity to be heard at the hearing as
3 provided in par. (c) 1.

4 History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448.

5 **SECTION 93.** 938.38 (5m) (c) of the statutes is renumbered 938.38 (5m) (c) 1. and

6 amended to read:

7 938.38 (5m) (c) 1. Any person A juvenile, parent, guardian, legal custodian,
8 foster parent, treatment foster parent, preadoptive parent, operator of a facility, or
9 relative who is provided notice of the hearing may have an opportunity under par.
10 (b) shall have a right to be heard at the hearing by submitting written comments
11 relevant to the determinations specified in sub. (5) (c) not less than 10 working days
12 before the date of the hearing or by participating at the hearing. A counsel, guardian
13 ad litem, agency, or person representing the interests of the public who is provided
14 notice of the hearing under par. (b) may have an opportunity to be heard at the
15 hearing by submitting written comments relevant to the determinations specified in
16 sub. (5) (c) not less than 10 working days before the date of the hearing or by
17 participating at the hearing. A foster parent, treatment foster parent, preadoptive
18 parent, operator of a facility in which a juvenile is living, or relative with whom a
19 juvenile is living who receives notice of a hearing under par. (b) and an opportunity
20 a right to be heard under this paragraph subdivision does not become a party to the
21 proceeding on which the hearing is held solely on the basis of receiving that notice
22 and opportunity right to be heard.

23 History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448.

24 **SECTION 94.** 938.38 (5m) (c) 2. of the statutes is created to read:

25 938.38 (5m) (c) 2. If the juvenile's permanency plan includes a statement under
26 sub. (4) (i) indicating that the juvenile's age and developmental level are sufficient

1 for the court to consult with the juvenile regarding the juvenile's permanency plan
2 or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate
3 for the court to consult with the juvenile, the court determines that consultation with
4 the juvenile would be in the best interests of the juvenile, the court shall consult with
5 the juvenile, in an age-appropriate and developmentally appropriate manner,
6 regarding the juvenile's permanency plan and any other matters the court finds
7 appropriate by permitting the juvenile, the juvenile's caseworker, the juvenile's
8 counsel, or, subject to s. 938.235 (3) (a), the juvenile's guardian ad litem to make a
9 written or oral statement during the hearing, or to submit a written statement prior
10 to the hearing, expressing the juvenile's wishes, goals, and concerns regarding the
11 permanency plan and those matters. A caseworker, counsel, or guardian ad litem
12 who makes or submits a statement under this subdivision shall advise the court that
13 the statement represents the wishes, goals, and concerns, but not necessarily the
14 best interests, of the juvenile.

15 **SECTION 95.** 938.38 (5m) (e) of the statutes is amended to read:

16 938.38 (5m) (e) After the hearing, the court shall make written findings of fact
17 and conclusions of law relating to the determinations under sub. (5) (c) and shall
18 provide a copy of those findings of fact and conclusions of law to the juvenile; the
19 juvenile's parent, guardian, and legal custodian; the juvenile's foster parent or
20 treatment foster parent, or preadoptive parent, the operator of the facility in which
21 the juvenile is living, or the relative ~~with whom the juvenile is living~~ who is providing
22 care for the juvenile; the agency that prepared the permanency plan; and the person
23 representing the interests of the public. The court shall make the findings specified
24 in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the
25 juvenile and shall document or reference the specific information on which those

Insert
48-14

1 findings are based in the findings of fact and conclusions of law prepared under this
 2 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)
 3 7. without documenting or referencing that specific information in the findings of fact
 4 and conclusions of law or amended findings of fact and conclusions of law that
 5 retroactively correct earlier findings of fact and conclusions of law that do not comply
 6 with this paragraph are not sufficient to comply with this paragraph.

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448.

Ins-4
49-6

SECTION 96. Initial applicability.

(1) CONSULTATION WITH CHILD AND OUT-OF-STATE PLACEMENTS.

(intro.)

8 (a) *Permanency plan contents.* The treatment of sections 48.38 (2) and (4) (f)
 9 (intro.), (fm), and (i) and 938.38 (2) and (4) (f) (intro.), (fm), and (i) of the statutes first
 10 applies to permanency plans filed on the effective date of this paragraph.

11 (b) *Permanency plan hearings and reviews.* The treatment of sections 48.38
 12 (4m) (a) and (c) and (5) (bm) 2. and (c) 7. and 938.38 (4m) (a) and (c) and (5) (bm) 2.
 13 and (c) 7. of the statutes and the creation of sections 48.38 (5m) (c) 2., 48.43 (5) (b)
 14 2., and 938.38 (5m) (c) 2. of the statutes first apply to hearings and reviews for which
 15 a permanency plan is filed ^{or provided} on the effective date of this paragraph.

16 (2) RIGHT TO BE HEARD. The treatment of sections 48.02 (14j), 48.27 (3) (a) 1.,
 17 1m., and 2. and (6), 48.299 (1) (ag), 48.357 (1) (am) 1., (2m) (b), and (2r), 48.363 (1)
 18 (b) and (1m), 48.365 (2) and (2m) (ag), 48.38 (4m) (b) and (d), (5) (b) and (bm) 1., and
 19 (5m) (b) and (e), 48.42 (2g) (am), 48.427 (1m), 48.63 (5) (d) 4., 938.02 (14j), 938.27 (3)
 20 (a) 1., 1m., and 2. and (6), 938.299 (1) (ag), 938.357 (1) (am) 1., (2m) (b), and (2r),
 21 938.363 (1) (b) and (1m), 938.365 (2) and (2m) (ag), 938.38 (4m) (b) and (d), (5) (b) and
 22 (bm) 1., and (5m) (b) and (e) of the statutes, the renumbering and amendment of
 23 sections 48.38 (5m) (c), 48.43 (5) (b), and 938.38 (5m) (c) of the statutes, and the
 24

1 creation of section 48.43 (5) (b) 3. of the statutes first apply to hearings for which
2 notice is provided on the effective date of this subsection.

3 (3) TESTING INFANTS FOR CONTROLLED SUBSTANCES. The treatment of sections ✓
4 46.238 and 146.0255 (2) and (3) (b) of the statutes first applies to tests for controlled ✓
5 substances or controlled substance analogs performed on the effective date of this ✓
6 subsection. ✓

7 (4) CHANGE-IN-PLACEMENT ORDERS. The treatment of sections 48.357 (1) (am)
8 2m. and 938.357 (1) (am) 2m. of the statutes first applies to changes in placement ✓
9 proposed on the effective date of this subsection.

10 (END)

Insert 23-8
1

scored
comma

Section #. 48.38 (5) (d) of the statutes is amended to read:

(5)

(b m) 1

48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the permanency plan shall, at least 5 days before a review by a review panel, provide to each person appointed to the review panel, the person representing the interests of the public, the child's counsel, the child's guardian ad litem and the child's court-appointed special advocate a copy of the permanency plan and any written comments submitted under par. (b). Notwithstanding s. 48.78 (2) (a), a person appointed to a review panel, the person representing the interests of the public, the child's counsel, the child's guardian ad litem and the child's court-appointed special advocate may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child's records under this paragraph may not disclose any information from the records to any other person.

↑ ↑ plain period

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.



[Insert 238]
2

or the relative ~~with~~
who is providing care for the
child

Section #. 48.38 (5) (e) of the statutes is amended to read:

or preadoptive parents

48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order, the child or the child's counsel or guardian ad litem, the person representing the interests of the public, the child's parent or guardian, the child's court-appointed special advocate, and the child's foster parent, ~~the child's~~ treatment foster parent ~~or~~ the operator of the facility where the child is living.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.

strike

(ced & not)

Insert 258

Section #. 48.38 (5m) (d) of the statutes is amended to read:

1.

48.38 (5m) (d) At least 5 days before the date of the hearing the agency that prepared the permanency plan shall provide a copy of the permanency plan and any written comments submitted under par. (c) to the court, to the child's parent, guardian, and legal custodian, to the person representing the interests of the public, to the child's counsel or guardian ad litem, and to the child's court-appointed special advocate. Notwithstanding s. 48.78 (2) (a), the person representing the interests of the public, the child's counsel or guardian ad litem, and the child's court-appointed special advocate may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child's records under this paragraph may not disclose any information from the records to any other person.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448.

(See format)

Insert 28-14

Section #. 48.43 (5m) of the statutes is amended to read:

↑ preadoptive
↑ preadoptive parent, ^{or} ~~or~~ other physical custodian
described in ~~§ 48.62 (2)~~

48.43 (5m) Either the court or the agency that prepared the permanency plan shall furnish a copy of the original plan and each revised plan to the child, if he or she is 12 years of age or over, and to the child's foster parent, ~~the child's~~ treatment foster parent or the operator of the facility in which the child is living.

History: 1979 c. 330; 1983 a. 27, 219, 286; 1985 a. 70, 176, 332; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1993 a. 395, 446; 1995 a. 275; 1997 a. 237; 2005 a. 232, 293, 296.

(Adopted)

Insert 46-74
1

Section #. 938.38 (5) (d) of the statutes is amended to read:

(b)(1)

← scored comma

938.38 (5) (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the permanency plan shall, at least 5 days before a review by a review panel, provide to each person appointed to the review panel, the person representing the interests of the public, the juvenile's counsel and the juvenile's guardian ad litem a copy of the permanency plan and any written comments submitted under par. (b). Notwithstanding s. 938.78 (2) (a), a person appointed to a review panel, the person representing the interests of the public, the juvenile's counsel and the juvenile's guardian ad litem may have access to any other records concerning the juvenile for the purpose of participating in the review. A person permitted access to a juvenile's records under this paragraph may not disclose any information from the records to any other person.

plain period

plain period

strike

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448.



(Insert 46-14)
2

Section #. 938.38 (5) (e) of the statutes is amended to read:

scored comma

↑ or preadoptive parent,

938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order, the juvenile or the juvenile's counsel or guardian ad litem, the person representing the interests of the public, the juvenile's parent or guardian and the juvenile's foster parent, ~~the juvenile's~~ treatment foster parent ~~or~~ the operator of the facility where the juvenile is living.

↑ ↑

↑ strike

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448.

or the relative who is providing care for the juvenile

(ed at 14-1)

Insert 48-14

Section #. 938.38 (5m) (d) of the statutes is amended to read:

1.

938.38 (5m) (d) At least 5 days before the date of the hearing the agency that prepared the permanency plan shall provide a copy of the permanency plan and any written comments submitted under par. (c) to the court, to the juvenile's parent, guardian, and legal custodian, to the person representing the interests of the public, and to the juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a), the person representing the interests of the public and the juvenile's counsel or guardian ad litem may have access to any other records concerning the juvenile for the purpose of participating in the review. A person permitted access to a juvenile's records under this paragraph may not disclose any information from the records to any other person.

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448.

Adopted

938.9995

Ins-749-6

✓

1 comments to that agency or the independent reviewing agency before the review or
2 by participating at the review.

History: 1977 c. 354, 449; 1979 c. 300; 1981 c. 81; 1983 a. 351, 399; 1985 a. 176; 1989 a. 51, 107; 1993 a. 446; 1995 a. 27 cc. 2501, 27, 26119; 1997 a. 22; 2001 a. 60, 100

3 SECTION 50. ~~48.999~~ of the statutes is created to read:

4 (b) 938.9995

Juveniles

5 ~~48.999~~ Expediting interstate placements of children. The courts of this

Juveniles

6 state shall do all of the following to expedite the interstate placement of children:

7 (1) Subject to ss. 48.396 (2) and 938.396 (2), cooperate with the courts of other
8 states in the sharing of information.

9 (2) To the greatest extent possible, obtain information and testimony from
10 agencies and parties located in other states without requiring interstate travel by
11 those agencies and parties.

Juveniles

Juvenile

12 (3) Permit parents, ~~children~~, other necessary parties, attorneys and guardians
13 ad litem in proceedings involving the interstate placement of a child to participate
14 in those proceedings without requiring interstate travel by those persons.

15 SECTION 51. 146.0255 (2) of the statutes is amended to read:

16 146.0255 (2) TESTING. Any hospital employee who provides health care, social
17 worker, or intake worker under ch. 48 may refer an infant or an expectant mother
18 of an unborn child, as defined in s. 48.02 (19), to a physician for testing of the bodily
19 fluids of the infant or expectant mother for controlled substances or controlled
20 substance analogs if the hospital employee who provides health care, social worker,
21 or intake worker suspects that the infant or expectant mother has controlled
22 substances or controlled substance analogs in the bodily fluids of the infant or
23 expectant mother because of the use of controlled substances or controlled substance
24 analogs by the mother while she was pregnant with the infant or by the expectant
25 mother while she is pregnant with the unborn child. The physician may test the

(end of m-7)

Malaise, Gordon

From: Cathleen Connolly [ConnoC1@dhfs.state.wi.us]
Sent: Tuesday, November 20, 2007 2:53 PM
To: Malaise, Gordon
Cc: Durkin, Therese A - DHFS; Mitchell, Mark S - DHFS; Jensen Goodwin, Michelle M - COURTS
Subject: Requested changes to LRB 2891/1 Out of Home Placements

Attachments: Requested changes to LRB 2891-1, Draft 3, 11-20-07.doc



Requested changes
to LRB 2891-...

Hi Gordon,

I am requesting some changes to draft 1 of the Out of Home Placements of Children and Child Abuse Reporting bill, LRB 2891/1. Please let me know if you have any questions.

Thank you for the ICPC bill. I don't know what happened but usually your staff sends everything to me very promptly - maybe the apart-then-together-then-apart process got confusing. (I was sure confused.)

Cathleen Connolly
Legislative and Policy Consultant
Bureau of Programs and Policies
Division of Children and Family Services Department of Health and Family Services
608-261-8306
connocl@dhfs.state.wi.us

Requested changes to LRB 2891/1
Out of Home Placements of Children and Child Abuse Reporting
(Federal Changes Bill)

The Division of Children and Family Services, DHFS is requesting the following changes to LRB 2891/1:

The Division recognizes that with the passage of 2007 Act 20, some of the requested changes in this bill should be removed. However, there are some changes to the placement and care provisions in Act 20 that are necessary. Specifically, please remove the phrase "under the supervision of the county department or in a county having a population of 500,000 or more, the department" from the following statute sections:

- a. s. 48.21(5)(b)1.d., Stats.
- b. s. 48.32 (1)(b)1.d., Stats.
- c. s. 48.355(2)(b)6g., Stats.
- d. s. 48.357(2v)(a)1m., Stats.
- e. s. 938.21(5)(b)1.d., Stats.
- f. s. 938.32(1)(c)1.d., Stats.
- g. s. 938.355(2)(b)6., Stats.
- h. s. 938.355(6)(d)1., Stats.
- i. s. 938.355(6m)(a)1g., Stats.
- j. s. 938.357(2v)(a)1m., Stats.

✓ **Page 3, Section 1** – The Division does not want BMCW responsible for providing services other than child protective services, so we do not want to use the reference to 48.981(1)(ag), Stats. We request that the bill return to the current language referencing county department under 51.42 and 51.437, Stats.

Page 13, Section 19 – This currently reads:

SECTION 19. 48.357 (1) (am) 2m. of the statutes is created to read:

48.357 (1) (am) 2m. Regardless of whether a hearing is held under subd. 2., a child's placement may not be changed under this paragraph without a court order unless the change in placement is authorized in the dispositional order.

I need to clarify the original request to address the situation where the court orders the child to a placement in the dispositional order, at some later time the agency files a notice of change of placement to a different out of home placement, 10 days passes, no one objects, then the child moves. Under current practice there are two issues; first there is some confusion about when the 10 days runs from. It runs from the day the notice is sent and we would like to clarify that in the statute. Second, the court never issues an order that reflects the new placement. We want the change in law to require the court to issue an order, but allow the agency to move the child after 10 days and before the court issues

48.357
(1)(am)

2. NOTE Pl may not be changed ... 10 days notice is sent

new
an order. I am requesting that Section 19 be changed to require the court to issue an order approving the change of placement if 10 days after a notice of change of placement that ~~what~~ not authorized by the dispo order is sent, if no objections are filed. It should specifically note that the child can be moved before the order issues.

D DNOTE

- ✓ **Page 17, Section 31** – The Division does not require permanency plans for children placed in preadoptive homes under s. 48.385 until the termination of parental rights is done and before adoption. *Clarified in definition of "adoptive parent"*
- ✓ **Page 17, Section 31; Page 17, Section 33; Page 24, Section 41; may be other sections** – the phrase "living in the home of" or "living with" is deleted and the phrase "in the care of" is substituted. The Division originally requested this change to conform state law with the federal law which refers to "relatives who provide care", but we now think this will confuse people, and so request that no change to current language on relatives be made.
- ✓ **Page 19, Section 36** – The Division is concerned that the title of the 30 Day Perm Plan hearing, Permanency Plan Determination Hearing, could be very confusing. Please change to: Hearing to Determine Whether Reasonable Efforts to Prevent Removal Are Not Required.
- ✓ **Page 20, Section 36; Page 22, Section 38; Page 25, Section 44** - The Section does not specifically reference the Independent Living plan for the child. If the child is old enough to have an IL plan the judge is required to consult with the child about that issue and we would like that reflected in the statute.
- ✓ **Page 20, Section 36** – We do not need a 30 day perm plan or hearing for a Consent Decree, so the reference to s. 48.32 can be removed.
- ✓ **Pages 19-26, Sections 36-43** – the goal, in addition to adding pre-adoptive parent, is to make the notice of hearing provisions the same for 48.38(4m), 48.38(5) and 48.38(5m), the same people get the same notice and right to be heard at every type of permanency plan hearing/review. So the broadest list of people should be used.

DNOTE

- ✓ **Page 32, Section 55** – The drug effected infants provisions apply only to born infants; therefore the provisions on unborn children can be deleted.
No-its current law