

State of Wisconsin
2007 - 2008 LEGISLATURE

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LRB-2891/1

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2007 BILL

1 AN ACT *to repeal* 48.21 (5) (d) 2., 48.21 (5) (d) 3., 48.32 (1) (c) 2., 48.32 (1) (c) 3.,
2 48.355 (2d) (c) 2., 48.355 (2d) (c) 3., 48.357 (2v) (c) 2., 48.357 (2v) (c) 3., 48.365
3 (2m) (ad) 2., 938.21 (5) (d) 2., 938.21 (5) (d) 3., 938.32 (1) (d) 2., 938.32 (1) (d) 3.,
4 938.355 (2d) (c) 2., 938.355 (2d) (c) 3., 938.357 (2v) (c) 2., 938.357 (2v) (c) 3. and
5 938.365 (2m) (ad) 2.; *to renumber and amend* 48.21 (5) (d) 1., 48.32 (1) (c) 1.,
6 48.355 (2d) (c) 1., 48.357 (2v) (c) 1., 48.365 (2m) (ad) 1., 48.38 (5m) (c), 48.43 (5)
7 (b), 938.21 (5) (d) 1., 938.32 (1) (d) 1., 938.355 (2d) (c) 1., 938.357 (2v) (c) 1.,
8 938.365 (2m) (ad) 1. and 938.38 (5m) (c); *to amend* 46.238, 48.27 (3) (a) 1., 48.27
9 (3) (a) 1m., 48.27 (3) (a) 2., 48.27 (6), 48.299 (1) (ag), 48.355 (2b), 48.357 (1) (am)
10 1., 48.357 (2m) (b), 48.357 (2r), 48.363 (1) (b), 48.363 (1m), 48.365 (2), 48.365
11 (2m) (ag), 48.38 (2) (intro.), 48.38 (3), 48.38 (4) (f) (intro.), 48.38 (4) (fm), 48.38
12 (5) (b), 48.38 (5) (c) 7., 48.38 (5) (d), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (d),
13 48.38 (5m) (e), 48.42 (2g) (am), 48.427 (1m), 48.43 (5m), 48.63 (5) (d) 4., 146.0255
14 (2), 146.0255 (3) (b), 938.27 (3) (a) 1., 938.27 (3) (a) 1m., 938.27 (3) (a) 2., 938.27

Repeal

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1 (6), 938.299 (1) (ag), 938.355 (2b), 938.357 (1) (am) 1., 938.357 (2m) (b), 938.357
 2 (2r), 938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2m) (ag), 938.38 (2)
 3 (intro.), 938.38 (3) (intro.), 938.38 (4) (f) (intro.), 938.38 (4) (fm), 938.38 (5) (b),
 4 938.38 (5) (c) 7., 938.38 (5) (d), 938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (d) and
 5 938.38 (5m) (e); and **to create** 48.02 (14j), 48.357 (1) (am) 2m., 48.38 (4) (i), 48.38
 6 (4m), 48.38 (5) (bm), 48.38 (5m) (c) 2., 48.43 (5) (b) 2., 48.43 (5) (b) 3., 48.999,
 7 757.69 (1) (g) 14., 938.02 (14j), 938.357 (1) (am) 2m., 938.38 (4) (i), 938.38 (4m),
 8 938.38 (5) (bm), 938.38 (5m) (c) 2. and 938.9995 of the statutes; **relating to:**
 9 requiring consultation with a child in determining and reviewing his or her
 10 permanency plan; requiring agencies, in making reasonable efforts to place a
 11 child for adoption, with a guardian, with a relative, or in some other alternative
 12 permanent placement, to include efforts to place the child outside this state;
 13 requiring juvenile courts to take certain actions to expedite the interstate
 14 placement of children; requiring juvenile courts to give a child's out-of-home
 15 care provider the right to be heard in proceedings involving the child; requiring
 16 health care providers to report cases of infants with controlled substances in
 17 their bodily fluids to the agency responsible for investigating suspected child
 18 abuse or neglect; authorizing circuit court commissioners to conduct
 19 permanency plan reviews and hearings; ^{a juvenile court order is required to change} and providing that ~~the~~ placement of a
 20 child ~~may not be changed without a juvenile court order~~, regardless of whether
 21 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

requiring a juvenile court order placing a child in the care and placement responsibility of an agency whenever a child is placed outside the home; and eliminating permanency plan determination hearings ~~when~~ when a consent decree maintains a child's placement outside the home

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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 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

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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).

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 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

Includes an independent living plan (which is a plan that is required for a child 15 years of age or over to assist the child in preparing for independent living) or

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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 of 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.

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.

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.

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Right to be heard in proceedings involving children in out-of-home care

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.

operator of a facility in which a child is living,

with whom a child is living

services and treatment

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a juvenile court order is required to change the

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 ten days after receiving notice of the proposed change in placement.

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.

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

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

1 SECTION 1. 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.

Insert 7-15

11 SECTION 2. 48.02 (14j) of the statutes is created to read:
12 48.02 (14j) "Preadoptive parent" means a foster parent, treatment foster
13 parent, relative, or other person with whom a child is placed under s. 48.833, 48.835,
14 or 48.837 following a termination of parental rights to the child.

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and no objection to the change in placement is filed. If no objection is filed, the child's placement may be changed ten days after notice is sent to the parties and the juvenile court may issue an order approving the change in placement after it is made.

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

3 48.21 **(5)** (d) If the judge or circuit court commissioner finds that any of the
4 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
5 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)
6 within 30 days after the date of that finding to determine the permanency plan for
7 the child. ~~If a hearing is held under this subdivision, the agency responsible for~~
8 ~~preparing the permanency plan shall file the permanency plan with the court not less~~
9 ~~than 5 days before the date of the hearing.~~

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

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

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

13 48.27 **(3)** (a) 1. If the petition that was filed relates to facts concerning a
14 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother
15 who is a child, the court shall also notify, under s. 48.273, the child, any parent,
16 guardian, and legal custodian of the child, any foster parent, treatment foster parent,
17 preadoptive parent, or other physical custodian described in s. 48.62 (2) of the child,
18 the unborn child by the unborn child's guardian ad litem, if applicable, and any
19 person specified in par. (b), (d), or (e), if applicable, of all hearings involving the child,
20 except hearings on motions for which notice need only be provided to the child and
21 his or her counsel. When parents who are entitled to notice have the same place of
22 residence, notice to one shall constitute notice to the other. The first notice to any
23 interested party, foster parent, treatment foster parent, preadoptive parent, or other
24 physical custodian described in s. 48.62 (2) shall be written and may have a copy of
25 the petition attached to it. Thereafter, notice of hearings may be given by telephone

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1 at least 72 hours before the time of the hearing. The person giving telephone notice
2 shall place in the case file a signed statement of the time notice was given and the
3 person to whom he or she spoke.

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

5 48.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,
6 preadoptive parent, or other physical custodian described in s. 48.62 (2) who is
7 notified of a hearing under subd. 1. ~~an opportunity~~ a right to be heard at the hearing
8 by permitting the foster parent, treatment foster parent, preadoptive parent, or
9 other physical custodian to make a written or oral statement during the hearing, or
10 to submit a written statement prior to the hearing, relevant to the issues to be
11 determined at the hearing. A foster parent, treatment foster parent, preadoptive
12 parent, or other physical custodian described in s. 48.62 (2) who receives a notice of
13 a hearing under subd. 1. and ~~an opportunity~~ a right to be heard under this
14 subdivision does not become a party to the proceeding on which the hearing is held
15 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

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

17 48.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent, treatment
18 foster parent, preadoptive parent, or other physical custodian described in s. 48.62
19 (2) does not deprive the court of jurisdiction in the action or proceeding. If a foster
20 parent, treatment foster parent, preadoptive parent, or other physical custodian
21 described in s. 48.62 (2) is not given notice of a hearing under subd. 1., that person
22 may request a rehearing on the matter during the pendency of an order resulting
23 from the hearing. If the request is made, the court shall order a rehearing.

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

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SECTION 9

1 48.27 (6) When a proceeding is initiated under s. 48.14, all interested parties
 2 shall receive notice and appropriate summons shall be issued in a manner specified
 3 by the court, ~~consistent with applicable governing statutes. In addition, if.~~ If the
 4 child who is the subject of the proceeding is in the care of a foster parent, treatment
 5 foster parent, preadoptive parent, or other physical custodian described in s. 48.62
 6 (2), the court shall give the foster parent, treatment foster parent, preadoptive
 7 parent, or other physical custodian notice and ~~an opportunity~~ a right to be heard as
 8 provided in sub. (3) (a).

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

10 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
 11 a public hearing is not held, only the parties and their counsel or guardian ad litem,
 12 the court-appointed special advocate for the child, the child's foster parent,
 13 treatment foster parent, preadoptive parent, or other physical custodian described
 14 in s. 48.62 (2), witnesses, and other persons requested by a party and approved by
 15 the court may be present, except that the court may exclude a foster parent,
 16 treatment foster parent, preadoptive parent, or other physical custodian described
 17 in s. 48.62 (2) from any portion of the hearing if that portion of the hearing deals with
 18 sensitive personal information of the child or the child's family or if the court
 19 determines that excluding the foster parent, treatment foster parent, preadoptive
 20 parent, or other physical custodian would be in the best interests of the child. Except
 21 in a proceeding under s. 48.375 (7), any other person the court finds to have a proper
 22 interest in the case or in the work of the court, including a member of the bar, may
 23 be admitted by the court.

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

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

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

9 **SECTION 13.** 48.32 (1) (c) ^e of the statutes is repealed. x

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

11 48.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
 12 department, the department, in a county having a population of 500,000 or more, or
 13 the agency primarily responsible for providing services to a child under a court order
 14 may, at the same time as the county department, department, or agency is making
 15 the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child
 16 from the home or to make it possible for the child to return safely to his or her home,
 17 work with the department, a county department under s. 48.57 (1) (e) or (hm), or a
 18 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
 19 the child for adoption, with a guardian, with a fit and willing relative, or in some
 20 other alternative permanent placement. Those efforts to place the child for adoption,
 21 with a guardian, with a fit and willing relative, or in some other alternative
 22 permanent placement shall include efforts to place the child in a safe and
 23 appropriate placement outside this state if the county department, department, or
 24 agency determines that such a placement would be in the best interests of the child
 25 and appropriate to achieving the goals of the child's permanency plan.

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BILL**SECTION 15**

1 **SECTION 15.** 48.355 (2d) (c) 1. of the statutes is renumbered 48.355 (2d) (c) and
2 amended to read:

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

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

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

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

12 48.357 (**1**) (am) 1. If the proposed change in placement involves any change in
13 placement other than a change in placement specified in par. (c), the person or agency
14 primarily responsible for implementing the dispositional order, the district attorney,
15 or the corporation counsel shall cause written notice of the proposed change in
16 placement to be sent to the child, the parent, guardian, and legal custodian of the
17 child, any foster parent, treatment foster parent, preadoptive parent, or other
18 physical custodian described in s. 48.62 (2) of the child, the child's court-appointed
19 special advocate, and, if the child is the expectant mother of an unborn child under
20 s. 48.133, the unborn child by the unborn child's guardian ad litem. If the expectant
21 mother is an adult, written notice shall be sent to the adult expectant mother and
22 the unborn child by the unborn child's guardian ad litem. The notice shall contain
23 the name and address of the new placement, the reasons for the change in placement,
24 a statement describing why the new placement is preferable to the present

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1 placement, and a statement of how the new placement satisfies objectives of the
2 treatment plan ordered by the court.

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

4 48.357 (1) (am) 2m. Regardless of whether a hearing is held under subd. 2., a
5 child's placement may not be changed under this paragraph without a court order
6 unless the change in placement is authorized in the dispositional order.

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

8 48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
9 any change in placement requested or proposed under par. (a) if the request states
10 that new information is available that affects the advisability of the current
11 placement, ~~unless.~~ A hearing is not required if the requested or proposed change in
12 placement ~~involves any~~ does not involve a change in placement ~~other than a change~~
13 ~~in placement~~ of a child placed in the home to a placement outside the home and,
14 written waivers of objection to the proposed change in placement are signed by all
15 persons entitled to receive notice under sub. (1) (am) 1., other than a court-appointed
16 special advocate, and the court approves. If a hearing is scheduled, the court shall
17 notify the child, the parent, guardian, and legal custodian of the child, any foster
18 parent, treatment foster parent, preadoptive parent, or other physical custodian
19 described in s. 48.62 (2) of the child, the child's court-appointed special advocate, all
20 parties who are bound by the dispositional order, and, if the child is the expectant
21 mother of an unborn child under s. 48.133, the unborn child by the unborn child's
22 guardian ad litem, or shall notify the adult expectant mother, the unborn child by the
23 unborn child's guardian ad litem, and all parties who are bound by the dispositional
24 order, at least 3 days prior to the hearing. A copy of the request or proposal for the

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

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

4 48.357 (2r) If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change
5 in placement would remove a child from a foster home, treatment foster home, the
6 home of a preadoptive parent, or other placement with a physical custodian
7 described in s. 48.62 (2), the court shall give the foster parent, treatment foster
8 parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) ~~an~~
9 ~~opportunity~~ a right to be heard at the hearing by permitting the foster parent,
10 treatment foster parent, preadoptive parent, or other physical custodian to make a
11 written or oral statement during the hearing or to submit a written statement prior
12 to the hearing relating to the child and the requested change in placement. A foster
13 parent, treatment foster parent, preadoptive parent, or other physical custodian
14 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (am) 1. or (2m)
15 (b) and ~~an opportunity~~ a right to be heard under this subsection does not become a
16 party to the proceeding on which the hearing is held solely on the basis of receiving
17 that notice and ~~opportunity~~ right to be heard.

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

20 48.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances
21 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall
22 hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to
23 determine the permanency plan for the child. ~~If a hearing is held under this~~
24 ~~subdivision, the agency responsible for preparing the permanency plan shall file the~~
25 ~~permanency plan with the court not less than 5 days before the date of the hearing.~~

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1 **SECTION 23.** 48.357 (2v) (c) 2. of the statutes is repealed.

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

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

4 48.363 (1) (b) If a hearing is held, at least 3 days prior to the the hearing the
5 court shall notify the child, the child's parent, guardian and legal custodian, all
6 parties bound by the dispositional order, the child's foster parent, treatment foster
7 parent, preadoptive parent, or other physical custodian described in s. 48.62 (2), the
8 child's court-appointed special advocate, the district attorney or corporation counsel
9 in the county in which the dispositional order was entered, and, if the child is the
10 expectant mother of an unborn child under s. 48.133, the unborn child by the unborn
11 child's guardian ad litem; or shall notify the adult expectant mother, the unborn child
12 through the unborn child's guardian ad litem, all parties bound by the dispositional
13 order, and the district attorney or corporation counsel in the county in which the
14 dispositional order was entered, ~~at least 3 days prior to the hearing~~. A copy of the
15 request or proposal shall be attached to the notice. If all parties consent, the court
16 may proceed immediately with the hearing. No revision may extend the effective
17 period of the original order.

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

19 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present
20 evidence relevant to the issue of revision of the dispositional order. In addition, the
21 court shall give a foster parent, treatment foster parent, preadoptive parent, or other
22 physical custodian described in s. 48.62 (2) of the child ~~an opportunity~~ a right to be
23 heard at the hearing by permitting the foster parent, treatment foster parent,
24 preadoptive parent, or other physical custodian to make a written or oral statement
25 during the hearing, or to submit a written statement prior to the hearing, relevant

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

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

7 48.365 (2) No order may be extended without a hearing. The court shall notify
8 the child, the child's parent, guardian, and legal custodian, all the parties present at
9 the original hearing, the child's foster parent, treatment foster parent, preadoptive
10 parent, or other physical custodian described in s. 48.62 (2), the child's
11 court-appointed special advocate, the district attorney or corporation counsel in the
12 county in which the dispositional order was entered, and, if the child is an expectant
13 mother of an unborn child under s. 48.133, the unborn child by the unborn child's
14 guardian ad litem, or shall notify the adult expectant mother, the unborn child
15 through the unborn child's guardian ad litem, all the parties present at the original
16 hearing, and the district attorney or corporation counsel in the county in which the
17 dispositional order was entered, of the time and place of the hearing.

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

20 48.365 (2m) (ad) If the judge finds that any of the circumstances specified in
21 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a
22 hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine
23 the permanency plan for the child. ~~If a hearing is held under this subdivision, the~~
24 ~~agency responsible for preparing the permanency plan shall file the permanency~~
25 ~~plan with the court not less than 5 days before the date of the hearing.~~

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

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

3 48.365 (2m) (ag) The court shall give a foster parent, treatment foster parent,
4 preadoptive parent, or other physical custodian described in s. 48.62 (2) who is
5 notified of a hearing under ~~par. (ad) 2. or sub. (2)~~ an opportunity a right to be heard
6 at the hearing by permitting the foster parent, treatment foster parent, preadoptive
7 parent, or other physical custodian to make a written or oral statement during the
8 hearing, or to submit a written statement prior to the hearing, relevant to the issue
9 of extension. A foster parent, treatment foster parent, preadoptive parent, or other
10 physical custodian described in s. 48.62 (2) who receives notice of a hearing under
11 ~~par. (ad) 2. or sub. (2)~~ and an opportunity a right to be heard under this paragraph
12 does not become a party to the proceeding on which the hearing is held solely on the
13 basis of receiving that notice and ~~opportunity~~ right to be heard.

*was affected by
2007 Wisconsin Act
20*

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

15 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
16 for each child living in a foster home, treatment foster home, group home, residential
17 care center for children and youth, juvenile detention facility, or shelter care facility
18 or in the home of a preadoptive parent, the agency that placed the child or arranged
19 the placement or the agency assigned primary responsibility for providing services
20 to the child under s. 48.355 (2) (b) 6 g - plan shall prepare a written permanency plan, if any of the
21 following conditions exists, and, for each child living in the home in the care *(plan)* of a
22 relative other than a parent, that agency shall prepare a written permanency plan,
23 if any of the conditions specified in pars. (a) to (e) exists:

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

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

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

8 48.38 (4) (f) (intro.) A description of the services that will be provided to the
 9 child, the child's family, and the child's foster parent, the child's treatment foster
 10 parent, the child's preadoptive parent, the operator of the facility ~~where~~ the child is
 11 living, or the relative with whom the child is living ^(system) ~~who is providing care for the child~~
 12 to carry out the dispositional order, including services planned to accomplish all of
 13 the following:

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

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

in which



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to be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan.

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

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

REASONABLE EFFORTS NOT REQUIRED;

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

48.38 (4m) PERMANENCY PLAN DETERMINATION HEARING. (a) If in a proceeding under s. 48.21, ~~48.32,~~ 48.355, 48.357, or 48.365 the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the child. If a hearing is held under this paragraph, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the the hearing. At the hearing, the court shall consider placing the child in a placement outside this state if the 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.

(b) At least 10 days before the date of the hearing, the court shall notify the child, ~~any~~ parent, guardian, and legal custodian of the child, and any foster parent,

24

the child's
the child's

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SECTION 36

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

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

18 (d) The court shall give a foster parent, treatment foster parent, preadoptive
19 parent, or other physical custodian described in s. 48.62 (2) who is notified of a
20 hearing under par. (b) a right to be heard at the hearing by permitting the foster
21 parent, treatment foster parent, preadoptive parent, or other physical custodian to
22 make a written or oral statement during the hearing, or to submit a written
23 statement prior to the hearing, relevant to the issues to be determined at the hearing.
24 The foster parent, treatment foster parent, preadoptive parent, or other physical

operator of a facility, in which child is living, or relative
with whom child is living

the operator of the facility in which the child is living, or the relative with whom the child is living

an independent living plan under sub. (4)(h)

or

to be heard at the hearing & the issues to be determined at the hearing, and if the fact that they shall have a right

operator, or relative

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operator or relative

the child's parent, guardian, and legal custodian; and

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

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

4 48.38 (5) (b) The court or the agency shall notify ~~the parents~~ of the child, ~~the~~
5 ~~child, if he or she is 12 years of age or older, and the child's foster parent, the child's~~

6 treatment foster parent, ~~the child's~~ ^{or} preadoptive parent, the operator of the facility

7 in which the child is living, ~~or the relative with whom the child is living who is~~ ^(plain)

8 ~~providing care for the child~~ of the ^{and purpose} date, time, and place, of the review, of the issues to

9 be determined as part of the review, and of the fact that they may have an opportunity

10 shall have a right to be heard at the review by ~~submitting written comments not less~~

11 than 10 working days before the review or by participating at the review as provided

12 in par. (bm) 1. The court or agency shall notify the person representing the interests

13 of the public, the child's counsel, the child's guardian ad litem, and the child's

14 court-appointed special advocate ^{time, place, and purpose} of the ~~date~~ of the review, of the issues to be

15 determined as part of the review, and of the fact that they may ~~submit written~~

16 ~~comments not less than 10 working days before the review~~ have an opportunity to

17 be heard at the review as provided in par. (bm) 1. The notices under this paragraph

18 shall be provided in writing not less than 30 days before the review and copies of the

19 notices shall be filed in the child's case record.

parent, guardian, legal custodian,

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

21 48.38 (5) (bm) 1. A ~~parent~~ child, 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 par. (c) not less than

25 10 working days before the date of the review or by participating at the review. A

BILL

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

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

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

2 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
3 the goal of the permanency plan, unless return of the child to the home is the goal
4 of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b)
5 1. to 5. applies. If the goal of the permanency plan is to place the child 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 child in a safe and appropriate placement outside this state that
10 is in the best interests of the child and appropriate to achieving the goal of the child's
11 permanency plan. If the child is placed in a placement outside this state, that
12 determination shall include a determination as to whether that placement continues
13 to be in the best interests of the child and appropriate to achieving the goal of the
14 child's permanency plan.

15 **SECTION 40.** 48.38 (5) (d) of the statutes is amended to read:

16 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the
17 permanency plan shall, at least 5 days before a review by a review panel, provide to
18 each person appointed to the review panel, the person representing the interests of
19 the public, the child's counsel, the child's guardian ad litem, and the child's
20 court-appointed special advocate a copy of the permanency plan and any written
21 comments submitted under par. ~~(b)~~ (bm) 1. Notwithstanding s. 48.78 (2) (a), a person
22 appointed to a review panel, the person representing the interests of the public, the
23 child's counsel, the child's guardian ad litem, and the child's court-appointed special
24 advocate may have access to any other records concerning the child for the purpose
25 of participating in the review. A person permitted access to a child's records under

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1 this paragraph may not disclose any information from the records to any other
2 person.

3 SECTION 41. 48.38 (5) (e) of the statutes is amended to read:

4 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
5 the determinations under par. (c) and shall provide a copy to the court that entered
6 the order, the child or the child's counsel or guardian ad litem, the person
7 representing the interests of the public, the child's parent or guardian, the child's
8 court-appointed special advocate, and the child's foster parent, the child's treatment
9 foster parent or, or preadoptive parent, the operator of the facility ^{in which} the child
10 is living, ~~or the relative who is providing care for the child.~~ ^{with whom the child is living}

11 SECTION 42. 48.38 (5m) (b) of the statutes is amended to read:

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

24 SECTION 43. 48.38 (5m) (c) of the statutes is renumbered 48.38 (5m) (c) 1. and
25 amended to read:

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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.

*an independent living plan under
sub. (4) (b) or*

17 **SECTION 44.** 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
25 permanency plan and any other matters the court finds appropriate by permitting

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

8 **SECTION 45.** 48.38 (5m) (d) of the statutes is amended to read:

9 48.38 (5m) (d) At least 5 days before the date of the hearing the agency that
10 prepared the permanency plan shall provide a copy of the permanency plan and any
11 written comments submitted under par. (c) 1. to the court, to the child's parent,
12 guardian, and legal custodian, to the person representing the interests of the public,
13 to the child's counsel or guardian ad litem, and to the child's court-appointed special
14 advocate. Notwithstanding s. 48.78 (2) (a), the person representing the interests of
15 the public, the child's counsel or guardian ad litem, and the child's court-appointed
16 special advocate may have access to any other records concerning the child for the
17 purpose of participating in the review. A person permitted access to a child's records
18 under this paragraph may not disclose any information from the records to any other
19 person.

20 **SECTION 46.** 48.38 (5m) (e) of the statutes is amended to read:

21 48.38 (5m) (e) After the hearing, the court shall make written findings of fact
22 and conclusions of law relating to the determinations under sub. (5) (c) and shall
23 provide a copy of those findings of fact and conclusions of law to the child; the child's
24 parent, guardian, and legal custodian; the child's foster parent or, treatment foster
25 parent, or preadoptive parent, the operator of the facility in which the child is living,

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(plain)

1 or the relative with whom the child is living ~~who is providing care for the child~~; the
2 child's court-appointed special advocate; the agency that prepared the permanency
3 plan; and the person representing the interests of the public. The court shall make
4 the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances
5 specific to the child and shall document or reference the specific information on
6 which those findings are based in the findings of fact and conclusions of law prepared
7 under this paragraph. Findings of fact and conclusions of law that merely reference
8 sub. (5) (c) 7. without documenting or referencing that specific information in the
9 findings of fact and conclusions of law or amended findings of fact and conclusions
10 of law that retroactively correct earlier findings of fact and conclusions of law that
11 do not comply with this paragraph are not sufficient to comply with this paragraph.

12 **SECTION 47.** 48.42 (2g) (am) of the statutes is amended to read:

13 48.42 (2g) (am) The court shall give a foster parent, treatment foster parent,
14 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
15 par. (a) ~~an opportunity~~ a right to be heard at the hearing by permitting the foster
16 parent, treatment foster parent, or other physical custodian to make a written or oral
17 statement during the hearing, or to submit a written statement prior to the hearing,
18 relevant to the issues to be determined at the hearing. A foster parent, treatment
19 foster parent, or other physical custodian described in s. 48.62 (2) who receives a
20 notice of a hearing under par. (a) and ~~an opportunity~~ a right to be heard under this
21 paragraph does not become a party to the proceeding on which the hearing is held
22 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

23 **SECTION 48.** 48.427 (1m) of the statutes is amended to read:

24 48.427 (1m) In addition to any evidence presented under sub. (1), the court
25 shall give the foster parent, treatment foster parent, or other physical custodian

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1 described in s. 48.62 (2) of the child ~~an opportunity~~ a right to be heard at the
 2 dispositional hearing by permitting the foster parent, treatment foster parent, or
 3 other physical custodian to make a written or oral statement during the dispositional
 4 hearing, or to submit a written statement prior to disposition, relevant to the issue
 5 of disposition. A foster parent, treatment foster parent, or other physical custodian
 6 described in s. 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and
 7 ~~an opportunity~~ a right to be heard under this subsection does not become a party to
 8 the proceeding on which the hearing is held solely on the basis of receiving that notice
 9 and ~~opportunity~~ right to be heard.

pre-adoptive parent

10 **SECTION 49.** 48.43 (5) (b) of the statutes is renumbered 48.43 (5) (b) 1. and
 11 amended to read:

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

place

or the relative with whom the child is living

19 **SECTION 50.** 48.43 (5) (b) 2. of the statutes is created to read:

20 48.43 (5) (b) 2. If the child's permanency plan includes a statement under s.
 21 48.38 (4) (i) indicating that the child's age and developmental level are sufficient for
 22 the court to consult with the child regarding the child's permanency plan or if,
 23 notwithstanding a decision under s. 48.38 (4) (i) that it would not be appropriate for
 24 the court to consult with the child, the court determines that consultation with the
 25 child would be in the best interests of the child, the court shall consult with the child,

an independent living plan under s. 48.38 (4) (b) or

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

11 **SECTION 51.** 48.43 (5) (b) 3. of the statutes is created to read:

12 48.43 (5) (b) 3. The court shall give a foster parent, treatment foster parent,
13 preadoptive parent, ~~or other physical custodian described in s. 48.62 (2)~~ who is
14 notified of a hearing under subd. 1. a right to be heard at the hearing by permitting
15 the foster parent, treatment foster parent, preadoptive parent, ~~or other physical~~
16 ~~custodian~~ ^{operator, or relative} to make a written or oral statement during the hearing, or to submit a
17 written statement prior to the hearing, relevant to the issues to be determined at the
18 hearing. The foster parent, treatment foster parent, preadoptive parent, ~~or other~~
19 ~~physical custodian~~ ^{operator of a facility, or relative} does not become a party to the proceeding on which the hearing
20 is held solely on the basis of receiving that notice and right to be heard.

21 **SECTION 52.** 48.43 (5m) of the statutes is amended to read:

22 48.43 (5m) Either the court or the agency that prepared the permanency plan
23 shall furnish a copy of the original plan and each revised plan to the child, if he or
24 she is 12 years of age or over, and to the child's foster parent, the child's treatment

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1 foster parent, preadoptive parent, or other physical custodian described in s. 48.62

2 (2) or the operator of the facility in which the child is living. or the relative with whom the child is living

3 **SECTION 53.** 48.63 (5) (d) 4. of the statutes is amended to read:

4 48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed
5 the child or that arranged the placement of the child shall provide a copy of the
6 revised permanency plan or plans and the request for review submitted under subd.
7 3. and notice of the time and place of the review to the child, the parent, guardian,
8 and legal custodian of the child, and the operator of the group home in which the child
9 is placed, together with notice of the issues to be determined as part of the
10 permanency plan review and notice of the fact that those persons may have the
11 opportunity shall have a right to be heard at the review by submitting written
12 comments to that agency or the independent reviewing agency before the review or
13 by participating at the review.

14 **SECTION 54.** 48.999 of the statutes is created to read:

15 **48.999 Expediting interstate placements of children.** The courts of this
16 state shall do all of the following to expedite the interstate placement of children:

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

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

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

25 **SECTION 55.** 146.0255 (2) of the statutes is amended to read:

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1 146.0255 (2) TESTING. Any hospital employee who provides health care, social
2 worker, or intake worker under ch. 48 may refer an infant or an expectant mother
3 of an unborn child, as defined in s. 48.02 (19), to a physician for testing of the bodily
4 fluids of the infant or expectant mother for controlled substances or controlled
5 substance analogs if the hospital employee who provides health care, social worker,
6 or intake worker suspects that the infant or expectant mother has controlled
7 substances or controlled substance analogs in the bodily fluids of the infant or
8 expectant mother because of the use of controlled substances or controlled substance
9 analogs by the mother while she was pregnant with the infant or by the expectant
10 mother while she is pregnant with the unborn child. The physician may test the
11 infant or expectant mother to ascertain whether or not the infant or expectant
12 mother has controlled substances or controlled substance analogs in the bodily fluids
13 of the infant or expectant mother, if the physician determines that there is a serious
14 risk that there are controlled substances or controlled substance analogs in the
15 bodily fluids of the infant or expectant mother because of the use of controlled
16 substances or controlled substance analogs by the mother while she was pregnant
17 with the infant or by the expectant mother while she is pregnant with the unborn
18 child and that the health of the infant, the unborn child or the child when born may
19 be adversely affected by the controlled substances or controlled substance analogs.
20 If the results of the test indicate that the infant does have controlled substances or
21 controlled substance analogs in the infant's bodily fluids, the physician shall make
22 ~~a report~~ report the occurrence of that condition in the infant to the agency, as defined
23 in s. 48.981 (1) (ag), that is responsible for conducting child abuse and neglect
24 investigations under s. 48.981, and that agency shall offer to provide, or arrange for
25 the provision of, services and treatment for the child and the child's mother as

or refer

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1 provided under s. 46.238. If the results of the test indicate that the expectant mother
 2 does have controlled substances or controlled substance analogs in the expectant
 3 mother's bodily fluids, the physician may ~~make a report~~ report the occurrence of that
 4 condition in the expectant mother to the agency, as defined in s. 48.981 (1) (ag), that
 5 is responsible for conducting unborn child abuse investigations under s. 48.981, and
 6 that agency shall offer to provide, or arrange ^{or refer} for the provision of, services and
 7 treatment for the unborn child and expectant mother as provided under s. 46.238.
 8 Under this subsection, no physician may test an expectant mother without first
 9 receiving her informed consent to the testing.

SECTION 56. 146.0255 (3) (b) of the statutes is amended to read:

11 146.0255 (3) (b) A statement of explanation that the test results of an infant
 12 must, and that the test results of an expectant mother may, be disclosed to a county
 13 department under s. 46.22 or 46.23 or, in a county having a population of 500,000 or
 14 more, to the county department under s. 51.42 or 51.437 in accordance with s. 46.238
 15 an agency under sub. (2) if the test results are positive.

SECTION 57. 757.69 (1) (g) 14. of the statutes is created to read:

17 757.69 (1) (g) 14. Conduct permanency plan reviews under s. 48.38 (5) or 938.38
 18 (5) and permanency plan hearings under s. 48.38 (5m) or 938.38 (5m).

SECTION 58. 938.02 (14j) of the statutes is created to read:

20 938.02 (14j) "Preadoptive parent" means a foster parent, treatment foster
 21 parent, relative, or other person with whom a juvenile is placed under s. 48.833,
 22 48.835, or 48.837 following a termination of parental rights to the juvenile.

SECTION 59. 938.21 (5) (d) 1. of the statutes is renumbered 938.21 (5) (d) and

24 amended to read:

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

7 **SECTION 60.** 938.21 (5) (d) 2. of the statutes is repealed.

8 **SECTION 61.** 938.21 (5) (d) 3. of the statutes is repealed.

9 **SECTION 62.** 938.27 (3) (a) 1. of the statutes is amended to read:

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

23 **SECTION 63.** 938.27 (3) (a) 1m. of the statutes is amended to read:

24 938.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,
25 preadoptive parent, or other physical custodian described in s. 48.62 (2) who is

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1 notified of a hearing under subd. 1. ~~an opportunity~~ a right to be heard at the hearing
2 by permitting the foster parent, treatment foster parent, preadoptive parent, or
3 other physical custodian to make a written or oral statement during the hearing, or
4 to submit a written statement prior to the hearing, relevant to the issues to be
5 determined at the hearing. A foster parent, treatment foster parent, preadoptive
6 parent, or other physical custodian described in s. 48.62 (2) who receives a notice of
7 a hearing under subd. 1. and ~~an opportunity~~ a right to be heard under this
8 subdivision does not become a party to the proceeding on which the hearing is held
9 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

10 **SECTION 64.** 938.27 (3) (a) 2. of the statutes is amended to read:

11 938.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent,
12 treatment foster parent, preadoptive parent, or other physical custodian described
13 in s. 48.62 (2) does not deprive the court of jurisdiction in the action or proceeding.
14 If a foster parent, treatment foster parent, preadoptive parent, or other physical
15 custodian described in s. 48.62 (2) is not given notice of a hearing under subd. 1., that
16 person may request a rehearing on the matter during the pendency of an order
17 resulting from the hearing. If the request is made, the court shall order a rehearing.

18 **SECTION 65.** 938.27 (6) of the statutes is amended to read:

19 938.27 (6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a
20 proceeding is initiated under s. 938.14, all interested parties shall receive notice and
21 appropriate summons shall be issued in a manner specified by the court. If the
22 juvenile who is the subject of the proceeding is in the care of a foster parent,
23 treatment foster parent, preadoptive parent, or other physical custodian described
24 in s. 48.62 (2), the court shall give the foster parent, treatment foster parent,

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1 preadoptive parent, or other physical custodian notice and ~~an opportunity a right~~ to
2 be heard as provided in sub. (3) (a).

3 **SECTION 66.** 938.299 (1) (ag) of the statutes is amended to read:

4 938.299 (1) (ag) If a public hearing is not held, in addition to persons permitted
5 to attend under par. (a), the juvenile's foster parent, treatment foster parent,
6 preadoptive parent, or other physical custodian described in s. 48.62 (2) may be
7 present, except that the court may exclude a foster parent, treatment foster parent,
8 preadoptive parent, or other physical custodian described in s. 48.62 (2) from any
9 portion of the hearing if that portion of the hearing deals with sensitive personal
10 information of the juvenile or the juvenile's family or if the court determines that
11 excluding the foster parent, treatment foster parent, preadoptive parent, or other
12 physical custodian would be in the best interests of the juvenile.

13 **SECTION 67.** 938.32 (1) (d) 1. of the statutes is renumbered 938.32 (1) (d) and
14 amended to read:

15 938.32 (1) (d) If the court finds that any of the circumstances specified in s.
16 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
17 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
18 permanency plan for the juvenile. ~~The agency responsible for preparing the~~
19 ~~permanency plan shall file the permanency plan with the court not less than 5 days~~
20 ~~before the date of the hearing.~~

21 **SECTION 68.** 938.32 (1) (d) 2. of the statutes is repealed.

22 **SECTION 69.** 938.32 (1) (d) ~~3.~~ of the statutes is repealed.

23 **SECTION 70.** 938.355 (2b) of the statutes is amended to read:

24 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
25 department or the agency primarily responsible for providing services to a juvenile

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1 under a court order may, at the same time as the county department or agency is
2 making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal
3 of the juvenile from the home or to make it possible for the juvenile to return safely
4 to his or her home, work with the department of health and family services, a county
5 department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under
6 s. 48.61 (5) in making reasonable efforts to place the juvenile for adoption, with a
7 guardian, with a fit and willing relative, or in some other alternative permanent
8 placement. Those efforts to place the juvenile for adoption, with a guardian, with a
9 fit and willing relative, or in some other alternative permanent placement shall
10 include efforts to place the juvenile in a safe and appropriate placement outside this
11 state if the county department or agency determines that such a placement would
12 be in the best interests of the juvenile and appropriate to achieving the goals of the
13 juvenile's permanency plan.

14 SECTION 71. 938.355 (2d) (c) 1. of the statutes is renumbered 938.355 (2d) (c)
15 and amended to read:

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

22 SECTION 72. 938.355 (2d) (c) 2. of the statutes is repealed.

23 SECTION 73. 938.355 (2d) (c) 3. of the statutes is repealed.

24 SECTION 74. 938.357 (1) (am) 1. of the statutes is amended to read:

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1 938.357 (1) (am) 1. If the proposed change in placement involves any change
 2 in placement other than a change in placement under par. (c), the person or agency
 3 primarily responsible for implementing the dispositional order or the district
 4 attorney shall cause written notice of the proposed change in placement to be sent
 5 to the juvenile, the parent, guardian, and legal custodian of the juvenile, and any
 6 foster parent, treatment foster parent, preadoptive parent, or other physical
 7 custodian described in s. 48.62 (2) of the juvenile. The notice shall contain the name
 8 and address of the new placement, the reasons for the change in placement, a
 9 statement describing why the new placement is preferable to the present placement,
 10 and a statement of how the new placement satisfies objectives of the treatment plan
 11 ordered by the court.

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SECTION 75. 938.357 (1) (am) 2m. of the statutes is created to read:

12 938.357 (1) (am) 2m. Regardless of whether a hearing is held under subd. 2.,
 13
 14 a juvenile's placement may not be changed under this paragraph without a court
 15 order unless the change in placement is authorized in the dispositional order.

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SECTION 76. 938.357 (2m) (b) of the statutes is amended to read:

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

6 **SECTION 77.** 938.357 (2r) of the statutes is amended to read:

7 938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing
8 is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove
9 a juvenile from a foster home, treatment foster home, the home of a preadoptive
10 parent, or other placement with a physical custodian described in s. 48.62 (2), the
11 court shall give the foster parent, treatment foster parent, preadoptive parent, or
12 other physical custodian ~~an opportunity~~ a right to be heard at the hearing by
13 permitting the foster parent, treatment foster parent, preadoptive parent, or other
14 physical custodian to make a written or oral statement during the hearing or to
15 submit a written statement prior to the hearing relating to the juvenile and the
16 requested change in placement. A foster parent, treatment foster parent,
17 preadoptive parent, or other physical custodian who receives notice of a hearing
18 under sub. (1) (am) 1. or (2m) (b) and ~~an opportunity~~ a right to be heard under this
19 subsection 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.

21 **SECTION 78.** 938.357 (2v) (c) 1. of the statutes is renumbered 938.357 (2v) (c)
22 and amended to read:

23 938.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances
24 under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold
25 a hearing under s. 938.38 (4m) within 30 days after the date of that finding to

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1 determine the permanency plan for the juvenile. ~~If a hearing is held under this~~
2 ~~paragraph, the agency responsible for preparing the permanency plan shall file the~~
3 ~~permanency plan with the court at least 5 days before the date of the hearing.~~

4 **SECTION 79.** 938.357 (2v) (c) 2. of the statutes is repealed.

5 **SECTION 80.** 938.357 (2v) (c) 3. of the statutes is repealed.

6 **SECTION 81.** 938.363 (1) (b) of the statutes is amended to read:

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

18 **SECTION 82.** 938.363 (1m) of the statutes is amended to read:

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

BILL

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 **SECTION 83.** 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 **SECTION 84.** 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 **SECTION 85.** 938.365 (2m) (ad) 2. of the statutes is repealed.

23 **SECTION 86.** 938.365 (2m) (ag) of the statutes is amended to read:

24 938.365 (2m) (ag) The court shall give a foster parent, treatment foster parent,
25 preadoptive parent, or other physical custodian described in s. 48.62 (2) who is

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1 notified of a hearing under ~~par. (ad) 2. or sub. (2)~~ an opportunity a right to be heard
 2 at the hearing by permitting the foster parent, treatment foster parent, preadoptive
 3 parent, or other physical custodian to make a written or oral statement during the
 4 hearing, or to submit a written statement prior to the hearing, relevant to the issue
 5 of extension. A foster parent, treatment foster parent, preadoptive parent, or other
 6 physical custodian who receives notice of a hearing under ~~par. (ad) 2. or sub. (2)~~ and
 7 an opportunity a right to be heard under this paragraph does not become a party to
 8 the proceeding on which the hearing is held solely on the basis of receiving that notice
 9 and opportunity right to be heard. *as affected by 2007 Wisconsin Act 20,*

10 **SECTION 87.** 938.38 (2) (intro.) of the statutes is amended to read:

11 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
 12 for each juvenile living in a foster home, treatment foster home, group home,
 13 residential care center for children and youth, juvenile detention facility, or shelter
 14 care facility or in the home of a preadoptive parent, the agency that placed the
 15 juvenile or arranged the placement or the agency assigned primary responsibility for
 16 providing services to the juvenile under s. 938.355 ^{(2)(b) 6g (plan)} shall prepare a written
 17 permanency plan, if any of the following conditions exists, and, for each juvenile
 18 living in the home ^{plan} ~~in the care~~ of a relative other than a parent, that agency shall
 19 prepare a written permanency plan, if any of the conditions under pars. (a) to (e)
 20 exists:

21 **SECTION 88.** 938.38 (3) (intro.) of the statutes is amended to read:

22 938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (e) 1. sub. (4m) (a), the agency
 23 shall file the permanency plan with the court within 60 days after the date on which
 24 the juvenile was first removed from his or her home, except under either of the
 25 following conditions:

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in which

1 SECTION 89. 938.38 (4) (f) (intro.) of the statutes is amended to read:

2 938.38 (4) (f) (intro.) A description of the services that will be provided to the
3 juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's
4 treatment foster parent, the juvenile's preadoptive parent, the operator of the facility

5 ~~where~~ the juvenile is living, or the relative with whom the juvenile is living ~~who is~~ *(plan)*

6 ~~providing care for the juvenile~~ to carry out the dispositional order, including services
7 planned to accomplish all of the following:

8 SECTION 90. 938.38 (4) (fm) of the statutes is amended to read:

9 938.38 (4) (fm) If the goal of the permanency plan is to place the juvenile for
10 adoption, with a guardian, with a fit and willing relative, or in some other alternative
11 permanent placement, the efforts made to achieve that goal. Those efforts shall
12 include efforts to place the juvenile in a safe and appropriate placement outside this
13 state if the agency determines that such a placement would be in the best interests
14 of the juvenile and appropriate to achieving the goal of the juvenile's permanency
15 plan. If the agency determines not to place the juvenile in an available placement
16 outside this state, the permanency plan shall include a statement as to why that
17 placement is not in the best interests of the juvenile or not appropriate to achieving
18 the goal of the juvenile's permanency plan. If the juvenile is placed in a placement
19 outside this state, the permanency plan shall include a statement as to whether that
20 placement continues to be in the best interests of the juvenile and appropriate to
21 achieving the goal of the juvenile's permanency plan.

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22 SECTION 91. 938.38 (4) (i) of the statutes is created to read:

23 938.38 (4) (i) A statement as to whether the juvenile's age and developmental
24 level are sufficient for the court to consult with the juvenile at the permanency plan
25 determination hearing under sub. (4m) (c) or at the permanency plan hearing under

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

REASONABLE EFFORTS NOT REQUIRED;

6 **SECTION 92.** 938.38 (4m) of the statutes is created to read:

7 **938.38 (4m) PERMANENCY PLAN DETERMINATION HEARING.** (a) If in a proceeding

8 under s. 938.21, ~~938.32~~ 938.355, 938.357, or 938.365 the court finds that any of the
9 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
10 the court shall hold a hearing within 30 days after the date of that finding to
11 determine the permanency plan for the juvenile. If a hearing is held under this
12 paragraph, the agency responsible for preparing the permanency plan shall file the
13 permanency plan with the court not less than 5 days before the date of the hearing.
14 At the hearing, the court shall consider placing the juvenile in a placement outside
15 this state if the court determines that such a placement would be in the best interests
16 of the juvenile and appropriate to achieving the goal of the juvenile's permanency
17 plan.

an independent living plan under sub. (4)(b) or

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

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

the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living

the issues to be determined at the hearing, and the fact that they shall have a right to be heard at the hearing re: ~~parent~~

the juvenile's

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or

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

operator of a facility, or relative

operator, or relative

13 (d) The court shall give a foster parent, treatment foster parent, preadoptive
 14 parent, ~~or other physical custodian described in s. 48.62 (2)~~ who is notified of a
 15 hearing under par. (b) a right to be heard at the hearing by permitting the foster
 16 parent, treatment foster parent, preadoptive parent, ~~or other physical custodian~~ to
 17 make a written or oral statement during the hearing, or to submit a written
 18 statement prior to the hearing, relevant to the issues to be determined at the hearing.

stays

19 The foster parent, treatment foster parent, preadoptive parent, ~~or other physical~~
 20 ~~custodian~~ *operator of a facility, or relative* does not become a party to the proceeding on which the hearing is held
 21 solely on the basis of receiving that notice and right to be heard.

SECTION 93. 938.38 (5) (b) of the statutes is amended to read:

22 938.38 (5) (b) The court or the agency shall notify ~~the parents~~ of the juvenile,
 23 ~~the juvenile, if he or she is 10 years of age or older, and~~ the juvenile's foster parent,
 24 ~~the juvenile's~~ treatment foster parent, ~~the juvenile's~~ preadoptive parent, the
 25 ; the juvenile's parent, guardian, and legal custodian; and

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

SECTION 94. 938.38 (5) (bm) of the statutes is created to read:

15 938.38 (5) (bm) 1. A parent, juvenile, foster parent, treatment foster parent,
 16 preadoptive parent, operator of a facility, or relative who is provided notice of the
 17 review under par. (b) shall have a right to be heard at the review by submitting
 18 written comments relevant to the determinations specified in par. (c) not less than
 19 10 working days before the date of the review or by participating at the review. A
 20 person representing the interests of the public, counsel, or guardian ad litem who is
 21 provided notice of the review under par. (b) may have an opportunity to be heard at
 22 the review by submitting written comments relevant to the determinations specified
 23 in par. (c) not less than 10 working days before the date of the review. A foster parent,
 24 treatment foster parent, preadoptive parent, operator of a facility, or relative who
 25 receives notice of a hearing under par. (b) and a right to be heard under this

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An independent living plan under sub. (4)(h) or

SECTION 94

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

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

19 **SECTION 95.** 938.38 (5) (c) 7. of the statutes is amended to read:

20 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
21 the goal of the permanency plan, unless return of the juvenile to the home is the goal
22 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)
23 1. to 4. applies. If the goal of the permanency plan is to place the juvenile for adoption,
24 with a guardian, with a fit and willing relative, or in some other alternative
25 permanent placement, the reasonable efforts determination under this subdivision

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

8 **SECTION 96.** 938.38 (5) (d) of the statutes is amended to read:

9 938.38 (5) (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the
10 permanency plan shall, at least 5 days before a review by a review panel, provide to
11 each person appointed to the review panel, the person representing the interests of
12 the public, the juvenile's counsel, and the juvenile's guardian ad litem a copy of the
13 permanency plan and any written comments submitted under par. (b) (bm) 1.
14 Notwithstanding s. 938.78 (2) (a), a person appointed to a review panel, the person
15 representing the interests of the public, the juvenile's counsel, and the juvenile's
16 guardian ad litem may have access to any other records concerning the juvenile for
17 the purpose of participating in the review. A person permitted access to a juvenile's
18 records under this paragraph may not disclose any information from the records to
19 any other person.

20 **SECTION 97.** 938.38 (5) (e) of the statutes is amended to read:

21 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
22 the determinations under par. (c) and shall provide a copy to the court that entered
23 the order, the juvenile or the juvenile's counsel or guardian ad litem, the person
24 representing the interests of the public, the juvenile's parent ^① or guardian ^② and the
25 juvenile's foster parent, ~~the juvenile's~~ treatment foster parent ~~or~~, or preadoptive
and legal custodian

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1 parent, the operator of the facility where the juvenile is living, or the relative who
2 is providing care for the juvenile. ~~with whom the juvenile is living~~
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3 SECTION 98. 938.38 (5m) (b) of the statutes is amended to read:

4 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
5 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the
6 juvenile's foster parent or, treatment foster parent, or 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 hearing, of the issues to be determined at the hearing, and of the fact that they
10 shall have a right to be heard at the hearing as provided in par. (c) 1. and shall notify
11 the juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared
12 the permanency plan; and the person representing the interests of the public of the
13 ~~date, time, and place~~ of the hearing, of the issues to be determined at the hearing,
14 and of the fact that they may have an opportunity to be heard at the hearing as
15 provided in par. (c) 1.

16 SECTION 99. 938.38 (5m) (c) of the statutes is renumbered 938.38 (5m) (c) 1. and
17 amended to read:

18 938.38 (5m) (c) 1. Any person A juvenile, parent, guardian, legal custodian,
19 foster parent, treatment foster parent, preadoptive parent, operator of a facility, or
20 relative who is provided notice of the hearing may have an opportunity under par.
21 (b) shall have a right to be heard at the hearing by submitting written comments
22 relevant to the determinations specified in sub. (5) (c) not less than 10 working days
23 before the date of the hearing or by participating at the hearing. A counsel, guardian
24 ad litem, agency, or person representing the interests of the public who is provided
25 notice of the hearing under par. (b) may have an opportunity to be heard at the

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1 hearing by submitting written comments relevant to the determinations specified in
2 sub. (5) (c) not less than 10 working days before the date of the hearing or by
3 participating at the hearing. A foster parent, treatment foster parent, preadoptive
4 parent, operator of a facility ~~in which a juvenile is living~~, or relative ~~with whom a~~
5 ~~juvenile is living~~ who receives notice of a hearing under par. (b) and ~~an opportunity~~
6 a right to be heard under this ~~paragraph~~ subdivision does not become a party to the
7 proceeding on which the hearing is held solely on the basis of receiving that notice
8 and ~~opportunity~~ right to be heard. *An independent living plan under sub. (4)(h) or*

9 **SECTION 100.** 938.38 (5m) (c) 2. of the statutes is created to read:

10 938.38 (5m) (c) 2. If the juvenile's permanency plan includes a statement under
11 sub. (4) (i) indicating that the juvenile's age and developmental level are sufficient
12 for the court to consult with the juvenile regarding the juvenile's permanency plan
13 or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate
14 for the court to consult with the juvenile, the court determines that consultation with
15 the juvenile would be in the best interests of the juvenile, the court shall consult with
16 the juvenile, in an age-appropriate and developmentally appropriate manner,
17 regarding the juvenile's permanency plan and any other matters the court finds
18 appropriate by permitting the juvenile, the juvenile's caseworker, the juvenile's
19 counsel, or, subject to s. 938.235 (3) (a), the juvenile's guardian ad litem to make a
20 written or oral statement during the hearing, or to submit a written statement prior
21 to the hearing, expressing the juvenile's wishes, goals, and concerns regarding the
22 permanency plan and those matters. A caseworker, counsel, or guardian ad litem
23 who makes or submits a statement under this subdivision shall advise the court that
24 the statement represents the wishes, goals, and concerns, but not necessarily the
25 best interests, of the juvenile.

BILL**SECTION 101**

1 **SECTION 101.** 938.38 (5m) (d) of the statutes is amended to read:

2 938.38 (5m) (d) At least 5 days before the date of the hearing the agency that
3 prepared the permanency plan shall provide a copy of the permanency plan and any
4 written comments submitted under par. (c) 1. to the court, to the juvenile's parent,
5 guardian, and legal custodian, to the person representing the interests of the public,
6 and to the juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a),
7 the person representing the interests of the public and the juvenile's counsel or
8 guardian ad litem may have access to any other records concerning the juvenile for
9 the purpose of participating in the review. A person permitted access to a juvenile's
10 records under this paragraph may not disclose any information from the records to
11 any other person.

12 **SECTION 102.** 938.38 (5m) (e) of the statutes is amended to read:

13 938.38 (5m) (e) After the hearing, the court shall make written findings of fact
14 and conclusions of law relating to the determinations under sub. (5) (c) and shall
15 provide a copy of those findings of fact and conclusions of law to the juvenile; the
16 juvenile's parent, guardian, and legal custodian; the juvenile's foster parent or,
17 treatment foster parent, or preadoptive parent, the operator of the facility in which
18 the juvenile is living, or the relative with whom the juvenile is living who is providing^(plain)
19 care for the juvenile; the agency that prepared the permanency plan; and the person
20 representing the interests of the public. The court shall make the findings specified
21 in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the
22 juvenile and shall document or reference the specific information on which those
23 findings are based in the findings of fact and conclusions of law prepared under this
24 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)
25 7. without documenting or referencing that specific information in the findings of fact

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

4 **SECTION 103.** 938.9995 of the statutes is created to read:

5 **938.9995 Expediting interstate placements of juveniles.** The courts of
6 this state shall do all of the following to expedite the interstate placement of
7 juveniles:

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

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

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

17 **SECTION 104. Initial applicability.**

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

19 (a) *Permanency plan contents.* The treatment of sections 48.38 (2) (intro.) and
20 (4) (f) (intro.), (fm), ^{(h) (intro.),} and (i) and 938.38 (2) (intro.) and (4) (f) (intro.), (fm), ^{(h) (intro.),} and (i) of
21 the statutes first applies to permanency plans filed on the effective date of this
22 paragraph.

23 (b) *Permanency plan hearings and reviews.* The treatment of sections 48.38
24 (4m) (a) and (c) and (5) (bm) 2. and (c) 7. and 938.38 (4m) (a) and (c) and (5) (bm) 2.
25 and (c) 7. of the statutes and the creation of sections 48.38 (5m) (c) 2., 48.43 (5) (b)

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767.41 (3)(e) ↗

1 2., and 938.38 (5m) (c) 2. of the statutes first apply to hearings and reviews for which
2 a permanency plan is filed or provided on the effective date of this paragraph.

3 (2) RIGHT TO BE HEARD. The treatment of sections 48.02 (14j), 48.27 (3) (a) 1.,
4 1m., and 2. and (6), 48.299 (1) (ag), 48.357 (1) (am) 1., (2m) (b), and (2r), 48.363 (1)
5 (b) and (1m), 48.365 (2) and (2m) (ag), 48.38 (4m) (b) and (d), (5) (b) and (bm) 1., and
6 (5m) (b) and (e), 48.42 (2g) (am), 48.427 (1m), 48.63 (5) (d) 4., 938.02 (14j), 938.27 (3)
7 (a) 1., 1m., and 2. and (6), 938.299 (1) (ag), 938.357 (1) (am) 1., (2m) (b), and (2r),
8 938.363 (1) (b) and (1m), 938.365 (2) and (2m) (ag), 938.38 (4m) (b) and (d), (5) (b) and
9 (bm) 1., and (5m) (b) and (e) of the statutes, the renumbering and amendment of
10 sections 48.38 (5m) (c), 48.43 (5) (b), and 938.38 (5m) (c) of the statutes, and the
11 creation of section 48.43 (5) (b) 3. of the statutes first apply to hearings for which
12 notice is provided on the effective date of this subsection.

13 (3) TESTING INFANTS FOR CONTROLLED SUBSTANCES. The treatment of sections
14 46.238 and 146.0255 (2) and (3) (b) of the statutes first applies to tests for controlled
15 substances or controlled substance analogs performed on the effective date of this
16 subsection.

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

(END)

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

46.238 Infants and unborn children whose mothers abuse controlled substances or controlled substance analogs. If a county department under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, a county department under s. 51.42 or 51.437 an agency, as defined in s. 48.981 (1) (ag), receives a report under s. 146.0255 (2) and that agency is a county department under s. 46.22 or 46.23 or a licensed child welfare agency under contract with that county department, the county department agency shall offer to provide appropriate services and treatment to the child and the child's mother or to the unborn child, as defined in s. 48.02 (19), and the expectant mother of the unborn child or the county department agency shall make arrangements for the provision of appropriate services or and treatment. If an agency receives a report under s. 146.0255 (2) and that agency is the department or a licensed child welfare agency under contract with the department, the agency shall refer the report to the county department under s. 52.42 or 51.437 and that county department shall offer to provide, or make arrangements for the provision of, those services and that treatment.

51

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

(END OF INSERT)

(INSERT 7-14--ATTACHED)

(INSERT 11-8--ATTACHED)

(INSERT 11-9--ATTACHED)

(INSERT 13-2)

SECTION 2. 48.357 (1) (am) 2. of the statutes is amended to read:

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48.357 (1) (am) 2. Any person receiving the who is sent a notice under subd. 1. or a notice of a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed special advocate, may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice is sent. Placements may not be changed until 10 days after that the notice is sent to the persons specified in subd. 1. and to the court unless the parent, guardian, or legal custodian and the child, if 12 years of age or over, or the child expectant mother, if 12 years of age or over, her parent, guardian, or legal custodian and the unborn child by the unborn child's guardian ad litem, or the adult expectant mother and the unborn child by the unborn child's guardian ad litem, sign written waivers of objection, except that changes in placement that were authorized in the dispositional order may be made immediately if notice is given as required under subd. 1. In addition, a hearing is not required for placement changes authorized in the dispositional order except when an objection filed by a person who received notice alleges that new information is available that affects the advisability of the court's dispositional order.

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.

(END OF INSERT)

(INSERT 13-6)

no 9

a court order is required for any change in placement under this paragraph other than a change in placement that is authorized in the dispositional order and to which no objection is filed. In a case in which no objection is filed in response to a notice under subd. 1. or a notice of a specific placement under s. 48.355 (2) (b) 2., the child's placement may be changed 10 days after the notice is sent to the persons specified in subd. 1. and to the court and the court may satisfy the requirement of this

subdivision by issuing an order approving the change in placement after the change in placement is made. ✓

(END OF INSERT)

(INSERT 14-17--ATTACHED)

(INSERT 19-2)

✓
SECTION 3. 48.38 (4) (h) (intro.) of the statutes is amended to read:

48.38 (4) (h) (intro.) If the child is 15 years of age or over, a description of an independent living plan describing the programs and services that are or will be provided to assist the child in preparing for the transition from out-of-home care to independent living. The description plan shall include all of 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.

(END OF INSERT)

(INSERT 32-18)

✓
SECTION 4. 767.41 (3) (c) of the statutes is amended to read:

767.41 (3) (c) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (b). At least 10 days before the date of the hearing, the court shall provide notice of the time, date place, and purpose of the hearing to the agency that prepared the report, the child; the child's parents, the child, if he or she is 12 years of age or over, and guardian, and legal custodian; and

the child's foster parent, treatment foster parent, or preadoptive parent, the operator of the facility in which the child is living, or the relative with whom the child is living. ✓

History: 1971 c. 149, 157, 211; 1975 c. 39, 122, 200, 283; 1977 c. 105, 418; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196; Stats. 1979 s. 767.24; 1981 c. 391; 1985 a. 70, 176; 1987 a. 332 s. 64; 1987 a. 355, 364, 383, 403; 1989 a. 56 s. 259; 1989 a. 359; 1991 a. 32; 1993 a. 213, 446, 481; 1995 a. 77, 100, 275, 289, 343, 375; 1997 a. 35, 191; 1999 a. 9; 2001 a. 109; 2003 a. 130; 2005 a. 101, 174, 264; 2005 a. 443 ss. 29, 94 to 98; Stats. 2005 s. 767.41; 2005 a. 471 ss. 1 to 5; ss. 13.93 (1) (b) and (2) (c).

(END OF INSERT)

(INSERT 32-22--ATTACHED)

(INSERT 35-21--ATTACHED)

(INSERT 35-22--ATTACHED)

(INSERT 36-23--ATTACHED)

(INSERT 37-11)

SECTION 5. 938.357 (1) (am) 2. of the statutes is amended to read:

938.357 (1) (am) 2. Any person ~~receiving the~~ who is sent a notice under subd. 1. or a notice of a specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days after ~~receipt of the notice is sent.~~ the notice is sent. Placements may not be changed until 10 days after ~~that~~ the notice is sent to the persons specified in subd. 1. and to the court unless the parent, guardian, or legal custodian and the juvenile, if 12 or more years of age, sign written waivers of objection, except that changes in placement that were authorized in the dispositional order may be made immediately if notice is given as required under subd. 1. In addition, a hearing is not required for placement changes authorized in the dispositional order except when an objection filed by a person who

is sent

received notice alleges that new information is available that affects the advisability of the court's dispositional order.

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.

(END OF INSERT)

(INSERT 37-15)

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a court order is required for any change in placement under this paragraph other than a change in placement that is authorized in the dispositional order and to which no objection is filed. In a case in which no objection is filed in response to a notice under subd. 1. or a notice of a specific placement under s. 938.355 (2) (b) 2., the juvenile's placement may be changed 10 days after the notice is sent to the persons specified in subd. 1. and to the court, and the court may satisfy the requirement of this subdivision by issuing an order approving the change in placement after the change in placement is made.

(END OF INSERT)

(INSERT 38-20--ATTACHED)

(INSERT 42-21)

SECTION 6. 938.38 (4) (h) (intro.) of the statutes is amended to read:

938.38 (4) (h) (intro.) If the juvenile is 15 years of age or older, a description of an independent living plan describing the programs and services that are or will be provided to assist the juvenile in preparing for the transition from out-of-home care to independent living. The description plan shall include 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.

(END OF INSERT)

(INSERT 52-19)

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(5) ORDERS PLACING CHILD OUTSIDE HOME. The treatment of sections 48.21 (5) (b) 1. d., 48.32 (1) (b) 1. d., 48.355 (2) (b) 6g., 48.357 (2v) (a) 1m., 938.21 (5) (b) 1. d., 938.32 (1) (c) 1. d., 938.355 (2) (b) 6g., (6) (d) 1., and (6m) (a) 1g., and 938.357 (2v) (a) 1m. of the statutes first applies to court orders granted on the effective date of this subsection.

(END OF INSERT)

(INSERT A-1)

(no R) hds

Under the bill, if a county department or a child welfare agency under contract with a county department receives such a report, the county department or child welfare agency must offer or make arrangements for the provision of appropriate services and treatment for the infant and the infant's mother and, if DHFS or a child welfare agency under contract with DHFS receives such a report, DHFS or the child welfare agency must refer the report to the county department of community programs or developmental disabilities services and that county department must offer or make arrangements for the provision of those services and that treatment.

(END OF INSERT)

(INSERT A-2)

Placement and care responsibility

Under current law, if the juvenile court orders a child who is under the supervision of a county department or, in Milwaukee County, DHFS to be placed outside the home, the juvenile court must order the child into the placement and care responsibility of the county department or DHFS and assign the county department or DHFS primary responsibility for providing services to the child. This bill requires that order whenever a juvenile court orders a child to be placed outside the home regardless of whether the child is under the supervision of a county department or DHFS.

(END OF INSERT)

Reasonable efforts not required; permanency plan determination hearing

Finally, the bill eliminates the requirement that a permanency plan determination hearing be held for a child who is living outside the home at the time that a consent decree maintaining the child in that placement is entered into when reasonable efforts to return the child to his or her home are not required.

Insert 7 - 14

, as created by 2007 Wisconsin Act 26, is amended

SECTION 1235. 48.21 (5) (b) 1. d. of the statutes is created to read:

48.21 (5) (b) 1. d. ~~If the child is under the supervision of the county department or, in a county having a population of 500,000 or more, the department, an order ordering the child into the placement and care responsibility of the county department or department as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility for providing services to the child.~~

, in a county having a population of 500,000 or more,

the

(ed of insert)

A₁₁

Insert 11-8

, as created by 2007 Wisconsin Act 20, is amended

SECTION 1244. 48.32 (1) (b) 1. d. of the statutes created to read:

48.32 (1) (b) 1. d. ~~If the child's placement or other living arrangement is under the supervision of the county department or, in a county having a population of 500,000 or more, the department, an order ordering the child into the placement and care responsibility of the county department or department as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility for providing services to the child.~~

An

, in a county having a population of 500,000 or

more, the

(end of insert)

Insert 11-9

was created by 2007 Wisconsin Act 20, is amended

SECTION 1249. 48.355 (2) (b) 6g. of the statutes is created to read:

48.355 (2) (b) 6g. If the child is placed outside the home ~~under the supervision of~~ the county department or,

in a county having a population of 500,000 or more, the department, ~~an order ordering the child into the placement and care responsibility of the county department or department~~ as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility for providing services to the child.

an order ordering the child into the placement and care
care responsibility of

(ed of inst)

Insert 14 - 17

as created by 2007 Wisconsin Act 20, is amended

SECTION 1253. 48.357 (2v) (a) 1m. of the statutes created to read:

48.357 (2v) (a) 1m. If the change in placement order changes the placement of a child who is under the supervision of the county department or, in a county having a population of 500,000 or more, the department to a placement outside the child's home, whether from a placement in the home or from another placement outside the home, an order ordering the child into, or to be continued in, the placement and care responsibility of the county department or department as required under 42 USC 672 (a) (2) and assigning the county department or department pri-

mary responsibility, or continued primary responsibility, for providing services to the child.

in a county having a population of 500,000 or more

the

(end of insert)

Insert 32 - 22

, as created by 2007 Wisconsin Act 20, is amended

SECTION 3787. 938.21 (5) (b) 1. d. of the statutes is created to read:

938.21 (5) (b) 1. d. ~~If the juvenile is under the supervision of the county department, an order ordering the juvenile into the placement and care responsibility of the~~

county department as required under 42 USC 672 (a) (2) and assigning the county department primary responsibility for providing services to the juvenile.

Am

ced & mt)

Insert 35 - 2021

, as created by 2007 Wisconsin Act 20, is amended

SECTION 3798. 938.32 (1) (c) 1. d. of the statutes is created to read:

938.32 (1) (c) 1. d. ~~If the juvenile's placement or other living arrangement is under the supervision of the county department, an order ordering the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and assigning the county department primary responsibility for providing services to the juvenile.~~

An

(end of int)

↓

Insert 35 - 22

as created by 2007 Wisconsin Act 20, is amended

the following legal caption:

SECTION 3808. 938.355 (2) (b) 6g. of the statutes is created to read:

938.355 (2) (b) 6g. If the juvenile is placed outside the home ~~under the supervision of the county department,~~ an order ordering the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and assigning the county department primary responsibility for providing services to the juvenile.

comma stays

(edit insert)

Insert 36 - 23

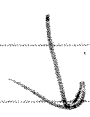
, as affected by 2007 Wisconsin Act 26, is amended

SECTION 3810. 938.355 (6) (d) 1. of the statutes is amended to read:

938.355 (6) (d) 1. Placement of the juvenile in a secure detention facility or juvenile portion of a county jail that meets the standards promulgated by the department by rule or in a place of nonsecure custody, for not more than 10 days and the provision of educational services consistent with his or her current course of study during the period of placement. The juvenile shall be given credit against the period of detention or nonsecure custody imposed under this subdivision for all time spent in secure detention in connection with the course of conduct for which the detention or nonsecure custody was imposed. If the court orders placement of the juvenile in a place of nonsecure custody ~~under the supervision of the county department~~, the court shall order the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and shall assign the county department primary responsibility for providing services to the juvenile.

*

remove scoring but add ~~the~~ striking as shown



Insert 36-23

, as affected by 2007 Wisconsin Act 20,

SECTION 3812. 938.355 (6m) (a) 1g. of the statutes is amended to read:

938.355 (6m) (a) 1g. Placement of the juvenile in a secure detention facility or juvenile portion of a county jail that meets the standards promulgated by the department by rule or in a place of nonsecure custody, for not more than 10 days and the provision of educational services consistent with his or her current course of study during the period of placement. The juvenile shall be given credit against the period of detention or nonsecure custody imposed under this subdivision for all time spent in secure detention in connection with the course of conduct for which the detention or nonsecure custody was imposed. The use of placement in a secure detention facility or in a juvenile portion of a county jail as a sanction under this subdivision is subject to the adoption of a resolution by the county board of supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction. If the court orders placement of the juvenile in a place of nonsecure custody under the supervision of the county department, the court shall order the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and shall assign the county department primary responsibility for providing services to the juvenile.

remove scoring but add striking as shown

make added text plain or bold struck text

(plan)

(edit from 7)

Inst 38 - 20

was created by 2007 Wisconsin Act 20, is amended

4.

SECTION 3817. 938.357 (2v) (a) 1m. of the statutes is created to read:

938.357 (2v) (a) 1m. If the change in placement order changes the placement of a juvenile ~~who is under the supervision of the county department~~ to a placement outside the juvenile's home, whether from a placement in the home or from another placement outside the home, an order ordering the juvenile into, or to be continued in, the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and assigning the county department primary responsibility, or continued primary responsibility, for providing services to the juvenile.

(ed of -7)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2891/2dn

GMM.....

gjs

Cathy:

In reviewing the draft, please note all of the following:

1. Because the draft amends s. 146.0255 (2) to require doctors to report drug-affected infants to the child protective services agency and because s. 46.238 references s. 146.0255 (2), the draft does not work if s. 46.238 is not changed to reference the child protective services agency. Accordingly, rather than leave s. 46.238 unchanged from current law, the draft requires the child protective services agency in Milwaukee County to refer such a report to the county department under s. 51.42 or 51.437 in that county for the provision of services. ✓

2. With respect to s. 146.0255 (2), I agree that the federal language only affects born infants, but current Wisconsin law also covers unborn children. Accordingly, the draft retains the provisions relating to unborn children to conform those provisions to the provisions on born children, as affected by the draft. In the alternative, we could repeal 1997 Act 292 relating to unborn children.

3. Your instructions note that you do not require a permanency plan for a child in a preadoptive home until after the termination of parental rights. That condition is covered in the definition of "preadoptive parent" in s. 48.02 (14j), as created by the draft. ✓

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2891/2dn
GMM:cjs:nwn

January 3, 2008

Cathy:

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3. Your instructions note that you do not require a permanency plan for a child in a preadoptive home until after the termination of parental rights. That condition is covered in the definition of "preadoptive parent" in s. 48.02 (14j), as created by the draft.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

Basford, Sarah

From: Cathleen Connolly [ConnoC1@dhfs.state.wi.us]
Sent: Wednesday, February 13, 2008 4:15 PM
To: Basford, Sarah
Cc: Jones, Jennifer A - DHFS; Mitchell, Mark S - DHFS; Plona, Katie P - DHFS; Verette, Natalie
Subject: Re: Draft review: LRB 07-2891/2 Topic: Out-of-home placements of children and child abuse reporting

Please jacket for Rep. Donna Seidel.

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
connoc1@dhfs.state.wi.us

>>> "Basford, Sarah" <Sarah.Basford@legis.wisconsin.gov> 1/4/2008 12:56

>>> PM >>>

State of Wisconsin - Legislative Reference Bureau One East Main Street - Suite 200 -
Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Gordon M. Malaise, Senior Legislative Attorney, at (608) 266-9738, at gordon.malaise@legis.wisconsin.gov
<[mailto:gordon.malaise@legis.wisconsin.gov?subject=Submitted: LRB 07-2891/2 Topic: Out-of-home placements of children and child abuse reporting?body=](mailto:gordon.malaise@legis.wisconsin.gov?subject=Submitted:LRB07-2891/2Topic:Out-of-homeplacementsofchildrenandchildabusereporting?body=)> , or at One East Main Street, Suite 200.

If you would like to jacket the draft for introduction, please click on the appropriate button below. Please select only one button. If you wish to introduce this draft in both houses please contact the drafting attorney to have a companion bill drafted.

Jacket for the
ASSEMBLY

<[mailto:lrb.legal@legis.wisconsin.gov?subject=Draft%20Review:%20LRB 07-2891/2%20Topic:%20Out-of-home placements of children and child abuse reporting&body=%0APlease%20Jacket%20LRB 07-2891/2%20for%20the%20ASSEMBLY.%0A](mailto:lrb.legal@legis.wisconsin.gov?subject=Draft%20Review:%20LRB07-2891/2%20Topic:%20Out-of-homeplacementsofchildrenandchildabusereporting&body=%0APlease%20Jacket%20LRB07-2891/2%20for%20the%20ASSEMBLY.%0A)>

Jacket for the
SENATE

<[mailto:lrb.legal@legis.wisconsin.gov?subject=Draft%20Review:%20LRB 07-2891/2%20Topic:%20Out-of-home placements of children and child abuse reporting&body=%0APlease%20Jacket%20LRB 07-2891/2%20for%20the%20SENATE.%0A](mailto:lrb.legal@legis.wisconsin.gov?subject=Draft%20Review:%20LRB07-2891/2%20Topic:%20Out-of-homeplacementsofchildrenandchildabusereporting&body=%0APlease%20Jacket%20LRB07-2891/2%20for%20the%20SENATE.%0A)>

Please allow one day for jacketing. If this is a "rush" please make a note in your response e-mail so we are aware that we need to give this request a high priority.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov
<[mailto:LRB.Legal@legis.wisconsin.gov?subject=Submitted: LRB 07-2891/2 Topic: Out-of-home placements of children and child abuse reporting?body=](mailto:LRB.Legal@legis.wisconsin.gov?subject=Submitted:LRB07-2891/2Topic:Out-of-homeplacementsofchildrenandchildabusereporting?body=)> or at (608) 266-3561. If you requested a fiscal