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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0261/1
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DOA:.....Rhodes, BB0004 - County responsibility for care and placement of child

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, a court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) is required to include in a dispositional order placing a child outside the home, an extension of a dispositional order continuing the placement of a child outside the home, and a consent decree maintaining a child in a placement outside the home findings that continued placement of the child in the home would be contrary to the welfare of the child, that reasonable efforts have been made to prevent the removal of the child from the home, and that reasonable efforts have been made to achieve the goal of the 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 providing long-term stability. This bill requires the juvenile court to make the finding that reasonable efforts have been made to achieve the goal of the child's permanency plan in a termination of parental rights (TPR) order if a permanency plan has previously been filed with respect to the child.

Under current law, the juvenile court may order a protective placement for a minor 14 years of age or over who has a developmental disability that is likely to be

order the child into the placement and care responsibility of the county department of human services or social services (county department) or, in Milwaukee County, DHFS

permanent, who has a primary need for residential care and custody, and who is so totally incapable of providing for his or her own care or custody as to create a substantial risk of serious harm to himself or herself or to others. Currently, protective placements may be made to such facilities as nursing homes, public medical institutions, centers for the developmentally disabled, foster care services, or other home placements, or to other appropriate facilities. This bill requires a juvenile court to include in an order that protectively places a minor in a foster home, treatment foster home, group home, or residential care center for children and youth a finding that placement of the minor in his or her home would be contrary to the welfare of the minor and, subject to certain exceptions, a finding that reasonable efforts have been made to prevent the removal of the minor from the home.

Under current law, in an action affecting the family, for example, a divorce proceeding, if the circuit court finds that neither parent is able to care for the child adequately or is fit and proper to have care and custody of the child, the circuit court may declare the child to be in need of protection or services and transfer legal custody of the child to a relative of the child, to the county department, or to a licensed child welfare agency. This bill requires a circuit court to include in an order transferring legal custody of a child found to be in need of protection or services in an action affecting the family a finding that placement of the child in his or her home would be contrary to the welfare of the child and, subject to certain exceptions, a finding that reasonable efforts have been made to prevent the removal of the child from the home.

The bill also requires a juvenile court, when ordering a child to be placed outside the home, to include in the order an order requiring the county department of human services (county department), DHFS in Milwaukee County, or the agency primarily responsible for providing services to the child to be responsible for the care and placement of the child.

Under current law, if a child who has been taken into custody under the Children's Code or the Juvenile Justice Code is not released, the juvenile court is required to hold a hearing to determine whether the child should continue to be held in custody and is required to include in an order to hold a child in temporary physical custody certain findings, including a finding that reasonable efforts have been made to prevent the removal of the child from the home. Currently, if for good cause shown sufficient information is not available for the juvenile court to make that finding, the county department, DHFS in Milwaukee County, or the agency primarily responsible for providing services to the child is required to file with the juvenile court sufficient information for the juvenile court to make that finding within five days after the date of the temporary physical custody order.

This bill requires a rehearing to be held on the issue of whether reasonable efforts were made to prevent the removal of the child from the home when at the time of the initial temporary physical custody hearing sufficient information is not available for the juvenile court to make a finding as to that issue. The juvenile court is required to hold that rehearing within five days, excluding Saturdays, Sundays, and legal holidays, after the date on which the temporary physical custody order is

and juvenile court department, DHFS, or DOC when placing a child outside the home under a voluntary agreement to specifically DHFS or DOC had placement and care responsibility for the child

granted and, after the rehearing, the juvenile court is required to enter an order that includes a finding as to that issue.

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

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

1 SECTION 1. 48.21 (5) (b) 1. of the statutes is renumbered 48.21 (5) (b) 1. a. and
2 amended to read:

3 48.21 (5) (b) 1. a. A finding that continued placement of the child in his or her
4 home would be contrary to the welfare of the child. Unless the judge or circuit court
5 commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to
6 5. applies, the order shall in addition include a

7 b. A finding as to whether the person who took the child into custody and the
8 intake worker have made reasonable efforts to prevent the removal of the child from
9 the home, while assuring that the child's health and safety are the paramount
10 concerns, and ~~a~~ unless the judge or circuit court commissioner finds that any of the
11 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

12 c. A finding as to whether the person who took the child into custody and the
13 intake worker have made reasonable efforts to make it possible for the child to return
14 safely home ~~or, if,~~

15 1m. If for good cause shown sufficient information is not available for the judge
16 or circuit court commissioner to make a finding as to whether those reasonable
17 efforts were made to prevent the removal of the child from the home, while assuring
18 that the child's health and safety are the paramount concerns, a finding as to
19 whether those reasonable efforts were made to make it possible for the child to return
20 safely home and an order ~~for the county department, department, in a county having~~

1 a population of 500,000 or more, or agency primarily responsible for providing
 2 services to the child under the custody order to file with the court sufficient
 3 information for the judge or circuit court commissioner to make a finding as to setting
 4 a date for a rehearing on the issue of whether those reasonable efforts were made to
 5 prevent the removal of the child from the home by no later than. The rehearing shall
 6 be held within 5 days, excluding Saturdays, Sundays, and legal holidays, after the
 7 date of on which the order is granted. After the rehearing, the judge or circuit court
 8 commissioner shall enter an order that includes a finding as to whether those
 9 reasonable efforts were made to prevent the removal of the child from the home.

10 ~~SECTION 2. 48.21 (5) (b) 1. d. of the statutes is created to read:~~

11 48.21 (5) (b) 1. d. An order requiring the county department, the department,
 12 in a county having a population of 500,000 or more, or the agency primarily
 13 responsible for providing services to the child under the custody order to be
 14 responsible for the care and placement of the child.

15 SECTION 3. 48.21 (5) (c) of the statutes is amended to read:

16 48.21 (5) (c) The judge or circuit court commissioner shall make the findings
 17 specified in par. (b) 1., 1m., and 3. on a case-by-case basis based on circumstances
 18 specific to the child and shall document or reference the specific information on
 19 which those findings are based in the custody order. A custody order that merely
 20 references par. (b) 1., 1m., or 3. without documenting or referencing that specific
 21 information in the custody order or an amended custody order that retroactively
 22 corrects an earlier custody order that does not comply with this paragraph is not
 23 sufficient to comply with this paragraph.

24 SECTION 4. 48.315 (2m) (a) 1. of the statutes is amended to read:

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~~the judge or circuit court commissioner shall order the child into the placement and care responsibility of the county department or in a county having a population of 500,000 or more, the department and shall~~

include
in
—

1 48.315 (2m) (a) 1. The court making an initial finding under s. 48.21 (5) (b) 1
2 or 1m., 48.355 (2) (b) 6., or 48.357 (2v) (a) 1. that reasonable efforts have been made
3 to prevent the removal of the child from the home, while assuring that the child's
4 health and safety are the paramount concerns, or an initial finding under s. 48.21
5 (5) (b) 3., 48.355 (2) (b) 6r., or 48.357 (2v) (a) 3. that those efforts were not required
6 to be made because a circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, more
7 than 60 days after the date on which the child was removed from the home.

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8 SECTION 5. 48.32 (1) (b) 1. of the statutes is renumbered 48.32 (1) (b) 1. (intro.)
9 and amended to read:

10 48.32 (1) (b) 1. (intro.) If at the time the consent decree is entered into the child
11 is placed outside the home under a voluntary agreement under s. 48.63 or is
12 otherwise living outside the home without a court order and if the consent decree
13 maintains the child in that placement or other living arrangement, the consent
14 decree shall include a. all of the following:

15 a. A finding that placement of the child in his or her home would be contrary
16 to the welfare of the child, a. ~~with placement and care responsibility for~~

17 b. A finding as to whether the county department, the department, in a county
18 having a population of 500,000 or more, or the agency primarily responsible for
19 providing services to the child has made reasonable efforts to prevent the removal
20 of the child from the home, while assuring that the child's health and safety are the
21 paramount concerns, unless the judge or circuit court commissioner finds that any
22 of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, and a.

23 c. A finding as to whether the ~~county department, department, or agency~~ has
24 made reasonable efforts to achieve the goal of the child's permanency plan, unless
25 return of the child to the home is the goal of the permanency plan and the judge or

with placement and care responsibility for the child

1 circuit court commissioner finds that any of the circumstances specified in s. 48.355
2 (2d) (b) 1. to 5. applies.

3 **SECTION 6.** 48.32 (1) (b) 1. d. of the statutes is created to read:

4 48.32 (1) (b) 1. d. An order requiring the county department, the department,
5 in a county having a population of 500,000 or more, or the agency primarily
6 responsible for providing services to the child to be responsible for the care and
7 placement of the child.

8 **SECTION 7.** 48.355 (2) (b) 6. of the statutes is amended to read:

9 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued
10 placement of the child in his or her home would be contrary to the welfare of the child,
11 a finding as to whether the county department, the department, in a county having
12 a population of 500,000 or more, or the agency primarily responsible for providing
13 services under a court order has made reasonable efforts to prevent the removal of
14 the child from the home, while assuring that the child's health and safety are the
15 paramount concerns, unless the court finds that any of the circumstances specified
16 in sub. (2d) (b) 1. to 5. applies, and a finding as to whether the county department,
17 department, or agency has made reasonable efforts to achieve the goal of the child's
18 permanency plan, unless return of the child to the home is the goal of the permanency
19 plan and the court finds that any of the circumstances specified in sub. (2d) (b) 1. to
20 5. applies, and an order requiring the county department, department, or agency to
21 be responsible for the care and placement of the child. The court shall make the
22 findings specified in this subdivision on a case-by-case basis based on circumstances
23 specific to the child and shall document or reference the specific information on
24 which those findings are based in the court order. A court order that merely
25 references this subdivision without documenting or referencing that specific

1 information in the court order or an amended court order that retroactively corrects
2 an earlier court order that does not comply with this subdivision is not sufficient to
3 comply with this subdivision.

4 SECTION 8. 48.357 (2v) (a) 1. of the statutes is amended to read:

5 48.357 (2v) (a) 1. If the change in placement order changes the child's
6 placement from a placement in the child's home to a placement outside the child's
7 home, a finding that continued placement of the child in his or her home would be
8 contrary to the welfare of the child and, unless a circumstance specified in s. 48.355
9 (2d) (b) 1. to 5. applies, a finding that the agency primarily responsible for
10 implementing the dispositional order has made reasonable efforts to prevent the
11 removal of the child from the home, while assuring that the child's health and safety
12 are the paramount concerns, unless a circumstance specified in s. 48.355 (2d) (b) 1.
13 to 5. applies, and an order requiring the agency to be responsible for the care and

14 ~~placement of the child.~~

With placement and care responsibility for
the child

15 SECTION 9. 48.425 (1) (c) of the statutes is amended to read:

16 48.425 (1) (c) If the child has been previously adjudicated to be in need of
17 protection and services, a statement of the steps the agency or person responsible for
18 provision of services has taken to remedy the conditions responsible for court
19 intervention and the parent's response to and cooperation with these services. If the
20 child has been removed from the home, the report should shall also include a
21 statement of the reasons why the child cannot be returned safely to the family, and
22 the steps the ~~person or~~ agency has taken to effect this return. If a permanency plan
23 has previously been prepared for the child, the report shall also include specific
24 information showing that the agency primarily responsible for providing services to

With placement and care responsibility for

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1 the child has made reasonable efforts to achieve the goal of the child's permanency
2 plan.

3 ~~SECTION 10. 48.43 (1) (a) of the statutes is amended to read:~~

4 48.43 (1) (a) The identity of any agency or individual that has received
5 guardianship of the child or will receive guardianship or custody of the child upon
6 termination, an order requiring that agency to be responsible for the care and
7 placement of the child, and the identity of the agency which will be responsible for
8 securing the adoption of the child or establishing the child in a permanent family

9 setting with placement and care responsibility for

10 SECTION 11. 48.43 (1) (cm) of the statutes is created to read:

11 48.43 (1) (cm) If a permanency plan has previously been prepared for the child,
12 a finding as to whether the agency primarily responsible for providing services to the
13 child has made reasonable efforts to achieve the goal of the child's permanency plan.

14 The court shall make the findings specified in this paragraph on a case-by-case basis
15 based on circumstances specific to the child and shall document or reference the
16 specific information on which those findings are based in the order. An order that
17 merely references this paragraph without documenting or referencing that specific
18 information in the order or an amended order that retroactively corrects an earlier
19 order that does not comply with this paragraph is not sufficient to comply with this
20 paragraph.

21 SECTION 12. 55.055 (5) of the statutes is amended to read:

22 55.055 (5) If a ward lives with his or her guardian, the guardian may make
23 temporary protective placement of the ward, to provide the guardian with a vacation
24 or to release the guardian temporarily for a family emergency. The temporary
25 protective placement may be made for not more than 30 days but the court may, upon

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And order ✓

1 application, grant an additional period not to exceed 60 days in all. The application
2 shall include any information that the court may reasonably deem necessary. When
3 reviewing the application, the court shall provide the least restrictive temporary
4 protective placement that is consistent with the needs of the ward. If the court
5 provides for the temporary placement of a minor who is alleged to be developmentally
6 disabled in a foster home, treatment foster home, group home, or residential care
7 center for children and youth, the order providing for that placement shall include
8 the findings specified in s. 55.12 (7m). ✓

9 **SECTION 13.** 55.075 (2) (c) of the statutes is created to read:

10 55.075 (2) (c) If the petitioner intends to recommend placement of a minor who
11 is alleged to be developmentally disabled in a foster home, treatment foster home,
12 group home, or residential care center for children and youth, the petition shall
13 contain specific information showing that placement of the minor in his or her home
14 would be contrary to the welfare of the minor and, unless any of the circumstances
15 specified in s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that the
16 petitioner has made reasonable efforts to prevent the removal of the minor from the
17 home, while assuring that the health and safety of the minor are the paramount
18 concerns.

19 **SECTION 14.** 55.11 (1) (c) of the statutes is amended to read:

20 55.11 (1) (c) A medical, psychological, social, vocational, and educational
21 evaluation and review, if necessary, and any recommendations for or against
22 maintenance of partial legal rights as provided in s. 54.25 (2). The evaluation and
23 review shall include recommendations for the individual's placement that are
24 consistent with the requirements of s. 55.12 (3), (4), and (5). If placement of a minor
25 who is alleged to be developmentally disabled in a foster home, treatment foster

the court shall order the minor into the placement and care responsibility of the county department and shall include in

SECTION 14

home, group home, or residential care center for children and youth is recommended, the evaluation and review shall also include specific information showing that placement of the minor in his or her home would be contrary to the welfare of the minor and, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that the petitioner has made reasonable efforts to prevent the removal of the minor from the home, while assuring that the health and safety of the minor are the paramount concerns.

SECTION 15. 55.12 (7m) of the statutes is created to read:

55.12 (7m) If the court orders a minor who is developmentally disabled to be placed in a foster home, treatment foster home, group home, or residential care center for children and youth, ~~the order shall include a finding that placement of the minor in his or her home would be contrary to the welfare of the minor~~ ^{and} a finding that the petitioner has made reasonable efforts to prevent the removal of the minor from the home, while assuring that the health and safety of the minor are the paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies ~~and an order requiring the county department or agency ordered to provide protective placement to be responsible for the care and placement of the minor.~~ The court shall make the findings specified in this subsection on a case-by-case basis based on circumstances specific to the minor and shall document or reference the specific information on which those findings are based in the court order. A court order that merely references this subsection without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subsection is not sufficient to comply with this subsection.

SECTION 16. 55.135 (5m) of the statutes is created to read:

If the ^{legal} custodian appointed under par. (a) is a county department, the court shall order the child ^{into} the placement and care responsibility of the county department.

1 55.135 (5m) If the court orders temporary placement of a minor who is alleged
2 to be developmentally disabled in a foster home, treatment foster home, group home,
3 or residential care center for children and youth, the order shall include the findings
4 and order specified in s. 55.12 (7m).

5 SECTION 17. 767.41 (3) (am) of the statutes is created to read:

and

6 767.41 (3) (am) If the court transfers legal custody of a child under this
7 subsection, the order transferring custody shall include a finding that placement of
8 the child in his or her home would be contrary to the welfare of the child, a finding
9 that reasonable efforts have been made to prevent the removal of the child from the
10 home, while assuring that the health and safety of the child are the paramount
11 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
12 applies, and, if the legal custodian appointed under par. (a) is an agency, an order
13 requiring the agency to be responsible for the care and placement of the child. The
14 court shall make the findings specified in this paragraph on a case-by-case basis
15 based on circumstances specific to the child and shall document or reference the
16 specific information on which those findings are based in the court order. A court
17 order that merely references this paragraph without documenting or referencing
18 that specific information in the court order or an amended court order that
19 retroactively corrects an earlier court order that does not comply with this paragraph
20 is not sufficient to comply with this paragraph.

21 SECTION 18. 767.451 (7) of the statutes is amended to read:

22 767.451 (7) TRANSFER TO DEPARTMENT. The court may order custody transferred
23 to the department of health and family services only if that department agrees to
24 accept custody. If the court orders custody transferred to the department of health

and order

and family services, the order transferring custody shall include the findings specified in s. 767.41 (3) (am). ✓

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SECTION 19. 938.21 (5) (b) 1. of the statutes is renumbered 938.21 (5) (b) 1. a.

and amended to read:

938.21 (5) (b) 1. a. A finding that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile. Unless the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, the order shall in addition include a-

b. A finding as to whether the person who took the juvenile into custody and the intake worker have made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, and a- unless the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

c. A finding as to whether the person who took the juvenile into custody and the intake worker have made reasonable efforts to make it possible for the juvenile to return safely home.

1m. If for good cause shown sufficient information is not available for the court to make a finding as to whether those reasonable efforts were made to prevent the removal of the juvenile from the home, the order shall include while assuring that the juvenile's health and safety are the paramount concerns, a finding as to whether those reasonable efforts were made to make it possible for the juvenile to return safely home and an order for the county department or agency primarily responsible for providing services to the juvenile under the custody order to file with the court sufficient information for the court to make a finding as to setting a date for a rehearing on the issue of whether those reasonable efforts were made to prevent the

1 removal of the juvenile from the home by no later than. The rehearing shall be held
2 within 5 days, excluding Saturdays, Sundays, and legal holidays, after the date of
3 on which the order is granted. After the rehearing, the court shall enter an order that
4 includes a finding as to whether those reasonable efforts were made to prevent the
5 removal of the juvenile from the home.

6 ~~SECTION 20. 938.21 (5) (b) 1. d. of the statutes is created to read:~~
7 938.21 (5) (b) 1. d. An order requiring the county department or the agency
8 primarily responsible for providing services to the juvenile under the custody order
9 to be responsible for the care and placement of the juvenile.

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10 SECTION 21. 938.21 (5) (c) of the statutes is amended to read:

11 938.21 (5) (c) The court shall make the findings specified in par. (b) 1., 1m., and
12 3. on a case-by-case basis based on circumstances specific to the juvenile and shall
13 document or reference the specific information on which those findings are based in
14 the custody order. A custody order that merely references par. (b) 1., 1m., or 3.
15 without documenting or referencing that specific information in the custody order
16 or an amended custody order that retroactively corrects an earlier custody order that
17 does not comply with this paragraph is not sufficient to comply with this paragraph.

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18 SECTION 22. 938.315 (2m) (a) of the statutes is amended to read:

19 938.315 (2m) (a) The court making an initial finding under s. 938.21 (5) (b) 1.
20 or 1m., 938.355 (2) (b) 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made
21 to prevent the removal of the juvenile from the home, while assuring that the
22 juvenile's health and safety are the paramount concerns, or an initial finding under
23 s. 938.21 (5) (b) 3., 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not
24 required to be made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4.

1 applies, more than 60 days after the date on which the juvenile was removed from
2 the home.

3 ~~SECTION 23. 938.32 (1) (c) 1. d. of the statutes is created to read:~~

4 ~~938.32 (1) (c) 1. d. An order requiring the county department or the agency~~
5 ~~primarily responsible for providing services to the juvenile to be responsible for the~~
6 ~~care and placement of the juvenile.~~

7 ~~SECTION 24. 938.355 (2) (b) 6. of the statutes is amended to read:~~

8 ~~938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that~~
9 ~~continued placement of the juvenile in his or her home would be contrary to the~~
10 ~~welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is~~
11 ~~placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that~~
12 ~~the juvenile's current residence will not safeguard the welfare of the juvenile or the~~
13 ~~community due to the serious nature of the act for which the juvenile was adjudicated~~
14 ~~delinquent. The court order shall also contain a finding as to whether the county~~
15 ~~department or the agency primarily responsible for providing services under a court~~
16 ~~order has made reasonable efforts to prevent the removal of the juvenile from the~~
17 ~~home, while assuring that the juvenile's health and safety are the paramount~~
18 ~~concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.~~
19 ~~to 4. applies, and a finding as to whether the county department or agency has made~~
20 ~~reasonable efforts to achieve the goal of the juvenile's permanency plan, unless~~
21 ~~return of the juvenile to the home is the goal of the permanency plan and the court~~
22 ~~finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies, and an order~~
23 ~~requiring the county department or agency to be responsible for the care and~~
24 ~~placement of the juvenile. The court shall make the findings specified in this~~
25 ~~subdivision on a case-by-case basis based on circumstances specific to the juvenile~~

1 and shall document or reference the specific information on which those findings are
2 based in the court order. A court order that merely references this subdivision
3 without documenting or referencing that specific information in the court order or
4 an amended court order that retroactively corrects an earlier court order that does
5 not comply with this subdivision is not sufficient to comply with this subdivision.

6 **SECTION 25.** 938.355 (6) (cm) of the statutes is amended to read:

7 **938.355 (6) (cm) Reasonable efforts finding.** The court may not order the
8 sanction of placement in a place of nonsecure custody specified in par. (d) 1. unless
9 the court finds that the agency primarily responsible for providing services for the
10 juvenile has made reasonable efforts to prevent the removal of the juvenile from his
11 or her home and that continued placement of the juvenile in his or her home is
12 contrary to the welfare of the juvenile and orders the agency to be responsible for the
13 care and placement of the juvenile. These findings are not required if they were made
14 in the dispositional order under which the juvenile is being sanctioned. The court
15 shall make the findings under this paragraph on a case-by-case basis based on
16 circumstances specific to the juvenile and shall document or reference the specific
17 information on which that finding is based in the sanction order. A sanction order
18 that merely references this paragraph without documenting or referencing that
19 specific information in the sanction order or an amended sanction order that
20 retroactively corrects an earlier sanction order that does not comply with this
21 paragraph is not sufficient to comply with this paragraph.

22 **SECTION 26.** 938.355 (6m) (cm) of the statutes is amended to read:

23 **938.355 (6m) (cm) Reasonable efforts finding.** The court may not order the
24 sanction of placement in a place of nonsecure custody under par. (a) 1g. unless the
25 court finds that the agency primarily responsible for providing services for the

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1 juvenile has made reasonable efforts to prevent the removal of the juvenile from his
 2 or her home and that continued placement of the juvenile in his or her home is
 3 contrary to the welfare of the juvenile and orders the agency to be responsible for the
 4 care and placement of the juvenile. The court shall make the findings under this
 5 paragraph on a case-by-case basis based on circumstances specific to the juvenile
 6 and shall document or reference the specific information on which that finding is
 7 based in the sanction order. A sanction order that merely references this paragraph
 8 without documenting or referencing that specific information in the sanction order
 9 or an amended sanction order that retroactively corrects an earlier sanction order
 10 that does not comply with this paragraph is not sufficient to comply with this
 11 paragraph.

12 ~~SECTION 27.~~ 938.357 (2v) (a) 1. of the statutes is amended to read:

13 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a
 14 placement in the juvenile's home to a placement outside the juvenile's home, a
 15 finding that continued placement of the juvenile in his or her home would be contrary,
 16 to the welfare of the juvenile and, ~~unless a circumstance under s. 938.355 (2d) (b) 1.~~
 17 ~~to 4. applies,~~ a finding that the agency primarily responsible for implementing the
 18 dispositional order has made reasonable efforts to prevent the removal of the
 19 juvenile from the home, while assuring that the juvenile's health and safety are the
 20 paramount concerns, unless a circumstance specified in s. 938.355 (2d) (b) 1. to 4.
 21 applies, and an order requiring the agency to be responsible for the care and
 22 placement of the juvenile.

23 **SECTION 9321. Initial applicability; health and family services.**

24 (1) OUT-OF-HOME PLACEMENTS OF CHILDREN.

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23

letter

Sections 48.33 (1) (c) and (4) (c) and (d), and 938.365 (2) (b) 1.

1 (a) *Juvenile court reports.* The treatment of section 48.425(1) (c) of the statutes
2 first applies to reports filed with the court assigned to exercise jurisdiction under
3 chapters 48 and 938 of the statutes on the effective date of this paragraph.

4 (b) *Orders placing child outside home.* The treatment of sections ~~48.21 (5) (c),~~
5 ~~48.355 (2) (b) 6, 48.357 (2v) (a) 1, 48.43 (1) (a) and (c), 767.41 (3) (a), 767.451 (7),~~
6 ~~938.21 (5) (c), 938.355 (2) (b) 6., (6) (cm), and (6m) (cm), and 938.357 (2v) (a) 1. of the~~
7 ~~statutes, the renumbering and amendment of sections 48.21 (5) (b) 1., 48.32 (1) (b)~~
8 ~~1, and 938.21 (5) (b) 1. of the statutes, and the creation of sections 48.21 (5) (b) 1. d,~~
9 ~~48.32 (1) (b) 1. d, and 938.21 (5) (b) 1. d of the statutes, first apply to court orders~~
10 granted on the effective date of this paragraph.

- 11 (d) *Protective placements of minors.*
- 12 1. 'Petitions.' The treatment of sections 55.075 (2) (c), 55.11 (1) (c), and 55.12
- 13 (7m) of the statutes first applies to petitions requesting the protective placement of
- 14 a minor filed on the effective date of this subdivision.
- 15 2. 'Emergency protective placements.' The treatment of section 55.135 (5m) of
- 16 the statutes first applies to minors taken into custody under section 55.135 (1) (a) of
- 17 the statutes on the effective date of this subdivision.
- 18 3. 'Temporary protective placements.' The treatment of section 55.055 (5) of the
- 19 statutes first applies to applications for temporary protective placement of a minor
- 20 filed on the effective date of this subdivision.

Insert
17-10

applies
Insert
17-9

(END) D-note

~~(c) Voluntary agreements placing child outside home. The
treatment of sections 48.425 (1) and 48.73 (1) (c) 1, of the statutes
first applies to voluntary agreements placing a child outside
the home entered into on the effective date of this paragraph.~~

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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...GMM:.....

(INSERT 3-1)

SECTION 1. 48.21 (4) (b) of the statutes is amended to read:

48.21 (4) (b) Order the child into the placement and care responsibility of the county department or, in a county having a population of 500,000 or more, the department and order the child to be held in an appropriate manner under s. 48.207, 48.208, or 48.209.

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

(END OF INSERT)

(INSERT 4-14)

SECTION 2. 48.21 (5) (b) 3. of the statutes is amended to read:

48.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the ~~county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services~~ agency with placement and care responsibility under the custody order is not required to make reasonable efforts with respect to the parent to make it possible for the child to return safely to his or her home.

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

(END OF INSERT)

(INSERT 4-23)

SECTION 3. 48.235 (4) (b) of the statutes is amended to read:

48.235 (4) (b) The court shall order the agency with placement and care responsibility under s. 48.355 (1m) or the agency identified under s. 48.355 (2) (b) 1. as primarily responsible for the provision of services to notify the guardian ad litem, if any, regarding actions to be taken under par. (a).

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 189, 263; 1993 a. 16, 318, 395; 1995 a. 27, 275; 1997 a. 237, 292, 334; 1999 a. 149; 2005 a. 293; 2005 a. 443 s. 265.

SECTION 4. 48.235 (4m) (b) ✓ of the statutes is amended to read:

48.235 (4m) (b) The court shall order the agency with placement and care responsibility under s. 48.355 (1m) ✓ or the agency identified under s. 48.355 (2) (b) 1. as ✓ primarily responsible for the provision of services to notify the guardian ad litem, if any, regarding actions to be taken under par. (a).

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 189, 263; 1993 a. 16, 318, 395; 1995 a. 27, 275; 1997 a. 237, 292, 334; 1999 a. 149; 2005 a. 293; 2005 a. 443 s. 265.

(END OF INSERT)

(INSERT 5-7)

SECTION 5. 48.315 (2m) (a) 2. ✓ of the statutes is amended to read:

48.315 (2m) (a) 2. The court making an initial finding under s. 48.38 (5m) that the agency primarily responsible for providing services to ✓ with placement and care responsibility for the child has made reasonable efforts to achieve the goals of the child's permanency plan more than 12 months after the date on which the child was removed from the home or making any subsequent findings under s. 48.38 (5m) as to those reasonable efforts more than 12 months after the date of a previous finding as to those reasonable efforts.

History: 1977 c. 354; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 403; 1991 a. 263; 1993 a. 98; 1997 a. 292; 2001 a. 16, 109.

(END OF INSERT)

(INSERT 7-14)

SECTION 6. 48.32 (1) (b) 2. ✓ of the statutes is amended to read:

48.32 (1) (b) 2. If the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the consent decree shall include a determination that the ~~county department,~~ ~~department,~~ in a county having a population of 500,000 or more, or agency primarily responsible for providing services agency with placement and care responsibility



under the consent decree is not required to make reasonable efforts with respect to the parent to make it possible for the child to return safely to his or her home.

History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 13, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292; 1999 a. 149; 2001 a. 61, 109.

SECTION 7. 48.33 (1) (c) of the statutes is amended to read:

48.33 (1) (c) ~~A~~ If the report does not recommend placement of the child or child expectant mother outside of his or her home, a description of the specific services or continuum of services ~~which~~ that the agency is recommending ~~that~~ the court to order for the child or family or for the expectant mother of the unborn child, the persons or agencies that would be primarily responsible for providing those services, the identity of the person or agency that would provide case management or coordination of services, if any, and, ~~in the case of a child adjudged to be in need of protection or services,~~ whether or not the child should receive an integrated service plan.

History: 1977 c. 354; 1979 c. 300; 1983 a. 399; 1987 a. 27, 339; 1989 a. 31, 41, 107; 1993 a. 377, 385, 446, 481; 1995 a. 27, 77, 201; 1997 a. 27, 292; 2001 a. 59, 109; 2005 a. 25.

SECTION 8. 48.33 (4) (c) of the statutes is amended to read:

48.33 (4) (c) Specific information showing that continued placement of the child in his or her home would be contrary to the welfare of the child, specific information showing that the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, and specific information showing that the ~~county department, department,~~ or agency with placement and care responsibility for the child has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child



to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

History: 1977 c. 354; 1979 c. 300; 1983 a. 399; 1987 a. 27, 339; 1989 a. 31, 41, 107; 1993 a. 377, 385, 446, 481; 1995 a. 27, 77, 201; 1997 a. 27, 292; 2001 a. 59, 109; 2005 a. 25.

SECTION 9. 48.33 (4) (d) of the statutes is created to read:

48.33 (4) (d) If the report recommends placement of the child or child expectant mother outside of his or her home, a description of the specific services that the agency is recommending the court to order for the child or family or for the expectant mother of the unborn child and whether or not the child should receive an integrated service plan.

SECTION 10. 48.335 (3g) of the statutes is renumbered 48.335 (3g) (intro.) and amended to read:

48.335 (3g) ^(intro.) At hearings under this section, if the agency, as defined in s. 48.38 (1) (a), is recommending placement of the child in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent, the agency shall present as evidence specific information showing that all of the following:

(a) That continued placement of the child in his or her home would be contrary to the welfare of the child, ~~specific information showing that~~.

(b) That the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, ~~and specific information showing that the county department, department, or agency.~~



(c) That the agency with placement and care responsibility for the child has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

History: 1977 c. 354; 1979 c. 300, 331, 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1993 a. 98, 481; 1995 a. 77; 1997 a. 252, 292; 2001 a. 109.

SECTION 11. 48.355 (1m) of the statutes is created to read:

48.355 (1m) PLACEMENT AND CARE RESPONSIBILITY. When granting an order placing a child outside of his or her home, the court shall order the child into the placement and care responsibility of the county department or, in a county having a population of 500,000 or more, the department.

SECTION 12. 48.355 (2) (b) 1. of the statutes is amended to read:

48.355 (2) (b) 1. The If the order does not place a child or child expectant mother outside of his or her home, the specific services or continuum of services to be provided to the child and family, to the child expectant mother and family, or to the adult expectant mother, the identity of the agencies which that are to be primarily responsible for the provision of the services ordered by the judge, the identity of the person or agency who will provide case management or coordination of services, if any, and, if custody of the child is to be transferred to effect the treatment plan, the identity of the legal custodian.

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 293; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277.

SECTION 13. 48.355 (2) (b) 1d. of the statutes is created to read:

48.355 (2) (b) 1d. If the order places a child or child expectant mother outside of his or her home, the specific services to be provided to the child and family or to the child expectant mother and family and, if custody of the child is to be transferred to effect the treatment plan, the identity of the legal custodian.

SECTION 14. 48.355 (2) (b) 6. of the statutes is amended to read:



48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued placement of the child in his or her home would be contrary to the welfare of the child, a finding as to whether the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies, and a finding as to whether the ~~county department, department, or agency~~ with placement and care responsibility for the child has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies. The court shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the court order. A court order that merely references this subdivision without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 297; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277.

SECTION 15. 48.355 (2) (b) 6r. of the statutes is amended to read:

48.355 (2) (b) 6r. If the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies with respect to a parent, a determination that the ~~county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services~~ agency with placement and care



responsibility under the court order is not required to make reasonable efforts with respect to the parent to make it possible for the child to return safely to his or her home.

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

SECTION 16. 48.355 (2c) (b) of the statutes is amended to read:

48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether the ~~county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services to~~ agency with placement and care responsibility for the child under a court order has made reasonable efforts to achieve the goal of the permanency plan, the court's consideration of reasonable efforts shall include the considerations listed under par. (a) 1. to 5. and whether visitation schedules between the child and his or her parents were implemented, unless visitation was denied or limited by the court.

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

SECTION 17. 48.355 (2d) (b) (intro.) of the statutes is amended to read:

48.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required to include in a dispositional order a finding as to whether the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services under a court order has made reasonable efforts with respect to a parent of a child to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, or a finding as to whether the ~~county department, department, or agency~~ with placement and care responsibility under a court order has made reasonable efforts



with respect to a parent of a child to achieve the permanency plan goal of returning the child safely to his or her home, if the court finds any of the following:

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

SECTION 18. 48.357 (1) (am) 3. of the statutes is amended to read:

48.357 (1) (am) 3. If the court changes the child's placement from a placement outside the home to another placement outside the home, the court shall order the child to be continued in the placement and care responsibility of the county department or, in a county having a population of 500,000 or more, the department and shall include in the change in placement order shall contain one of the statements specified in sub. (2v) (a) 2.

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.

SECTION 19. 48.357 (1) (c) 3. of the statutes is amended to read:

48.357 (1) (c) 3. If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the court shall order the child into the placement and care responsibility of the county department or, in a county having a population of 500,000 or more, the department and shall include in the change in placement order shall contain the findings specified in sub. (2v) (a) 1., one of the statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination specified in sub. (2v) (a) 3.

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.

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

48.357 (2m) (c) If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the court shall order the child into the placement and care responsibility of the county department or, in a county having a population of 500,000 or more, the department and shall include in



the change in placement order shall contain the findings specified in sub. (2v) (a) 1., one of the statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination specified in sub. (2v) (a) 3. ^{check Δ} If the court changes the child's placement from a placement outside the home to another placement outside the home, the court shall order the child to be continued in the placement and care responsibility of the county department or, in a county having a population of 500,000 or more, the department and shall include in the change in placement order one of the statements specified in sub. (2v) (a) 2.

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.

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

48.357 (2v) (a) 3. If the court finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the agency primarily responsible for providing services with placement and care responsibility under the change in placement order is not required to make reasonable efforts with respect to the parent to make it possible for the child to return safely to his or her home.

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.

SECTION 22. 48.365 (2g) (b) 1. of the statutes is amended to read:

48.365 (2g) (b) 1. A copy of the report of the review panel under s. 48.38 (5), if any, and a response to the report from the agency ^{strike} primarily responsible for providing services to with placement and care responsibility for the child.

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

SECTION 23. 48.365 (2m) (a) 1. of the statutes is amended to read:

48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of extension. If the child is placed outside of his or her home, the ~~person or agency~~



~~primarily responsible for providing services to~~ [✓] agency with placement and care responsibility for the child shall present as evidence specific information showing that the agency has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies. The judge shall make findings of fact and conclusions of law based on the evidence. The findings of fact shall include a finding as to whether reasonable efforts were made by the agency ~~primarily responsible for providing services to~~ [✓] with placement and care responsibility for the child to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and the judge finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies. An order shall be issued under s. 48.355.

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

SECTION 24. [✓] 48.365 (2m) (a) 2. of the statutes is amended to read:

48.365 (2m) (a) 2. If the judge finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the order shall include a determination that the person or agency ~~primarily responsible for providing services to~~ agency with placement and care responsibility [✓] for the child is not required to make reasonable efforts with respect to the parent to make it possible for the child to return safely to his or her home.

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

SECTION 25. [✓] 48.38 (2) (intro.) of the statutes is amended to read:

48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, treatment foster home, group home, residential care center for children and youth, juvenile detention facility, or shelter care facility,



the agency that placed the child or arranged the placement or the agency assigned ~~primary responsibility for providing services to~~ placement and care responsibility for the child under s. 48.355 (1m) shall prepare a written permanency plan, if any of the following conditions exists, and, for each child living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

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

SECTION 26. 48.38 (5) (f) of the statutes is amended to read:

48.38 (5) (f) If the summary prepared under par. (e) indicates that the review panel made recommendations that conflict with the court order or that provide for additional services not specified in the court order, the agency ~~primarily responsible for providing services to~~ with placement and care responsibility for the child shall request a revision of the court order.

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.

SECTION 27. 48.417 (2) (c) of the statutes is amended to read:

48.417 (2) (c) The agency primarily responsible for providing services to the ~~child and the family under a court order,~~ if required under s. 48.355 (2) (b) 6. to make reasonable efforts to make it possible for the child to return safely to his or her home, has not provided to the family of the child, consistent with the time period in the child's permanency plan, the services necessary for the safe return of the child to his or her home.

History: 1997 a. 237; 2001 a. 109; 2005 a. 277.

SECTION 28. 48.417 (3) of the statutes is amended to read:

48.417 (3) CONCURRENT ADOPTION EFFORTS REQUIRED. If a petition is filed or joined in as required under sub. (1), the agency ~~primarily responsible for providing services to~~ with placement and care responsibility for the child under a court order



shall, during the pendency of the proceeding on the petition, work with the agency identified in the report under s. 48.425 (1) (f) that would be responsible for accomplishing the adoption of the child in processing and approving a qualified family for the adoption of the child.

History: 1997 a. 237; 2001 a. 109; 2005 a. 277.

(END OF INSERT)

(INSERT 8-9)

SECTION 29. 48.427 (5) ✓ of the statutes is created to read:

48.427 (5) If the court transfers guardianship, custody, or both of the child to the department or a county department under sub. (5) (a), (am), or (b), the court shall order the child into the placement and care responsibility of the department or county department. ✓

SECTION 30. 48.428 (4) ✓ of the statutes is amended to read:

48.428 (4) Before a licensed foster parent, licensed treatment foster parent, or kinship care relative may be appointed as a sustaining parent, the foster parent, treatment foster parent, or kinship care relative shall execute a contract with the agency ~~responsible for providing services to~~ with placement and care responsibility ✓ for the child, in which the foster parent, treatment foster parent, or kinship care relative agrees to provide care for the child until the child's 18th birthday unless the placement order is changed by the court because the court finds that the sustaining parents are no longer able or willing to provide the sustaining care or the court finds that the behavior of the sustaining parents toward the child would constitute



grounds for the termination of parental rights if the sustaining parent was were the birth parent of the child.

History: 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 359 s. 16; 1985 a. 70; 1985 a. 176; 1989 a. 161; 1993 a. 446; 1995 a. 275, 289; 1997 a. 27, 164; 1999 a. 9; 2005 a. 232.
(END OF INSERT)

(INSERT 8-20)

SECTION 31. 48.62 (5) (a) 1. [✓] of the statutes is amended to read:

48.62 (5) (a) 1. The child has been placed outside of his or her home, as described in s. 48.365 (1), for a cumulative total period of one year or longer, the court has found that the agency ~~primarily responsible for providing services to~~ with placement and care responsibility for the child under a court order has made reasonable efforts to make it possible for the child to return to his or her home, while assuring that the child's health and safety are the paramount concerns, but that reunification of the child with the child's parent or parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child, or that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. apply, and the court has found that appointment of a guardian for the child is in the best interests of the child.

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 [✓] 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; s. 13.93 (2) (c).

SECTION 32. 48.63 (1) of the statutes is amended to read:

48.63 (1) Acting under court order or voluntary agreement, the child's parent or guardian or the department of health and family services, the department of corrections, a county department, or a child welfare agency licensed to place children in foster homes, treatment foster homes, or group homes may place a child or negotiate or act as intermediary for the placement of a child in a foster home, treatment foster home, or group home. Voluntary agreements under this subsection



may not be used for placements in facilities other than foster, treatment foster, or group homes and may not be extended. A foster home or treatment foster home placement under a voluntary agreement may not exceed 180 days from the date on which the child was removed from the home under the voluntary agreement. A group home placement under a voluntary agreement may not exceed 15 days from the date on which the child was removed from the home under the voluntary agreement, except as provided in sub. (5). These time limitations do not apply to placements made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may be made only under this subsection and sub. (5) (b) and shall be in writing and shall specifically state that the agreement may be terminated at any time by the parent or guardian or by the child if the child's consent to the agreement is required. The child's consent to the agreement is required whenever the child is 12 years of age or older. If a county department, the department of health and family services, or the department of corrections places a child or negotiates or acts as intermediary for the placement of a child under this subsection, the voluntary agreement shall also specifically state that the county department, department of health and family services, or department of corrections has placement and care responsibility for the child.

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

SECTION 33. 48.75 (1g) (c) 1. of the statutes is amended to read:

48.75 (1g) (c) 1. A statement that the public licensing agency issuing the license is responsible for providing services to has placement and care responsibility for the child who is placed in the foster home, as specified in the agreement.

History: 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 336; 1993 a. 307, 446; 1995 a. 225; 1997 a. 27, 237; 1999 a. 9, 103; 2005 a. 232.

SECTION 34. 48.977 (2) (f) of the statutes is amended to read:



48.977 (2) (f) That the agency ~~primarily responsible for providing services to~~ with placement and care responsibility for ✓ the child under a court order has made reasonable efforts to make it possible for the child to return to his or her home, while assuring that the child's health and safety are the paramount concerns, but that reunification of the child with the child's parent or parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child or that the ✓ agency primarily responsible for providing services to the child under a court order has made reasonable efforts to prevent the removal of the child from his or her home, while assuring the child's health and safety, but that continued placement of the child in the home would be contrary to the welfare of the child, except that the court is not required to find that the agency has made those reasonable efforts with respect to a parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent. The court shall make the findings specified in this paragraph on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the guardianship order. A guardianship order that merely references this paragraph without documenting or referencing that specific information in the order or an amended guardianship order that retroactively corrects an earlier guardianship order that does not comply with this paragraph is not sufficient to comply with this paragraph.

History: 1995 a. 275; 1997 a. 27, 35, 80, 237; 1999 a. 133; 2001 a. 2, 109; 2005 ✓ a. 25, 130, 387.

SECTION 35. 48.977 (4) (c) 1. hm. of the statutes is created to read:

48.977 (4) (c) 1. hm. The agency with placement and care responsibility for the child under a court order. ✓



SECTION 36. 48.977 (4) (e) of the statutes is amended to read:

48.977 (4) (e) *Court report.* For a child who has been placed, or continued in a placement, outside of his or her home for 6 months or longer, the court shall order ~~the person or agency primarily responsible for providing services to~~ agency with placement and care responsibility for the child under a court order to file with the court a report containing the written summary under s. 48.38 (5) (e) and as much information relating to the appointment of a guardian as is reasonably ascertainable. For a child who has been placed, or continued in a placement, outside of his or her home for less than 6 months, the court shall order ~~the person or agency primarily responsible for providing services to~~ agency with placement and care responsibility for the child under a court order to file with the court the report submitted under s. 48.33 (1) or 938.33 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared, and as much information relating to the appointment of a guardian as is reasonably ascertainable. The agency shall file the report at least 48 hours before the date of the dispositional hearing under par. (fm).

History: 1995 a. 275; 1997 a. 27, 35, 80, 237; 1999 a. 133; 2001 a. 2, 109; 2005 a. 25, 130, 387.

(END OF INSERT)

(INSERT 12-2)

SECTION 37. 938.21 (4) (b) of the statutes is amended to read:

938.21 (4) (b) Order the juvenile into the placement and care responsibility of the county department and order the juvenile to be held in an appropriate manner under s. 938.207, 938.208, or 938.209 (1).

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

(END OF INSERT)

(INSERT 13-9)



SECTION 38. 938.21 (5) (b) 3. ✓ of the statutes is amended to read:

938.21 (5) (b) 3. If the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the ~~county department or agency primarily responsible for providing services~~ ✓ agency with placement and care responsibility under the custody order is not required to make reasonable efforts with respect to the parent to make it possible for the juvenile to return safely to his or her home.

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

(END OF INSERT)

(INSERT 13-17)

SECTION 39. 938.235 ✓ (4) (b) of the statutes is amended to read:

938.235 (4) (b) The court shall order the agency with placement and care responsibility under s. 48.355 (1m) ✓ or the agency identified under s. 938.355 (2) (b) 1. as primarily responsible for the provision of services to notify the guardian ad litem, if any, regarding actions to be taken under par. (a).

History: 1995 a. 77, 275; 1997 a. 237; 2005 a. 344; 2005 a. 443 s. 265.

(END OF INSERT)

(INSERT 16-22)

SECTION 40. 938.315 (2m) (b) ✓ of the statutes is amended to read:

938.315 (2m) (b) The court making an initial finding under s. 938.38 (5m) that the agency ~~primarily responsible for providing services to~~ with placement and care responsibility ✓ for the juvenile has made reasonable efforts to achieve the goals of the juvenile's permanency plan more than 12 months after the date on which the juvenile was removed from the home or making any subsequent findings under s. 938.38 (5m)



as to those reasonable efforts more than 12 months after the date of a previous finding as to those reasonable efforts.

History: 1995 a. 77, 352; 1997 a. 181; 2001 a. 16, 109; 2003 a. 284; 2005 a. 344.

SECTION 41. 938.32 (1) (c) 1. (intro.) of the statutes is amended to read:

938.32 (1) (c) 1. (intro.) If at the time the consent decree is entered into the juvenile is placed outside the home under a voluntary agreement under s. 48.63 or is otherwise living outside the home without a court order and if the consent decree maintains the juvenile in that placement or other living arrangement, the court shall order the juvenile into the placement and care responsibility of the county department and shall include in the consent decree ~~shall include~~ all of the following:

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

SECTION 42. 938.32 (1) (c) 1. c. of the statutes is amended to read:

938.32 (1) (c) 1. c. A finding as to whether the county department or agency with placement and care responsibility for the juvenile ~~has~~ [✓] made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

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

SECTION 43. 938.32 (1) (c) 2. of the statutes is amended to read:

938.32 (1) (c) 2. If the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the consent decree shall include a determination that the ~~county department or agency~~ agency with placement and care responsibility ~~primarily responsible for providing services~~ under the consent decree is not required to make reasonable efforts with respect to the parent to make it possible for the juvenile to return safely to his or her home.

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

SECTION 44. 938.33 (1) (c) of the statutes is amended to read:



938.33 (1) (c) ~~A~~ If the report does not recommend placement of the juvenile outside of his or her home, a ✓ description of the specific services or continuum of services that the agency is recommending the court to order for the juvenile or family, the persons or agencies that would be primarily responsible for providing those services, and the identity of the person or agency that would provide case management or coordination of services, if any, and whether or not the juvenile should receive an integrated service plan.

History: 1995 a. 77, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2001 a. ✓ 9, 109; 2005 a. 25, 344.

SECTION 45. 938.33 (4) (c) of the statutes is amended to read:

938.33 (4) (c) Specific information showing that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile, specific information showing that the county department or the agency primarily responsible for providing services to the juvenile has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that ~~the county department or agency~~ with placement and care responsibility for the juvenile ✓ has made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

History: 1995 a. 77, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2001 a. ✓ 9, 109; 2005 a. 25, 344.

SECTION 46. 938.33 (4) (d) of the statutes is created to read:

938.33 (4) (d) If the ✓ report recommends placement of the juvenile outside of his or her home, a description of the specific services that the agency is recommending the court to order for the juvenile and whether or not the juvenile should receive an integrated service plan.



SECTION 47. 938.335 (3g) (c) ✓ of the statutes is amended to read:

938.335 (3g) (c) That the ~~county department or agency~~ ✓ with placement and care responsibility for the juvenile has made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

History: 1995 a. 77; 1997 a. 181, 252; 2001 a. 109; 2005 a. 344.

SECTION 48. 938.355 (1m) ✓ of the statutes is created to read:

938.355 (1m) PLACEMENT AND CARE RESPONSIBILITY. ✓ When granting an order placing a juvenile outside of his or her home, the court shall order the juvenile into the placement and care responsibility of the county department.

SECTION 49. 938.355 (2) (b) 1. ✓ of the statutes is amended to read:

938.355 (2) (b) 1. The If the order does not place the juvenile outside of his or her home, the specific services or continuum of services to be provided to the juvenile and the juvenile's family, ✓ the identity of the agencies that are primarily responsible for the provision of the services, the identity of the person or agency that will provide case management or coordination of services, if any, and, if custody is to be transferred to effect the treatment plan, the identity of the legal custodian.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 108; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344.

SECTION 50. ⁹³⁸ 48.355 (2) (b) 1d. ✓ of the statutes is created to read:

⁹³⁸ 48.355 (2) (b) 1d. If the order places the juvenile ✓ outside of his or her home, the specific services to be provided to the juvenile and ✓ the juvenile's family and, if custody of the juvenile is to be transferred to effect the treatment plan, the identity of the legal custodian.

SECTION 51. 938.355 (2) (b) 6. ✓ of the statutes is amended to read:



938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile was adjudicated delinquent. The court order shall also contain a finding as to whether the county department or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies, and a finding as to whether the ~~county department or agency~~ with placement and care responsibility for the juvenile has made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and the court finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies. The court shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the court order. A court order that merely references this subdivision without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.

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

SECTION 52. 938.355 (2) (b) 6r. of the statutes is amended to read:



938.355 (2) (b) 6r. If the court finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the ~~county department or agency primarily responsible for providing services~~ agency with placement and care responsibility under the court order is not required to make reasonable efforts with respect to the parent to make it possible for the juvenile to return safely to his or her home.

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

SECTION 53. 938.355 (2c) (b) of the statutes is amended to read:

938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether the ~~county department or the agency primarily responsible for providing services to~~ agency with placement and care responsibility for the juvenile under a court order has made reasonable efforts to achieve the goal of the permanency plan, the court's consideration of reasonable efforts shall include the considerations under par. (a) and whether visitation schedules between the juvenile and his or her parents were implemented, unless visitation was denied or limited by the court.

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

SECTION 54. 938.355 (2d) (b) (intro.) of the statutes is amended to read:

938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required to include in a dispositional order a finding as to whether the county department or the agency primarily responsible for providing services under a court order has made reasonable efforts with respect to a parent of a juvenile to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, or, if applicable, a finding as to whether the ~~county department or agency~~ with placement and care responsibility under a court order has made reasonable efforts with respect to a parent of a juvenile to achieve



the permanency plan goal of returning the juvenile safely to his or her home, if the court finds any of the following:

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

SECTION 55. 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, the court shall order the juvenile into the placement and care responsibility of the county department.

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

SECTION 56. 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, the court shall order the juvenile into the placement and care responsibility of the county department. ✓

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

SECTION 57. 938.357 (1) (am) 3. of the statutes is amended to read:

938.357 (1) (am) 3. If the court changes the juvenile's placement from a placement outside the home to another placement outside the home, the court shall order the juvenile to be continued in the placement and care responsibility of the county department and shall include in the change in placement order ✓ ~~shall contain~~ one of the statements under sub. (2v) (a) 2.

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.

SECTION 58. 938.357 (1) (c) 3. of the statutes is amended to read:

938.357 (1) (c) 3. If the court changes the juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, ✓ the court shall order the juvenile into the placement and care responsibility of the county department and shall include in the change in placement order ✓ ~~shall contain~~ the findings under sub. (2v) (a) 1., one of the statements under sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination under sub. (2v) (a) 3.

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

SECTION 59. 938.357 (2m) (c) of the statutes is amended to read:

938.357 (2m) (c) ~~In-home to out-of-home placement; findings~~ ✓ Findings required. If the court changes the juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, the court shall order the juvenile into the placement and care responsibility of the county department and shall include in the change in placement order ✓ ~~shall contain~~ the findings under sub.



(2v) (a) 1., one of the statements under sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination under sub. (2v) (a) 3. If the court changes the juvenile's placement from a placement outside the home to another placement outside the home, the court shall order the juvenile to be continued in the placement and care responsibility of the county department and shall include in the change in placement order ~~shall contain~~ one of the statements under sub. (2v) (a) 2.

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.

SECTION 60. 938.357 (2v) (a) 3. of the statutes is amended to read:

938.357 (2v) (a) 3. If the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the agency primarily responsible for providing services with placement and care responsibility under the change in placement order is not required to make reasonable efforts with respect to the parent to make it possible for the juvenile to return safely to his or her home.

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.

SECTION 61. 938.365 (2g) (b) 1. of the statutes is amended to read:

938.365 (2g) (b) 1. A copy of the report of the review panel under s. 938.38 (5), if any, and a response to the report from the agency primarily responsible for providing services to with placement and care responsibility for the juvenile.

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

SECTION 62. 938.365 (2m) (a) 1. of the statutes is amended to read:

938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of extension. If the juvenile is placed outside of his or her home, the ^{plain} ~~person or agency~~ primarily responsible for providing services to agency with placement and care responsibility for the juvenile shall present as evidence specific information showing that the agency has made reasonable efforts to achieve the goal of the juvenile's



permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions of law based on the evidence. The findings of fact shall include a finding as to whether reasonable efforts were made by the agency ~~primarily responsible for providing services to~~ with placement and care responsibility for the juvenile to achieve the goal of the juvenile's permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies. An order shall be issued under s. 938.355.

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

SECTION 63. 938.365 (2m) (a) 2. of the statutes is amended to read:

938.365 (2m) (a) 2. If the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include a determination that the ~~person or agency primarily responsible for providing services to~~ agency with placement and care responsibility for the juvenile is not required to make reasonable efforts with respect to the parent to make it possible for the juvenile to return safely to his or her home.

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

SECTION 64. 938.38 (2) (intro.) of the statutes is amended to read:

938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each juvenile living in a foster home, treatment foster home, group home, residential care center for children and youth, juvenile detention facility, or shelter care facility, the agency that placed the juvenile or arranged the placement or the agency assigned ~~primary responsibility for providing services to~~ placement and care responsibility for the juvenile under s. 938.355 (1m) shall prepare a written permanency plan, if any of the following conditions exists, and, for each juvenile



living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions under pars. (a) to (e) exists:

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

SECTION 65. 938.38 (5) (f) of the statutes is amended to read:

938.38 (5) (f) If the summary prepared under par. (e) indicates that the review panel made recommendations that conflict with the court order or that provide for additional services not specified in the court order, the agency primarily responsible for providing services to with placement and care responsibility for the juvenile shall request a revision of the court order.

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 17-9)

420
48.21 (4) (b) and (5) (b) 1. and 3. and (c), 48.235 (4) (b) and (4m) (b), 48.32 (1) (b) 1. and 2., 48.355 (1m), (2) (b) 1., 1d., 6., and 6r., (2c) (b), and (2d) (b) (intro.), 48.357 (1) (am) 3. and (c) 3., (2m) (c), and (2v) (a) 3., 48.365 (2m) (a) 1. and 2., 48.38 (2) (intro.) and (5) (f), 48.417 (2) (c) and (3), 48.427 (4), 48.43 (1) (cm), 48.62 (5) (a) 1., 48.977 (2) (f) and (4) (c) 1. hm. and (e), 767.41 (3) (am), 767.451 (7), 938.21 (4) (b) and (5) (b) 1. and 3. and (c), 938.235 (4) (b), 938.32 (1) (c) 1. (intro.) and c. and 2., 938.355 (1m), (2) (b) 1., 1d., 6., and 6r., (2c) (b), and (2d) (b) (intro.), (6) (d) 1., and (6m) (a) 1g., 938.357 (1) (am) 3. and (c) 3., (2m) (c), and (2v) (a) 3., 938.365 (2m) (a) 1. and 2., and 938.38 (2) (intro.) and (5) (f) of the statutes (NO 4)

(END OF INSERT)

(INSERT 17-10)

(END)

* (c) Voluntary agreements placing child outside home. The treatment of sections 48.428 (4), 48.63 (1), and 48.75 (1g) (c) 1. of the statutes first applies to voluntary



agreements placing a child outside the home entered into on the effective date of this

* ✓ paragraph. ✓

(END OF INSERT)

(END)

Malaise, Gordon

From: Connolly, Cathleen - DHFS
Sent: Tuesday, December 12, 2006 4:18 PM
To: Rhodes, Dennis; Malaise, Gordon
Cc: Mitchell, Mark S - DHFS; Durkin, Therese A - DHFS; [wicourts.gov]; Michelle.Jensen-Goodwin
Subject: LRB 0261/2 Bill Draft (Title IVE E)

Attachments: Requested Revisions to LRB 0261-2.doc



Requested
revisions to LRB 026.

Dennis,

Attached are our comments on the Title IVE bill draft. We are meeting with Gordon tomorrow (Wed) at 10:30 at his office to discuss some of our comments.

Thank you.

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

Requested Revisions to LRB-0261/2
Title IV-E Provisions (placement and care)

1. Add a definition of placement and care by referencing the federal definitions under 42 U.S.C. 672(A)(2)(B) and 45 CFR s. 1356.71(d)(1)(iii) and include within the definition the description that it is the agency primarily responsible for providing services when the child is placed in out of home care.
2. Remove Section 2 of the bill, a review of the data from the Children Court Initiative reviews indicate that this anticipated problem has never developed, and the statute as currently written appears to give sufficient guidance.
3. Unless specifically identified below, undo all the changes to the change over from the current phrase, "county department, department, in a county having a population of 500,000 or more, or an agency primarily responsible for providing services" to the agency with placement and care responsibility.
4. Remove references to (1m), which was in Section 2 of the bill. This impact Sections 4, 7,
5. Delete section 41, placement and care agency will be covered by agency primarily responsible for providing services reference.
6. In Section 15, we changed our mind, move it to 48.355(2)(b), as one of the things a court order has to contain.
7. Section 16, even if it limited to children who remain in home, we need to get rid of the language about identifying the agencies that will be primarily responsible for the provision of service. More discussion needed.
8. Section 1 may need to be split (we changed our mind again), and leave the current s. 48.21(4)(b) as it is and add new section (c) "If the child is placed out of the child's home, order the child into the placement and care responsibility of the county department, or department in a county having a population of 500,000 or more, or an agency primarily responsible for providing services."
Should the final designee be a licensed child welfare agency??