



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0261/2  
GMM:jld:nwn

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RMR

DOA:.....Rhodes, BB0004 - County responsibility for care and placement of child

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

don't gen

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

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to order the child into the placement and care responsibility of the county department or DHFS and to assign the county department or DHFS primary responsibility for providing services to the child.

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.

In addition the bill

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 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 and requires a county department, DHFS, or DOC, when placing a child outside the home under a voluntary agreement, to specifically state in the voluntary agreement that the county department, DHFS, or DOC has placement and care responsibility for the child.

under the supervision of a

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.

✓ providing services to the child

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,

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This bill requires that information to be filed with the juvenile court within five days, excluding Saturdays, Sundays, and legal holidays, after the date on which the temporary physical custody order is granted.

~~and legal holidays, after the date on which the temporary physical custody order is 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:*

**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.~~

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

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

b. A finding as to whether the person who took the child into custody and the intake worker have 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, and a- unless the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

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

1 1m. If for good cause shown sufficient information is not available for the judge  
2 or circuit court commissioner to make a finding as to whether those reasonable  
3 efforts were made to prevent the removal of the child from the home, while assuring  
4 that the child's health and safety are the paramount concerns, a finding as to

5 whether those reasonable efforts were made to make it possible for the child to return (plain)  
6 safely home and an order for the county department, department, in a county having  
7 a population of 500,000 or more, or agency primarily responsible for providing  
8 services to the child under the custody order to file with the court sufficient  
9 information for the judge or circuit court commissioner to make a finding as to setting

10 update for a rehearing on the issue of whether those reasonable efforts were made to  
11 prevent the removal of the child from the home by no later than (Name)  
12 The rehearing shall  
13 be held within 5 days, excluding Saturdays, Sundays, and legal holidays, after the  
14 date of on which the order is granted. g After the rehearing, the judge or circuit court

15 commissioner shall enter an order that includes a finding as to whether those  
16 reasonable efforts were made to prevent the removal of the child from the home. ← plain period

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

18 48.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the  
19 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
20 a determination that the county department, department, in a county having a  
21 population of 500,000 or more, or agency primarily responsible for providing services  
22 agency with placement and care responsibility under the custody order is not  
23 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.

24 SECTION 4. 48.21 (5) (c) of the statutes is amended to read:

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

9           **SECTION 5.** 48.235 (4) (b) of the statutes is amended to read:

10           48.235 (4) (b) The court shall order ~~the agency with placement and care~~  
11 ~~responsibility under s. 48.355 (1m) or the agency identified under s. 48.355 (2) (b) 1.~~  
12 as primarily responsible for the provision of services to notify the guardian ad litem,  
13 if any, regarding actions to be taken under par. (a).

14           **SECTION 6.** 48.235 (4m) (b) of the statutes is amended to read:

15           48.235 (4m) (b) The court shall order ~~the agency with placement and care~~  
16 ~~responsibility under s. 48.355 (1m) or the agency identified under s. 48.355 (2) (b) 1.~~  
17 as primarily responsible for the provision of services to notify the guardian ad litem,  
18 if any, regarding actions to be taken under par. (a).

19           **SECTION 7.** 48.315 (2m) (a) 1. of the statutes is amended to read:

20           48.315 (2m) (a) 1. The court making an initial finding under s. 48.21 (5) (b) 1.  
21 or 1m., 48.355 (2) (b) 6., or 48.357 (2v) (a) 1. that reasonable efforts have been made  
22 to prevent the removal of the child from the home, while assuring that the child's  
23 health and safety are the paramount concerns, or an initial finding under s. 48.21  
24 (5) (b) 3., 48.355 (2) (b) 6r., or 48.357 (2v) (a) 3. that those efforts were not required

48.33 (1) (c)

1 to be made because a circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, more  
2 than 60 days after the date on which the child was removed from the home.

3 **SECTION 8.** ~~48.315 (2m) (a) 2. of the statutes is amended to read:~~

4 ~~48.315 (2m) (a) 2. The court making an initial finding under s. 48.38 (5m) that  
5 the agency primarily responsible for providing services to with placement and care  
6 responsibility for the child has made reasonable efforts to achieve the goals of the  
7 child's permanency plan more than 12 months after the date on which the child was  
8 removed from the home or making any subsequent findings under s. 48.38 (5m) as  
9 to those reasonable efforts more than 12 months after the date of a previous finding  
10 as to those reasonable efforts.~~

11 **SECTION 9.** 48.32 (1) (b) 1. of the statutes is renumbered 48.32 (1) (b) 1. (intro.)  
12 and amended to read:

13 48.32 (1) (b) 1. (intro.) If at the time the consent decree is entered into the child  
14 is placed outside the home under a voluntary agreement under s. 48.63 or is  
15 otherwise living outside the home without a court order and if the consent decree  
16 maintains the child in that placement or other living arrangement, ~~the judge or~~  
17 ~~circuit court commissioner shall order the child into the placement and care~~  
18 ~~responsibility of the county department or in a county having a population of~~  
19 ~~500,000 or more, the department and shall include in the consent decree~~ shall *plan*

20 include *Ha?* a- all of the following: ✓

21 a. A finding that placement of the child in his or her home would be contrary  
22 to the welfare of the child, a-

23 b. A finding as to whether the county department, the department, in a county  
24 having a population of 500,000 or more, or the agency primarily responsible for  
25 providing services to the child has made reasonable efforts to prevent the removal

1 of the child from the home, while assuring that the child's health and safety are the  
2 paramount concerns, unless the judge or circuit court commissioner finds that any  
3 of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, and a. <sup>(plan)</sup>

4 c. A finding as to whether the county department, department, or agency with  
5 placement and care responsibility for the child has made reasonable efforts to  
6 achieve the goal of the child's permanency plan, unless return of the child to the home  
7 is the goal of the permanency plan and the judge or circuit court commissioner finds  
8 that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

9 **SECTION 10.** 48.32 (1) (b) 2. of the statutes is amended to read:

10 48.32 (1) (b) 2. If the judge or circuit court commissioner finds that any of the  
11 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
12 the consent decree shall include a determination that the county department,  
13 department, in a county having a population of 500,000 or more, or agency primarily  
14 responsible for providing services agency with placement and care responsibility  
15 under the consent decree is not required to make reasonable efforts with respect to  
16 the parent to make it possible for the child to return safely to his or her home.

17 **SECTION 11.** 48.33 (1) (c) of the statutes is amended to read:

18 48.33 (1) (c) <sup>plan</sup> (A) If the report does not recommend placement of the child or child  
19 expectant mother outside of his or her home, a description of the specific services or  
20 continuum of services which <sup>stat</sup> that the agency is recommending that the court to order  
21 for the child or family or for the expectant mother of the unborn child, the persons  
22 or agencies that would be primarily responsible for providing those services, the  
23 identity of the person or agency that would provide case management or coordination  
24 of services, if any, and, in the case of a child adjudged to be in need of protection or  
25 services, whether or not the child should receive an integrated service plan.

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1 **SECTION 12.** 48.33 (4) (c) of the statutes is amended to read:

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

14 **SECTION 13.** 48.33 (4) (d) of the statutes is created to read:

15 48.33 (4) (d) If the report recommends placement of the child or child expectant  
 16 mother outside of his or her home, a description of the specific services that the  
 17 agency is recommending the court to order for the child or family or for the expectant  
 18 mother of the unborn child and whether or not the child should receive an integrated  
 19 service plan.

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20 **SECTION 14.** 48.335 (3g) of the statutes is renumbered 48.335 (3g) (intro.) and  
21 amended to read:

22 48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in  
 23 s. 48.38 (1) (a), is recommending placement of the child in a foster home, treatment  
 24 foster home, group home, or residential care center for children and youth or in the

That

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,~~

plain  
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~~(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.~~

~~SECTION 15. 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 16. 48.355 (2) (b) 1. of the statutes is amended to read:

48.355 (2) (b) 1. ~~The~~ <sup>plain</sup> ~~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~~

delete

← strike

1 ~~responsible for the provision of the services~~ ordered by the judge, the identity of the  
2 ~~person or agency who will provide case management or coordination of services, if~~  
3 ~~any~~, and, if custody of the child is to be transferred to effect the treatment plan, the  
4 identity of the legal custodian.

5 **SECTION 17.** 48.355 (2) (b) 1d. of the statutes is created to read:

6 48.355 (2) (b) 1d. If the order places a child or child expectant mother outside  
7 of his or her home, the specific services to be provided to the child and family or to  
8 the child expectant mother and family and, if custody of the child is to be transferred  
9 to effect the treatment plan, the identity of the legal custodian.

10 **SECTION 18.** 48.355 (2) (b) 6. of the statutes is amended to read:

11 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued  
12 placement of the child in his or her home would be contrary to the welfare of the child,  
13 a finding as to whether the county department, the department, in a county having  
14 a population of 500,000 or more, or the agency primarily responsible for providing  
15 services under a court order has made reasonable efforts to prevent the removal of  
16 the child from the home, while assuring that the child's health and safety are the  
17 paramount concerns, unless the court finds that any of the circumstances specified  
18 in sub. (2d) (b) 1. to 5. applies, and a finding as to whether the county department,  
19 department, or agency with placement and care responsibility for the child has made  
20 reasonable efforts to achieve the goal of the child's permanency plan, unless return  
21 of the child to the home is the goal of the permanency plan and the court finds that  
22 any of the circumstances specified in sub. (2d) (b) 1. to 5. applies. The court shall  
23 make the findings specified in this subdivision on a case-by-case basis based on  
24 circumstances specific to the child and shall document or reference the specific  
25 information on which those findings are based in the court order. A court order that

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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.

**SECTION 19.** 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.

**SECTION 20.** 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.

**SECTION 21.** 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

the applicable order specified in sub. (2v) (a) 1m,  
and the applicable statement

1 primarily responsible for providing services under a court order has made reasonable  
2 efforts with respect to a parent of a child to prevent the removal of the child from the  
3 home, while assuring that the child's health and safety are the paramount concerns,  
4 or a finding as to whether the county department, department, or agency with  
5 placement and care responsibility under a court order has made reasonable efforts  
6 with respect to a parent of a child to achieve the permanency plan goal of returning  
7 the child safely to his or her home, if the court finds any of the following:

✓  
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12-7

8 SECTION 22. 48.357 (1) (am) 3. of the statutes is amended to read:

9 48.357 (1) (am) 3. If the court changes the child's placement from a placement  
10 outside the home to another placement outside the home, ~~the court shall order the~~  
11 ~~child to be continued in the placement and care responsibility of the county~~  
12 ~~department or, in a county having a population of 500,000 or more, the department~~  
13 ~~and shall include in~~ the change in placement order <sup>plan</sup> shall contain one of the  
14 statements specified in sub. (2v) (a) 2.

15 SECTION 23. 48.357 (1) (c) 3. of the statutes is amended to read:

16 48.357 (1) (c) 3. If the court changes the child's placement from a placement in  
17 the child's home to a placement outside the child's home, ~~the court shall order the~~  
18 ~~child into the placement and care responsibility of the county department or, in a~~  
19 ~~county having a population of 500,000 or more, the department and shall include in~~  
20 <sup>plain</sup> the change in placement order shall contain the findings specified in sub. (2v) (a) 1.,  
21 ~~one of the statements~~ <sup>(plain)</sup> specified in sub. (2v) (a) 2., and, if in addition the court finds  
22 that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with  
23 respect to a parent, the determination specified in sub. (2v) (a) 3.

24 SECTION 24. 48.357 (2m) (c) of the statutes is amended to read:

the applicable order specified in sub. (2v) (a) 1m,  
the applicable statement

or the agency primarily responsible for providing services under a court order shall ensure that  
county department, department or agency with placement and care responsibility under a court order shall ensure that

Strike

the applicable order specified in sub. (2v) (a) 1m.

the applicable statement

1 48.357 (2m) (c) If the court changes the child's placement from a placement in  
 2 the child's home to a placement outside the child's home, ~~the court shall order the~~  
 3 ~~child into the placement and care responsibility of the county department or, in a~~  
 4 ~~county having a population of 500,000 or more, the department and shall include in~~  
 5 the change in placement order <sup>plain</sup> shall contain the findings specified in sub. (2v) (a) 1.,  
 6 ~~one of the statements~~ specified in sub. (2v) (a) 2., and, if in addition the court finds  
 7 that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with  
 8 respect to a parent, the determination specified in sub. (2v) (a) 3. If the court changes  
 9 the child's placement from a placement outside the home to another placement  
 10 outside the home, the court shall order the child to be continued in the placement and  
 11 care responsibility of the county department or, in a county having a population of  
 12 500,000 or more, the department and shall include in the change in placement order  
 13 one of the statements specified in sub. (2v) (a) 2.

SECTION 25. 48.357 (2v) (a) 3. of the statutes is amended to read:

15 48.357 (2v) (a) 3. If the court finds that any of the circumstances specified in  
 16 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the  
 17 agency primarily responsible for providing services with placement and care  
 18 responsibility under the change in placement order is not required to make  
 19 reasonable efforts with respect to the parent to make it possible for the child to return  
 20 safely to his or her home.

SECTION 26. 48.365 (2g) (b) 1. of the statutes is amended to read:

22 48.365 (2g) (b) 1. A copy of the report of the review panel under s. 48.38 (5), if  
 23 any, and a response to the report from the agency primarily responsible for providing  
 24 services to with placement and care responsibility for the child.

SECTION 27. 48.365 (2m) (a) 1. of the statutes is amended to read:

25 shall contain the applicable order specified in sub. (2v) (a) 1m.  
and the applicable statement

1 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of  
 2 extension. If the child is placed outside of his or her home, the person or agency  
 3 primarily responsible for providing services to agency with placement and care  
 4 responsibility for the child shall present as evidence specific information showing  
 5 that the agency has made reasonable efforts to achieve the goal of the child's  
 6 permanency plan, unless return of the child to the home is the goal of the permanency  
 7 plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies. The  
 8 judge shall make findings of fact and conclusions of law based on the evidence. The  
 9 findings of fact shall include a finding as to whether reasonable efforts were made  
 10 by the agency primarily responsible for providing services to with placement and  
 11 care responsibility for the child to achieve the goal of the child's permanency plan,  
 12 unless return of the child to the home is the goal of the permanency plan and the  
 13 judge finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.  
 14 An order shall be issued under s. 48.355.

15 SECTION 28. 48.365 (2m) (a) 2. of the statutes is amended to read:

16 48.365 (2m) (a) 2. If the judge finds that any of the circumstances specified in  
 17 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the order shall include a  
 18 determination that the person or agency primarily responsible for providing services  
 19 to agency with placement and care responsibility for the child is not required to make  
 20 reasonable efforts with respect to the parent to make it possible for the child to return  
 21 safely to his or her home.

22 SECTION 29. 48.38 (2) (intro.) of the statutes is amended to read:

23 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
 24 for each child living in a foster home, treatment foster home, group home, residential  
 25 care center for children and youth, juvenile detention facility, or shelter care facility,

Insert ✓  
14-21

(2)(b) 6g. ✓

(plain)

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

7 ~~SECTION 30. 48.38 (5) (f) of the statutes is amended to read:~~  
 8 ~~48.38 (5) (f) If the summary prepared under par. (e) indicates that the review~~  
 9 ~~panel made recommendations that conflict with the court order or that provide for~~  
 10 ~~additional services not specified in the court order, the agency primarily responsible~~  
 11 ~~for providing services to with placement and care responsibility for the child shall~~  
 12 ~~request a revision of the court order.~~

13 SECTION 31. 48.417 (2) (c) of the statutes is amended to read:  
 14 48.417 (2) (c) The agency primarily responsible for providing services to the  
 15 child and the family under a court order, if required under s. 48.355 (2) (b) 6. to make  
 16 reasonable efforts to make it possible for the child to return safely to his or her home,  
 17 has not provided to the family of the child, consistent with the time period in the  
 18 child's permanency plan, the services necessary for the safe return of the child to his  
 19 or her home.

20 ~~SECTION 32. 48.417 (3) of the statutes is amended to read:~~  
 21 ~~48.417 (3) CONCURRENT ADOPTION EFFORTS REQUIRED. If a petition is filed or~~  
 22 ~~joined in as required under sub. (1), the agency primarily responsible for providing~~  
 23 ~~services to with placement and care responsibility for the child under a court order~~  
 24 ~~shall, during the pendency of the proceeding on the petition, work with the agency~~  
 25 ~~identified in the report under s. 48.425 (1) (b) that would be responsible for~~

1 accomplishing the adoption of the child in processing and approving a qualified  
2 family for the adoption of the child.

3 SECTION 33. 48.425 (1) (c) of the statutes is amended to read:

4 48.425 (1) (c) If the child has been previously adjudicated to be in need of  
5 protection and services, a statement of the steps the agency or <sup>✓</sup>person responsible for  
6 provision of services has taken to remedy the conditions responsible for court  
7 intervention and the parent's response to and cooperation with these services. If the  
8 child has been removed from the home, the report ~~should~~ shall also include a  
9 statement of the reasons why the child cannot be returned safely to the family, and  
10 the steps the ~~person or~~ <sup>plain</sup> agency ~~with placement and care responsibility for the child~~  
11 has taken to effect this return. If a permanency plan has previously been prepared  
12 for the child, the report shall also include specific information showing that the  
13 agency ~~with placement and care responsibility for the child~~ has made reasonable  
14 efforts to achieve the goal of the child's permanency plan.

Primarily responsible for  
providing services to the  
child

15 SECTION 34. 48.427 (5) of the statutes is created to read:

16 48.427 (5) If the court transfers guardianship, custody, or both of the child to  
17 the department or a county department under sub. (3m) (a), (am), or (b), the court  
18 shall order the child into the placement and care responsibility of the department or  
19 county department.

20 SECTION 35. 48.428 (4) of the statutes is amended to read:

21 48.428 (4) Before a licensed foster parent, licensed treatment foster parent, or  
22 kinship care relative may be appointed as a sustaining parent, the foster parent,  
23 treatment foster parent, or kinship care relative shall execute a contract with the  
24 agency responsible for providing services to with placement and care responsibility  
25 for the child, in which the foster parent, treatment foster parent, or kinship care

1 ~~relative agrees to provide care for the child until the child's 18th birthday unless the~~  
 2 ~~placement order is changed by the court because the court finds that the sustaining~~  
 3 ~~parents are no longer able or willing to provide the sustaining care or the court finds~~  
 4 ~~that the behavior of the sustaining parents toward the child would constitute~~  
 5 ~~grounds for the termination of parental rights if the sustaining parent was were the~~  
 6 ~~both parent of the child~~ *primarily responsible for providing services to*

7 **SECTION 36.** 48.43 (1) (cm) of the statutes is created to read:

8 48.43 (1) (cm) If a permanency plan has previously been prepared for the child,  
 9 a finding as to whether the agency ~~with placement and care responsibility~~ for the  
 10 child has made reasonable efforts to achieve the goal of the child's permanency plan.  
 11 The court shall make the findings specified in this paragraph on a case-by-case basis  
 12 based on circumstances specific to the child and shall document or reference the  
 13 specific information on which those findings are based in the order. An order that  
 14 merely references this paragraph without documenting or referencing that specific  
 15 information in the order or an amended order that retroactively corrects an earlier  
 16 order that does not comply with this paragraph is not sufficient to comply with this  
 17 paragraph.

18 ~~SECTION 37.~~ 48.62 (5) (a) 1. of the statutes is amended to read:

19 48.62 (5) (a) 1. The child has been placed outside of his or her home, as described  
 20 in s. 48.365 (1), for a cumulative total period of one year or longer, the court has found  
 21 that the agency ~~primarily responsible for providing services to~~ with placement and  
 22 care responsibility for the child under a court order has made reasonable efforts to  
 23 make it possible for the child to return to his or her home, while assuring that the  
 24 child's health and safety are the paramount concerns, but that reunification of the  
 25 child with the child's parent or parents is unlikely or contrary to the best interests

✓  
Insert  
17-6

1 ~~of the child and that further reunification efforts are unlikely to be made or are~~  
2 ~~contrary to the best interests of the child, or that any of the circumstances specified~~  
3 ~~in s. 48.355 (2d) (b) 1. to 5. apply, and the court has found that appointment of a~~  
4 ~~guardian for the child is in the best interests of the child.~~

5 **SECTION 38.** 48.63 (1) of the statutes is amended to read:

6 48.63 (1) Acting under court order or voluntary agreement, the child's parent  
7 or guardian or the department of health and family services, the department of  
8 corrections, a county department, or a child welfare agency licensed to place children  
9 in foster homes, treatment foster homes, or group homes may place a child or  
10 negotiate or act as intermediary for the placement of a child in a foster home,  
11 treatment foster home, or group home. Voluntary agreements under this subsection  
12 may not be used for placements in facilities other than foster, treatment foster, or  
13 group homes and may not be extended. A foster home or treatment foster home  
14 placement under a voluntary agreement may not exceed 180 days from the date on  
15 which the child was removed from the home under the voluntary agreement. A group  
16 home placement under a voluntary agreement may not exceed 15 days from the date  
17 on which the child was removed from the home under the voluntary agreement,  
18 except as provided in sub. (5). These time limitations do not apply to placements  
19 made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may be  
20 made only under this subsection and sub. (5) (b) and shall be in writing and shall  
21 specifically state that the agreement may be terminated at any time by the parent  
22 or guardian or by the child if the child's consent to the agreement is required. The  
23 child's consent to the agreement is required whenever the child is 12 years of age or  
24 older. If a county department, the department of health and family services, or the  
25 department of corrections places a child or negotiates or acts as intermediary for the

SCORE

has placement and care responsibility for the child as required under 42 USC 672 (a) (2) and has primary responsibility

1 placement of a child under this subsection, the voluntary agreement shall also  
2 specifically state that the county department, department of health and family  
3 services, or department of corrections has placement and care responsibility for the  
4 child. *as required under 42 USC 672 (a) (2) and ~~has placement and care responsibility~~*

5 SECTION 39. 48.75 (1g) (c) 1. of the statutes is amended to read:

6 48.75 (1g) (c) 1. A statement that the public licensing agency issuing the license  
7 is responsible for providing services to has placement and care responsibility for the  
8 child who is placed in the foster home, as specified in the agreement.

9 SECTION 40. 48.977 (2) (f) of the statutes is amended to read:

10 48.977 (2) (f) That the agency primarily responsible for providing services to  
11 with placement and care responsibility for the child under a court order has made  
12 reasonable efforts to make it possible for the child to return to his or her home, while  
13 assuring that the child's health and safety are the paramount concerns, but that  
14 reunification of the child with the child's parent or parents is unlikely or contrary to  
15 the best interests of the child and that further reunification efforts are unlikely to  
16 be made or are contrary to the best interests of the child or that the agency primarily  
17 responsible for providing services to the child under a court order has made  
18 reasonable efforts to prevent the removal of the child from his or her home, while  
19 assuring the child's health and safety, but that continued placement of the child in  
20 the home would be contrary to the welfare of the child, except that the court is not  
21 required to find that the agency has made those reasonable efforts with respect to  
22 a parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.  
23 applies to that parent. The court shall make the findings specified in this paragraph  
24 on a case-by-case basis based on circumstances specific to the child and shall  
25 document or reference the specific information on which those findings are based in

1 ~~the guardianship order. A guardianship order that merely references this paragraph~~  
2 without documenting or referencing that specific information in the order or an  
3 amended guardianship order that retroactively corrects an earlier guardianship  
4 order that does not comply with this paragraph is not sufficient to comply with this  
5 paragraph.

6 **SECTION 41.** 48.977 (4) (c) 1. hm. of the statutes is created to read:

7 48.977 (4) (c) 1. hm. The agency with placement and care responsibility for the  
8 child under a court order.

9 **SECTION 42.** 48.977 (4) (e) of the statutes is amended to read:

10 48.977 (4) (e) *Court report.* For a child who has been placed, or continued in  
11 a placement, outside of his or her home for 6 months or longer, the court shall order  
12 ~~the person or agency primarily responsible for providing services to~~ agency with  
13 placement and care responsibility for the child under a court order to file with the  
14 court a report containing the written summary under s. 48.38 (5) (e) and as much  
15 information relating to the appointment of a guardian as is reasonably  
16 ascertainable. For a child who has been placed, or continued in a placement, outside  
17 of his or her home for less than 6 months, the court shall order ~~the person or agency~~  
18 ~~primarily responsible for providing services to~~ agency with placement and care  
19 responsibility for the child under a court order to file with the court the report  
20 submitted under s. 48.33 (1) or 938.33 (1), the permanency plan prepared under s.  
21 48.38 or 938.38, if one has been prepared, and as much information relating to the  
22 appointment of a guardian as is reasonably ascertainable. The agency shall file the  
23 ~~report at least 48 hours before the date of the dispositional hearing under par. (fm).~~

24 **SECTION 43.** 55.055 (5) of the statutes is amended to read:

1           55.055 (5) If a ward lives with his or her guardian, the guardian may make  
2 temporary protective placement of the ward, to provide the guardian with a vacation  
3 or to release the guardian temporarily for a family emergency. The temporary  
4 protective placement may be made for not more than 30 days but the court may, upon  
5 application, grant an additional period not to exceed 60 days in all. The application  
6 shall include any information that the court may reasonably deem necessary. When  
7 reviewing the application, the court shall provide the least restrictive temporary  
8 protective placement that is consistent with the needs of the ward. If the court  
9 provides for the temporary placement of a minor who is alleged to be developmentally  
10 disabled in a foster home, treatment foster home, group home, or residential care  
11 center for children and youth, the order providing for that placement shall include  
12 the findings and order specified in s. 55.12 (7m).

13           **SECTION 44.** 55.075 (2) (c) of the statutes is created to read:

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

23           **SECTION 45.** 55.11 (1) (c) of the statutes is amended to read:

24           55.11 (1) (c) A medical, psychological, social, vocational, and educational  
25 evaluation and review, if necessary, and any recommendations for or against

as required under 42 USC 672 (a) (2), shall assign ✓  
the county department primary responsibility for providing  
services to the child,

1 maintenance of partial legal rights as provided in s. 54.25 (2). The evaluation and  
2 review shall include recommendations for the individual's placement that are  
3 consistent with the requirements of s. 55.12 (3), (4), and (5). If placement of a minor  
4 who is alleged to be developmentally disabled in a foster home, treatment foster  
5 home, group home, or residential care center for children and youth is recommended,  
6 the evaluation and review shall also include specific information showing that  
7 placement of the minor in his or her home would be contrary to the welfare of the  
8 minor and, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.  
9 applies, specific information showing that the petitioner has made reasonable efforts  
10 to prevent the removal of the minor from the home, while assuring that the health  
11 and safety of the minor are the paramount concerns.

12 SECTION 46. 55.12 (7m) of the statutes is created to read:

13 55.12 (7m) If the court orders a minor who is developmentally disabled to be  
14 placed in a foster home, treatment foster home, group home, or residential care  
15 center for children and youth, the court shall order the minor into the placement and  
16 care responsibility of the county department and shall include in the order a finding  
17 that placement of the minor in his or her home would be contrary to the welfare of  
18 the minor and a finding that the petitioner has made reasonable efforts to prevent  
19 the removal of the minor from the home, while assuring that the health and safety  
20 of the minor are the paramount concerns, unless any of the circumstances specified  
21 in s. 48.355 (2d) (b) 1. to 5. applies. The court shall make the findings specified in  
22 this subsection on a case-by-case basis based on circumstances specific to the minor  
23 and shall document or reference the specific information on which those findings are  
24 based in the court order. A court order that merely references this subsection without  
25 documenting or referencing that specific information in the court order or an

1 amended court order that retroactively corrects an earlier court order that does not  
2 comply with this subsection is not sufficient to comply with this subsection.

3 **SECTION 47.** 55.135 (5m) of the statutes is created to read:

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

8 **SECTION 48.** 767.41 (3) (am) of the statutes is created to read:

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

24 **SECTION 49.** 767.451 (7) of the statutes is amended to read:

✓ as required under 42 USC 672 (a) (2) and  
shall assign the county department primary  
responsibility for  
providing services to  
the child

1           767.451 (7) TRANSFER TO DEPARTMENT. The court may order custody transferred  
2 to the department of health and family services only if that department agrees to  
3 accept custody. If the court orders custody transferred to the department of health  
4 and family services, the order transferring custody shall include the findings and  
5 order specified in s. 767.41 (3) (am).

6           ~~SECTION 50. 938.21 (4) (b) of the statutes is amended to read:~~

7           ~~938.21 (4) (b) Order the juvenile into the placement and care responsibility of~~  
8 ~~the county department and order the juvenile to be held in an appropriate manner~~  
9 ~~under s. 938.207, 938.208, or 938.209 (1).~~

10          SECTION 51. 938.21 (5) (b) 1. of the statutes is renumbered 938.21 (5) (b) 1. a.  
11 and amended to read:

12          938.21 (5) (b) 1. a. A finding that continued placement of the juvenile in his or  
13 her home would be contrary to the welfare of the juvenile. ~~Unless the court finds that~~  
14 ~~any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, the order shall~~  
15 ~~in addition include a-~~

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

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

24          1m. If for good cause shown sufficient information is not available for the court  
25 to make a finding as to whether those reasonable efforts were made to prevent the

1 removal of the juvenile from the home, ~~the order shall include while assuring that~~ (plain)  
 2 ~~the juvenile's health and safety are the paramount concerns~~, a finding as to whether  
 3 these reasonable efforts were made to make it possible for the juvenile to return  
 4 safely home and an order for the county department or agency primarily responsible  
 5 for providing services to the juvenile under the custody order to file with the court  
 6 sufficient information for the court to make a finding as to ~~whether a date for a~~  
 7 ~~rehearing on the issue of~~ whether those reasonable efforts were made to prevent the (plain)  
 8 removal of the juvenile from the home by no later than ~~the rehearing shall be held~~  
 9 ~~within~~ 5 days, excluding Saturdays, Sundays, and legal holidays, after the date of  
 10 on which the order is granted. After the rehearing, the court shall enter an order that  
 11 includes a finding as to whether those reasonable efforts were made to prevent the  
 12 removal of the juvenile from the home. ← Plain Period

13 SECTION 52. 938.21 (5) (b) 3. of the statutes is amended to read:

14 938.21 (5) (b) 3. If the court finds that any of the circumstances specified in s.  
 15 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the  
 16 county department or agency primarily responsible for providing services agency  
 17 with placement and care responsibility under the custody order is not required to  
 18 make reasonable efforts with respect to the parent to make it possible for the juvenile  
 19 to return safely to his or her home.

20 SECTION 53. 938.21 (5) (c) of the statutes is amended to read:

21 938.21 (5) (c) The court shall make the findings specified in par. (b) 1., 1m., and  
 22 3. on a case-by-case basis based on circumstances specific to the juvenile and shall  
 23 document or reference the specific information on which those findings are based in  
 24 the custody order. A custody order that merely references par. (b) 1., 1m., or 3.  
 25 without documenting or referencing that specific information in the custody order

↓  
Initial  
25-19

938.33 (1) (c) ✓

1 or an amended custody order that retroactively corrects an earlier custody order that  
2 does not comply with this paragraph is not sufficient to comply with this paragraph.

3 **SECTION 54.** 938.235 (4) (b) of the statutes is amended to read:

4 938.235 (4) (b) The court shall order ~~the agency with placement and care~~  
5 ~~responsibility under s. 48.355 (1m) or the agency identified under s. 938.355 (2) (b)~~  
6 ~~1,~~ as primarily responsible for the provision of services to notify the guardian ad  
7 litem, if any, regarding actions to be taken under par. (a).

8 **SECTION 55.** 938.315 (2m) (a) of the statutes is amended to read:

9 938.315 (2m) (a) The court making an initial finding under s. 938.21 (5) (b) 1.  
10 or 1m, 938.355 (2) (b) 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made  
11 to prevent the removal of the juvenile from the home, while assuring that the  
12 juvenile's health and safety are the paramount concerns, or an initial finding under  
13 s. 938.21 (5) (b) 3., 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not  
14 required to be made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4.  
15 applies, more than 60 days after the date on which the juvenile was removed from  
16 the home.

17 **SECTION 56.** 938.315 (2m) (b) of the statutes is amended to read:

18 938.315 (2m) (b) The court making an initial finding under s. 938.38 (5m) that  
19 the agency primarily responsible for providing services to with placement and care  
20 responsibility for the juvenile has made reasonable efforts to achieve the goals of the  
21 juvenile's permanency plan more than 12 months after the date on which the juvenile  
22 was removed from the home or making any subsequent findings under s. 938.38 (5m)  
23 as to those reasonable efforts more than 12 months after the date of a previous  
24 finding as to those reasonable efforts.

25 **SECTION 57.** 938.32 (1) (c) 1. (intro.) of the statutes is amended to read:

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

7 **SECTION 58.** 938.32 (1) (c) 1. c. of the statutes is amended to read:

8 938.32 (1) (c) 1. c. A finding as to whether the county department or agency ~~with~~  
9 ~~placement and care responsibility for the juvenile~~ has made reasonable efforts to  
10 achieve the goal of the juvenile's permanency plan, unless return of the juvenile to  
11 the home is the goal of the permanency plan and the court finds that any of the  
12 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

13 **SECTION 59.** 938.32 (1) (c) 2. of the statutes is amended to read:

14 938.32 (1) (c) 2. If the court finds that any of the circumstances specified in s.  
15 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the consent decree shall  
16 include a determination that the county department or agency primarily responsible  
17 for providing services ~~agency with placement and care responsibility~~ under the  
18 consent decree is not required to make reasonable efforts with respect to the parent  
19 to make it possible for the juvenile to return safely to his or her home.

20 **SECTION 60.** 938.33 (1) (c) of the statutes is amended to read:

21 938.33 (1) (c) -A- ~~If the report does not recommend placement of the juvenile~~  
22 ~~outside of his or her home, a description of the specific services or continuum of~~  
23 ~~services that the agency is recommending the court to order for the juvenile or family,~~  
24 ~~the persons or agencies that would be primarily responsible for providing those~~  
25 ~~services, and the identity of the person or agency that would provide case~~

1 ~~management or coordination of services, if any, and whether or not the juvenile~~  
2 ~~should receive an integrated service plan.~~

3 **SECTION 61.** 938.33 (4) (c) of the statutes is amended to read:

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

15 **SECTION 62.** 938.33 (4) (d) of the statutes is created to read:

16 938.33 (4) (d) If the report recommends placement of the juvenile outside of his  
17 or her home, a description of the specific services that the agency is recommending  
18 the court to order for the juvenile and whether or not the juvenile should receive an  
19 integrated service plan.

20 **SECTION 63.** 938.335 (3g) (c) of the statutes is amended to read:

21 938.335 (3g) (c) That the county department or agency with placement and  
22 care responsibility for the juvenile has made reasonable efforts to achieve the goal  
23 of the juvenile's permanency plan, unless return of the juvenile to the home is the  
24 goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d)  
25 (b) 1. to 4. applies.

INS  
29-4

1 SECTION 64. 938.355 (1m) of the statutes is created to read:  
 2 938.355 (1m) PLACEMENT AND CARE RESPONSIBILITY. When granting an order  
 3 placing a juvenile outside of his or her home, the court shall order the juvenile into  
 4 the placement and care responsibility of the county department.

5 SECTION 65. 938.355 (2) (b) 1. of the statutes is amended to read:  
 6 938.355 (2) (b) 1. The <sup>plain</sup>~~If the order does not place the juvenile outside of his or~~  
 7 ~~her home, the~~ specific services ~~or continuum of services~~ to be provided to the juvenile  
 8 and the juvenile's family, the identity of the agencies that are primarily responsible  
 9 ~~for the provision of the services, the identity of the person or agency that will provide~~  
 10 ~~case management or coordination of services, if any,~~ and, if custody is to be  
 11 transferred to effect the treatment plan, the identity of the legal custodian.

12 SECTION 66. 938.355 (2) (b) 1d. of the statutes is created to read:  
 13 938.355 (2) (b) 1d. If the order places the juvenile outside of his or her home,  
 14 the specific services to be provided to the juvenile and the juvenile's family and, if  
 15 custody of the juvenile is to be transferred to effect the treatment plan, the identity  
 16 of the legal custodian.

17 SECTION 67. 938.355 (2) (b) 6. of the statutes is amended to read:  
 18 938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that  
 19 continued placement of the juvenile in his or her home would be contrary to the  
 20 welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is  
 21 placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that  
 22 the juvenile's current residence will not safeguard the welfare of the juvenile or the  
 23 community due to the serious nature of the act for which the juvenile was adjudicated  
 24 delinquent. The court order shall also contain a finding as to whether the county  
 25 department or the agency primarily responsible for providing services under a court

1 order has made reasonable efforts to prevent the removal of the juvenile from the  
2 home, while assuring that the juvenile's health and safety are the paramount  
3 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.  
4 to 4. applies, and a finding as to whether the ~~county department or agency~~ with  
5 placement and care responsibility for the juvenile has made reasonable efforts to  
6 achieve the goal of the juvenile's permanency plan, unless return of the juvenile to  
7 the home is the goal of the permanency plan and the court finds that any of the  
8 circumstances under sub. (2d) (b) 1. to 4. applies. The court shall make the findings  
9 specified in this subdivision on a case-by-case basis based on circumstances specific  
10 to the juvenile and shall document or reference the specific information on which  
11 those findings are based in the court order. A court order that merely references this  
12 subdivision without documenting or referencing that specific information in the  
13 court order or an amended court order that retroactively corrects an earlier court  
14 order that does not comply with this subdivision is not sufficient to comply with this  
15 subdivision.

16 **SECTION 68.** 938.355 (2) (b) 6r. of the statutes is amended to read:

17 938.355 (2) (b) 6r. If the court finds that any of the circumstances under sub.  
18 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the ~~county~~  
19 ~~department or agency primarily responsible for providing services~~ agency with  
20 placement and care responsibility under the court order is not required to make  
21 reasonable efforts with respect to the parent to make it possible for the juvenile to  
22 return safely to his or her home.

23 **SECTION 69.** 938.355 (2c) (b) of the statutes is amended to read:

24 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
25 the ~~county department or the agency primarily responsible for providing services to~~

1 agency with placement and care responsibility for the juvenile under a court order  
 2 has made reasonable efforts to achieve the goal of the permanency plan, the court's  
 3 consideration of reasonable efforts shall include the considerations under par. (a)  
 4 and whether visitation schedules between the juvenile and his or her parents were  
 5 implemented, unless visitation was denied or limited by the court.

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

7 938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not  
 8 required to include in a dispositional order a finding as to whether the county  
 9 department or the agency primarily responsible for providing services under a court  
 10 order has made reasonable efforts with respect to a parent of a juvenile to prevent  
 11 the removal of the juvenile from the home, while assuring that the juvenile's health  
 12 and safety are the paramount concerns, or, if applicable, a finding as to whether the  
 13 county department or agency with placement and care responsibility under a court  
 14 order has made reasonable efforts with respect to a parent of a juvenile to achieve  
 15 the permanency plan goal of returning the juvenile safely to his or her home, if the  
 16 court finds any of the following:

✓  
Insert  
31-16

17 **SECTION 71.** 938.355 (6) (d) 1. of the statutes is amended to read:

18 938.355 (6) (d) 1. Placement of the juvenile in a secure detention facility or  
 19 juvenile portion of a county jail that meets the standards promulgated by the  
 20 department by rule or in a place of nonsecure custody, for not more than 10 days and  
 21 the provision of educational services consistent with his or her current course of  
 22 study during the period of placement. The juvenile shall be given credit against the  
 23 period of detention or nonsecure custody imposed under this subdivision for all time  
 24 spent in secure detention in connection with the course of conduct for which the  
 25 detention or nonsecure custody was imposed. If the court orders placement of the

as required under 42 USC

672 (a)(2) and shall

LRB-0261/2

GMM:jld:nwn

SECTION 71

under the supervision of the county department

assign the county

department primary responsibility for providing

1 juvenile in a place of nonsecure custody, the court shall order the juvenile into the  
2 placement and care responsibility of the county department.

Services to the juvenile

3 SECTION 72. 938.355 (6m) (a) 1g. of the statutes is amended to read:

4 938.355 (6m) (a) 1g. Placement of the juvenile in a secure detention facility or  
5 juvenile portion of a county jail that meets the standards promulgated by the  
6 department by rule or in a place of nonsecure custody, for not more than 10 days and  
7 the provision of educational services consistent with his or her current course of  
8 study during the period of placement. The juvenile shall be given credit against the  
9 period of detention or nonsecure custody imposed under this subdivision for all time  
10 spent in secure detention in connection with the course of conduct for which the  
11 detention or nonsecure custody was imposed. The use of placement in a secure  
12 detention facility or in a juvenile portion of a county jail as a sanction under this  
13 subdivision is subject to the adoption of a resolution by the county board of  
14 supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.

15 If the court orders placement of the juvenile in a place of nonsecure custody, the court  
16 shall order the juvenile into the placement and care responsibility of the county  
17 department.

18 SECTION 73. 938.357 (1) (am) 3. of the statutes is amended to read:

19 938.357 (1) (am) 3. If the court changes the juvenile's placement from a  
20 placement outside the home to another placement outside the home, ~~the court shall~~  
21 ~~order the juvenile to be continued in the placement and care responsibility of the~~  
22 ~~county department and shall include in~~ the change in placement order shall contain  
23 ~~one of the statements~~ under sub. (2v) (a) 2. (plain)

24 SECTION 74. 938.357 (1) (c) 3. of the statutes is amended to read:

the applicable order specified in sub. (2v) (a) 1m. and  
the applicable statement

(insert)

the applicable order under sub. (2v) (a) 1m.,  
the applicable statement

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

8 **SECTION 75.** 938.357 (2m) (c) of the statutes is amended to read:

9 938.357 (2m) (c) ~~In-home to out-of-home placement; findings~~ Findings  
10 required. If the court changes the juvenile's placement from a placement in the  
11 juvenile's home to a placement outside the juvenile's home, ~~the court shall order the~~  
12 ~~juvenile into the placement and care responsibility of the county department and~~  
13 ~~shall include in~~ the change in placement order shall contain the findings under sub.  
14 (2v) (a) 1., ~~one of the statements~~, under sub. (2v) (a) 2., and, if in addition the court  
15 finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with  
16 respect to a parent, the determination under sub. (2v) (a) 3. If the court changes the  
17 juvenile's placement from a placement outside the home to another placement  
18 outside the home, the court shall order the juvenile to be continued in the placement  
19 and care responsibility of the county department and shall include in the change in  
20 placement order one of the statements under sub. (2v) (a) 2.

21 **SECTION 76.** 938.357 (2v) (a) 3. of the statutes is amended to read:

22 938.357 (2v) (a) 3. If the court finds that any of the circumstances under s.  
23 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the  
24 agency primarily responsible for providing services with placement and care  
25 responsibility under the change in placement order is not required to make

shall contain the applicable order under insert in sub. (2v) (a) 1m.,  
and the applicable statement NO

1 reasonable efforts with respect to the parent to make it possible for the juvenile to  
2 return safely to his or her home.

3 **SECTION 77.** 938.365 (2g) (b) 1. of the statutes is amended to read:

4 938.365 (2g) (b) 1. A copy of the report of the review panel under s. 938.38 (5),  
5 if any, and a response to the report from the agency ~~primarily responsible for~~  
6 providing services to with placement and care responsibility for the juvenile.

7 **SECTION 78.** 938.365 (2m) (a) 1. of the statutes is amended to read:

8 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of  
9 extension. If the juvenile is placed outside of his or her home, the ~~person or agency~~  
10 primarily responsible for providing services to agency with placement and care  
11 responsibility for the juvenile shall present as evidence specific information showing  
12 that the agency has made reasonable efforts to achieve the goal of the juvenile's  
13 permanency plan, unless return of the juvenile to the home is the goal of the  
14 permanency plan and any of the circumstances under s. 938.355 (2d) (b) 1. to 4.  
15 applies. The court shall make findings of fact and conclusions of law based on the  
16 evidence. The findings of fact shall include a finding as to whether reasonable efforts  
17 were made by the agency ~~primarily responsible for providing services to with~~  
18 placement and care responsibility for the juvenile to achieve the goal of the juvenile's  
19 permanency plan, unless return of the juvenile to the home is the goal of the  
20 permanency plan and the court finds that any of the circumstances under s. 938.355  
21 (2d) (b) 1. to 4. applies. An order shall be issued under s. 938.355.

22 **SECTION 79.** 938.365 (2m) (a) 2. of the statutes is amended to read:

23 938.365 (2m) (a) 2. If the court finds that any of the circumstances under s.  
24 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include a  
25 determination that the ~~person or agency primarily responsible for providing services~~

1 ~~to agency with placement and care responsibility for the juvenile is not required to~~  
 2 ~~make reasonable efforts with respect to the parent to make it possible for the juvenile~~  
 3 ~~to return safely to his or her home.~~

Insert  
35-3

(2)(b) 6g.

4 SECTION 80. 938.38 (2) (intro.) of the statutes is amended to read:

5 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
 6 for each juvenile living in a foster home, treatment foster home, group home,  
 7 residential care center for children and youth, juvenile detention facility, or shelter  
 8 care facility, the agency that placed the juvenile or arranged the placement or the  
 9 agency assigned ~~primary responsibility for providing services to~~ <sup>plim</sup> ~~placement and care~~  
 10 ~~responsibility for~~ the juvenile under s. 938.355 <sup>(1m)</sup> shall prepare a written  
 11 permanency plan, if any of the following conditions exists, and, for each juvenile  
 12 living in the home of a relative other than a parent, that agency shall prepare a  
 13 written permanency plan, if any of the conditions under pars. (a) to (e) exists:

14 SECTION 81. 938.38 (5) (f) of the statutes is amended to read:

15 938.38 (5) (f) If the summary prepared under par. (e) indicates that the review  
 16 panel made recommendations that conflict with the court order or that provide for  
 17 additional services not specified in the court order, the agency primarily responsible  
 18 for providing services to ~~with placement and care responsibility for the juvenile shall~~  
 19 ~~request a revision of the court order.~~

20 SECTION 9321. Initial applicability; Health and Family Services.

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

22 (a) *Juvenile court reports.* The treatment of sections 48.33 (1) (c) and (4) (c) and  
 23 (d), 48.365 (2g) (b) 1., 48.425 (1) (b) 1., 938.33 (1) (c) and (4) (c) and (d), and 938.365 (2g)  
 24 (b) 1. of the statutes first applies to reports filed with the court assigned to exercise

(b) 1.  
(c)

1 jurisdiction under chapters 48 and 938 of the statutes on the effective date of this  
2 paragraph.

3 (b) *Orders placing child outside home.* The treatment of sections 48.21 (4) (b)  
4 and (5) (b) 1. and 3. and (c), 48.235 (4) (b) and (4m) (b), 48.32 (1) (b) 1. and 2., 48.355  
5 (1m) (2) (b) 1., 1d, 6., and 6r, (2c) (b), and (2d) (b) (intro.), 48.357 (1) (am) 3. and (c)  
6 3., (2m) (c), and (2v) (a) 3., 48.365 (2m) (a) 1. and 2., 48.38 (2) (intro.) and (5) (f), 48.417  
7 (2) (c) and (3), 48.427 (5), 48.43 (1) (cm), 48.62 (5) (a) 1., 48.977 (2) (f) and (4) (c) 1. hm.  
8 and (e) 767.41 (3) (am), 767.451 (7), 938.21 (4) (b) and (5) (b) 1. and 3. and (c), 938.235  
9 (4) (b), 938.32 (1) (c) 1. (intro.) and e. and 2., 938.355 (1m) (2) (b) 1., 1d, 6., and 6r,  
10 (2c) (b), (2d) (b) (intro.), (6) (d) 1., and (6m) (a) 1g., 938.357 (1) (am) 3. and (c) 3., (2m)  
11 (c), and (2v) (a) 3., 938.365 (2m) (a) 1. and 2., and 938.38 (2) (intro.) and (5) (f) of the  
12 statutes first apply to court orders granted on the effective date of this paragraph.

13 (c) *Voluntary agreements placing child outside home.* The treatment of sections  
14 48.428 (4), 48.63 (1), and 48.75 (1g) (c) 1. of the statutes first applies to voluntary  
15 agreements placing a child outside the home entered into on the effective date of this  
16 paragraph.

17 (d) *Protective placements of minors.*

18 1. 'Petitions.' The treatment of sections 55.075 (2) (c), 55.11 (1) (c), and 55.12  
19 (7m) of the statutes first applies to petitions requesting the protective placement of  
20 a minor filed on the effective date of this subdivision.

21 2. 'Emergency protective placements.' The treatment of section 55.135 (5m) of  
22 the statutes first applies to minors taken into custody under section 55.135 (1) (a) of  
23 the statutes on the effective date of this subdivision.

The renumbering and amendment of sections 48.21 (5) (b) 1.,  
48.32 (1) (b) 1., and 938.21 (5) (b) 1. and the creation of sections  
48.21 (5) (b) 1. 2., 48.32 (1) (b) 1. d., and 938.21 (5) (b) 1. 2. of the statutes  
↑ letter



2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0261/3ins  
...GMM:.....

(INSERT 4-23)

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

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

(END OF INSERT)

(INSERT 8-19)

**SECTION 2.** 48.32 (1) (b) 1. d. of the statutes is created to read:

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

(END OF INSERT)

(INSERT 12-7)

**SECTION 3.** 48.355 (2) (b) 6g. of the statutes is created to read:

48.355 (2) (b) 6g. If the child is placed outside the home under the supervision of the county department or, in a county having a population of 500,000 or more, the department, an order ordering the child into the placement and care responsibility

↓

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

(END OF INSERT)

(INSERT 14-21)

**SECTION 4.** 48.357 (2v) (a) 1m. of the statutes is created to read: ✕

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

(END OF INSERT)

(INSERT 17-6)

**SECTION 5.** 48.43 (1) (am) of the statutes is created to read: ✕

48.43 (1) (am) If the department or a county department receives guardianship or custody of the child under par. ✓ (a), an order ordering the child into the placement and care responsibility of the department or county department as required under 42 USC 672 (a) (2) and assigning the department or county department primary responsibility for providing services to the child. ✓

(INSERT 25-19)



**SECTION 6.** 938.21 (5) (b) 1. d. of the statutes is created to read:

938.21 (5) (b) 1. d. If the juvenile is being held in custody under the supervision of the county department, an order ordering the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and assigning the county department primary responsibility for providing services to the juvenile.

(END OF INSERT)

(INSERT 29-4)

**SECTION 7.** 938.32 (1) (c) 1. d. of the statutes is created to read:

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

(END OF INSERT)

(INSERT 31-16)

**SECTION 8.** 938.355 (2) (b) 6g. of the statutes is created to read:

938.355 (2) (b) 6g. If the juvenile is placed outside the home under the supervision of the county department, an order ordering the juvenile into the placement and care responsibility of the county department as required under 42



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

(END OF INSERT)

(INSERT 35-3)

**SECTION 9.** 938.357 (2v) (a) 1m. <sup>X</sup> of the statutes is created to read:

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

(END OF INSERT)

## Malaise, Gordon

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**From:** Connolly, Cathleen - DHFS  
**Sent:** Wednesday, January 10, 2007 10:39 AM  
**To:** Dennis Rhodes; Malaise, Gordon  
**Cc:** Campbell, Mark D - DHFS; Durkin, Therese A - DHFS; Mitchell, Mark S - DHFS; Timmerman, David J - DHFS; Tuohy, John O - DHFS; Michelle Jensen-Goodwin  
**Subject:** LRB Draft 07-0261/3 County Responsibility for care and placement

Hello Dennis and Gordon,  
We have reviewed Draft 07-0261/3 on county responsibility for care and placement. We have the following requested changes:

1. In Section 2 of the bill delete the reference to the child being in "custody" So it would read, "If the child is under the supervision of ..."
2. Please remove the sections on Chapter 55, which are sections 23-27 of the bill.
3. With regard to the sections on Chapter 767, in current s. 767.41(3)(a), Stats, as an option for placing children in the legal custody of, would you add a reference to DHFS for counties over 500,000 people. Also would you add (we think in the same section, but not sure): if legal custody of the child is transferred to a county department or the department the court shall make a referral to the juvenile court intake worker and request proceedings under s. 48.13, Stats.
4. Finally, the definition or description of placement and care responsibility is repeated several places in the bill. Would it be good drafting to put the description in s. 48.02, Stats. with definitions or do you still think it is not really a definition?

Please let me know if you have any questions. Thanks for all your help.

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

*D-Note - wouldn't save that much  
"Care placement resp"*