

**2009 DRAFTING REQUEST**

**Bill**

Received: **09/22/2009**

Received By: **gmalaise**

Wanted: **09/23/2009**

Identical to LRB:

For: **Tamara Grigsby (608) 266-0645**

By/Representing: **Cindy McGinnis**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - juvenile justice  
Children - out-of-home placement  
Children - TPR and adoption  
Children - abuse and neglect**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Grigsby@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Out-of-home placements and child abuse reporting; federal compliance

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**Instructions:**

See attached--draft companion to 2993/2

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 09/22/2009	csicilia 09/23/2009		_____			S&L
/1			phenry 09/23/2009	_____	sbasford 09/23/2009	mbarman 09/23/2009	

FE Sent For:

↳ Af Intro.

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/?	gmalaise	/ 1 js 9/23 09	9 1/23 plh	9 1/23 plh			

FE Sent For:

<END>

**Malaise, Gordon**

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**From:** McGinnis, Cindy  
**Sent:** Tuesday, September 22, 2009 4:27 PM  
**To:** Malaise, Gordon  
**Subject:** request for Assembly drafts of 2 Senate bills

Gordon-

Will you please draft for us Assembly versions of LRB 2993/2 and LRB 2992/1. One is a child welfare technical fix bill and the other is a DCF federal compliance package.

Thank you.

Cindy McGinnis  
Office of State Representative Tamara Grigsby  
324 East State Capitol  
PO Box 8952  
Madison, WI 53708  
1-888-534-0018 - toll free  
(608) 266-0645  
(608) 282-3618 - fax



State of Wisconsin  
2009 - 2010 LEGISLATURE

IN 9/22  
Wanted 9/23

FROM  
35121  
LRB-29937  
GMM:cjs:jf  
Stays

2009 BILL

( Companion - No change )

SN

Repeal Cat

1 AN ACT *to repeal* 48.21 (5) (d) 2., 48.21 (5) (d) 3., 48.355 (2d) (c) 2., 48.355 (2d)  
2 (c) 3., 48.357 (2v) (c) 2., 48.357 (2v) (c) 3., 48.365 (2m) (ad) 2., 938.21 (5) (d) 2.,  
3 938.21 (5) (d) 3., 938.355 (2d) (c) 2., 938.355 (2d) (c) 3., 938.357 (2v) (c) 2.,  
4 938.357 (2v) (c) 3. and 938.365 (2m) (ad) 2.; *to renumber and amend* 48.21 (5)  
5 (d) 1., 48.355 (2d) (c) 1., 48.357 (2v) (c) 1., 48.365 (2m) (ad) 1., 48.38 (4) (br), 48.38  
6 (5m) (c), 48.43 (5) (b), 938.21 (5) (d) 1., 938.355 (2d) (c) 1., 938.357 (2v) (c) 1.,  
7 938.365 (2m) (ad) 1., 938.38 (4) (br) and 938.38 (5m) (c); *to amend* 46.238,  
8 48.245 (2) (b), 48.27 (3) (a) 1m., 48.27 (6), 48.32 (1) (b) 1. c., 48.33 (4) (c), 48.335  
9 (3g) (c), 48.355 (2) (b) 6., 48.355 (2b), 48.357 (2m) (b), 48.357 (2r), 48.363 (1) (b),  
10 48.363 (1m), 48.365 (2g) (b) 3., 48.365 (2m) (a) 1., 48.365 (2m) (ag), 48.38 (3),  
11 48.38 (4) (fm), 48.38 (4) (h) (intro.), 48.38 (4m) (b) and (d), 48.38 (5) (b), 48.38  
12 (5) (bm) 1., 48.38 (5) (c) 6. (intro.), 48.38 (5) (c) 7., 48.38 (5) (d), 48.38 (5) (e), 48.38  
13 (5m) (b), 48.38 (5m) (d), 48.385, 48.417 (1) (a), 48.42 (2g) (am), 48.425 (1) (c),  
14 48.427 (1m), 48.43 (1) (cm), 48.43 (5) (b) 3., 48.43 (5m), 48.63 (5) (d) 4., 48.834

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1 (2), 146.0255 (2), 146.0255 (3) (b), 767.41 (3) (c), 938.27 (3) (a) 1m., 938.27 (6),  
2 938.32 (1) (c) 1. c., 938.33 (4) (c), 938.335 (3g) (c), 938.355 (2) (b) 6., 938.355 (2b),  
3 938.357 (2r), 938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2g) (b) 3.,  
4 938.365 (2m) (a) 1., 938.365 (2m) (ag), 938.38 (3) (intro.), 938.38 (4) (fm), 938.38  
5 (4) (h) (intro.), 938.38 (4m) (b) and (d), 938.38 (5) (b), 938.38 (5) (bm) 1., 938.38  
6 (5) (c) 6. (intro.), 938.38 (5) (c) 7., 938.38 (5) (d), 938.38 (5) (e), 938.38 (5m) (b)  
7 and 938.38 (5m) (d); **to repeal and recreate** 48.27 (3) (a) 1m., 48.27 (6), 48.357  
8 (2m) (b), 48.357 (2r), 48.363 (1) (b), 48.363 (1m), 48.365 (2g) (b) 3., 48.365 (2m)  
9 (ag), 48.38 (5) (b), 48.38 (5) (c) 6. (intro.), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m)  
10 (c) 1., 48.417 (1) (a), 48.42 (2g) (am), 48.427 (1m), 48.43 (5) (b) 1., 48.43 (5m),  
11 767.41 (3) (c), 938.27 (3) (a) 1m., 938.27 (6), 938.357 (2r), 938.363 (1) (b), 938.363  
12 (1m), 938.365 (2), 938.365 (2g) (b) 3., 938.365 (2m) (ag), 938.38 (5) (b), 938.38  
13 (5) (c) 6. (intro.), 938.38 (5) (e), 938.38 (5m) (b) and 938.38 (5m) (c) 1.; and **to**  
14 **create** 48.21 (3) (f), 48.21 (5) (b) 2m., 48.21 (5) (e), 48.32 (1) (b) 1m., 48.33 (4)  
15 (d), 48.335 (3g) (d), 48.335 (6), 48.355 (2) (b) 6p., 48.355 (2) (cm), 48.357 (1) (c)  
16 2m., 48.357 (2m) (bm), 48.357 (2v) (a) 2m., 48.357 (2v) (d), 48.365 (2m) (a) 1m.,  
17 48.38 (4) (br) 2., 48.38 (4) (i), 48.38 (4m), 48.38 (5) (bm), 48.38 (5) (c) 8., 48.38  
18 (5m) (c) 2., 48.385, 48.43 (5) (b) 2., 48.43 (5) (b) 3., 48.78 (2) (i), 48.78 (2) (j),  
19 48.981 (7) (a) 4m., 48.981 (7) (a) 4p., 48.999, 757.69 (1) (g) 14., 938.21 (2) (e),  
20 938.21 (3) (f), 938.21 (5) (b) 2m., 938.21 (5) (e), 938.32 (1) (c) 1m., 938.33 (4) (d),  
21 938.335 (3g) (d), 938.335 (6), 938.355 (2) (b) 6p., 938.355 (2) (cm), 938.357 (1)  
22 (c) 2m., 938.357 (2m) (bm), 938.357 (2v) (a) 2m., 938.357 (2v) (d), 938.365 (2m)  
23 (a) 1m., 938.38 (4) (br) 2., 938.38 (4) (i), 938.38 (4m), 938.38 (5) (bm), 938.38 (5)  
24 (c) 8., 938.38 (5m) (c) 2., 938.78 (2) (i) and 938.9995 of the statutes; **relating to:**  
25 requiring consultation with a child in determining and reviewing his or her

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1           permanency plan; requiring agencies, in making reasonable efforts to place a  
2           child in a permanent placement, to include efforts to place the child outside this  
3           state; requiring juvenile courts to take certain actions to expedite the interstate  
4           placement of children; requiring juvenile courts to give a child's out-of-home  
5           care provider the right to be heard in proceedings involving the child; requiring  
6           notice to relatives when a child is removed from the home; requiring reasonable  
7           efforts to place siblings together or to provide for visitation between siblings;  
8           requiring agencies to assist children in developing a plan for transition to  
9           independent living; requiring health care providers to report cases of infants  
10          with controlled substances in their bodily fluids to the agency responsible for  
11          investigating suspected child abuse or neglect; authorizing circuit court  
12          commissioners to conduct permanency plan reviews and hearings; specifying  
13          certain placements for purposes of calculating how long a child has been placed  
14          outside the home for purposes of filing a termination of parental rights petition;  
15          and permitting disclosure of information to a relative of a child for purposes of  
16          facilitating placement of the child with the relative or to a public or private  
17          agency in this state or any other state for purposes of investigating a proposed  
18          foster or adoptive placement.

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***Analysis by the Legislative Reference Bureau******Introduction***

Under current federal law, to be eligible for foster care and adoption assistance under Title IV-E of the Social Security Act (Title IV-E), a state must have a state plan that meets certain conditions specified in Title IV-E. Recently, Congress amended Title IV-E by enactment of the Safe and Timely Interstate Placement of Foster Children Act of 2006, the Child and Family Services Improvement Act of 2006, and the Fostering Connections to Success and Increasing Adoptions Act of 2008. This bill amends certain provisions of the Children's Code and the Juvenile Justice



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Code relating to permanency planning for children placed in out-of-home care to conform those provisions to the requirements of Title IV-E, as affected by those acts.

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

Finally, the bill authorizes a circuit court commissioner assigned to assist in juvenile matters to review a child's permanency plan, which is a plan designed to ensure that the child is reunified with his or her family whenever appropriate or that the child quickly attains a placement or home providing long-term stability; specifies certain placements for purposes of determining whether the child has been placed in an out-of-home placement for 15 of the most recent 22 months, which triggers a requirement that a termination of parental rights (TPR) petition be filed; and permits disclosure of information to a relative of a child for purposes of facilitating placement of the child with the relative or to a public or private agency in this state or any other state for purposes of investigating a proposed foster or adoptive placement.

***Permanency planning for children in out-of-home care***

**Current law.** Under current law, for each child living in an out-of-home placement, the county department of human services or social services (county department), the licensed child welfare agency, or, in Milwaukee County, the Department of Children and Families (DCF) that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child (collectively "agency") must prepare a permanency plan for the child. A permanency plan must describe, among other things, the goal or goals of the permanency plan, with those goals being either the safe return of the child to the home or placement of the child for adoption, with a guardian, in the home of a relative, or in some other alternative permanent placement.

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

**Consultation with child.** The Child and Family Services Improvement Act of 2006 requires a state's case review system to include procedural safeguards to

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assure that the court or administrative body conducting a permanency plan hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency plan for the child.

This bill requires a child's permanency plan to include a statement as to whether the child's age and developmental level are sufficient for the juvenile court to consult with the child at the permanency plan determination hearing or at the permanency plan hearing or for the juvenile court or permanency plan review panel to consult with the child at the permanency plan review. If the child's permanency plan indicates that the child's age and developmental level are sufficient for the juvenile court or permanency plan review panel to consult with the child regarding the child's permanency plan or if the juvenile court or panel otherwise determines that consultation with the child would be in the best interests of the child, the juvenile court or panel must consult with the child, in an age-appropriate and developmentally appropriate manner, regarding the child's permanency plan and any other matters the court or panel finds appropriate. If none of those circumstances apply, the juvenile court may permit the child's caseworker, the child's counsel, or the child's guardian ad litem to make a written or oral statement during the hearing or review, or to submit a written statement prior to the hearing or review, expressing the child's wishes, goals, and concerns regarding the permanency plan and those matters. If the juvenile court permits such a written or oral statement to be made or submitted, the juvenile court may nonetheless require the child to be physically present at the hearing or review.

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

This bill requires a permanency plan whose goal is to place a child for adoption, with a guardian, with a relative, or in some other alternative permanent placement to include the efforts made to achieve that goal, including, if appropriate, through an out-of-state placement. The bill also requires a juvenile court order placing a child outside the home to include a finding as to whether reasonable efforts have been made to achieve the goal of the child's permanency plan, including, if appropriate, through an out-of-state placement. In addition, the bill requires an agency, in making concurrent reasonable efforts to place a child for adoption, with a guardian, with a relative, or in some other alternative permanent placement, to include

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reasonable efforts to identify an appropriate out-of-state placement. Moreover, the bill also requires a juvenile court, at the permanency plan determination hearing, to consider placing the child in a placement outside the state if the juvenile court determines that such a placement would be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan.

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

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

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

This bill requires the juvenile court to give a foster parent, treatment foster parent, operator of a facility in which a child is living, relative with whom a child is living, or other physical custodian of a child *a right* to be heard at any hearing under the Children's Code or the Juvenile Justice Code, involving the child, other than a hearing for which notice need only be provided to the child and his or her counsel.

***Notice to relatives when child removed from home***

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires that within 30 days after the removal of a child from the custody of the parent or parents of the child, a state must exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child, including any other adult relatives suggested by the parents, subject to exceptions due to family or domestic violence. The notice must do all of the following:

1. Specify that the child has been or is being removed from the custody of the parent or parents of the child.
2. Explain the options the relative has under federal, state, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice.
3. Describe the requirements to become a foster family home and the additional services and supports that are available for children placed in such a home.

This bill requires the juvenile court to request a child's parent to provide the names of three relatives of the child or other individuals 18 years of age or over whose

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homes the parent requests the juvenile court to consider as placements for the child. The juvenile court must request that information at the temporary physical custody hearing or, if that information has not been previously requested, at a dispositional hearing or change-in-placement hearing placing the child outside the parent's home. If the parent does not provide that information at the hearing, the agency must permit the parent to provide the information at a later date.

The juvenile court then must order the agency to conduct a diligent search in order to locate and provide notice of certain information specified in the bill to all of the relatives names by the parent and to all adult relatives of the child within 30 days after the hearing. The bill, for purposes of notification, defines "adult relative" as a grandparent, great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of the child who has attained 18 years of age. The bill also permits the juvenile court to order the agency to notify any other individual whose home is recommended as a placement option by the parent. The agency may not provide notice to a person named by a parent or to an adult relative if the agency has reason to believe that it would be dangerous to the child or to the parent if the child were placed with that person or adult relative.

The bill requires the notice to include all of the following:

1. A statement that the child has been removed from the custody of the child's parent.
2. A statement that explains the options that the person notified has under state or federal law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice.
3. A description of the requirements to obtain a foster home license or to receive kinship care payments and of the additional services and supports that are available for children placed in a foster home or in the home of a person receiving those payments.
4. A statement advising the person notified that he or she may incur additional expenses if the child is placed in his or her home and that reimbursement for some of those expenses may be available.
5. The name and contact information of the agency that removed the child from the custody of the child's parent.

***Placement with siblings***

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires a state plan for foster care and adoption assistance to provide that reasonable efforts shall be made to do all of the following:

1. Place siblings removed from their home in the same foster care or adoptive placement, unless the state documents that such a joint placement would be contrary to the safety or well-being of any of the siblings.
2. In the case of siblings removed from the home who are not jointly placed, provide for frequent visitation or other ongoing interaction between the siblings, unless the state documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.

This bill requires the permanency plan of a child who has been removed from the home and who has one or more siblings who have also been removed from the

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home to include a description of the efforts made to place the child in a placement that enables the sibling group to remain together and, if a decision is made not to place the child and his or her siblings in a joint placement, a statement as to why a joint placement would be contrary to the safety or well-being of the child or any of those siblings and a description of the efforts made to provide for frequent visitation or other ongoing interaction between the child and those siblings. If a decision is made not to provide for that visitation or interaction, the permanency plan must include a statement as to why that visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

The bill also requires an agency, before placing for adoption a child who has one or more siblings who have been adopted or who have been placed for adoption, to make reasonable efforts to place the child for adoption with an adoptive parent or proposed adoptive parent of such a sibling, unless the agency determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the agency must make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the agency determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

In addition, the bill requires the juvenile court, when ordering into temporary physical custody a child who has one or more siblings who have been removed from the home or when ordering such a child to be placed outside the home under a dispositional order or a change-in-placement order, to include in the order a finding that reasonable efforts have been made to place the child in a placement that enables the sibling group to remain together, unless the juvenile court determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the juvenile court must order the agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the juvenile court determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

***Plan for transition to independent living***

Under current law, a permanency plan for a child 15 years of age or over must include a description of the programs and services that are or will be provided to assist the child in preparing for the transition from out-of-home care to independent living.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires a state's case review system to include procedures to assure that during the 90-day period immediately prior to the date on which a child will attain 18 years of age the child is provided with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, and is as detailed as the child may elect.

This bill requires the agency primarily responsible for providing services to a child who is placed in a foster home, group home, subsidized guardianship home, or

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residential care center for children and youth, or in the home of a relative other than a parent to provide the child with assistance and support in developing a plan for making the transition to independent living by no later than 90 days before the child attains 18 years of age or, if the child is under a juvenile court order that terminates after the child attains 18 years of age, by no later than 90 days before the order terminates. The plan must be personalized at the direction of the child, must be as detailed as the child directs, and must include specific options for obtaining housing, health care, education, mentoring and continuing support services, and workforce support and employment services.

***Reporting of infants affected by controlled substances***

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

This bill requires a physician who determines that there is a serious risk that an infant's bodily fluids contain a controlled substance to report that information to the agency that is responsible for investigating reports of suspected child abuse or neglect, which is the county department, DCF in Milwaukee County, or a child welfare agency under contract with a county department or DCF to conduct those investigations. Under the bill, if a county department or a child welfare agency under contract with a county department receives such a report, the county department or child welfare agency must offer or make arrangements for the provision of appropriate services and treatment for the infant and the infant's mother and, if DCF or a child welfare agency under contract with DCF receives such a report, DCF or the child welfare agency must refer the report to the county department of community programs or developmental disabilities services and that county department must offer or make arrangements for the provision of those services and that treatment.

***Circuit court commissioner review of permanency plans***

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

***Termination of parental rights filing requirements***

Under current law, if a child has been placed in an out-of-home placement for 15 of the most recent 22 months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period

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during which the child was returned to his or her home for a trial home visit, an agency or the district attorney, corporation counsel, or other appropriate official designated by the county board to prosecute TPR proceedings must file a TPR petition with respect to the child or, if a TPR petition with respect to the child has already been filed, must join in the petition.

This bill, for purposes of determining whether a child has been placed outside the home for 15 of the most recent 22 months, only includes periods during which the child was placed in a foster home, treatment foster home, group home, nonsecured residential care center for children and youth, or shelter care facility.

***Reasonable efforts to achieve goals of permanency plan***

Under current law, a juvenile court order placing a child outside the home must include a finding that reasonable efforts have been made to achieve the goals of the child's permanency plan. This bill requires that finding only if a permanency plan has previously been prepared for the child.

***Informal disposition***

Under current law, when information is referred to the juvenile court intake worker indicating that a child should be referred to the juvenile court as in need of protection or services, the intake worker may enter into an informal disposition with the child's parent, guardian, and legal custodian and, if the child is 12 years of age or over, the child. An informal disposition may provide that the child attend counseling and abide by certain obligations, but an informal disposition may not include any form of residential placement. This bill provides that an informal disposition may not include any form of out-of-home placement.

***Confidentiality of records***

Finally, the bill creates an exception to the confidentiality of agency and child abuse and neglect records so that the agency may disclose information to all of the following:

1. A relative of a child who is placed outside his or her home only to the extent necessary to facilitate the establishment of a relationship between the child and the relative or a placement of the child with the relative.
2. A public or private agency in this state or any other state that is investigating a person for purposes of licensing the person to operate a foster home or placing a child for adoption in the home of the person.

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

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

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1           **46.238 Infants and unborn children whose mothers abuse controlled**  
2 **substances or controlled substance analogs.** ~~If a county department under s.~~  
3 ~~46.22 or 46.23 or, in a county having a population of 500,000 or more, a county~~  
4 ~~department under s. 51.42 or 51.437 an agency, as defined in s. 48.981 (1) (ag),~~  
5 receives a report under s. 146.0255 (2) and that agency is a county department under  
6 s. 46.22 or 46.23 or a licensed child welfare agency under contract with that county  
7 department, the county department agency shall offer to provide appropriate  
8 services and treatment to the child and the child's mother or to the unborn child, as  
9 defined in s. 48.02 (19), and the expectant mother of the unborn child or the county  
10 department agency shall make arrangements for the provision of appropriate  
11 services or and treatment. If an agency receives a report under s. 146.0255 (2) and  
12 that agency is the department or a licensed child welfare agency under contract with  
13 the department, the agency shall refer the report to the county department under s.  
14 51.42 or 51.437 and that county department shall offer to provide, or make  
15 arrangements for the provision of, those services and that treatment.

16           **SECTION 2.** 48.21 (3) (f) of the statutes is created to read:

17           48.21 (3) (f) If present at the hearing, the parent shall be requested to provide  
18 the names and other identifying information of 3 relatives of the child or other  
19 individuals 18 years of age or over whose homes the parent requests the court to  
20 consider as placements for the child. If the parent does not provide that information  
21 at the hearing, the county department, the department in a county having a  
22 population of 500,000 or more, or the agency primarily responsible for providing  
23 services to the child under the custody order shall permit the parent to provide the  
24 information at a later date.

25           **SECTION 3.** 48.21 (5) (b) 2m. of the statutes is created to read:



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1           48.21 (5) (b) 2m. If the child has one or more siblings, as defined in s. 48.38 (4)  
2 (br) 1., who have also been removed from the home, a finding as to whether the intake  
3 worker has made reasonable efforts to place the child in a placement that enables the  
4 sibling group to remain together, unless the judge or circuit court commissioner  
5 determines that a joint placement would be contrary to the safety or well-being of  
6 the child or any of those siblings, in which case the judge or circuit court  
7 commissioner shall order the county department, department in a county having a  
8 population of 500,000 or more, or agency primarily responsible for providing services  
9 to the child under the custody order to make reasonable efforts to provide for frequent  
10 visitation or other ongoing interaction between the child and the siblings, unless the  
11 judge or circuit court commissioner determines that such visitation or interaction  
12 would be contrary to the safety or well-being of the child or any of those siblings.

13           **SECTION 4.** 48.21 (5) (d) 1. of the statutes is renumbered 48.21 (5) (d) and  
14 amended to read:

15           48.21 (5) (d) If the judge or circuit court commissioner finds that any of the  
16 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
17 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)  
18 within 30 days after the date of that finding to determine the permanency plan for  
19 the child. ~~If a hearing is held under this subdivision, the agency responsible for~~  
20 ~~preparing the permanency plan shall file the permanency plan with the court not less~~  
21 ~~than 5 days before the date of the hearing.~~

22           **SECTION 5.** 48.21 (5) (d) 2. of the statutes, as affected by 2009 Wisconsin Act 28,  
23 is repealed.

24           **SECTION 6.** 48.21 (5) (d) 3. of the statutes, as affected by 2009 Wisconsin Act 28,  
25 is repealed.

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1           **SECTION 7.** 48.21 (5) (e) of the statutes is created to read:

2           48.21 (5) (e) 1. In this paragraph, “adult relative” means a grandparent,  
3           great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of a child,  
4           whether by blood, marriage, or legal adoption, who has attained 18 years of age.

5           2. The court shall order the county department, the department in a county  
6           having a population of 500,000 or more, or the agency primarily responsible for  
7           providing services to the child under the custody order to conduct a diligent search  
8           in order to locate and provide notice of the information specified in this subdivision  
9           to all relatives of the child named under sub. (3) (f) and to all adult relatives of the  
10          child within 30 days after the child is removed from the custody of the child’s parent  
11          unless the child is returned to his or her home within that period. The court may also  
12          order the county department, department, or agency to conduct a diligent search in  
13          order to locate and provide notice of the information specified in this subdivision to  
14          all other adult individuals named under sub. (3) (f) within 30 days after the child is  
15          removed from the custody of the child’s parent unless the child is returned to his or  
16          her home within that period. The county department, department, or agency may  
17          not provide that notice to a person named under sub. (3) (f) or to an adult relative if  
18          the county department, department, or agency has reason to believe that it would be  
19          dangerous to the child or to the parent if the child were placed with that person or  
20          adult relative. The notice shall include all of the following:

21           a. A statement that the child has been removed from the custody of the child’s  
22          parent.

23           b. A statement that explains the options that the person provided with the  
24          notice has under state or federal law to participate in the care and placement of the  
25          child, including any options that may be lost by failing to respond to the notice.

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1 c. A description of the requirements to obtain a foster home license under s.  
2 48.62 or to receive kinship care or long-term kinship care payments under s. 48.57  
3 (3m) or (3n) and of the additional services and supports that are available for  
4 children placed in a foster home or in the home of a person receiving those payments.

5 d. A statement advising the person provided with the notice that he or she may  
6 incur additional expenses if the child is placed in his or her home and that  
7 reimbursement for some of those expenses may be available.

8 e. The name and contact information of the agency that removed the child from  
9 the custody of the child's parent.

10 **SECTION 8.** 48.245 (2) (b) of the statutes is amended to read:

11 48.245 (2) (b) Informal disposition may not include any form of residential  
12 ~~out-of-home~~ placement and may not exceed 6 months, except as provided under sub.  
13 (2r).

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

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

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1           **SECTION 10.** 48.27 (3) (a) 1m. of the statutes, as affected by 2009 Wisconsin Acts  
2 28 and .... (this act), is repealed and recreated to read:

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

12           **SECTION 11.** 48.27 (6) of the statutes is amended to read:

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

20           **SECTION 12.** 48.27 (6) of the statutes, as affected by 2009 Wisconsin Acts 28 and  
21 .... (this act), is repealed and recreated to read:

22           48.27 (6) When a proceeding is initiated under s. 48.14, all interested parties  
23 shall receive notice and appropriate summons shall be issued in a manner specified  
24 by the court. If the child who is the subject of the proceeding is in the care of a foster  
25 parent or other physical custodian described in s. 48.62 (2), the court shall give the

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1 foster parent or other physical custodian notice and a right to be heard as provided  
2 in sub. (3) (a).

3 **SECTION 13.** 48.32 (1) (b) 1. c. of the statutes is amended to read:

4 48.32 (1) (b) 1. c. ~~A~~ If a permanency plan has previously been prepared for the  
5 child, a finding as to whether the county department, department, or agency has  
6 made reasonable efforts to achieve the goal of the child's permanency plan, including,  
7 if appropriate, through an out-of-state placement, unless return of the child to the  
8 home is the goal of the permanency plan and the judge or circuit court commissioner  
9 finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

10 **SECTION 14.** 48.32 (1) (b) 1m. of the statutes is created to read:

11 48.32 (1) (b) 1m. If the child has one or more siblings, as defined in s. 48.38 (4)  
12 (br) 1., who have also been removed from the home, the consent decree shall include  
13 a finding as to whether the county department, department in a county having a  
14 population of 500,000 or more, or agency primarily responsible for providing services  
15 to the child has made reasonable efforts to place the child in a placement that enables  
16 the sibling group to remain together, unless the judge or circuit court commissioner  
17 determines that a joint placement would be contrary to the safety or well-being of  
18 the child or any of those siblings, in which case the judge or circuit court  
19 commissioner shall order the county department, department, or agency to make  
20 reasonable efforts to provide for frequent visitation or other ongoing interaction  
21 between the child and the siblings, unless the judge or circuit court commissioner  
22 determines that such visitation or interaction would be contrary to the safety or  
23 well-being of the child or any of those siblings.

24 **SECTION 15.** 48.33 (4) (c) of the statutes is amended to read:

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

14           **SECTION 16.** 48.33 (4) (d) of the statutes is created to read:

15           48.33 (4) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4)  
16           (br) 1., who have been removed from the home or for whom an out-of-home  
17           placement is recommended, specific information showing that the county  
18           department, department in a county having a population of 500,000 or more, or  
19           agency primarily responsible for providing services to the child has made reasonable  
20           efforts to place the child in a placement that enables the sibling group to remain  
21           together, unless the county department, department, or agency recommends that the  
22           child and his or her siblings not be placed in a joint placement, in which case the  
23           report shall include specific information showing that a joint placement would be  
24           contrary to the safety or well-being of the child or any of those siblings and the  
25           specific information required under subd. 2.

**BILL****SECTION 16**

1           2. If a recommendation is made that the child and his or her siblings not be  
2 placed in a joint placement, specific information showing that the county  
3 department, department, or agency has made reasonable efforts to provide for  
4 frequent visitation or other ongoing interaction between the child and the siblings,  
5 unless the county department, department, or agency recommends that such  
6 visitation or interaction not be provided, in which case the report shall include  
7 specific information showing that such visitation or interaction would be contrary to  
8 the safety or well-being of the child or any of those siblings.

9           **SECTION 17.** 48.335 (3g) (c) of the statutes is amended to read:

10           48.335 **(3g)** (c) That, if a permanency plan has previously been prepared for the  
11 child, the county department, department, or agency has made reasonable efforts to  
12 achieve the goal of the child's permanency plan, including, if appropriate, through  
13 an out-of-state placement, unless return of the child to the home is the goal of the  
14 permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.  
15 applies.

16           **SECTION 18.** 48.335 (3g) (d) of the statutes is created to read:

17           48.335 **(3g)** (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4)  
18 (br) 1., who have been removed from the home or for whom an out-of-home  
19 placement is recommended, that the county department, department, or agency has  
20 made reasonable efforts to place the child in a placement that enables the sibling  
21 group to remain together, unless the county department, department, or agency  
22 recommends that the child and his or her siblings not be placed in a joint placement,  
23 in which case the county department, department, or agency shall present as  
24 evidence specific information showing that a joint placement would be contrary to

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1 the safety or well-being of the child or any of those siblings and the specific  
2 information required under subd. 2.

3 2. If a recommendation is made that the child and his or her siblings not be  
4 placed in a joint placement, that the county department, department, or agency has  
5 made reasonable efforts to provide for frequent visitation or other ongoing  
6 interaction between the child and the siblings, unless the county department,  
7 department, or agency recommends that such visitation or interaction not be  
8 provided, in which case the county department, department, or agency shall present  
9 as evidence specific information showing that such visitation or interaction would be  
10 contrary to the safety or well-being of the child or any of those siblings.

11 **SECTION 19.** 48.335 (6) of the statutes is created to read:

12 48.335 (6) If the dispositional order places the child outside the home, the  
13 parent, if present at the hearing, shall be requested to provide the names and other  
14 identifying information of 3 relatives of the child or other individuals 18 years of age  
15 or over whose homes the parent requests the court to consider as placements for the  
16 child, unless that information has previously been provided under s. 48.21 (3) (f). If  
17 the parent does not provide that information at the hearing, the county department,  
18 the department in a county having a population of 500,000 or more, or the agency  
19 primarily responsible for providing services to the child under the dispositional order  
20 shall permit the parent to provide the information at a later date.

21 **SECTION 20.** 48.355 (2) (b) 6. of the statutes is amended to read:

22 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued  
23 placement of the child in his or her home would be contrary to the welfare of the child,  
24 a finding as to whether the county department, the department, in a county having  
25 a population of 500,000 or more, or the agency primarily responsible for providing



**BILL****SECTION 20**

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

17 **SECTION 21.** 48.355 (2) (b) 6p. of the statutes is created to read:

18 48.355 (2) (b) 6p. If the child is placed outside the home and if the child has one  
19 or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside  
20 the home, a finding as to whether the county department, the department in a county  
21 having a population of 500,000 or more, or the agency primarily responsible for  
22 providing services under a court order has made reasonable efforts to place the child  
23 in a placement that enables the sibling group to remain together, unless the court  
24 determines that a joint placement would be contrary to the safety or well-being of  
25 the child or any of those siblings, in which case the court shall order the county

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1 department, department, or agency to make reasonable efforts to provide for  
2 frequent visitation or other ongoing interaction between the child and the siblings,  
3 unless the court determines that such visitation or interaction would be contrary to  
4 the safety or well-being of the child or any of those siblings.

5 **SECTION 22.** 48.355 (2) (cm) of the statutes is created to read:

6 48.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county  
7 department, the department in a county having a population of 500,000 or more, or  
8 the agency primarily responsible for providing services to the child under the  
9 dispositional order to conduct a diligent search in order to locate and provide notice  
10 of the information specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the child  
11 named under s. 48.335 (6) and to all adult relatives, as defined in s. 48.21 (5) (e) 1.,  
12 of the child within 30 days after the child is removed from the custody of the child's  
13 parent unless the child is returned to his or her home within that period. The court  
14 may also order the county department, department, or agency to conduct a diligent  
15 search in order to locate and provide notice of that information to all other adult  
16 individuals named under s. 48.335 (6) within 30 days after the child is removed from  
17 the custody of the child's parent unless the child is returned to his or her home within  
18 that period. The county department, department, or agency may not provide that  
19 notice to a person named under s. 48.335 (6) or to an adult relative if the county  
20 department, department, or agency has reason to believe that it would be dangerous  
21 to the child or to the parent if the child were placed with that person or adult relative.

22 2. Subdivision 1. does not apply if the search required under subd. 1. was  
23 previously conducted and the notice required under subd. 1. was previously provided  
24 under s. 48.21 (5) (e) 2.

25 **SECTION 23.** 48.355 (2b) of the statutes is amended to read:

**BILL****SECTION 23**

1           **48.355 (2b)** CONCURRENT REASONABLE EFFORTS PERMITTED. A county  
2 department, the department, in a county having a population of 500,000 or more, or  
3 the agency primarily responsible for providing services to a child under a court order  
4 may, at the same time as the county department, department, or agency is making  
5 the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child  
6 from the home or to make it possible for the child to return safely to his or her home,  
7 work with the department, a county department under s. 48.57 (1) (e) or (hm), or a  
8 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place  
9 the child for adoption, with a guardian, with a fit and willing relative, or in some  
10 other alternative permanent placement, including reasonable efforts to identify an  
11 appropriate out-of-state placement.

12           **SECTION 24.** 48.355 (2d) (c) 1. of the statutes is renumbered 48.355 (2d) (c) and  
13 amended to read:

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

20           **SECTION 25.** 48.355 (2d) (c) 2. of the statutes, as affected by 2009 Wisconsin Act  
21 28, is repealed.

22           **SECTION 26.** 48.355 (2d) (c) 3. of the statutes, as affected by 2009 Wisconsin Act  
23 28, is repealed.

24           **SECTION 27.** 48.357 (1) (c) 2m. of the statutes is created to read:

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1           48.357 (1) (c) 2m. If the court changes the child's placement from a placement  
2 in the child's home to a placement outside the child's home, the parent, if present at  
3 the hearing, shall be requested to provide the names and other identifying  
4 information of 3 relatives of the child or other individuals 18 years of age or over  
5 whose homes the parent requests the court to consider as placements for the child,  
6 unless that information has previously been provided under this subdivision, sub.  
7 (2m) (bm), or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that  
8 information at the hearing, the county department, the department in a county  
9 having a population of 500,000 or more, or the agency primarily responsible for  
10 implementing the dispositional order shall permit the parent to provide the  
11 information at a later date.

12           **SECTION 28.** 48.357 (2m) (b) of the statutes is amended to read:

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

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1 under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall  
2 notify the adult expectant mother, the unborn child by the unborn child's guardian  
3 ad litem, and all parties who are bound by the dispositional order, at least 3 days prior  
4 to the hearing. A copy of the request or proposal for the change in placement shall  
5 be attached to the notice. If all of the parties consent, the court may proceed  
6 immediately with the hearing.

7 **SECTION 29.** 48.357 (2m) (b) of the statutes, as affected by 2009 Wisconsin Acts  
8 28 and .... (this act), is repealed and recreated to read:

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

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

3 **SECTION 30.** 48.357 (2m) (bm) of the statutes is created to read:

4 48.357 **(2m)** (bm) If the court changes the child's placement from a placement  
5 in the child's home to a placement outside the child's home, the parent, if present at  
6 the hearing, shall be requested to provide the names and other identifying  
7 information of 3 relatives of the child or other individuals 18 years of age or over  
8 whose homes the parent requests the court to consider as placements for the child,  
9 unless that information has previously been provided under this paragraph, sub. (1)  
10 (c) 2m., or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that information  
11 at the hearing, the county department, the department in a county having a  
12 population of 500,000 or more, or the agency primarily responsible for implementing  
13 the dispositional order shall permit the parent to provide the information at a later  
14 date.

15 **SECTION 31.** 48.357 (2r) of the statutes is amended to read:

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

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

4 **SECTION 32.** 48.357 (2r) of the statutes, as affected by 2009 Wisconsin Acts 28  
5 and .... (this act), is repealed and recreated to read:

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

17 **SECTION 33.** 48.357 (2v) (a) 2m. of the statutes is created to read:

18 48.357 (2v) (a) 2m. If the child has one or more siblings, as defined in s. 48.38  
19 (4) (br) 1., who have been placed outside the home or for whom a change in placement  
20 to a placement outside the home is requested, a finding as to whether the county  
21 department, the department in a county having a population of 500,000 or more, or  
22 the agency primarily responsible for implementing the dispositional order has made  
23 reasonable efforts to place the child in a placement that enables the sibling group to  
24 remain together, unless the court determines that a joint placement would be  
25 contrary to the safety or well-being of the child or any of those siblings, in which case

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1 the court shall order the county department, department, or agency to make  
2 reasonable efforts to provide for frequent visitation or other ongoing interaction  
3 between the child and the siblings, unless the court determines that such visitation  
4 or interaction would be contrary to the safety or well-being of the child or any of those  
5 siblings.

6 **SECTION 34.** 48.357 (2v) (c) 1. of the statutes is renumbered 48.357 (2v) (c) and  
7 amended to read:

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

14 **SECTION 35.** 48.357 (2v) (c) 2. of the statutes, as affected by 2009 Wisconsin Act  
15 28, is repealed.

16 **SECTION 36.** 48.357 (2v) (c) 3. of the statutes, as affected by 2009 Wisconsin Act  
17 28, is repealed.

18 **SECTION 37.** 48.357 (2v) (d) of the statutes is created to read:

19 48.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county  
20 department, the department in a county having a population of 500,000 or more, or  
21 the agency primarily responsible for implementing the dispositional order to conduct  
22 a diligent search in order to locate and provide notice of the information specified in  
23 s. 48.21 (5) (e) 2. a. to e. to all relatives of the child named under sub. (1) (c) 2m. or  
24 (2m) (bm) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the child within  
25 30 days after the child is removed from the custody of the child's parent unless the



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1 child is returned to his or her home within that period. The court may also order the  
2 county department, department, or agency to conduct a diligent search in order to  
3 locate and provide notice of that information to all other adult individuals named  
4 under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the child is removed from the  
5 custody of the child's parent unless the child is returned to his or her home within  
6 that period. The county department, department, or agency may not provide that  
7 notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult relative  
8 if the county department, department, or agency has reason to believe that it would  
9 be dangerous to the child or to the parent if the child were placed with that person  
10 or adult relative.

11 2. Subdivision 1. does not apply if the search required under subd. 1. was  
12 previously conducted and the notice required under subd. 1. was previously provided  
13 under s. 48.21 (5) (e) 2. or 48.355 (2) (cm) 1.

14 **SECTION 38.** 48.363 (1) (b) of the statutes is amended to read:

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

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1 request or proposal shall be attached to the notice. If all parties consent, the court  
2 may proceed immediately with the hearing. No revision may extend the effective  
3 period of the original order.

4 **SECTION 39.** 48.363 (1) (b) of the statutes, as affected by 2009 Wisconsin Acts  
5 28 and .... (this act), is repealed and recreated to read:

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

19 **SECTION 40.** 48.363 (1m) of the statutes is amended to read:

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

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

6 **SECTION 41.** 48.363 (1m) of the statutes, as affected by 2009 Wisconsin Acts 28  
7 and .... (this act), is repealed and recreated to read:

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

18 **SECTION 42.** 48.365 (2g) (b) 3. of the statutes is amended to read:

19 **48.365 (2g) (b) 3.** If the child has been placed outside of his or her home in a  
20 foster home, treatment foster home, group home, nonsecured residential care center  
21 for children and youth, or shelter care facility for 15 of the most recent 22 months,  
22 not including any period during which the child was a runaway from the  
23 out-of-home placement or the first 6 months of any period during which the child  
24 was returned to his or her home for a trial home visit, a statement of whether or not  
25 a recommendation has been made to terminate the parental rights of the parents of

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1 the child. If a recommendation for a termination of parental rights has been made,  
2 the statement shall indicate the date on which the recommendation was made, any  
3 previous progress made to accomplish the termination of parental rights, any  
4 barriers to the termination of parental rights, specific steps to overcome the barriers  
5 and when the steps will be completed, reasons why adoption would be in the best  
6 interest of the child, and whether or not the child should be registered with the  
7 adoption information exchange. If a recommendation for termination of parental  
8 rights has not been made, the statement shall include an explanation of the reasons  
9 why a recommendation for termination of parental rights has not been made. If the  
10 lack of appropriate adoptive resources is the primary reason for not recommending  
11 a termination of parental rights, the agency shall recommend that the child be  
12 registered with the adoption information exchange or report the reason why  
13 registering the child is contrary to the best interest of the child.

14 **SECTION 43.** 48.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act  
15 .... (this act), is repealed and recreated to read:

16 **48.365 (2g) (b) 3.** If the child has been placed outside of his or her home in a  
17 foster home, group home, residential care center for children and youth, or shelter  
18 care facility for 15 of the most recent 22 months, not including any period during  
19 which the child was a runaway from the out-of-home placement or the first 6 months  
20 of any period during which the child was returned to his or her home for a trial home  
21 visit, a statement of whether or not a recommendation has been made to terminate  
22 the parental rights of the parents of the child. If a recommendation for a termination  
23 of parental rights has been made, the statement shall indicate the date on which the  
24 recommendation was made, any previous progress made to accomplish the  
25 termination of parental rights, any barriers to the termination of parental rights,

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1 specific steps to overcome the barriers and when the steps will be completed, reasons  
2 why adoption would be in the best interest of the child, and whether or not the child  
3 should be registered with the adoption information exchange. If a recommendation  
4 for termination of parental rights has not been made, the statement shall include an  
5 explanation of the reasons why a recommendation for termination of parental rights  
6 has not been made. If the lack of appropriate adoptive resources is the primary  
7 reason for not recommending a termination of parental rights, the agency shall  
8 recommend that the child be registered with the adoption information exchange or  
9 report the reason why registering the child is contrary to the best interest of the child.

10 **SECTION 44.** 48.365 (2m) (a) 1. of the statutes is amended to read:

11 48.365 **(2m)** (a) 1. Any party may present evidence relevant to the issue of  
12 extension. If the child is placed outside of his or her home, the person or agency  
13 primarily responsible for providing services to the child shall present as evidence  
14 specific information showing that the agency has made reasonable efforts to achieve  
15 the goal of the child's permanency plan, including, if appropriate, through an  
16 out-of-state placement, unless return of the child to the home is the goal of the  
17 permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.  
18 applies. The judge shall make findings of fact and conclusions of law based on the  
19 evidence. The findings of fact shall include a finding as to whether reasonable efforts  
20 were made by the agency primarily responsible for providing services to the child to  
21 achieve the goal of the child's permanency plan, including, if appropriate, through  
22 an out-of-state placement, unless return of the child to the home is the goal of the  
23 permanency plan and the judge finds that any of the circumstances specified in s.  
24 48.355 (2d) (b) 1. to 5. applies. An order shall be issued under s. 48.355.

25 **SECTION 45.** 48.365 (2m) (a) 1m. of the statutes is created to read:

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1           48.365 (2m) (a) 1m. a. If the child is placed outside of his or her home and if the  
2 child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been  
3 placed outside the home, the person or agency primarily responsible for providing  
4 services to the child shall present as evidence specific information showing that the  
5 agency has made reasonable efforts to place the child in a placement that enables the  
6 sibling group to remain together, unless the court has determined that a joint  
7 placement would be contrary to the safety or well-being of the child or any of those  
8 siblings, in which case the agency shall present as evidence specific information  
9 showing that agency has made reasonable efforts to provide for frequent visitation  
10 or other ongoing interaction between the child and the siblings, unless the court has  
11 determined that such visitation or interaction would be contrary to the safety or  
12 well-being of the child or any of those siblings.

13           b. If the child is placed outside the home and if the child has one or more  
14 siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside the home,  
15 the findings of fact shall include a finding as to whether reasonable efforts have been  
16 made by the agency primarily responsible for providing services to the child to place  
17 the child in a placement that enables the sibling group to remain together, unless the  
18 court has determined that a joint placement would be contrary to the safety or  
19 well-being of the child or any of those siblings, in which case the findings of fact shall  
20 include a finding as to whether reasonable efforts have been made by the agency to  
21 provide for frequent visitation or other ongoing interaction between the child and the  
22 siblings, unless the court has determined that such visitation or interaction would  
23 be contrary to the safety or well-being of the child or any of those siblings.

24           **SECTION 46.** 48.365 (2m) (ad) 1. of the statutes is renumbered 48.365 (2m) (ad)  
25 and amended to read:

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

7           **SECTION 47.** 48.365 (2m) (ad) 2. of the statutes, as affected by 2009 Wisconsin  
8 Act 28, is repealed.

9           **SECTION 48.** 48.365 (2m) (ag) of the statutes is amended to read:

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

20           **SECTION 49.** 48.365 (2m) (ag) of the statutes, as affected by 2009 Wisconsin Acts  
21 28 and .... (this act), is repealed and recreated to read:

22           48.365 (2m) (ag) The court shall give a foster parent or other physical custodian  
23 described in s. 48.62 (2) who is notified of a hearing under sub. (2) a right to be heard  
24 at the hearing by permitting the foster parent or other physical custodian to make  
25 a written or oral statement during the hearing, or to submit a written statement

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

6 **SECTION 50.** 48.38 (3) of the statutes is amended to read:

7 48.38 (3) TIME. Subject to s. 48.355 (2d) (e) 1. sub. (4m) (a), the agency shall file  
8 the permanency plan with the court within 60 days after the date on which the child  
9 was first removed from his or her home, except that if the child is held for less than  
10 60 days in a juvenile detention facility, juvenile portion of a county jail, or a shelter  
11 care facility, no permanency plan is required if the child is returned to his or her home  
12 within that period.

13 **SECTION 51.** 48.38 (4) (br) of the statutes is renumbered 48.38 (4) (br) 1. and  
14 amended to read:

15 48.38 (4) (br) 1. ~~A statement as to the availability of a safe and appropriate~~  
16 ~~placement with a foster parent, adoptive parent, or proposed adoptive parent of a~~  
17 ~~sibling of the child and, if a decision is made not to place the child with an available~~  
18 ~~foster parent, adoptive parent, or proposed adoptive parent of a sibling, a statement~~  
19 ~~as to why placement with the foster parent, adoptive parent, or proposed adoptive~~  
20 ~~parent of a sibling is not safe or appropriate.~~ In this paragraph, “sibling” means a  
21 person who is a brother or sister of the child, whether by blood, marriage, or adoption,  
22 including a person who was a brother or sister of a child before the person was  
23 adopted or parental rights to the person were terminated.

24 **SECTION 52.** 48.38 (4) (br) 2. of the statutes is created to read:



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1           48.38 (4) (br) 2. If the child has one or more siblings who have also been  
2 removed from the home, a description of the efforts made to place the child in a  
3 placement that enables the sibling group to remain together and, if a decision is made  
4 not to place the child and his or her siblings in a joint placement, a statement as to  
5 why a joint placement would be contrary to the safety or well-being of the child or  
6 any of those siblings and a description of the efforts made to provide for frequent  
7 visitation or other ongoing interaction between the child and those siblings. If a  
8 decision is made not to provide for that visitation or interaction, the permanency plan  
9 shall include a statement as to why that visitation or interaction would be contrary  
10 to the safety or well-being of the child or any of those siblings.

11           **SECTION 53.** 48.38 (4) (fm) of the statutes is amended to read:

12           48.38 (4) (fm) If the goal of the permanency plan is to place the child for  
13 adoption, with a guardian, with a fit and willing relative, or in some other alternative  
14 permanent placement, the efforts made to achieve that goal, including, if  
15 appropriate, through an out-of-state placement.

16           **SECTION 54.** 48.38 (4) (h) (intro.) of the statutes is amended to read:

17           48.38 (4) (h) (intro.) If the child is 15 years of age or over, ~~a description of an~~  
18 independent living plan describing the programs and services that are or will be  
19 provided to assist the child in preparing for the transition from out-of-home care to  
20 independent living. The ~~description~~ plan shall include all of the following:

21           **SECTION 55.** 48.38 (4) (i) of the statutes is created to read:

22           48.38 (4) (i) A statement as to whether the child's age and developmental level  
23 are sufficient for the court to consult with the child at the permanency plan  
24 determination hearing under sub. (4m) (c) or at the permanency plan hearing under  
25 sub. (5m) (c) 2. or s. 48.43 (5) (b) 2. or for the court or panel to consult with the child

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

5 **SECTION 56.** 48.38 (4m) of the statutes is created to read:

6 **48.38 (4m)** REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN  
7 DETERMINATION HEARING. (a) If in a proceeding under s. 48.21, 48.355, 48.357, or  
8 48.365 the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5.  
9 applies with respect to a parent, the court shall hold a hearing within 30 days after  
10 the date of that finding to determine the permanency plan for the child. If a hearing  
11 is held under this paragraph, the agency responsible for preparing the permanency  
12 plan shall file the permanency plan with the court not less than 5 days before the date  
13 of the the hearing. At the hearing, the court shall consider placing the child in a  
14 placement outside this state if the court determines that such a placement would be  
15 in the best interests of the child and appropriate to achieving the goal of the child's  
16 permanency plan.

17 (b) At least 10 days before the date of the hearing, the court shall notify the  
18 child; the child's parent, guardian, and legal custodian; and the child's foster parent  
19 or treatment foster parent, the operator of the facility in which the child is living, or  
20 the relative with whom the child is living of the time, place, and purpose of the  
21 hearing, of the issues to be determined at the hearing, and of the fact that they shall  
22 have a right to be heard at the hearing.

23 (c) If the child's permanency plan includes a statement under sub. (4) (i)  
24 indicating that the child's age and developmental level are sufficient for the court to  
25 consult with the child regarding the child's permanency plan or if, notwithstanding

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1 a decision under sub. (4) (i) that it would not be appropriate for the court to consult  
2 with the child, the court determines that consultation with the child would be in the  
3 best interests of the child, the court shall consult with the child, in an  
4 age-appropriate and developmentally appropriate manner, regarding the child's  
5 permanency plan and any other matters the court finds appropriate. If none of those  
6 circumstances apply, the court may permit the child's caseworker, the child's counsel,  
7 or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written or oral  
8 statement during the hearing, or to submit a written statement prior to the hearing,  
9 expressing the child's wishes, goals, and concerns regarding the permanency plan  
10 and those matters. If the court permits such a written or oral statement to be made  
11 or submitted, the court may nonetheless require the child to be physically present  
12 at the hearing.

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

21 **SECTION 57.** 48.38 (4m) (b) and (d) of the statutes, as created by 2009 Wisconsin  
22 Act .... (this act), are amended to read:

23 48.38 (4m) (b) At least 10 days before the date of the hearing, the court shall  
24 notify the child; the child's parent, guardian, and legal custodian; and the child's  
25 foster parent ~~or treatment foster parent~~, the operator of the facility in which the child

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1 is living, or the relative with whom the child is living of the time, place, and purpose  
2 of the hearing, of the issues to be determined at the hearing, and of the fact that they  
3 shall have a right to be heard at the hearing.

4 (d) The court shall give a foster parent, ~~treatment foster parent~~, operator of a  
5 facility, or relative who is notified of a hearing under par. (b) a right to be heard at  
6 the hearing by permitting the foster parent, ~~treatment foster parent~~, operator, or  
7 relative to make a written or oral statement during the hearing, or to submit a  
8 written statement prior to the hearing, relevant to the issues to be determined at the  
9 hearing. The foster parent, ~~treatment foster parent~~, operator of a facility, or relative  
10 does not become a party to the proceeding on which the hearing is held solely on the  
11 basis of receiving that notice and right to be heard.

12 **SECTION 58.** 48.38 (5) (b) of the statutes is amended to read:

13 48.38 (5) (b) The court or the agency shall notify ~~the parents of the child, the~~  
14 ~~child, if he or she is 12 years of age or older, and; the child's parent, guardian, and~~  
15 ~~legal custodian; and the child's foster parent, the child's or~~ treatment foster parent,  
16 the operator of the facility in which the child is living, or the relative with whom the  
17 child is living of the ~~date, time, and place, and purpose~~ of the review, of the issues to  
18 be determined as part of the review, and of the fact that they ~~may have an opportunity~~  
19 shall have a right to be heard at the review ~~by submitting written comments not less~~  
20 ~~than 10 working days before the review or by participating at the review as provided~~  
21 in par. (bm) 1. The court or agency shall notify the person representing the interests  
22 of the public, the child's counsel, the child's guardian ad litem, and the child's  
23 court-appointed special advocate of the ~~date~~ time, place, and purpose of the review,  
24 of the issues to be determined as part of the review, and of the fact that they may  
25 ~~submit written comments not less than 10 working days before the review~~ have an

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1 opportunity to be heard at the review as provided in par. (bm) 1. The notices under  
2 this paragraph shall be provided in writing not less than 30 days before the review  
3 and copies of the notices shall be filed in the child's case record.

4 **SECTION 59.** 48.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Acts 28  
5 and .... (this act), is repealed and recreated to read:

6 48.38 (5) (b) The court or the agency shall notify the child; the child's parent,  
7 guardian, and legal custodian; and the child's foster parent, the operator of the  
8 facility in which the child is living, or the relative with whom the child is living of the  
9 time, place, and purpose of the review, of the issues to be determined as part of the  
10 review, and of the fact that they shall have a right to be heard at the review as  
11 provided in par. (bm) 1. The court or agency shall notify the person representing the  
12 interests of the public, the child's counsel, the child's guardian ad litem, and the  
13 child's court-appointed special advocate of the time, place, and purpose of the review,  
14 of the issues to be determined as part of the review, and of the fact that they may have  
15 an opportunity to be heard at the review as provided in par. (bm) 1. The notices under  
16 this paragraph shall be provided in writing not less than 30 days before the review  
17 and copies of the notices shall be filed in the child's case record.

18 **SECTION 60.** 48.38 (5) (bm) of the statutes is created to read:

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

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

7       2. If the child's permanency plan includes a statement under sub. (4) (i)  
8 indicating that the child's age and developmental level are sufficient for the court or  
9 panel to consult with the child regarding the child's permanency plan or if,  
10 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the  
11 court or panel to consult with the child, the court or panel determines that  
12 consultation with the child would be in the best interests of the child, the court or  
13 panel shall consult with the child, in an age-appropriate and developmentally  
14 appropriate manner, regarding the child's permanency plan and any other matters  
15 the court or panel finds appropriate. If none of those circumstances apply, the court  
16 or panel may permit the child's caseworker, the child's counsel, or, subject to s. 48.235  
17 (3) (a), the child's guardian ad litem to make a written or oral statement during the  
18 review, or to submit a written statement prior to the review, expressing the child's  
19 wishes, goals, and concerns regarding the permanency plan and those matters. If  
20 the court or panel permits such a written or oral statement to be made or submitted,  
21 the court or panel may nonetheless require the child to be physically present at the  
22 review.

23       **SECTION 61.** 48.38 (5) (bm) 1. of the statutes, as created by 2009 Wisconsin Act  
24 .... (this act), is amended to read:

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

14           **SECTION 62.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

15           48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,  
16 as described in s. 48.365 (1), in a foster home, treatment foster home, group home,  
17 nonsecured residential care center for children and youth, or shelter care facility for  
18 15 of the most recent 22 months, not including any period during which the child was  
19 a runaway from the out-of-home placement or the first 6 months of any period  
20 during which the child was returned to his or her home for a trial home visit, the  
21 appropriateness of the permanency plan and the circumstances which prevent the  
22 child from any of the following:

23           **SECTION 63.** 48.38 (5) (c) 6. (intro.) of the statutes, as affected by 2009 Wisconsin  
24 Act .... (this act), is repealed and recreated to read:

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1           48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,  
2 as described in s. 48.365 (1), in a foster home, group home, residential care center for  
3 children and youth, or shelter care facility for 15 of the most recent 22 months, not  
4 including any period during which the child was a runaway from the out-of-home  
5 placement or the first 6 months of any period during which the child was returned  
6 to his or her home for a trial home visit, the appropriateness of the permanency plan  
7 and the circumstances which prevent the child from any of the following:

8           **SECTION 64.** 48.38 (5) (c) 7. of the statutes is amended to read:

9           48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve  
10 the goal of the permanency plan, including, if appropriate, through an out-of-state  
11 placement, unless return of the child to the home is the goal of the permanency plan  
12 and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

13           **SECTION 65.** 48.38 (5) (c) 8. of the statutes is created to read:

14           48.38 (5) (c) 8. If the child has one or more siblings, as defined in s. 48.38 (4)  
15 (br) 1., who have also been removed from the home, whether reasonable efforts were  
16 made by the agency to place the child in a placement that enables the sibling group  
17 to remain together, unless the court or panel determines that a joint placement would  
18 be contrary to the safety or well-being of the child or any of those siblings, in which  
19 case the court or panel shall determine whether reasonable efforts were made by the  
20 agency to provide for frequent visitation or other ongoing interaction between the  
21 child and those siblings, unless the court or panel determines that such visitation or  
22 interaction would be contrary to the safety or well-being of the child or any of those  
23 siblings.

24           **SECTION 66.** 48.38 (5) (d) of the statutes is amended to read:



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1           48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the  
2 permanency plan shall, at least 5 days before a review by a review panel, provide to  
3 each person appointed to the review panel, the person representing the interests of  
4 the public, the child's counsel, the child's guardian ad litem, and the child's  
5 court-appointed special advocate a copy of the permanency plan and any written  
6 comments submitted under par. ~~(b)~~ (bm) 1. Notwithstanding s. 48.78 (2) (a), a person  
7 appointed to a review panel, the person representing the interests of the public, the  
8 child's counsel, the child's guardian ad litem, and the child's court-appointed special  
9 advocate may have access to any other records concerning the child for the purpose  
10 of participating in the review. A person permitted access to a child's records under  
11 this paragraph may not disclose any information from the records to any other  
12 person.

13           **SECTION 67.** 48.38 (5) (e) of the statutes is amended to read:

14           48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of  
15 the determinations under par. (c) and shall provide a copy to the court that entered  
16 the order, the child or the child's counsel or guardian ad litem, the person  
17 representing the interests of the public, the child's parent ~~or~~, guardian, and legal  
18 custodian, the child's court-appointed special advocate, and the child's foster parent,  
19 ~~the child's or~~ treatment foster parent ~~or~~, the operator of the facility where the child  
20 is living, or the relative with whom the child is living.

21           **SECTION 68.** 48.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Acts 28  
22 and .... (this act), is repealed and recreated to read:

23           48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of  
24 the determinations under par. (c) and shall provide a copy to the court that entered  
25 the order, the child or the child's counsel or guardian ad litem, the person

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1 representing the interests of the public, the child's parent, guardian, and legal  
2 custodian, the child's court-appointed special advocate, and the child's foster parent,  
3 the operator of the facility where the child is living, or the relative with whom the  
4 child is living.

5 **SECTION 69.** 48.38 (5m) (b) of the statutes is amended to read:

6 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court  
7 shall notify the child; the child's parent, guardian, and legal custodian; and the  
8 child's foster parent or treatment foster parent, the operator of the facility in which  
9 the child is living, or the relative with whom the child is living; of the time, place, and  
10 purpose of the hearing, of the issues to be determined at the hearing, and of the fact  
11 that they shall have a right to be heard at the hearing as provided in par. (c) 1. and  
12 shall notify the child's counsel, the child's guardian ad litem, and the child's  
13 court-appointed special advocate; the agency that prepared the permanency plan;  
14 and the person representing the interests of the public of the ~~date, time, and place,~~  
15 and purpose of the hearing, of the issues to be determined at the hearing, and of the  
16 fact that they may have an opportunity to be heard at the hearing as provided in par.  
17 (c) 1.

18 **SECTION 70.** 48.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Acts  
19 28 and .... (this act), is repealed and recreated to read:

20 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court  
21 shall notify the child; the child's parent, guardian, and legal custodian; and the  
22 child's foster parent, the operator of the facility in which the child is living, or the  
23 relative with whom the child is living of the time, place, and purpose of the hearing,  
24 of the issues to be determined at the hearing, and of the fact that they shall have a  
25 right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's

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1 counsel, the child's guardian ad litem, and the child's court-appointed special  
2 advocate; the agency that prepared the permanency plan; and the person  
3 representing the interests of the public of the time, place, and purpose of the hearing,  
4 of the issues to be determined at the hearing, and of the fact that they may have an  
5 opportunity to be heard at the hearing as provided in par. (c) 1.

6 **SECTION 71.** 48.38 (5m) (c) of the statutes is renumbered 48.38 (5m) (c) 1. and  
7 amended to read:

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

24 **SECTION 72.** 48.38 (5m) (c) 1. of the statutes, as affected by 2009 Wisconsin Acts  
25 28 and .... (this act), is repealed and recreated to read:

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

14           **SECTION 73.** 48.38 (5m) (c) 2. of the statutes is created to read:

15           48.38 (5m) (c) 2. If the child's permanency plan includes a statement under sub.  
16 (4) (i) indicating that the child's age and developmental level are sufficient for the  
17 court to consult with the child regarding the child's permanency plan or if,  
18 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the  
19 court to consult with the child, the court determines that consultation with the child  
20 would be in the best interests of the child, the court shall consult with the child, in  
21 an age-appropriate and developmentally appropriate manner, regarding the child's  
22 permanency plan and any other matters the court finds appropriate. If none of those  
23 circumstances apply, the court may permit the child's caseworker, the child's counsel,  
24 or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written or oral  
25 statement during the hearing, or to submit a written statement prior to the hearing,

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1 expressing the child's wishes, goals, and concerns regarding the permanency plan  
2 and those matters. If the court permits such a written or oral statement to be made  
3 or submitted, the court may nonetheless require the child to be physically present  
4 at the hearing.

5 **SECTION 74.** 48.38 (5m) (d) of the statutes is amended to read:

6 48.38 (5m) (d) At least 5 days before the date of the hearing the agency that  
7 prepared the permanency plan shall provide a copy of the permanency plan and any  
8 written comments submitted under par. (c) 1. to the court, to the child's parent,  
9 guardian, and legal custodian, to the person representing the interests of the public,  
10 to the child's counsel or guardian ad litem, and to the child's court-appointed special  
11 advocate. Notwithstanding s. 48.78 (2) (a), the person representing the interests of  
12 the public, the child's counsel or guardian ad litem, and the child's court-appointed  
13 special advocate may have access to any other records concerning the child for the  
14 purpose of participating in the review. A person permitted access to a child's records  
15 under this paragraph may not disclose any information from the records to any other  
16 person.

17 **SECTION 75.** 48.385 of the statutes is created to read:

18 **48.385 Plan for transition to independent living.** By no later than 90 days  
19 before a child who is placed in a foster home, treatment foster home, group home,  
20 subsidized guardianship home under s. 48.62 (5), group home, or residential care  
21 center for children and youth or in the home of a relative other than a parent attains  
22 18 years of age or, if the child is placed in such a placement under an order under s.  
23 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355  
24 (4) or 938.355 (4) after the child attains 18 years of age, by no later than 90 days  
25 before the termination of the order, the agency primarily responsible for providing

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1 services to the child under the order shall provide the child with assistance and  
2 support in developing a plan for making the transition from out-of-home care to  
3 independent living. The transition plan shall be personalized at the direction of the  
4 child, shall be as detailed as the child directs, and shall include specific options for  
5 obtaining housing, health care, education, mentoring and continuing support  
6 services, and workforce support and employment services.

7 **SECTION 76.** 48.385 of the statutes, as created by 2009 Wisconsin Act .... (this  
8 act), is amended to read:

9 **48.385 Plan for transition to independent living.** By no later than 90 days  
10 before a child who is placed in a foster home, ~~treatment foster home,~~ group home,  
11 subsidized guardianship home under s. 48.62 (5), group home, or residential care  
12 center for children and youth or in the home of a relative other than a parent attains  
13 18 years of age or, if the child is placed in such a placement under an order under s.  
14 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355  
15 (4) or 938.355 (4) after the child attains 18 years of age, by no later than 90 days  
16 before the termination of the order, the agency primarily responsible for providing  
17 services to the child under the order shall provide the child with assistance and  
18 support in developing a plan for making the transition from out-of-home care to  
19 independent living. The transition plan shall be personalized at the direction of the  
20 child, shall be as detailed as the child directs, and shall include specific options for  
21 obtaining housing, health care, education, mentoring and continuing support  
22 services, and workforce support and employment services.

23 **SECTION 77.** 48.417 (1) (a) of the statutes is amended to read:

24 48.417 (1) (a) The child has been placed outside of his or her home, as described  
25 in s. 48.365 (1) or 938.365 (1), in a foster home, treatment foster home, group home,

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1 nonsecured residential care center for children and youth, or shelter care facility for  
2 15 of the most recent 22 months, not including any period during which the child was  
3 a runaway from the out-of-home placement or the first 6 months of any period  
4 during which the child was returned to his or her home for a trial home visit. If the  
5 circumstances specified in this paragraph apply, the petition shall be filed or joined  
6 in by the last day of the 15th month, as described in this paragraph, for which the  
7 child was placed outside of his or her home.

8 **SECTION 78.** 48.417 (1) (a) of the statutes, as affected by 2009 Wisconsin Act ....  
9 (this act), is repealed and recreated to read:

10 48.417 (1) (a) The child has been placed outside of his or her home, as described  
11 in s. 48.365 (1) or 938.365 (1), in a foster home, group home, nonsecured residential  
12 care center for children and youth, or shelter care facility for 15 of the most recent  
13 22 months, not including any period during which the child was a runaway from the  
14 out-of-home placement or the first 6 months of any period during which the child  
15 was returned to his or her home for a trial home visit. If the circumstances specified  
16 in this paragraph apply, the petition shall be filed or joined in by the last day of the  
17 15th month, as described in this paragraph, for which the child was placed outside  
18 of his or her home.

19 **SECTION 79.** 48.42 (2g) (am) of the statutes is amended to read:

20 48.42 (2g) (am) The court shall give a foster parent, treatment foster parent,  
21 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under  
22 par. (a) ~~an opportunity~~ a right to be heard at the hearing by permitting the foster  
23 parent, treatment foster parent, or other physical custodian to make a written or oral  
24 statement during the hearing, or to submit a written statement prior to the hearing,  
25 relevant to the issues to be determined at the hearing. A foster parent, treatment

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

5 **SECTION 80.** 48.42 (2g) (am) of the statutes, as affected by 2009 Wisconsin Acts  
6 28 and .... (this act), is repealed and recreated to read:

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

16 **SECTION 81.** 48.425 (1) (c) of the statutes is amended to read:

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



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1 made reasonable efforts to achieve the goal of the child's permanency plan, including,  
2 if appropriate, through an out-of-state placement.

3 **SECTION 82.** 48.427 (1m) of the statutes is amended to read:

4 48.427 (1m) In addition to any evidence presented under sub. (1), the court  
5 shall give the foster parent, treatment foster parent, or other physical custodian  
6 described in s. 48.62 (2) of the child ~~an opportunity~~ a right to be heard at the  
7 dispositional hearing by permitting the foster parent, treatment foster parent, or  
8 other physical custodian to make a written or oral statement during the dispositional  
9 hearing, or to submit a written statement prior to disposition, relevant to the issue  
10 of disposition. A foster parent, treatment foster parent, or other physical custodian  
11 described in s. 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and  
12 ~~an opportunity~~ a right to be heard under this subsection does not become a party to  
13 the proceeding on which the hearing is held solely on the basis of receiving that notice  
14 and ~~opportunity~~ right to be heard.

15 **SECTION 83.** 48.427 (1m) of the statutes, as affected by 2009 Wisconsin Acts 28  
16 and .... (this act), is repealed and recreated to read:

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