

# State of Wisconsin



2009 Senate Bill 347

Date of enactment: **November 13, 2009**

Date of publication\*: **November 25, 2009**

## 2009 WISCONSIN ACT 79

**AN ACT** *to repeal* 48.21 (5) (d) 2., 48.21 (5) (d) 3., 48.355 (2d) (c) 2., 48.355 (2d) (c) 3., 48.357 (2v) (c) 2., 48.357 (2v) (c) 3., 48.365 (2m) (ad) 2., 938.21 (5) (d) 2., 938.21 (5) (d) 3., 938.355 (2d) (c) 2., 938.355 (2d) (c) 3., 938.357 (2v) (c) 2., 938.357 (2v) (c) 3. and 938.365 (2m) (ad) 2.; *to renumber and amend* 48.21 (5) (d) 1., 48.355 (2d) (c) 1., 48.357 (2v) (c) 1., 48.365 (2m) (ad) 1., 48.38 (4) (br), 48.38 (5m) (c), 48.43 (5) (b), 938.21 (5) (d) 1., 938.355 (2d) (c) 1., 938.357 (2v) (c) 1., 938.365 (2m) (ad) 1., 938.38 (4) (br) and 938.38 (5m) (c); *to amend* 46.238, 48.245 (2) (b), 48.27 (3) (a) 1m., 48.27 (6), 48.32 (1) (b) 1. c., 48.33 (4) (c), 48.335 (3g) (c), 48.355 (2) (b) 6., 48.355 (2b), 48.357 (2m) (b), 48.357 (2r), 48.363 (1) (b), 48.363 (1m), 48.365 (2g) (b) 3., 48.365 (2m) (a) 1., 48.365 (2m) (ag), 48.38 (3), 48.38 (4) (fm), 48.38 (4) (h) (intro.), 48.38 (4m) (b) and (d), 48.38 (5) (b), 48.38 (5) (bm) 1., 48.38 (5) (c) 6. (intro.), 48.38 (5) (c) 7., 48.38 (5) (d), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (d), 48.385, 48.417 (1) (a), 48.42 (2g) (am), 48.425 (1) (c), 48.427 (1m), 48.43 (1) (cm), 48.43 (5) (b) 3., 48.43 (5m), 48.63 (5) (d) 4., 48.834 (2), 146.0255 (2), 146.0255 (3) (b), 767.41 (3) (c), 938.27 (3) (a) 1m., 938.27 (6), 938.32 (1) (c) 1. c., 938.33 (4) (c), 938.335 (3g) (c), 938.355 (2) (b) 6., 938.355 (2b), 938.357 (2r), 938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2g) (b) 3., 938.365 (2m) (a) 1., 938.365 (2m) (ag), 938.38 (3) (intro.), 938.38 (4) (fm), 938.38 (4) (h) (intro.), 938.38 (4m) (b) and (d), 938.38 (5) (b), 938.38 (5) (bm) 1., 938.38 (5) (c) 6. (intro.), 938.38 (5) (c) 7., 938.38 (5) (d), 938.38 (5) (e), 938.38 (5m) (b) and 938.38 (5m) (d); *to repeal and recreate* 48.27 (3) (a) 1m., 48.27 (6), 48.357 (2m) (b), 48.357 (2r), 48.363 (1) (b), 48.363 (1m), 48.365 (2g) (b) 3., 48.365 (2m) (ag), 48.38 (5) (b), 48.38 (5) (c) 6. (intro.), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (c) 1., 48.417 (1) (a), 48.42 (2g) (am), 48.427 (1m), 48.43 (5) (b) 1., 48.43 (5m), 767.41 (3) (c), 938.27 (3) (a) 1m., 938.27 (6), 938.357 (2r), 938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2g) (b) 3., 938.365 (2m) (ag), 938.38 (5) (b), 938.38 (5) (c) 6. (intro.), 938.38 (5) (e), 938.38 (5m) (b) and 938.38 (5m) (c) 1.; *to create* 48.21 (3) (f), 48.21 (5) (b) 2m., 48.21 (5) (e), 48.32 (1) (b) 1m., 48.33 (4) (d), 48.335 (3g) (d), 48.335 (6), 48.355 (2) (b) 6p., 48.355 (2) (cm), 48.357 (1) (c) 2m., 48.357 (2m) (bm), 48.357 (2v) (a) 2m., 48.357 (2v) (d), 48.365 (2m) (a) 1m., 48.38 (4) (br) 2., 48.38 (4) (i), 48.38 (4m), 48.38 (5) (bm), 48.38 (5) (c) 8., 48.38 (5m) (c) 2., 48.385, 48.43 (5) (b) 2., 48.43 (5) (b) 3., 48.78 (2) (i), 48.78 (2) (j), 48.981 (7) (a) 4m., 48.981 (7) (a) 4p., 48.999, 757.69 (1) (g) 14., 938.21 (2) (e), 938.21 (3) (f), 938.21 (5) (b) 2m., 938.21 (5) (e), 938.32 (1) (c) 1m., 938.33 (4) (d), 938.335 (3g) (d), 938.335 (6), 938.355 (2) (b) 6p., 938.355 (2) (cm), 938.357 (1) (c) 2m., 938.357 (2m) (bm), 938.357 (2v) (a) 2m., 938.357 (2v) (d), 938.365 (2m) (a) 1m., 938.38 (4) (br) 2., 938.38 (4) (i), 938.38 (4m), 938.38 (5) (bm), 938.38 (5) (c) 8., 938.38 (5m) (c) 2., 938.78 (2) (i) and 938.9995 of the statutes; and *to affect* 2009 Wisconsin Act 28, section 9308 (9), 2009 Wisconsin Act 28, section 9322 (7) (a), 2009 Wisconsin Act 28, section 9408 (14) and 2009 Wisconsin Act 28, section 9422 (12) (a); **relating to:** requiring consultation with a child in determining and reviewing his or her permanency plan; requiring agencies, in making reasonable efforts to place a child in a permanent placement, to include efforts to place the child outside this state; requiring juvenile courts to take certain actions to expedite the interstate placement of children; requiring juvenile courts to give a child's out-of-home care

\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

provider the right to be heard in proceedings involving the child; requiring notice to relatives when a child is removed from the home; requiring reasonable efforts to place siblings together or to provide for visitation between siblings; requiring agencies to assist children in developing a plan for transition to independent living; requiring health care providers to report cases of infants with controlled substances in their bodily fluids to the agency responsible for investigating suspected child abuse or neglect; authorizing circuit court commissioners to conduct permanency plan reviews and hearings; specifying certain placements for purposes of calculating how long a child has been placed outside the home for purposes of filing a termination of parental rights petition; permitting 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; and changing the effective date for paying to certain former public assistance recipients support or maintenance arrears collected by the state.

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

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

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

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

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

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

48.21 (5) (b) 2m. If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been removed from the home, a finding as to whether the

intake worker has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the judge or circuit court commissioner 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 judge or circuit court commissioner shall order the county department, department in a county having a population of 500,000 or more, or agency primarily responsible for providing services to the child under the custody order to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the judge or circuit court commissioner determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

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

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

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

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

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

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

2. The court shall order the county department, the department in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child under the custody order to conduct a diligent search in order to locate and provide notice of

the information specified in this subdivision to all relatives of the child named under sub. (3) (f) and to all adult relatives of the child within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The court may also order the county department, department, or agency to conduct a diligent search in order to locate and provide notice of the information specified in this subdivision to all other adult individuals named under sub. (3) (f) within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The county department, department, or agency may not provide that notice to a person named under sub. (3) (f) or to an adult relative if the county department, department, or 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 notice shall include all of the following:

a. A statement that the child has been removed from the custody of the child's parent.

b. A statement that explains the options that the person provided with the notice 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.

c. A description of the requirements to obtain a foster home license under s. 48.62 or to receive kinship care or long-term kinship care payments under s. 48.57 (3m) or (3n) 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.

d. A statement advising the person provided with the notice 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.

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

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

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

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

48.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. ~~an opportunity a right~~ to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent, or other physical custodian described in s.

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

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

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

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

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

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

48.27 (6) When a proceeding is initiated under s. 48.14, all interested parties shall receive notice and appropriate summons shall be issued in a manner specified by the court. If the child who is the subject of the proceeding is in the care of a foster parent or other physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian notice and a right to be heard as provided in sub. (3) (a).

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

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

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

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

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

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

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

48.33 (4) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been removed from the home or for whom an out-of-home placement is recommended, specific information showing that the county department, department in a county having a population of 500,000 or more, or agency primarily responsible for providing services to the child has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the county department, department, or agency recommends that the child and his or her siblings not be placed in a joint placement, in which case the report shall include specific

information showing that a joint placement would be contrary to the safety or well-being of the child or any of those siblings and the specific information required under subd. 2.

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

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

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

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

48.335 (3g) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been removed from the home or for whom an out-of-home placement is recommended, that the county department, department, or agency has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the county department, department, or agency recommends that the child and his or her siblings not be placed in a joint placement, in which case the county department, department, or agency shall present as evidence specific information showing that a joint placement would be contrary to the safety or well-being of the child or any of those siblings and the specific information required under subd. 2.

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

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



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

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

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

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

48.355 (2) (b) 6p. If the child is placed outside the home and if the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside the home, a finding as to whether the county department, the department in a county having a population of 500,000 or more, or the agency primarily responsible for providing services under a court order has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the 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 court shall order the county department, department, or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

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

48.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county department, the department in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child under the dispositional order to conduct a diligent search in order to locate and provide notice of the information specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the child named under s. 48.335 (6) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the child within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The court may also order the county department, department, or agency to conduct a diligent search in order to locate and provide notice of that information to all other adult individuals named under s. 48.335 (6) within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The county department, department, or agency may not provide that notice to a person named under s. 48.335 (6) or to an adult relative if the county department, department, or 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.

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

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

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

placement, including reasonable efforts to identify an appropriate out-of-state placement.

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

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

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

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

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

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

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

48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current placement, ~~unless, A hearing is not required if~~ the requested or proposed change in placement ~~involves any~~ does not involve a change in placement ~~other than a change in placement~~ of a child placed in the home to a placement outside the home ~~and,~~ written waivers of objection to the proposed change in placement are signed by all persons entitled to receive notice under sub. (1) (am) 1., other than a court-appointed special advocate, and the court approves. If a hearing is scheduled, the court shall notify the child, the parent, guardian, and legal custodian of the child, any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the child, the child's court-appointed special advocate, all parties who are bound by the dispositional order, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by

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

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

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

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

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

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

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

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

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

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

48.357 (2v) (a) 2m. If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been placed outside the home or for whom a change in placement to a placement outside the home is requested, a finding as to whether the county department, the department in a county having a population of 500,000 or more, or the agency primarily responsible for implementing the dispositional order has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the 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 court shall order the county department, department, or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the court determines that such

visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

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

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

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

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

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

48.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county department, the department in a county having a population of 500,000 or more, or the agency primarily responsible for implementing the dispositional order to conduct a diligent search in order to locate and provide notice of the information specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the child named under sub. (1) (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the child within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The court may also order the county department, department, or agency to conduct a diligent search in order to locate and provide notice of that information to all other adult individuals named under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The county department, department, or agency may not provide that notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult relative if the county department, department, or 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.

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

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

48.363 (1) (b) If a hearing is held, at least 3 days prior to the the hearing the court shall notify the child, the child's parent, guardian and legal custodian, all parties bound by the dispositional order, the child's foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2), the child's court-appointed spe-

cial advocate, the district attorney or corporation counsel in the county in which the dispositional order was entered, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem; or shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all parties bound by the dispositional order, and the district attorney or corporation counsel in the county in which the dispositional order was entered, ~~at least 3 days prior to the hearing.~~ A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

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

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

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

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

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

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

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

48.365 (2g) (b) 3. If the child has been placed outside of his or her home in a foster home, treatment foster home, group home, nonsecured residential care center for children and youth, or shelter care facility 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 6 months of any period during which the child was returned to his or her home for a trial home visit, a statement of whether or not a recommendation has been made to terminate the parental rights of the parents of the child. If a recommendation for a termination of parental rights has been made, the statement shall indicate the date on which the recommendation was made, any previous progress made to accomplish the termination of parental rights, any barriers to the termination of parental rights, specific steps to overcome the barriers and when the steps will be completed, reasons why adoption would be in the best interest of the child, and whether or not the child should be registered with the adoption information exchange. If a recommendation for termination of parental rights has not been made, the statement shall include an explanation of the reasons why a recommendation for termination of parental rights has not been made. If the lack of appropriate adoptive resources is the primary reason for not recommending a termination of parental rights, the agency shall recommend that the child be registered with the adoption information exchange or report the reason why registering the child is contrary to the best interest of the child.

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

48.365 (2g) (b) 3. If the child has been placed outside of his or her home in a foster home, group home, residential care center for children and youth, or shelter care facility 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 6 months of any period during which the child was returned to his or her home for a trial home visit, a statement of whether or not a recommendation has been made to terminate the parental rights of the parents of the child. If a recommendation for a termination of parental rights has been made, the statement shall indicate the date on which the recommendation was made, any previous progress made to accomplish the termination of parental rights, any barriers to the termination of parental rights, specific steps to overcome the barriers and when the steps will be completed, reasons why adoption would be in the best interest of the child, and whether or not the child should be registered with the adoption information exchange. If a recommendation for termination of parental rights has not been made, the statement shall include an explanation of the reasons why a recommendation for termination of parental rights has not been made. If the lack of appropriate adoptive resources is the primary reason for not recommending a termination of parental rights, the agency shall recommend that the child be registered with the adoption information exchange or report the reason why registering the child is contrary to the best interest of the child.

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

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

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

48.365 (2m) (a) 1m. a. If the child is placed outside of his or her home and if the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside the home, the person or agency primarily responsible for providing services to the child shall present as evidence specific information showing that the agency has made reasonable efforts to place the child in

a placement that enables the sibling group to remain together, unless the court has determined 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 shall present as evidence specific information showing that agency has made reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the court has determined that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48.38 (4) (br) 2. If the child has one or more siblings who have also been removed from the home, 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 shall 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.

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

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

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

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

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

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

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

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

(b) At least 10 days before the date of the hearing, the court shall notify the child; the child's parent, guardian, and legal custodian; and the child's foster parent or treatment foster parent, the operator of the facility in which the child is living, or the relative with whom the child is

living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing.

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

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

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

48.38 (4m) (b) At least 10 days before the date of the hearing, the court shall notify the child; the child's parent, guardian, and legal custodian; and the child's foster parent ~~or treatment foster parent~~, the operator of the facility in which the child is living, or the relative with whom the child is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing.

(d) The court shall give a foster parent, ~~treatment foster parent~~, operator of a facility, or relative who is notified of a hearing under par. (b) a right to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, operator, or relative to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, ~~treatment foster parent~~, operator of a facility, or relative does not become a party

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

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

48.38 (5) (b) The court or the agency shall notify the ~~parents of the child, the child, if he or she is 12 years of age or older, and; the child's parent, guardian, and legal custodian; and~~ the child's foster parent, ~~the child's or~~ treatment foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living of the ~~date, time, and place, and purpose~~ of the review, of the issues to be determined as part of the review, and of the fact that they ~~may have an opportunity~~ shall have a right to be heard at the review ~~by submitting written comments not less than 10 working days before the review or by participating at the review as provided in par. (bm) 1.~~ as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate of the ~~date~~ time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may ~~submit~~ have an opportunity to be heard at the review ~~written comments not less than 10 working days before the review~~ as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the child's case record.

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

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

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

48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent, treatment foster parent, operator of a facility, or relative who is provided notice of the review under par. (b) shall have a right to be heard at the review by submitting written comments relevant to the deter-

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

2. If the child's permanency plan includes a statement under sub. (4) (i) indicating that the child's age and developmental level are sufficient for the court or panel to consult with the child regarding the child's permanency plan or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the court or panel to consult with the child, the court or panel determines that consultation with the child would be in the best interests of the child, the court or panel shall 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 court or panel may permit the child's caseworker, the child's counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written or oral statement during the review, or to submit a written statement prior to the review, expressing the child's wishes, goals, and concerns regarding the permanency plan and those matters. If the court or panel permits such a written or oral statement to be made or submitted, the court or panel may nonetheless require the child to be physically present at the review.

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

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

party to the proceeding on which the review is held solely on the basis of receiving that notice and right to be heard.

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

48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home, as described in s. 48.365 (1), in a foster home, treatment foster home, group home, nonsecured residential care center for children and youth, or shelter care facility 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 6 months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan and the circumstances which prevent the child from any of the following:

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

48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home, as described in s. 48.365 (1), in a foster home, group home, residential care center for children and youth, or shelter care facility 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 6 months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan and the circumstances which prevent the child from any of the following:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

48.38 (5m) (c) 1. A child, parent, guardian, legal custodian, foster parent, operator of a facility, or relative who is provided notice of the hearing under par. (b) shall have a right to be heard at the hearing by submitting written comments relevant to the determinations specified in

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

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

48.38 (5m) (c) 2. If the child's permanency plan includes a statement under sub. (4) (i) indicating that the child's age and developmental level are sufficient for the court to consult with the child regarding the child's permanency plan or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the court to consult with the child, the court determines that consultation with the child would be in the best interests of the child, the court shall consult with the child, in an age-appropriate and developmentally appropriate manner, regarding the child's permanency plan and any other matters the court finds appropriate. If none of those circumstances apply, the court may permit the child's caseworker, the child's counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, expressing the child's wishes, goals, and concerns regarding the permanency plan and those matters. If the court permits such a written or oral statement to be made or submitted, the court may nonetheless require the child to be physically present at the hearing.

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

48.38 (5m) (d) At least 5 days before the date of the hearing the agency that prepared the permanency plan shall provide a copy of the permanency plan and any written comments submitted under par. (c) 1. to the court, to the child's parent, guardian, and legal custodian, to the person representing the interests of the public, to the child's counsel or guardian ad litem, and to the child's court-appointed special advocate. Notwithstanding s. 48.78 (2) (a), the person representing the interests of the public, the child's counsel or guardian ad litem, and the child's court-appointed special advocate may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child's records under this paragraph

may not disclose any information from the records to any other person.

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

**48.385 Plan for transition to independent living.** During the 90 days immediately before a child who is placed in a foster home, treatment foster home, group home, subsidized guardianship home under s. 48.62 (5), group home, or residential care center for children and youth or in the home of a relative other than a parent attains 18 years of age or, if the child is placed in such a placement under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355 (4) or 938.355 (4) after the child attains 18 years of age, during the 90 days immediately before the termination of the order, the agency primarily responsible for providing services to the child under the order shall provide the child with assistance and support in developing a plan for making the transition from out-of-home care to independent living. The transition plan shall be personalized at the direction of the child, shall be as detailed as the child directs, and shall include specific options for obtaining housing, health care, education, mentoring and continuing support services, and workforce support and employment services.

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

**48.385 Plan for transition to independent living.** During the 90 days immediately before a child who is placed in a foster home, ~~treatment foster home~~, group home, subsidized guardianship home under s. 48.62 (5), group home, or residential care center for children and youth or in the home of a relative other than a parent attains 18 years of age or, if the child is placed in such a placement under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355 (4) or 938.355 (4) after the child attains 18 years of age, during the 90 days immediately before the termination of the order, the agency primarily responsible for providing services to the child under the order shall provide the child with assistance and support in developing a plan for making the transition from out-of-home care to independent living. The transition plan shall be personalized at the direction of the child, shall be as detailed as the child directs, and shall include specific options for obtaining housing, health care, education, mentoring and continuing support services, and workforce support and employment services.

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

48.417 (1) (a) The child has been placed outside of his or her home, as described in s. 48.365 (1) or 938.365 (1), in a foster home, treatment foster home, group home, nonsecured residential care center for children and youth, or shelter care facility 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 6 months of any period during which the child was returned to his or her home for a trial home visit. If the circumstances specified in this paragraph apply, the petition shall be filed or joined in by the last day of the 15th month, as described in this paragraph, for which the child was placed outside of his or her home.

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

48.417 (1) (a) The child has been placed outside of his or her home, as described in s. 48.365 (1) or 938.365 (1), in a foster home, group home, nonsecured residential care center for children and youth, or shelter care facility 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 6 months of any period during which the child was returned to his or her home for a trial home visit. If the circumstances specified in this paragraph apply, the petition shall be filed or joined in by the last day of the 15th month, as described in this paragraph, for which the child was placed outside of his or her home.

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

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

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

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

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

48.425 (1) (c) If the child has been previously adjudicated to be in need of protection and services, a statement of the steps the agency or person responsible for provision of services has taken to remedy the conditions responsible for court intervention and the parent's response to and cooperation with these services. If the child has been removed from the home, the report shall also include a statement of the reasons why the child cannot be returned safely to the family and the steps the person or agency has taken to effect this return. If a permanency plan has previously been prepared for the child, the report shall also include specific information showing that the agency primarily responsible for providing services to the child has made reasonable efforts to achieve the goal of the child's permanency plan, including, if appropriate, through an out-of-state placement.

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

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

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

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

**SECTION 84.** 48.43 (1) (cm) of the statutes is amended to read:

48.43 (1) (cm) If a permanency plan has previously been prepared for the child, a finding as to whether the agency primarily responsible for providing services to the child has made reasonable efforts to achieve the goal of the child's permanency plan, including, if appropriate, through an out-of-state placement. The court shall make the findings specified in this paragraph on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the order. An order that merely references this paragraph without documenting or referencing that specific information in the order or an amended order that retroactively corrects an earlier order that does not comply with this paragraph is not sufficient to comply with this paragraph.

**SECTION 85.** 48.43 (5) (b) of the statutes is renumbered 48.43 (5) (b) 1. and amended to read:

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

**SECTION 86.** 48.43 (5) (b) 1. of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

48.43 (5) (b) 1. The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (a). At least 10 days before the date of the hearing, the court shall provide notice of the time, place, and purpose of the hearing to the agency that prepared the report, the child's guardian, the child, and the child's foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living.

**SECTION 87.** 48.43 (5) (b) 2. of the statutes is created to read:

48.43 (5) (b) 2. If the child's permanency plan includes a statement under s. 48.38 (4) (i) indicating that the child's age and developmental level are sufficient for the court to consult with the child regarding the child's permanency plan or if, notwithstanding a decision under s. 48.38 (4) (i) that it would not be appropriate for the court to consult with the child, the court determines that consultation with the child would be in the best interests of the child, the court shall consult with the child, in an age-appropriate and developmentally appropriate manner, regarding the child's permanency plan and any other matters the court finds appropriate. If none of those circumstances apply, the court may permit the child's case-worker, the child's counsel, or, subject to s. 48.235 (3) (a),

the child's guardian ad litem to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, expressing the child's wishes, goals, and concerns regarding the permanency plan and those matters. If the court permits such a written or oral statement to be made or submitted, the court may nonetheless require the child's presence at the hearing.

**SECTION 88.** 48.43 (5) (b) 3. of the statutes is created to read:

48.43 (5) (b) 3. The court shall give a foster parent, treatment foster parent, operator of a facility, or relative who is notified of a hearing under subd. 1. a right to be heard at the hearing by permitting the foster parent, treatment foster parent, operator, or relative to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, treatment foster parent, operator of a facility, or relative does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 89.** 48.43 (5) (b) 3. of the statutes, as created by 2009 Wisconsin Act .... (this act), is amended to read:

48.43 (5) (b) 3. The court shall give a foster parent, ~~treatment foster parent,~~ operator of a facility, or relative who is notified of a hearing under subd. 1. a right to be heard at the hearing by permitting the foster parent, ~~treatment foster parent,~~ operator, or relative to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, ~~treatment foster parent,~~ operator of a facility, or relative does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 90.** 48.43 (5m) of the statutes is amended to read:

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

**SECTION 91.** 48.43 (5m) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

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

**SECTION 92.** 48.63 (5) (d) 4. of the statutes is amended to read:



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

**SECTION 93.** 48.78 (2) (i) of the statutes is created to read:

48.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing information to a relative of a child placed outside of 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 or from disclosing information under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In this paragraph, “relative” includes a relative whose relationship is derived through a parent of the child whose parental rights are terminated.

**SECTION 94.** 48.78 (2) (j) of the statutes is created to read:

48.78 (2) (j) Paragraph (a) does not prohibit an agency from disclosing information to any 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.

**SECTION 95.** 48.834 (2) of the statutes is amended to read:

48.834 (2) **PLACEMENT WITH SIBLINGS.** ~~Before placing~~ If a child who is being placed for adoption under s. 48.833 ~~a child who has a sibling who has~~ has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been adopted or ~~has~~ who have been placed for adoption, the department, county department under s. 48.57 (1) (e) or (hm), or child welfare agency making the placement shall ~~consider the availability of a placement~~ make reasonable efforts to place the child for adoption with an adoptive parent or proposed adoptive parent of ~~such~~ such a sibling, ~~as defined in s. 48.38 (4) (br), of the child who is identified in the child’s permanency plan under s. 48.38 or 938.38 or who is otherwise known by the department, county department, or child welfare agency,~~ unless the department, county department, or child welfare 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 department, county department, or child welfare agency shall make reasonable efforts to provide for frequent visitation or other ongoing interac-

tion between the child and the siblings, unless the department, county department, or child welfare agency determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

**SECTION 96.** 48.981 (7) (a) 4m. of the statutes is created to read:

48.981 (7) (a) 4m. A relative of a child placed outside of 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 or to a person provided with the notice under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In this subdivision, “relative” includes a relative whose relationship is derived through a parent of the child whose parental rights are terminated.

**SECTION 97.** 48.981 (7) (a) 4p. of the statutes is created to read:

48.981 (7) (a) 4p. 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.

**SECTION 98.** 48.999 of the statutes is created to read:

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

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

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

(3) 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.

**SECTION 99.** 146.0255 (2) of the statutes is amended to read:

146.0255 (2) **TESTING.** Any hospital employee who provides health care, social worker, or intake worker under ch. 48 may refer an infant or an expectant mother of an unborn child, as defined in s. 48.02 (19), to a physician for testing of the bodily fluids of the infant or expectant mother for controlled substances or controlled substance analogs if the hospital employee who provides health care, social worker, or intake worker suspects that the infant or expectant mother has controlled substances or controlled substance analogs in the bodily fluids of the infant or expectant mother because of the use of controlled substances or controlled substance analogs by the mother while she was pregnant with the infant or by the expectant mother while she is pregnant with the unborn child. The physician may test the infant or expectant mother to ascertain whether or not the infant or expectant

mother has controlled substances or controlled substance analogs in the bodily fluids of the infant or expectant mother, if the physician determines that there is a serious risk that there are controlled substances or controlled substance analogs in the bodily fluids of the infant or expectant mother because of the use of controlled substances or controlled substance analogs by the mother while she was pregnant with the infant or by the expectant mother while she is pregnant with the unborn child and that the health of the infant, the unborn child or the child when born may be adversely affected by the controlled substances or controlled substance analogs. If the results of the test indicate that the infant does have controlled substances or controlled substance analogs in the infant's bodily fluids, the physician shall ~~make a report~~ report the occurrence of that condition in the infant to the agency, as defined in s. 48.981 (1) (ag), that is responsible for conducting child abuse and neglect investigations under s. 48.981, and that agency shall offer to provide, or arrange or refer for the provision of, services and treatment for the child and the child's mother as provided under s. 46.238. If the results of the test indicate that the expectant mother does have controlled substances or controlled substance analogs in the expectant mother's bodily fluids, the physician may ~~make a report~~ report the occurrence of that condition in the expectant mother to the agency, as defined in s. 48.981 (1) (ag), that is responsible for conducting unborn child abuse investigations under s. 48.981, and that agency shall offer to provide, or arrange or refer for the provision of, services and treatment for the unborn child and expectant mother as provided under s. 46.238. Under this subsection, no physician may test an expectant mother without first receiving her informed consent to the testing.

**SECTION 100.** 146.0255 (3) (b) of the statutes is amended to read:

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

**SECTION 101.** 757.69 (1) (g) 14. of the statutes is created to read:

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

**SECTION 102.** 767.41 (3) (c) of the statutes is amended to read:

767.41 (3) (c) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (b). At least 10 days before the date of the hearing, the court shall provide notice of the time, ~~date~~ place, and purpose of the hearing to the agency that

prepared the report; ~~the child;~~ the child; the child's parents, the child, if he or she is 12 years of age or over, and guardian, and legal custodian; and the child's foster parent, ~~or treatment foster parent or,~~ the operator of the facility in which the child is living, ~~or the relative with whom the child is living.~~

**SECTION 103.** 767.41 (3) (c) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

767.41 (3) (c) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (b). At least 10 days before the date of the hearing, the court shall provide notice of the time, place, and purpose of the hearing to the agency that prepared the report; the child; the child's parents, guardian, and legal custodian; and the child's foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living.

**SECTION 104.** 938.21 (2) (e) of the statutes is created to read:

938.21 (2) (e) If present at the hearing, the parent shall be requested to provide the names and other identifying information of 3 relatives of the juvenile or other individuals 18 years of age or over whose homes the parent requests the court to consider as placements for the juvenile. If the parent does not provide that information at the hearing, the county department or agency primarily responsible for providing services to the juvenile under the custody order shall permit the parent to provide that information at a later date.

**SECTION 105.** 938.21 (3) (f) of the statutes is created to read:

938.21 (3) (f) If present at the hearing, the parent shall be requested to provide the names and other identifying information of 3 relatives of the juvenile or other individuals 18 years of age or over whose homes the parent requests the court to consider as placements for the juvenile. If the parent does not provide that information at the hearing, the county department or agency primarily responsible for providing services to the juvenile under the custody order shall permit the parent to provide that information at a later date.

**SECTION 106.** 938.21 (5) (b) 2m. of the statutes is created to read:

938.21 (5) (b) 2m. If the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been removed from the home, a finding as to whether the intake worker has made reasonable efforts to place the juvenile in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings, in which case the court shall order the county department or agency primarily responsible for providing services to the juvenile under the custody order to make reasonable efforts to provide for frequent visitation or other ongoing interaction

between the juvenile and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings.

**SECTION 107.** 938.21 (5) (d) 1. of the statutes is renumbered 938.21 (5) (d) and amended to read:

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

**SECTION 108.** 938.21 (5) (d) 2. of the statutes, as affected by 2009 Wisconsin Act 28, is repealed.

**SECTION 109.** 938.21 (5) (d) 3. of the statutes, as affected by 2009 Wisconsin Act 28, is repealed.

**SECTION 110.** 938.21 (5) (e) of the statutes is created to read:

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

2. The court shall order the county department or agency primarily responsible for providing services to the juvenile under the custody order to conduct a diligent search in order to locate and provide notice of the information specified in this subdivision to all relatives of the juvenile named under sub. (2) (e) or (3) (f) and to all adult relatives of the juvenile within 30 days after the juvenile is removed from the custody of the juvenile’s parent unless the juvenile is returned to his or her home within that period. The court may also order the county department or agency to conduct a diligent search in order to locate and provide notice of the information specified in this subdivision to all other adult individuals named under sub. (2) (e) or (3) (f) within 30 days after the juvenile is removed from the custody of the juvenile’s parent unless the juvenile is returned to his or her home within that period. The county department or agency may not provide that notice to a person named under sub. (2) (e) or (3) (f) or to an adult relative if the county department or agency has reason to believe that it would be dangerous to the juvenile or to the parent if the juvenile were placed with that person or adult relative. The notice shall include all of the following:

a. A statement that the juvenile has been removed from the custody of the juvenile’s parent.

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

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

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

e. The name and contact information of the agency that removed the juvenile from the custody of the juvenile’s parent.

**SECTION 111.** 938.27 (3) (a) 1m. of the statutes is amended to read:

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

**SECTION 112.** 938.27 (3) (a) 1m. of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

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

**SECTION 113.** 938.27 (6) of the statutes is amended to read:

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

ment foster parent, or other physical custodian notice and an opportunity a right to be heard as provided in sub. (3) (a).

**SECTION 114.** 938.27 (6) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

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

**SECTION 115.** 938.32 (1) (c) 1. c. of the statutes is amended to read:

938.32 (1) (c) 1. c. -A If a permanency plan has previously been prepared for the juvenile, a finding as to whether the county department or agency has made reasonable efforts to achieve the goal of the juvenile's permanency plan, including, if appropriate, through an out-of-state placement, unless return of the juvenile to the home is the goal of the permanency plan and the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

**SECTION 116.** 938.32 (1) (c) 1m. of the statutes is created to read:

938.32 (1) (c) 1m. If the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been removed from the home, the consent decree shall include a finding as to whether the county department or agency primarily responsible for providing services to the juvenile has made reasonable efforts to place the juvenile in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings, in which case the court shall order the county department or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings.

**SECTION 117.** 938.33 (4) (c) of the statutes is amended to read:

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

plan has previously been prepared for the juvenile, specific information showing that the county department or agency has made reasonable efforts to achieve the goal of the juvenile's permanency plan, including, if appropriate, through an out-of-state placement, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

**SECTION 118.** 938.33 (4) (d) of the statutes is created to read:

938.33 (4) (d) 1. If the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have been removed from the home or for whom an out-of-home placement is recommended, specific information showing that the county department or agency primarily responsible for providing services to the juvenile has made reasonable efforts to place the juvenile in a placement that enables the sibling group to remain together, unless the county department or agency recommends that the juvenile and his or her siblings not be placed in a joint placement, in which case the report shall include specific information showing that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings and the specific information required under subd. 2.

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

**SECTION 119.** 938.335 (3g) (c) of the statutes is amended to read:

938.335 (3g) (c) That, if a permanency plan has previously been prepared for the juvenile, the county department or agency has made reasonable efforts to achieve the goal of the juvenile's permanency plan, including, if appropriate, through an out-of-state placement, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

**SECTION 120.** 938.335 (3g) (d) of the statutes is created to read:

938.335 (3g) (d) 1. If the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have been removed from the home or for whom an out-of-home placement is recommended, that the county department or agency has made reasonable efforts to place the juvenile in a placement that enables the sibling group to remain together, unless the county department or agency recommends that the juvenile and his or her siblings not



be placed in a joint placement, in which case the county department or agency shall present as evidence specific information showing that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings and the specific information required under subd. 2.

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

**SECTION 121.** 938.335 (6) of the statutes is created to read:

938.335 (6) JUVENILE PLACED OUTSIDE THE HOME. If the dispositional order places the juvenile outside the home, the parent, if present at the hearing, shall be requested to provide the names and other identifying information of 3 relatives of the juvenile or other individuals 18 years of age or over whose homes the parent requests the court to consider as placements for the juvenile, unless that information has previously been provided under s. 938.21 (2) (e) or (3) (f). If the parent does not provide that information at the hearing, the county department or the agency primarily responsible for providing services to the juvenile under the dispositional order shall permit the parent to provide the information at a later date.

**SECTION 122.** 938.355 (2) (b) 6. of the statutes is amended to read:

938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile was adjudicated delinquent. The court order shall also contain a finding as to whether the county department or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies, and, if a permanency plan has previously been prepared for the juvenile, a finding as to whether the county department or agency has made reasonable efforts to achieve the goal of the juvenile's permanency plan, including, if appropriate, through an out-of-state place-

ment, unless return of the juvenile to the home is the goal of the permanency plan and the court finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies. The court shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the court order. A court order that merely references this subdivision without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.

**SECTION 123.** 938.355 (2) (b) 6p. of the statutes is created to read:

938.355 (2) (b) 6p. If the juvenile is placed outside the home and if the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed outside the home, a finding as to whether the county department or the agency primarily responsible for providing services under a court order has made reasonable efforts to place the juvenile in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings, in which case the court shall order the county department or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the juvenile and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings.

**SECTION 124.** 938.355 (2) (cm) of the statutes is created to read:

938.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county department or the agency primarily responsible for providing services to the juvenile under the dispositional order to conduct a diligent search in order to locate and provide notice of the information specified in s. 938.21 (5) (e) 2. a. to e. to all relatives of the juvenile named under s. 938.335 (6) and to all adult relatives, as defined in s. 938.21 (5) (e) 1., of the juvenile within 30 days after the juvenile is removed from the custody of the juvenile's parent unless the juvenile is returned to his or her home within that period. The court may also order the county department or agency to conduct a diligent search in order to locate and provide notice of that information to all other adult individuals named under s. 938.335 (6) within 30 days after the juvenile is removed from the custody of the juvenile's parent unless the juvenile is returned to his or her home within that period. The county department or agency may not provide that notice to a person named under s. 938.335 (6) or to an adult relative if the county department or agency has reason to believe that it would be dangerous to the

juvenile or to the parent if the juvenile were placed with that person or adult relative.

2. Subdivision 1. does not apply if the search required under subd. 1. was previously conducted and the notice required under subd. 1. was previously provided under s. 938.21 (5) (e) 2.

**SECTION 125.** 938.355 (2b) of the statutes is amended to read:

938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county department or the agency primarily responsible for providing services to a juvenile under a court order may, at the same time as the county department or agency is making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible for the juvenile to return safely to his or her home, work with the department of children and families, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the juvenile for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement, including reasonable efforts to identify an appropriate out-of-state placement.

**SECTION 126.** 938.355 (2d) (c) 1. of the statutes is renumbered 938.355 (2d) (c) and amended to read:

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

**SECTION 127.** 938.355 (2d) (c) 2. of the statutes, as affected by 2009 Wisconsin Act 28, is repealed.

**SECTION 128.** 938.355 (2d) (c) 3. of the statutes, as affected by 2009 Wisconsin Act 28, is repealed.

**SECTION 129.** 938.357 (1) (c) 2m. of the statutes is created to read:

938.357 (1) (c) 2m. If the court changes the juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, the parent, if present at the hearing, shall be requested to provide the names and other identifying information of 3 relatives of the juvenile or other individuals 18 years of age or over whose homes the parent requests the court to consider as placements for the juvenile, unless that information has previously been provided under this subdivision, sub. (2m) (bm), or s. 938.21 (2) (e) or (3) (f) or 938.335 (6). If the parent does not provide that information at the hearing, the county department or the agency primarily responsible for implementing the dispositional order shall permit the parent to provide the information at a later date.

**SECTION 130.** 938.357 (2m) (bm) of the statutes is created to read:

938.357 (2m) (bm) *Juvenile placed outside the home.* If the court changes the juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, the parent, if present at the hearing, shall be requested to provide the names and other identifying information of 3 relatives of the juvenile or other individuals 18 years of age or over whose homes the parent requests the court to consider as placements for the juvenile, unless that information has previously been provided under this paragraph, sub. (1) (c) 2m., or s. 938.21 (2) (e) or (3) (f) or 938.335 (6). If the parent does not provide that information at the hearing, the county department or the agency primarily responsible for implementing the dispositional order shall permit the parent to provide the information at a later date.

**SECTION 131.** 938.357 (2r) of the statutes is amended to read:

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

**SECTION 132.** 938.357 (2r) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a juvenile from a foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the juvenile and the requested change in placement. A foster parent or other physical custodian who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) and a right to be heard under this subsection does not become a party to the pro-

ceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 133.** 938.357 (2v) (a) 2m. of the statutes is created to read:

938.357 (2v) (a) 2m. If the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have been placed outside the home or for whom a change in placement to a placement outside the home is requested, a finding as to whether the county department or the agency primarily responsible for implementing the dispositional order has made reasonable efforts to place the juvenile in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings, in which case the court shall order the county department or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the juvenile and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings.

**SECTION 134.** 938.357 (2v) (c) 1. of the statutes is renumbered 938.357 (2v) (c) and amended to read:

938.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after the date of that finding to determine the permanency plan for the juvenile. ~~If a hearing is held under this paragraph, the agency responsible for preparing the permanency plan shall file the permanency plan with the court at least 5 days before the date of the hearing.~~

**SECTION 135.** 938.357 (2v) (c) 2. of the statutes, as affected by 2009 Wisconsin Act 28, is repealed.

**SECTION 136.** 938.357 (2v) (c) 3. of the statutes, as affected by 2009 Wisconsin Act 28, is repealed.

**SECTION 137.** 938.357 (2v) (d) of the statutes is created to read:

938.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county department or the agency primarily responsible for implementing the dispositional order to conduct a diligent search in order to locate and provide notice of the information specified in s. 938.21 (5) (e) 2. a. to e. to all relatives of the juvenile named under sub. (1) (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 938.21 (5) (e) 1., of the juvenile within 30 days after the juvenile is removed from the custody of the juvenile's parent unless the juvenile is returned to his or her home within that period. The court may also order the county department or agency to conduct a diligent search in order to locate and provide notice of that information to all other adult individuals named under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the juvenile is removed from the custody of the juvenile's parent unless the juvenile is returned to his or her home within that period. The county department or agency may not provide that notice

to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult relative if the county department or agency has reason to believe that it would be dangerous to the juvenile or to the parent if the juvenile were placed with that person or adult relative.

2. Subdivision 1. does not apply if the search required under subd. 1. was previously conducted and the notice required under subd. 1. was previously provided under s. 938.21 (5) (e) 2. or 938.355 (2) (cm) 1.

**SECTION 138.** 938.363 (1) (b) of the statutes is amended to read:

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

**SECTION 139.** 938.363 (1) (b) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

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

**SECTION 140.** 938.363 (1m) of the statutes is amended to read:

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

ment foster parent, or other physical custodian who receives notice of a hearing under sub. (1) (a) and ~~an opportunity a right~~ to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity right~~ to be heard.

**SECTION 141.** 938.363 (1m) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

938.363 (1m) EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent or other physical custodian described in s. 48.62 (2) of the juvenile a right to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. A foster parent or other physical custodian who receives notice of a hearing under sub. (1) (a) and a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 142.** 938.365 (2) of the statutes is amended to read:

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

**SECTION 143.** 938.365 (2) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

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

**SECTION 144.** 938.365 (2g) (b) 3. of the statutes is amended to read:

938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home in a foster home, treatment foster home, group home, nonsecured residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months, not including any period during which the juvenile was a runaway from the out-of-home placement or the first 6 months of any period during which the juvenile was returned to his or her home for a

trial home visit, a statement of whether or not a recommendation has been made to terminate the parental rights of the parents of the juvenile. If a recommendation for a termination of parental rights has been made, the statement shall indicate the date on which the recommendation was made, any previous progress made to accomplish the termination of parental rights, any barriers to the termination of parental rights, specific steps to overcome the barriers and when the steps will be completed, reasons why adoption would be in the best interest of the juvenile and whether or not the juvenile should be registered with the adoption information exchange. If a recommendation for termination of parental rights has not been made, the statement shall include an explanation of the reasons why a recommendation for termination of parental rights has not been made. If the lack of appropriate adoptive resources is the primary reason for not recommending a termination of parental rights, the agency shall recommend that the juvenile be registered with the adoption information exchange or report the reason why registering the juvenile is contrary to the best interest of the juvenile.

**SECTION 145.** 938.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home in a foster home, group home, nonsecured residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months, not including any period during which the juvenile was a runaway from the out-of-home placement or the first 6 months of any period during which the juvenile was returned to his or her home for a trial home visit, a statement of whether or not a recommendation has been made to terminate the parental rights of the parents of the juvenile. If a recommendation for a termination of parental rights has been made, the statement shall indicate the date on which the recommendation was made, any previous progress made to accomplish the termination of parental rights, any barriers to the termination of parental rights, specific steps to overcome the barriers and when the steps will be completed, reasons why adoption would be in the best interest of the juvenile and whether or not the juvenile should be registered with the adoption information exchange. If a recommendation for termination of parental rights has not been made, the statement shall include an explanation of the reasons why a recommendation for termination of parental rights has not been made. If the lack of appropriate adoptive resources is the primary reason for not recommending a termination of parental rights, the agency shall recommend that the juvenile be registered with the adoption information exchange or report the reason why registering the juvenile is contrary to the best interest of the juvenile.

**SECTION 146.** 938.365 (2m) (a) 1. of the statutes is amended to read:



938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of extension. If the juvenile is placed outside of his or her home, the person or agency primarily responsible for providing services to the juvenile shall present as evidence specific information showing that the agency has made reasonable efforts to achieve the goal of the juvenile's permanency plan, including, if appropriate, through an out-of-state placement, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions of law based on the evidence. The findings of fact shall include a finding as to whether reasonable efforts were made by the agency primarily responsible for providing services to the juvenile to achieve the goal of the juvenile's permanency plan, including, if appropriate, through an out-of-state placement, unless return of the juvenile to the home is the goal of the permanency plan and the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies. An order shall be issued under s. 938.355.

**SECTION 147.** 938.365 (2m) (a) 1m. of the statutes is created to read:

938.365 (2m) (a) 1m. a. If the juvenile is placed outside of his or her home and if the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed outside the home, the person or agency primarily responsible for providing services to the juvenile shall present as evidence specific information showing that the agency has made reasonable efforts to place the juvenile in a placement that enables the sibling group to remain together, unless the court has determined that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings, in which case the agency shall present as evidence specific information showing that agency has made reasonable efforts to provide for frequent visitation or other ongoing interaction between the juvenile and the siblings, unless the court has determined that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings.

b. If the juvenile is placed outside the home and if the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed outside the home, the findings of fact shall include a finding as to whether reasonable efforts have been made by the agency primarily responsible for providing services to the juvenile to place the juvenile in a placement that enables the sibling group to remain together, unless the court has determined that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings, in which case the findings of fact shall include a finding as to whether reasonable efforts have been made by the agency to provide for frequent visitation or other ongoing interaction between the juvenile and the siblings, unless the court has determined that such visitation or interac-

tion would be contrary to the safety or well-being of the juvenile or any of those siblings.

**SECTION 148.** 938.365 (2m) (ad) 1. of the statutes is renumbered 938.365 (2m) (ad) and amended to read:

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

**SECTION 149.** 938.365 (2m) (ad) 2. of the statutes, as affected by 2009 Wisconsin Act 28, is repealed.

**SECTION 150.** 938.365 (2m) (ag) of the statutes is amended to read:

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

**SECTION 151.** 938.365 (2m) (ag) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

938.365 (2m) (ag) The court shall give a foster parent or other physical custodian described in s. 48.62 (2) who is notified of a hearing under sub. (2) a right to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. A foster parent or other physical custodian who receives notice of a hearing under sub. (2) and a right to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 152.** 938.38 (3) (intro.) of the statutes is amended to read:

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

**SECTION 153.** 938.38 (4) (br) of the statutes is renumbered 938.38 (4) (br) 1. and amended to read:

938.38 (4) (br) 1. ~~A statement as to the availability of a safe and appropriate placement with a foster parent, adoptive parent, or proposed adoptive parent of a sibling of the juvenile and, if a decision is made not to place the juvenile with an available foster parent, adoptive parent, or proposed adoptive parent of a sibling, a statement as to why placement with the foster parent, adoptive parent, or proposed adoptive parent of a sibling is not safe or appropriate. In this paragraph, "sibling" means a person who is a brother or sister of a juvenile, whether by blood, marriage, or adoption, including a person who has a brother or sister of a juvenile before the person was adopted or parental rights to the person were terminated.~~

**SECTION 154.** 938.38 (4) (br) 2. of the statutes is created to read:

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

**SECTION 155.** 938.38 (4) (fm) of the statutes is amended to read:

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

**SECTION 156.** 938.38 (4) (h) (intro.) of the statutes is amended to read:

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

**SECTION 157.** 938.38 (4) (i) of the statutes is created to read:

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

tally appropriate for the court to consult with the juvenile, a statement as to why consultation with the juvenile would not be appropriate.

**SECTION 158.** 938.38 (4m) of the statutes is created to read:

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

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

(c) If the juvenile's permanency plan includes a statement under sub. (4) (i) indicating that the juvenile's age and developmental level are sufficient for the court to consult with the juvenile regarding the juvenile's permanency plan or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the court to consult with the juvenile, the court determines that consultation with the juvenile would be in the best interests of the juvenile, the court shall consult with the juvenile, in an age-appropriate and developmentally appropriate manner, regarding the juvenile's permanency plan and any other matters the court finds appropriate. If none of those circumstances apply, the court may permit the juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235 (3) (a), the juvenile's guardian ad litem to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, expressing the juvenile's wishes, goals, and concerns regarding the permanency plan and those matters. If the court permits such a written or oral statement to be made or submitted, the court may nonetheless require the juvenile to be physically present at the hearing.

(d) The court shall give a foster parent, treatment foster parent, operator of a facility, or relative who is notified of a hearing under par. (b) a right to be heard at the hearing by permitting the foster parent, treatment foster parent,

operator, or relative to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, treatment foster parent, operator of a facility, or relative does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 159.** 938.38 (4m) (b) and (d) of the statutes, as created by 2009 Wisconsin Act .... (this act), are amended to read:

938.38 (4m) (b) At least 10 days before the date of the hearing the court shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the juvenile's foster parent ~~or treatment foster parent~~, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing.

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

**SECTION 160.** 938.38 (5) (b) of the statutes is amended to read:

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

**SECTION 161.** 938.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

938.38 (5) (b) The court or the agency shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the juvenile's foster parent, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they shall have a right to be heard at the review as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the juvenile's case record.

**SECTION 162.** 938.38 (5) (bm) of the statutes is created to read:

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

2. If the juvenile's permanency plan includes a statement under sub. (4) (i) indicating that the juvenile's age and developmental level are sufficient for the court or panel to consult with the juvenile regarding the juvenile's permanency plan or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the court or panel to consult with the juvenile, the court or panel determines that consultation with the juvenile would be in the best interests of the juvenile, the court or panel shall consult with the juvenile, in an age-appropriate and developmentally appropriate manner, regarding the juvenile's permanency plan and any other matters the court or panel finds appropriate. If none of those circumstances apply, the court or panel may permit the juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235

(3) (a), the juvenile's guardian ad litem to make a written or oral statement during the review, or to submit a written statement prior to the review, expressing the juvenile's wishes, goals, and concerns regarding the permanency plan and those matters. If the court or panel permits such a written or oral statement to be made or submitted, the court or panel may nonetheless require the juvenile to be physically present at the review.

**SECTION 163.** 938.38 (5) (bm) 1. of the statutes, as created by 2009 Wisconsin Act .... (this act), is amended to read:

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

**SECTION 164.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her home, as described in s. 938.365 (1), in a foster home, treatment foster home, group home, nonsecured residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months, not including any period during which the juvenile was a runaway from the out-of-home placement or the first 6 months of any period during which the juvenile was returned to his or her home for a trial home visit, the appropriateness of the permanency plan and the circumstances which prevent the juvenile from any of the following:

**SECTION 165.** 938.38 (5) (c) 6. (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her home, as described in s. 938.365 (1), in a foster home, group home, nonsecured residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months, not including any period during which the juvenile was a runaway from the out-of-home placement or the first 6 months of any period during which the juvenile was returned to his or her home for a trial home visit, the

appropriateness of the permanency plan and the circumstances which prevent the juvenile from any of the following:

**SECTION 166.** 938.38 (5) (c) 7. of the statutes is amended to read:

938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, including, if appropriate, through an out-of-state placement, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

**SECTION 167.** 938.38 (5) (c) 8. of the statutes is created to read:

938.38 (5) (c) 8. If the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been removed from the home, whether reasonable efforts were made by the agency to place the juvenile in a placement that enables the sibling group to remain together, unless the court or panel determines that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings, in which case the court or panel shall determine whether reasonable efforts were made by the agency to provide for frequent visitation or other ongoing interaction between the juvenile and those siblings, unless the court or panel determines that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings.

**SECTION 168.** 938.38 (5) (d) of the statutes is amended to read:

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

**SECTION 169.** 938.38 (5) (e) of the statutes is amended to read:

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



**SECTION 170.** 938.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

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

**SECTION 171.** 938.38 (5m) (b) of the statutes is amended to read:

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

**SECTION 172.** 938.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the juvenile's foster parent, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the permanency plan; and the person representing the interests of the public of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1.

**SECTION 173.** 938.38 (5m) (c) of the statutes is renumbered 938.38 (5m) (c) 1. and amended to read:

938.38 (5m) (c) 1. ~~Any person~~ A juvenile, parent, guardian, legal custodian, foster parent, treatment foster parent, operator of a facility, or relative who is provided notice of the hearing ~~may have an opportunity~~ under par. (b) shall have a right to be heard at the hearing by submit-

ting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A counsel, guardian ad litem, agency, or person representing the interests of the public who is provided notice of the hearing under par. (b) may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, treatment foster parent, operator of a facility ~~in which a juvenile is living, or relative with whom a juvenile is living~~ who receives notice of a hearing under par. (b) and ~~an opportunity~~ a right to be heard under this paragraph ~~subdivision~~ does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

**SECTION 174.** 938.38 (5m) (c) 1. of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

938.38 (5m) (c) 1. A juvenile, parent, guardian, legal custodian, foster parent, operator of a facility, or relative who is provided notice of the hearing under par. (b) shall have a right to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A counsel, guardian ad litem, agency, or person representing the interests of the public who is provided notice of the hearing under par. (b) may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, operator of a facility, or relative who receives notice of a hearing under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 175.** 938.38 (5m) (c) 2. of the statutes is created to read:

938.38 (5m) (c) 2. If the juvenile's permanency plan includes a statement under sub. (4) (i) indicating that the juvenile's age and developmental level are sufficient for the court to consult with the juvenile regarding the juvenile's permanency plan or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the court to consult with the juvenile, the court determines that consultation with the juvenile would be in the best interests of the juvenile, the court shall consult with the juvenile, in an age-appropriate and developmentally appropriate manner, regarding the juvenile's permanency plan and any other matters the court finds appropriate. If none of those circumstances apply, the court may permit the juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235 (3) (a), the juve-

nile's guardian ad litem to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, expressing the juvenile's wishes, goals, and concerns regarding the permanency plan and those matters. If the court permits such a written or oral statement to be made or submitted, the court may nonetheless require the juvenile to be physically present at the hearing.

**SECTION 176.** 938.38 (5m) (d) of the statutes is amended to read:

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

**SECTION 177.** 938.78 (2) (i) of the statutes is created to read:

938.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing information to a relative of a juvenile placed outside of his or her home only to the extent necessary to facilitate the establishment of a relationship between the juvenile and the relative or a placement of the juvenile with the relative or from disclosing information under s. 938.21 (5) (e), 938.355 (2) (cm), or 938.357 (2v) (d). In this paragraph, "relative" includes a relative whose relationship is derived through a parent of the juvenile whose parental rights are terminated.

**SECTION 178.** 938.9995 of the statutes is created to read:

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

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

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

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

**SECTION 178r.** 2009 Wisconsin Act 28, section 9308 (9) is amended to read:

[2009 Wisconsin Act 28] Section 9308 (9) ARREARAGES COLLECTED. The treatment of section 49.1452 of the statutes first applies to arrearages collected on ~~the effective date of this subsection~~ January 1, 2010.

**SECTION 178t.** 2009 Wisconsin Act 28, section 9322 (7) (a) is amended to read:

[2009 Wisconsin Act 28] Section 9322 (7) (a) *Arrearages collected.* The treatment of section 49.776 of the statutes first applies to arrearages collected on the ~~effective date of this paragraph~~ January 1, 2010.

**SECTION 178w.** 2009 Wisconsin Act 28, section 9408 (14) is amended to read:

[2009 Wisconsin Act 28] Section 9408 (14) ARREARAGES COLLECTED. The treatment of section 49.1452 of the statutes and SECTION 9308 (9) of this act take effect on January April 1, 2010.

**SECTION 178x.** 2009 Wisconsin Act 28, section 9422 (12) (a) is amended to read:

[2009 Wisconsin Act 28] Section 9422 (12) (a) *Arrearages collected.* The treatment of section 49.776 of the statutes and SECTION 9322 (7) (a) of this act take effect on January April 1, 2010.

**SECTION 179. Initial applicability.**

(1) PERMANENCY PLANS.

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

(b) *Permanency plan hearings and reviews.* The treatment of sections 48.38 (4m) (a) and (c) and (5) (bm) 2. and (c) 6. (intro.), 7., and 8. and 938.38 (4m) (a) and (c) and (5) (bm) 2. and (c) 6. (intro.), 7., and 8. of the statutes and the creation of sections 48.38 (5m) (c) 2., 48.43 (5) (b) 2., and 938.38 (5m) (c) 2. of the statutes first apply to hearings and reviews for which a permanency plan is filed or provided on the effective date of this paragraph.

(2) RIGHT TO BE HEARD. The amendment of sections 48.27 (3) (a) 1m. and (6), 48.357 (2m) (b) and (2r), 48.363 (1) (b) and (1m), 48.365 (2m) (ag), 48.38 (5) (b) and (5m) (b), 48.42 (2g) (am), 48.427 (1m), 48.63 (5) (d) 4., 767.41 (3) (c), 938.27 (3) (a) 1m. and (6), 938.357 (2r), 938.363 (1) (b) and (1m), 938.365 (2) and (2m) (ag), 938.38 (5) (b) and (5m) (b) of the statutes, the renumbering and amendment of sections 48.38 (5m) (c), 48.43 (5) (b), and 938.38 (5m) (c) of the statutes, and the creation of sections 48.38 (4m) (b) and (d) and (5) (bm) 1., 48.43 (5) (b) 3., and 938.38 (4m) (b) and (d) and (5) (bm) 1. of the statutes first apply to hearings for which notice is provided on the effective date of this subsection.

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

(4) JUVENILE COURT REPORTS. The treatment of sections 48.33 (4) (c), 48.365 (2g) (b) 3., 48.425 (1) (c), 938.33 (4) (c), and 938.365 (2g) (b) 3. of the statutes first applies to reports filed with the court assigned to exercise jurisdiction under chapters 48 and 938 on the effective date of this subsection.

(5) JUVENILE COURT HEARINGS. The treatment of sections 48.21 (3) (f), 48.335 (3g) (c) and (6), 48.357 (1) (c) 2m. and (2m) (bm), 48.365 (2m) (a) 1., 938.21 (2) (e) and (3) (f), 938.335 (3g) (c) and (6), 938.357 (1) (c) 2m. and (2m) (bm), and 938.365 (2m) (a) 1. of the statutes first applies to hearings held by the court assigned to exercise jurisdiction under chapters 48 and 938 on the effective date of this subsection.

(6) JUVENILE COURT ORDERS. The treatment of sections 48.21 (5) (e), 48.32 (1) (b) 1. c., 48.355 (2) (b) 6. and (cm), 48.357 (2v) (d), 48.43 (1) (cm), 938.21 (5) (e), 938.32 (1) (c) 1. c., 938.355 (2) (b) 6. and (cm), and 938.357 (2v) (d) of the statutes first applies to a temporary physical custody order, consent decree, dispositional order, or change in placement order entered on the effective date of this subsection.

(7) PLACEMENT WITH SIBLING.

(a) *Out-of-home placement.* The treatment of sections 48.21 (5) (b) 2m., 48.33 (4) (d), 48.335 (3g) (d), 48.355 (2) (b) 6p., 48.357 (2v) (a) 2m., 938.21 (5) (b) 2m., 938.33 (4) (d), 938.335 (3g) (d), 938.355 (2) (b) 6p. and 938.357 (2v) (a) 2m. of the statutes, the renumbering and amendment of sections 48.38 (4) (br) and 938.38 (4) (br) of the statutes, and the creation of sections 48.38 (4) (br) 2. and 938.38 (4) (br) 2. of the statutes first apply to a child who is removed from his or her home on the effective date of this subsection.

(b) *Adoptive placement.* The treatment of section 48.834 (2) of the statutes first applies to a child who is

placed for adoption on the effective date of this subsection.

(8) TRANSITION PLAN. The creation of section 48.385 of the statutes first applies to a child who attains 18 years of age 90 days after the effective date of this subsection or, if a child is subject to an order of the court assigned to exercise jurisdiction under chapters 48 and 938 that terminates after the child attains 18 years of age, to an order that terminates 90 days after the effective date of this subsection.

**SECTION 180. Effective dates.** This act takes effect on January 1, 2010, or on the day after publication, whichever is later, except as follows:

(1) TREATMENT FOSTER HOMES. The amendment of sections 48.38 (4m) (b) and (d) and (5) (bm) 1., 48.385, 48.43 (5) (b) 3., and 938.38 (4m) (b) and (d) and (5) (bm) 1. of the statutes and the repeal and recreation of sections 48.27 (3) (a) 1m. and (6), 48.357 (2m) (b) and (2r), 48.363 (1) (b) and (1m), 48.365 (2g) (b) 3. and (2m) (ag), 48.38 (5) (b), (c) 6. (intro.), and (e) and (5m) (b) and (c) 1., 48.417 (1) (a), 48.42 (2g) (am), 48.427 (1m), 48.43 (5) (b) 1. and (5m), 767.41 (3) (c), 938.27 (3) (a) 1m. and (6), 938.357 (2r), 938.363 (1) (b) and (1m), 938.365 (2), (2g) (b) 3., and (2m) (ag), and 938.38 (5) (b), (c) 6. (intro.), and (e) and (5m) (b) and (c) 1. of the statutes take effect on the date state in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes, or on the day after publication, whichever is later.

(2) SUPPORT ARREARS PASS-THROUGH. SECTIONS 178r, 178t, 178w, and 178x of this act take effect on the day after publication.