

SENATE BILL 347

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

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6 28 and (this act), is repealed and recreated to read:

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

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

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

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

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

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

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

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

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

2 48.43 (1) (cm) If a permanency plan has previously been prepared for the child,
3 a finding as to whether the agency primarily responsible for providing services to the
4 child has made reasonable efforts to achieve the goal of the child's permanency plan,
5 including, if appropriate, through an out-of-state placement. The court shall make
6 the findings specified in this paragraph on a case-by-case basis based on
7 circumstances specific to the child and shall document or reference the specific
8 information on which those findings are based in the order. An order that merely
9 references this paragraph without documenting or referencing that specific
10 information in the order or an amended order that retroactively corrects an earlier
11 order that does not comply with this paragraph is not sufficient to comply with this
12 paragraph.

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

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

22 **SECTION 86.** 48.43 (5) (b) 1. of the statutes, as affected by 2009 Wisconsin Acts
23 28 and (this act), is repealed and recreated to read:

24 48.43 (5) (b) 1. The court shall hold a hearing to review the permanency plan
25 within 30 days after receiving a report under par. (a). At least 10 days before the date

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1 of the hearing, the court shall provide notice of the time, place, and purpose of the
2 hearing to the agency that prepared the report, the child's guardian, the child, and
3 the child's foster parent, the operator of the facility in which the child is living, or the
4 relative with whom the child is living.

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

6 48.43 (5) (b) 2. If the child's permanency plan includes a statement under s.
7 48.38 (4) (i) indicating that the child's age and developmental level are sufficient for
8 the court to consult with the child regarding the child's permanency plan or if,
9 notwithstanding a decision under s. 48.38 (4) (i) that it would not be appropriate for
10 the court to consult with the child, the court determines that consultation with the
11 child would be in the best interests of the child, the court shall consult with the child,
12 in an age-appropriate and developmentally appropriate manner, regarding the
13 child's permanency plan and any other matters the court finds appropriate. If none
14 of those circumstances apply, the court may permit the child's caseworker, the child's
15 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
16 or oral statement during the hearing, or to submit a written statement prior to the
17 hearing, expressing the child's wishes, goals, and concerns regarding the
18 permanency plan and those matters. If the court permits such a written or oral
19 statement to be made or submitted, the court may nonetheless require the child's
20 presence at the hearing.

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

22 48.43 (5) (b) 3. The court shall give a foster parent, treatment foster parent,
23 operator of a facility, or relative who is notified of a hearing under subd. 1. a right to
24 be heard at the hearing by permitting the foster parent, treatment foster parent,
25 operator, or relative to make a written or oral statement during the hearing, or to

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

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

7 48.43 (5) (b) 3. The court shall give a foster parent, ~~treatment foster parent,~~
8 operator of a facility, or relative who is notified of a hearing under subd. 1. a right to
9 be heard at the hearing by permitting the foster parent, ~~treatment foster parent,~~
10 operator, or relative to make a written or oral statement during the hearing, or to
11 submit a written statement prior to the hearing, relevant to the issues to be
12 determined at the hearing. The foster parent, ~~treatment foster parent,~~ operator of
13 a facility, or relative does not become a party to the proceeding on which the hearing
14 is held solely on the basis of receiving that notice and right to be heard.

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

16 48.43 (5m) Either the court or the agency that prepared the permanency plan
17 shall furnish a copy of the original plan and each revised plan to the child, if he or
18 she is 12 years of age or over, and to the child's foster parent, ~~the child's~~ or treatment
19 foster parent or, the operator of the facility in which the child is living, or the relative
20 with whom the child is living.

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

23 48.43 (5m) Either the court or the agency that prepared the permanency plan
24 shall furnish a copy of the original plan and each revised plan to the child, if he or

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1 she is 12 years of age or over, and to the child's foster parent, the operator of the
2 facility in which the child is living, or the relative with whom the child is living.

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

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

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

15 48.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing
16 information to a relative of a child placed outside of his or her home only to the extent
17 necessary to facilitate the establishment of a relationship between the child and the
18 relative or a placement of the child with the relative or from disclosing information
19 under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In this paragraph, "relative"
20 includes a relative whose relationship is derived through a parent of the child whose
21 parental rights are terminated.

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

23 48.78 (2) (j) Paragraph (a) does not prohibit an agency from disclosing
24 information to any public or private agency in this state or any other state that is

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1 investigating a person for purposes of licensing the person to operate a foster home
2 or placing a child for adoption in the home of the person.

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

4 48.834 (2) PLACEMENT WITH SIBLINGS. ~~Before placing~~ If a child who is being
5 placed for adoption under s. 48.833 a child who has a sibling who has has one or more
6 siblings, as defined in s. 48.38 (4) (br) 1., who have been adopted or has who have been
7 placed for adoption, the department, county department under s. 48.57 (1) (e) or
8 (hm), or child welfare agency making the placement shall consider the availability
9 of a placement make reasonable efforts to place the child for adoption with an
10 adoptive parent or proposed adoptive parent of such a sibling, as defined in s. 48.38
11 (4) (br), of the child who is identified in the child's permanency plan under s. 48.38
12 or 938.38 or who is otherwise known by the department, county department, or child
13 welfare agency, unless the department, county department, or child welfare agency
14 determines that a joint placement would be contrary to the safety or well-being of
15 the child or any of those siblings, in which case the department, county department,
16 or child welfare agency shall make reasonable efforts to provide for frequent
17 visitation or other ongoing interaction between the child and the siblings, unless the
18 department, county department, or child welfare agency determines that such
19 visitation or interaction would be contrary to the safety or well-being of the child or
20 any of those siblings.

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

22 48.981 (7) (a) 4m. A relative of a child placed outside of his or her home only
23 to the extent necessary to facilitate the establishment of a relationship between the
24 child and the relative or a placement of the child with the relative or to a person
25 provided with the notice under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In

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1 this subdivision, “relative” includes a relative whose relationship is derived through
2 a parent of the child whose parental rights are terminated.

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

4 48.981 (7) (a) 4p. A public or private agency in this state or any other state that
5 is investigating a person for purposes of licensing the person to operate a foster home
6 or placing a child for adoption in the home of the person.

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

8 **48.999 Expediting interstate placements of children.** The courts of this
9 state shall do all of the following to expedite the interstate placement of children:

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

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

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

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

19 146.0255 (2) TESTING. Any hospital employee who provides health care, social
20 worker, or intake worker under ch. 48 may refer an infant or an expectant mother
21 of an unborn child, as defined in s. 48.02 (19), to a physician for testing of the bodily
22 fluids of the infant or expectant mother for controlled substances or controlled
23 substance analogs if the hospital employee who provides health care, social worker,
24 or intake worker suspects that the infant or expectant mother has controlled
25 substances or controlled substance analogs in the bodily fluids of the infant or

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1 expectant mother because of the use of controlled substances or controlled substance
2 analogs by the mother while she was pregnant with the infant or by the expectant
3 mother while she is pregnant with the unborn child. The physician may test the
4 infant or expectant mother to ascertain whether or not the infant or expectant
5 mother has controlled substances or controlled substance analogs in the bodily fluids
6 of the infant or expectant mother, if the physician determines that there is a serious
7 risk that there are controlled substances or controlled substance analogs in the
8 bodily fluids of the infant or expectant mother because of the use of controlled
9 substances or controlled substance analogs by the mother while she was pregnant
10 with the infant or by the expectant mother while she is pregnant with the unborn
11 child and that the health of the infant, the unborn child or the child when born may
12 be adversely affected by the controlled substances or controlled substance analogs.
13 If the results of the test indicate that the infant does have controlled substances or
14 controlled substance analogs in the infant's bodily fluids, the physician shall ~~make~~
15 ~~a report~~ report the occurrence of that condition in the infant to the agency, as defined
16 in s. 48.981 (1) (ag), that is responsible for conducting child abuse and neglect
17 investigations under s. 48.981, and that agency shall offer to provide, or arrange or
18 refer for the provision of, services and treatment for the child and the child's mother
19 as provided under s. 46.238. If the results of the test indicate that the expectant
20 mother does have controlled substances or controlled substance analogs in the
21 expectant mother's bodily fluids, the physician may ~~make a report~~ report the
22 occurrence of that condition in the expectant mother to the agency, as defined in s.
23 48.981 (1) (ag), that is responsible for conducting unborn child abuse investigations
24 under s. 48.981, and that agency shall offer to provide, or arrange or refer for the
25 provision of, services and treatment for the unborn child and expectant mother as

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1 provided under s. 46.238. Under this subsection, no physician may test an expectant
2 mother without first receiving her informed consent to the testing.

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

4 146.0255 (3) (b) A statement of explanation that the test results of an infant
5 must, and that the test results of an expectant mother may, be disclosed to ~~a county~~
6 ~~department under s. 46.22 or 46.23 or, in a county having a population of 500,000 or~~
7 ~~more, to the county department under s. 51.42 or 51.437 in accordance with s. 46.238~~
8 an agency under sub. (2) if the test results are positive.

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

10 757.69 (1) (g) 14. Conduct permanency plan reviews under s. 48.38 (5) or 938.38
11 (5) and permanency plan hearings under s. 48.38 (5m) or 938.38 (5m).

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

13 767.41 (3) (c) The court shall hold a hearing to review the permanency plan
14 within 30 days after receiving a report under par. (b). At least 10 days before the date
15 of the hearing, the court shall provide notice of the time, ~~date~~ place, and purpose of
16 the hearing to the agency that prepared the report; the child; the child's parents, ~~the~~
17 ~~child, if he or she is 12 years of age or over, and guardian, and legal custodian; and~~
18 the child's foster parent, or treatment foster parent or, the operator of the facility in
19 which the child is living, or the relative with whom the child is living.

20 **SECTION 103.** 767.41 (3) (c) of the statutes, as affected by 2009 Wisconsin Acts
21 28 and (this act), is repealed and recreated to read:

22 767.41 (3) (c) The court shall hold a hearing to review the permanency plan
23 within 30 days after receiving a report under par. (b). At least 10 days before the date
24 of the hearing, the court shall provide notice of the time, place, and purpose of the
25 hearing to the agency that prepared the report; the child; the child's parents,

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1 guardian, and legal custodian; and the child's foster parent, the operator of the
2 facility in which the child is living, or the relative with whom the child is living.

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

4 938.21 (2) (e) If present at the hearing, the parent shall be requested to provide
5 the names and other identifying information of 3 relatives of the juvenile or other
6 individuals 18 years of age or over whose homes the parent requests the court to
7 consider as placements for the juvenile. If the parent does not provide that
8 information at the hearing, the county department or agency primarily responsible
9 for providing services to the juvenile under the custody order shall permit the parent
10 to provide that information at a later date.

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

12 938.21 (3) (f) If present at the hearing, the parent shall be requested to provide
13 the names and other identifying information of 3 relatives of the juvenile or other
14 individuals 18 years of age or over whose homes the parent requests the court to
15 consider as placements for the juvenile. If the parent does not provide that
16 information at the hearing, the county department or agency primarily responsible
17 for providing services to the juvenile under the custody order shall permit the parent
18 to provide that information at a later date.

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

20 938.21 (5) (b) 2m. If the juvenile has one or more siblings, as defined in s. 938.38
21 (4) (br) 1., who have also been removed from the home, a finding as to whether the
22 intake worker has made reasonable efforts to place the juvenile in a placement that
23 enables the sibling group to remain together, unless the court determines that a joint
24 placement would be contrary to the safety or well-being of the juvenile or any of those
25 siblings, in which case the court shall order the county department or agency

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1 primarily responsible for providing services to the juvenile under the custody order
2 to make reasonable efforts to provide for frequent visitation or other ongoing
3 interaction between the juvenile and the siblings, unless the court determines that
4 such visitation or interaction would be contrary to the safety or well-being of the
5 juvenile or any of those siblings.

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

8 938.21 (5) (d) If the court finds that any of the circumstances specified in s.
9 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
10 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
11 permanency plan for the juvenile. ~~If a hearing is held under this subdivision, the~~
12 ~~agency responsible for preparing the permanency plan shall file the permanency~~
13 ~~plan with the court not less than 5 days before the date of the hearing.~~

14 **SECTION 108.** 938.21 (5) (d) 2. of the statutes, as affected by 2009 Wisconsin Act
15 28, is repealed.

16 **SECTION 109.** 938.21 (5) (d) 3. of the statutes, as affected by 2009 Wisconsin Act
17 28, is repealed.

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

19 938.21 (5) (e) 1. In this paragraph, “adult relative” means a grandparent,
20 great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of a
21 juvenile, whether by blood, marriage, or legal adoption, who has attained 18 years
22 of age.

23 2. The court shall order the county department or agency primarily responsible
24 for providing services to the juvenile under the custody order to conduct a diligent
25 search in order to locate and provide notice of the information specified in this

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

14 a. A statement that the juvenile has been removed from the custody of the
15 juvenile's parent.

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

19 c. A description of the requirements to obtain a foster home license under s.
20 48.62 or to receive kinship care or long-term kinship care payments under s. 48.57
21 (3m) or (3n) and of the additional services and supports that are available for
22 juveniles placed in a foster home or in the home of a person receiving those payments.

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

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

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

4 938.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,
5 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
6 subd. 1. ~~an opportunity~~ a right to be heard at the hearing by permitting the foster
7 parent, treatment foster parent, or other physical custodian to make a written or oral
8 statement during the hearing, or to submit a written statement prior to the hearing,
9 relevant to the issues to be determined at the hearing. A foster parent, treatment
10 foster parent, or other physical custodian described in s. 48.62 (2) who receives a
11 notice of a hearing under subd. 1. and ~~an opportunity~~ a right to be heard under this
12 subdivision does not become a party to the proceeding on which the hearing is held
13 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

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

16 938.27 (3) (a) 1m. The court shall give a foster parent or other physical
17 custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. a right
18 to be heard at the hearing by permitting the foster parent or other physical custodian
19 to make a written or oral statement during the hearing, or to submit a written
20 statement prior to the hearing, relevant to the issues to be determined at the hearing.
21 A foster parent or other physical custodian described in s. 48.62 (2) who receives a
22 notice of a hearing under subd. 1. and a right to be heard under this subdivision does
23 not become a party to the proceeding on which the hearing is held solely on the basis
24 of receiving that notice and right to be heard.

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

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1 938.27 (6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a
2 proceeding is initiated under s. 938.14, all interested parties shall receive notice and
3 appropriate summons shall be issued in a manner specified by the court. If the
4 juvenile who is the subject of the proceeding is in the care of a foster parent,
5 treatment foster parent, or other physical custodian described in s. 48.62 (2), the
6 court shall give the foster parent, treatment foster parent, or other physical
7 custodian notice and ~~an opportunity~~ a right to be heard as provided in sub. (3) (a).

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

10 938.27 (6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a
11 proceeding is initiated under s. 938.14, all interested parties shall receive notice and
12 appropriate summons shall be issued in a manner specified by the court. If the
13 juvenile who is the subject of the proceeding is in the care of a foster parent or other
14 physical custodian described in s. 48.62 (2), the court shall give the foster parent or
15 other physical custodian notice and a right to be heard as provided in sub. (3) (a).

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

17 938.32 (1) (c) 1. c. ~~A~~ If a permanency plan has previously been prepared for the
18 juvenile, a finding as to whether the county department or agency has made
19 reasonable efforts to achieve the goal of the juvenile's permanency plan, including,
20 if appropriate, through an out-of-state placement, unless return of the juvenile to
21 the home is the goal of the permanency plan and the court finds that any of the
22 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

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

24 938.32 (1) (c) 1m. If the juvenile has one or more siblings, as defined in s. 938.38
25 (4) (br) 1., who have also been removed from the home, the consent decree shall

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1 include a finding as to whether the county department or agency primarily
2 responsible for providing services to the juvenile has made reasonable efforts to place
3 the juvenile in a placement that enables the sibling group to remain together, unless
4 the court determines that a joint placement would be contrary to the safety or
5 well-being of the juvenile or any of those siblings, in which case the court shall order
6 the county department or agency to make reasonable efforts to provide for frequent
7 visitation or other ongoing interaction between the child and the siblings, unless the
8 court determines that such visitation or interaction would be contrary to the safety
9 or well-being of the juvenile or any of those siblings.

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

11 938.33 (4) (c) Specific information showing that continued placement of the
12 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
13 information showing that the county department or the agency primarily
14 responsible for providing services to the juvenile has made reasonable efforts to
15 prevent the removal of the juvenile from the home, while assuring that the juvenile's
16 health and safety are the paramount concerns, unless any of the circumstances
17 specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency plan has
18 previously been prepared for the juvenile, specific information showing that the
19 county department or agency has made reasonable efforts to achieve the goal of the
20 juvenile's permanency plan, including, if appropriate, through an out-of-state
21 placement, unless return of the juvenile to the home is the goal of the permanency
22 plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

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

24 938.33 (4) (d) 1. If the juvenile has one or more siblings, as defined in s. 938.38
25 (4) (br) 1., who have been removed from the home or for whom an out-of-home

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1 placement is recommended, specific information showing that the county
2 department or agency primarily responsible for providing services to the juvenile has
3 made reasonable efforts to place the juvenile in a placement that enables the sibling
4 group to remain together, unless the county department or agency recommends that
5 the juvenile and his or her siblings not be placed in a joint placement, in which case
6 the report shall include specific information showing that a joint placement would
7 be contrary to the safety or well-being of the juvenile or any of those siblings and the
8 specific information required under subd. 2.

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

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

18 938.335 (3g) (c) That, if a permanency plan has previously been prepared for
19 the juvenile, the county department or agency has made reasonable efforts to achieve
20 the goal of the juvenile's permanency plan, including, if appropriate, through an
21 out-of-state placement, unless return of the juvenile to the home is the goal of the
22 permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to
23 4. applies.

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

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1 938.335 (3g) (d) 1. If the juvenile has one or more siblings, as defined in s.
2 938.38 (4) (br) 1., who have been removed from the home or for whom an out-of-home
3 placement is recommended, that the county department or agency has made
4 reasonable efforts to place the juvenile in a placement that enables the sibling group
5 to remain together, unless the county department or agency recommends that the
6 juvenile and his or her siblings not be placed in a joint placement, in which case the
7 county department or agency shall present as evidence specific information showing
8 that a joint placement would be contrary to the safety or well-being of the juvenile
9 or any of those siblings and the specific information required under subd. 2.

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

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

19 938.335 (6) JUVENILE PLACED OUTSIDE THE HOME. If the dispositional order places
20 the juvenile outside the home, the parent, if present at the hearing, shall be
21 requested to provide the names and other identifying information of 3 relatives of the
22 juvenile or other individuals 18 years of age or over whose homes the parent requests
23 the court to consider as placements for the juvenile, unless that information has
24 previously been provided under s. 938.21 (2) (e) or (3) (f). If the parent does not
25 provide that information at the hearing, the county department or the agency

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1 primarily responsible for providing services to the juvenile under the dispositional
2 order shall permit the parent to provide the information at a later date.

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

4 938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that
5 continued placement of the juvenile in his or her home would be contrary to the
6 welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is
7 placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that
8 the juvenile's current residence will not safeguard the welfare of the juvenile or the
9 community due to the serious nature of the act for which the juvenile was adjudicated
10 delinquent. The court order shall also contain a finding as to whether the county
11 department or the agency primarily responsible for providing services under a court
12 order has made reasonable efforts to prevent the removal of the juvenile from the
13 home, while assuring that the juvenile's health and safety are the paramount
14 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.
15 to 4. applies, and, if a permanency plan has previously been prepared for the juvenile,
16 a finding as to whether the county department or agency has made reasonable efforts
17 to achieve the goal of the juvenile's permanency plan, including, if appropriate,
18 through an out-of-state placement, unless return of the juvenile to the home is the
19 goal of the permanency plan and the court finds that any of the circumstances under
20 sub. (2d) (b) 1. to 4. applies. The court shall make the findings specified in this
21 subdivision on a case-by-case basis based on circumstances specific to the juvenile
22 and shall document or reference the specific information on which those findings are
23 based in the court order. A court order that merely references this subdivision
24 without documenting or referencing that specific information in the court order or

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

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

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

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

16 938.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county
17 department or the agency primarily responsible for providing services to the juvenile
18 under the dispositional order to conduct a diligent search in order to locate and
19 provide notice of the information specified in s. 938.21 (5) (e) 2. a. to e. to all relatives
20 of the juvenile named under s. 938.335 (6) and to all adult relatives, as defined in s.
21 938.21 (5) (e) 1., of the juvenile within 30 days after the juvenile is removed from the
22 custody of the juvenile's parent unless the juvenile is returned to his or her home
23 within that period. The court may also order the county department or agency to
24 conduct a diligent search in order to locate and provide notice of that information to
25 all other adult individuals named under s. 938.335 (6) within 30 days after the

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1 juvenile is removed from the custody of the juvenile's parent unless the juvenile is
2 returned to his or her home within that period. The county department or agency
3 may not provide that notice to a person named under s. 938.335 (6) or to an adult
4 relative if the county department or agency has reason to believe that it would be
5 dangerous to the juvenile or to the parent if the juvenile were placed with that person
6 or adult relative.

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

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

11 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
12 department or the agency primarily responsible for providing services to a juvenile
13 under a court order may, at the same time as the county department or agency is
14 making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal
15 of the juvenile from the home or to make it possible for the juvenile to return safely
16 to his or her home, work with the department of children and families, a county
17 department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under
18 s. 48.61 (5) in making reasonable efforts to place the juvenile for adoption, with a
19 guardian, with a fit and willing relative, or in some other alternative permanent
20 placement, including reasonable efforts to identify an appropriate out-of-state
21 placement.

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

24 938.355 (2d) (c) If the court finds that any of the circumstances under par. (b)
25 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38

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1 ~~(4m) within 30 days after the date of that finding to determine the permanency plan~~
2 ~~for the juvenile. If a hearing is held under this subdivision, the agency responsible~~
3 ~~for preparing the permanency plan shall file the permanency plan with the court not~~
4 ~~less than 5 days before the date of the hearing.~~

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

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

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

10 938.357 (1) (c) 2m. If the court changes the juvenile's placement from a
11 placement in the juvenile's home to a placement outside the juvenile's home, the
12 parent, if present at the hearing, shall be requested to provide the names and other
13 identifying information of 3 relatives of the juvenile or other individuals 18 years of
14 age or over whose homes the parent requests the court to consider as placements for
15 the juvenile, unless that information has previously been provided under this
16 subdivision, sub. (2m) (bm), or s. 938.21 (2) (e) or (3) (f) or 938.335 (6). If the parent
17 does not provide that information at the hearing, the county department or the
18 agency primarily responsible for implementing the dispositional order shall permit
19 the parent to provide the information at a later date.

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

21 938.357 (2m) (bm) *Juvenile placed outside the home.* If the court changes the
22 juvenile's placement from a placement in the juvenile's home to a placement outside
23 the juvenile's home, the parent, if present at the hearing, shall be requested to
24 provide the names and other identifying information of 3 relatives of the juvenile or
25 other individuals 18 years of age or over whose homes the parent requests the court

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1 to consider as placements for the juvenile, unless that information has previously
2 been provided under this paragraph, sub. (1) (c) 2m., or s. 938.21 (2) (e) or (3) (f) or
3 938.335 (6). If the parent does not provide that information at the hearing, the
4 county department or the agency primarily responsible for implementing the
5 dispositional order shall permit the parent to provide the information at a later date.

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

7 **938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN.** If a hearing
8 is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove
9 a juvenile from a foster home, treatment foster home, or other placement with a
10 physical custodian described in s. 48.62 (2), the court shall give the foster parent,
11 treatment foster parent, or other physical custodian ~~an opportunity~~ a right to be
12 heard at the hearing by permitting the foster parent, treatment foster parent, or
13 other physical custodian to make a written or oral statement during the hearing or
14 to submit a written statement prior to the hearing relating to the juvenile and the
15 requested change in placement. A foster parent, treatment foster parent, or other
16 physical custodian who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b)
17 and ~~an opportunity~~ a right to be heard under this subsection does not become a party
18 to the proceeding on which the hearing is held solely on the basis of receiving that
19 notice and ~~opportunity~~ right to be heard.

20 **SECTION 132.** 938.357 (2r) of the statutes, as affected by 2009 Wisconsin Acts
21 28 and (this act), is repealed and recreated to read:

22 **938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN.** If a hearing
23 is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove
24 a juvenile from a foster home or other placement with a physical custodian described
25 in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right

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1 to be heard at the hearing by permitting the foster parent or other physical custodian
2 to make a written or oral statement during the hearing or to submit a written
3 statement prior to the hearing relating to the juvenile and the requested change in
4 placement. A foster parent or other physical custodian who receives notice of a
5 hearing under sub. (1) (am) 1. or (2m) (b) and a right to be heard under this subsection
6 does not become a party to the proceeding on which the hearing is held solely on the
7 basis of receiving that notice and right to be heard.

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

9 938.357 (2v) (a) 2m. If the juvenile has one or more siblings, as defined in s.
10 938.38 (4) (br) 1., who have been placed outside the home or for whom a change in
11 placement to a placement outside the home is requested, a finding as to whether the
12 county department or the agency primarily responsible for implementing the
13 dispositional order has made reasonable efforts to place the juvenile in a placement
14 that enables the sibling group to remain together, unless the court determines that
15 a joint placement would be contrary to the safety or well-being of the juvenile or any
16 of those siblings, in which case the court shall order the county department or agency
17 to make reasonable efforts to provide for frequent visitation or other ongoing
18 interaction between the juvenile and the siblings, unless the court determines that
19 such visitation or interaction would be contrary to the safety or well-being of the
20 juvenile or any of those siblings.

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

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

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

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

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

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

9 938.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county
10 department or the agency primarily responsible for implementing the dispositional
11 order to conduct a diligent search in order to locate and provide notice of the
12 information specified in s. 938.21 (5) (e) 2. a. to e. to all relatives of the juvenile named
13 under sub. (1) (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 938.21
14 (5) (e) 1., of the juvenile within 30 days after the juvenile is removed from the custody
15 of the juvenile's parent unless the juvenile is returned to his or her home within that
16 period. The court may also order the county department or agency to conduct a
17 diligent search in order to locate and provide notice of that information to all other
18 adult individuals named under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the
19 juvenile is removed from the custody of the juvenile's parent unless the juvenile is
20 returned to his or her home within that period. The county department or agency
21 may not provide that notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or
22 to an adult relative if the county department or agency has reason to believe that it
23 would be dangerous to the juvenile or to the parent if the juvenile were placed with
24 that person or adult relative.

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

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

5 938.363 (1) (b) If a hearing is held, at least 3 days prior to the hearing the court
6 shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all
7 parties bound by the dispositional order, the juvenile's foster parent, treatment
8 foster parent, or other physical custodian described in s. 48.62 (2), and the district
9 attorney or corporation counsel in the county in which the dispositional order was
10 entered ~~at least 3 days prior to the hearing~~. A copy of the request or proposal shall
11 be attached to the notice. If all parties consent, the court may proceed immediately
12 with the hearing. No revision may extend the effective period of the original order,
13 or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than a
14 total of 30 days of detention, nonsecure custody, or inpatient treatment on a juvenile.

15 **SECTION 139.** 938.363 (1) (b) of the statutes, as affected by 2009 Wisconsin Acts
16 28 and (this act), is repealed and recreated to read:

17 938.363 (1) (b) If a hearing is held, at least 3 days prior to the hearing the court
18 shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all
19 parties bound by the dispositional order, the juvenile's foster parent or other physical
20 custodian described in s. 48.62 (2), and the district attorney or corporation counsel
21 in the county in which the dispositional order was entered. A copy of the request or
22 proposal shall be attached to the notice. If all parties consent, the court may proceed
23 immediately with the hearing. No revision may extend the effective period of the
24 original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose

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1 more than a total of 30 days of detention, nonsecure custody, or inpatient treatment
2 on a juvenile.

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

4 938.363 (1m) EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a),
5 any party may present evidence relevant to the issue of revision of the dispositional
6 order. In addition, the court shall give a foster parent, treatment foster parent, or
7 other physical custodian described in s. 48.62 (2) of the juvenile ~~an opportunity a~~
8 right to be heard at the hearing by permitting the foster parent, treatment foster
9 parent, or other physical custodian to make a written or oral statement during the
10 hearing, or to submit a written statement prior to the hearing, relevant to the issue
11 of revision. A foster parent, treatment foster parent, or other physical custodian who
12 receives notice of a hearing under sub. (1) (a) and ~~an opportunity a right~~
13 under this subsection does not become a party to the proceeding on which the hearing
14 is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

15 **SECTION 141.** 938.363 (1m) of the statutes, as affected by 2009 Wisconsin Acts
16 28 and (this act), is repealed and recreated to read:

17 938.363 (1m) EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a),
18 any party may present evidence relevant to the issue of revision of the dispositional
19 order. In addition, the court shall give a foster parent or other physical custodian
20 described in s. 48.62 (2) of the juvenile a right to be heard at the hearing by permitting
21 the foster parent or other physical custodian to make a written or oral statement
22 during the hearing, or to submit a written statement prior to the hearing, relevant
23 to the issue of revision. A foster parent or other physical custodian who receives
24 notice of a hearing under sub. (1) (a) and a right to be heard under this subsection

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

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

4 938.365 (2) NOTICE. No order may be extended without a hearing. The court
5 shall notify the juvenile ~~or the juvenile's guardian ad litem or counsel~~, the juvenile's
6 parent, guardian, legal custodian, all ~~of the~~ parties present at the original hearing,
7 the juvenile's foster parent, treatment foster parent, or other physical custodian
8 described in s. 48.62 (2), and the district attorney or corporation counsel in the county
9 in which the dispositional order was entered of the time and place of the hearing.

10 **SECTION 143.** 938.365 (2) of the statutes, as affected by 2009 Wisconsin Acts
11 28 and (this act), is repealed and recreated to read:

12 938.365 (2) NOTICE. No order may be extended without a hearing. The court
13 shall notify the juvenile, the juvenile's parent, guardian, legal custodian, all of the
14 parties present at the original hearing, the juvenile's foster parent or other physical
15 custodian described in s. 48.62 (2), and the district attorney or corporation counsel
16 in the county in which the dispositional order was entered of the time and place of
17 the hearing.

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

19 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
20 in a foster home, treatment foster home, group home, nonsecured residential care
21 center for children and youth, or shelter care facility for 15 of the most recent 22
22 months, not including any period during which the juvenile was a runaway from the
23 out-of-home placement or the first 6 months of any period during which the juvenile
24 was returned to his or her home for a trial home visit, a statement of whether or not
25 a recommendation has been made to terminate the parental rights of the parents of

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

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

16 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
17 in a foster home, group home, nonsecured residential care center for children and
18 youth, or shelter care facility for 15 of the most recent 22 months, not including any
19 period during which the juvenile was a runaway from the out-of-home placement
20 or the first 6 months of any period during which the juvenile was returned to his or
21 her home for a trial home visit, a statement of whether or not a recommendation has
22 been made to terminate the parental rights of the parents of the juvenile. If a
23 recommendation for a termination of parental rights has been made, the statement
24 shall indicate the date on which the recommendation was made, any previous
25 progress made to accomplish the termination of parental rights, any barriers to the

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

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

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

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

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

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

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

3 938.365 (2m) (ad) If the court finds that any of the circumstances under s.
4 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
5 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
6 permanency plan for the juvenile. ~~If a hearing is held under this subdivision, the~~
7 ~~agency responsible for preparing the permanency plan shall file the permanency~~
8 ~~plan with the court not less than 5 days before the date of the hearing.~~

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

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

12 938.365 (2m) (ag) The court shall give a foster parent, treatment foster parent,
13 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
14 ~~par. (ad) 2. or sub. (2) an opportunity~~ a right to be heard at the hearing by permitting
15 the foster parent, treatment foster parent, or other physical custodian to make a
16 written or oral statement during the hearing, or to submit a written statement prior
17 to the hearing, relevant to the issue of extension. A foster parent, treatment foster
18 parent, or other physical custodian who receives notice of a hearing under ~~par. (ad)~~
19 ~~2. or sub. (2) and an opportunity~~ a right to be heard under this paragraph does not
20 become a party to the proceeding on which the hearing is held solely on the basis of
21 receiving that notice and ~~opportunity~~ right to be heard.

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

24 938.365 (2m) (ag) The court shall give a foster parent or other physical
25 custodian described in s. 48.62 (2) who is notified of a hearing under sub. (2) a right

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1 to be heard at the hearing by permitting the foster parent or other physical custodian
2 to make a written or oral statement during the hearing, or to submit a written
3 statement prior to the hearing, relevant to the issue of extension. A foster parent or
4 other physical custodian who receives notice of a hearing under sub. (2) and a right
5 to be heard under this paragraph does not become a party to the proceeding on which
6 the hearing is held solely on the basis of receiving that notice and right to be heard.

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

8 938.38 (3) TIME. (intro.) Subject to s. ~~938.355 (2d) (e) 1.~~ sub. (4m) (a), the agency
9 shall file the permanency plan with the court within 60 days after the date on which
10 the juvenile was first removed from his or her home, except under either of the
11 following conditions:

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

14 938.38 (4) (br) 1. ~~A statement as to the availability of a safe and appropriate~~
15 ~~placement with a foster parent, adoptive parent, or proposed adoptive parent of a~~
16 ~~sibling of the juvenile and, if a decision is made not to place the juvenile with an~~
17 ~~available foster parent, adoptive parent, or proposed adoptive parent of a sibling, a~~
18 ~~statement as to why placement with the foster parent, adoptive parent, or proposed~~
19 ~~adoptive parent of a sibling is not safe or appropriate. In this paragraph, “sibling”~~
20 means a person who is a brother or sister of a juvenile, whether by blood, marriage,
21 or adoption, including a person who has a brother or sister of a juvenile before the
22 person was adopted or parental rights to the person were terminated.

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

24 938.38 (4) (br) 2. If the juvenile has one or more siblings who have also been
25 removed from the home, a description of the efforts made to place the juvenile in a

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

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

10 938.38 (4) (fm) If the goal of the permanency plan is to place the juvenile for
11 adoption, with a guardian, with a fit and willing relative, or in some other alternative
12 permanent placement, the efforts made to achieve that goal, including, if
13 appropriate, through an out-of-state placement.

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

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

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

20 938.38 (4) (i) A statement as to whether the juvenile's age and developmental
21 level are sufficient for the court to consult with the juvenile at the permanency plan
22 determination hearing under sub. (4m) (c) or at the permanency plan hearing under
23 sub. (5m) (c) 2. or for the court or panel to consult with the juvenile at the permanency
24 plan review under sub. (5) (bm) 2. and, if a decision is made that it would not be age
25 appropriate or developmentally appropriate for the court to consult with the

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1 juvenile, a statement as to why consultation with the juvenile would not be
2 appropriate.

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

4 938.38 (4m) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN
5 DETERMINATION HEARING. (a) If in a proceeding under s. 938.21, 938.355, 938.357, or
6 938.365 the court finds that any of the circumstances specified in s. 938.355 (2d) (b)
7 1. to 4. applies with respect to a parent, the court shall hold a hearing within 30 days
8 after the date of that finding to determine the permanency plan for the juvenile. If
9 a hearing is held under this paragraph, the agency responsible for preparing the
10 permanency plan shall file the permanency plan with the court not less than 5 days
11 before the date of the hearing. At the hearing, the court shall consider placing the
12 juvenile in a placement outside this state if the court determines that such a
13 placement would be in the best interests of the juvenile and appropriate to achieving
14 the goal of the juvenile's permanency plan.

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

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

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1 juvenile would be in the best interests of the juvenile, the court shall consult with the
2 juvenile, in an age-appropriate and developmentally appropriate manner, regarding
3 the juvenile's permanency plan and any other matters the court finds appropriate.
4 If none of those circumstances apply, the court may permit the juvenile's caseworker,
5 the juvenile's counsel, or, subject to s. 938.235 (3) (a), the juvenile's guardian ad litem
6 to make a written or oral statement during the hearing, or to submit a written
7 statement prior to the hearing, expressing the juvenile's wishes, goals, and concerns
8 regarding the permanency plan and those matters. If the court permits such a
9 written or oral statement to be made or submitted, the court may nonetheless require
10 the juvenile to be physically present at the hearing.

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

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

21 938.38 (4m) (b) At least 10 days before the date of the hearing the court shall
22 notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the
23 juvenile's foster parent ~~or treatment foster parent~~, the operator of the facility in
24 which the juvenile is living, or the relative with whom the juvenile is living of the

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

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

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

12 938.38 (5) (b) The court or the agency shall notify ~~the parents of the juvenile,~~
13 ~~the juvenile, if he or she is 10 years of age or older, and; the juvenile's parent,~~
14 guardian, and legal custodian; and the juvenile's foster parent, the juvenile's or
15 treatment foster parent, the operator of the facility in which the juvenile is living,
16 or the relative with whom the juvenile is living of the date, time, and place, and
17 purpose of the review, of the issues to be determined as part of the review, and of the
18 fact that they may have an opportunity shall have a right to be heard at the review
19 by submitting written comments not less than 10 working days before the review or
20 by participating at the review as provided in par. (bm) 1. The court or agency shall
21 notify the person representing the interests of the public, the juvenile's counsel, and
22 the juvenile's guardian ad litem of the ~~date~~ time, place, and purpose of the review,
23 of the issues to be determined as part of the review, and of the fact that they may
24 ~~submit written comments not less than 10 working days before the review~~ have an
25 opportunity to be heard at the review as provided in par. (bm) 1. The notices under

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1 this paragraph shall be provided in writing not less than 30 days before the review
2 and copies of the notices shall be filed in the juvenile's case record.

3 **SECTION 161.** 938.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Acts
4 28 and (this act), is repealed and recreated to read:

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

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

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

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

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

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

24 938.38 (5) (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent,
25 ~~treatment foster parent~~, operator of a facility, or relative who is provided notice of the

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

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

13 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
14 home, as described in s. 938.365 (1), in a foster home, treatment foster home, group
15 home, nonsecured residential care center for children and youth, or shelter care
16 facility for 15 of the most recent 22 months, not including any period during which
17 the juvenile was a runaway from the out-of-home placement or the first 6 months
18 of any period during which the juvenile was returned to his or her home for a trial
19 home visit, the appropriateness of the permanency plan and the circumstances
20 which prevent the juvenile from any of the following:

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

23 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
24 home, as described in s. 938.365 (1), in a foster home, group home, nonsecured
25 residential care center for children and youth, or shelter care facility for 15 of the

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1 most recent 22 months, not including any period during which the juvenile was a
2 runaway from the out-of-home placement or the first 6 months of any period during
3 which the juvenile was returned to his or her home for a trial home visit, the
4 appropriateness of the permanency plan and the circumstances which prevent the
5 juvenile from any of the following:

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

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

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

12 938.38 (5) (c) 8. If the juvenile has one or more siblings, as defined in s. 938.38
13 (4) (br) 1., who have also been removed from the home, whether reasonable efforts
14 were made by the agency to place the juvenile in a placement that enables the sibling
15 group to remain together, unless the court or panel determines that a joint placement
16 would be contrary to the safety or well-being of the juvenile or any of those siblings,
17 in which case the court or panel shall determine whether reasonable efforts were
18 made by the agency to provide for frequent visitation or other ongoing interaction
19 between the juvenile and those siblings, unless the court or panel determines that
20 such visitation or interaction would be contrary to the safety or well-being of the
21 juvenile or any of those siblings.

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

23 938.38 (5) (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the
24 permanency plan shall, at least 5 days before a review by a review panel, provide to
25 each person appointed to the review panel, the person representing the interests of

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1 the public, the juvenile's counsel, and the juvenile's guardian ad litem a copy of the
2 permanency plan and any written comments submitted under par. ~~(b)~~ (bm) 1.
3 Notwithstanding s. 938.78 (2) (a), a person appointed to a review panel, the person
4 representing the interests of the public, the juvenile's counsel, and the juvenile's
5 guardian ad litem may have access to any other records concerning the juvenile for
6 the purpose of participating in the review. A person permitted access to a juvenile's
7 records under this paragraph may not disclose any information from the records to
8 any other person.

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

10 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
11 the determinations under par. (c) and shall provide a copy to the court that entered
12 the order, the juvenile or the juvenile's counsel or guardian ad litem, the person
13 representing the interests of the public, the juvenile's parent ~~or~~, guardian, and legal
14 custodian, and the juvenile's foster parent, ~~the juvenile's or~~ or treatment foster parent
15 ~~or~~, the operator of the facility where the juvenile is living, or the relative with whom
16 the juvenile is living.

17 **SECTION 170.** 938.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Acts
18 28 and (this act), is repealed and recreated to read:

19 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
20 the determinations under par. (c) and shall provide a copy to the court that entered
21 the order, the juvenile or the juvenile's counsel or guardian ad litem, the person
22 representing the interests of the public, the juvenile's parent, guardian, and legal
23 custodian, and the juvenile's foster parent, the operator of the facility where the
24 juvenile is living, or the relative with whom the juvenile is living.

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

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

12 **SECTION 172.** 938.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Acts
13 28 and (this act), is repealed and recreated to read:

14 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
15 shall notify the juvenile; the juvenile’s parent, guardian, and legal custodian; and the
16 juvenile’s foster parent, the operator of the facility in which the juvenile is living, or
17 the relative with whom the juvenile is living of the time, place, and purpose of the
18 hearing, of the issues to be determined at the hearing, and of the fact that they shall
19 have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the
20 juvenile’s counsel, and the juvenile’s guardian ad litem; the agency that prepared the
21 permanency plan; and the person representing the interests of the public of the time,
22 place, and purpose of the hearing, of the issues to be determined at the hearing, and
23 of the fact that they may have an opportunity to be heard at the hearing as provided
24 in par. (c) 1.

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SECTION 173

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

3 938.38 **(5m)** (c) 1. ~~Any person~~ A juvenile, parent, guardian, legal custodian,
4 foster parent, treatment foster parent, operator of a facility, or relative who is
5 provided notice of the hearing ~~may have an opportunity under par. (b) shall have a~~
6 right to be heard at the hearing by submitting written comments relevant to the
7 determinations specified in sub. (5) (c) not less than 10 working days before the date
8 of the hearing or by participating at the hearing. A counsel, guardian ad litem,
9 agency, or person representing the interests of the public who is provided notice of
10 the hearing under par. (b) may have an opportunity to be heard at the hearing by
11 submitting written comments relevant to the determinations specified in sub. (5) (c)
12 not less than 10 working days before the date of the hearing or by participating at
13 the hearing. A foster parent, treatment foster parent, operator of a facility in which
14 a juvenile is living, or relative with whom a juvenile is living who receives notice of
15 a hearing under par. (b) and ~~an opportunity~~ a right to be heard under this paragraph
16 subdivision does not become a party to the proceeding on which the hearing is held
17 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

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

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

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

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

9 938.38 (5m) (c) 2. If the juvenile's permanency plan includes a statement under
10 sub. (4) (i) indicating that the juvenile's age and developmental level are sufficient
11 for the court to consult with the juvenile regarding the juvenile's permanency plan
12 or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate
13 for the court to consult with the juvenile, the court determines that consultation with
14 the juvenile would be in the best interests of the juvenile, the court shall consult with
15 the juvenile, in an age-appropriate and developmentally appropriate manner,
16 regarding the juvenile's permanency plan and any other matters the court finds
17 appropriate. If none of those circumstances apply, the court may permit the
18 juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235 (3) (a), the
19 juvenile's guardian ad litem to make a written or oral statement during the hearing,
20 or to submit a written statement prior to the hearing, expressing the juvenile's
21 wishes, goals, and concerns regarding the permanency plan and those matters. If
22 the court permits such a written or oral statement to be made or submitted, the court
23 may nonetheless require the juvenile to be physically present at the hearing.

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

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

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

12 938.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing
13 information to a relative of a juvenile placed outside of his or her home only to the
14 extent necessary to facilitate the establishment of a relationship between the
15 juvenile and the relative or a placement of the juvenile with the relative or from
16 disclosing information under s. 938.21 (5) (e), 938.355 (2) (cm), or 938.357 (2v) (d).
17 In this paragraph, "relative" includes a relative whose relationship is derived
18 through a parent of the juvenile whose parental rights are terminated.

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

20 **938.9995 Expediting interstate placements of juveniles.** The courts of
21 this state shall do all of the following to expedite the interstate placement of
22 juveniles:

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

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

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

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SECTION 179. Initial applicability.**(1) PERMANENCY PLANS.**

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

13 (b) *Permanency plan hearings and reviews.* The treatment of sections 48.38
14 (4m) (a) and (c) and (5) (bm) 2. and (c) 6. (intro.), 7., and 8. and 938.38 (4m) (a) and
15 (c) and (5) (bm) 2. and (c) 6. (intro.), 7., and 8. of the statutes and the creation of
16 sections 48.38 (5m) (c) 2., 48.43 (5) (b) 2., and 938.38 (5m) (c) 2. of the statutes first
17 apply to hearings and reviews for which a permanency plan is filed or provided on
18 the effective date of this paragraph.

19 (2) **RIGHT TO BE HEARD.** The amendment of sections 48.27 (3) (a) 1m. and (6),
20 48.357 (2m) (b) and (2r), 48.363 (1) (b) and (1m), 48.365 (2m) (ag), 48.38 (5) (b) and
21 (5m) (b), 48.42 (2g) (am), 48.427 (1m), 48.63 (5) (d) 4., 767.41 (3) (c), 938.27 (3) (a) 1m.
22 and (6), 938.357 (2r), 938.363 (1) (b) and (1m), 938.365 (2) and (2m) (ag), 938.38 (5)
23 (b) and (5m) (b) of the statutes, the renumbering and amendment of sections 48.38
24 (5m) (c), 48.43 (5) (b), and 938.38 (5m) (c) of the statutes, and the creation of sections
25 48.38 (4m) (b) and (d) and (5) (bm) 1., 48.43 (5) (b) 3., and 938.38 (4m) (b) and (d) and

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1 (5) (bm) 1. of the statutes first apply to hearings for which notice is provided on the
2 effective date of this subsection.

3 (3) TESTING INFANTS FOR CONTROLLED SUBSTANCES. The treatment of sections
4 46.238 and 146.0255 (2) and (3) (b) of the statutes first applies to tests for controlled
5 substances or controlled substance analogs performed on the effective date of this
6 subsection.

7 (4) JUVENILE COURT REPORTS. The treatment of sections 48.33 (4) (c), 48.365 (2g)
8 (b) 3., 48.425 (1) (c), 938.33 (4) (c), and 938.365 (2g) (b) 3. of the statutes first applies
9 to reports filed with the court assigned to exercise jurisdiction under chapters 48 and
10 938 on the effective date of this subsection.

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

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

21 (7) PLACEMENT WITH SIBLING.

22 (a) *Out-of-home placement.* The treatment of sections 48.21 (5) (b) 2m., 48.33
23 (4) (d), 48.335 (3g) (d), 48.355 (2) (b) 6p., 48.357 (2v) (a) 2m., 938.21 (5) (b) 2m., 938.33
24 (4) (d), 938.335 (3g) (d), 938.355 (2) (b) 6p. and 938.357 (2v) (a) 2m. of the statutes,
25 the renumbering and amendment of sections 48.38 (4) (br) and 938.38 (4) (br) of the

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1 statutes, and the creation of sections 48.38 (4) (br) 2. and 938.38 (4) (br) 2. of the
2 statutes first apply to a child who is removed from his or her home on the effective
3 date of this subsection.

4 (b) *Adoptive placement.* The treatment of section 48.834 (2) of the statutes first
5 applies to a child who is placed for adoption on the effective date of this subsection.

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

11 **SECTION 180. Effective dates.** This act takes effect on January 1, 2010, or on

12 the day after publication, except as follows:

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13 (1) **TREATMENT FOSTER HOMES.** The amendment of sections 48.38 (4m) (b) and
14 (d) and (5) (bm) 1., 48.385, 48.43 (5) (b) 3., and 938.38 (4m) (b) and (d) and (5) (bm)
15 1. of the statutes and the repeal and recreation of sections 48.27 (3) (a) 1m. and (6),
16 48.357 (2m) (b) and (2r), 48.363 (1) (b) and (1m), 48.365 (2g) (b) 3. and (2m) (ag), 48.38
17 (5) (b), (c) 6. (intro.), and (e) and (5m) (b) and (c) 1., 48.417 (1) (a), 48.42 (2g) (am),
18 48.427 (1m), 48.43 (5) (b) 1. and (5m), 767.41 (3) (c), 938.27 (3) (a) 1m. and (6), 938.357
19 (2r), 938.363 (1) (b) and (1m), 938.365 (2), (2g) (b) 3., and (2m) (ag), and 938.38 (5)
20 (b), (c) 6. (intro.), and (e) and (5m) (b) and (c) 1. of the statutes take effect on the date
21 state in the notice provided by the secretary of children and families and published
22 in the Wisconsin Administrative Register under section 48.62 (9) of the statutes, or
23 on the day after publication, whichever is later.

24 (END)

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