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1 **SECTION 62.** 48.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Acts 28
2 and (this act), is repealed and recreated to read:

3 48.38 (5) (b) The court or the agency shall notify the child; the child's parent,
4 guardian, and legal custodian; and the child's foster parent, the operator of the
5 facility in which the child is living, or the relative with whom the child is living of the
6 time, place, and purpose of the review, of the issues to be determined as part of the
7 review, and of the fact that they shall have a right to be heard at the review as
8 provided in par. (bm) 1. The court or agency shall notify the person representing the
9 interests of the public, the child's counsel, the child's guardian ad litem, and the
10 child's court-appointed special advocate of the time, place, and purpose of the review,
11 of the issues to be determined as part of the review, and of the fact that they may have
12 an opportunity to be heard at the review as provided in par. (bm) 1. The notices under
13 this paragraph shall be provided in writing not less than 30 days before the review
14 and copies of the notices shall be filed in the child's case record.

15 **SECTION 63.** 48.38 (5) (bm) of the statutes is created to read:

16 48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent,
17 treatment foster parent, operator of a facility, or relative who is provided notice of the
18 review under par. (b) shall have a right to be heard at the review by submitting
19 written comments relevant to the determinations specified in par. (c) not less than
20 10 working days before the date of the review or by participating at the review. A
21 person representing the interests of the public, counsel, guardian ad litem, or
22 court-appointed special advocate who is provided notice of the review under par. (b)
23 may have an opportunity to be heard at the review by submitting written comments
24 relevant to the determinations specified in par. (c) not less than 10 working days
25 before the date of the review. A foster parent, treatment foster parent, operator of

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If none of those circumstances apply, the court may permit or panel

review

1 a facility, or relative who receives notice of a hearing under par. (b) and a right to be
2 heard under this subdivision does not become a party to the proceeding on which the
3 review is held solely on the basis of receiving that notice and right to be heard.

4 2. If the child's permanency plan includes ~~an independent living plan under~~
5 ~~sub. (4) (h) or~~ a statement under sub. (4) (i) indicating that the child's age and
6 developmental level are sufficient for the court or panel to consult with the child
7 regarding the child's permanency plan or if, notwithstanding a decision under sub.
8 (4) (i) that it would not be appropriate for the court or panel to consult with the child,
9 the court or panel determines that consultation with the child would be in the best
10 interests of the child, the court or panel shall consult with the child, in an
11 age-appropriate and developmentally appropriate manner, regarding the child's
12 permanency plan and any other matters the court or panel finds appropriate ~~by~~

13 ~~permitting the child~~ the child's caseworker, the child's counsel, or, subject to s.
14 48.235 (3) (a), the child's guardian ad litem to make a written or oral statement
15 during the review, or to submit a written statement prior to the review, expressing
16 the child's wishes, goals, and concerns regarding the permanency plan and those
17 matters. ~~A caseworker, counsel, or guardian ad litem who makes or submits a~~

18 ~~statement under this subdivision shall advise the court or panel that the statement~~
19 ~~represents the wishes, goals, and concerns, but not necessarily the best interests, of~~
20 ~~the child.~~

If the court or panel permits such a written or oral statement to be made or submitted, the court or panel may nonetheless require the child to be physically present at the review.

21 **SECTION 64.** 48.38 (5) (bm) 1. of the statutes, as created by 2009 Wisconsin Act
22 (this act), is amended to read:

23 48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent,
24 treatment foster parent, operator of a facility, or relative who is provided notice of the
25 review under par. (b) shall have a right to be heard at the review by submitting

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nonsecured residential care center for children and youth, or shelter
care facility

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

SECTION 65. 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

12 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,
13 as described in s. 48.365 (1), for 15 of the most recent 22 months, not including any

14 ~~period during which the child's care was not eligible for reimbursement under 42~~

15 ~~USC 670 to 679b,~~ any period during which the child was a runaway from the
16 out-of-home placement, or the first 6 months of any period during which the child

17 was returned to his or her home for a trial home visit, the appropriateness of the
18 permanency plan and the circumstances which prevent the child from any of the

19 following: including, if appropriate, through an out-of-state placement,

20 **SECTION 66.** 48.38 (5) (c) 7. of the statutes is amended to read:

21 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
22 the goal of the permanency plan, unless return of the child to the home is the goal
23 of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b)

24 1. to 5. applies. If the goal of the permanency plan is to place the child for adoption,

25 ~~with a guardian, with a fit and willing relative, or in some other alternative~~

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~~permanent placement, the reasonable efforts determination under this subdivision shall include a determination as to whether reasonable efforts were made by the agency to place the child in a safe and appropriate placement outside this state that is in the best interests of the child and appropriate to achieving the goal of the child's permanency plan. If the child is placed in a placement outside this state, that determination shall include a determination as to whether that placement continues to be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan.~~

SECTION 67. 48.38 (5) (c) 8. of the statutes is created to read:

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

SECTION 68. 48.38 (5) (d) of the statutes is amended to read:

48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the permanency plan shall, at least 5 days before a review by a review panel, provide to each person appointed to the review panel, the person representing the interests of the public, the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate a copy of the permanency plan and any written

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1 comments submitted under par. ~~(b)~~ (bm) 1. Notwithstanding s. 48.78 (2) (a), a person
2 appointed to a review panel, the person representing the interests of the public, the
3 child's counsel, the child's guardian ad litem, and the child's court-appointed special
4 advocate may have access to any other records concerning the child for the purpose
5 of participating in the review. A person permitted access to a child's records under
6 this paragraph may not disclose any information from the records to any other
7 person.

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

9 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
10 the determinations under par. (c) and shall provide a copy to the court that entered
11 the order, the child or the child's counsel or guardian ad litem, the person
12 representing the interests of the public, the child's parent ~~or~~, guardian, and legal
13 custodian, the child's court-appointed special advocate, and the child's foster parent,
14 ~~the child's or treatment foster parent or~~, the operator of the facility where the child
15 is living, or the relative with whom the child is living.

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

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

25 **SECTION 71.** 48.38 (5m) (b) of the statutes is amended to read:

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

13 **SECTION 72.** 48.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Acts
14 28 and (this act), is repealed and recreated to read:

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

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1 **SECTION 73.** 48.38 (5m) (c) of the statutes is renumbered 48.38 (5m) (c) 1. and
2 amended to read:

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

19 **SECTION 74.** 48.38 (5m) (c) 1. of the statutes, as affected by 2009 Wisconsin Acts
20 28 and (this act), is repealed and recreated to read:

21 48.38 **(5m)** (c) 1. A child, parent, guardian, legal custodian, foster parent,
22 operator of a facility, or relative who is provided notice of the hearing under par. (b)
23 shall have a right to be heard at the hearing by submitting written comments
24 relevant to the determinations specified in sub. (5) (c) not less than 10 working days
25 before the date of the hearing or by participating at the hearing. A counsel, guardian

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

9 **SECTION 75.** 48.38 (5m) (c) 2. of the statutes is created to read:

10 48.38 (5m) (c) 2. If the child's permanency plan includes an independent living
11 plan under sub. (4) (h) or a statement under sub. (4) (i) indicating that the child's age

12 and developmental level are sufficient for the court to consult with the child
13 regarding the child's permanency plan or if, notwithstanding a decision under sub.

14 (4) (i) that it would not be appropriate for the court to consult with the child, the court
15 determines that consultation with the child would be in the best interests of the child,

16 the court shall consult with the child, in an age-appropriate and developmentally
17 appropriate manner, regarding the child's permanency plan and any other matters

18 the court finds appropriate ^{Ⓢ If none of those circumstances apply, the court may permit} ~~by permitting the child~~ the child's caseworker, the child's

19 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
20 or oral statement during the hearing, or to submit a written statement prior to the

21 hearing, expressing the child's wishes, goals, and concerns regarding the
22 permanency plan and those matters. A caseworker, counsel, or guardian ad litem

23 who makes or submits a statement under this subdivision shall advise the court that
24 the statement represents the wishes, goals, and concerns, but not necessarily the

25 best interests, of the child. ^{Ⓢ If the court permits such a} ~~IF the court permits such a~~ written or
oral statement to be made or submitted, the court
may nonetheless require the child to be physically present
at the hearing.

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1 **SECTION 76.** 48.38 (5m) (d) of the statutes is amended to read:

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

13 ~~**SECTION 77.** 48.38 (5m) (e) of the statutes is amended to read.~~

14 ~~48.38 **(5m)** (e) After the hearing, the court shall make written findings of fact
15 and conclusions of law relating to the determinations under sub. (5) (c) and shall
16 provide a copy of those findings of fact and conclusions of law to the child; the child's
17 parent, guardian, and legal custodian; the child's foster parent or treatment foster
18 parent, the operator of the facility in which the child is living, or the relative with
19 whom the child is living; the child's court-appointed special advocate; the agency
20 that prepared the permanency plan; and the person representing the interests of the
21 public. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case
22 basis based on circumstances specific to the child and shall document or reference
23 the specific information on which those findings are based in the findings of fact and
24 conclusions of law prepared under this paragraph. Findings of fact and conclusions
25 of law that merely reference sub. (5) (c) 7. without documenting or referencing that~~

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1 specific information in the findings of fact and conclusions of law ~~or amended~~
2 ~~findings of fact and conclusions of law that retroactively correct earlier findings of~~
3 ~~fact and conclusions of law that do not comply with this paragraph~~ are not sufficient
4 to comply with this paragraph.

5 **SECTION 78.** 48.38 (5m) (e) of the statutes, as affected by 2009 Wisconsin Acts
6 28 and (this act), is repealed and recreated to read:

7 48.38 (5m) (e) After the hearing, the court shall make written findings of fact
8 and conclusions of law relating to the determinations under sub. (5) (c) and shall
9 provide a copy of those findings of fact and conclusions of law to the child; the child's
10 parent, guardian, and legal custodian; the child's foster parent, the operator of the
11 facility in which the child is living, or the relative with whom the child is living; the
12 child's court-appointed special advocate; the agency that prepared the permanency
13 plan; and the person representing the interests of the public. The court shall make
14 the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances
15 specific to the child and shall document or reference the specific information on
16 which those findings are based in the findings of fact and conclusions of law prepared
17 under this paragraph. Findings of fact and conclusions of law that merely reference
18 sub. (5) (c) 7. without documenting or referencing that specific information in the
19 findings of fact and conclusions of law are not sufficient to comply with this
20 paragraph. nonsecured
In a foster home, treatment foster home, group home, residential care
center for children and youth, or shelter care facility.

21 **SECTION 79.** 48.417 (1) (a) of the statutes is amended to read:

22 48.417 (1) (a) The child has been placed outside of his or her home, as described
23 in s. 48.365 (1) or 938.365 (1), for 15 of the most recent 22 months, not including ~~any~~
24 ~~period during which the child's care was not eligible for reimbursement under 42~~
25 ~~USC 670 to 679b,~~ any period during which the child was a runaway from the

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1 out-of-home placement) or the first 6 months of any period during which the child
2 was returned to his or her home for a trial home visit. If the circumstances specified
3 in this paragraph apply, the petition shall be filed or joined in by the last day of the
4 15th month, as described in this paragraph, for which the child was placed outside
5 of his or her home.

6 **SECTION 80.** 48.42 (2g) (am) of the statutes is amended to read:

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

17 **SECTION 81.** 48.42 (2g) (am) of the statutes, as affected by 2009 Wisconsin Acts
18 28 and (this act), is repealed and recreated to read:

19 48.42 (2g) (am) The court shall give a foster parent or other physical custodian
20 described in s. 48.62 (2) who is notified of a hearing under par. (a) a right to be heard
21 at the hearing by permitting the foster parent or other physical custodian to make
22 a written or oral statement during the hearing, or to submit a written statement
23 prior to the hearing, relevant to the issues to be determined at the hearing. A foster
24 parent or other physical custodian described in s. 48.62 (2) who receives a notice of
25 a hearing under par. (a) and a right to be heard under this paragraph does not become

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

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 The court shall make the findings specified in this paragraph on a case-by-case basis
6 based on circumstances specific to the child and shall document or reference the
7 specific information on which those findings are based in the order. An order that
8 merely references this paragraph without documenting or referencing that specific
9 information in the order ~~or an amended order that retroactively corrects an earlier~~
10 ~~order that does not comply with this paragraph is not sufficient to comply with this~~
11 ~~paragraph.~~

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

14 48.43 (5) (b) 1. The court shall hold a hearing to review the permanency plan
15 within 30 days after receiving a report under par. (a). At least 10 days before the date
16 of the hearing, the court shall provide notice of the time, date place, and purpose of
17 the hearing to the agency that prepared the report, the child's guardian, the child,
18 ~~if he or she is 12 years of age or over~~, and the child's foster parent, or treatment foster
19 parent, ~~other physical custodian described in s. 48.62 (2)~~ or the operator of the facility
20 in which the child is living, or the relative with whom the child is living.

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

23 48.43 (5) (b) 1. The court shall hold a hearing to review the permanency plan
24 within 30 days after receiving a report under par. (a). At least 10 days before the date
25 of the hearing, the court shall provide notice of the time, place, and purpose of the

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1 hearing to the agency that prepared the report, the child's guardian, the child, and
2 the child's foster parent, the operator of the facility in which the child is living, or the
3 relative with whom the child is living.

① If none of those circumstances apply, the court may permit

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

5 48.43 (5) (b) 2. If the child's permanency plan includes ~~an independent living~~

6 ~~plan under s. 48.38 (4) (b) or~~ a statement under s. 48.38 (4) (i) indicating that the
7 child's age and developmental level are sufficient for the court to consult with the
8 child regarding the child's permanency plan or if, notwithstanding a decision under
9 s. 48.38 (4) (i) that it would not be appropriate for the court to consult with the child,
10 the court determines that consultation with the child would be in the best interests
11 of the child, the court shall consult with the child, in an age-appropriate and
12 developmentally appropriate manner, regarding the child's permanency plan and
13 any other matters the court finds appropriate ~~by permitting the child,~~ the child's
14 caseworker, the child's counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad
15 litem to make a written or oral statement during the hearing, or to submit a written
16 statement prior to the hearing, expressing the child's wishes, goals, and concerns
17 regarding the permanency plan and those matters.

18 ~~A caseworker, counsel, or guardian ad litem who makes or submits a statement under this subdivision shall~~
19 ~~advise the court that the statement represents the wishes, goals, and concerns, but~~
20 ~~not necessarily the best interests, of the child.~~

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

If the court permits such a written or oral statement to be made or submitted, the court may nonetheless require the child's presence at the hearing.

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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.** 48.648 of the statutes is created to read:~~

15 ~~**48.648 Plan for transition to independent living.** By no later than 90 days
16 before a child who is placed in a foster home, treatment foster home, group home,
17 subsidized guardianship home under s. 48.62 (5), group home, or residential care
18 center for children and youth or in the home of a relative other than a parent attains
19 18 years of age or, if the child is placed in such a placement under an order under s.
20 48.355, 48.357, 48.365, 938.355, 935.357, or 938.365 that terminates under s. 48.355
21 (4) or 938.355 (4) after the child attains 18 years of age, by no later than 90 days
22 before the termination of the order, the agency primarily responsible for providing
23 services to the child under the order shall provide the child with assistance and
24 support in developing a plan for making the transition from out-of-home care to
25 independent living. The transition plan shall be personalized at the direction of the~~

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1 child, shall be as detailed as the child directs, and shall include specific options for
2 obtaining housing, health care, education, mentoring and continuing support
3 services, and workforce support and employment services.

4 **SECTION 94.** 48.648 of the statutes, as created by 2009 Wisconsin Act ... (this
5 act), is amended to read:

6 **48.648 Plan for transition to independent living.** By no later than 90 days
7 before a child who is placed in a foster home, ~~treatment foster home~~, group home,
8 subsidized guardianship home under s. 48.62 (5), group home, or residential care
9 center for children and youth or in the home of a relative other than a parent attains
10 18 years of age or, if the child is placed in such a placement under an order under s.
11 48.355, 48.357, 48.365, 938.355, ~~935.357~~, or 938.365 that terminates under s. 48.355
12 (4) or 938.355 (4) after the child attains 18 years of age, by no later than 90 days
13 before the termination of the order, the agency primarily responsible for providing
14 services to the child under the order shall provide the child with assistance and
15 support in developing a plan for making the transition from out-of-home care to
16 independent living. The transition plan shall be personalized at the direction of the
17 child, shall be as detailed as the child directs, and shall include specific options for
18 obtaining housing, health care, education, mentoring and ~~continuing support~~
19 ~~services, and workforce support and employment services.~~

20 **SECTION 95.** 48.78 (2) (i) of the statutes is created to read:

21 48.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing
22 information to a relative of a child placed outside of his or her home only to the extent
23 necessary to facilitate the establishment of a relationship between the child and the
24 relative or a placement of the child with the relative or from disclosing information
25 under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In this paragraph, "relative"

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1 includes a relative whose relationship is derived through a parent of the child whose
2 parental rights are terminated.

3 **SECTION 96.** 48.78 (2) (j) of the statutes is created to read:

4 48.78 (2) (j) Paragraph (a) does not prohibit an agency from disclosing
5 information to any public or private agency in this state or any other state that is
6 investigating a person for purposes of licensing the person to operate a foster home
7 or placing a child for adoption in the home of the person.

8 **SECTION 97.** 48.834 (2) of the statutes is amended to read:

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

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1 **SECTION 98.** 48.977 (2) (f) of the statutes is amended to read:

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

22 **SECTION 99.** 48.981 (7) (a) 4m. of the statutes is created to read:

23 48.981 (7) (a) 4m. A relative of a child placed outside of his or her home only
24 to the extent necessary to facilitate the establishment of a relationship between the
25 child and the relative or a placement of the child with the relative or to a person

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1 provided with the notice under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In
2 this subdivision, "relative" includes a relative whose relationship is derived through
3 a parent of the child whose parental rights are terminated.

4 **SECTION 100.** 48.981 (7) (a) 4p. of the statutes is created to read:

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

8 **SECTION 101.** 48.999 of the statutes is created to read:

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

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

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

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

19 **SECTION 102.** 146.0255 (2) of the statutes is amended to read:

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

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

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1 provision of services and treatment for the unborn child and expectant mother as
2 provided under s. 46.238. Under this subsection, no physician may test an expectant
3 mother without first receiving her informed consent to the testing.

4 **SECTION 103.** 146.0255 (3) (b) of the statutes is amended to read:

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

10 **SECTION 104.** 757.69 (1) (g) 14. of the statutes is created to read:

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

13 **SECTION 105.** 767.41 (3) (am) of the statutes is amended to read:

14 767.41 (3) (am) If the court transfers legal custody of a child under this
15 subsection, the order transferring custody shall include a finding that placement of
16 the child in his or her home would be contrary to the welfare of the child and a finding
17 that reasonable efforts have been made to prevent the removal of the child from the
18 home, while assuring that the health and safety of the child are the paramount
19 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
20 applies. If the legal custodian appointed under par. (a) is a county department, the
21 court shall order the child into the placement and care responsibility of the county
22 department as required under 42 USC 672 (a) (2) and shall assign the county
23 department primary responsibility for providing services to the child. The court
24 shall make the findings specified in this paragraph on a case-by-case basis based
25 on circumstances specific to the child and shall document or reference the specific

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

6 **SECTION 106.** 767.41 (3) (c) of the statutes is amended to read:

7 767.41 (3) (c) The court shall hold a hearing to review the permanency plan
8 within 30 days after receiving a report under par. (b). At least 10 days before the date
9 of the hearing, the court shall provide notice of the time, date place, and purpose of
10 the hearing to the agency that prepared the report; the child; the child's parents, the
11 child, if he or she is 12 years of age or over, and guardian, and legal custodian; and
12 the child's foster parent, or treatment foster parent or, the operator of the facility in
13 which the child is living, or the relative with whom the child is living.

14 **SECTION 107.** 767.41 (3) (c) of the statutes, as affected by 2009 Wisconsin Acts
15 28 and (this act), is repealed and recreated to read:

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

22 **SECTION 108.** 938.21 (2) (e) of the statutes is created to read:

23 938.21 (2) (e) If present at the hearing, the parent shall be requested to provide
24 the names and other identifying information of 3 relatives of the juvenile or other
25 individuals 18 years of age or over whose homes the parent requests the court to

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1 consider as placements for the juvenile. If the parent does not provide that
2 information at the hearing, the county department or agency primarily responsible
3 for providing services to the juvenile under the custody order shall permit the parent
4 to provide that information at a later date.

5 **SECTION 109.** 938.21 (3) (f) of the statutes is created to read:

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

13 **SECTION 110.** 938.21 (5) (b) 2m. of the statutes is created to read:

14 938.21 (5) (b) 2m. If the juvenile has one or more siblings, as defined in s. 938.38
15 (4) (br) 1., who have also been removed from the home, a finding as to whether the
16 intake worker has made reasonable efforts to place the juvenile in a placement that
17 enables the sibling group to remain together, unless the court determines that a joint
18 placement would be contrary to the safety or well-being of the juvenile or any of those
19 siblings, in which case the court shall order the county department or agency
20 primarily responsible for providing services to the juvenile under the custody order
21 to make reasonable efforts to provide for frequent visitation or other ongoing
22 interaction between the juvenile and the siblings, unless the court determines that
23 such visitation or interaction would be contrary to the safety or well-being of the
24 juvenile or any of those siblings.

25 ~~**SECTION 111.** 938.21 (5) (c) of the statutes is amended to read:~~

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

8 **SECTION 112.** 938.21 (5) (d) 1. of the statutes is renumbered 938.21 (5) (d) and
9 amended to read:

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

16 **SECTION 113.** 938.21 (5) (d) 2. of the statutes, as affected by 2009 Wisconsin Act
17 28, is repealed.

18 **SECTION 114.** 938.21 (5) (d) 3. of the statutes, as affected by 2009 Wisconsin Act
19 28, is repealed.

20 **SECTION 115.** 938.21 (5) (e) of the statutes is created to read:

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

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

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

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

22 c. A description of the requirements to obtain a foster home license under s.
23 48.62 or to receive kinship care or long-term kinship care payments under s. 48.57
24 (3m) or (3n) and of the additional services and supports that are available for
25 juveniles placed in a foster home or in the home of a person receiving those payments.

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

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

6 **SECTION 116.** 938.27 (3) (a) 1m. of the statutes is amended to read:

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

17 **SECTION 117.** 938.27 (3) (a) 1m. of the statutes, as affected by 2009 Wisconsin
18 Acts 28 and ... (this act), is repealed and recreated to read:

19 938.27 (3) (a) 1m. The court shall give a foster parent or other physical
20 custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. a right
21 to be heard at the hearing by permitting the foster parent or other physical custodian
22 to make a written or oral statement during the hearing, or to submit a written
23 statement prior to the hearing, relevant to the issues to be determined at the hearing.
24 A foster parent or other physical custodian described in s. 48.62 (2) who receives a
25 notice of a hearing under subd. 1. and a right to be heard under this subdivision does

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

3 **SECTION 118.** 938.27 (6) of the statutes is amended to read:

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

11 **SECTION 119.** 938.27 (6) of the statutes, as affected by 2009 Wisconsin Acts 28
12 and ... (this act), is repealed and recreated to read:

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

19 **SECTION 120.** 938.32 (1) (c) 1. c. of the statutes is amended to read:

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

25 **SECTION 121.** 938.32 (1) (c) 1m. of the statutes is created to read:

, including, if appropriate, through an out-of-state
placement

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

12 ~~SECTION 122. 938.32 (1) (c) 3. of the statutes is amended to read:~~

13 938.32 (1) (c) 3. The court shall make the findings specified in subds. 1. and 2.
14 on a case-by-case basis based on circumstances specific to the juvenile and shall
15 document or reference the specific information on which those findings are based in
16 the consent decree. A consent decree that references subd. 1. or 2. without
17 documenting or referencing that specific information in the consent decree or an
18 amended consent decree that retroactively corrects an earlier consent decree that
19 does not comply with this subdivision is not sufficient to comply with this
20 subdivision.

21 **SECTION 123.** 938.33 (4) (c) of the statutes is amended to read:

22 938.33 (4) (c) Specific information showing that continued placement of the
23 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
24 information showing that the county department or the agency primarily
25 responsible for providing services to the juvenile has made reasonable efforts to

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including, if appropriate, through an
out-of-state placement,

1 prevent the removal of the juvenile from the home, while assuring that the juvenile's
2 health and safety are the paramount concerns, unless any of the circumstances
3 specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency plan has
4 previously been prepared for the juvenile, specific information showing that the
5 county department or agency has made reasonable efforts to achieve the goal of the
6 juvenile's permanency plan, unless return of the juvenile to the home is the goal of
7 the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1.
8 to 4. applies.

9 **SECTION 124.** 938.33 (4) (d) of the statutes is created to read:

10 938.33 (4) (d) 1. If the juvenile has one or more siblings, as defined in s. 938.38
11 (4) (br) 1., who have been removed from the home or for whom an out-of-home
12 placement is recommended, specific information showing that the county
13 department or agency primarily responsible for providing services to the juvenile has
14 made reasonable efforts to place the juvenile in a placement that enables the sibling
15 group to remain together, unless the county department or agency recommends that
16 the juvenile and his or her siblings not be placed in a joint placement, in which case
17 the report shall include specific information showing that a joint placement would
18 be contrary to the safety or well-being of the juvenile or any of those siblings and the
19 specific information required under subd. 2.

20 2. If a recommendation is made that the juvenile and his or her siblings not be
21 placed in a joint placement, specific information showing that the county department
22 or agency has made reasonable efforts to provide for frequent visitation or other
23 ongoing interaction between the juvenile and the siblings, unless the county
24 department or agency recommends that such visitation or interaction not be
25 provided, in which case the report shall include specific information showing that

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including, if appropriate, through an out-of-state placement

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1 such visitation or interaction would be contrary to the safety or well-being of the
2 juvenile or any of those siblings.

3 **SECTION 125.** 938.335 (3g) (c) of the statutes is amended to read:

4 938.335 (3g) (c) That, if a permanency plan has previously been prepared for
5 the juvenile, the county department or agency has made reasonable efforts to achieve
6 the goal of the juvenile's permanency plan, unless return of the juvenile to the home
7 is the goal of the permanency plan and any of the circumstances specified in s.
8 938.355 (2d) (b) 1. to 4. applies.

9 **SECTION 126.** 938.335 (3g) (d) of the statutes is created to read:

10 938.335 (3g) (d) 1. If the juvenile has one or more siblings, as defined in s.
11 938.38 (4) (br) 1., who have been removed from the home or for whom an out-of-home
12 placement is recommended, that the county department or agency has made
13 reasonable efforts to place the juvenile in a placement that enables the sibling group
14 to remain together, unless the county department or agency recommends that the
15 juvenile and his or her siblings not be placed in a joint placement, in which case the
16 county department or agency shall present as evidence specific information showing
17 that a joint placement would be contrary to the safety or well-being of the juvenile
18 or any of those siblings and the specific information required under subd. 2.

19 2. If a recommendation is made that the juvenile and his or her siblings not be
20 placed in a joint placement, that the county department or agency has made
21 reasonable efforts to provide for frequent visitation or other ongoing interaction
22 between the juvenile and the siblings, unless the county department or agency
23 recommends that such visitation or interaction not be provided, in which case the
24 county department or agency shall present as evidence specific information showing

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1 that such visitation or interaction would be contrary to the safety or well-being of
2 the juvenile or any of those siblings.

3 **SECTION 127.** 938.335 (6) of the statutes is created to read:

4 938.335 (6) JUVENILE PLACED OUTSIDE THE HOME. If the dispositional order places
5 the juvenile outside the home, the parent, if present at the hearing, shall be
6 requested to provide the names and other identifying information of 3 relatives of the
7 juvenile or other individuals 18 years of age or over whose homes the parent requests
8 the court to consider as placements for the juvenile, unless that information has
9 previously been provided under s. 938.21 (2) (e) or (3) (f). If the parent does not
10 provide that information at the hearing, the county department or the agency
11 primarily responsible for providing services to the juvenile under the dispositional
12 order shall permit the parent to provide the information at a later date.

13 **SECTION 128.** 938.355 (2) (b) 6. of the statutes is amended to read:

14 938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that
15 continued placement of the juvenile in his or her home would be contrary to the
16 welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is
17 placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that
18 the juvenile's current residence will not safeguard the welfare of the juvenile or the
19 community due to the serious nature of the act for which the juvenile was adjudicated
20 delinquent. The court order shall also contain a finding as to whether the county
21 department or the agency primarily responsible for providing services under a court
22 order has made reasonable efforts to prevent the removal of the juvenile from the
23 home, while assuring that the juvenile's health and safety are the paramount
24 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.
25 to 4. applies, and, if a permanency plan has previously been prepared for the juvenile,

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including, if appropriate, through an out-of-state placement

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

(plain)
PLAIN

SECTION 129. 938.355 (2) (b) 6p. of the statutes is created to read:

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

SECTION 130. 938.355 (2) (cm) of the statutes is created to read:

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

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

20 **SECTION 131.** 938.355 (2b) of the statutes is amended to read:

21 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
22 department or the agency primarily responsible for providing services to a juvenile
23 under a court order may, at the same time as the county department or agency is
24 making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal
25 of the juvenile from the home or to make it possible for the juvenile to return safely

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

SECTION 131

1 to his or her home, work with the department of children and families, a county
2 department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under
3 s. 48.61 (5) in making reasonable efforts to place the juvenile for adoption, with a
4 guardian, with a fit and willing relative, or in some other alternative permanent
5 placement. ~~Those efforts to place the juvenile for adoption, with a guardian, with a~~

~~6 fit and willing relative, or in some other alternative permanent placement shall
7 include efforts to place the juvenile in a safe and appropriate placement outside this
8 state if the county department or agency determines that such a placement would
9 be in the best interests of the juvenile and appropriate to achieving the goals of the
10 juvenile's permanency plan.~~

~~11 **SECTION 132.** 938.355 (2d) (bm) of the statutes is amended to read:~~

~~12 938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4.
13 on a case-by-case basis based on circumstances specific to the juvenile and shall
14 document or reference the specific information on which that finding is based in the
15 dispositional order. A dispositional order that merely references par. (b) 1. to 4.
16 without documenting or referencing that specific information in the dispositional
17 order or an amended dispositional order that retroactively corrects an earlier
18 dispositional order that does not comply with this paragraph is not sufficient to
19 comply with this paragraph.~~

20 **SECTION 133.** 938.355 (2d) (c) 1. of the statutes is renumbered 938.355 (2d) (c)
21 and amended to read:

22 938.355 (2d) (c) If the court finds that any of the circumstances under par. (b)
23 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38
24 (4m) within 30 days after the date of that finding to determine the permanency plan
25 for the juvenile. ~~If a hearing is held under this subdivision, the agency responsible~~

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1 for preparing the permanency plan shall file the permanency plan with the court not
2 less than 5 days before the date of the hearing.

3 **SECTION 134.** 938.355 (2d) (c) 2. of the statutes, as affected by 2009 Wisconsin
4 Act 28, is repealed.

5 **SECTION 135.** 938.355 (2d) (c) 3. of the statutes, as affected by 2009 Wisconsin
6 Act 28, is repealed.

7 **SECTION 136.** 938.355 (6) (cm) of the statutes is amended to read:

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

22 **SECTION 137.** 938.355 (6m) (cm) of the statutes is amended to read:

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

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

11 **SECTION 138.** 938.357 (1) (c) 2m. of the statutes is created to read:

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

22 **SECTION 139.** 938.357 (2m) (bm) of the statutes is created to read:

23 938.357 (2m) (bm) *Juvenile placed outside the home.* If the court changes the
24 juvenile's placement from a placement in the juvenile's home to a placement outside
25 the juvenile's home, the parent, if present at the hearing, shall be requested to

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1 provide the names and other identifying information of 3 relatives of the juvenile or
2 other individuals 18 years of age or over whose homes the parent requests the court
3 to consider as placements for the juvenile, unless that information has previously
4 been provided under this paragraph, sub. (1) (c) 2m., or s. 938.21 (2) (e) or (3) (f) or
5 938.335 (6). If the parent does not provide that information at the hearing, the
6 county department or the agency primarily responsible for implementing the
7 dispositional order shall permit the parent to provide the information at a later date.

8 **SECTION 140.** 938.357 (2r) of the statutes is amended to read:

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

22 **SECTION 141.** 938.357 (2r) of the statutes, as affected by 2009 Wisconsin Acts
23 28 and (this act), is repealed and recreated to read:

24 938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing
25 is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove

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

10 **SECTION 142.** 938.357 (2v) (a) 2m. of the statutes is created to read:

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

23 **SECTION 143.** ~~938.357 (2v) (b) of the statutes is amended to read:~~

24 938.357 (2v) (b) *Documentation of basis of findings.* The court shall make the
25 findings under par. (a) 1. and 3. on a case-by-case basis based on circumstances

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1 ~~specific to the juvenile and shall document or reference the specific information on~~
2 ~~which those findings are based in the change in placement order. A change in~~
3 ~~placement order that merely references par. (a) 1. or 3. without documenting or~~
4 ~~referencing that specific information in the change in placement order or an~~
5 ~~amended change in placement order that retroactively corrects an earlier change in~~
6 ~~placement order that does not comply with this paragraph is not sufficient to comply~~
7 ~~with this paragraph.~~

8 **SECTION 144.** 938.357 (2v) (c) 1. of the statutes is renumbered 938.357 (2v) (c)
9 and amended to read:

10 938.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances
11 under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold
12 a hearing under s. 938.38 (4m) within 30 days after the date of that finding to
13 determine the permanency plan for the juvenile. ~~If a hearing is held under this~~
14 ~~paragraph, the agency responsible for preparing the permanency plan shall file the~~
15 ~~permanency plan with the court at least 5 days before the date of the hearing.~~

16 **SECTION 145.** 938.357 (2v) (c) 2. of the statutes, as affected by 2009 Wisconsin
17 Act 28, is repealed.

18 **SECTION 146.** 938.357 (2v) (c) 3. of the statutes, as affected by 2009 Wisconsin
19 Act 28, is repealed.

20 **SECTION 147.** 938.357 (2v) (d) of the statutes is created to read:

21 938.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county
22 department or the agency primarily responsible for implementing the dispositional
23 order to conduct a diligent search in order to locate and provide notice of the
24 information specified in s. 938.21 (5) (e) 2. a. to e. to all relatives of the juvenile named
25 under sub. (1) (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 938.21

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

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

15 **SECTION 148.** 938.363 (1) (b) of the statutes is amended to read:

16 938.363 (1) (b) If a hearing is held, at least 3 days prior to the hearing the court
17 shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all
18 parties bound by the dispositional order, the juvenile's foster parent, treatment
19 foster parent, or other physical custodian described in s. 48.62 (2), and the district
20 attorney or corporation counsel in the county in which the dispositional order was
21 entered ~~at least 3 days prior to the hearing~~. A copy of the request or proposal shall
22 be attached to the notice. If all parties consent, the court may proceed immediately
23 with the hearing. No revision may extend the effective period of the original order,
24 or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than a
25 total of 30 days of detention, nonsecure custody, or inpatient treatment on a juvenile.