



State of Wisconsin
2011 – 2012 LEGISLATURE



LRBs0381/1
GMM:wlj:rs

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 502**

March 7, 2012 – Offered by Senator LAZICH.

1 **AN ACT** *to renumber and amend* 48.355 (2b) and 938.355 (2b); *to amend* 48.21
2 (5) (d), 48.299 (4) (b), 48.315 (2m) (b), 48.32 (1) (b) 1. c., 48.32 (1) (c), 48.33 (4)
3 (c), 48.335 (3g) (c), 48.335 (4), 48.355 (2) (b) 6., 48.355 (2b) (title), 48.355 (2c) (b),
4 48.355 (2d) (b) (intro.), 48.355 (2d) (c), 48.355 (2e) (b), 48.357 (2v) (c), 48.363 (1)
5 (a), 48.365 (2g) (b) 2., 48.365 (2g) (b) 3., 48.365 (2m) (a) 1., 48.365 (2m) (a) 1m.,
6 48.365 (2m) (a) 3., 48.365 (2m) (ad), 48.365 (7), 48.371 (5), 48.38 (2) (intro.),
7 48.38 (4) (ar), 48.38 (4) (f) 3., 48.38 (4) (fg) (intro.), 48.38 (4) (fg) 5., 48.38 (4) (fm),
8 48.38 (4) (i), 48.38 (4m) (title), 48.38 (5) (title), 48.38 (5) (a), 48.38 (5) (am), 48.38
9 (5) (c) 5., 48.38 (5) (c) 6. (intro.), 48.38 (5) (c) 6. d., 48.38 (5) (c) 7., 48.38 (5) (f),
10 48.38 (5m) (title), 48.38 (5m) (a), 48.38 (5m) (b), 48.38 (5m) (f), 48.38 (6) (a),
11 48.417 (1) (a), 48.43 (1) (cm), 48.43 (5m), 48.63 (5) (d) 4., 48.977 (4) (i) (title),
12 757.69 (1) (g) 14., 938.21 (5) (d), 938.315 (2m) (b), 938.32 (1) (c) 1. c., 938.32 (1)
13 (d), 938.33 (4) (c), 938.335 (3g) (c), 938.335 (4), 938.355 (2) (b) 6., 938.355 (2c)

1 (b), 938.355 (2d) (b) (intro.), 938.355 (2d) (c), 938.355 (2e) (b), 938.357 (2v) (c),
2 938.363 (1) (a), 938.365 (2g) (b) 2., 938.365 (2g) (b) 3., 938.365 (2m) (a) 1.,
3 938.365 (2m) (a) 1m., 938.365 (2m) (a) 3., 938.365 (2m) (ad), 938.365 (7), 938.371
4 (5), 938.38 (2) (intro.), 938.38 (4) (ar), 938.38 (4) (f) 3., 938.38 (4) (fg) (intro.),
5 938.38 (4) (fg) 5., 938.38 (4) (fm), 938.38 (4) (i), 938.38 (4m) (title), 938.38 (5)
6 (title), 938.38 (5) (a), 938.38 (5) (am), 938.38 (5) (c) 5., 938.38 (5) (c) 6. (intro.),
7 938.38 (5) (c) 6. d., 938.38 (5) (c) 7., 938.38 (5) (f), 938.38 (5m) (title), 938.38 (5m)
8 (a), 938.38 (5m) (b), 938.38 (5m) (f) and 938.38 (6) (a); and **to create** 48.355 (2b)
9 (a), 48.358, 48.38 (5) (c) 5m., 938.355 (2b) (a), 938.358 and 938.38 (5) (c) 5m. of
10 the statutes; **relating to:** permanency planning for a child placed in
11 out-of-home care, including concurrent permanency goals, trial reunifications,
12 and planned permanent living arrangements for such a child.

Analysis by the Legislative Reference Bureau

Introduction

Under current law, for each child living in an out-of-home placement, the county department of human services or social services, the licensed child welfare agency, or the Department of Children and Families (DCF) that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child (collectively “agency”) must prepare a permanency plan for the child. A permanency plan must describe, among other things, the goal or goals of the permanency plan, with those goals being either the safe return of the child to his or her home or placement of the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement, such as sustaining care, independent living, or long-term foster care.

This substitute amendment makes certain changes relating to permanency planning for a child placed in out-of-home care, including changes relating to: 1) concurrent planning; 2) trial reunifications; and 3) planned permanent living arrangements, for such a child.

Concurrent planning

Under current law, an agency, at the same time as the agency is making reasonable efforts to prevent the removal of a child from his or her home or to make it possible for the child to return home, may work with an adoption agency in making appropriate efforts to place the child for adoption, with a guardian, with a fit and

willing relative, or in some other alternative permanent placement (concurrent reasonable efforts). If an agency is making concurrent reasonable efforts, the child's permanency plan must include the goals of the permanency plan.

This substitute amendment eliminates the authority of an agency to make concurrent reasonable efforts and instead permits an agency to engage in concurrent planning, which the substitute amendment defines as appropriate efforts to work simultaneously towards achieving more than one permanency goal for a child. Under the substitute amendment, an agency must determine, in accordance with standards established by DCF (concurrent planning standards) whether to engage in concurrent planning. If, according to the concurrent planning standards, concurrent planning is required, the agency must engage in concurrent planning unless the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) or a permanency review panel appointed by the juvenile court determines that concurrent planning is inappropriate. If an agency determines to engage in concurrent planning for a child, the child's permanency plan must include the rationale for that determination and a description of the concurrent plan and the permanency and concurrent permanency goals of the concurrent plan. In addition, the juvenile court review panel, in reviewing a child's permanency plan, must determine the continuing appropriateness, according to the concurrent planning standards, of the permanency goal and any concurrent permanency goals for the child and, if the juvenile court or panel does not approve of any of those goals, or if the juvenile court or panel determines that a concurrent permanency goal is appropriate, that court or panel must determine the permanency goal and, if appropriate, any concurrent permanency goal for the child.

Trial reunifications

Current law — changes in placement. Under current law, the juvenile court, on the request of the person or agency primarily responsible for implementing a dispositional order, of the juvenile court, may order a change in placement for a child placed outside of his or her home under a dispositional order of the juvenile court. The juvenile court may order the change in placement without a hearing, unless a party receiving the notice files an objection. Current law also permits the person or agency primarily responsible for implementing the dispositional order to make an emergency change in placement if emergency conditions necessitate an immediate change in placement.

The substitute amendment — trial reunifications. This substitute amendment provides a similar procedure under which the juvenile court may order a trial reunification, which the substitute amendment defines as authorization for a child who is placed in an out-of-home placement to reside in the home of the relative of the child from which the child was removed or in the home of either of the child's parents for a specified and limited period of seven consecutive days or longer for the purpose of determining the appropriateness of changing the placement of the child to that home. The substitute amendment, however, does not permit an emergency trial reunification. Under the substitute amendment, if an emergency condition necessitates an immediate removal of the child from his or her

out-of-home placement, the person or agency primarily responsible for implementing the dispositional order must make an emergency change in placement as provided under current law.

Under the substitute amendment, the juvenile court may order a trial reunification on the request of the person or agency primarily responsible for implementing the dispositional order. Notice of the proposed trial reunification must 1) be provided to the child, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian of the child, the child's court-appointed special advocate, all parties who are bound by the dispositional order, and, in the case of an Indian child, the Indian child's Indian custodian and tribe; and 2) contain a statement describing why the trial reunification is in the best interests of the child and a statement describing how the trial reunification satisfies the objectives of the child's permanency plan. The juvenile court may order the trial reunification without a hearing, unless a party receiving the notice files an objection.

If the juvenile court finds that the trial reunification is in the best interests of the child and that the trial reunification satisfies the objectives of the child's permanency plan, the juvenile court must grant an order authorizing the trial reunification. A trial reunification terminates 90 days after the date of the order, unless the juvenile court specifies a shorter period in the order, extends the trial reunification, or revokes the trial reunification. At the end of a trial reunification, the person or agency primarily responsible for implementing the dispositional order must return the child to his or her previous out-of-home placement, request a change in placement of the child to a new out-of-home placement, or request a change-in-placement of the child to the trial reunification home.

The substitute amendment also permits the person or agency primarily responsible for implementing the dispositional order to request an extension of a trial reunification. The request must contain a statement describing how the trial reunification continues to be in the best interests of the child, and the same notice and hearing requirements that apply to an original request for a trial reunification also apply to a request for an extension of a trial reunification. If the juvenile court finds that the trial reunification continues to be in the best interests of the child, the juvenile court must grant an order extending the trial reunification for a period specified by the juvenile court. Any number of extensions may be granted, but the total period for a trial reunification may not exceed 150 days.

In addition, the substitute amendment permits the person or agency primarily responsible for implementing the dispositional order to remove the child from the trial reunification home and place the child in the child's previous out-of-home placement or in a new out-of-home placement, without prior juvenile court order, if that person or agency determines, based on current circumstances, that the trial reunification is no longer in the best interests of the child.

If the person or agency removes the child from the trial reunification home and places the child in the child's previous out-of-home placement, within three days after that removal, that person or agency must submit a request for revocation of the trial reunification to the juvenile court that ordered the trial reunification and must cause notice of the request to be provided to all persons who are entitled to receive

notice of the original trial reunification, and the same notice and hearing requirements that apply to an original request for a trial reunification also apply to a request for a revocation of a trial reunification. If the juvenile court finds that the trial reunification is no longer in the best interests of the child, the juvenile court must grant an order revoking the trial reunification and approving that placement.

If the person or agency removes the child from the trial reunification home and places the child in a new out-of-home placement, within three days after that removal, that person or agency must request a change in placement as provided under current law, and the change-in-placement procedures provided under current law apply. If the juvenile court grants a change-in-placement order, the trial reunification is revoked.

Other planned permanent living arrangement

Under current law, if a goal of a child’s permanency plan is an alternative permanent placement, the permanency plan must document a compelling reason why it would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative.

This substitute amendment changes the term “alternative permanent placement” to “other planned permanent living arrangement,” requires the arrangement to include an appropriate enduring, relationship between the child and an adult, and eliminates independent living as a planned permanent living arrangement option. The substitute amendment also permits a child’s permanency plan to include the permanency goal of placement of the child in a planned permanent living arrangement only if the agency determines that there is a compelling reason why it currently would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative as the permanency goal for the child. If an agency makes that determination, the child’s permanency plan must include a statement of that compelling reason and, notwithstanding that compelling reason, a concurrent plan towards achieving the concurrent permanency goal of safely returning the child to his or her home or placing the child for adoption, with a guardian, or with a fit and willing relative in addition to the permanency goal of placing the child in some other planned permanent living arrangement.

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

- 1 **SECTION 1.** 48.21 (5) (d) of the statutes is amended to read:
- 2 48.21 (5) (d) If the judge or circuit court commissioner finds that any of the
- 3 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
- 4 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)

1 within 30 days after the date of that finding to determine the permanency ~~plan~~ goal
2 and, if applicable, any concurrent permanency goals for the child.

3 **SECTION 2.** 48.299 (4) (b) of the statutes is amended to read:

4 48.299 (4) (b) Except as provided in s. 901.05, neither common law nor
5 statutory rules of evidence are binding at a hearing for a child held in custody under
6 s. 48.21, a hearing for an adult expectant mother held in custody under s. 48.213, a
7 runaway home hearing under s. 48.227 (4), a dispositional hearing, or a hearing
8 about changes in placement, trial reunifications, revision of dispositional orders,
9 extension of dispositional orders, or termination of guardianship orders entered
10 under s. 48.977 (4) (h) 2. or (6) or 48.978 (2) (j) 2. or (3) (g). At those hearings, the court
11 shall admit all testimony having reasonable probative value, but shall exclude
12 immaterial, irrelevant, or unduly repetitious testimony or evidence that is
13 inadmissible under s. 901.05. Hearsay evidence may be admitted if it has
14 demonstrable circumstantial guarantees of trustworthiness. The court shall give
15 effect to the rules of privilege recognized by law. The court shall apply the basic
16 principles of relevancy, materiality, and probative value to proof of all questions of
17 fact. Objections to evidentiary offers and offers of proof of evidence not admitted may
18 be made and shall be noted in the record.

19 **SECTION 3.** 48.315 (2m) (b) of the statutes is amended to read:

20 48.315 (2m) (b) The court making an initial finding under s. 48.38 (5m) that
21 the agency primarily responsible for providing services to the child has made
22 reasonable efforts to achieve the ~~goals~~ permanency goal of the child's permanency
23 plan more than 12 months after the date on which the child was removed from the
24 home or making any subsequent findings under s. 48.38 (5m) as to those reasonable

1 efforts more than 12 months after the date of a previous finding as to those
2 reasonable efforts.

3 **SECTION 4.** 48.32 (1) (b) 1. c. of the statutes is amended to read:

4 48.32 (1) (b) 1. c. If a permanency plan has previously been prepared for the
5 child, a finding as to whether the county department, department, or agency has
6 made reasonable efforts to achieve the permanency goal of the child's permanency
7 plan, including, if appropriate, through an out-of-state placement.

8 **SECTION 5.** 48.32 (1) (c) of the statutes is amended to read:

9 48.32 (1) (c) If the judge or circuit court commissioner finds that any of the
10 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
11 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)
12 within 30 days after the date of that finding to determine the permanency plan goal
13 and, if applicable, any concurrent permanency goals for the child.

14 **SECTION 6.** 48.33 (4) (c) of the statutes is amended to read:

15 48.33 (4) (c) Specific information showing that continued placement of the child
16 in his or her home would be contrary to the welfare of the child, specific information
17 showing that the county department, the department, in a county having a
18 population of 500,000 or more, or the agency primarily responsible for providing
19 services to the child has made reasonable efforts to prevent the removal of the child
20 from the home, while assuring that the child's health and safety are the paramount
21 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
22 applies, and, if a permanency plan has previously been prepared for the child,
23 specific information showing that the county department, department, or agency has
24 made reasonable efforts to achieve the permanency goal of the child's permanency
25 plan, including, if appropriate, through an out-of-state placement.

1 **SECTION 7.** 48.335 (3g) (c) of the statutes is amended to read:

2 48.335 **(3g)** (c) That, if a permanency plan has previously been prepared for the
3 child, the county department, department, or agency has made reasonable efforts to
4 achieve the permanency goal of the child's permanency plan, including, if
5 appropriate, through an out-of-state placement,.

6 **SECTION 8.** 48.335 (4) of the statutes is amended to read:

7 48.335 **(4)** At hearings under this section, s. 48.357, 48.358, 48.363, or 48.365,
8 on the request of any party, unless good cause to the contrary is shown, the court may
9 admit testimony on the record by telephone or live audiovisual means, if available,
10 under s. 807.13 (2). The request and the showing of good cause may be made by
11 telephone.

12 **SECTION 9.** 48.355 (2) (b) 6. of the statutes is amended to read:

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

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

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

7 48.355 **(2b)** (title) ~~CONCURRENT REASONABLE EFFORTS PERMITTED~~ PLANNING.

8 **SECTION 11.** 48.355 (2b) of the statutes is renumbered 48.355 (2b) (b) and
9 amended to read:

10 48.355 **(2b)** (b) A county department, the department, in a county having a
11 population of 500,000 or more, or the agency primarily responsible for providing
12 services to a child under a court order may, ~~at the same time as the county~~
13 ~~department, department, or agency is making the reasonable efforts required under~~
14 ~~sub. (2) (b) 6. to prevent the removal of the child from the home or to make it possible~~
15 ~~for the child to return safely to his or her home, work with the department, a county~~
16 ~~department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under~~
17 ~~s. 48.61 (5) in making reasonable efforts to place the child for adoption, with a~~
18 ~~guardian, with a fit and willing relative, or in some other alternative permanent~~
19 ~~placement, including reasonable efforts to identify an appropriate out-of-state~~
20 ~~placement shall determine, in accordance with standards established by the~~
21 ~~department, whether to engage in concurrent planning. If, according to those~~
22 ~~standards, concurrent planning is required, the county department, department, or~~
23 ~~agency shall engage in concurrent planning unless the court or permanency review~~
24 ~~panel determines under s. 48.38 (5) (c) 5m. that concurrent planning is~~
25 inappropriate.

1 **SECTION 12.** 48.355 (2b) (a) of the statutes is created to read:

2 48.355 **(2b)** (a) In this subsection, “concurrent planning” means appropriate
3 efforts to work simultaneously towards achieving more than one of the permanency
4 goals listed in s. 48.38 (4) (fg) 1. to 5. for a child who is placed in out-of-home care
5 and for whom a permanency plan is required under s. 48.38 (2).

6 **SECTION 13.** 48.355 (2c) (b) of the statutes is amended to read:

7 48.355 **(2c)** (b) When a court makes a finding under sub. (2) (b) 6. as to whether
8 the county department, department, in a county having a population of 500,000 or
9 more, or agency primarily responsible for providing services to the child under a
10 court order has made reasonable efforts to achieve the permanency goal of the
11 permanency plan, the court’s consideration of reasonable efforts shall include the
12 considerations listed under par. (a) 1. to 5. and whether visitation schedules between
13 the child and his or her parents were implemented, unless visitation was denied or
14 limited by the court.

15 **SECTION 14.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

16 48.355 **(2d)** (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required
17 to include in a dispositional order a finding as to whether the county department, the
18 department, in a county having a population of 500,000 or more, or the agency
19 primarily responsible for providing services under a court order has made reasonable
20 efforts with respect to a parent of a child to prevent the removal of the child from the
21 home, while assuring that the child’s health and safety are the paramount concerns,
22 or a finding as to whether the county department, department, or agency has made
23 reasonable efforts with respect to a parent of a child to achieve the permanency plan
24 goal of returning the child safely to his or her home, if the court finds any of the
25 following:

1 **SECTION 15.** 48.355 (2d) (c) of the statutes is amended to read:

2 48.355 **(2d)** (c) If the court finds that any of the circumstances specified in par.
3 (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s.
4 48.38 (4m) within 30 days after the date of that finding to determine the permanency
5 plan goal and, if applicable, any concurrent permanency goals for the child.

6 **SECTION 16.** 48.355 (2e) (b) of the statutes is amended to read:

7 48.355 **(2e)** (b) Each time a child’s placement is changed under s. 48.357, a trial
8 reunification is ordered under s. 48.358, or a dispositional order is revised under s.
9 48.363 or extended under s. 48.365, the agency that prepared the permanency plan
10 shall revise the plan to conform to the order and shall file a copy of the revised plan
11 with the court. Each plan filed under this paragraph shall be made a part of the court
12 order.

13 **SECTION 17.** 48.357 (2v) (c) of the statutes is amended to read:

14 48.357 **(2v)** (c) If the court finds under par. (a) 3. that any of the circumstances
15 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall
16 hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to
17 determine the permanency plan goal and, if applicable, any concurrent permanency
18 goals for the child.

19 **SECTION 18.** 48.358 of the statutes is created to read:

20 **48.358 Trial reunification. (1) DEFINITION.** In this section:

21 (a) “Trial reunification” means authorization for a child who is placed in an
22 out-of-home placement under s. 48.355 or 48.357 to reside in the home of a relative
23 of the child from which the child was removed or in the home of either of the child’s
24 parents for a specified and limited period of 7 consecutive days or longer for the

1 purpose of determining the appropriateness of changing the placement of the child
2 to that home.

3 (b) “Trial reunification home” means the home in which in which a child resides
4 during a trial reunification.

5 **(2)** TRIAL REUNIFICATION; PROCEDURE. (a) *Request or proposal.* The person or
6 agency primarily responsible for implementing the dispositional order may request
7 a trial reunification. The request shall contain the name and address of the
8 requested trial reunification home, a statement describing why the trial
9 reunification is in the best interests of the child, and a statement describing how the
10 trial reunification satisfies the objectives of the child’s permanency plan. No person
11 may request a trial reunification on the sole grounds that an emergency condition
12 necessitates an immediate removal of the child from his or her out-of-home
13 placement. If an emergency condition necessitates such an immediate removal, the
14 person or agency primarily responsible for implementing the dispositional order
15 shall proceed as provided in s. 48.357 (2).

16 (b) *Notice; information required.* The person or agency requesting the trial
17 reunification shall submit the request to the court and shall cause written notice of
18 the requested trial reunification to be sent to the child, the parent, guardian, and
19 legal custodian of the child, any foster parent or other physical custodian described
20 in s. 48.62 (2) of the child, the child’s court-appointed special advocate, all parties
21 who are bound by the dispositional order, and, if the child is an Indian child who has
22 been removed from the home of his or her parent or Indian custodian, the Indian
23 child’s Indian custodian and tribe. The notice shall contain the information that is
24 required to be included in the request under par. (a).

1 (c) *Hearing; when required.* Any person who is entitled to receive notice of a
2 requested trial reunification under par. (b), other than a court–appointed special
3 advocate, may obtain a hearing on the matter by filing an objection with the court
4 within 10 days after the request was filed with the court. If an objection is filed, a
5 hearing shall be held within 30 days after the request was filed with the court. Not
6 less than 3 days before the hearing the person requesting the trial reunification or
7 the court shall provide notice of the hearing to all person who are entitled to receive
8 notice under par. (b). A copy of the request for the trial reunification shall be attached
9 to the notice. If all of the parties consent, the court may proceed immediately with
10 the hearing.

11 (d) *Order.* If the court finds that the trial reunification is in the best interests
12 of the child and that the trial reunification satisfies the objectives of the child’s
13 permanency plan, the court shall order the trial reunification. A trial reunification
14 shall terminate 90 days after the date of the order, unless the court specifies a shorter
15 period in the order, the court extends the trial reunification under sub. (3), or the
16 court revokes the trial reunification under sub. (4) (c) or (6) (b). No trial reunification
17 order may extend the expiration date of the original dispositional order under s.
18 48.355 or any extension order under s. 48.365. A trial reunification under this
19 section is not a change in placement under s. 48.357. At the end of a trial
20 reunification, the person or agency primarily responsible for implementing the
21 dispositional order shall do one of the following:

22 1. Return the child to his or her previous out–of–home placement. The person
23 or agency may do so without further order of the court, but shall provide notice of the
24 date of the return and the address of that placement to all persons who are entitled
25 to receive notice under par. (b).

1 2. Request a change in placement under s. 48.357 to place the child in a new
2 out-of-home placement.

3 3. Request a change in placement under s. 48.357 to place the child in the trial
4 reunification home.

5 **(3) EXTENSION OF TRIAL REUNIFICATION.** (a) *Extension request.* The person or
6 agency primarily responsible for implementing the dispositional order may request
7 an extension of a trial reunification. The request shall contain a statement
8 describing how the trial reunification continues to be in the best interests of the child.
9 No later than 10 days prior to the expiration of the trial reunification, the person or
10 agency that requests the extension shall submit the request to the court that ordered
11 the trial reunification and shall cause notice of the request to be provided to all
12 persons who are entitled to receive notice under sub. (2) (b).

13 (b) *Extension hearing; when required.* Any person who is entitled to receive
14 notice of the extension request under par. (a), other than a court-appointed special
15 advocate, may obtain a hearing on the matter by filing an objection with the court
16 within 10 days after the request was filed with the court. If an objection is filed, the
17 court shall schedule a hearing on the matter. If the court is unable to conduct a
18 hearing on the matter before the trial reunification expires, the court may extend the
19 trial reunification for not more than 30 days without a hearing. If a hearing is
20 scheduled, not less than 3 days before the hearing the person or agency requesting
21 the extension or the court shall provide notice of the hearing to all persons who are
22 entitled to receive notice of the extension request under par. (a). A copy of the request
23 for the extension shall be attached to the notice. If all of the parties consent, the court
24 may proceed immediately with the hearing.

1 (c) *Extension order.* If the court finds that the trial reunification continues to
2 be in the best interests of the child, the court shall grant an order extending the trial
3 reunification for a period specified by the court. Any number of extensions may be
4 granted, but the total period for a trial reunification may not exceed 150 days.

5 **(4) REVOCATION OF TRIAL REUNIFICATION.** (a) *Revocation request; information*
6 *required.* 1. If the person or agency primarily responsible for implementing the
7 dispositional order determines based on current circumstances that a trial
8 reunification is no longer in the best interests of the child, that person or agency may,
9 without prior court order, remove the child from the trial reunification home and
10 place the child in the child's previous out-of-home placement as provided in subd.
11 2. or place the child in a new out-of-home placement as provided in subd. 3.

12 2. If the person or agency primarily responsible for implementing the
13 dispositional order places the child in the child's previous out-of-home placement,
14 within 3 days after removing the child from the trial reunification home, that person
15 or agency shall submit a request for revocation of the trial reunification to the court
16 that ordered the trial reunification and shall cause notice of the request to be
17 provided to all persons who are entitled to receive notice of the trial reunification
18 under a sub. (2) (b). The request shall contain the date on which the child was
19 removed from the trial reunification home, the address of the child's current
20 placement, and the reasons for the proposed revocation. Paragraphs (b) and (c) apply
21 to a request for revocation submitted under this subdivision.

22 3. If the person or agency primarily responsible for implementing the
23 dispositional order places the child in a new out-of-home placement, within 3 days
24 after removing the child from the trial reunification home, that person or agency
25 shall request a change in placement under s. 48.357 (1) (am). The procedures

1 specified in s. 48.357 relating to a change in placement under s. 48.357 (1) (am) apply
2 to a change in placement requested under this subdivision, except that the request
3 shall include the date on which the child was removed from the trial reunification
4 home in addition to the information required under s. 48.357 (1) (am) 1., and the trial
5 reunification is revoked when the change in placement order is granted.

6 (b) *Revocation hearing; when required.* Any person who is entitled to receive
7 notice of a revocation request under par. (a) 2., other than a court–appointed special
8 advocate, may obtain a hearing on the matter by filing an objection with the court
9 within 10 days after the request is filed with the court. If a hearing is scheduled, not
10 less than 3 days prior to the hearing the court shall provide notice of the hearing,
11 together with a copy of the request for the revocation, to all persons who are entitled
12 to receive notice under par. (a) 2. If all parties consent, the court may proceed
13 immediately with the hearing.

14 (c) *Revocation order.* If the court finds that the trial reunification is no longer
15 in the best interests of a child who has been placed in his or her previous out–of–home
16 placement under par. (a) 1., the court shall grant an order revoking the trial
17 reunification and approving that placement.

18 (5) **REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN.** If a hearing is
19 held under sub. (2) (c) and the trial reunification would remove a child from a foster
20 home or other placement with a physical custodian described in s. 48.62 (2), the court
21 shall give the foster parent or other physical custodian a right to be heard at the
22 hearing by permitting the foster parent or other physical custodian to make a written
23 or oral statement during the hearing or to submit a written statement prior to the
24 hearing relating to the child and the requested trial reunification. A foster parent
25 or other physical custodian described in s. 48.62 (2) who receives notice of a hearing

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

4 **(6) PROHIBITED TRIAL REUNIFICATIONS BASED ON HOMICIDE OF PARENT. (a)**
5 *Prohibition.* Except as provided in par. (c), the court may not order a trial
6 reunification in the home of a person who has been convicted under s. 940.01 of the
7 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
8 homicide, of a parent of the child, if the conviction has not been reversed, set aside,
9 or vacated.

10 (b) *Revocation.* Except as provided in par. (c), if a parent in whose home a child
11 is placed for a trial reunification is convicted under s. 940.01 of the first-degree
12 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of
13 the child's other parent, and the conviction has not been reversed, set aside, or
14 vacated, the court shall revoke the trial reunification.

15 (c) *Exception.* Paragraphs (a) and (b) do not apply if the court determines by
16 clear and convincing evidence that the placement would be in the best interests of
17 the child. The court shall consider the wishes of the child in making that
18 determination.

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

20 48.363 **(1)** (a) A child, the child's parent, guardian, legal custodian, or Indian
21 custodian, an expectant mother, an unborn child by the unborn child's guardian ad
22 litem, any person or agency bound by a dispositional order, or the district attorney
23 or corporation counsel in the county in which the dispositional order was entered
24 may request a revision in the order that does not involve a change in placement or
25 a trial reunification, including a revision with respect to the amount of child support

1 to be paid by a parent. The court may also propose a revision. The request or court
2 proposal shall set forth in detail the nature of the proposed revision and what new
3 information is available that affects the advisability of the court's disposition. The
4 request or court proposal shall be submitted to the court. The court shall hold a
5 hearing on the matter prior to any revision of the dispositional order if the request
6 or court proposal indicates that new information is available which affects the
7 advisability of the court's dispositional order, unless written waivers of objections to
8 the revision are signed by all parties entitled to receive notice and the court approves.

9 **SECTION 20.** 48.365 (2g) (b) 2. of the statutes is amended to read:

10 48.365 **(2g)** (b) 2. An evaluation of the child's adjustment to the placement and
11 of any progress the child has made, suggestions for amendment of the permanency
12 plan, and specific information showing the efforts that have been made to achieve the
13 permanency goal of the permanency plan, including, if applicable, the efforts of the
14 parents to remedy the factors that contributed to the child's placement.

15 **SECTION 21.** 48.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act
16 79, is amended to read:

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

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

11 **SECTION 22.** 48.365 (2m) (a) 1. of the statutes is amended to read:

12 48.365 **(2m)** (a) 1. Any party may present evidence relevant to the issue of
13 extension. If the child is placed outside of his or her home, the person or agency
14 primarily responsible for providing services to the child shall present as evidence
15 specific information showing that the person or agency has made reasonable efforts
16 to achieve the permanency goal of the child's permanency plan, including, if
17 appropriate, through an out-of-state placement, ~~under~~. If an Indian child is placed
18 outside the home of his or her parent or Indian custodian, the person or agency
19 primarily responsible for providing services to the Indian child shall also present as
20 evidence specific information showing that active efforts under s. 48.028 (4) (d) 2.
21 have been made to prevent the breakup of the Indian child's family and that those
22 efforts have proved unsuccessful.

23 **SECTION 23.** 48.365 (2m) (a) 1m. of the statutes is amended to read:

24 48.365 **(2m)** (a) 1m. The judge shall make findings of fact and conclusions of
25 law based on the evidence. The findings of fact shall include a finding as to whether

1 reasonable efforts were made by the person or agency primarily responsible for
2 providing services to the child to achieve the permanency goal of the child's
3 permanency plan, including, if appropriate, through an out-of-state placement,
4 ~~under~~. If the child is an Indian child who is placed outside the home of his or her
5 parent or Indian custodian, the findings of fact shall also include a finding that active
6 efforts under s. 48.028 (4) (d) 2. were made to prevent the breakup of the Indian
7 child's family and that those efforts have proved unsuccessful. An order shall be
8 issued under s. 48.355.

9 **SECTION 24.** 48.365 (2m) (a) 3. of the statutes is amended to read:

10 48.365 **(2m)** (a) 3. The judge shall make the findings under subd. 1m. relating
11 to reasonable efforts to achieve the permanency goal of the child's permanency plan
12 and the findings under subd. 2. on a case-by-case basis based on circumstances
13 specific to the child and shall document or reference the specific information on
14 which those findings are based in the order issued under s. 48.355. An order that
15 merely references subd. 1m. or 2. without documenting or referencing that specific
16 information in the order or an amended order that retroactively corrects an earlier
17 order that does not comply with this subdivision is not sufficient to comply with this
18 subdivision.

19 **SECTION 25.** 48.365 (2m) (ad) of the statutes is amended to read:

20 48.365 **(2m)** (ad) If the judge finds that any of the circumstances under s.
21 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a hearing
22 under s. 48.38 (4m) within 30 days after the date of that finding to determine the
23 permanency plan goal and, if applicable any concurrent permanency goals for the
24 child.

25 **SECTION 26.** 48.365 (7) of the statutes is amended to read:

1 48.365 (7) Nothing in this section may be construed to allow any changes in
2 placement or trial reunifications. Changes in placement may take place only under
3 s. 48.357, and trial reunifications may take place only under s. 48.358.

4 **SECTION 27.** 48.371 (5) of the statutes is amended to read:

5 48.371 (5) Except as permitted under s. 252.15 (6), a foster parent, relative, or
6 operator of a group home or residential care center for children and youth that
7 receives any information under sub. (1) or (3), other than the information described
8 in sub. (3) (e), shall keep the information confidential and may disclose that
9 information only for the purposes of providing care for the child or participating in
10 a court hearing or permanency plan review concerning the child.

11 **SECTION 28.** 48.38 (2) (intro.) of the statutes is amended to read:

12 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
13 for each child living in a foster home, group home, residential care center for children
14 and youth, juvenile detention facility, or shelter care facility, the agency that placed
15 the child or arranged the placement or the agency assigned primary responsibility
16 for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written
17 permanency plan, if any of the following conditions exists, and, for each child living
18 in the home of guardian or a relative other than a parent, that agency shall prepare
19 a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

20 **SECTION 29.** 48.38 (4) (ar) of the statutes is amended to read:

21 48.38 (4) (ar) A description of the services offered and any services provided in
22 an effort to prevent the removal of the child from his or her home, while assuring that
23 the health and safety of the child are the paramount concerns, and to achieve the goal
24 of the permanency plan, except that the permanency plan is not required to include
25 a description of the services offered or provided with respect to a parent of the child

1 to prevent the removal of the child from the home or to achieve the permanency plan
2 goal of returning the child safely to his or her home if any of the circumstances
3 specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent.

4 **SECTION 30.** 48.38 (4) (f) 3. of the statutes is amended to read:

5 48.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe
6 return of the child to his or her home, or, if appropriate, obtain an alternative
7 permanent placement for the child a placement for adoption, with a guardian, with
8 a fit and willing relative, or in some other planned permanent living arrangement
9 that includes an appropriate, enduring relationship with an adult.

10 **SECTION 31.** 48.38 (4) (fg) (intro.) of the statutes is amended to read:

11 48.38 (4) (fg) (intro.) The goal of the permanency plan or, if the agency is making
12 concurrent reasonable efforts under engaging in concurrent planning, as defined in
13 s. 48.355 (2b) (a), the permanency and concurrent permanency goals of the
14 permanency plan. If a goal of the permanency plan is any goal other than return of
15 the child to his or her home to place the child for adoption, with a guardian, or with
16 a fit and willing relative, the permanency plan shall include the rationale for
17 deciding on that goal. If a goal of the permanency plan is an alternative permanent
18 placement under subd. 5., the permanency plan shall document a compelling reason
19 why it would not be in the best interest of the child to pursue a goal specified in subds.
20 1. to 4. and the efforts made to achieve that goal, including, if appropriate, through
21 an out-of-state placement. If the agency determines under s. 48.355 (2b) (b) to
22 engage in concurrent planning, the permanency plan shall include the rationale for
23 that determination and a description of the concurrent plan and the permanency and
24 concurrent permanency goals of the concurrent plan. The agency shall determine one
25 or more of the following goals to be the goal or goals of a child's permanency plan:

1 **SECTION 32.** 48.38 (4) (fg) 5. of the statutes is amended to read:

2 48.38 (4) (fg) 5. ~~Some~~ As provided in par. (fm), some other alternative planned
3 permanent placement living arrangement that includes an appropriate, enduring
4 relationship with an adult, including sustaining care, independent living, or
5 long-term foster care, but not including independent living.

6 **SECTION 33.** 48.38 (4) (fm) of the statutes is amended to read:

7 48.38 (4) (fm) ~~If the goal of the permanency plan is to~~ agency determines that
8 there is a compelling reason why it currently would not be in the best interests of the
9 child to return the child to his or her home or to place the child for adoption, with a
10 guardian, or with a fit and willing relative, or as the permanency goal for the child,
11 the permanency goal of placing the child in some other alternative planned
12 permanent placement, living arrangement described in par. (fg) 5. and the efforts
13 made to achieve that goal, including, if appropriate, through an out-of-state
14 placement. If the agency makes that determination, the plan shall include a
15 statement of that compelling reason and, notwithstanding that compelling reason,
16 a concurrent plan under s. 48.355 (2b) towards achieving a goal under par. (fg) 1. to
17 4. as a concurrent permanency goal in addition to the permanency goal under par.
18 (fg) 5.

19 **SECTION 34.** 48.38 (4) (i) of the statutes is amended to read:

20 48.38 (4) (i) A statement as to whether the child's age and developmental level
21 are sufficient for the court to consult with the child at the permanency plan
22 ~~determination~~ hearing under sub. (4m) (c) or ~~at the permanency plan hearing under~~
23 ~~sub. (5m) (c) 2. or s. 48.43 (5) (b) 2. or for the court or panel to consult with the child~~
24 ~~at the permanency plan review under sub. (5) (bm) 2. and, if a decision is made that~~
25 ~~it would not be age appropriate or developmentally appropriate for the court or panel~~

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

3 **SECTION 35.** 48.38 (4m) (title) of the statutes is amended to read:

4 48.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; ~~PERMANENCY PERMANENCY~~
5 ~~PLAN DETERMINATION HEARING.~~

6 **SECTION 36.** 48.38 (5) (title) of the statutes is amended to read:

7 48.38 (5) (title) ~~PLAN~~ PERMANENCY REVIEW.

8 **SECTION 37.** 48.38 (5) (a) of the statutes is amended to read:

9 48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed
10 under par. (ag) shall review the permanency plan in the manner provided in this
11 subsection not later than 6 months after the date on which the child was first
12 removed from his or her home and every 6 months after a previous review under this
13 subsection for as long as the child is placed outside the home, except that for the
14 review that is required to be conducted not later than 12 months after the child was
15 first removed from his or her home and the reviews that are required to be conducted
16 every 12 months after that review the court shall hold a hearing under sub. (5m) to
17 review the permanency plan, which hearing may be instead of or in addition to the
18 review under this subsection. The 6-month and 12-month periods referred to in this
19 paragraph include any period during which the child resides in a trial reunification
20 home under s. 48.358.

21 **SECTION 38.** 48.38 (5) (am) of the statutes is amended to read:

22 48.38 (5) (am) The court may appoint an independent agency to designate a
23 panel to conduct a permanency ~~plan~~ review under par. (a). If the court in a county
24 having a population of less than 500,000 appoints an independent agency under this
25 paragraph, the county department of the county of the court shall authorize and

1 contract for the purchase of services from the independent agency. If the court in a
2 county having a population of 500,000 or more appoints an independent agency
3 under this paragraph, the department shall authorize and contract for the purchase
4 of services from the independent agency.

5 **SECTION 39.** 48.38 (5) (c) 5. of the statutes is amended to read:

6 48.38 (5) (c) 5. The date by which it is likely that the child will be returned to
7 his or her home or placed for adoption, with a guardian, with a fit and willing relative,
8 or in some other ~~alternative~~ planned permanent placement living arrangement that
9 includes an appropriate, enduring relationship with an adult.

10 **SECTION 40.** 48.38 (5) (c) 5m. of the statutes is created to read:

11 48.38 (5) (c) 5m. The continuing appropriateness, according to standards
12 established by the department, of the permanency goal and any concurrent
13 permanency goals for the child. If the court or panel does not approve of any of those
14 goals or if the court or panel determines that a concurrent permanency goal is
15 appropriate, the court or panel shall determine the permanency goal and, if
16 appropriate, any concurrent permanency goals for the child.

17 **SECTION 41.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

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

1 **SECTION 42.** 48.38 (5) (c) 6. d. of the statutes is amended to read:

2 48.38 (5) (c) 6. d. Being placed in some other alternative planned permanent
3 placement living arrangement that includes an appropriate, enduring relationship
4 with an adult, including sustaining care, ~~independent living~~, or long-term foster
5 care, but not including independent living.

6 **SECTION 43.** 48.38 (5) (c) 7. of the statutes is amended to read:

7 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
8 the permanency goal of the permanency plan, including, if appropriate, through an
9 out-of-state placement.

10 **SECTION 44.** 48.38 (5) (f) of the statutes is amended to read:

11 48.38 (5) (f) If the summary prepared under par. (e) indicates that the review
12 panel made recommendations that conflict with the court child's dispositional order
13 or that provide for additional services not specified in the court dispositional order,
14 the agency primarily responsible for providing services to the child shall request a
15 revision of the court dispositional order.

16 **SECTION 45.** 48.38 (5m) (title) of the statutes is amended to read:

17 48.38 (5m) (title) PERMANENCY PLAN HEARING.

18 **SECTION 46.** 48.38 (5m) (a) of the statutes is amended to read:

19 48.38 (5m) (a) The court shall hold a hearing to review the permanency plan
20 and to make the determinations specified in sub. (5) (c) no later than 12 months after
21 the date on which the child was first removed from the home and every 12 months
22 after a previous hearing under this subsection for as long as the child is placed
23 outside the home. The 12-month periods referred to in this paragraph include any
24 period during which the child resides in a trial reunification home under s. 48.358.

25 **SECTION 47.** 48.38 (5m) (b) of the statutes is amended to read:

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, the operator of the facility in which the child is living, or the
4 relative with whom the child is living; of the time, place, and purpose of the hearing,
5 of the issues to be determined at the hearing, and of the fact that they shall have a
6 right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's
7 counsel, the child's guardian ad litem, and the child's court-appointed special
8 advocate; the agency that prepared the permanency plan; the person representing
9 the interests of the public; and, if the child is an Indian child who is placed outside
10 the home of his or her parent or Indian custodian, the Indian child's Indian custodian
11 and tribe ~~of the date, time, and place, and purpose~~ of the hearing, of the issues to be
12 determined at the hearing, and of the fact that they may have an opportunity to be
13 heard at the hearing as provided in par. (c) 1.

14 **SECTION 48.** 48.38 (5m) (f) of the statutes is amended to read:

15 **48.38 (5m)** (f) If the findings of fact and conclusions of law under par. (e) conflict
16 with the child's dispositional order or provide for any additional services not specified
17 in the dispositional order, the court shall revise the dispositional order under s.
18 48.363 ~~or~~, order a change in placement under s. 48.357, or order a trial reunification
19 under s. 48.358, as appropriate.

20 **SECTION 49.** 48.38 (6) (a) of the statutes is amended to read:

21 **48.38 (6)** (a) Procedures for conducting permanency ~~plan~~ reviews.

22 **SECTION 50.** 48.417 (1) (a) of the statutes is amended to read:

23 **48.417 (1)** (a) The child has been placed outside of his or her home, as described
24 in s. 48.365 (1) or 938.365 (1), in a foster home, group home, nonsecured residential
25 care center for children and youth, or shelter care facility for 15 of the most recent

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

7 **SECTION 51.** 48.43 (1) (cm) of the statutes is amended to read:

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

19 **SECTION 52.** 48.43 (5m) of the statutes is amended to read:

20 48.43 (5m) Either the court or the agency that prepared the permanency plan
21 shall furnish a copy of the original plan and each revised plan to the child, if he or
22 she is 12 years of age or over, to the child's guardian, to the child's foster parent or,
23 the operator of the facility in which the child is living, or the relative with whom the
24 child is living, and, if the order under sub. (1) involuntarily terminated parental
25 rights to an Indian child, to the Indian child's tribe.

1 **SECTION 53.** 48.63 (5) (d) 4. of the statutes is amended to read:

2 48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed
3 the child or that arranged the placement of the child shall provide a copy of the
4 revised permanency plan or plans and the request for review submitted under subd.
5 3. and notice of the time and place of the review to the child, the parent, guardian,
6 Indian custodian, and legal custodian of the child, and the operator of the group home
7 in which the child is placed, together with notice of the issues to be determined as
8 part of the permanency ~~plan~~ review and notice of the fact that those persons shall
9 have a right to be heard at the review by submitting written comments to that agency
10 or the independent reviewing agency before the review or by participating at the
11 review.

12 **SECTION 54.** 48.977 (4) (i) (title) of the statutes is amended to read:

13 48.977 (4) (i) (title) *Effect of disposition on permanency ~~plan~~ review process.*

14 **SECTION 55.** 757.69 (1) (g) 14. of the statutes is amended to read:

15 757.69 (1) (g) 14. Conduct permanency ~~plan~~ reviews under s. 48.38 (5) or 938.38
16 (5) and permanency ~~plan~~ hearings under s. 48.38 (5m) or 938.38 (5m).

17 **SECTION 56.** 938.21 (5) (d) of the statutes is amended to read:

18 938.21 (5) (d) If the court finds that any of the circumstances specified in s.
19 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
20 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
21 permanency ~~plan~~ goal and, if applicable, any concurrent permanency goals for the
22 juvenile.

23 **SECTION 57.** 938.315 (2m) (b) of the statutes is amended to read:

24 938.315 (2m) (b) The court making an initial finding under s. 938.38 (5m) that
25 the agency primarily responsible for providing services to the juvenile has made

1 reasonable efforts to achieve the permanency goals of the juvenile’s permanency plan
2 more than 12 months after the date on which the juvenile was removed from the
3 home or making any subsequent findings under s. 938.38 (5m) as to those reasonable
4 efforts more than 12 months after the date of a previous finding as to those
5 reasonable efforts.

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

7 938.32 (1) (c) 1. c. If a permanency plan has previously been prepared for the
8 juvenile, a finding as to whether the county department or agency has made
9 reasonable efforts to achieve the permanency goal of the juvenile’s permanency plan,
10 including, if appropriate, through an out-of-state placement.

11 **SECTION 59.** 938.32 (1) (d) of the statutes is amended to read:

12 938.32 (1) (d) If the court finds that any of the circumstances specified in s.
13 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
14 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
15 permanency plan goal and, if applicable, any concurrent permanency goals for the
16 juvenile.

17 **SECTION 60.** 938.33 (4) (c) of the statutes is amended to read:

18 938.33 (4) (c) Specific information showing that continued placement of the
19 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
20 information showing that the county department or the agency primarily
21 responsible for providing services to the juvenile has made reasonable efforts to
22 prevent the removal of the juvenile from the home, while assuring that the juvenile’s
23 health and safety are the paramount concerns, unless any of the circumstances
24 specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency plan has
25 previously been prepared for the juvenile, specific information showing that the

1 county department or agency has made reasonable efforts to achieve the permanency
2 goal of the juvenile’s permanency plan, including, if appropriate, through an
3 out-of-state placement,.

4 **SECTION 61.** 938.335 (3g) (c) of the statutes is amended to read:

5 938.335 (3g) (c) That, if a permanency plan has previously been prepared for
6 the juvenile, the county department or agency has made reasonable efforts to achieve
7 the permanency goal of the juvenile’s permanency plan, including, if appropriate,
8 through an out-of-state placement,.

9 **SECTION 62.** 938.335 (4) of the statutes is amended to read:

10 938.335 (4) TESTIMONY BY TELEPHONE OR LIVE AUDIOVISUAL MEANS. At hearings
11 under this section, s. 938.357, 938.358, 938.363, or 938.365, on the request of any
12 party, unless good cause to the contrary is shown, the court may admit testimony on
13 the record by telephone or live audiovisual means, if available, under s. 807.13 (2).
14 The request and the showing of good cause may be made by telephone.

15 **SECTION 63.** 938.355 (2) (b) 6. of the statutes is amended to read:

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

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

13 **SECTION 64.** 938.355 (2b) of the statutes is renumbered 938.355 (2b) (b) and
14 amended to read:

15 938.355 **(2b)** (b) A county department or the agency primarily responsible for
16 providing services to a juvenile under a court order ~~may, at the same time as the~~
17 ~~county department or agency is making the reasonable efforts required under sub.~~
18 ~~(2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible~~
19 ~~for the juvenile to return safely to his or her home, work with the department of~~
20 ~~children and families, a county department under s. 48.57 (1) (e) or (hm), or a child~~
21 ~~welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the~~
22 ~~juvenile for adoption, with a guardian, with a fit and willing relative, or in some other~~
23 ~~alternative permanent placement, including reasonable efforts to identify an~~
24 ~~appropriate out-of-state placement shall determine, in accordance with standards~~
25 ~~established by the department, whether to engage in concurrent planning. If,~~

1 according to those standards, concurrent planning is required, the county
2 department or agency shall engage in concurrent planning unless the court or
3 permanency review panel determines under s. 938.38 (5) (c) 5m. that concurrent
4 planning is inappropriate.

5 **SECTION 65.** 938.355 (2b) (a) of the statutes is created to read:

6 938.355 **(2b)** (a) In this subsection, “concurrent planning” means appropriate
7 efforts to work simultaneously towards achieving more than one of the permanency
8 goals listed in s. 938.38 (4) (fg) 1. to 5. for a juvenile who is placed in out-of-home care
9 and for whom a permanency plan is required under s. 938.38 (2).

10 **SECTION 66.** 938.355 (2c) (b) of the statutes is amended to read:

11 938.355 **(2c)** (b) When a court makes a finding under sub. (2) (b) 6. as to whether
12 the county department or the agency primarily responsible for providing services to
13 the juvenile under a court order has made reasonable efforts to achieve the
14 permanency goal of the permanency plan, the court’s consideration of reasonable
15 efforts shall include the considerations under par. (a) and whether visitation
16 schedules between the juvenile and his or her parents were implemented, unless
17 visitation was denied or limited by the court.

18 **SECTION 67.** 938.355 (2d) (b) (intro.) of the statutes is amended to read:

19 938.355 **(2d)** (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not
20 required to include in a dispositional order 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 with respect to a parent of a juvenile to prevent
23 the removal of the juvenile from the home, while assuring that the juvenile’s health
24 and safety are the paramount concerns, or, if applicable, a finding as to whether the
25 county department or agency has made reasonable efforts with respect to a parent

1 of a juvenile to achieve the permanency ~~plan~~ goal of returning the juvenile safely to
2 his or her home, if the court finds any of the following:

3 **SECTION 68.** 938.355 (2d) (c) of the statutes is amended to read:

4 938.355 (2d) (c) If the court finds that any of the circumstances under par. (b)
5 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38
6 (4m) within 30 days after the date of that finding to determine the permanency ~~plan~~
7 goal and, if applicable, any concurrent permanency goals for the juvenile.

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

9 938.355 (2e) (b) Each time a juvenile's placement is changed under s. 938.357,
10 a trial reunification is ordered under s. 938.358, or a dispositional order is revised
11 under s. 938.363 or extended under s. 938.365, the agency that prepared the
12 permanency plan shall revise the plan to conform to the order and shall file a copy
13 of the revised plan with the court. Each plan filed shall be made a part of the court
14 order.

15 **SECTION 70.** 938.357 (2v) (c) of the statutes is amended to read:

16 938.357 (2v) (c) *Permanency ~~plan~~ hearing.* If the court finds under par. (a) 3.
17 that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect
18 to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after
19 the date of that finding to determine the permanency ~~plan~~ goal and, if applicable, any
20 concurrent permanency goals for the juvenile.

21 **SECTION 71.** 938.358 of the statutes is created to read:

22 **938.358 Trial reunification. (1) DEFINITION.** In this section:

23 (a) "Trial reunification" means authorization for a juvenile who is placed in an
24 out-of-home placement under s. 938.355 or 938.357 to reside in the home of a
25 relative of the juvenile from which the juvenile was removed or in the home of either

1 of the juvenile’s parents for a specified and limited period of 7 consecutive days or
2 longer for the purpose of determining the appropriateness of changing the placement
3 of the juvenile to that home.

4 (b) “Trial reunification home” means the home in which a juvenile resides
5 during a trial reunification.

6 **(2) TRIAL REUNIFICATION; PROCEDURE.** (a) *Request or proposal.* The person or
7 agency primarily responsible for implementing the dispositional order may request
8 a trial reunification. The request shall contain the name and address of the
9 requested trial reunification home, a statement describing why the trial
10 reunification is in the best interests of the juvenile, and a statement describing how
11 the trial reunification satisfies the objectives of the juvenile’s permanency plan. No
12 person may request a trial reunification on the sole grounds that an emergency
13 condition necessitates an immediate removal of the juvenile from his or her
14 out-of-home placement. If an emergency condition necessitates such an immediate
15 removal, the person or agency primarily responsible for implementing the
16 dispositional order shall proceed as provided in s. 938.357 (2).

17 (b) *Notice; information required.* The person or agency requesting the trial
18 reunification shall submit the request to the court and shall cause written notice of
19 the requested trial reunification to be sent to the juvenile, the parent, guardian, and
20 legal custodian of the juvenile, any foster parent or other physical custodian
21 described in s. 48.62 (2) of the juvenile, all parties who are bound by the dispositional
22 order, and, if the juvenile is an Indian juvenile who has been removed from the home
23 of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian
24 juvenile’s Indian custodian and tribe. The notice shall contain the information that
25 is required to be included in the request under par. (a).

1 (c) *Hearing; when required.* Any person receiving notice of a requested trial
2 reunification under par. (b) may obtain a hearing on the matter by filing an objection
3 with the court within 10 days after the request was filed with the court. If an
4 objection is filed, a hearing shall be held within 30 days after the request was filed
5 with the court. Not less than 3 days before the hearing the person requesting the trial
6 reunification or the court shall provide notice of the hearing to all persons who are
7 entitled to receive notice under par. (b). A copy of the request for the trial
8 reunification shall be attached to the notice. If all of the parties consent, the court
9 may proceed immediately with the hearing.

10 (d) *Order.* If the court finds that the trial reunification is in the best interests
11 of the juvenile and that the trial reunification satisfies the objectives of the juvenile's
12 permanency plan, the court shall order the trial reunification. A trial reunification
13 shall terminate 90 days after the date of the order, unless the court specifies a shorter
14 period in the order, the court extends the trial reunification under sub. (3), or the
15 court revokes the trial reunification under sub. (4) (c) or (6) (b). No trial reunification
16 order may extend the expiration date of the original dispositional order under s.
17 938.355 or any extension order under s. 938.365. A trial reunification under this
18 section is not a change in placement under s. 938.357. At the end of a trial
19 reunification, the person or agency primarily responsible for implementing the
20 dispositional order shall do one of the following:

21 1. Return the juvenile to his or her previous out-of-home placement. The
22 person or agency may do so without further order of the court, but shall provide notice
23 of the date of the return and the address of that placement to all persons who are
24 entitled to receive notice under par. (b).

1 2. Request a change in placement under s. 938.357 to place the juvenile in a new
2 out-of-home placement.

3 3. Request a change in placement under s. 938.357 to place the juvenile in the
4 trial reunification home.

5 **(3) EXTENSION OF TRIAL REUNIFICATION.** (a) *Extension request.* The person or
6 agency primarily responsible for implementing the dispositional order may request
7 an extension of a trial reunification. The request shall contain a statement
8 describing how the trial reunification continues to be in the best interests of the
9 juvenile. No later than 10 days prior to the expiration of the trial reunification, the
10 person or agency that requests the extension shall submit the request to the court
11 that ordered the trial reunification and shall cause notice of the request to be
12 provided to all persons who are entitled to receive notice under sub. (2) (b).

13 (b) *Extension hearing; when required.* Any person who is entitled to receive
14 notice of the extension request under par. (a) may obtain a hearing on the matter by
15 filing an objection with the court within 10 days after the request was filed with the
16 court. If an objection is filed, the court shall schedule a hearing on the matter. If the
17 court is unable to conduct a hearing on the matter before the trial reunification
18 expires, the court may extend the trial reunification for not more than 30 days
19 without a hearing. If a hearing is scheduled, not less than 3 days before the hearing
20 the person or agency requesting the extension or the court shall provide notice of the
21 hearing to all persons who are entitled to receive notice of the extension request
22 under par. (a). A copy of the request for the extension shall be attached to the notice.
23 If all of the parties consent, the court may proceed immediately with the hearing.

24 (c) *Extension order.* If the court finds that the trial reunification continues to
25 be in the best interests of the juvenile, the court shall grant an order extending the

1 trial reunification for a period specified by the court. Any number of extensions may
2 be granted, but the total period for a trial reunification may not exceed 150 days.

3 (4) REVOCATION OF TRIAL REUNIFICATION. (a) *Revocation request; information*
4 *required.* 1. If the person or agency primarily responsible for implementing the
5 dispositional order determines based on current circumstances that a trial
6 reunification is no longer in the best interests of the juvenile, that person or agency
7 may, without prior court order, remove the juvenile from the trial reunification home
8 and place the juvenile in the juvenile's previous out-of-home placement as provided
9 in subd. 2. or place the juvenile in a new out-of-home placement as provided in subd.
10 3.

11 2. If the person or agency primarily responsible for implementing the
12 dispositional order places the juvenile in the juvenile's previous out-of-home
13 placement, within 3 days after removing the juvenile from the trial reunification
14 home, that person or agency shall submit a request for revocation of the trial
15 reunification to the court that ordered the trial reunification and shall cause notice
16 of the request to be provided to all persons who are entitled to receive notice of the
17 trial reunification under a sub. (2) (b). The request shall contain the date on which
18 the juvenile was removed from the trial reunification home, the address of the
19 juvenile's current placement, and the reasons for the proposed revocation.
20 Paragraphs (b) and (c) apply to a request for revocation submitted under this
21 subdivision.

22 3. If the person or agency primarily responsible for implementing the
23 dispositional order places the juvenile in a new out-of-home placement, within 3
24 days after removing the juvenile from the trial reunification home, that person or
25 agency shall request a change in placement under s. 938.357 (1) (am). The

1 procedures specified in s. 938.357 relating to a change in placement under s. 938.357
2 (1) (am) apply to a change in placement requested under this subdivision, except that
3 the request shall include the date on which the juvenile was removed from the trial
4 reunification home in addition to the information required under s. 938.357 (1) (am)
5 1., and the trial reunification is revoked when the change in placement order is
6 granted.

7 (b) *Revocation hearing; when required.* Any person who is entitled to receive
8 notice of a revocation request under par. (a) 2. may obtain a hearing on the matter
9 by filing an objection with the court within 10 days after the request is filed with the
10 court. If a hearing is scheduled, not less than 3 days prior to the hearing the court
11 shall provide notice of the hearing, together with a copy of the request for the
12 revocation, to all persons who are entitled to receive notice under par. (a) 2. If all
13 parties consent, the court may proceed immediately with the hearing.

14 (c) *Revocation order.* If the court finds that the trial reunification is no longer
15 in the best interests of a juvenile who has been placed in his or her previous
16 out-of-home placement under par. (a) 1., the court shall grant an order revoking the
17 trial reunification and approving that placement.

18 **(5) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN.** If a hearing is
19 held under sub. (2) (c) and the trial reunification would remove a juvenile from a
20 foster home or other placement with a physical custodian described in s. 48.62 (2),
21 the court shall give the foster parent or other physical custodian a right to be heard
22 at the hearing by permitting the foster parent or other physical custodian to make
23 a written or oral statement during the hearing or to submit a written statement prior
24 to the hearing relating to the juvenile and the requested trial reunification. A foster
25 parent or other physical custodian described in s. 48.62 (2) who receives notice of a

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

4 **(6) PROHIBITED TRIAL REUNIFICATIONS BASED ON HOMICIDE OF PARENT.** (a)
5 *Prohibition.* Except as provided in par. (c), the court may not order a trial
6 reunification in the home of a person who has been convicted under s. 940.01 of the
7 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
8 homicide, of a parent of the juvenile, if the conviction has not been reversed, set aside,
9 or vacated.

10 (b) *Revocation.* Except as provided in par. (c), if a parent in whose home a
11 juvenile is placed for a trial reunification is convicted under s. 940.01 of the
12 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
13 homicide, of the juvenile's other parent, and the conviction has not been reversed, set
14 aside, or vacated, the court shall revoke the trial reunification.

15 (c) *Exception.* Paragraphs (a) and (b) do not apply if the court determines by
16 clear and convincing evidence that the placement would be in the best interests of
17 the juvenile. The court shall consider the wishes of the juvenile in making that
18 determination.

19 **SECTION 72.** 938.363 (1) (a) of the statutes is amended to read:

20 938.363 (1) (a) A juvenile, the juvenile's parent, guardian, or legal custodian,
21 any person or agency bound by a dispositional order, the district attorney or
22 corporation counsel in the county in which the dispositional order was entered or, if
23 the juvenile is an Indian juvenile who is in need of protection or services under s.
24 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian may request a
25 revision in the order that does not involve a change in placement or a trial

1 reunification, including a revision with respect to the amount of child support to be
2 paid by a parent. The court may also propose a revision. The request or court
3 proposal shall set forth in detail the nature of the proposed revision and what new
4 information is available that affects the advisability of the court's disposition. The
5 request or court proposal shall be submitted to the court. The court shall hold a
6 hearing on the matter prior to any revision of the dispositional order if the request
7 or court proposal indicates that new information is available that affects the
8 advisability of the court's dispositional order, unless written waivers of objections to
9 the revision are signed by all parties entitled to receive notice and the court approves.

10 **SECTION 73.** 938.365 (2g) (b) 2. of the statutes is amended to read:

11 938.365 **(2g)** (b) 2. An evaluation of the juvenile's adjustment to the placement
12 and of any progress the juvenile has made, suggestions for amendment of the
13 permanency plan, and specific information showing the efforts that have been made
14 to achieve the permanency goal of the permanency plan, including, if applicable, the
15 efforts of the parents to remedy the factors that contributed to the juvenile's
16 placement.

17 **SECTION 74.** 938.365 (2g) (b) 3. of the statutes is amended to read:

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

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

13 **SECTION 75.** 938.365 (2m) (a) 1. of the statutes is amended to read:

14 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
15 extension. If the juvenile is placed outside of his or her home, the person or agency
16 primarily responsible for providing services to the juvenile shall present as evidence
17 specific information showing that the person or agency has made reasonable efforts
18 to achieve the permanency goal of the juvenile's permanency plan, including, if
19 appropriate, through an out-of-state placement. If an Indian juvenile is placed
20 outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6),
21 (6m), or (7), the person or agency primarily responsible for providing services to the
22 Indian juvenile shall also present as evidence specific information showing that
23 active efforts under s. 938.028 (4) (d) 2. have been made to prevent the breakup of
24 the Indian juvenile's family and that those efforts have proved unsuccessful.

25 **SECTION 76.** 938.365 (2m) (a) 1m. of the statutes is amended to read:

1 938.365 (2m) (a) 1m. The court shall make findings of fact and conclusions of
2 law based on the evidence. The findings of fact shall include a finding as to whether
3 reasonable efforts were made by the person or agency primarily responsible for
4 providing services to the juvenile to achieve the permanency goal of the juvenile’s
5 permanency plan, including, if appropriate, through an out-of-state placement,. If
6 the juvenile is an Indian juvenile who is placed outside the home of his or her parent
7 or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the findings of fact shall also
8 include a finding that active efforts under s. 938.028 (4) (d) 2. were made to prevent
9 the breakup of the Indian juvenile’s family and that those efforts have proved
10 unsuccessful. An order shall be issued under s. 938.355.

11 **SECTION 77.** 938.365 (2m) (a) 3. of the statutes is amended to read:

12 938.365 (2m) (a) 3. The court shall make the findings under subd. 1m. relating
13 to reasonable efforts to achieve the permanency goal of the juvenile’s permanency
14 plan and the findings under subd. 2. on a case-by-case basis based on circumstances
15 specific to the juvenile and shall document or reference the specific information on
16 which those findings are based in the order issued under s. 938.355. An order that
17 merely references subd. 1m. or 2. without documenting or referencing that specific
18 information in the order or an amended order that retroactively corrects an earlier
19 order that does not comply with this subdivision is not sufficient to comply with this
20 subdivision.

21 **SECTION 78.** 938.365 (2m) (ad) of the statutes is amended to read:

22 938.365 (2m) (ad) If the court finds that any of the circumstances under s.
23 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
24 under s. 938.38 (4m) within 30 days after the date of that finding to determine the

1 permanency plan goal and, if applicable, any concurrent permanency goals for the
2 juvenile.

3 **SECTION 79.** 938.365 (7) of the statutes is amended to read:

4 **938.365 (7) CHANGES IN PLACEMENT AND TRIAL REUNIFICATIONS NOT PERMITTED.**

5 Nothing in this section may be construed to allow any changes in placement, trial
6 reunification, or revocation of aftercare supervision. Revocation and other changes
7 in placement may take place only under s. 938.357, and trial reunifications may take
8 place only under s. 938.358.

9 **SECTION 80.** 938.371 (5) of the statutes is amended to read:

10 **938.371 (5) CONFIDENTIALITY OF INFORMATION.** Except as permitted under s.
11 252.15 (6), a foster parent, treatment foster parent, relative, or operator of a group
12 home, residential care center for children and youth, or juvenile correctional facility
13 that receives any information under sub. (1) or (3), other than the information
14 described in sub. (3) (e), shall keep the information confidential and may disclose that
15 information only for the purposes of providing care for the juvenile or participating
16 in a court hearing or permanency plan review concerning the juvenile.

17 **SECTION 81.** 938.38 (2) (intro.) of the statutes is amended to read:

18 **938.38 (2) PERMANENCY PLAN REQUIRED.** (intro.) Except as provided in sub. (3),
19 for each juvenile living in a foster home, group home, residential care center for
20 children and youth, juvenile detention facility, or shelter care facility, the agency that
21 placed the juvenile or arranged the placement or the agency assigned primary
22 responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall
23 prepare a written permanency plan, if any of the following conditions exists, and, for
24 each juvenile living in the home of a guardian or a relative other than a parent, that

1 agency shall prepare a written permanency plan, if any of the conditions under pars.
2 (a) to (e) exists:

3 **SECTION 82.** 938.38 (4) (ar) of the statutes is amended to read:

4 938.38 (4) (ar) A description of the services offered and any services provided
5 in an effort to prevent the removal of the juvenile from his or her home, while
6 assuring that the health and safety of the juvenile are the paramount concerns, and
7 to achieve the goal of the permanency plan, except that the permanency plan is not
8 required to include a description of the services offered or provided with respect to
9 a parent of the juvenile to prevent the removal of the juvenile from the home or to
10 achieve the permanency plan goal of returning the juvenile safely to his or her home
11 if any of the circumstances under s. 938.355 (2d) (b) 1. to 4. apply to that parent.

12 **SECTION 83.** 938.38 (4) (f) 3. of the statutes is amended to read:

13 938.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe
14 return of the juvenile to his or her home, or, if appropriate, obtain ~~an alternative~~
15 ~~permanent placement for the juvenile~~ a placement for adoption, with a guardian,
16 with a fit and willing relative, or in some other planned permanent living
17 arrangement that includes an appropriate, enduring relationship with an adult.

18 **SECTION 84.** 938.38 (4) (fg) (intro.) of the statutes is amended to read:

19 938.38 (4) (fg) (intro.) The goal of the permanency plan or, if the agency is
20 ~~making concurrent reasonable efforts under~~ engaging in concurrent planning, as
21 defined in s. 938.355 (2b) (a), the permanency and concurrent permanency goals of
22 the permanency plan. If a goal of the permanency plan is any goal other than return
23 of the juvenile to his or her home to place the juvenile for adoption, with a guardian,
24 or with a fit and willing relative, the permanency plan shall include the rationale for
25 deciding on that goal. If a goal of the permanency plan is an alternative permanent

1 placement under subd. 5., the permanency plan shall document a compelling reason
2 why it would not be in the best interest of the juvenile to pursue a goal specified in
3 subds. 1. to 4. and the efforts made to achieve that goal, including, if appropriate,
4 through an out-of-state placement. If the agency determines under s. 938.355 (2b)
5 (b) to engage in concurrent planning, the permanency plan shall include the
6 rationale for that determination and a description of the concurrent plan and the
7 permanency and concurrent permanency goals of the concurrent plan. The agency
8 shall determine one or more of the following goals to be the goal or goals of a juvenile's
9 permanency plan:

10 **SECTION 85.** 938.38 (4) (fg) 5. of the statutes is amended to read:

11 938.38 (4) (fg) 5. Some As provided in par. (fm), some other alternative planned
12 permanent placement living arrangement that includes an appropriate, enduring
13 relationship with an adult, including sustaining care, independent living, or
14 long-term foster care, but not including independent living.

15 **SECTION 86.** 938.38 (4) (fm) of the statutes is amended to read:

16 938.38 (4) (fm) If the goal of the permanency plan is to agency determines that
17 there is a compelling reason why it currently would not be in the best interests of the
18 juvenile to return the juvenile to his or her home or to place the juvenile for adoption,
19 with a guardian, or with a fit and willing relative, or as the permanency goal for the
20 juvenile, the permanency goal of placing the juvenile in some other alternative
21 planned permanent placement, living arrangement described in par. (fg) 5. and the
22 efforts made to achieve that goal, including, if appropriate, through an out-of-state
23 placement. If the agency makes that determination, the plan shall include a
24 statement of that compelling reason and, notwithstanding that compelling reason,
25 a concurrent plan under s. 938.355 (2b) towards achieving a goal under par. (fg) 1.

1 to 4. as a concurrent permanency goal in addition to the permanency goal under par.
2 (fg) 5.

3 **SECTION 87.** 938.38 (4) (i) of the statutes is amended to read:

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

12 **SECTION 88.** 938.38 (4m) (title) of the statutes is amended to read:

13 938.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY
14 PERMANENCY PLAN-DETERMINATION HEARING.

15 **SECTION 89.** 938.38 (5) (title) of the statutes is amended to read:

16 938.38 (5) (title) ~~PLAN~~ PERMANENCY REVIEW.

17 **SECTION 90.** 938.38 (5) (a) of the statutes is amended to read:

18 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel
19 appointed under par. (ag) shall review the permanency plan in the manner provided
20 in this subsection not later than 6 months after the date on which the juvenile was
21 first removed from his or her home and every 6 months after a previous review under
22 this subsection for as long as the juvenile is placed outside the home, except that for
23 the review that is required to be conducted not later than 12 months after the
24 juvenile was first removed from his or her home and the reviews that are required
25 to be conducted every 12 months after that review, the court shall hold a hearing

1 under sub. (5m) to review the permanency plan. The hearing may be instead of or
2 in addition to the review under this subsection. The 6-month and 12-month periods
3 referred to in this paragraph include any period during which the juvenile resides
4 in a trial reunification home under s. 938.358.

5 **SECTION 91.** 938.38 (5) (am) of the statutes is amended to read:

6 938.38 (5) (am) The court may appoint an independent agency to designate a
7 panel to conduct a permanency ~~plan~~ review under par. (a). If the court appoints an
8 independent agency under this paragraph, the county department of the county of
9 the court shall authorize and contract for the purchase of services from the
10 independent agency.

11 **SECTION 92.** 938.38 (5) (c) 5. of the statutes is amended to read:

12 938.38 (5) (c) 5. The date by which it is likely that the juvenile will be returned
13 to his or her home or placed for adoption, with a guardian, with a fit and willing
14 relative, or in some other alternative planned permanent placement living
15 arrangement that includes an appropriate, enduring relationship with an adult.

16 **SECTION 93.** 938.38 (5) (c) 5m. of the statutes is created to read:

17 938.38 (5) (c) 5m. The continuing appropriateness, according to standards
18 established by the department, of the permanency goal and any concurrent
19 permanency goals for the juvenile. If the court or panel does not approve of any of
20 those goals or if the court or panel determines that a concurrent permanency goal is
21 appropriate, the court or panel shall determine the permanency goal and, if
22 appropriate, any concurrent permanency goals for the juvenile.

23 **SECTION 94.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

24 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
25 home, as described in s. 938.365 (1), in a foster home, group home, nonsecured

1 residential care center for children and youth, or shelter care facility for 15 of the
2 most recent 22 months, not including any period during which the juvenile was a
3 runaway from the out-of-home placement or ~~the first 6 months of any period during~~
4 ~~which the juvenile~~ was returned to his or her home for a trial home-visit
5 reunification, the appropriateness of the permanency plan and the circumstances
6 which prevent the juvenile from any of the following:

7 **SECTION 95.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

8 938.38 (5) (c) 6. d. Being placed in some other ~~alternative~~ planned permanent
9 placement living arrangement that includes an appropriate, enduring relationship
10 with an adult, including sustaining care, ~~independent living~~, or long-term foster
11 care, but not including independent living.

12 **SECTION 96.** 938.38 (5) (c) 7. of the statutes is amended to read:

13 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
14 the permanency goal of the permanency plan, including, if appropriate, through an
15 out-of-state placement,.

16 **SECTION 97.** 938.38 (5) (f) of the statutes is amended to read:

17 938.38 (5) (f) If the summary prepared under par. (e) indicates that the review
18 panel made recommendations that conflict with the court juvenile's dispositional
19 order or that provide for additional services not specified in the court dispositional
20 order, the agency primarily responsible for providing services to the juvenile shall
21 request a revision of the court dispositional order.

22 **SECTION 98.** 938.38 (5m) (title) of the statutes is amended to read:

23 938.38 (5m) (title) PERMANENCY PLAN HEARING.

24 **SECTION 99.** 938.38 (5m) (a) of the statutes is amended to read:

1 938.38 (5m) (a) The court shall hold a hearing to review the permanency plan
2 and to make the determinations specified in sub. (5) (c) no later than 12 months after
3 the date on which the juvenile was first removed from the home and every 12 months
4 after a previous hearing under this subsection for as long as the juvenile is placed
5 outside the home. The 12-month periods referred to in this paragraph include any
6 period during which the juvenile resides in a trial reunification home under s.
7 938.358.

8 **SECTION 100.** 938.38 (5m) (b) of the statutes is amended to read:

9 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
10 shall notify the juvenile; the juvenile’s parent, guardian, and legal custodian; and the
11 juvenile’s foster parent, the operator of the facility in which the juvenile is living, or
12 the relative with whom the juvenile is living; of the time, place, and purpose of the
13 hearing, of the issues to be determined at the hearing, and of the fact that they shall
14 have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the
15 juvenile’s counsel, and the juvenile’s guardian ad litem; the agency that prepared the
16 permanency plan; the person representing the interests of the public; and, if the
17 juvenile is an Indian juvenile who is placed outside the home of his or her parent or
18 Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile’s Indian
19 custodian and tribe of the date, time, and place, and purpose of the hearing, of the
20 issues to be determined at the hearing, and of the fact that they may have an
21 opportunity to be heard at the hearing as provided in par. (c) 1.

22 **SECTION 101.** 938.38 (5m) (f) of the statutes is amended to read:

23 938.38 (5m) (f) If the findings of fact and conclusions of law under par. (e)
24 conflict with the juvenile’s dispositional order or provide for any additional services
25 not specified in the dispositional order, the court shall revise the dispositional order

1 under s. 938.363 or, order a change in placement under s. 938.357, or order a trial
2 reunification under s. 938.358, as appropriate.

3 **SECTION 102.** 938.38 (6) (a) of the statutes is amended to read:

4 **938.38 (6) (a)** Procedures for conducting permanency plan reviews.

5 **SECTION 103. Initial applicability.**

6 (1) PERMANENCY PLANNING FOR CHILDREN IN OUT-OF-HOME CARE.

7 (a) *Permanency plan contents.* Except as provided in paragraph (b) and
8 subsection (2), this act first applies to a permanency plan filed on the effective date
9 of this paragraph.

10 (b) *Permanency plan reviews and hearings.* The treatment of sections 48.38 (5)
11 (a) and (c) 5., 5m., and 6. (intro.) and d. and (5m) (a) and (f) and 938.38 (5) (a) and (c)
12 5., 5m., and 6. (intro.) and d. and (5m) (a) and (f) of the statutes first apply to a hearing
13 or review for which a permanency plan is filed or provided on the effective date of this
14 paragraph.

15 (2) TRIAL REUNIFICATIONS FOR CHILDREN IN OUT-OF-HOME CARE.

16 (a) *Trial reunifications.* The treatment of sections 48.299 (4) (b), 48.335 (4),
17 48.358, 938.335 (4), and 938.358 of the statutes first applies to a trial reunification
18 requested on the effective date of this paragraph.

19 (b) *Revisions of dispositional orders.* The treatment of sections 48.363 (1) (a)
20 and 938.363 (1) (a) of the statutes first applies to a revision of a dispositional order
21 requested or proposed on the effective date of this paragraph.

22 (c) *Extensions of dispositional orders.* The treatment of sections 48.365 (2g) (b)
23 3. and (7) and 938.365 (2g) (b) 3. and (7) of the statutes first applies to an extension
24 of a dispositional order requested or proposed on the effective date of this paragraph.

