2011 ASSEMBLY BILL 599

February 20, 2012 – Introduced by Representatives KERKMAN, GRIGSBY, LOUDENBECK and SPANBAUER. Referred to Committee on Children and Families.

AN ACT to renumber and amend 48.355 (2b), 48.38 (1) (b), 48.38 (4) (fm), 938.355 (2b), 938.38 (1) (b) and 938.38 (4) (fm); to amend 48.028 (4) (g) 1. d., 48.07 (5) (c), 48.21 (5) (d), 48.235 (4) (a) 1., 48.235 (4) (a) 2., 48.235 (4m) (a) 1., 48.235 (4m) (a) 2., 48.236 (3) (b), 48.299 (4) (b), 48.315 (2m) (b), 48.32 (1) (b) 1. c., 48.32 (1) (c), 48.33 (4) (a), 48.33 (4) (c), 48.335 (3g) (c), 48.335 (4), 48.355 (2) (b) 5., 48.355 (2) (b) 6., 48.355 (2b) (title), 48.355 (2c) (b), 48.355 (2d) (b) (intro.), 48.355 (2d) (c), 48.355 (2e) (title), 48.355 (2e) (a), 48.355 (2e) (b), 48.355 (2e) (c), 48.356 (1), 48.357 (1) (am) 1., 48.357 (1) (c) 1., 48.357 (2v) (c), 48.363 (1) (a), 48.365 (2g) (b) 2., 48.365 (2g) (b) 3., 48.365 (2m) (a) 1., 48.365 (2m) (a) 1m., 48.365 (2m) (a) 3., 48.365 (2m) (ad), 48.365 (7), 48.371 (1) (a), 48.371 (1) (b), 48.371 (3) (intro.), 48.371 (4), 48.371 (5), subchapter VII (title) of chapter 48 [precedes 48.38], 48.38 (title), 48.38 (1) (am), 48.38 (2) (intro.), 48.38 (3), 48.38 (4) (intro.), 48.38 (4) (ar), 48.38 (4) (br) 2., 48.38 (4) (f) 3., 48.38 (4) (fg) (intro.), 48.38 (4) (fg) 5., 48.38 (4) (i), 48.38 (4m) (title), 48.38 (4m) (a), 48.38 (4m) (c),
ASSEMBLY BILL 599

(5) (c) 5., 48.38 (5) (c) 6. (intro.), 48.38 (5) (c) 6. d., 48.38 (5) (c) 7., 48.38 (5) (d),
48.38 (5m) (title), 48.38 (5m) (a), 48.38 (5m) (b), 48.38 (5m) (c) 2., 48.38 (5m) (d),
48.38 (5m) (e), 48.38 (5m) (f), 48.38 (6) (a), 48.38 (6) (d), 48.417 (1) (a), 48.417
(2) (b), 48.417 (2) (c), 48.417 (2) (cm), 48.425 (1) (c), 48.43 (1) (c), 48.43 (1) (cm),
48.43 (2) (b), 48.43 (5) (a), 48.43 (5) (b) 1., 48.43 (5) (b) 2., 48.43 (5) (c), 48.43 (5m),
48.63 (4), 48.63 (5) (c), 48.63 (5) (d) 1., 48.63 (5) (d) 2., 48.63 (5) (d) 3., 48.63 (5)
(d) 4., 48.63 (5) (d) 6., 48.831 (4) (e), 48.834 (1), 48.834 (2), 48.977 (3r), 48.977
(4) (e), 49.471 (4) (a) 4. a., 49.471 (4) (b) 4. a., 146.82 (2) (a) 18m.,
252.15 (3m) (d) 15., 757.69 (1) (g) 14., 767.41 (3) (b), 767.41 (3) (c), 808.075 (4)
(a) 8., 808.075 (4) (fn) 8., 938.028 (4) (f) 1. d., 938.21 (5) (d), 938.235 (4) (a) 1.,
938.235 (4) (a) 2., 938.315 (2m) (b), 938.32 (1) (c) 1. c., 938.32 (1) (d), 938.33 (4)
(a), 938.33 (4) (c), 938.335 (3g) (c), 938.335 (4), 938.355 (2) (b) 5., 938.355 (2) (b)
6., 938.355 (2b) (title), 938.355 (2b) (c), 938.355 (2d) (b) (intro.), 938.355 (2d) (c),
938.355 (2e) (title), 938.355 (2e) (a), 938.355 (2e) (b), 938.355 (2e) (c), 938.356
(1), 938.357 (1) (am) 1., 938.357 (1) (c) 1., 938.357 (2v) (c), 938.363 (1) (a),
938.365 (2g) (b) 2., 938.365 (2g) (b) 3., 938.365 (2m) (a) 1., 938.365 (2m) (a) 1m.,
938.365 (2m) (a) 3., 938.365 (2m) (ad), 938.365 (7), 938.371 (1) (a), 938.371 (1)
(b), 938.371 (3) (intro.), 938.371 (4), 938.371 (5), subchapter VII (title) of chapter
938 [precedes 938.38], 938.38 (title), 938.38 (1) (am), 938.38 (2) (intro.), 938.38
(3) (intro.), 938.38 (3) (a), 938.38 (3) (b), 938.38 (4) (intro.), 938.38 (4) (ar), 938.38
(4) (br) 2., 938.38 (4) (f) 3., 938.38 (4) (fg) (intro.), 938.38 (4) (fg) 5., 938.38 (4)
(i), 938.38 (4m) (title), 938.38 (4m) (a), 938.38 (4m) (c), 938.38 (5) (a), 938.38 (5)
(ag), 938.38 (5) (am), 938.38 (5) (bm) 2., 938.38 (5) (c) 2., 938.38 (5) (c) 5., 938.38
(5) (c) 6. (intro.), 938.38 (5) (c) 6. d., 938.38 (5) (c) 7., 938.38 (5) (d), 938.38 (5m)
ASSEMBLY BILL 599

(title), 938.38 (5m) (a), 938.38 (5m) (b), 938.38 (5m) (c) 2., 938.38 (5m) (d), 938.38
(5m) (e), 938.38 (5m) (f), 938.38 (6) (a) and 938.38 (6) (d); and to create 48.355
(2b) (a), 48.358, 48.38 (4) (fm) 1., 48.38 (5) (c) 6m., 938.355 (2b) (a), 938.358,
938.38 (4) (fm) 1. and 938.38 (5) (c) 6m. of the statutes; relating to: case
planning for a child placed in out-of-home care, including concurrent
permanency goals, trial reunifications, 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 bill changes the term “permanency plan” to “case plan” and makes certain
other changes relating to case 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
reasonable 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 bill eliminates the authority of an agency to make concurrent reasonable
efforts and instead permits an agency to engage in concurrent planning, which the
bill defines as reasonable efforts to work simultaneously towards achieving more
than one permanency goal for a child. Under the bill, 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 and the juvenile court must make a finding as to whether the agency has made reasonable efforts to achieve the primary goal of the concurrent plan. If an agency determines to engage in concurrent planning for a child, the child's case plan must include the rationale for that determination and a description of the concurrent plan and the primary and concurrent goals of the concurrent plan. In addition, if a child's case plan calls for concurrent planning, the court assigned to exercise jurisdiction under the Children’s Code and the Juvenile Justice Code (juvenile court) or a case plan review panel appointed by the juvenile court, in reviewing the child's case plan, must determine the appropriateness, in light of the concurrent planning standards, of each of the permanency goals of the concurrent plan and, if the juvenile court or case plan review panel does not approve of any one or more of those goals, that court or panel must include in its determinations the reasons for that disapproval.

**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 bill — trial reunifications.** This bill provides a similar procedure under which the juvenile court may order a trial reunification, which the bill defines as a return of a child who is placed in an out-of-home placement to the home of his or her parent or other home from which the child was removed for a specified and limited period for the purpose of determining the appropriateness of permanently returning the child to that home. The bill, however, does not permit an emergency trial reunification. Under the bill, if an emergency condition necessitates an immediate return of a child to the home of his or her parent or other home from which the child was removed, 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 bill, the juvenile court may order a trial reunification on the request of the person or agency primarily responsible for implementing the dispositional order, or on its own motion. 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
ASSEMBLY BILL 599

child's case 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 case 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 or the person or agency primarily responsible for implementing the dispositional order makes an emergency change in placement. At the end of a trial reunification, the person or agency primarily responsible for implementing the dispositional order may return the child to an out-of-home placement without further order of the juvenile court or may request the juvenile court to order a change in placement changing the placement of the child to the home or his or her parent or other home from which the child was removed.

The bill also permits the person or agency primarily responsible for implementing the dispositional order to request an extension of the trial reunification. The request must contain a statement describing how the trial reunification continues to be in the best interests of the child and continues to meet the objectives of the child's case plan, 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 and continues to meet the objectives of the child's case plan, the juvenile court must grant an order extending the trial reunification for a period specified by the juvenile court not to exceed 60 days. Any number of extensions may be granted, but the total period for a trial reunification may not exceed 150 days.

In addition, the bill permits the person or agency primarily responsible for implementing the dispositional order to request the juvenile court to revoke a trial reunification if that person or agency has reasonable cause to suspect that a child who has been returned to the home of his or her parent or other home from which the child was removed for a trial reunification has been abused or neglected, has reason to believe that such a child has been threatened with abuse or neglect and that abuse or neglect of the child is likely to occur, or otherwise has reason to believe that the trial reunification is no longer in the best interest of the child. The revocation request must state the reasons for the proposed revocation, 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 child, while returned to the home of his or her parent or other home from which the child was removed for a trial reunification, has been abused or neglected, or has been threatened with abuse or neglect and that abuse or neglect of the child is likely to occur, or 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 returning the child to an out-of-home placement.

Finally, with respect to trial reunifications, the bill permits the person or agency primarily responsible or implementing the dispositional order to make an
emergency change in placement if emergency conditions necessitate an immediate removal of the child from the home of his or her parent or other home from which the child has been removed.

**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 bill changes the term “alternative permanent placement” to “other planned permanent living arrangement,” requires the arrangement to include a long-term relationship between the child and an adult, and eliminates independent living as a planned permanent living arrangement option. The bill also permits a child's case 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 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. If an agency makes that determination, the child's case plan must include 1) a concurrent plan towards achieving the 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 as well as the permanency goal of placing the child in some other planned permanent living arrangement; and 2) the compelling reason why it would not be in the best interests of the child to return the child to his or her home or to place the child for adoption, with a guardian, or with a fit and willing relative and the efforts made to achieve that goal, including, if appropriate, through an out-of-state placement.

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

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

1. **SECTION 1.** 48.028 (4) (g) 1. d. of the statutes is amended to read:

   48.028 (4) (g) 1. d. Arrangements were made to provide natural and unsupervised family interaction in the most natural setting that can ensure the Indian child's safety, as appropriate to the goals of the Indian child’s permanency case plan, including arrangements for transportation and other assistance to enable family members to participate in that interaction.
**SECTION 2.** 48.07 (5) (c) of the statutes is amended to read:

48.07 (5) (c) *Training.* A court-appointed special advocate program shall require a volunteer or employee of the program selected under par. (b) to complete a training program before the volunteer or employee may be designated as a court-appointed special advocate under s. 48.236 (1). The training program shall include instruction on recognizing child abuse and neglect, cultural competency, as defined in s. 48.982 (1) (bm), child development, the procedures of the court, permanency case planning, the activities of a court-appointed special advocate under s. 48.236 (3) and information gathering and documentation, and shall include observation of a proceeding under s. 48.13. A court-appointed special advocate program shall also require each volunteer and employee of the program selected under par. (b) to complete continuing training annually.

**SECTION 3.** 48.21 (5) (d) of the statutes is amended to read:

48.21 (5) (d) If the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine the permanency case plan for the child.

**SECTION 4.** 48.235 (4) (a) 1. of the statutes is amended to read:

48.235 (4) (a) 1. Participate in permanency case planning under ss. 48.38 and 48.43 (5).

**SECTION 5.** 48.235 (4) (a) 2. of the statutes is amended to read:

48.235 (4) (a) 2. Petition for a change in placement under s. 48.357 or a trial reunification under s. 48.358.

**SECTION 6.** 48.235 (4m) (a) 1. of the statutes is amended to read:
SECTION 6. 48.235 (4m) (a) 1. Participate in permanency case planning under ss. 48.38 and 48.43 (5) after the child is born.

SECTION 7. 48.235 (4m) (a) 2. of the statutes is amended to read:

48.235 (4m) (a) 2. Petition for a change in placement under s. 48.357 or a trial reunification under s. 48.358.

SECTION 8. 48.236 (3) (b) of the statutes is amended to read:

48.236 (3) (b) Maintain regular contact with the child for whom the designation is made; monitor the appropriateness and safety of the environment of the child, the extent to which the child and the child’s family are complying with any consent decree or dispositional order of the court and with any permanency case plan under s. 48.38, and the extent to which any agency that is required to provide services for the child and the child’s family under a consent decree, dispositional order or permanency case plan is providing those services; and, based on that regular contact and monitoring, provide information to the court in the form of written reports or, if requested by the court, oral testimony.

SECTION 9. 48.299 (4) (b) of the statutes is amended to read:

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

SECTION 10. 48.315 (2m) (b) of the statutes is amended to read:

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

SECTION 11. 48.32 (1) (b) 1. c. of the statutes is amended to read:

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

SECTION 12. 48.32 (1) (c) of the statutes is amended to read:

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

SECTION 13. 48.33 (4) (a) of the statutes is amended to read:
48.33 (4) (a) A permanency case plan prepared under s. 48.38.

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

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

**SECTION 15.** 48.335 (3g) (c) of the statutes is amended to read:

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

**SECTION 16.** 48.335 (4) of the statutes is amended to read:

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

**SECTION 17.** 48.355 (2) (b) 5. of the statutes is amended to read:
48.355 (2) (b) 5. For a child placed outside his or her home pursuant to an order under s. 48.345, a permanency case plan under s. 48.38 if one has been prepared.

**SECTION 18.** 48.355 (2) (b) 6. of the statutes is amended to read:

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

**SECTION 19.** 48.355 (2b) (title) of the statutes is amended to read:

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

**SECTION 20.** 48.355 (2b) of the statutes is renumbered 48.355 (2b) (b) and amended to read:
48.355 (2b) (b) A county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to a child under a court order may, at the same time as the county department, department, or agency is making the reasonable efforts required under sub. (2)(b) 6. to prevent the removal of the child from the home or to make it possible for the child to return safely to his or her home, work with the department, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement, including reasonable efforts to identify an appropriate out-of-state placement shall determine, in accordance with standards established by the department, whether to engage in concurrent planning. If, according to those standards, concurrent planning is required, the county department, department, or agency shall engage in concurrent planning on and the court shall make a finding as to whether the county department, department, or agency has made reasonable efforts to achieve the primary goal of the concurrent plan.

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

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

SECTION 22. 48.355 (2c) (b) of the statutes is amended to read:

48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether the county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services to the child under a
Section 22

An assembly bill has been introduced that aims to streamline the permanency case plan in cases involving the removal of a child from their home. The bill includes several key provisions:

1. Court orders must reflect reasonable efforts to achieve the permanency plan. This includes considering factors such as visitation schedules and whether the court's efforts to prevent removal were implemented, unless visitation was denied or limited by the court.

Section 23

The 48.355 (2d) (intro.) of the statutes is amended to read:

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

Section 24

48.355 (2d) (c) of the statutes is amended to read:

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

Section 25

48.355 (2e) (title) of the statutes is amended to read:

48.355 (2e) (title) PERMANENCY CASE PLANS; FILING; AMENDED ORDERS; COPIES.

Section 26

48.355 (2e) (a) of the statutes is amended to read:
48.355 (2e) (a) If a permanency case plan has not been prepared at the time the dispositional order is entered, or if the court orders a disposition that is not consistent with the permanency case plan, the agency responsible for preparing the plan shall prepare a permanency case plan that is consistent with the order or revise the permanency case plan to conform to the order and shall file the plan with the court within the time specified in s. 48.38 (3). A permanency case plan filed under this paragraph shall be made a part of the dispositional order.

SECTION 27. 48.355 (2e) (b) of the statutes is amended to read:

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

SECTION 28. 48.355 (2e) (c) of the statutes is amended to read:

48.355 (2e) (c) Either the court or the agency that prepared the permanency case plan shall furnish a copy of the original plan and each revised plan to the child's parent or guardian, to the child or the child's counsel or guardian ad litem, to the child's court-appointed special advocate and to the person representing the interests of the public.

SECTION 29. 48.356 (1) of the statutes is amended to read:

48.356 (1) Whenever the court orders a child to be placed outside his or her home, orders an expectant mother of an unborn child to be placed outside of her home, or denies a parent visitation because the child or unborn child has been adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,
48.363, or 48.365 and whenever the court reviews a permanency case plan under s. 48.38 (5m), the court shall orally inform the parent or parents who appear in court or the expectant mother who appears in court of any grounds for termination of parental rights under s. 48.415 which may be applicable and of the conditions necessary for the child or expectant mother to be returned to the home or for the parent to be granted visitation.

**SECTION 30.** 48.357 (1) (am) 1. of the statutes is amended to read:

48.357 (1) (am) 1. If the proposed change in placement involves any change in placement other than a change in placement specified in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel shall cause written notice of the proposed change in placement to be sent to the child, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian described in s. 48.62 (2) of the child, the child's court-appointed special advocate, and, if the child is an Indian child who has been removed from the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe. If the child is the expectant mother of an unborn child under s. 48.133, written notice shall also be sent to the unborn child by the unborn child's guardian ad litem. If the change in placement involves an adult expectant mother of an unborn child under s. 48.133, written notice shall be sent to the adult expectant mother and the unborn child by the unborn child's guardian ad litem. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies the objectives of the treatment child’s case plan ordered by the court.

**SECTION 31.** 48.357 (1) (c) 1. of the statutes is amended to read:
48.357 (1) (c) 1. If the proposed change in placement would change the placement of a child placed in the home to a placement outside the home, the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel shall submit a request for the change in placement to the court. The request shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies the objectives of the treatment child’s case plan ordered by the court. The request shall also contain specific information showing that continued placement of the child in his or her home would be contrary to the welfare of the child and, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child’s health and safety are the paramount concerns.

SECTION 32. 48.357 (2v) (c) of the statutes is amended to read:

48.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine the permanency case plan for the child.

SECTION 33. 48.358 of the statutes is created to read:

48.358 Trial reunification. (1) Definition. In this section, “trial reunification” means a return of a child who is placed in an out-of-home placement under s. 48.355 or 48.357 to the home of his or her parent or other home from which
the child was removed for a specified and limited period for the purpose of
determining the appropriateness of permanently returning the child to that home.

(2) TRIAL REUNIFICATION; PROCEDURE. (a) Request or proposal. The person or
agency primarily responsible for implementing the dispositional order may request,
or the court on its own motion may propose, a trial reunification. The request or
proposal shall contain the name and address of the home that is the site of the
requested or proposed trial reunification, 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 case plan. No person may
request or propose a trial reunification on the grounds that an emergency condition
necessitates an immediate return of the child to the home of his or her parent or other
home from which the child was removed. If an emergency condition necessitates
such an immediate return, the person or agency primarily responsible for
implementing the dispositional order shall proceed as provided in s. 48.357 (2).

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

(c) Hearing; when required. Any person receiving the notice under par. (b),
other than a court-appointed special advocate, may obtain a hearing on the matter
by filing an objection with the court within 10 days after receipt of the notice. If a
hearing is scheduled, not less than 3 days before the hearing the person requesting
the trial reunification or the court shall provide notice of the hearing to all person
who are entitled to receive notice under par. (b). A copy of the request or proposal
for the trial reunification shall be attached to the notice. If all of the parties consent,
the court may proceed immediately with the hearing.

(d) Order. If the 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 case
plan, the court shall grant an order authorizing the trial reunification. A trial
reunification shall terminate 90 days after the date of the order, unless the court
specifies a shorter period in the order, extends the trial reunification under sub. (3),
or revokes the trial reunification under sub. (4) (c) or the person or agency primarily
responsible for implementing the dispositional order makes an emergency change in
placement as provided in sub. (4) (d). No trial reunification order may extend the
expiration date of the original dispositional order under s. 48.355 or any extension
order under s. 48.365. A trial reunification under this section is not a change in
placement under s. 48.357. At the end of a trial reunification, the person or agency
primarily responsible for implementing the dispositional order may return the child
to an out-of-home placement without further order of the court, notwithstanding s.
48.357, or may request a change in placement under s. 48.357 (1) (am) to change the
placement of the child to a placement in the home of the child’s parent or other home
from which the child was removed.

(3) Extension of trial reunification. (a) Extension request or proposal. The
person or agency primarily responsible for implementing the dispositional order may
request, or the court on its own motion may propose, an extension of the trial
reunification. The request or proposal shall contain a statement describing how the trial reunification continues to be in the best interests of the child and continues to meet the objectives of the child’s case plan. No later than 10 days prior to the expiration of the trial reunification, the person who requests or proposes the extension shall submit the request or proposal to the court that ordered the trial reunification and shall cause notice of the request or proposal to be provided to all persons who are entitled to receive notice under sub. (2) (b).

(b) Extension hearing; when required. Any person who is entitled to receive notice of the extension request or proposal under par. (a), other than a court-appointed special advocate, may obtain a hearing on the matter by filing an objection with the court within 5 days after receipt of the notice. If a hearing is scheduled, not less than 3 days before the hearing the person requesting the extension or the court shall provide notice of the hearing to all persons who are entitled to receive notice of the extension request or proposal under par. (a). A copy of the request or proposal for the extension shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

(c) Extension order. If the court finds that the trial reunification continues to be in the best interests of the child and continues to meet the objectives of the child’s case plan, the court shall grant an order extending the trial reunification for a period specified by the court not to exceed 60 days. Any number of extensions may be granted under this paragraph, but the total period for a trial reunification may not exceed 150 days.

(4) Revocation of trial reunification. (a) Revocation request; information required. If the person or agency primarily responsible for implementing the dispositional order has reasonable cause to suspect that a child who has been
returned to the home of his or her parent or other home from which the child was
removed for a trial reunification has been abused or neglected, has reason to believe
that such a child has been threatened with abuse or neglect and that abuse or neglect
of the child is likely to occur, or otherwise has reason to believe that the trial
reunification is longer in the best interests of the child, that person or agency may
request the court to revoke the trial reunification. That person or agency shall
submit the request to the court that ordered the trial reunification and shall cause
notice of the request to be provided to all persons who are entitled to receive notice
of the trial reunification under a sub. (2) (b). The request shall contain the reasons
for the proposed revocation.

(b) Revocation hearing; when required. Any person who is entitled to receive
notice of the revocation request under par. (a), other than a court-appointed special
advocate, may obtain a hearing on the matter by filing an objection with the court
within 5 days after receipt of the notice. If a hearing is scheduled, not less than 3 days
prior to the hearing the court shall provide notice of the hearing, together with a copy
of the request for the revocation, to all persons who are entitled to receive notice
under par. (a). If all parties consent, the court may proceed immediately with the
hearing.

(c) Revocation order. If the court finds that the child, while returned to the home
of his or her parent or other home from which the child was removed for a trial
reunification, has been abused or neglected, or has been threatened with abuse or
neglect and that abuse or neglect of the child is likely to occur, or finds that the trial
reunification is no longer in the best interests of the child, the court shall grant an
order revoking the trial reunification and returning the child to an out-of-home
placement.
(d) **Emergency change in placements.** If an emergency condition necessitates an immediate removal of the child from the home of his or her parent or other home from which the child was removed, the person or agency primarily responsible for implementing the dispositional order may proceed as provided in s. 48.357 (2).

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

(6) **Prohibited trial reunifications based on homicide of parent.** (a) **Prohibition.** Except as provided in par. (c), the court may not order a trial reunification in the home of a person who has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the child, if the conviction has not been reversed, set aside, or vacated.

(b) **Revocation.** Except as provided in par. (c), if a parent in whose home a child is placed for a trial reunification is convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of
the child’s other parent, and the conviction has not been reversed, set aside, or vacated, the court shall revoke the trial reunification as provided in sub. (4) (c).

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

**SECTION 34.** 48.363 (1) (a) of the statutes is amended to read:

48.363 (1) (a) A child, the child’s parent, guardian, legal custodian, or Indian custodian, an expectant mother, an unborn child by the unborn child’s guardian ad litem, any person or agency bound by a dispositional order, or the district attorney or corporation counsel in the county in which the dispositional order was entered may request a revision in the order that does not involve a change in placement or a trial reunification, including a revision with respect to the amount of child support to be paid by a parent. The court may also propose a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available that affects the advisability of the court’s disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter prior to any revision of the dispositional order if the request or court proposal indicates that new information is available which affects the advisability of the court’s dispositional order, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves.

**SECTION 35.** 48.365 (2g) (b) 2. of the statutes is amended to read:

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

**SECTION 36.** 48.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act 79, is amended to read:

48.365 (2g) (b) 3. If the child has been placed outside of his or her home in a foster home, group home, residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months, not including any period during which the child was a runaway from the out-of-home placement or the first 6 months of any period during which the child was returned to his or her home for a trial home visit reunification, a statement of whether or not a recommendation has been made to terminate the parental rights of the parents of the child. If a recommendation for a termination of parental rights has been made, the statement shall indicate the date on which the recommendation was made, any previous progress made to accomplish the termination of parental rights, any barriers to the termination of parental rights, specific steps to overcome the barriers and when the steps will be completed, reasons why adoption would be in the best interest of the child, and whether or not the child should be registered with the adoption information exchange. If a recommendation for termination of parental rights has not been made, the statement shall include an explanation of the reasons why a recommendation for termination of parental rights has not been made. If the lack of appropriate adoptive resources is the primary reason for not recommending a termination of parental rights, the agency shall recommend that the child be registered with the adoption information exchange or report the reason why registering the child is contrary to the best interest of the child.

**SECTION 37.** 48.365 (2m) (a) 1. of the statutes is amended to read:
48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of extension. If the child is placed outside of his or her home, the person or agency primarily responsible for providing services to the child shall present as evidence specific information showing that the person or agency has made reasonable efforts to achieve the goal of the child's permanency case plan, including, if appropriate, through an out-of-state placement, under. If an Indian child is placed outside the home of his or her parent or Indian custodian, the person or agency primarily responsible for providing services to the Indian child shall also present as evidence specific information showing that active efforts under s. 48.028 (4) (d) 2. have been made to prevent the breakup of the Indian child's family and that those efforts have proved unsuccessful.

SECTION 38. 48.365 (2m) (a) 1m. of the statutes is amended to read:

48.365 (2m) (a) 1m. The judge shall make findings of fact and conclusions of law based on the evidence. The findings of fact shall include a finding as to whether reasonable efforts were made by the person or agency primarily responsible for providing services to the child to achieve the goal of the child's permanency case plan, including, if appropriate, through an out-of-state placement, under. If the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the findings of fact shall also include a finding that active efforts under s. 48.028 (4) (d) 2. were made to prevent the breakup of the Indian child's family and that those efforts have proved unsuccessful. An order shall be issued under s. 48.355.

SECTION 39. 48.365 (2m) (a) 3. of the statutes is amended to read:

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

**SECTION 40.** 48.365 (2m) (ad) of the statutes is amended to read:

48.365 (2m) (ad) If the judge finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine the permanency case plan for the child.

**SECTION 41.** 48.365 (7) of the statutes is amended to read:

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

**SECTION 42.** 48.371 (1) (a) of the statutes is amended to read:

48.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the child, as provided under s. 252.15 (3m) (d) 15., including results included in a court report or permanency case plan. At the time that the HIV test results are provided, the agency shall notify the foster parent, relative, or operator of the group home or residential care center for children and youth of the confidentiality requirements under s. 252.15 (6).

**SECTION 43.** 48.371 (1) (b) of the statutes is amended to read:
48.371 (1) (b) Results of any tests of the child to determine the presence of viral hepatitis, type B, including results included in a court report or permanency case plan.

**SECTION 44.** 48.371 (3) (intro.) of the statutes is amended to read:

48.371 (3) (intro.) At the time of placement of a child in a foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency case plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38 (1) (a), responsible for preparing the child’s permanency case plan shall provide to the foster parent, relative, or operator of the group home or residential care center for children and youth information contained in the court report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4) (c) or permanency case plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), or 48.831 (4) (e) relating to findings or opinions of the court or agency that prepared the court report or permanency case plan relating to any of the following:

**SECTION 45.** 48.371 (4) of the statutes is amended to read:

48.371 (4) Subsection (1) does not preclude an agency, as defined in s. 48.38 (1) (a), that is arranging for the placement of a child from providing the information specified in sub. (1) (a) to (c) to a person specified in sub. (1) (intro.) before the time of placement of the child. Subsection (3) does not preclude an agency, as defined in s. 48.38 (1) (a), responsible for preparing a child’s court report or permanency case plan from providing the information specified in sub. (3) (a) to (e) to a person specified in sub. (3) (intro.) before the time of placement of the child.

**SECTION 46.** 48.371 (5) of the statutes is amended to read:
48.371(5) Except as permitted under s. 252.15(6), a foster parent, relative, or operator of a group home or residential care center for children and youth that receives any information under sub. (1) or (3), other than the information described in sub. (3) (e), shall keep the information confidential and may disclose that information only for the purposes of providing care for the child or participating in a court hearing or permanency case plan review concerning the child.

SECTION 47. Subchapter VII (title) of chapter 48 [precedes 48.38] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER VII

PERMANENCY CASE PLANNING; RECORDS

SECTION 48. 48.38 (title) of the statutes is amended to read:

48.38 (title) Permanency Case planning.

SECTION 49. 48.38 (1) (am) of the statutes is amended to read:

48.38 (1) (am) “Independent agency” means a private, nonprofit organization, but does not include a licensed child welfare agency that is authorized to prepare permanency case plans or that is assigned the primary responsibility of providing services under a permanency case plan.

SECTION 50. 48.38 (1) (b) of the statutes is renumbered 48.02 (1v) and amended to read:

48.02 (1v) “Permanency Case plan” means a plan designed to ensure that a child is reunified with his or her family whenever appropriate, or that the child quickly attains a placement or home providing long-term stability.

SECTION 51. 48.38 (2) (intro.) of the statutes is amended to read:
48.38 (2) PERMANENCY CASE PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, group home, residential care center for children and youth, juvenile detention facility, or shelter care facility, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written permanency case plan, if any of the following conditions exists, and, for each child living in the home of a relative other than a parent, that agency shall prepare a written permanency case plan, if any of the conditions specified in pars. (a) to (e) exists:

**SECTION 52.** 48.38 (3) of the statutes is amended to read:

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

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

48.38 (4) CONTENTS OF PLAN. (intro.) The permanency case plan shall include all of the following:

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

48.38 (4) (ar) A description of the services offered and any services provided in an effort to prevent the removal of the child from his or her home, while assuring that the health and safety of the child are the paramount concerns, and to achieve the goal of the permanency case plan, except that the permanency case plan is not required to include a description of the services offered or provided with respect to a parent
of the child to prevent the removal of the child from the home or to achieve the permanency case plan goal of returning the child safely to his or her home if any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent.

**SECTION 55.** 48.38 (4) (br) 2. of the statutes is amended to read:

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

**SECTION 56.** 48.38 (4) (f) 3. of the statutes is amended to read:

48.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe return of the child to his or her home, or, if appropriate, obtain an alternative permanent placement for the child a placement for adoption, with a guardian, with a fit and willing relative, or in some other planned permanent living arrangement in which the child is in a long-term relationship with an adult.

**SECTION 57.** 48.38 (4) (fg) (intro.) of the statutes is amended to read:

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

SECTION 58. 48.38 (4) (fg) 5. of the statutes is amended to read:

48.38 (4) (fg) 5. Some As provided in par. (fm), some other alternative planned
permanent placement living arrangement in which the child is in a long-term
relationship with an adult, including sustaining care, independent living, or
long-term foster care, but not including independent living.

SECTION 59. 48.38 (4) (fm) of the statutes is renumbered 48.38 (4) (fm) (intro.)
and amended to read:

48.38 (4) (fm) (intro.) If the goal of the permanency plan is to agency determines
that there is a compelling reason why it would not be in the best interests of the child
to return the child to his or her home or to place the child for adoption, with a
 guardian, or with a fit and willing relative, or the permanency goal of placing the
child in some other alternative planned permanent placement, living arrangement
described in par. (fg) 5. If the agency makes that determination, the plan shall
include all of the following:
2. The compelling reason why it would not be in the best interests of the child
to return the child to his or her home or to place the child for adoption, with a
guardian, or with a fit and willing relative and the efforts made to achieve that goal,
including, if appropriate, through an out-of-state placement.

SECTION 60. 48.38 (4) (fm) 1. of the statutes is created to read:

48.38 (4) (fm) 1. A concurrent plan under s. 48.355 (2b) (b) towards achieving
a permanency goal under par. (fg) 1. to 4. as well as the permanency goal under par.
(fg) 5.

SECTION 61. 48.38 (4) (i) of the statutes is amended to read:

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

SECTION 62. 48.38 (4m) (title) of the statutes is amended to read:

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

SECTION 63. 48.38 (4m) (a) of the statutes is amended to read:

48.38 (4m) (a) If in a proceeding under s. 48.21, 48.32, 48.355, 48.357, or 48.365
the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies
with respect to a parent, the court shall hold a hearing within 30 days after the date
of that finding to determine the permanency case plan for the child. If a hearing is
held under this paragraph, the agency responsible for preparing the permanency case plan shall file the permanency case plan with the court not less than 5 days before the date of the hearing. At the hearing, the court shall consider placing the child in a placement outside this state if the court determines that such a placement would be in the best interests of the child and appropriate to achieving the goal of the child’s permanency case plan.

SECTION 64. 48.38 (4m) (c) of the statutes is amended to read:

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

SECTION 65. 48.38 (5) (a) of the statutes is amended to read:

48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed under par. (ag) shall review the permanency case plan in the manner provided in this
subsection not later than 6 months after the date on which the child was first removed from his or her home and every 6 months after a previous review under this subsection for as long as the child is placed outside the home, except that for the review that is required to be conducted not later than 12 months after the child was first removed from his or her home and the reviews that are required to be conducted every 12 months after that review the court shall hold a hearing under sub. (5m) to review the permanency case plan, which hearing may be instead of or in addition to the review under this subsection.

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

48.38 (5) (ag) If the court elects not to review the permanency case plan, the court shall appoint a panel to review the permanency case plan. The panel shall consist of 3 persons who are either designated by an independent agency that has been approved by the chief judge of the judicial administrative district or designated by the agency that prepared the permanency case plan. A voting majority of persons on each panel shall be persons who are not employed by the agency that prepared the permanency case plan and who are not responsible for providing services to the child or the parents of the child whose permanency case plan is the subject of the review.

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

48.38 (5) (am) The court may appoint an independent agency to designate a panel to conduct a permanency case plan review under par. (a). If the court in a county having a population of less than 500,000 appoints an independent agency under this paragraph, the county department of the county of the court shall authorize and contract for the purchase of services from the independent agency. If the court in a county having a population of 500,000 or more appoints an independent
agency under this paragraph, the department shall authorize and contract for the
purchase of services from the independent agency.

SECTION 68. 48.38 (5) (bm) 2. of the statutes is amended to read:

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

SECTION 69. 48.38 (5) (c) 2. of the statutes is amended to read:

48.38 (5) (c) 2. The extent of compliance with the permanency case plan by the
agency and any other service providers, the child’s parents, the child and the child’s
guardian, if any.

SECTION 70. 48.38 (5) (c) 5. of the statutes is amended to read:
48.38 (5) (c) 5. The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian, with a fit and willing relative, or in some other alternative planned permanent placement living arrangement in which the child is in a long-term relationship with an adult.

SECTION 71. 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

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

SECTION 72. 48.38 (5) (c) 6. d. of the statutes is amended to read:

48.38 (5) (c) 6. d. Being placed in some other alternative planned permanent placement living arrangement in which the child is in a long-term relationship with an adult, including sustaining care, independent living, or long-term foster care, but not including independent living.

SECTION 73. 48.38 (5) (c) 6m. of the statutes is created to read:

48.38 (5) (c) 6m. If the case plan calls for concurrent planning, as defined in s. 48.355 (2b) (a), the appropriateness, in light of the standards established by the department, of each of the permanency goals of the concurrent plan. If the court or panel does not approve of any one or more of those goals, the court or panel must include in its determinations under this paragraph the reasons for that disapproval.

SECTION 74. 48.38 (5) (c) 7. of the statutes is amended to read:
48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve the goal of the permanency case plan, including, if appropriate, through an out-of-state placement.

SECTION 75. 48.38 (5) (d) of the statutes is amended to read:

48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the permanency case plan shall, at least 5 days before a review by a review panel, provide to each person appointed to the review panel, the child’s parent, guardian, and legal custodian, the person representing the interests of the public, the child’s counsel, the child’s guardian ad litem, the child’s court-appointed special advocate, and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child’s Indian custodian and tribe a copy of the permanency case plan and any written comments submitted under par. (bm) 1. Notwithstanding s. 48.78 (2) (a), a person appointed to a review panel, the person representing the interests of the public, the child’s counsel, the child’s guardian ad litem, the child’s court-appointed special advocate, and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child’s Indian custodian and tribe may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child’s records under this paragraph may not disclose any information from the records to any other person.

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

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

SECTION 77. 48.38 (5m) (a) of the statutes is amended to read:

48.38 (5m) (a) The court shall hold a hearing to review the permanency case plan and to make the determinations specified in sub. (5) (c) no later than 12 months
after the date on which the child was first removed from the home and every 12 months after a previous hearing under this subsection for as long as the child is placed outside the home.

**SECTION 78.** 48.38 (5m) (b) of the statutes is amended to read:

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

**SECTION 79.** 48.38 (5m) (c) 2. of the statutes is amended to read:

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

**SECTION 80.** 48.38 (5m) (d) of the statutes is amended to read:

48.38 (5m) (d) At least 5 days before the date of the hearing the agency that prepared the permanency case plan shall provide a copy of the permanency case plan and any written comments submitted under par. (c) 1. to the court, to the child’s parent, guardian, and legal custodian, to the person representing the interests of the public, to the child’s counsel or guardian ad litem, to the child’s court-appointed special advocate, and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, to the Indian child’s Indian custodian and tribe. Notwithstanding s. 48.78 (2) (a), the person representing the interests of the public, the child’s counsel or guardian ad litem, the child’s court-appointed special advocate, and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child’s Indian custodian and tribe may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child’s records under this paragraph may not disclose any information from the records to any other person.

**SECTION 81.** 48.38 (5m) (e) of the statutes is amended to read:
48.38 (5m) (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the child; the child’s parent, guardian, and legal custodian; the child’s foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living; the child’s court-appointed special advocate; the agency that prepared the permanency case plan; the person representing the interests of the public; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child’s Indian custodian and tribe. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

SECTION 82. 48.38 (5m) (f) of the statutes is amended to read:

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

SECTION 83. 48.38 (6) (a) of the statutes is amended to read:

48.38 (6) (a) Procedures for conducting permanency case plan reviews.
SECTION 84. 48.38 (6) (d) of the statutes is amended to read:

48.38 (6) (d) The format for permanency case plans and review panel reports.

SECTION 85. 48.417 (1) (a) of the statutes is amended to read:

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

SECTION 86. 48.417 (2) (b) of the statutes is amended to read:

48.417 (2) (b) The child’s permanency case plan indicates and provides documentation that termination of parental rights to the child is not in the best interests of the child.

SECTION 87. 48.417 (2) (c) of the statutes is amended to read:

48.417 (2) (c) The agency primarily responsible for providing services to the family under a court order, if required under s. 48.355 (2) (b) 6. to make reasonable efforts to make it possible for the child to return safely to his or her home, has not provided to the family of the child, consistent with the time period in the child’s permanency case plan, the services necessary for the safe return of the child to his or her home.

SECTION 88. 48.417 (2) (cm) of the statutes is amended to read:
48.417 (2) (cm) In the case of an Indian child, the agency primarily responsible for providing services to the Indian child and the family under a court order, if required under s. 48.355 (2) (b) 6v. to make active efforts under s. 48.028 (4) (d) 2. to prevent the breakup of the Indian child's family, has not provided to the Indian child's family, consistent with the child's permanency case plan, the services necessary to prevent the breakup of the Indian child’s family.

**SECTION 89.** 48.425 (1) (c) of the statutes is amended to read:

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

**SECTION 90.** 48.43 (1) (c) of the statutes is amended to read:

48.43 (1) (c) If an agency receives custody of the child under par. (a), the child’s permanency case plan prepared under s. 48.38 by the agency. If a permanency case plan has not been prepared at the time the order is entered, or if the court enters an order that is not consistent with the permanency case plan, the agency shall prepare a permanency case plan that is consistent with the order or revise the permanency
case plan to conform to the order and shall file the plan with the court within 60 days from the date of the order.

**SECTION 91.** 48.43 (1) (cm) of the statutes is amended to read:

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

**SECTION 92.** 48.43 (2) (b) of the statutes is amended to read:

48.43 (2) (b) A relative whose relationship to the child is derived through the parent whose parental rights are terminated is considered to be a relative of the child for purposes of placement of, and permanency case planning for, the child until that relationship is extinguished by an order of adoption as provided in s. 48.92 (2).

**SECTION 93.** 48.43 (5) (a) of the statutes is amended to read:

48.43 (5) (a) If the custodian specified in sub. (1) (a) is an agency, the agency shall report to the court on the status of the child at least once each year until the child is adopted or reaches 18 years of age, whichever is sooner. The agency shall file an annual report no less than 30 days before the anniversary of the date of the order. An agency may file an additional report at any time if it determines that more
frequent reporting is appropriate. A report shall summarize the child’s permanency case plan and the recommendations of the review panel under s. 48.38 (5), if any, and shall describe any progress that has been made in finding a permanent placement for the child.

Section 94. 48.43 (5) (b) 1. of the statutes is amended to read:

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

Section 95. 48.43 (5) (b) 2. of the statutes is amended to read:

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

**SECTION 96.** 48.43 (5) (c) of the statutes is amended to read:

48.43 (5) (c) Following the hearing, the court shall make all of the determinations specified under s. 48.38 (5) (c), except the determinations relating to the child's parents. The court may amend the order under sub. (1) to transfer the child's guardianship and custody to any agency specified under s. 48.427 (3m) (a) 1. to 4. or (am) that consents to the transfer, if the court determines that the transfer is in the child's best interest. If an Indian child's guardianship and custody are transferred under this paragraph, the agency consenting to the transfer shall comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c) in placing the child, unless the agency finds good cause, as described in s. 48.028 (7) (e), for departing from that order. If an order is amended, the agency that prepared the permanency case plan shall revise the plan to conform to the order and shall file a copy of the revised plan with the court. Each plan filed under this paragraph shall be made a part of the court order.

**SECTION 97.** 48.43 (5m) of the statutes is amended to read:

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

**SECTION 98.** 48.63 (4) of the statutes is amended to read:
48.63 (4) A permanency case plan under s. 48.38 is required for each child placed in a foster home under sub. (1). If the child is living in a foster home under a voluntary agreement, the agency that negotiated or acted as intermediary for the placement shall prepare the permanency case plan within 60 days after the date on which the child was removed from his or her home under the voluntary agreement. A copy of each plan shall be provided to the child if he or she is 12 years of age or over and to the child’s parent, guardian, or Indian custodian. If the agency that arranged the voluntary placement intends to seek a court order to place the child outside of his or her home at the expiration of the voluntary placement, the agency shall prepare a revised permanency case plan and file that revised plan with the court prior to the date of the hearing on the proposed placement.

Section 99. 48.63 (5) (c) of the statutes is amended to read:

48.63 (5) (c) A permanency case plan under s. 48.38 is required for each child placed in a group home under par. (b) and for any child of that child who is residing with that child. The agency that placed the child or that arranged the placement of the child shall prepare the plan within 60 days after the date on which the child was removed from his or her home under the voluntary agreement and shall provide a copy of the plan to the child and the child’s parent, guardian, or Indian custodian.

Section 100. 48.63 (5) (d) 1. of the statutes is amended to read:

48.63 (5) (d) 1. In this paragraph, “independent reviewing agency” means a person contracted with under subd. 2. to review permanency case plans and placements under subds. 3. to 6.

Section 101. 48.63 (5) (d) 2. of the statutes is amended to read:

48.63 (5) (d) 2. An agency that places children under par. (b) or that arranges those placements shall contract with another agency licensed under s. 48.61 (3) to
place children or with a county department to review the permanency case plans and placements of those children and of any children of those children who are residing with those children as provided in subds. 3. to 6.

**SECTION 102.** 48.63 (5) (d) 3. of the statutes is amended to read:

48.63 (5) (d) 3. If the agency that has placed a child under par. (b) or that has arranged the placement of the child wishes to extend the placement of the child, the agency shall prepare a revised permanency case plan for that child and for any child of that child who is residing with that child and submit the revised permanency case plan or plans, together with a request for a review of the revised permanency case plan or plans and the child's placement, to the independent reviewing agency before the expiration of the child's placement. The request shall include a statement that an extension of the child's placement would be in the best interests of the child, together with reliable and credible information in support of that statement, a statement that the child and the parent, guardian, or Indian custodian of the child consent to the extension of the child's placement, and a request that the independent reviewing agency approve an extension of the child's placement. On receipt of a revised permanency case plan or plans and a request for review, the independent reviewing agency shall set a time and place for the review and shall advise the agency that placed the child or that arranged the placement of the child of the time and place of the review.

**SECTION 103.** 48.63 (5) (d) 4. of the statutes is amended to read:

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

**SECTION 104.** 48.63 (5) (d) 6. of the statutes is amended to read:

48.63 (5) (d) 6. Within 30 days after the review, the agency that prepared the revised permanency case plan or plans shall prepare a written summary of the determinations specified in s. 48.38 (5) (c) that were made under subd. 5. and shall provide a copy of that summary to the independent reviewing agency, the child, the parent, guardian, Indian custodian, and legal custodian of the child, and the operator of the group home in which the child was placed.

**SECTION 105.** 48.831 (4) (e) of the statutes is amended to read:

48.831 (4) (e) The court shall order the custodian appointed under par. (b) or (c) to prepare a permanency case plan under s. 48.38 for the child within 60 days after the date of the order. A permanency case plan ordered under this paragraph is subject to review under s. 48.38 (5). In preparing a permanency case plan, the department, county department or child welfare agency need not include any information specified in s. 48.38 (4) that relates to the child’s parents or returning the child to his or her home. In reviewing a permanency case plan, a court or panel need not make any determination under s. 48.38 (5) (c) that relates to the child’s parents or returning the child to his or her home.

**SECTION 106.** 48.834 (1) of the statutes is amended to read:
48.834 (1) Placement with relatives. Before placing a child for adoption under s. 48.833, the department, county department under s. 48.57 (1) (e) or (hm), or child welfare agency making the placement shall consider the availability of a placement for adoption with a relative of the child who is identified in the child’s permanency case plan under s. 48.38 or 938.38 or who is otherwise known by the department, county department, or child welfare agency.

Section 107. 48.834 (2) of the statutes is amended to read:

48.834 (2) Placement with siblings. If a child who is being placed for adoption under s. 48.833 has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been adopted or who have been placed for adoption, the department, county department under s. 48.57 (1) (e) or (hm), or child welfare agency making the placement shall make reasonable efforts to place the child for adoption with an adoptive parent or proposed adoptive parent of such a sibling who is identified in the child’s permanency case plan under s. 48.38 or 938.38 or who is otherwise known by the department, county department, or child welfare agency, unless the department, county department, or child welfare agency determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the department, county department, or child welfare agency shall make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the department, county department, or child welfare agency determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

Section 108. 48.977 (3r) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:
48.977 (3r) Subsidized guardianship. Subsidized guardianship payments under s. 48.623 (1) may not be made to a guardian of a child unless a subsidized guardianship agreement under s. 48.623 (2) is entered into before the guardianship order is granted and the court either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child has been adjudicated in need of protection or services as specified in sub. (2) (a). If a child’s permanency case plan calls for placement of the child in the home of a guardian and the provision of monthly subsidized guardianship payments to the guardian, the petitioner under sub. (4) (a) shall include in the petition under sub. (4) (b) a statement of the determinations made under s. 48.623 (1) and a request for the court to include in the court’s findings under sub. (4) (d) a finding confirming those determinations. If the court confirms those determinations, appoints a guardian for the child under sub. (2), and either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child is adjudicated to be in need of protection or services as specified in sub. (2) (a), the county department or, in a county having a population of 750,000 or more, department shall provide monthly subsidized guardianship payments to the guardian under s. 48.623 (1).

Section 109. 48.977 (4) (e) of the statutes is amended to read:

48.977 (4) (e) Court report. For a child who has been placed, or continued in a placement, outside of his or her home for 6 months or longer, the court shall order the person or agency primarily responsible for providing services to the child under a court order to file with the court a report containing the written summary under s. 48.38 (5) (e) and as much information relating to the appointment of a guardian as is reasonably ascertainable. For a child who has been placed, or continued in a placement, outside of his or her home for less than 6 months, the court shall order
the person or agency primarily responsible for providing services to the child under
a court order to file with the court the report submitted under s. 48.33 (1) or 938.33
(1), the permanency case plan prepared under s. 48.38 or 938.38, if one has been
prepared, and as much information relating to the appointment of a guardian as is
reasonably ascertainable. The agency shall file the report at least 48 hours before
the date of the dispositional hearing under par. (fm).

**SECTION 110.** 48.977 (4) (i) of the statutes is amended to read:

48.977 (4) (i) **Effect of disposition on permanency case plan review process.**
After a disposition under par. (h), the child’s permanency case plan shall continue to
be reviewed under s. 48.38 (5), if applicable.

**SECTION 111.** 49.471 (4) (a) 4. a. of the statutes is amended to read:

49.471 (4) (a) 4. a. The individual is a parent or caretaker relative of a child who
is living in the home with the parent or caretaker relative or who is temporarily
absent from the home for not more than 6 months or, if the child has been removed
from the home for more than 6 months, the parent or caretaker relative is working
toward unifying the family by complying with a permanency case plan under s. 48.38
or 938.38.

**SECTION 112.** 49.471 (4) (b) 4. a. of the statutes is amended to read:

49.471 (4) (b) 4. a. The individual is a parent or caretaker relative of a child who
is living in the home with the parent or caretaker relative or who is temporarily
absent from the home for not more than 6 months or, if the child has been removed
from the home for more than 6 months, the parent or caretaker relative is working
toward unifying the family by complying with a permanency case plan under s. 48.38
or 938.38.

**SECTION 113.** 146.82 (2) (a) 18m. of the statutes is amended to read:
146.82 (2) (a) 18m. If the subject of the patient health care records is a child or juvenile who has been placed in a foster home, group home, residential care center for children and youth, or juvenile correctional facility, including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, group home, residential care center for children and youth, or juvenile correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency case plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, or to an agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements, to the foster parent of the child or juvenile or the operator of the group home, residential care center for children and youth, or juvenile correctional facility in which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

SECTION 114. 252.15 (3m) (d) 15. of the statutes is amended to read:

252.15 (3m) (d) 15. If the subject of the HIV test is a child who has been placed in a foster home, group home, residential care center for children and youth, or juvenile correctional facility, as defined in s. 938.02 (10p), including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, group home, residential care center for children and youth, or juvenile correctional
SECTION 114. A facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency case plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child, or to an agency that placed the child or arranged for the placement of the child in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or arranged for the placement of the child in any of those placements, to the child’s foster parent or the operator of the group home, residential care center for children and youth, or juvenile correctional facility in which the child is placed, as provided in s. 48.371 or 938.371.

SECTION 115. 757.69 (1) (g) 14. of the statutes is amended to read:

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

SECTION 116. 767.41 (3) (b) of the statutes is amended to read:

767.41 (3) (b) If the legal custodian appointed under par. (a) is an agency, the agency shall report to the court on the status of the child at least once each year until the child reaches 18 years of age, is returned to the custody of a parent or is placed under the guardianship of an agency. The agency shall file an annual report no less than 30 days before the anniversary of the date of the order. An agency may file an additional report at any time if it determines that more frequent reporting is appropriate. A report shall summarize the child’s permanency case plan and the recommendations of the review panel under s. 48.38 (5), if any.
SECTION 117. 767.41 (3) (c) of the statutes is amended to read:

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

SECTION 118. 808.075 (4) (a) 8. of the statutes is amended to read:

808.075 (4) (a) 8. Review of permanency plan case plans under s. 48.38 (5).

SECTION 119. 808.075 (4) (fn) 8. of the statutes is amended to read:

808.075 (4) (fn) 8. Review of permanency plan case plans under s. 938.38 (5).

SECTION 120. 938.028 (4) (a) 1. of the statutes is amended to read:

938.028 (4) (a) 1. Participate in permanency case planning under ss. 48.43 (5) and 938.38.

SECTION 121. 938.21 (5) (d) of the statutes is amended to read:

938.21 (5) (d) If the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after the date of that finding to determine the permanency case plan for the juvenile.

SECTION 122. 938.235 (4) (a) 1. of the statutes is amended to read:

938.235 (4) (a) 1. Participate in permanency case planning under ss. 48.43 (5) and 938.38.
SECTION 123. 938.235 (4) (a) 2. of the statutes is amended to read:

938.235 (4) (a) 2. Petition for a change in placement under s. 938.357 or a trial reunification under s. 938.358.

SECTION 124. 938.315 (2m) (b) of the statutes is amended to read:

938.315 (2m) (b) The court making an initial finding under s. 938.38 (5m) that the agency primarily responsible for providing services to the juvenile has made reasonable efforts to achieve the goals of the juvenile’s permanency case plan more than 12 months after the date on which the juvenile was removed from the home or making any subsequent findings under s. 938.38 (5m) as to those reasonable efforts more than 12 months after the date of a previous finding as to those reasonable efforts.

SECTION 125. 938.32 (1) (c) 1. c. of the statutes is amended to read:

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

SECTION 126. 938.32 (1) (d) of the statutes is amended to read:

938.32 (1) (d) If the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after the date of that finding to determine the permanency case plan for the juvenile.

SECTION 127. 938.33 (4) (a) of the statutes is amended to read:

938.33 (4) (a) A permanency case plan prepared under s. 938.38.

SECTION 128. 938.33 (4) (c) of the statutes is amended to read:
938.33 (4) (c) Specific information showing that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile, specific information showing that the county department or the agency primarily responsible for providing services to the juvenile has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile’s health and safety are the paramount concerns, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency case plan has previously been prepared for the juvenile, specific information showing that the county department or agency has made reasonable efforts to achieve the goal of the juvenile’s permanency case plan, including, if appropriate, through an out-of-state placement.

Section 129. 938.335 (3g) (c) of the statutes is amended to read:

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

Section 130. 938.335 (4) of the statutes is amended to read:

938.335 (4) Testimony by telephone or live audiovisual means. At hearings under this section, s. 938.357, 938.358, 938.363, or 938.365, on the request of any party, unless good cause to the contrary is shown, the court may admit testimony on the record by telephone or live audiovisual means, if available, under s. 807.13 (2). The request and the showing of good cause may be made by telephone.

Section 131. 938.355 (2) (b) 5. of the statutes is amended to read:
938.355 (2) (b) 5. For a juvenile placed outside his or her home under an order under s. 938.34 (3) or 938.345, a permanency case plan under s. 938.38 if one has been prepared.

SECTION 132. 938.355 (2) (b) 6. of the statutes is amended to read:

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

**SECTION 133.** 938.355 (2b) (title) of the statutes is amended to read:

938.355 (2b) (title) CONCURRENT REASONABLE EFFORTS PERMITTED PLANNING.

**SECTION 134.** 938.355 (2b) of the statutes is renumbered 938.355 (2b) (b) and amended to read:

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

**SECTION 135.** 938.355 (2b) (a) of the statutes is created to read:

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

**SECTION 136.** 938.355 (2c) (b) of the statutes is amended to read:

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

**SECTION 137.** 938.355 (2d) (b) (intro.) of the statutes is amended to read:

938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required to include in a dispositional order a finding as to whether the county department or the agency primarily responsible for providing services under a court order has made reasonable efforts with respect to a parent of a juvenile to prevent the removal of the juvenile from the home, while assuring that the juvenile’s health and safety are the paramount concerns, or, if applicable, a finding as to whether the county department or agency has made reasonable efforts with respect to a parent of a juvenile to achieve the permanency case plan goal of returning the juvenile safely to his or her home, if the court finds any of the following:

**SECTION 138.** 938.355 (2d) (c) of the statutes is amended to read:

938.355 (2d) (c) If the court finds that any of the circumstances under par. (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after the date of that finding to determine the permanency case plan for the juvenile.
SECTION 139. 938.355 (2e) (title) of the statutes is amended to read:

938.355 (2e) (title) PERMANENCY CASE PLANS; FILING; AMENDED ORDERS; COPIES.

SECTION 140. 938.355 (2e) (a) of the statutes is amended to read:

938.355 (2e) (a) If a permanency case plan has not been prepared at the time the dispositional order is entered, or if the court orders a disposition that is not consistent with the permanency case plan, the agency responsible for preparing the plan shall prepare a permanency case plan that is consistent with the order or revise the permanency case plan to conform to the order and shall file the plan with the court within the time specified in s. 938.38 (3). A permanency case plan filed under this paragraph shall be made a part of the dispositional order.

SECTION 141. 938.355 (2e) (b) of the statutes is amended to read:

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

SECTION 142. 938.355 (2e) (c) of the statutes is amended to read:

938.355 (2e) (c) Either the court or the agency that prepared the permanency case plan shall furnish a copy of the original plan and each revised plan to the juvenile's parent or guardian, to the juvenile or the juvenile's counsel or guardian ad litem and to the person representing the interests of the public.

SECTION 143. 938.356 (1) of the statutes is amended to read:

938.356 (1) ORAL WARNING. Whenever the court orders a juvenile to be placed outside his or her home or denies a parent visitation because the juvenile has been
SECTION 143

adjudged to be delinquent or to be in need of protection or services under s. 938.34,
938.345, 938.357, 938.363, or 938.365 and whenever the court reviews a permanency
plan under s. 938.38 (5m), the court shall orally inform the parent or parents
who appear in court of any grounds for termination of parental rights under s. 48.415
which may be applicable and of the conditions necessary for the juvenile to be
returned to the home or for the parent to be granted visitation.

SECTION 144. 938.357 (1) (am) 1. of the statutes is amended to read:

938.357 (1) (am) 1. If the proposed change in placement involves any change
in placement other than a change in placement under par. (c), the person or agency
primarily responsible for implementing the dispositional order or the district
attorney shall cause written notice of the proposed change in placement to be sent
to the juvenile, the parent, guardian, and legal custodian of the juvenile, and any
foster parent or other physical custodian described in s. 48.62 (2) of the juvenile. If
the juvenile is an Indian juvenile who has been removed from the home of his or her
parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), written notice shall
also be sent to the Indian juvenile's Indian custodian and tribe. The notice shall
contain the name and address of the new placement, the reasons for the change in
placement, a statement describing why the new placement is preferable to the
present placement, and a statement of how the new placement satisfies the
objectives of the treatment juvenile's case plan ordered by the court.

SECTION 145. 938.357 (1) (c) 1. of the statutes is amended to read:

938.357 (1) (c) 1. If the proposed change in placement would change the
placement of a juvenile placed in the home to a placement outside the home, the
person or agency primarily responsible for implementing the dispositional order or
the district attorney shall submit a request for the change in placement to the court.
The request shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies the objectives of the juvenile's case plan ordered by the court. The request shall also contain specific information showing that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile and, unless any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns.

SECTION 146. 938.357 (2v) (c) of the statutes is amended to read:

938.357 (2v) (c) Permanency Case plan hearing. If the court finds under par. (a) 3. that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after the date of that finding to determine the permanency case plan for the juvenile.

SECTION 147. 938.358 of the statutes is created to read:

938.358 Trial reunification. (1) Definition. In this section, “trial reunification” means a return of a juvenile who is placed in an out-of-home placement under s. 938.355 or 938.357 to the home of his or her parent or other home from which the juvenile was removed for a specified and limited period for the purpose of determining the appropriateness of permanently returning the juvenile to that home.

(2) Trial reunification; procedure. (a) Request or proposal. The person or agency primarily responsible for implementing the dispositional order may request,
or the court on its own motion may propose, a trial reunification. The request or
proposal shall contain the name and address of the home that is the site of the
requested or proposed trial reunification, a statement describing why the trial
reunification is in the best interests of the juvenile, and a statement describing how
the trial reunification satisfies the objectives of the juvenile’s case plan. No person
may request or propose a trial reunification on the grounds that an emergency
condition necessitates an immediate return of the juvenile to the home of his or her
parent or other home from which the juvenile was removed. If an emergency
condition necessitates such an immediate return, the person or agency primarily
responsible for implementing the dispositional order shall proceed as provided in s.
938.357 (2).

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

(c) Hearing; when required. Any person receiving the notice under par. (b) may
obtain a hearing on the matter by filing an objection with the court within 10 days
after receipt of the notice. If a hearing is scheduled, not less than 3 days before the
hearing the person requesting the trial reunification or the court shall provide notice
of the hearing to all persons who are entitled to receive notice under par. (b). A copy
of the request or proposal for the trial reunification shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

(d) **Order.** If the court finds that the trial reunification is in the best interests of the juvenile and that the trial reunification satisfies the objectives of the juvenile’s case plan, the court shall grant an order authorizing the trial reunification. A trial reunification shall terminate 90 days after the date of the order, unless the court specifies a shorter period in the order, extends the trial reunification under sub. (3), or revokes the trial reunification under sub. (4) (c) or the person or agency primarily responsible for implementing the dispositional order makes an emergency change in placement as provided in sub. (4) (d). No trial reunification order may extend the expiration date of the original dispositional order under s. 938.355 or any extension order under s. 938.365. A trial reunification under this section is not a change in placement under s. 938.357. At the end of a trial reunification, the person or agency primarily responsible for implementing the dispositional order may return the juvenile to an out-of-home placement without further order of the court, notwithstanding s. 938.357, or may request a change in placement under s. 938.357 (1) (am) to change the placement of the juvenile to a placement in the home of the juvenile’s parent or other home from which the juvenile was removed.

(3) **Extension of trial reunification.** (a) **Extension request or proposal.** The person or agency primarily responsible for implementing the dispositional order may request, or the court on its own motion may propose, an extension of the trial reunification. The request or proposal shall contain a statement describing how the trial reunification continues to be in the best interests of the juvenile and continues to meet the objectives of the juvenile’s case plan. No later than 10 days prior to the expiration of the trial reunification, the person who requests or proposes the
extension shall submit the request or proposal to the court that ordered the trial
reunification and shall cause notice of the request or proposal to be provided to all
persons who are entitled to receive notice under sub. (2) (b).

(b) Extension hearing; when required. Any person who is entitled to receive
notice of the extension request or proposal under par. (a) may obtain a hearing on the
matter by filing an objection with the court within 5 days after receipt of the notice.
If a hearing is scheduled, not less than 3 days before the hearing the person
requesting the extension or the court shall provide notice of the hearing to all persons
who are entitled to receive notice of the extension request or proposal under par. (a).
A copy of the request or proposal for the extension shall be attached to the notice.
If all of the parties consent, the court may proceed immediately with the hearing.

(c) Extension order. If the court finds that the trial reunification continues to
be in the best interests of the juvenile and continues to meet the objectives of the
juvenile’s case plan, the court shall grant an order extending the trial reunification
for a period specified by the court not to exceed 60 days. Any number of extensions
may be granted under this paragraph, but the total period for a trial reunification
may not exceed 150 days.

(4) Revocation of trial reunification. (a) Revocation request; information
required. If the person or agency primarily responsible for implementing the
dispositional order has reasonable cause to suspect that a juvenile who has been
returned to the home of his or her parent or other home from which the juvenile was
removed for a trial reunification has been abused or neglected, has reason to believe
that such a juvenile has been threatened with abuse or neglect and that abuse or
neglect of the juvenile is likely to occur, or otherwise has reason to believe that the
trial reunification is no longer in the best interests of the juvenile, that person or
agency may request the court to revoke the trial reunification. That person or agency shall submit the request to the court that ordered the trial reunification and shall cause notice of the request to be provided to all persons who are entitled to receive notice of the trial reunification under a sub. (2) (b). The request shall contain the reasons for the proposed revocation.

(b) Revocation hearing; when required. Any person who is entitled to receive notice of the revocation request under par. (a) may obtain a hearing on the matter by filing an objection with the court within 5 days after receipt of the notice. If a hearing is scheduled, not less than 3 days prior to the hearing the court shall provide notice of the hearing, together with a copy of the request for the revocation, to all persons who are entitled to receive notice under par. (a). If all parties consent, the court may proceed immediately with the hearing.

(c) Revocation order. If the court finds that the juvenile, while returned to the home of his or her parent or other home from which the juvenile was removed for a trial reunification, has been abused or neglected, or has been threatened with abuse or neglect and that abuse or neglect of the juvenile is likely to occur, or finds that the trial reunification is no longer in the best interests of the juvenile, the court shall grant an order revoking the trial reunification and returning the juvenile to an out-of-home placement.

(d) Emergency change in placement. If an emergency condition necessitates an immediate removal of the juvenile from the home of his or her parent or other home from which the juvenile was removed, the person or agency primarily responsible for implementing the dispositional order may proceed as provided in s. 938.357 (2).

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

(6) Prohibited trial reunifications based on homicide of parent. (a) Prohibition. Except as provided in par. (c), the court may not order a trial reunification in the home of a person who has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the juvenile, if the conviction has not been reversed, set aside, or vacated.

(b) Revocation. Except as provided in par. (c), if a parent in whose home a juvenile is placed for a trial reunification is convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of the juvenile’s other parent, and the conviction has not been reversed, set aside, or vacated, the court shall revoke the trial reunification as provided in sub. (4) (c).

(c) Exception. Paragraphs (a) and (b) do not apply if the court determines by clear and convincing evidence that the placement would be in the best interests of the juvenile. The court shall consider the wishes of the juvenile in making that determination.
**SECTION 148.** 938.363 (1) (a) of the statutes is amended to read:

938.363 (1) (a) A juvenile, the juvenile’s parent, guardian, or legal custodian, any person or agency bound by a dispositional order, the district attorney or corporation counsel in the county in which the dispositional order was entered or, if the juvenile is an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile’s Indian custodian may request a revision in the order that does not involve a change in placement or a trial reunification, including a revision with respect to the amount of child support to be paid by a parent. The court may also propose a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available that affects the advisability of the court’s disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter prior to any revision of the dispositional order if the request or court proposal indicates that new information is available that affects the advisability of the court’s dispositional order, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves.

**SECTION 149.** 938.365 (2g) (b) 2. of the statutes is amended to read:

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

**SECTION 150.** 938.365 (2g) (b) 3. of the statutes is amended to read:
938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home in a foster home, group home, nonsecured residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months, not including any period during which the juvenile was a runaway from the out-of-home placement or the first 6 months of any period during which the juvenile was returned to his or her home for a trial home visit reunification, a statement of whether or not a recommendation has been made to terminate the parental rights of the parents of the juvenile. If a recommendation for a termination of parental rights has been made, the statement shall indicate the date on which the recommendation was made, any previous progress made to accomplish the termination of parental rights, any barriers to the termination of parental rights, specific steps to overcome the barriers and when the steps will be completed, reasons why adoption would be in the best interest of the juvenile and whether or not the juvenile should be registered with the adoption information exchange. If a recommendation for termination of parental rights has not been made, the statement shall include an explanation of the reasons why a recommendation for termination of parental rights has not been made. If the lack of appropriate adoptive resources is the primary reason for not recommending a termination of parental rights, the agency shall recommend that the juvenile be registered with the adoption information exchange or report the reason why registering the juvenile is contrary to the best interest of the juvenile.

SECTION 151. 938.365 (2m) (a) 1. of the statutes is amended to read:

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

**SECTION 152.** 938.365 (2m) (a) 1m. of the statutes is amended to read:

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

**SECTION 153.** 938.365 (2m) (a) 3. of the statutes is amended to read:

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

SECTION 154. 938.365 (2m) (ad) of the statutes is amended to read:

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

SECTION 155. 938.365 (7) of the statutes is amended to read:

938.365 (7) Changes in placement and trial reunifications not permitted. Nothing in this section may be construed to allow any changes in placement, trial reunification, or revocation of aftercare supervision. Revocation and other changes in placement may take place only under s. 938.357, and trial reunifications may take place only under s. 938.358.

SECTION 156. 938.371 (1) (a) of the statutes is amended to read:

938.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the juvenile as provided under s. 252.15 (3m) (d) 15., including results included in a court report or permanency case plan. At the time that the test results are provided, the agency shall notify the foster parent, relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility of the confidentiality requirements under s. 252.15 (6).

SECTION 157. 938.371 (1) (b) of the statutes is amended to read:

938.371 (1) (b) Results of any tests of the juvenile to determine the presence of viral hepatitis, type B, including results included in a court report or permanency case plan.
Section 158. 938.371 (3) (intro.) of the statutes is amended to read:

938.371 (3) Other information. (intro.) At the time of placement of a juvenile in a foster home, group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency case plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a), responsible for preparing the juvenile’s permanency case plan shall provide to the foster parent, relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility information contained in the court report submitted under s. 938.33 (1) or 938.365 (2g) or permanency case plan submitted under s. 938.355 (2e) or 938.38 relating to findings or opinions of the court or agency that prepared the court report or permanency case plan relating to any of the following:

Section 159. 938.371 (4) of the statutes is amended to read:

938.371 (4) Disclosure before placement permitted. Subsection (1) does not preclude an agency, as defined in s. 48.38 (1) (a), that is arranging for the placement of a juvenile from providing the information specified in sub. (1) (a) to (c) to a person specified in sub. (1) (intro.) before the time of placement of the juvenile. Subsection (3) does not preclude an agency, as defined in s. 48.38 (1) (a), responsible for preparing a juvenile’s court report or permanency case plan from providing the information specified in sub. (3) (a) to (e) to a person specified in sub. (3) (intro.) before the time of placement of the juvenile.

Section 160. 938.371 (5) of the statutes is amended to read:
938.371 (5) CONFIDENTIALITY OF INFORMATION. Except as permitted under s. 252.15 (6), a foster parent, treatment foster parent, relative, or operator of a group home, residential care center for children and youth, or juvenile correctional facility that receives any information under sub. (1) or (3), other than the information described in sub. (3) (e), shall keep the information confidential and may disclose that information only for the purposes of providing care for the juvenile or participating in a court hearing or permanency case plan review concerning the juvenile.

SECTION 161. Subchapter VII (title) of chapter 938 [precedes 938.38] of the statutes is amended to read:

CHAPTER 938
SUBCHAPTER VII
PERMANENCY CASE PLANNING; RECORDS

SECTION 162. 938.38 (title) of the statutes is amended to read:

938.38 (title) Permanency Case planning.

SECTION 163. 938.38 (1) (am) of the statutes is amended to read:

938.38 (1) (am) “Independent agency” means a private, nonprofit organization, but does not include a licensed child welfare agency that is authorized to prepare permanency case plans or that is assigned the primary responsibility of providing services under a permanency case plan.

SECTION 164. 938.38 (1) (b) of the statutes is renumbered 938.02 (1v) and amended to read:

938.02 (1v) “Permanency Case plan” means a plan designed to ensure that a juvenile is reunified with his or her family whenever appropriate, or that the juvenile quickly attains a placement or home providing long-term stability.

SECTION 165. 938.38 (2) (intro.) of the statutes is amended to read:
938.38 (2) **Permanency Case Plan Required.** (intro.) Except as provided in sub. (3), for each juvenile living in a foster home, group home, residential care center for children and youth, juvenile detention facility, or shelter care facility, the agency that placed the juvenile or arranged the placement or the agency assigned primary responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency case plan, if any of the following conditions exists, and, for each juvenile living in the home of a relative other than a parent, that agency shall prepare a written permanency case plan, if any of the conditions under pars. (a) to (e) exists:

**SECTION 166.** 938.38 (3) (intro.) of the statutes is amended to read:

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

**SECTION 167.** 938.38 (3) (a) of the statutes is amended to read:

938.38 (3) (a) If the juvenile is alleged to be delinquent and is being held in a juvenile detention facility, juvenile portion of a county jail, or shelter care facility, and the agency intends to recommend that the juvenile be placed in a juvenile correctional facility or a secured residential care center for children and youth, the agency is not required to submit the permanency case plan unless the court does not accept the recommendation of the agency. If the court places the juvenile in any facility outside of the juvenile’s home other than a juvenile correctional facility or a secured residential care center for children and youth, the agency shall file the permanency case plan with the court within 60 days after the date of disposition.

**SECTION 168.** 938.38 (3) (b) of the statutes is amended to read:
938.38 (3) (b) If the juvenile is held for less than 60 days in a juvenile detention facility, juvenile portion of a county jail, or a shelter care facility, no permanency case plan is required if the juvenile is returned to his or her home within that period.

SECTION 169. 938.38 (4) (intro.) of the statutes is amended to read:

938.38 (4) CONTENTS OF PLAN. (intro.) The permanency case plan shall include all of the following:

SECTION 170. 938.38 (4) (ar) of the statutes is amended to read:

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

SECTION 171. 938.38 (4) (br) 2. of the statutes is amended to read:

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

**SECTION 172.** 938.38 (4) (f) 3. of the statutes is amended to read:

938.38 (4) (f) 3. Improve the conditions of the parents’ home to facilitate the safe return of the juvenile to his or her home, or, if appropriate, obtain an alternative permanent placement for the juvenile a placement for adoption, with a guardian, with a fit and willing relative, or in some other planned permanent living arrangement in which the juvenile is in a long-term relationship with an adult.

**SECTION 173.** 938.38 (4) (fg) (intro.) of the statutes is amended to read:

938.38 (4) (fg) (intro.) The goal of the permanency case plan or, if the agency is making concurrent reasonable efforts under engaging in concurrent planning, as defined in s. 938.355 (2b) (a), the primary and concurrent goals of the permanency case plan. If a goal of the permanency plan is any goal other than return of the juvenile to his or her home to place the juvenile for adoption, with a guardian, or with a fit and willing relative, the permanency case plan shall include the rationale for deciding on that goal. If a goal of the permanency plan is an alternative permanent placement under subd. 5., the permanency plan shall document a compelling reason why it would not be in the best interest of the juvenile to pursue a goal specified in subds. 1. to 4. and the efforts made to achieve that goal, including, if appropriate, through an out-of-state placement. If the agency determines under s. 938.355 (2b) (b) to engage in concurrent planning, the case plan shall include the rationale for that determination and a description of the concurrent plan and the primary and concurrent goals of the concurrent plan. The agency shall determine one or more of the following goals to be the goal or goals of a juvenile’s permanency case plan:

**SECTION 174.** 938.38 (4) (fg) 5. of the statutes is amended to read:
938.38 (4) (fg) 5. Some as provided in par. (fm), some other alternative planned permanent placement living arrangement in which the juvenile is in a long-term relationship with an adult, including sustaining care, independent living, or long-term foster care, but not including independent living.

**SECTION 175.** 938.38 (4) (fm) of the statutes is renumbered 938.38 (4) (fm) (intro.) and amended to read:

938.38 (4) (fm) If the goal of the permanency plan is to agency determines that there is a compelling reason why it would not be in the best interests of the juvenile to return the juvenile to his or her home or to place the juvenile for adoption, with a guardian, or with a fit and willing relative, or the permanency goal of placing the juvenile in some other alternative planned permanent placement living arrangement described in par. (fg) 5. If the agency makes that determination, the plan shall include all of the following:

2. The compelling reason why it would not be in the best interests of the juvenile to return the juvenile to his or her home or to place the juvenile for adoption, with a guardian, or with a fit and willing relative and the efforts made to achieve that goal, including, if appropriate, through an out-of-state placement.

**SECTION 176.** 938.38 (4) (fm) 1. of the statutes is created to read:

938.38 (4) (fm) 1. A concurrent plan under s. 938.355 (2b) (b) towards achieving a permanency goal under par. (fg) 1. to 4. as well as the permanency goal under par. (fg) 5.

**SECTION 177.** 938.38 (4) (i) of the statutes is amended to read:

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

SECTION 178. 938.38 (4m) (title) of the statutes is amended to read:

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

SECTION 179. 938.38 (4m) (a) of the statutes is amended to read:

938.38 (4m) (a) If in a proceeding under s. 938.21, 938.32, 938.355, 938.357, or 938.365 the court finds that any of the circumstances in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing within 30 days after the date of that finding to determine the permanency case plan for the juvenile. If a hearing is held under this paragraph, the agency responsible for preparing the permanency case plan shall file the permanency case plan with the court not less than 5 days before the date of the hearing. At the hearing, the court shall consider placing the juvenile in a placement outside this state if the court determines that such a placement would be in the best interests of the juvenile and appropriate to achieving the goal of the juvenile’s permanency case plan.

SECTION 180. 938.38 (4m) (c) of the statutes is amended to read:

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

SECTION 181. 938.38 (5) (a) of the statutes is amended to read:

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

SECTION 182. 938.38 (5) (ag) of the statutes is amended to read:

938.38 (5) (ag) If the court elects not to review the permanency case plan, the
court shall appoint a panel to review the permanency case plan. The panel shall
consist of 3 persons who are either designated by an independent agency that has
been approved by the chief judge of the judicial administrative district or designated
by the agency that prepared the permanency case plan. A voting majority of persons
on each panel shall be persons who are not employed by the agency that prepared the
permanency case plan and who are not responsible for providing services to the
juvenile or the parents of the juvenile whose permanency case plan is the subject of
the review.

SECTION 183. 938.38 (5) (am) of the statutes is amended to read:

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

SECTION 184. 938.38 (5) (bm) 2. of the statutes is amended to read:

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

SECTION 185. 938.38 (5) (c) 2. of the statutes is amended to read:

938.38 (5) (c) 2. The extent of compliance with the permanency case plan by the
agency and any other service providers, the juvenile’s parents, the juvenile and the
juvenile’s guardian, if any.

SECTION 186. 938.38 (5) (c) 5. of the statutes is amended to read:

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

SECTION 187. 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

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

SECTION 188. 938.38 (5) (c) 6. d. of the statutes is amended to read:
938.38 (5) (c) 6. d. Being placed in some other alternative planned permanent placement living arrangement in which the juvenile is in a long-term relationship with an adult, including sustaining care, independent living, or long-term foster care, but not including independent living.

Section 189. 938.38 (5) (c) 6m. of the statutes is created to read:

938.38 (5) (c) 6m. If the case plan calls for concurrent planning, as defined in s. 938.355 (2b) (a), the appropriateness, in light of the standards established by the department, of each of the permanency goals of the concurrent plan. If the court or panel does not approve of any one or more of those goals, the court or panel must include in its determinations under this paragraph the reasons for that disapproval.

Section 190. 938.38 (5) (c) 7. of the statutes is amended to read:

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

Section 191. 938.38 (5) (d) of the statutes is amended to read:

938.38 (5) (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the permanency case plan shall, at least 5 days before a review by a review panel, provide to each person appointed to the review panel, the juvenile's parent, guardian, and legal custodian, the person representing the interests of the public, the juvenile's counsel, the juvenile's guardian ad litem, and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe a copy of the permanency case plan and any written comments submitted under par. (bm) 1. Notwithstanding s. 938.78 (2) (a), a person appointed to a review panel, the person representing the interests of the public, the juvenile’s counsel, the juvenile’s
guardian ad litem, and, if the juvenile is an Indian juvenile who is placed outside the
home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the
Indian juvenile’s Indian custodian and tribe may have access to any other records
concerning the juvenile for the purpose of participating in the review. A person
permitted access to a juvenile’s records under this paragraph may not disclose any
information from the records to any other person.

SECTION 192. 938.38 (5m) (title) of the statutes is amended to read:

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

SECTION 193. 938.38 (5m) (a) of the statutes is amended to read:

938.38 (5m) (a) The court shall hold a hearing to review the permanency case
plan and to make the determinations specified in sub. (5) (c) no later than 12 months
after the date on which the juvenile was first removed from the home and every 12
months after a previous hearing under this subsection for as long as the juvenile is
placed outside the home.

SECTION 194. 938.38 (5m) (b) of the statutes is amended to read:

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

**SECTION 195.** 938.38 (5m) (c) 2. of the statutes is amended to read:

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

**SECTION 196.** 938.38 (5m) (d) of the statutes is amended to read:

938.38 (5m) (d) At least 5 days before the date of the hearing the agency that prepared the permanency case plan shall provide a copy of the permanency case plan and any written comments submitted under par. (c) 1. to the court, to the juvenile's parent, guardian, and legal custodian, to the person representing the interests of the
public, to the juvenile’s counsel or guardian ad litem, and, if the juvenile is an Indian
juvenile who is placed outside the home of his or her parent or Indian custodian
under s. 938.13 (4), (6), (6m), or (7), to the Indian juvenile’s Indian custodian and
tribe. Notwithstanding s. 938.78 (2) (a), the person representing the interests of the
public, the juvenile’s counsel or guardian ad litem, and, if the juvenile is an Indian
juvenile who is placed outside the home of his or her parent or Indian custodian
under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile’s Indian custodian and tribe
may have access to any other records concerning the juvenile for the purpose of
participating in the review. A person permitted access to a juvenile’s records under
this paragraph may not disclose any information from the records to any other
person.

Section 197. 938.38 (5m) (e) of the statutes is amended to read:

938.38 (5m) (e) After the hearing, the court shall make written findings of fact
and conclusions of law relating to the determinations under sub. (5) (c) and shall
provide a copy of those findings of fact and conclusions of law to the juvenile; the
juvenile’s parent, guardian, and legal custodian; the juvenile’s foster parent, the
operator of the facility in which the juvenile is living, or the relative with whom the
juvenile is living; the agency that prepared the permanency case plan; the person
representing the interests of the public; and, if the juvenile is an Indian juvenile who
is placed outside the home of his or her parent or Indian custodian under s. 938.13
(4), (6), (6m), or (7), the Indian juvenile’s Indian custodian and tribe. The court shall
make the findings specified in sub. (5) (c) 7. on a case–by–case basis based on
circumstances specific to the juvenile and shall document or reference the specific
information on which those findings are based in the findings of fact and conclusions
of law prepared under this paragraph. Findings of fact and conclusions of law that
merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

**SECTION 198.** 938.38 (5m) (f) of the statutes is amended to read:

938.38 (5m) (f) If the findings of fact and conclusions of law under par. (e) conflict with the juvenile’s dispositional order or provide for any additional services not specified in the dispositional order, the court shall revise the dispositional order under s. 938.363 or, order a change in placement under s. 938.357, or order a trial reunification under s. 938.358, as appropriate.

**SECTION 199.** 938.38 (6) (a) of the statutes is amended to read:

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

**SECTION 200.** 938.38 (6) (d) of the statutes is amended to read:

938.38 (6) (d) The format for permanency case plans and review panel reports.

**SECTION 201. Initial applicability.**

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

(a) Case plan contents. Except as provided in paragraph (b) and subsection (2), this act first applies to a case plan filed on the effective date of this paragraph.

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

(2) TRIAL REUNIFICATIONS FOR CHILDREN IN OUT-OF-HOME CARE.
(a) *Trial reunifications.* The treatment of sections 48.235 (4) (a) 2. and (4m) (a) 2., 48.299 (4) (b), 48.335 (4), 48.358, 938.235 (4) (a) 2., 938.335 (4), and 938.358 of the statutes first applies to a trial reunification requested or proposed on the effective date of this paragraph.

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

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

(d) *Terminations of parental rights.* The treatment of section 48.417 (1) (a) of the statutes first applies to a termination of parental rights petition filed or joined in on the effective date of this paragraph.

**SECTION 202. Effective date.**

(1) *Case planning for children in out-of-home care.* This act takes effect on November 1, 2012.