



2013 SENATE BILL 451

1 **AN ACT** *to repeal* 48.44 (2), 48.78 (2) (d) 3., 301.26 (4) (cm) 2., 302.11 (10), 302.17
2 (3), 302.255, 304.15, 938.992 (3) and 946.42 (3) (d); *to renumber and amend*
3 48.355 (4), 48.357 (6), 48.365 (5), 48.38 (4) (ar), 48.44 (1), 48.619, 938.357 (6),
4 938.365 (5) and 938.38 (4) (ar); *to amend* 20.410 (3) (cg), 20.437 (1) (dd), 20.437
5 (1) (pd), 48.235 (1) (e), 48.33 (4) (intro.), 48.335 (3g) (intro.), 48.357 (1) (am) 2.
6 (intro.), 48.357 (2), 48.357 (2m) (a), 48.357 (2m) (b), 48.357 (2v) (a) 3., 48.38 (2)
7 (intro.), 48.38 (2) (g), 48.385, 48.48 (17) (c) 4., 48.481 (2), 48.57 (3) (a) 4., 48.57
8 (3m) (a) 1., 48.57 (3n) (a) 1., 48.57 (3n) (am) 6. a., 48.64 (4) (a), 48.64 (4) (c),
9 48.645 (1) (intro.), 48.645 (1) (a), 48.645 (2) (a) 3., 48.645 (2) (b), 48.685 (1) (am),
10 146.82 (2) (a) 18m., 227.03 (4), 252.15 (3m) (d) 15., 301.03 (9), 301.12 (2), 301.26
11 (4) (a), 301.26 (4) (b), 301.26 (4) (c), 301.26 (4) (d) 1m., 302.11 (1), 302.17 (2),
12 302.31 (7), 767.405 (8) (b) 1., 767.405 (10) (e) 1., 767.41 (2) (b) 2. c., 767.41 (5)
13 (am) 12., 905.045 (1) (a), 938.235 (1) (e), 938.33 (4) (intro.), 938.335 (3g) (intro.),
14 938.355 (4) (a), 938.355 (6) (a) 1., 938.355 (6) (a) 2., 938.355 (6d) (a) 1., 938.355

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1 (6d) (a) 2., 938.355 (6d) (b) 1., 938.355 (6d) (b) 2., 938.355 (6d) (c) 1., 938.355 (6d)
2 (c) 2., 938.355 (6m) (a) (intro.), 938.357 (1) (am) 2. (intro.), 938.357 (2), 938.357
3 (2m) (a), 938.357 (2m) (b), 938.357 (2v) (a) 3., 938.357 (4g) (b), 938.38 (2) (intro.),
4 938.44, 938.53, 938.57 (3) (a) 4., 938.595, 938.78 (2) (d) 3., 946.42 (1) (a) 1. f.,
5 946.44 (2) (d), 946.45 (2) (d) and 976.08; **to repeal and recreate** 48.366; and
6 **to create** 48.355 (4) (b) 4., 48.357 (1) (am) 2r., 48.357 (2m) (bv), 48.357 (6) (a)
7 4., 48.365 (5) (b) 4., 48.38 (4) (ar) 2., 48.38 (4) (fg) 6., 48.38 (5) (c) 9., 48.619 (2),
8 48.64 (4) (d), 938.355 (4) (am) 4., 938.355 (6) (a) 3., 938.355 (6d) (a) 2g., 938.355
9 (6d) (a) 2r., 938.355 (6d) (b) 2g., 938.355 (6d) (b) 2r., 938.355 (6d) (c) 2g., 938.355
10 (6d) (c) 2r., 938.357 (1) (am) 2r., 938.357 (2m) (bv), 938.357 (6) (a) 4., 938.365 (5)
11 (b) 4., 938.366, 938.38 (4) (ar) 2., 938.38 (4) (fg) 6., 938.38 (5) (c) 9. and 938.385
12 of the statutes; **relating to:** extended out-of-home care to 21 years of age for
13 children with individualized education programs, providing an exemption from
14 emergency rule procedures, providing an exemption from rule-making
15 procedures, granting rule-making authority, and making appropriations.

Analysis by the Legislative Reference Bureau

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

16 **SECTION 1.** 20.410 (3) (cg) of the statutes is amended to read:
17 20.410 (3) (cg) *Serious juvenile offenders.* Biennially, the amounts in the
18 schedule for juvenile correctional institution, corrective sanctions, alternate care,
19 aftercare, and other juvenile program services specified in s. 938.538 (3) provided for
20 the persons specified in s. 301.26 (4) (cm), and for juvenile correctional institution
21 services for persons placed in juvenile correctional institutions under s. 973.013 (3m)

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1 and for juvenile correctional services for persons under 18 years of age placed with
2 the department under s. 48.366 (8).

3 **SECTION 1d.** 20.437 (1) (dd) of the statutes is amended to read:

4 20.437 (1) (dd) *State foster out-of-home care, guardianship, and adoption*
5 *services.* The amounts in the schedule for foster care, institutional child care, and
6 subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children
7 under s. 49.19 (10) (d), for the cost of subsidized guardianship payments under s.
8 48.623 (1) or (6), for the cost of placements of children 18 years of age or over in
9 residential care centers for children and youth under voluntary agreements under
10 s. 48.366 (3) or under orders that terminate as provided in s. 48.355 (4) (b) 4., 48.357
11 (6) (a) 4., or 48.365 (5) (b) 4., for the cost of the foster care monitoring system, for the
12 cost of providing, ~~or contracting with private adoption agencies to assist the~~
13 ~~department in providing,~~ services to children with special needs who are under the
14 guardianship of the department to prepare those children for adoption, and for the
15 cost of providing postadoption services to children with special needs who have been
16 adopted.

17 **SECTION 1f.** 20.437 (1) (pd) of the statutes is amended to read:

18 20.437 (1) (pd) *Federal aid; state foster out-of-home care, guardianship, and*
19 *adoption services.* All federal moneys received for meeting the costs of providing
20 foster care, institutional child care, and subsidized adoptions under ss. 48.48 (12)
21 and 48.52, the cost of care for children under s. 49.19 (10) (d), the cost of subsidized
22 guardianship payments under s. 48.623 (1) or (6), the cost of placements of children
23 18 years of age or over in residential care centers for children and youth under
24 voluntary agreements under s. 48.366 (3) or under orders that terminate as provided
25 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4., the cost of providing, ~~or~~

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1 ~~contracting with private adoption agencies to assist the department in providing,~~
2 services to children with special needs who are under the guardianship of the
3 department to prepare those children for adoption, and the cost of ~~providing~~
4 postadoption services to children with special needs ~~who have been adopted.~~
5 Disbursements for foster care under s. 49.32 (2) and for the purposes described under
6 s. 48.627 may be made from this appropriation.

7 **SECTION 2.** 48.235 (1) (e) of the statutes is amended to read:

8 48.235 (1) (e) The court shall appoint a guardian ad litem, or extend the
9 appointment of a guardian ad litem previously appointed under par. (a), for any child
10 alleged or found to be in need of protection or services, if the court has ordered, or if
11 a request or recommendation has been made that the court order, the child to be
12 placed out of his or her home under s. 48.345 or 48.357. This paragraph does not
13 apply to a child who is subject to a dispositional order that terminates as provided
14 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4.

15 **SECTION 3.** 48.33 (4) (intro.) of the statutes is amended to read:

16 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
17 placement of an adult expectant mother outside of her home shall be in writing. A
18 report recommending placement of a child in a foster home, group home, or
19 residential care center for children and youth, in the home of a relative other than
20 a parent, ~~or~~ in the home of a guardian under s. 48.977 (2), or in a supervised
21 independent living arrangement shall be in writing and shall include all of the
22 following:

23 **SECTION 4.** 48.335 (3g) (intro.) of the statutes is amended to read:

24 48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in
25 s. 48.38 (1) (a), is recommending placement of the child in a foster home, group home,

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1 or residential care center for children and youth ~~or~~, in the home of a relative other
2 than a parent, in the home of a guardian under s. 48.977 (2), or in a supervised
3 independent living arrangement, the agency shall present as evidence specific
4 information showing all of the following:

5 **SECTION 5.** 48.355 (4) of the statutes is renumbered 48.355 (4) (a) and amended
6 to read:

7 48.355 (4) (a) Except as provided under s. 48.368, an order under this section
8 or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or
9 continues the placement of the child in his or her home shall terminate ~~at the end~~
10 ~~of one year after its entry~~ the date on which the order is entered unless the judge
11 specifies a shorter period of time or the judge terminates the order sooner.

12 (b) Except as provided under s. 48.368, an order under this section or s. 48.357
13 or 48.365 made before the child reaches 18 years of age that places or continues the
14 placement of the child in a foster home, group home, or residential care center for
15 children and youth ~~or~~, in the home of a relative other than a parent, or in a supervised
16 independent living arrangement shall terminate ~~when~~ on the latest of the following
17 dates, unless the judge specifies a shorter period or the judge terminates the order
18 sooner:

19 1. The date on which the child reaches 18 years of age, ~~at the end of~~.

20 2. The date that is one year after its entry, or, if the date on which the order is
21 entered.

22 3. The date on which the child is granted a high school or high school
23 equivalency diploma or the date on which the child reaches 19 years of age,
24 whichever occurs first, if the child is a full-time student at a secondary school or its
25 vocational or technical equivalent and is reasonably expected to complete the

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1 program before reaching 19 years of age, ~~when the child reaches 19 years of age,~~
2 ~~whichever is later, unless the judge specifies a shorter period of time or the judge~~
3 ~~terminates the order sooner.~~

4 (c) An order under this section or s. 48.357 or 48.365 relating to an unborn child
5 in need of protection or services that is made before the unborn child is born shall
6 terminate ~~at the end of one year after its entry~~ the date on which the order is entered
7 unless the judge specifies a shorter period of time or the judge terminates the order
8 sooner.

9 **SECTION 6.** 48.355 (4) (b) 4. of the statutes is created to read:

10 48.355 (4) (b) 4. The date on which the child is granted a high school or high
11 school equivalency diploma or the date on which the child reaches 21 years of age,
12 whichever occurs first, if the child is a full-time student at a secondary school or its
13 vocational or technical equivalent and if an individualized education program under
14 s. 115.787 is in effect for the child. The court may not enter an order that terminates
15 as provided in this subdivision unless the child is 17 years of age or older when the
16 order is entered and the child, or the child's guardian on behalf of the child, agrees
17 to the order. At any time after the child reaches 18 years of age, the child, or the
18 child's guardian on behalf of the child, may request the court in writing to terminate
19 the order and, on receipt of such a request, the court, without a hearing, shall
20 terminate the order.

21 **SECTION 7.** 48.357 (1) (am) 2. (intro.) of the statutes is amended to read:

22 48.357 (1) (am) 2. (intro.) ~~Any~~ Except as provided in subd. 2r., any person
23 receiving the notice under subd. 1. or notice of a specific placement under s. 48.355
24 (2) (b) 2., other than a court-appointed special advocate, may obtain a hearing on the
25 matter by filing an objection with the court within 10 days after receipt of the notice.

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1 Except as provided in ~~subd.~~ subds. 2m. and 2r., placements may not be changed until
2 10 days after that notice is sent to the court unless written waivers of objection are
3 signed as follows:

4 **SECTION 8.** 48.357 (1) (am) 2r. of the statutes is created to read:

5 48.357 (1) (am) 2r. If the proposed change in placement involves a child who
6 is subject to a dispositional order that terminates as provided in sub. (6) (a) 4. or s.
7 48.355 (4) (b) 4. or 48.365 (5) (b) 4., the person or agency primarily responsible for
8 implementing the dispositional order, the district attorney, or the corporation
9 counsel may request a change in placement under this paragraph only if the child
10 or the child's guardian on behalf of the child consents to the change in placement.
11 That person or agency, the district attorney, or the corporation counsel shall cause
12 written notice of the proposed change in placement to be sent to the child, the
13 guardian of the child, and any foster parent or other physical custodian described in
14 s. 48.62 (2) of the child. No hearing is required for a change in placement described
15 in this subdivision, and the child's placement may be changed at any time after notice
16 of the proposed change in placement is sent to the court.

17 **SECTION 9.** 48.357 (2) of the statutes is amended to read:

18 48.357 (2) If emergency conditions necessitate an immediate change in the
19 placement of a child or expectant mother placed outside the home, the person or
20 agency primarily responsible for implementing the dispositional order may remove
21 the child or expectant mother to a new placement, whether or not authorized by the
22 existing dispositional order, without the prior notice provided in sub. (1) (am) 1. or
23 the consent required under sub. (1) (am) 2r. The notice shall, however, be sent within
24 48 hours after the emergency change in placement. Any party receiving notice may
25 demand a hearing under sub. (1) (am) 2. In emergency situations, a child may be

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1 placed in a licensed public or private shelter care facility as a transitional placement
2 for not more than 20 days, as well as in any placement authorized under s. 48.345
3 (3).

4 **SECTION 10.** 48.357 (2m) (a) of the statutes is amended to read:

5 48.357 (2m) (a) The Except as provided in par. (bv), the child, the parent,
6 guardian, legal custodian, or Indian custodian of the child, the expectant mother, the
7 unborn child by the unborn child's guardian ad litem, or any person or agency
8 primarily bound by the dispositional order, other than the person or agency
9 responsible for implementing the order, may request a change in placement under
10 this paragraph. The request shall contain the name and address of the new
11 placement requested and shall state what new information is available that affects
12 the advisability of the current placement. If the proposed change in placement would
13 change the placement of a child placed in the child's home to a placement outside the
14 child's home, the request shall also contain specific information showing that
15 continued placement of the child in the home would be contrary to the welfare of the
16 child and, unless any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies,
17 specific information showing that the agency primarily responsible for
18 implementing the dispositional order has made reasonable efforts to prevent the
19 removal of the child from the home, while assuring that the child's health and safety
20 are the paramount concerns. The request shall be submitted to the court. The court
21 may also propose a change in placement on its own motion.

22 **SECTION 11.** 48.357 (2m) (b) of the statutes is amended to read:

23 48.357 (2m) (b) The court shall hold a hearing prior to ordering any change in
24 placement requested or proposed under par. (a) if the request states that new
25 information is available that affects the advisability of the current placement. ~~A~~

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1 Except as provided in par. (bv), a hearing is not required if the requested or proposed
2 change in placement does not involve a change in placement of a child placed in the
3 child's home to a placement outside the child's home, written waivers of objection to
4 the proposed change in placement are signed by all persons entitled to receive notice
5 under this paragraph, other than a court-appointed special advocate, and the court
6 approves. If a hearing is scheduled, not less than 3 days before the hearing the court
7 shall notify the child, the parent, guardian, and legal custodian of the child, any
8 foster parent or other physical custodian described in s. 48.62 (2) of the child, the
9 child's court-appointed special advocate, all parties who are bound by the
10 dispositional order, and, if the child is an Indian child, the Indian child's Indian
11 custodian and tribe. If the child is the expectant mother of an unborn child under
12 s. 48.133, the court shall also notify the unborn child by the unborn child's guardian
13 ad litem. If the change in placement involves an adult expectant mother of an unborn
14 child under s. 48.133, the court shall notify the adult expectant mother, the unborn
15 child by the unborn child's guardian ad litem, and all parties who are bound by the
16 dispositional order, at least 3 days prior to the hearing. A copy of the request or
17 proposal for the change in placement shall be attached to the notice. Subject to par.
18 (br), if all of the parties consent, the court may proceed immediately with the hearing.

19 **SECTION 12.** 48.357 (2m) (bv) of the statutes is created to read:

20 48.357 (2m) (bv) If the proposed change in placement involves a child who is
21 subject to a dispositional order that terminates as provided in sub. (6) (a) 4. or s.
22 48.355 (4) (b) 4. or 48.365 (5) (b) 4., only the child or the child's guardian on behalf
23 of the child or a person or agency primarily bound by the dispositional order may
24 request a change in placement under par. (a). No hearing is required for a change
25 in placement described in this paragraph if written waivers of objection to the

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1 proposed change in placement are signed by the child, the guardian of the child, and
2 all parties that are bound by the dispositional order. If a hearing is scheduled, the
3 court may proceed immediately with the hearing on the consent of the person who
4 requested the change in placement, the child, the guardian of the child, and all
5 parties who are bound by the dispositional order.

6 **SECTION 13.** 48.357 (2v) (a) 3. of the statutes is amended to read:

7 48.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
8 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the
9 agency primarily responsible for providing services under the change in placement
10 order is not required to make reasonable efforts with respect to the parent to make
11 it possible for the child to return safely to his or her home. This subdivision does not
12 apply to a child who is subject to a dispositional order that terminates as provided
13 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4.

14 **SECTION 14.** 48.357 (6) of the statutes is renumbered 48.357 (6) (a) (intro.) and
15 amended to read:

16 48.357 (6) (a) (intro.) No change in placement may extend the expiration date
17 of the original order, except that if the change in placement is from a placement in
18 the child's home to a placement outside the home the court may extend the expiration
19 date of the original order to the latest of the following dates, unless the court specifies
20 a shorter period:

21 1. The date on which the child reaches 18 years of age, to the,

22 2. The date that is one year after the date of on which the change in placement
23 order, or, if is entered.

24 3. The date on which the child is granted a high school or high school
25 equivalency diploma or the date on which the child reaches 19 years of age,

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1 whichever occurs first, if the child is a full-time student at a secondary school or its
2 vocational or technical equivalent and is reasonably expected to complete the
3 program before reaching 19 years of age, ~~to the date on which the child reaches 19~~
4 ~~years of age, whichever is later, or for a shorter period of time as specified by the~~
5 ~~court.~~

6 (b) If the change in placement is from a placement outside the home to a
7 placement in the child's home and if the expiration date of the original order is more
8 than one year after the date of on which the change in placement order is entered,
9 the court shall shorten the expiration date of the original order to the date that is one
10 year after the date of on which the change in placement order is entered or to an
11 earlier date as specified by the court.

12 **SECTION 15.** 48.357 (6) (a) 4. of the statutes is created to read:

13 48.357 (6) (a) 4. The date on which the child is granted a high school or high
14 school equivalency diploma or the date on which the child reaches 21 years of age,
15 whichever occurs first, if the child is a full-time student at a secondary school or its
16 vocational or technical equivalent and if an individualized education program under
17 s. 115.787 is in effect for the child. The court may not enter an order that terminates
18 as provided in this subdivision unless the child is 17 years of age or older when the
19 order is entered and the child, or the child's guardian on behalf of the child, agrees
20 to the order. At any time after the child reaches 18 years of age, the child, or the
21 child's guardian on behalf of the child, may request the court in writing to terminate
22 the order and, on receipt of such a request, the court, without a hearing, shall
23 terminate the order.

24 **SECTION 16.** 48.365 (5) of the statutes is renumbered 48.365 (5) (a) and
25 amended to read:

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1 48.365 (5) (a) Except as provided in s. 48.368, an order under this section that
2 continues the placement of a child in his or her home or that relates to an unborn
3 child of an adult expectant mother shall be for a specified length of time not to exceed
4 one year after ~~its~~ the date of entry on which the order is entered.

5 **(b)** Except as provided in s. 48.368, an order under this section that continues
6 the placement of a child in an out-of-home placement shall be for a specified length
7 of time not to exceed the latest of the following dates:

8 1. The date on which the child reaches 18 years of age,

9 2. The date that is one year after the date of entry of on which the order, ~~or, if~~
10 is entered.

11 3. The date on which the child is granted a high school or high school
12 equivalency diploma or the date on which the child reaches 19 years of age,
13 whichever occurs first, if the child is a full-time student at a secondary school or its
14 vocational or technical equivalent and is reasonably expected to complete the
15 program before reaching 19 years of age, the date on which the child reaches 19 years
16 of age, whichever is later.

17 **SECTION 17.** 48.365 (5) (b) 4. of the statutes is created to read:

18 48.365 (5) (b) 4. The date on which the child is granted a high school or high
19 school equivalency diploma or the date on which the child reaches 21 years of age,
20 whichever occurs first, if the child is a full-time student at a secondary school or its
21 vocational or technical equivalent and if an individualized education program under
22 s. 115.787 is in effect for the child. The court may not enter an order that terminates
23 as provided in this subdivision unless the child is 17 years of age or older when the
24 order is entered and the child, or the child's guardian on behalf of the child, agrees
25 to the order. At any time after the child reaches 18 years of age, the child, or the

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1 child's guardian on behalf of the child, may request the court in writing to terminate
2 the order and, on receipt of such a request, the court, without a hearing, shall
3 terminate the order.

4 **SECTION 18.** 48.366 of the statutes is repealed and recreated to read:

5 **48.366 Extended out-of-home care. (1) APPLICABILITY.** This section applies
6 to a person who is placed in a foster home, group home, or residential care center for
7 children and youth, in the home of a relative other than a parent, or in a supervised
8 independent living arrangement under an order under s. 48.355, 48.357, or 48.365
9 that terminates as provided in s. 48.355 (4) (b) 1., 2., or 3., 48.357 (6) (a) 1., 2., or 3.,
10 or 48.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age or who is
11 in the guardianship and custody of an agency specified in s. 48.427 (3m) (a) 1. to 4.
12 or (am) under an order under s. 48.43, who is a full-time student of a secondary
13 school or its vocational or technical equivalent, and for whom an individualized
14 education program under s. 115.787 is in effect.

15 **(2) TRANSITION-TO-DISCHARGE HEARING.** (a) Not less than 120 days before an
16 order described in sub. (1) terminates, the agency primarily responsible for providing
17 services under the order shall request the person who is the subject of the order to
18 indicate whether he or she wishes to be discharged from out-of-home care on
19 termination of the order or wishes to continue in out-of-home care under a voluntary
20 agreement under sub. (3). If the person is subject to an order under s. 48.355, 48.357,
21 or 48.365 described in sub. (1), the agency shall also request the person to indicate
22 whether he or she wishes to continue in out-of-home care until the date specified in
23 s. 48.365 (5) (b) 4. under an extension of the order. If the person indicates that he or
24 she wishes to be discharged from out-of-home care on termination of the order, the
25 agency shall request a transition-to-discharge hearing under par. (b). If the person

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1 indicates that he or she wishes to continue in out-of-home care under an extension
2 of an order under s. 48.355, 48.357, or 48.365 described in sub. (1), the agency shall
3 request an extension of the order under s. 48.365. If the person indicates that he or
4 she wishes to continue in out-of-home care under a voluntary agreement under sub.
5 (3), the agency and the person shall enter into such an agreement.

6 (b) 1. If the person who is the subject of an order described in sub. (1) indicates
7 that he or she wishes to be discharged from out-of-home care on termination of the
8 order, the agency primarily responsible for providing services to the person under the
9 order shall request the court to hold a transition-to-discharge hearing and shall
10 cause notice of that request to be provided to that person, the parent, guardian, and
11 legal custodian of that person, any foster parent or other physical custodian
12 described in s. 48.62 (2) of that person, that person's court-appointed special
13 advocate, all parties who are bound by the dispositional order, and, if that person is
14 an Indian child who has been removed from the home of his or her parent or Indian
15 custodian, that person's Indian custodian and tribe.

16 2. The court shall hold a hearing requested under subd. 1. within 30 days after
17 receipt of the request. Not less than 3 days before the hearing, the agency requesting
18 the hearing shall provide notice of the hearing to all persons who are entitled to
19 receive notice of the request under subd. 1. A copy of the request shall be attached
20 to the notice. If all persons who are entitled to receive the notice consent, the court
21 may proceed immediately with the hearing.

22 3. At the hearing the court shall review with the person who is the subject of
23 an order described in sub. (1) the options specified in par. (a) and shall advise the
24 person that he or she may continue in out-of-home care as provided in par. (a) under

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1 an extension of an order under s. 48.355, 48.357, or 48.365 described in sub. (1) or
2 under a voluntary agreement under sub. (3).

3 4. If the court determines that the person who is the subject of an order
4 described in sub. (1) understands that he or she may continue in out-of-home care,
5 but wishes to be discharged from that care on termination of the order, the court shall
6 advise the person that he or she may enter into a voluntary agreement under sub.
7 (3) at any time before he or she is granted a high school or high school equivalency
8 diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a
9 full-time student at a secondary school or its vocational or technical equivalent and
10 an individualized education program under s. 115.787 is in effect for him or her. If
11 the court determines that the person wishes to continue in out-of-home care under
12 an extension of an order under s. 48.355, 48.357, or 48.365 described in sub. (1), the
13 court shall schedule an extension hearing under s. 48.365. If the court determines
14 that the person wishes to continue in out-of-home care under a voluntary agreement
15 under sub. (3), the court shall order the agency primarily responsible for providing
16 services to the person under the order to provide transition-to-independent-living
17 services for the person under a voluntary agreement under sub. (3).

18 **(3) VOLUNTARY TRANSITION-TO-INDEPENDENT-LIVING AGREEMENT.** (a) On
19 termination of an order described in sub. (1), the person who is the subject of the
20 order, or the person's guardian on behalf of the person, and the agency primarily
21 responsible for providing services to the person under the order may enter into a
22 transition-to-independent-living agreement under which the person continues in
23 out-of-home care and continues to be a full-time student at a secondary school or
24 its vocational or technical equivalent under an individualized education program
25 under s. 115.787 until the date on which the person reaches 21 years of age, is granted

SENATE BILL 451**SECTION 18**

1 a high school or high school equivalency diploma, or terminates the agreement as
2 provided in par. (b), whichever occurs first, and the agency provides services to the
3 person to assist him or her in transitioning to independent living.

4 (b) The person who is the subject of an agreement under par. (a) or his or her
5 guardian may terminate the agreement at any time during the term of the
6 agreement by notifying the agency primarily responsible for providing services
7 under the agreement in writing that the person wishes to terminate the agreement.

8 (c) A person who terminates a voluntary agreement under this subsection, or
9 the person's guardian on the person's behalf, may request the agency primarily
10 responsible for providing services to the person under the agreement to enter into a
11 new voluntary agreement under this subsection at any time before the person is
12 granted a high school or high school equivalency diploma or reaches 21 years of age,
13 whichever occurs first, so long as the person is a full-time student at a secondary
14 school or its vocational or technical equivalent and an individualized education
15 program under s. 115.787 is in effect for him or her. If the request meets the
16 conditions set forth in the rules promulgated under sub. (4) (b), the agency shall enter
17 into a new voluntary agreement with that person.

18 **(3m)** COST OF RESIDENTIAL CARE CENTER PLACEMENTS. The department is
19 responsible for meeting the cost of a placement of a child 18 years of age or over in
20 a residential care center for children and youth under a voluntary agreement under
21 sub. (3) or under an order that terminates as provided in s. 48.355 (4) (b) 4., 48.357
22 (6) (a) 4., or 48.365 (5) (b) 4. The department shall meet that cost from the
23 appropriations under s. 20.437 (1) (dd) and (pd).

24 **(4)** RULES. The department shall promulgate rules to implement this section.
25 Those rules shall include all of the following:

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1 (a) Rules permitting a foster home, group home, or residential care center for
2 children and youth to provide care for persons who agree to continue in out-of-home
3 care under an extension of an order described in sub. (1) or a voluntary agreement
4 under sub. (3).

5 (b) Rules setting forth the conditions under which a person who has terminated
6 a voluntary agreement under sub. (3) and the agency primarily responsible for
7 providing services under the agreement may enter into a new voluntary agreement
8 under sub. (3) (c).

9 **SECTION 19.** 48.38 (2) (intro.) of the statutes is amended to read:

10 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
11 for each child living in a foster home, group home, residential care center for children
12 and youth, juvenile detention facility, ~~or~~ shelter care facility, or supervised
13 independent living arrangement, the agency that placed the child or arranged the
14 placement or the agency assigned primary responsibility for providing services to the
15 child under s. 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of
16 the following conditions exists, and, for each child living in the home of a guardian
17 or a relative other than a parent, that agency shall prepare a written permanency
18 plan, if any of the conditions specified in pars. (a) to (e) exists:

19 **SECTION 20.** 48.38 (2) (g) of the statutes is amended to read:

20 48.38 (2) (g) The child's parent is placed in a foster home, group home,
21 residential care center for children and youth, juvenile detention facility, ~~or~~ shelter
22 care facility, or supervised independent living arrangement and the child is residing
23 with that parent.

24 **SECTION 21.** 48.38 (4) (ar) of the statutes is renumbered 48.38 (4) (ar) (intro.)
25 and amended to read:

SENATE BILL 451**SECTION 21**

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

9 1. Any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies to that
10 parent.

11 **SECTION 22.** 48.38 (4) (ar) 2. of the statutes is created to read:

12 48.38 (4) (ar) 2. The child has attained 18 years of age.

13 **SECTION 23.** 48.38 (4) (fg) 6. of the statutes is created to read:

14 48.38 (4) (fg) 6. If the child has attained 18 years of age, transition to
15 independent living.

16 **SECTION 24.** 48.38 (5) (c) 9. of the statutes is created to read:

17 48.38 (5) (c) 9. If the child is the subject of an order that terminates as provided
18 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4. or 48.365 (5) (b) 4., the appropriateness of the
19 transition-to-independent-living plan developed under s. 48.385; the extent of
20 compliance with that plan by the child, the child's guardian, if any, the agency
21 primarily responsible for providing services under that plan, and any other service
22 providers; and the progress of the child toward making the transition to independent
23 living.

24 **SECTION 25.** 48.385 of the statutes is amended to read:

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1 **48.385 Plan for transition to independent living.** During the 90 days
2 immediately before a child who is placed in a foster home, group home, or residential
3 care center for children and youth ~~or~~, in the home of a relative other than a parent,
4 or in a supervised independent living arrangement attains 18 years of age or, if the
5 child is placed in such a placement under an order under s. 48.355, 48.357, ~~or~~ 48.365,
6 ~~938.355, 938.357, or 938.365~~ that terminates under s. 48.355 (4) ~~or 938.355 (4)~~ (b)
7 after the child attains 18 years of age, during the 90 days immediately before the
8 termination of the order, the agency primarily responsible for providing services to
9 the child under the order shall provide the child with assistance and support in
10 developing a plan for making the transition from out-of-home care to independent
11 living. The transition plan shall be personalized at the direction of the child, shall
12 be as detailed as the child directs, and shall include specific options for obtaining
13 housing, health care, education, mentoring and continuing support services, and
14 workforce support and employment services.

15 **SECTION 26.** 48.44 (1) of the statutes is renumbered 48.44 and amended to read:

16 **48.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
17 over persons 17 years of age or older as provided under ss. 48.133, 48.355 (4), 48.357
18 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in this chapter.

19 **SECTION 27.** 48.44 (2) of the statutes is repealed.

20 **SECTION 28.** 48.48 (17) (c) 4. of the statutes is amended to read:

21 48.48 (17) (c) 4. Is living in a foster home, group home, or residential care center
22 for children and youth or in a supervised independent living arrangement.

23 **SECTION 29.** 48.481 (2) of the statutes, as created by 2013 Wisconsin Act 20, is
24 amended to read:

SENATE BILL 451**SECTION 29**

1 48.481 (2) TRANSITION TO INDEPENDENT LIVING. The department shall distribute
2 at least \$231,700 in each fiscal year to counties for the purpose of assisting
3 individuals who attain the age of 18 while residing in a foster home, group home, or
4 residential care center for children and youth or, in the home of a relative other than
5 a parent, or in a supervised independent living arrangement to make the transition
6 from out-of-home care to independent living. No county may use funds provided
7 under this subsection to replace funds previously used by the county for this purpose.

8 **SECTION 30.** 48.57 (3) (a) 4. of the statutes is amended to read:

9 48.57 (3) (a) 4. Is living in a foster home, group home, residential care center
10 for children and youth, or subsidized guardianship home or in a supervised
11 independent living arrangement.

12 **SECTION 31.** 48.57 (3m) (a) 1. of the statutes is amended to read:

13 48.57 (3m) (a) 1. “Child” means a person under 18 years of age or; a person 18
14 years of age or over, but under 19 years of age, who is a full-time student in good
15 academic standing at a secondary school or its vocational or technical equivalent and
16 who is reasonably expected to complete his or her program of study and be granted
17 a high school or high school equivalency diploma; or a person 18 years of age or over,
18 but under 21 years of age, who is a full-time student in good academic standing at
19 a secondary school or its vocational or technical equivalent if an individualized
20 education program under s. 115.787 is in effect for the person.

21 **SECTION 32.** 48.57 (3n) (a) 1. of the statutes is amended to read:

22 48.57 (3n) (a) 1. “Child” means a person under 18 years of age or; a person 18
23 years of age or over, but under 19 years of age, who is a full-time student in good
24 academic standing at a secondary school or its vocational or technical equivalent and
25 who is reasonably expected to complete his or her program of study and be granted

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1 a high school or high school equivalency diploma; or a person 18 years of age or over,
2 but under 21 years of age, who is a full-time student in good academic standing at
3 a secondary school or its vocational or technical equivalent if an individualized
4 education program under s. 115.787 is in effect for the person.

5 **SECTION 33.** 48.57 (3n) (am) 6. a. of the statutes is amended to read:

6 48.57 (3n) (am) 6. a. The date on which the child attains the age of 18 years;
7 or, if on that date the child is a full-time student in good academic standing at a
8 secondary school or its vocational or technical equivalent and is reasonably expected
9 to complete his or her program of study and be granted a high school or high school
10 equivalency diploma, the date on which the child is granted a high school or high
11 school equivalency diploma or the date on which the child attains the age of 19 years,
12 whichever occurs first; or, if on that date the child is a full-time student in good
13 academic standing at a secondary school or its vocational or technical equivalent and
14 an individualized education program under s. 115.787 is in effect for the child, the
15 date on which the child is granted a high school or high school equivalency diploma
16 or the date on which the child attains the age of 21 years, whichever occurs first.

17 **SECTION 34.** 48.619 of the statutes is renumbered 48.619 (intro.) and amended
18 to read:

19 **48.619 Definition.** (intro.) In this subchapter, “child” means a person under
20 18 years of age ~~and also includes, for~~ For purposes of counting the number of
21 children for whom a foster home or group home may provide care and maintenance,
22 “child” also includes a person 18 years of age or over, but who resides in the foster
23 home or group home, if any of the following applies:

24 (1) The person is under 19 years of age, who is a full-time student at a
25 secondary school or its vocational or technical equivalent, who and is reasonably

SENATE BILL 451**SECTION 34**

1 expected to complete the program before reaching 19 years of age, ~~who was residing~~
2 ~~in the foster home or group home immediately prior to his or her 18th birthday, and~~
3 ~~who continues to reside in that foster home or group home.~~

4 **SECTION 35.** 48.619 (2) of the statutes is created to read:

5 48.619 (2) The person is under 21 years of age, is a full-time student at a
6 secondary school or its vocational or technical equivalent, and an individualized
7 education program under s. 115.787 is in effect for the person.

8 **SECTION 36.** 48.64 (4) (a) of the statutes is amended to read:

9 48.64 (4) (a) Any ~~Except as provided in par. (d), any~~ decision or order issued by
10 an agency that affects the head of a foster home or group home, the head of the home
11 of a relative other than a parent in which a child is placed, or the child involved may
12 be appealed to the department under fair hearing procedures established under
13 rules promulgated by the department. Upon receipt of an appeal, the department
14 shall give the head of the home reasonable notice and an opportunity for a fair
15 hearing. The department may make any additional investigation that the
16 department considers necessary. The department shall give notice of the hearing to
17 the head of the home and to the departmental subunit, county department, or child
18 welfare agency that issued the decision or order. Each person receiving notice is
19 entitled to be represented at the hearing. At all hearings conducted under this
20 paragraph, the head of the home, or a representative of the head of the home, shall
21 have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all
22 documents and records to be used at the hearing at a reasonable time before the date
23 of the hearing as well as during the hearing, to bring witnesses, to establish all
24 pertinent facts and circumstances, and to question or refute any testimony or
25 evidence, including an opportunity to confront and cross-examine adverse

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1 witnesses. The department shall grant a continuance for a reasonable period of time
2 when an issue is raised for the first time during a hearing. This requirement may
3 be waived with the consent of the parties. The decision of the department shall be
4 based exclusively on evidence introduced at the hearing. A transcript of testimony
5 and exhibits, or an official report containing the substance of what transpired at the
6 hearing, together with all papers and requests filed in the proceeding, and the
7 findings of the hearing examiner shall constitute the exclusive record for decision by
8 the department. The department shall make the record available at any reasonable
9 time and at an accessible place to the head of the home or his or her representative.
10 Decisions by the department shall specify the reasons for the decision and identify
11 the supporting evidence. No person participating in an agency action being appealed
12 may participate in the final administrative decision on that action. The department
13 shall render its decision as soon as possible after the hearing and shall send a
14 certified copy of its decision to the head of the home and to the departmental subunit,
15 county department, or child welfare agency that issued the decision or order. The
16 decision shall be binding on all parties concerned.

17 **SECTION 37.** 48.64 (4) (c) of the statutes is amended to read:

18 48.64 (4) (c) The Except as provided in par. (d), the circuit court for the county
19 where the dispositional order placing a child in a foster home or group home or in the
20 home of a relative other than a parent was entered or the voluntary agreement under
21 s. 48.63 placing a child in a foster home or group home was made has jurisdiction
22 upon petition of any interested party over the child who is placed in the foster home,
23 group home, or home of the relative. The circuit court may call a hearing, at which
24 the head of the home and the supervising agency under sub. (2) shall be present, for
25 the purpose of reviewing any decision or order of that agency involving the placement

SENATE BILL 451**SECTION 37**

1 and care of the child. If the child has been placed in a foster home or in the home of
2 a relative other than a parent, the foster parent or relative may present relevant
3 evidence at the hearing. The petitioner has the burden of proving by clear and
4 convincing evidence that the decision or order issued by the agency is not in the best
5 interests of the child.

6 **SECTION 38.** 48.64 (4) (d) of the statutes is created to read:

7 48.64 (4) (d) No decision or order to change the placement of a child who is in
8 out-of-home care under a voluntary transition-to-independent-living agreement
9 under s. 48.366 (3) or 938.366 (3) may be appealed to the department under par. (a)
10 or reviewed by the circuit court under par. (c).

11 **SECTION 39.** 48.645 (1) (intro.) of the statutes is amended to read:

12 48.645 (1) DEFINITION. (intro.) In this section, “dependent child” means a child
13 under the age of 18 or, if the child is a full-time student at a secondary school or its
14 vocational or technical equivalent and is reasonably expected to complete the
15 program before reaching 19 years of age, is under the age of 19, or, if the child is a
16 full-time student at a secondary school or its vocational or technical equivalent for
17 whom an individualized educational program under s. 115.787 is in effect, is under
18 21 years of age, who meets all of the following conditions:

19 **SECTION 40.** 48.645 (1) (a) of the statutes is amended to read:

20 48.645 (1) (a) The child is living in a foster home licensed under s. 48.62 if a
21 license is required under that section, in a foster home located within the boundaries
22 of a reservation in this state and licensed by the tribal governing body of the
23 reservation, in a group home licensed under s. 48.625, in a subsidized guardianship
24 home under s. 48.623, ~~or~~ in a residential care center for children and youth licensed
25 under s. 48.60, or in a supervised independent living arrangement and has been

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1 placed in the foster home, group home, subsidized guardianship that home, or center,
2 or arrangement by a county department under s. 46.215, 46.22, or 46.23, by the
3 department, or by a governing body of an Indian tribe in this state under an
4 agreement with a county department under s. 46.215, 46.22, or 46.23.

5 **SECTION 41.** 48.645 (2) (a) 3. of the statutes, as affected by 2013 Wisconsin Act
6 20, is amended to read:

7 48.645 (2) (a) 3. A county or, in a county having a population of 750,000 or more,
8 the department, when the child is placed in a licensed foster home, group home, or
9 residential care center for children and youth ~~or~~, in a subsidized guardianship home,
10 or in a supervised independent living arrangement by a licensed child welfare agency
11 or by a governing body of an Indian tribe in this state or by its designee, if the child
12 is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or
13 the department under s. 48.48 (17) or if the child was removed from the home of a
14 relative as a result of a judicial determination that continuance in the home of the
15 relative would be contrary to the child's welfare for any reason and the placement is
16 made under an agreement with the county department or the department.

17 **SECTION 42.** 48.645 (2) (b) of the statutes is amended to read:

18 48.645 (2) (b) Notwithstanding par. (a), aid under this section may not be
19 granted for placement of a child in a foster home licensed by a governing body of an
20 Indian tribe, for placement of a child in a foster home, group home, subsidized
21 guardianship home, ~~or~~ residential care center for children and youth, or supervised
22 independent living arrangement by a governing body of an Indian tribe or its
23 designee, or for the placement of a child who is a ward of a tribal court if the governing
24 body of the Indian tribe of the tribal court is receiving or is eligible to receive funds
25 from the federal government for that type of placement.

SENATE BILL 451**SECTION 43**

1 **SECTION 43.** 48.685 (1) (am) of the statutes is amended to read:

2 48.685 (1) (am) “Client” means a child person who receives direct care or
3 treatment services from an entity or from a caregiver specified in par. (ag) 1. am.

4 **SECTION 44.** 48.78 (2) (d) 3. of the statutes is repealed.

5 **SECTION 45.** 146.82 (2) (a) 18m. of the statutes, as affected by 2013 Wisconsin
6 Act 20, is amended to read:

7 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
8 or juvenile who has been placed in a foster home, group home, residential care center
9 for children and youth, or juvenile correctional facility or in a supervised
10 independent living arrangement, including a placement under s. 48.205, 48.21,
11 938.205, or 938.21, or for whom placement in a foster home, group home, residential
12 care center for children and youth, or juvenile correctional facility or in a supervised
13 independent living arrangement is recommended under s. 48.33 (4), 48.425 (1) (g),
14 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court
15 report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33
16 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425
17 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing
18 a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5)
19 (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, to the foster
20 parent of the child or juvenile or the operator of the group home, residential care
21 center for children and youth, or juvenile correctional facility in which the child or
22 juvenile is placed, or to an agency that placed the child or juvenile or arranged for
23 the placement of the child or juvenile in any of those placements and, by any of those
24 agencies, to any other of those agencies and, by the agency that placed the child or
25 juvenile or arranged for the placement of the child or juvenile in any of those

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1 placements, to the foster parent of the child or juvenile or the operator of the group
2 home, residential care center for children and youth, or juvenile correctional facility
3 in which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

4 **SECTION 46.** 227.03 (4) of the statutes is amended to read:

5 227.03 (4) The provisions of this chapter relating to contested cases do not
6 apply to proceedings involving the revocation of aftercare supervision under s.
7 48.366 (5) or 938.357 (5), the revocation of parole, extended supervision, or probation,
8 the grant of probation, prison discipline, mandatory release under s. 302.11, or any
9 other proceeding involving the care and treatment of a resident or an inmate of a
10 correctional institution.

11 **SECTION 47.** 252.15 (3m) (d) 15. of the statutes is amended to read:

12 252.15 (3m) (d) 15. If the subject of the HIV test is a child who has been placed
13 in a foster home, group home, residential care center for children and youth, or
14 juvenile correctional facility, as defined in s. 938.02 (10p), or in a supervised
15 independent living arrangement, including a placement under s. 48.205, 48.21,
16 938.205, or 938.21, or for whom placement in a foster home, group home, residential
17 care center for children and youth, or juvenile correctional facility or in a supervised
18 independent living arrangement is recommended under s. 48.33 (4), 48.425 (1) (g),
19 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court
20 report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33
21 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425
22 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing
23 a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5)
24 (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child, or to an agency that
25 placed the child or arranged for the placement of the child in any of those placements

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1 and, by any of those agencies, to any other of those agencies and, by the agency that
2 placed the child or arranged for the placement of the child in any of those placements,
3 to the child's foster parent or the operator of the group home, residential care center
4 for children and youth, or juvenile correctional facility in which the child is placed,
5 as provided in s. 48.371 or 938.371.

6 **SECTION 48.** 301.03 (9) of the statutes is amended to read:

7 301.03 (9) Supervise all persons placed under s. ~~48.366 (8)~~ or 938.183 in a state
8 prison.

9 **SECTION 49.** 301.12 (2) of the statutes is amended to read:

10 301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
11 including ~~but not limited to~~ a person placed under s. ~~48.366~~, 938.183, 938.34 (4h) or
12 (4m), or 938.357 (4) or (5) (e), receiving care, maintenance, services, and supplies
13 provided by any institution in this state operated or contracted for by the
14 department, in which the state is chargeable with all or part of the person's care,
15 maintenance, services, and supplies, and the person's property and estate, including
16 the homestead, and the spouse of the person, and the spouse's property and estate,
17 including the homestead, and, in the case of a minor child, the parents of the person,
18 and their property and estates, including their homestead, and, in the case of a
19 foreign child described in s. 48.839 (1) who became dependent on public funds for his
20 or her primary support before an order granting his or her adoption, the resident of
21 this state appointed guardian of the child by a foreign court who brought the child
22 into this state for the purpose of adoption, and his or her property and estate,
23 including his or her homestead, shall be liable for the cost of the care, maintenance,
24 services, and supplies in accordance with the fee schedule established by the
25 department under s. 301.03 (18). If a spouse, widow, or minor, or an incapacitated

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1 person, may be lawfully dependent upon the property for ~~their~~ his or her support, the
2 court shall release all or such part of the property and estate from the charges that
3 may be necessary to provide for ~~those persons~~ that person. The department shall
4 make every reasonable effort to notify the liable persons as soon as possible after the
5 beginning of the maintenance, but the notice or the receipt of the notice is not a
6 condition of liability.

7 **SECTION 50.** 301.26 (4) (a) of the statutes is amended to read:

8 301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of
9 corrections shall bill counties or deduct from the allocations under s. 20.410 (3) (cd)
10 for the costs of care, services, and supplies purchased or provided by the department
11 of corrections for each person receiving services under s. ~~48.366~~, 938.183 or 938.34
12 or the department of health services for each person receiving services under s.
13 46.057 or 51.35 (3). The department of corrections may not bill a county for or deduct
14 from a county's allocation the cost of care, services, and supplies provided to a person
15 subject to an order under s. ~~48.366~~ or 938.183 after the person reaches 18 years of
16 age. Payment shall be due within 60 days after the billing date. If any payment has
17 not been received within those 60 days, the department of corrections may withhold
18 aid payments in the amount due from the appropriation under s. 20.410 (3) (cd).

19 **SECTION 51.** 301.26 (4) (b) of the statutes is amended to read:

20 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
21 the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4.
22 Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
23 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
24 jurisdiction under ~~chs. 48 and ch.~~ 938 for each person receiving services from the
25 department of corrections under s. ~~48.366~~, 938.183, or 938.34 or the department of

SENATE BILL 451**SECTION 51**

1 health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and
2 (cm), in multicounty court jurisdictions, the county of residency within the
3 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
4 par. (a) shall also be made according to the general placement type or level of care
5 provided, as defined by the department, and prorated according to the ratio of the
6 amount designated under sub. (3) (c) to the total applicable estimated costs of care,
7 services, and supplies provided by the department of corrections under ss. ~~48.366,~~
8 ~~938.183,~~ and 938.34 and the department of health services under s. 46.057 or 51.35
9 (3).

10 **SECTION 52.** 301.26 (4) (c) of the statutes is amended to read:

11 301.26 (4) (c) Notwithstanding pars. (a), (b), and (bm), the department of
12 corrections shall pay, from the appropriation under s. 20.410 (3) (hm), (ho), or (hr),
13 the costs of care, services, and supplies provided for each person receiving services
14 under s. 46.057, ~~48.366,~~ 51.35 (3), 938.183, or 938.34 who was under the
15 guardianship of the department of children and families pursuant to an order under
16 ch. 48 at the time that the person was adjudicated delinquent.

17 **SECTION 53.** 301.26 (4) (cm) 2. of the statutes is repealed.

18 **SECTION 54.** 301.26 (4) (d) 1m. of the statutes is amended to read:

19 301.26 (4) (d) 1m. Except as provided in pars. (e) to (g), for services under ss.
20 ~~48.366 and s. 938.183,~~ all payments and deductions made under this subsection and
21 uniform fee collections made under s. 301.03 (18) shall be credited to the
22 appropriation account under s. 20.410 (3) (hm).

23 **SECTION 55.** 302.11 (1) of the statutes is amended to read:

24 302.11 (1) The warden or superintendent shall keep a record of the conduct of
25 each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),

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1 (1m), (1q), (1z), and (7) ~~and (10)~~, each inmate is entitled to mandatory release on
2 parole by the department. The mandatory release date is established at two-thirds
3 of the sentence. Any calculations under this subsection or sub. (1q) (b) or (2) (b)
4 resulting in fractions of a day shall be rounded in the inmate's favor to a whole day.

5 **SECTION 56.** 302.11 (10) of the statutes is repealed.

6 **SECTION 57.** 302.17 (2) of the statutes is amended to read:

7 302.17 (2) The department shall make entries on the register to reflect the
8 progress made by each inmate while incarcerated and the inmate's release on parole
9 or extended supervision, condition at the time of release on parole or extended
10 supervision and progress made while on parole or extended supervision. ~~This~~
11 ~~subsection does not apply to inmates subject to an order under s. 48.366.~~

12 **SECTION 58.** 302.17 (3) of the statutes is repealed.

13 **SECTION 59.** 302.255 of the statutes is repealed.

14 **SECTION 60.** 302.31 (7) of the statutes is amended to read:

15 302.31 (7) The temporary placement of persons in the custody of the
16 department, other than persons under 17 years of age, and persons who have
17 attained the age of 17 years but have not attained the age of 25 years who are under
18 the supervision of the department under s. 48.366 ~~or~~ 938.355 (4) and who have been
19 taken into custody pending revocation of aftercare supervision under s. 48.366 (5) ~~or~~
20 938.357 (5) (e).

21 **SECTION 61.** 304.15 of the statutes is repealed.

22 **SECTION 62.** 767.405 (8) (b) 1. of the statutes is amended to read:

23 767.405 (8) (b) 1. That a party engaged in abuse, as defined in s. 813.122 (1)
24 (a), of the child, as defined in s. 48.02 (2) 813.122 (1) (b).

25 **SECTION 63.** 767.405 (10) (e) 1. of the statutes is amended to read:

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1 767.405 (10) (e) 1. There is evidence that a party engaged in abuse, as defined
2 in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02(2)~~ 813.122 (1) (b).

3 **SECTION 64.** 767.41 (2) (b) 2. c. of the statutes is amended to read:

4 767.41 (2) (b) 2. c. The parties will not be able to cooperate in the future decision
5 making required under an award of joint legal custody. In making this finding the
6 court shall consider, along with any other pertinent items, any reasons offered by a
7 party objecting to joint legal custody. Evidence that either party engaged in abuse,
8 as defined in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02(2)~~ 813.122 (1) (b),
9 or evidence of interspousal battery, as described under s. 940.19 or 940.20 (1m), or
10 domestic abuse, as defined in s. 813.12 (1) (am), creates a rebuttable presumption
11 that the parties will not be able to cooperate in the future decision making required.

12 **SECTION 65.** 767.41 (5) (am) 12. of the statutes is amended to read:

13 767.41 (5) (am) 12. Whether there is evidence that a party engaged in abuse,
14 as defined in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02(2)~~ 813.122 (1) (b).

15 **SECTION 66.** 905.045 (1) (a) of the statutes is amended to read:

16 905.045 (1) (a) “Abusive conduct” means abuse, as defined in s. 813.122 (1) (a),
17 of a child, as defined in s. ~~48.02(2)~~ 813.122 (1) (b), interspousal battery, as described
18 under s. 940.19 or 940.20 (1m), domestic abuse, as defined in s. 813.12 (1) (am), or
19 sexual assault under s. 940.225.

20 **SECTION 67.** 938.235 (1) (e) of the statutes is amended to read:

21 938.235 (1) (e) The court shall appoint a guardian ad litem, or extend the
22 appointment of a guardian ad litem previously appointed under par. (a), for any
23 juvenile alleged or found to be in need of protection or services, if the court has
24 ordered, or if a request or recommendation has been made that the court order, the
25 juvenile to be placed out of his or her home under s. 938.345 or 938.357. This

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1 paragraph does not apply to a juvenile who is subject to a dispositional order that
2 terminates as provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b)
3 4.

4 **SECTION 68.** 938.33 (4) (intro.) of the statutes is amended to read:

5 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
6 placement in a foster home, group home, or nonsecured residential care center for
7 children and youth, in the home of a relative other than a parent, ~~or~~ in the home of
8 a guardian under s. 48.977 (2), or in a supervised independent living arrangement
9 shall be in writing, except that the report may be presented orally at the dispositional
10 hearing if all parties consent. A report that is presented orally shall be transcribed
11 and made a part of the court record. The report shall include all of the following:

12 **SECTION 69.** 938.335 (3g) (intro.) of the statutes is amended to read:

13 938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this
14 section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of
15 the juvenile in a foster home, group home, or residential care center for children and
16 youth, ~~or~~ in the home of a relative other than a parent, in the home of a guardian
17 under s. 48.977 (2), or in a supervised independent living arrangement, the agency
18 shall present as evidence specific information showing all of the following:

19 **SECTION 70.** 938.355 (4) (a) of the statutes is amended to read:

20 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under
21 this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age
22 that places or continues the placement of the juvenile in his or her home shall
23 terminate ~~at the end of~~ one year after the date on which the order is granted unless
24 the court specifies a shorter period of time or the court terminates the order sooner.

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1 ~~(am)~~ Except as provided in par. (b) or s. 938.368, an order under this section
2 or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places
3 or continues the placement of the juvenile in a foster home, group home, or
4 residential care center for children and youth ~~or~~, in the home of a relative other than
5 a parent, or in a supervised independent living arrangement shall terminate when
6 on the latest of the following dates, unless the court specifies a shorter period or the
7 court terminates the order sooner:

8 ~~1. The date on which~~ the juvenile attains 18 years of age, ~~at the end of.~~

9 ~~2. The date that is~~ one year after the date on which the order is granted, ~~or, if.~~

10 ~~3. The date on which the juvenile is granted a high school or high school~~
11 equivalency diploma or the date on which the juvenile attains 19 years of age,
12 whichever occurs first, if the juvenile is a full-time student at a secondary school or
13 its vocational or technical equivalent and is reasonably expected to complete the
14 program before attaining 19 years of age, ~~when the juvenile attains 19 years of age,~~
15 ~~whichever is later, unless the court specifies a shorter period of time or the court~~
16 ~~terminates the order sooner.~~

17 **SECTION 71.** 938.355 (4) (am) 4. of the statutes is created to read:

18 938.355 (4) (am) 4. The date on which the juvenile is granted a high school or
19 high school equivalency diploma or the date on which the juvenile attains 21 years
20 of age, whichever occurs first, if the juvenile is a full-time student at a secondary
21 school or its vocational or technical equivalent and if an individualized education
22 program under s. 115.787 is in effect for the juvenile. The court may not grant an
23 order that terminates as provided in this subdivision unless the juvenile is 17 years
24 of age or older when the order is granted and the juvenile, or the juvenile's guardian
25 on behalf of the juvenile, agrees to the order. At any time after the juvenile attains

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1 18 years of age, the juvenile, or the juvenile’s guardian on behalf of the juvenile, may
2 request the court in writing to terminate the order and, on receipt of such a request,
3 the court, without a hearing, shall terminate the order.

4 **SECTION 72.** 938.355 (6) (a) 1. of the statutes is amended to read:

5 938.355 (6) (a) 1. If Except as provided in subd. 3., if a juvenile who has been
6 adjudged delinquent or to have violated a civil law or ordinance, other than an
7 ordinance enacted under s. 118.163 (1m) or (2), violates a condition specified in sub.
8 (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in par.
9 (d). ~~A sanction may be imposed under this subdivision only if, at the dispositional
10 hearing under s. 938.335, the court explained the conditions to the juvenile and
11 informed the juvenile of those possible sanctions or if before the violation the juvenile
12 has acknowledged in writing that he or she has read, or has had read to him or her,
13 those conditions and possible sanctions and that he or she understands those
14 conditions and possible sanctions.~~

15 **SECTION 73.** 938.355 (6) (a) 2. of the statutes is amended to read:

16 938.355 (6) (a) 2. If Except as provided in subd. 3., if a juvenile who has been
17 found to be in need of protection or services under s. 938.13 (4), (6m), (7), (12), or (14)
18 violates a condition specified in sub. (2) (b) 7., the court may impose on the juvenile
19 any of the sanctions under par. (d), other than placement in a juvenile detention
20 facility or juvenile portion of a county jail.

21 2m. A sanction may be imposed under ~~this subdivision~~ subd. 1. or 2. only if, at
22 the dispositional hearing under s. 938.335, the court explained the conditions
23 specified in sub. (2) (b) 7. to the juvenile and informed the juvenile of those possible
24 sanctions or if before the violation the juvenile has acknowledged in writing that he

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1 or she has read, or has had read to him or her, those conditions and possible sanctions
2 and that he or she understands those conditions and possible sanctions.

3 **SECTION 74.** 938.355 (6) (a) 3. of the statutes is created to read:

4 938.355 (6) (a) 3. The court may not impose a sanction under subd. 1. or 2. on
5 a juvenile who is subject to an order under this section or s. 938.357 or 938.365 that
6 terminates as provided in sub. (4) (am) 4. or s. 938.357 (6) (a) 4. or 938.365 (5) (b) 4.

7 **SECTION 75.** 938.355 (6d) (a) 1. of the statutes is amended to read:

8 938.355 (6d) (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
9 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
10 ~~policies adopted by the county board relating to the taking into custody and~~
11 ~~placement of a juvenile under this subdivision~~ subds. 2g., 2m., and 2r., if a juvenile
12 who has been adjudged delinquent violates a condition specified in sub. (2) (b) 7., the
13 juvenile's caseworker or any other person authorized to provide or providing intake
14 or dispositional services for the court under s. 938.067 or 938.069 may, without a
15 hearing, take the juvenile into custody and place the juvenile in a juvenile detention
16 facility or juvenile portion of a county jail that meets the standards promulgated by
17 the department by rule or in a place of nonsecure custody designated by that person
18 for not more than 72 hours while the alleged violation and the appropriateness of a
19 sanction under sub. (6) are being investigated.

20 2m. Short-term detention may be imposed under ~~this subdivision~~ subd. 1. or
21 2. only if at the dispositional hearing the court explained ~~those~~ the conditions
22 specified in sub. (2) (b) 7. to the juvenile and informed the juvenile of that possible
23 placement or if before the violation the juvenile has acknowledged in writing that he
24 or she has read, or has had read to him or her, those conditions and that possible

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1 placement and that he or she understands those conditions and that possible
2 placement.

3 **SECTION 76.** 938.355 (6d) (a) 2. of the statutes is amended to read:

4 938.355 (6d) (a) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
5 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
6 ~~policies adopted by the county board relating to the taking into custody and~~
7 ~~placement of a juvenile under this subdivision subds. 2g., 2m., and 2r., if a juvenile~~
8 ~~who has been adjudged delinquent violates a condition specified in sub. (2) (b) 7., the~~
9 ~~juvenile's caseworker or any other person authorized to provide or providing intake~~
10 ~~or dispositional services for the court under s. 938.067 or 938.069 may, without a~~
11 ~~hearing, take the juvenile into custody and place the juvenile in a juvenile detention~~
12 ~~facility or juvenile portion of a county jail that meets the standards promulgated by~~
13 ~~the department by rule or in a place of nonsecure custody designated by that person~~
14 ~~for not more than 72 hours as a consequence of that violation. Short-term detention~~
15 ~~may be imposed under this subdivision only if at the dispositional hearing the court~~
16 ~~explained those conditions to the juvenile and informed the juvenile of that possible~~
17 ~~placement or if before the violation the juvenile has acknowledged in writing that he~~
18 ~~or she has read, or has had read to him or her, those conditions and that possible~~
19 ~~placement and that he or she understands those conditions and that possible~~
20 ~~placement.~~ A person who takes a juvenile into custody under this subdivision shall
21 permit the juvenile to make a written or oral statement concerning the possible
22 placement of the juvenile and the course of conduct for which the juvenile was taken
23 into custody. A person designated by the court or county department who is employed
24 in a supervisory position by a person authorized to provide or providing intake or
25 dispositional services under s. 938.067 or 938.069 shall review that statement and

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1 either approve the placement, modify the terms of the placement, or order the
2 juvenile to be released from custody.

3 **SECTION 77.** 938.355 (6d) (a) 2g. of the statutes is created to read:

4 938.355 (6d) (a) 2g. The taking into custody and placement of a juvenile under
5 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
6 938.06 (1) and (2) and to any policies adopted by the county board relating to such
7 taking into custody and placement.

8 **SECTION 78.** 938.355 (6d) (a) 2r. of the statutes is created to read:

9 938.355 (6d) (a) 2r. A juvenile who is subject to an order under this section or
10 s. 938.357 or 938.365 that terminates as provided in sub. (am) 4. or s. 938.357 (6) (a)
11 4. or 938.365 (5) (b) 4. may not be taken into custody under subd 1. or 2.

12 **SECTION 79.** 938.355 (6d) (b) 1. of the statutes is amended to read:

13 938.355 (6d) (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
14 ~~general written policies adopted by the court under s. 938.06 (1) or (2), to any policies~~
15 ~~adopted by the county department relating to aftercare supervision administered by~~
16 ~~the county department, and to any policies adopted by the county board relating to~~
17 ~~the taking into custody and placement of a juvenile under this subdivision subds. 2g.,~~
18 ~~2m., and 2r.~~, if a juvenile who is on aftercare supervision administered by the a
19 county department violates a condition of that supervision, the juvenile's caseworker
20 or any other person authorized to provide or providing intake or dispositional
21 services for the court under s. 938.067 or 938.069 may, without a hearing, take the
22 juvenile into custody and place the juvenile in a juvenile detention facility or juvenile
23 portion of a county jail that meets the standards promulgated by the department by
24 rule or in a place of nonsecure custody designated by that person for not more than

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1 72 hours while the alleged violation and the appropriateness of revoking the
2 juvenile's aftercare status are being investigated.

3 2m. Short-term detention may be imposed under ~~this subdivision~~ subd. 1. or
4 2. only if at the dispositional hearing the court explained ~~those~~ the conditions of
5 aftercare supervision to the juvenile and informed the juvenile of that possible
6 placement or if before the violation the juvenile has acknowledged in writing that he
7 or she has read, or has had read to him or her, those conditions and that possible
8 placement and that he or she understands those conditions and that possible
9 placement.

10 **SECTION 80.** 938.355 (6d) (b) 2. of the statutes is amended to read:

11 938.355 (6d) (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
12 general written policies adopted by the court under s. 938.06 (1) or (2), to any policies
13 adopted by the county department relating to aftercare supervision administered by
14 the county department, and to any policies adopted by the county board relating to
15 the taking into custody and placement of a juvenile under this subdivision subds. 2g.,
16 2m., and 2r., if a juvenile who is on aftercare supervision administered by the county
17 department violates a condition of that supervision, the juvenile's caseworker or any
18 other person authorized to provide or providing intake or dispositional services for
19 the court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into
20 custody and place the juvenile in a juvenile detention facility or juvenile portion of
21 a county jail that meets the standards promulgated by the department by rule or in
22 a place of nonsecure custody designated by that person for not more than 72 hours
23 as a consequence of that violation. ~~Short-term detention under this subdivision may~~
24 ~~be imposed only if at the dispositional hearing the court explained those conditions~~
25 ~~to the juvenile and informed the juvenile of that possible placement or if before the~~

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1 ~~violation the juvenile has acknowledged in writing that he or she has read, or has had~~
2 ~~read to him or her, those conditions and that possible placement and that he or she~~
3 ~~understands those conditions and that possible placement.~~ A person who takes a
4 juvenile into custody under this subdivision shall permit the juvenile to make a
5 written or oral statement concerning the possible placement of the juvenile and the
6 course of conduct for which the juvenile was taken into custody. A person designated
7 by the court or the county department who is employed in a supervisory position by
8 a person authorized to provide or providing intake or dispositional services under s.
9 938.067 or 938.069 shall review that statement and either approve the placement of
10 the juvenile, modify the terms of the placement, or order the juvenile to be released
11 from custody.

12 **SECTION 81.** 938.355 (6d) (b) 2g. of the statutes is created to read:

13 938.355 **(6d)** (b) 2g. The taking into custody and placement of a juvenile under
14 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
15 938.06 (1) and (2), to any policies adopted by the county department relating to
16 aftercare supervision administered by the county department, and to any policies
17 adopted by the county board relating to such taking into custody and placement.

18 **SECTION 82.** 938.355 (6d) (b) 2r. of the statutes is created to read:

19 938.355 **(6d)** (b) 2r. A juvenile who is subject to an order under this section or
20 s. 938.357 or 938.365 that terminates as provided in sub. (4) (am) 4. or 938.357 (6)
21 (a) 4. or 938.365 (5) (b) 4. may not be taken into custody under subd 1. or 2.

22 **SECTION 83.** 938.355 (6d) (c) 1. of the statutes is amended to read:

23 938.355 **(6d)** (c) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
24 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
25 ~~policies adopted by the county board relating to the taking into custody and~~

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1 ~~placement of a juvenile under this subdivision~~ subds. 2g., 2m., and 2r., if a juvenile
2 who has been found to be in need of protection or services under s. 938.13 violates
3 a condition specified in sub. (2) (b) 7., the juvenile’s caseworker or any other person
4 authorized to provide or providing intake or dispositional services for the court under
5 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
6 the juvenile in a place of nonsecure custody designated by that person for not more
7 than 72 hours while the alleged violation and the appropriateness of a sanction
8 under sub. (6) or (6m) are being investigated.

9 2m. Short-term detention may be imposed under ~~this subdivision~~ subd. 1. or
10 2. only if at the dispositional hearing the court explained ~~those~~ the conditions
11 specified in sub. (2) (b) 7. to the juvenile and informed the juvenile of that possible
12 placement or if before the violation the juvenile has acknowledged in writing that he
13 or she has read, or has had read to him or her, those conditions and that possible
14 placement and that he or she understands those conditions and that possible
15 placement.

16 **SECTION 84.** 938.355 (6d) (c) 2. of the statutes is amended to read:

17 938.355 **(6d)** (c) 2. Notwithstanding ss. 938.19 to 938.21, but subject to ~~any~~
18 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
19 ~~policies adopted by the county board relating to the taking into custody and~~
20 ~~placement of a juvenile under this subdivision~~ subds. 2g., 2m., and 2r., if a juvenile
21 who has been found to be in need of protection or services under s. 938.13 violates
22 a condition specified in sub. (2) (b) 7., the juvenile’s caseworker or any other person
23 authorized to provide or providing intake or dispositional services for the court under
24 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
25 the juvenile in a place of nonsecure custody designated by that person for not more

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1 than 72 hours as a consequence of that violation. ~~Short-term detention may be~~
2 ~~imposed under this subdivision only if at the dispositional hearing the court~~
3 ~~explained those conditions to the juvenile and informed the juvenile of that possible~~
4 ~~placement or if before the violation the juvenile has acknowledged in writing that he~~
5 ~~or she has read, or has had read to him or her, those conditions and that possible~~
6 ~~placement and that he or she understands those conditions and that possible~~
7 ~~placement.~~ A person who takes a juvenile into custody under this subdivision shall
8 permit the juvenile to make a written or oral statement concerning the possible
9 placement of the juvenile and the course of conduct for which the juvenile was taken
10 into custody. A person designated by the court or the county department who is
11 employed in a supervisory position by a person authorized to provide or providing
12 intake or dispositional services under s. 938.067 or 938.069 shall review that
13 statement and either approve the placement, modify the terms of the placement, or
14 order the juvenile to be released from custody.

15 **SECTION 85.** 938.355 (6d) (c) 2g. of the statutes is created to read:

16 938.355 **(6d)** (c) 2g. The taking into custody and placement of a juvenile under
17 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
18 938.06 (1) and (2) and to any policies adopted by the county board relating to such
19 taking into custody and placement.

20 **SECTION 86.** 938.355 (6d) (c) 2r. of the statutes is created to read:

21 938.355 **(6d)** (c) 2r. A juvenile who is subject to an order under this section or
22 s. 938.357 or 938.365 that terminates as provided in sub. (4) (am) 4. or s. 938.357 (6)
23 (a) 4. or 938.365 (5) (b) 4. may not be taken into custody under subd. 1. or 2.

24 **SECTION 87.** 938.355 (6m) (a) (intro.) of the statutes is amended to read:

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1 938.355 (6m) (a) *Violation of habitual truancy order.* (intro.) If the court finds
2 by a preponderance of the evidence that a juvenile who has been found to have
3 violated a municipal ordinance enacted under s. 118.163 (2) or who has been found
4 to be in need of protection or services under s. 938.13 (6) has violated a condition
5 specified under sub. (2) (b) 7., the court may order as a sanction any combination of
6 the sanctions under subds. 1g. to 4. and the dispositions under s. 938.342 (1g) (d) to
7 (j) and (1m), regardless of whether the disposition was imposed in the order violated
8 by the juvenile. A sanction may be imposed under this paragraph only if at the
9 dispositional hearing under s. 938.335 the court explained those conditions to the
10 juvenile and informed the juvenile of the possible sanctions under this paragraph for
11 a violation or if before the violation the juvenile has acknowledged in writing that
12 he or she has read, or has had read to him or her, those conditions and possible
13 sanctions and that he or she understands those conditions and possible sanctions.
14 The court may not impose a sanction under this paragraph on a juvenile who is
15 subject to an order under this section or s. 938.357 or 938.365 that terminates as
16 provided in sub. (4) (am) 4. or s. 938.357 (6) (a) 4. or 938.365 (5) (b) 4. The court may
17 order as a sanction under this paragraph any of the following:

18 **SECTION 88.** 938.357 (1) (am) 2. (intro.) of the statutes is amended to read:

19 938.357 (1) (am) 2. (intro.) ~~Any~~ Except as provided in subd. 2r., any person
20 receiving the notice under subd. 1. or notice of a specific placement under s. 938.355
21 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court
22 within 10 days after receipt of the notice. ~~Placements~~ Except as provided in subds.
23 2m. and 2r., placements may not be changed until 10 days after that notice is sent
24 to the court unless the parent, guardian, legal custodian, or Indian custodian, the
25 juvenile, if 12 or more years of age, and the juvenile's tribe, if the juvenile is an Indian

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1 juvenile who has been removed from the home of his or her parent or Indian
2 custodian under s. 938.13 (4), (6), (6m), or (7), sign written waivers of objection,
3 ~~except that changes.~~

4 2m. Changes in placement that were authorized in the dispositional order may
5 be made immediately if notice is given as required under subd. 1. In addition, a
6 hearing is not required for placement changes authorized in the dispositional order
7 except when an objection filed by a person who received notice alleges that new
8 information is available that affects the advisability of the court's dispositional order.

9 **SECTION 89.** 938.357 (1) (am) 2r. of the statutes is created to read:

10 938.357 (1) (am) 2r. If the proposed change in placement involves a juvenile
11 who is subject to a dispositional order that terminates as provided in sub. (6) (a) 4.
12 or s. 938.355 (4) (am) 4. or 938.365 (5) (b) 4., the person or agency primarily
13 responsible for implementing the dispositional order or the district attorney may
14 request a change in placement under this paragraph only if the juvenile or the
15 juvenile's guardian on behalf of the juvenile consents to the change in placement.
16 That person or agency or the district attorney shall cause written notice of the
17 proposed change in placement to be sent to the juvenile, the guardian of the juvenile,
18 and any foster parent or other physical custodian described in s. 48.62 (2) of the
19 juvenile. No hearing is required for a change in placement described in this
20 subdivision, and the juvenile's placement may be changed at any time after notice
21 of the proposed change in placement is sent to the court.

22 **SECTION 90.** 938.357 (2) of the statutes is amended to read:

23 938.357 (2) **EMERGENCY CHANGE IN PLACEMENT.** If emergency conditions
24 necessitate an immediate change in the placement of a juvenile placed outside the
25 home, the person or agency primarily responsible for implementing the dispositional

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1 order may remove the juvenile to a new placement, whether or not authorized by the
2 existing dispositional order, without the prior notice under sub. (1) (am) 1. or the
3 consent required under sub. (1) (am) 2r. The notice shall be sent within 48 hours after
4 the emergency change in placement. Any party receiving notice may demand a
5 hearing under sub. (1) (am) 2. In emergency situations, a juvenile may be placed in
6 a licensed public or private shelter care facility as a transitional placement for not
7 more than 20 days or in any placement authorized under s. 938.34 (3).

8 **SECTION 91.** 938.357 (2m) (a) of the statutes is amended to read:

9 938.357 (2m) (a) *Request; information required.* ~~The~~ Except as provided in par.
10 (bv), the juvenile, the parent, guardian, or legal custodian of the juvenile, any person
11 or agency primarily bound by the dispositional order, other than the person or agency
12 responsible for implementing the order, or, if the juvenile is an Indian juvenile who
13 is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian
14 juvenile's Indian custodian may request a change in placement under this
15 paragraph. The request shall contain the name and address of the new placement
16 requested and shall state what new information is available that affects the
17 advisability of the current placement. If the proposed change in placement would
18 change the placement of a juvenile placed in the juvenile's home to a placement
19 outside the home, the request shall also contain specific information showing that
20 continued placement of the juvenile in the juvenile's home would be contrary to the
21 welfare of the juvenile and, unless any of the circumstances under s. 938.355 (2d) (b)
22 1. to 4. applies, specific information showing that the agency primarily responsible
23 for implementing the dispositional order has made reasonable efforts to prevent the
24 removal of the juvenile from the home, while assuring that the juvenile's health and

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1 safety are the paramount concerns. The request shall be submitted to the court. The
2 court may also propose a change in placement on its own motion.

3 **SECTION 92.** 938.357 (2m) (b) of the statutes is amended to read:

4 938.357 (2m) (b) *Hearing; when required.* The court shall hold a hearing prior
5 to ordering any change in placement requested or proposed under par. (a) if the
6 request states that new information is available that affects the advisability of the
7 current placement. ~~A~~ Except as provided in par. (bv), a hearing is not required if
8 the requested or proposed change in placement does not involve a change in
9 placement of a juvenile placed in the juvenile's home to a placement outside the
10 juvenile's home, written waivers of objection to the proposed change in placement are
11 signed by all parties entitled to receive notice under this paragraph, and the court
12 approves. If a hearing is scheduled, not less than 3 days before the hearing the court
13 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,
14 any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile,
15 all parties who are bound by the dispositional order, and, if the juvenile is an Indian
16 juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7),
17 the Indian juvenile's Indian custodian and tribe. A copy of the request or proposal
18 for the change in placement shall be attached to the notice. Subject to par. (br), if all
19 of the parties consent, the court may proceed immediately with the hearing.

20 **SECTION 93.** 938.357 (2m) (bv) of the statutes is created to read:

21 938.357 (2m) (bv) If the proposed change in placement involves a juvenile who
22 is subject to a dispositional order that terminates as provided in sub. (6) (a) 4. or s.
23 938.355 (4) (am) 4. or 938.365 (5) (b) 4., only the juvenile or the juvenile's guardian
24 on behalf of the juvenile or a person or agency primarily bound by the dispositional
25 order may request a change in placement under par. (a). No hearing is required for

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1 a change in placement described in this paragraph if written waivers of objection to
2 the proposed change in placement are signed by the juvenile, the guardian of the
3 juvenile, and all parties that are bound by the dispositional order. If a hearing is
4 scheduled, the court may proceed immediately with the hearing on the consent of the
5 person who requested the change in placement, the juvenile, the guardian of the
6 juvenile, and all parties who are bound by the dispositional order.

7 **SECTION 94.** 938.357 (2v) (a) 3. of the statutes is amended to read:

8 938.357 (2v) (a) 3. If the court finds that any of the circumstances under s.
9 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
10 agency primarily responsible for providing services under the change in placement
11 order is not required to make reasonable efforts with respect to the parent to make
12 it possible for the juvenile to return safely to his or her home. This subdivision does
13 not apply to a juvenile who is subject to a dispositional order that terminates as
14 provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4.

15 **SECTION 95.** 938.357 (4g) (b) of the statutes is amended to read:

16 938.357 (4g) (b) The department may waive the time period within which an
17 aftercare plan must be prepared and submitted under par. (a) if the department
18 anticipates that the juvenile will remain in the juvenile correctional facility or
19 secured residential care center for children and youth for a period exceeding 8
20 months or if the juvenile is subject to s. ~~48.366~~ or 938.183. If the department waives
21 that time period, the designated aftercare provider shall prepare the aftercare plan
22 within 30 days after the date on which the department requests the aftercare plan.

23 **SECTION 96.** 938.357 (6) of the statutes is renumbered 938.357 (6) (a) and
24 amended to read:

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1 938.357 (6) (a) No change in placement may extend the expiration date of the
2 original order, except that if the change in placement is from a placement in the
3 juvenile’s home to a placement in a foster home, group home, or residential care
4 center for children and youth ~~or~~, in the home of a relative who is not a parent, or in
5 a supervised independent living arrangement, the court may extend the expiration
6 date of the original order to the latest of the following dates, unless the court specifies
7 a shorter period:

8 1. The date on which the juvenile attains 18 years of age, to the

9 2. The date that is one year after the date of on which the change in placement
10 order, or, if is granted.

11 3. The date on which the juvenile is granted a high school or high school
12 equivalency diploma or the date on which the juvenile attains 19 years of age,
13 whichever occurs first, if the juvenile is a full-time student at a secondary school or
14 its vocational or technical equivalent and is reasonably expected to complete the
15 program before attaining 19 years of age, to the date on which the juvenile attains
16 19 years of age, whichever is later, or for a shorter period of time as specified by the
17 court.

18 (b) If the change in placement is from a placement in a foster home, group home,
19 or residential care center for children and youth or in the home of a relative to a
20 placement in the juvenile’s home and if the expiration date of the original order is
21 more than one year after the date of on which the change in placement order is
22 granted, the court shall shorten the expiration date of the original order to the date
23 that is one year after the date of on which the change in placement order is granted
24 or to an earlier date as specified by the court.

25 **SECTION 97.** 938.357 (6) (a) 4. of the statutes is created to read:

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1 938.357 (6) (a) 4. The date on which the juvenile is granted a high school or high
2 school equivalency diploma or the date on which the juvenile attains 21 years of age,
3 whichever occurs first, if the juvenile is a full-time student at a secondary school or
4 its vocational or technical equivalent and if an individualized education program
5 under s. 115.787 is in effect for the juvenile. The court may not grant an order that
6 terminates as provided in this subdivision unless the juvenile is 17 years of age or
7 older when the order is granted and the juvenile, or the juvenile's guardian on behalf
8 of the juvenile, agrees to the order. At any time after the juvenile attains 18 years
9 of age, the juvenile, or the juvenile's guardian on behalf of the juvenile, may request
10 the court in writing to terminate the order and, on receipt of such a request, the court,
11 without a hearing, shall terminate the order.

12 **SECTION 98.** 938.365 (5) of the statutes is renumbered 938.365 (5) (a) and
13 amended to read:

14 938.365 (5) (a) Except as provided in s. 938.368, an order under this section that
15 continues the placement of a juvenile in his or her home or that extends an order
16 under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time not to
17 exceed one year after its the date of entry on which the order is granted.

18 **(b)** Except as provided in s. 938.368, an order under this section that continues
19 the placement of a juvenile in a foster home, group home, or residential care center
20 for children and youth ~~or,~~ in the home of a relative other than a parent, or in a
21 supervised independent living arrangement shall be for a specified length of time not
22 to exceed the latest of the following dates:

23 1. The date on which the juvenile attains 18 years of age,

24 2. The date that is one year after the date on which the order is granted, ~~or, if,~~

SENATE BILL 451**SECTION 98**

1 3. The date on which the juvenile is granted a high school or high school
2 equivalency diploma or the date on which the juvenile attains 19 years of age,
3 whichever occurs first, if the juvenile is a full-time student at a secondary school or
4 its vocational or technical equivalent and is reasonably expected to complete the
5 program before attaining 19 years of age, ~~the date on which the juvenile attains 19~~
6 ~~years of age, whichever is later.~~

7 **SECTION 99.** 938.365 (5) (b) 4. of the statutes is created to read:

8 938.365 (5) (b) 4. The date on which the juvenile is granted a high school or high
9 school equivalency diploma or the date on which the juvenile attains 21 years of age,
10 whichever occurs first, if the juvenile is a full-time student at a secondary school or
11 its vocational or technical equivalent and if an individualized education program
12 under s. 115.787 is in effect for the juvenile. The court may not grant an order that
13 terminates as provided in this subdivision unless the juvenile is 17 years of age or
14 older when the order is granted and the juvenile, or the juvenile's guardian on behalf
15 of the juvenile, agrees to the order. At any time after the juvenile attains 18 years
16 of age, the juvenile, or the juvenile's guardian on behalf of the juvenile, may request
17 the court in writing to terminate the order and, on receipt of such a request, the court,
18 without a hearing, shall terminate the order.

19 **SECTION 100.** 938.366 of the statutes is created to read:

20 **938.366 Extended out-of-home care. (1) APPLICABILITY.** This section
21 applies to a person who is placed in a foster home, group home, or residential care
22 center for children and youth, in the home of a relative other than a parent, or in a
23 supervised independent living arrangement under an order under s. 938.355,
24 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 1., 2., or 3.,
25 938.357 (6) (a) 1., 2., or 3., or 938.365 (5) (b) 1., 2., or 3. on or after the person attains

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1 18 years of age, who is a full-time student of a secondary school or its vocational or
2 technical equivalent, and for whom an individualized education program under s.
3 115.787 is in effect.

4 (2) **TRANSITION-TO-DISCHARGE HEARING.** (a) Not less than 120 days before an
5 order described in sub. (1) terminates, the agency primarily responsible for providing
6 services under the order shall request the person who is the subject of the order to
7 indicate whether he or she wishes to be discharged from out-of-home care on
8 termination of the order, wishes to continue in out-of-home care until the date
9 specified in s. 938.365 (5) (b) 4. under an extension of the order, or wishes to continue
10 in out-of-home care under a voluntary agreement under sub. (3). If the person
11 indicates that he or she wishes to be discharged from out-of-home care on
12 termination of the order, the agency shall request a transition-to-discharge hearing
13 under par. (b). If the person indicates that he or she wishes to continue in
14 out-of-home care under an extension of the order, the agency shall request an
15 extension of the order under s. 938.365. If the person indicates that he or she wishes
16 to continue in out-of-home care under a voluntary agreement under sub. (3), the
17 agency and the person shall enter into such an agreement.

18 (b) 1. If the person who is the subject of an order described in sub. (1) indicates
19 that he or she wishes to be discharged from out-of-home care on termination of the
20 order, the agency primarily responsible for providing services to the person under the
21 order shall request the court to hold a transition-to-discharge hearing and shall
22 cause notice of that request to be provided to that person, the parent, guardian, and
23 legal custodian of that person, any foster parent or other physical custodian
24 described in s. 48.62 (2) of that person, all parties who are bound by the dispositional

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1 order, and, if that person is an Indian juvenile who has been removed from the home
2 of his or her parent or Indian custodian, that person's Indian custodian and tribe.

3 2. The court shall hold a hearing requested under subd. 1. within 30 days after
4 receipt of the request. Not less than 3 days before the hearing, the agency requesting
5 the hearing shall provide notice of the hearing to all persons who are entitled to
6 receive notice of the request under subd. 1. A copy of the request shall be attached
7 to the notice. If all persons who are entitled to receive the notice consent, the court
8 may proceed immediately with the hearing.

9 3. At the hearing the court shall review with the person who is the subject of
10 an order described in sub. (1) the options specified in par. (a) and shall advise the
11 person that he or she may continue in out-of-home care as provided in par. (a) under
12 an extension of the order or under a voluntary agreement under sub. (3).

13 4. If the court determines that the person who is the subject of an order
14 described in sub. (1) understands that he or she may continue in out-of-home care,
15 but wishes to be discharged from that care on termination of the order, the court shall
16 advise the person that he or she may enter into a voluntary agreement under sub.
17 (3) at any time before he or she is granted a high school or high school equivalency
18 diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a
19 full-time student at a secondary school or its vocational or technical equivalent and
20 an individualized education program under s. 115.787 is in effect for him or her. If
21 the court determines that the person wishes to continue in out-of-home care under
22 an extension of the order described in sub. (1), the court shall schedule an extension
23 hearing under s. 938.365. If the court determines that the person wishes to continue
24 in out-of-home care under a voluntary agreement under sub. (3), the court shall
25 order the agency primarily responsible for providing services to the person under the

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1 order to provide transition-to-independent-living services for the person under a
2 voluntary agreement under sub. (3).

3 (3) VOLUNTARY TRANSITION-TO-INDEPENDENT-LIVING AGREEMENT. (a) On
4 termination of an order described in sub. (1), the person who is the subject of the
5 order, or the person's guardian on behalf of the person, and the agency primarily
6 responsible for providing services to the person under the order may enter into a
7 transition-to-independent-living agreement under which the person continues in
8 out-of-home care and continues to be a full-time student at a secondary school or
9 its vocational or technical equivalent under an individualized education program
10 under s. 115.787 until the date on which the person reaches 21 years of age, is granted
11 a high school or high school equivalency diploma, or terminates the agreement as
12 provided in par. (b), whichever occurs first, and the agency provides services to the
13 person to assist him or her in transitioning to independent living.

14 (b) The person who is the subject of an agreement under par. (a) or his or her
15 guardian may terminate the agreement at any time during the term of the
16 agreement by notifying the agency primarily responsible for providing services
17 under the agreement in writing that the person wishes to terminate the agreement.

18 (c) A person who terminates a voluntary agreement under this subsection, or
19 the person's guardian on the person's behalf, may request the agency primarily
20 responsible for providing services to the person under the agreement to enter into a
21 new voluntary agreement under this subsection at any time before the person is
22 granted a high school or high school equivalency diploma or reaches 21 years of age,
23 whichever occurs first, so long as the person is a full-time student at a secondary
24 school or its vocational or technical equivalent and an individualized education
25 program under s. 115.787 is in effect for him or her. If the request meets the

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1 conditions set forth in the rules promulgated under sub. (4) (b), the agency shall enter
2 into a new voluntary agreement with that person.

3 (4) RULES. The department of children and families shall promulgate rules to
4 implement this section. Those rules shall include all of the following:

5 (a) Rules permitting a foster home, group home, or residential care center for
6 children and youth to provide care for persons who agree to continue in out-of-home
7 care under an extension of an order described in sub. (1) or a voluntary agreement
8 under sub. (3).

9 (b) Rules setting forth the conditions under which a person who has terminated
10 a voluntary agreement under sub. (3) and the agency primarily responsible for
11 providing services under the agreement may enter into a new voluntary agreement
12 under sub. (3) (c).

13 **SECTION 101.** 938.38 (2) (intro.) of the statutes is amended to read:

14 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
15 for each juvenile living in a foster home, group home, residential care center for
16 children and youth, juvenile detention facility, ~~or~~ shelter care facility, or supervised
17 independent living arrangement, the agency that placed the juvenile or arranged the
18 placement or the agency assigned primary responsibility for providing services to the
19 juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any
20 of the following conditions exists, and, for each juvenile living in the home of a
21 guardian or a relative other than a parent, that agency shall prepare a written
22 permanency plan, if any of the conditions under pars. (a) to (e) exists:

23 **SECTION 102.** 938.38 (4) (ar) of the statutes is renumbered 938.38 (4) (ar)
24 (intro.) and amended to read:

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1 938.38 (4) (ar) (intro.) A description of the services offered and any services
2 provided in an effort to prevent the removal of the juvenile from his or her home,
3 while assuring that the health and safety of the juvenile are the paramount concerns,
4 and to achieve the goal of the permanency plan, except that the permanency plan is
5 not required to include a description of the services offered or provided with respect
6 to a parent of the juvenile to prevent the removal of the juvenile from the home or
7 to achieve the permanency goal of returning the juvenile safely to his or her home
8 if any of the following applies:

9 1. Any of the circumstances under s. 938.355 (2d) (b) 1. to 4. apply applies to
10 that parent.

11 **SECTION 103.** 938.38 (4) (ar) 2. of the statutes is created to read:

12 938.38 (4) (ar) 2. The juvenile has attained 18 years of age.

13 **SECTION 104.** 938.38 (4) (fg) 6. of the statutes is created to read:

14 938.38 (4) (fg) 6. If the juvenile has attained 18 years of age, transition to
15 independent living.

16 **SECTION 105.** 938.38 (5) (c) 9. of the statutes is created to read:

17 938.38 (5) (c) 9. If the juvenile is the subject of an order that terminates as
18 provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4., the
19 appropriateness of the transition-to-independent-living plan developed under s.
20 938.385; the extent of compliance with that plan by the juvenile, the juvenile's
21 guardian, if any, the agency primarily responsible for providing services under that
22 plan, and any other service providers; and the progress of the juvenile toward
23 making the transition to independent living.

24 **SECTION 106.** 938.385 of the statutes is created to read:

SENATE BILL 451**SECTION 106**

1 **938.385 Plan for transition to independent living.** During the 90 days
2 immediately before a juvenile who is placed in a foster home, group home, or
3 residential care center for children and youth, in the home of a relative other than
4 a parent, or in a supervised independent living arrangement attains 18 years of age
5 or, if the juvenile is placed in such a placement under an order under s. 938.355,
6 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after the juvenile
7 attains 18 years of age, during the 90 days immediately before the termination of the
8 order, the agency primarily responsible for providing services to the juvenile under
9 the order shall provide the juvenile with assistance and support in developing a plan
10 for making the transition from out-of-home care to independent living. The
11 transition plan shall be personalized at the direction of the juvenile, shall be as
12 detailed as the juvenile directs, and shall include specific options for obtaining
13 housing, health care, education, mentoring and continuing support services, and
14 workforce support and employment services.

15 **SECTION 107.** 938.44 of the statutes is amended to read:

16 **938.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
17 over persons 17 years of age or older as provided under ss. 938.355 (4), 938.357 (6),
18 938.365 (5), and 938.45 and as otherwise specified in this chapter.

19 **SECTION 108.** 938.53 of the statutes is amended to read:

20 **938.53 Duration of control of department over delinquents.** Except as
21 provided under ~~ss. 48.366 and s.~~ 938.183, a juvenile adjudged delinquent who has
22 been placed under the supervision of the department under s. 938.183, 938.34 (4h),
23 (4m), or (4n), or 938.357 (4) shall be discharged as soon as the department determines
24 that there is a reasonable probability that departmental supervision is no longer

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1 necessary for the rehabilitation and treatment of the juvenile or for the protection
2 of the public.

3 **SECTION 109.** 938.57 (3) (a) 4. of the statutes is amended to read:

4 938.57 (3) (a) 4. Is living in a foster home, group home, residential care center
5 for children and youth, or subsidized guardianship home or in a supervised
6 independent living arrangement.

7 **SECTION 110.** 938.595 of the statutes is amended to read:

8 **938.595 Duration of control of county departments over delinquents.**

9 ~~Except as provided in s. 48.366, a~~ A juvenile who has been adjudged delinquent and
10 placed under the supervision of a county department under s. 938.34 (4d) or (4n)
11 shall be discharged as soon as the county department determines that there is a
12 reasonable probability that it is no longer necessary either for the rehabilitation and
13 treatment of the juvenile or for the protection of the public that the county
14 department retain supervision.

15 **SECTION 111.** 938.78 (2) (d) 3. of the statutes is amended to read:

16 938.78 (2) (d) 3. Subject to an order under s. ~~48.366 or~~ 938.183 and placed in
17 a state prison under s. ~~48.366 (8) or~~ 938.183.

18 **SECTION 112.** 938.992 (3) of the statutes is repealed.

19 **SECTION 113.** 946.42 (1) (a) 1. f. of the statutes is amended to read:

20 946.42 (1) (a) 1. f. Constructive custody of prisoners and juveniles subject to an
21 order under s. ~~48.366, 938.183, 938.34 (4d), (4h), or (4m), or 938.357 (4) or (5) (e)~~
22 temporarily outside the institution whether for the purpose of work, school, medical
23 care, a leave granted under s. 303.068, a temporary leave or furlough granted to a
24 juvenile, or otherwise.

25 **SECTION 114.** 946.42 (3) (d) of the statutes is repealed.

SENATE BILL 451**SECTION 115**

1 **SECTION 115.** 946.44 (2) (d) of the statutes is amended to read:

2 946.44 (2) (d) “Prisoner” includes a person who is under the supervision of the
3 department of corrections under s. 938.34 (4h), who is placed in a juvenile
4 correctional facility or a secured residential care center for children and youth under
5 s. 938.183, 938.34 (4m), or 938.357 (4) or (5) (e), or who is placed in a Type 2
6 residential care center for children and youth under s. 938.34 (4d), ~~or who is subject~~
7 ~~to an order under s. 48.366.~~

8 **SECTION 116.** 946.45 (2) (d) of the statutes is amended to read:

9 946.45 (2) (d) “Prisoner” includes a person who is under the supervision of the
10 department of corrections under s. 938.34 (4h), who is placed in a juvenile
11 correctional facility or a secured residential care center for children and youth under
12 s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e), or who is placed in a Type 2 residential
13 care center for children and youth under s. 938.34 (4d), ~~or who is subject to an order~~
14 ~~under s. 48.366.~~

15 **SECTION 117.** 976.08 of the statutes is amended to read:

16 **976.08 Additional applicability.** In this chapter, “prisoner” includes any
17 person subject to an order under s. ~~48.366~~ or 938.183 who is confined to a Wisconsin
18 state prison.

19 **SECTION 118. Nonstatutory provisions.**

20 (1) **EXTENDED OUT-OF-HOME CARE; RULES.**

21 (a) *Permanent rules.* The department of children and families shall present the
22 statement of scope of the rules required under section 48.366 (4) of the statutes, as
23 affected by this act, and section 938.366 (4) of the statutes, as created by this act, to
24 the governor for approval under section 227.135 (2) of the statutes no later than the
25 30th day after the effective date of this paragraph. The department of children and

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1 families shall submit in proposed form the rules required under section 48.366 (4)
2 of the statutes, as affected by this act, and section 938.366 (4) of the statutes, as
3 created by this act, to the legislative council staff under section 227.15 (1) of the
4 statues no later than the first day of the 4th month beginning after the governor
5 approves the statement of scope for the rules.

6 (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
7 the department of children and families may promulgate the rules required under
8 section 48.366 (4) of the statutes, as affected by this act, and section 938.366 (4) of
9 the statutes, as created by this act, for the period before the effective date of the rules
10 submitted under paragraph (a), but not to exceed the period authorized under section
11 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the
12 statues. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the
13 department of children and families is not required to provide evidence that
14 promulgating a rule under this paragraph as an emergency rule is necessary for the
15 preservation of the public peace, health, safety, or welfare and is not required to
16 provide a finding of emergency for a rule promulgated under this paragraph.

17 **SECTION 118m. Fiscal changes.**

18 (1) DEPARTMENT OF CORRECTIONS.

19 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
20 to the department of corrections under section 20.410 (3) (cd) of the statutes, as
21 affected by the acts of 2013, the dollar amount is increased by \$83,400 for the second
22 fiscal year of the fiscal biennium in which this paragraph takes effect to increase
23 funding for the purposes for which the appropriation is made.

24 (2) DEPARTMENT OF CHILDREN AND FAMILIES.

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1 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
2 to the department of children and families under section 20.437 (1) (b) of the statutes,
3 as affected by the acts of 2013, the dollar amount is increased by \$518,300 for the
4 second fiscal year of the fiscal biennium in which this paragraph takes effect to
5 increase funding for the purposes for which the appropriation is made.

6 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
7 to the department of children and families under section 20.437 (1) (cx) of the
8 statutes, as affected by the acts of 2013, the dollar amount is increased by \$262,100
9 for the second fiscal year of the fiscal biennium in which this paragraph takes effect
10 to increase funding for the purposes for which the appropriation is made.

11 (c) In the schedule under section 20.005 (3) of the statutes for the appropriation
12 to the department of children and families under section 20.437 (1) (dd) of the
13 statutes, as affected by the acts of 2013, the dollar amount is increased by \$43,300
14 for the second fiscal year of the fiscal biennium in which this paragraph takes effect
15 to increase funding for the purposes for which the appropriation is made.

16 (3) **JOINT COMMITTEE ON FINANCE.**

17 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
18 to the joint committee on finance under section 20.865 (4) (a) of the statutes, as
19 affected by the acts of 2013, the dollar amount is decreased by \$907,100 for the second
20 fiscal year of the fiscal biennium in which this paragraph takes effect to decrease
21 funding for the purposes for which the appropriation is made.

22 **SECTION 119. Effective dates.** This act takes effect on the first day of the 4th
23 month beginning after publication, except as follows:

24 (1) **RULES.** SECTION 118 (1) of this act takes effect on the day after publication.

25 (END)