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

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

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

11 48.685 (1) (am) "Client" means a ~~child~~ person who receives direct care or
12 treatment services from an entity or from a caregiver specified in par. (ag) 1. am.

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 of the statutes is repealed.

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

16 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
17 or juvenile who has been placed in a foster home, group home, residential care center
18 for children and youth, or juvenile correctional facility or in a supervised
19 independent living arrangement, including a placement under s. 48.205, 48.21,
20 938.205, or 938.21, or for whom placement in a foster home, group home, residential
21 care center for children and youth, or juvenile correctional facility or in a supervised
22 independent living arrangement is recommended under s. 48.33 (4), 48.425 (1) (g),
23 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court
24 report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33
25 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425

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1 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing
2 a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5)
3 (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, to the foster
4 parent of the child or juvenile or the operator of the group home, residential care
5 center for children and youth, or juvenile correctional facility in which the child or
6 juvenile is placed, or to an agency that placed the child or juvenile or arranged for
7 the placement of the child or juvenile in any of those placements and, by any of those
8 agencies, to any other of those agencies and, by the agency that placed the child or
9 juvenile or arranged for the placement of the child or juvenile in any of those
10 placements, to the foster parent of the child or juvenile or the operator of the group
11 home, residential care center for children and youth, or juvenile correctional facility
12 in which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

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

14 227.03 (4) The provisions of this chapter relating to contested cases do not
15 apply to proceedings involving the revocation of aftercare supervision under s.
16 ~~48.366 (5) or 938.357 (5)~~, the revocation of parole, extended supervision, or probation,
17 the grant of probation, prison discipline, mandatory release under s. 302.11, or any
18 other proceeding involving the care and treatment of a resident or an inmate of a
19 correctional institution.

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

21 252.15 (3m) (d) 15. If the subject of the HIV test is a child who has been placed
22 in a foster home, group home, residential care center for children and youth, or
23 juvenile correctional facility, as defined in s. 938.02 (10p), or in a supervised
24 independent living arrangement, including a placement under s. 48.205, 48.21,
25 938.205, or 938.21, or for whom placement in a foster home, group home, residential

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1 care center for children and youth, or juvenile correctional facility or in a supervised
2 independent living arrangement is recommended under s. 48.33 (4), 48.425 (1) (g),
3 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court
4 report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33
5 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425
6 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing
7 a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5)
8 (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child, or to an agency that
9 placed the child or arranged for the placement of the child in any of those placements
10 and, by any of those agencies, to any other of those agencies and, by the agency that
11 placed the child or arranged for the placement of the child in any of those placements,
12 to the child's foster parent or the operator of the group home, residential care center
13 for children and youth, or juvenile correctional facility in which the child is placed,
14 as provided in s. 48.371 or 938.371.

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

16 301.03 (9) Supervise all persons placed under s. ~~48.366 (8)~~ or 938.183 in a state
17 prison.

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

19 301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
20 including ~~but not limited to~~ a person placed under s. ~~48.366~~, 938.183, 938.34 (4h) or
21 (4m), or 938.357 (4) or (5) (e), receiving care, maintenance, services, and supplies
22 provided by any institution in this state operated or contracted for by the
23 department, in which the state is chargeable with all or part of the person's care,
24 maintenance, services, and supplies, and the person's property and estate, including
25 the homestead, and the spouse of the person, and the spouse's property and estate,

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1 including the homestead, and, in the case of a minor child, the parents of the person,
2 and their property and estates, including their homestead, and, in the case of a
3 foreign child described in s. 48.839 (1) who became dependent on public funds for his
4 or her primary support before an order granting his or her adoption, the resident of
5 this state appointed guardian of the child by a foreign court who brought the child
6 into this state for the purpose of adoption, and his or her property and estate,
7 including his or her homestead, shall be liable for the cost of the care, maintenance,
8 services, and supplies in accordance with the fee schedule established by the
9 department under s. 301.03 (18). If a spouse, widow, or minor, or an incapacitated
10 person, may be lawfully dependent upon the property for their his or her support, the
11 court shall release all or such part of the property and estate from the charges that
12 may be necessary to provide for ~~those persons~~ that person. The department shall
13 make every reasonable effort to notify the liable persons as soon as possible after the
14 beginning of the maintenance, but the notice or the receipt of the notice is not a
15 condition of liability.

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

17 301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of
18 corrections shall bill counties or deduct from the allocations under s. 20.410 (3) (cd)
19 for the costs of care, services, and supplies purchased or provided by the department
20 of corrections for each person receiving services under s. ~~48.366~~, 938.183 or 938.34
21 or the department of health services for each person receiving services under s.
22 46.057 or 51.35 (3). The department of corrections may not bill a county for or deduct
23 from a county's allocation the cost of care, services, and supplies provided to a person
24 subject to an order under s. ~~48.366~~ or 938.183 after the person reaches 18 years of
25 age. Payment shall be due within 60 days after the billing date. If any payment has

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1 not been received within those 60 days, the department of corrections may withhold
2 aid payments in the amount due from the appropriation under s. 20.410 (3) (cd).

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

4 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
5 the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4.
6 Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
7 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
8 jurisdiction under ~~chs. 48 and ch.~~ 938 for each person receiving services from the
9 department of corrections under s. ~~48.366~~, 938.183, or 938.34 or the department of
10 health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and
11 (cm), in multicounty court jurisdictions, the county of residency within the
12 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
13 par. (a) shall also be made according to the general placement type or level of care
14 provided, as defined by the department, and prorated according to the ratio of the
15 amount designated under sub. (3) (c) to the total applicable estimated costs of care,
16 services, and supplies provided by the department of corrections under ~~ss. 48.366~~,
17 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35
18 (3).

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

20 301.26 (4) (c) Notwithstanding pars. (a), (b), and (bm), the department of
21 corrections shall pay, from the appropriation under s. 20.410 (3) (hm), (ho). or (hr),
22 the costs of care, services, and supplies provided for each person receiving services
23 under s. 46.057, ~~48.366~~, 51.35 (3), 938.183, or 938.34 who was under the
24 guardianship of the department of children and families pursuant to an order under
25 ch. 48 at the time that the person was adjudicated delinquent.

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

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

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

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

8 302.11 (1) The warden or superintendent shall keep a record of the conduct of
9 each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),
10 (1m), (1q), (1z), and (7) ~~and~~ (10), each inmate is entitled to mandatory release on
11 parole by the department. The mandatory release date is established at two-thirds
12 of the sentence. Any calculations under this subsection or sub. (1q) (b) or (2) (b)
13 resulting in fractions of a day shall be rounded in the inmate's favor to a whole day.

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

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

16 302.17 (2) The department shall make entries on the register to reflect the
17 progress made by each inmate while incarcerated and the inmate's release on parole
18 or extended supervision, condition at the time of release on parole or extended
19 supervision and progress made while on parole or extended supervision. ~~This~~
20 ~~subsection does not apply to inmates subject to an order under s. 48.366.~~

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

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

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

24 302.31 (7) The temporary placement of persons in the custody of the
25 department, other than persons under 17 years of age, and persons who have

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1 attained the age of 17 years but have not attained the age of 25 years who are under
2 the supervision of the department under s. ~~48.366~~ or 938.355 (4) and who have been
3 taken into custody pending revocation of aftercare supervision under s. ~~48.366 (5)~~ or
4 938.357 (5) (e).

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

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

7 767.405 (8) (b) 1. That a party engaged in abuse, as defined in s. 813.122 (1)
8 (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b).

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

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

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

13 767.41 (2) (b) 2. c. The parties will not be able to cooperate in the future decision
14 making required under an award of joint legal custody. In making this finding the
15 court shall consider, along with any other pertinent items, any reasons offered by a
16 party objecting to joint legal custody. Evidence that either party engaged in abuse,
17 as defined in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b),
18 or evidence of interspousal battery, as described under s. 940.19 or 940.20 (1m), or
19 domestic abuse, as defined in s. 813.12 (1) (am), creates a rebuttable presumption
20 that the parties will not be able to cooperate in the future decision making required.

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

22 767.41 (5) (am) 12. Whether there is evidence that a party engaged in abuse,
23 as defined in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b).

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

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

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

6 938.235 (1) (e) The court shall appoint a guardian ad litem, or extend the
7 appointment of a guardian ad litem previously appointed under par. (a), for any
8 juvenile alleged or found to be in need of protection or services, if the court has
9 ordered, or if a request or recommendation has been made that the court order, the
10 juvenile to be placed out of his or her home under s. 938.345 or 938.357. This
11 paragraph does not apply to a juvenile who is subject to a dispositional order that
12 terminates as provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b)
13 4.

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

15 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
16 placement in a foster home, group home, or nonsecured residential care center for
17 children and youth, in the home of a relative other than a parent, ~~or~~ in the home of
18 a guardian under s. 48.977 (2), or in a supervised independent living arrangement
19 shall be in writing, except that the report may be presented orally at the dispositional
20 hearing if all parties consent. A report that is presented orally shall be transcribed
21 and made a part of the court record. The report shall include all of the following:

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

23 938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this
24 section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of
25 the juvenile in a foster home, group home, or residential care center for children and

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

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

5 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under
6 this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age
7 that places or continues the placement of the juvenile in his or her home shall
8 terminate ~~at the end of~~ one year after the date on which the order is granted unless
9 the court specifies a shorter period of time or the court terminates the order sooner.

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

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

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

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

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

2 938.355 (4) (am) 4. The date on which the juvenile is granted a high school or
3 high school equivalency diploma or the date on which the juvenile attains 21 years
4 of age, whichever occurs first, if the juvenile is a full-time student at a secondary
5 school or its vocational or technical equivalent and if an individualized education
6 program under s. 115.787 is in effect for the juvenile. The court may not grant an
7 order that terminates as provided in this subdivision unless the juvenile is 17 years
8 of age or older when the order is granted and the juvenile, or the juvenile's guardian
9 on behalf of the juvenile, agrees to the order. At any time after the juvenile attains
10 18 years of age, the juvenile, or the juvenile's guardian on behalf of the juvenile, may
11 request the court in writing to terminate the order and, on receipt of such a request,
12 the court, without a hearing, shall terminate the order.

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

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

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

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1 938.355 (6) (a) 2. If Except as provided in subd. 3., if a juvenile who has been
2 found to be in need of protection or services under s. 938.13 (4), (6m), (7), (12), or (14)
3 violates a condition specified in sub. (2) (b) 7., the court may impose on the juvenile
4 any of the sanctions under par. (d), other than placement in a juvenile detention
5 facility or juvenile portion of a county jail.

6 2m. A sanction may be imposed under this subdivision subd. 1. or 2. only if, at
7 the dispositional hearing under s. 938.335, the court explained the conditions
8 specified in sub. (2) (b) 7. to the juvenile and informed the juvenile of those possible
9 sanctions or if before the violation the juvenile has acknowledged in writing that he
10 or she has read, or has had read to him or her, those conditions and possible sanctions
11 and that he or she understands those conditions and possible sanctions.

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

13 938.355 (6) (a) 3. The court may not impose a sanction under subd. 1. or 2. on
14 a juvenile who is subject to an order under this section or s. 938.357 or 938.365 that
15 terminates as provided in sub. (4) (am) 4. or s. 938.357 (6) (a) 4. or 938.365 (5) (b) 4.

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

17 938.355 (6d) (a) 1. 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 subsd. 2g., 2m., and 2r.~~, if a juvenile
21 who has been adjudged delinquent violates a condition specified in sub. (2) (b) 7., the
22 juvenile's caseworker or any other person authorized to provide or providing intake
23 or dispositional services for the court under s. 938.067 or 938.069 may, without a
24 hearing, take the juvenile into custody and place the juvenile in a juvenile detention
25 facility or juvenile portion of a county jail that meets the standards promulgated by

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1 the department by rule or in a place of nonsecure custody designated by that person
2 for not more than 72 hours while the alleged violation and the appropriateness of a
3 sanction under sub. (6) are being investigated.

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

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

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

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

12 938.355 (6d) (a) 2g. The taking into custody and placement of a juvenile under
13 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
14 938.06 (1) and (2) and to any policies adopted by the county board relating to such
15 taking into custody and placement.

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

17 938.355 (6d) (a) 2r. A juvenile who is subject to an order under this section or
18 s. 938.357 or 938.365 that terminates as provided in sub. (am) 4. or s. 938.357 (6) (a)
19 4. or 938.365 (5) (b) 4. may not be taken into custody under subd 1. or 2.

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

21 938.355 (6d) (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
22 ~~general written policies adopted by the court under s. 938.06 (1) or (2), to any policies~~
23 ~~adopted by the county department relating to aftercare supervision administered by~~
24 ~~the county department, and to any policies adopted by the county board relating to~~
25 ~~the taking into custody and placement of a juvenile under this subdivision~~ subds. 2g.,

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1 2m., and 2r., if a juvenile who is on aftercare supervision administered by ~~the~~ a
2 county department violates a condition of that supervision, the juvenile's caseworker
3 or any other person authorized to provide or providing intake or dispositional
4 services for the court under s. 938.067 or 938.069 may, without a hearing, take the
5 juvenile into custody and place the juvenile in a juvenile detention facility or juvenile
6 portion of a county jail that meets the standards promulgated by the department by
7 rule or in a place of nonsecure custody designated by that person for not more than
8 72 hours while the alleged violation and the appropriateness of revoking the
9 juvenile's aftercare status are being investigated.

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

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

18 938.355 **(6d)** (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
19 ~~general written policies adopted by the court under s. 938.06 (1) or (2), to any policies~~
20 ~~adopted by the county department relating to aftercare supervision administered by~~
21 ~~the county department, and to any policies adopted by the county board relating to~~
22 ~~the taking into custody and placement of a juvenile under this subdivision~~ subds. 2g.,
23 2m., and 2r., if a juvenile who is on aftercare supervision administered by the county
24 department violates a condition of that supervision, the juvenile's caseworker or any
25 other person authorized to provide or providing intake or dispositional services for

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1 the court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into
2 custody and place the juvenile in a juvenile detention facility or juvenile portion of
3 a county jail that meets the standards promulgated by the department by rule or in
4 a place of nonsecure custody designated by that person for not more than 72 hours
5 as a consequence of that violation. ~~Short-term detention under this subdivision may~~
6 ~~be imposed only if at the dispositional hearing the court explained those conditions~~
7 ~~to the juvenile and informed the juvenile of that possible placement or if before the~~
8 ~~violation the juvenile has acknowledged in writing that he or she has read, or has had~~
9 ~~read to him or her, those conditions and that possible placement and that he or she~~
10 ~~understands those conditions and that possible placement.~~ A person who takes a
11 juvenile into custody under this subdivision shall permit the juvenile to make a
12 written or oral statement concerning the possible placement of the juvenile and the
13 course of conduct for which the juvenile was taken into custody. A person designated
14 by the court or the county department who is employed in a supervisory position by
15 a person authorized to provide or providing intake or dispositional services under s.
16 938.067 or 938.069 shall review that statement and either approve the placement of
17 the juvenile, modify the terms of the placement, or order the juvenile to be released
18 from custody.

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

20 938.355 (6d) (b) 2g. The taking into custody and placement of a juvenile under
21 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
22 938.06 (1) and (2), to any policies adopted by the county department relating to
23 aftercare supervision administered by the county department, and to any policies
24 adopted by the county board relating to such taking into custody and placement.

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

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

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

5 938.355 (6d) (c) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
6 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
7 ~~policies adopted by the county board relating to the taking into custody and~~
8 ~~placement of a juvenile under this subdivision subds. 2g., 2m., and 2r.,~~ if a juvenile
9 who has been found to be in need of protection or services under s. 938.13 violates
10 a condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person
11 authorized to provide or providing intake or dispositional services for the court under
12 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
13 the juvenile in a place of nonsecure custody designated by that person for not more
14 than 72 hours while the alleged violation and the appropriateness of a sanction
15 under sub. (6) or (6m) are being investigated.

16 2m. Short-term detention may be imposed under ~~this subdivision~~ subd. 1. or
17 2. only if at the dispositional hearing the court explained ~~those~~ the conditions
18 specified in sub. (2) (b) 7. to the juvenile and informed the juvenile of that possible
19 placement or if before the violation the juvenile has acknowledged in writing that he
20 or she has read, or has had read to him or her, those conditions and that possible
21 placement and that he or she understands those conditions and that possible
22 placement.

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

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

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1 ~~policies adopted by the county board relating to the taking into custody and~~
2 ~~placement of a juvenile under this subdivision subds. 2g., 2m., and 2r., if a juvenile~~
3 who has been found to be in need of protection or services under s. 938.13 violates
4 a condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person
5 authorized to provide or providing intake or dispositional services for the court under
6 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
7 the juvenile in a place of nonsecure custody designated by that person for not more
8 than 72 hours as a consequence of that violation. ~~Short-term detention may be~~
9 ~~imposed under this subdivision only if at the dispositional hearing the court~~
10 ~~explained those conditions to the juvenile and informed the juvenile of that possible~~
11 ~~placement or if before the violation the juvenile has acknowledged in writing that he~~
12 ~~or she has read, or has had read to him or her, those conditions and that possible~~
13 ~~placement and that he or she understands those conditions and that possible~~
14 ~~placement.~~ A person who takes a juvenile into custody under this subdivision shall
15 permit the juvenile to make a written or oral statement concerning the possible
16 placement of the juvenile and the course of conduct for which the juvenile was taken
17 into custody. A person designated by the court or the county department who is
18 employed in a supervisory position by a person authorized to provide or providing
19 intake or dispositional services under s. 938.067 or 938.069 shall review that
20 statement and either approve the placement, modify the terms of the placement, or
21 order the juvenile to be released from custody.

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

23 938.355 (6d) (c) 2g. The taking into custody and placement of a juvenile under
24 subd. 1. or 2. is subject to any general written policies adopted by the court under s.

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1 938.06 (1) and (2) and to any policies adopted by the county board relating to such
2 taking into custody and placement.

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

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

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

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

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

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1 938.357 (1) (am) 2. (intro.) Any Except as provided in subd. 2r., any person
2 receiving the notice under subd. 1. or notice of a specific placement under s. 938.355
3 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court
4 within 10 days after receipt of the notice. Placements Except as provided in subds.
5 2m. and 2r., placements may not be changed until 10 days after that notice is sent
6 to the court unless the parent, guardian, legal custodian, or Indian custodian, the
7 juvenile, if 12 or more years of age, and the juvenile's tribe, if the juvenile is an Indian
8 juvenile who has been removed from the home of his or her parent or Indian
9 custodian under s. 938.13 (4), (6), (6m), or (7), sign written waivers of objection,
10 ~~except that changes.~~

11 2m. Changes in placement that were authorized in the dispositional order may
12 be made immediately if notice is given as required under subd. 1. In addition, a
13 hearing is not required for placement changes authorized in the dispositional order
14 except when an objection filed by a person who received notice alleges that new
15 information is available that affects the advisability of the court's dispositional order.

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

17 938.357 (1) (am) 2r. If the proposed change in placement involves a juvenile
18 who is subject to a dispositional order that terminates as provided in sub. (6) (a) 4.
19 or s. 938.355 (4) (am) 4. or 938.365 (5) (b) 4., the person or agency primarily
20 responsible for implementing the dispositional order or the district attorney may
21 request a change in placement under this paragraph only if the juvenile or the
22 juvenile's guardian on behalf of the juvenile consents to the change in placement.
23 That person or agency or the district attorney shall cause written notice of the
24 proposed change in placement to be sent to the juvenile, the guardian of the juvenile,
25 and any foster parent or other physical custodian described in s. 48.62 (2) of the

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1 juvenile. No hearing is required for a change in placement described in this
2 subdivision, and the juvenile's placement may be changed at any time after notice
3 of the proposed change in placement is sent to the court.

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

5 938.357 (2) EMERGENCY CHANGE IN PLACEMENT. If emergency conditions
6 necessitate an immediate change in the placement of a juvenile placed outside the
7 home, the person or agency primarily responsible for implementing the dispositional
8 order may remove the juvenile to a new placement, whether or not authorized by the
9 existing dispositional order, without the prior notice under sub. (1) (am) 1. or the
10 consent required under sub. (1) (am) 2r. The notice shall be sent within 48 hours after
11 the emergency change in placement. Any party receiving notice may demand a
12 hearing under sub. (1) (am) 2. In emergency situations, a juvenile may be placed in
13 a licensed public or private shelter care facility as a transitional placement for not
14 more than 20 days or in any placement authorized under s. 938.34 (3).

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

16 938.357 (2m) (a) *Request; information required.* ~~The~~ Except as provided in par.
17 (bv), the juvenile, the parent, guardian, or legal custodian of the juvenile, any person
18 or agency primarily bound by the dispositional order, other than the person or agency
19 responsible for implementing the order, or, if the juvenile is an Indian juvenile who
20 is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian
21 juvenile's Indian custodian may request a change in placement under this
22 paragraph. The request shall contain the name and address of the new placement
23 requested and shall state what new information is available that affects the
24 advisability of the current placement. If the proposed change in placement would
25 change the placement of a juvenile placed in the juvenile's home to a placement

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1 outside the home, the request shall also contain specific information showing that
2 continued placement of the juvenile in the juvenile's home would be contrary to the
3 welfare of the juvenile and, unless any of the circumstances under s. 938.355 (2d) (b)
4 1. to 4. applies, specific information showing that the agency primarily responsible
5 for implementing the dispositional order has made reasonable efforts to prevent the
6 removal of the juvenile from the home, while assuring that the juvenile's health and
7 safety are the paramount concerns. The request shall be submitted to the court. The
8 court may also propose a change in placement on its own motion.

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

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

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

2 938.357 (2m) (bv) If the proposed change in placement involves a juvenile who
3 is subject to a dispositional order that terminates as provided in sub. (6) (a) 4. or s.
4 938.355 (4) (am) 4. or 938.365 (5) (b) 4., only the juvenile or the juvenile's guardian
5 on behalf of the juvenile or a person or agency primarily bound by the dispositional
6 order may request a change in placement under par. (a). No hearing is required for
7 a change in placement described in this paragraph if written waivers of objection to
8 the proposed change in placement are signed by the juvenile, the guardian of the
9 juvenile, and all parties that are bound by the dispositional order. If a hearing is
10 scheduled, the court may proceed immediately with the hearing on the consent of the
11 person who requested the change in placement, the juvenile, the guardian of the
12 juvenile, and all parties who are bound by the dispositional order.

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

14 938.357 (2v) (a) 3. If the court finds that any of the circumstances under s.
15 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
16 agency primarily responsible for providing services under the change in placement
17 order is not required to make reasonable efforts with respect to the parent to make
18 it possible for the juvenile to return safely to his or her home. This subdivision does
19 not apply to a juvenile who is subject to a dispositional order that terminates as
20 provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4.

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

22 938.357 (4g) (b) The department may waive the time period within which an
23 aftercare plan must be prepared and submitted under par. (a) if the department
24 anticipates that the juvenile will remain in the juvenile correctional facility or
25 secured residential care center for children and youth for a period exceeding 8

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1 months or if the juvenile is subject to s. ~~48.366 or~~ 938.183. If the department waives
2 that time period, the designated aftercare provider shall prepare the aftercare plan
3 within 30 days after the date on which the department requests the aftercare plan.

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

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

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

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

16 3. The date on which the juvenile is granted a high school or high school
17 equivalency diploma or the date on which the juvenile attains 19 years of age,
18 whichever occurs first, if the juvenile is a full-time student at a secondary school or
19 its vocational or technical equivalent and is reasonably expected to complete the
20 program before attaining 19 years of age, to the date on which the juvenile attains
21 19 years of age, whichever is later, or for a shorter period of time as specified by the
22 court.

23 (b) If the change in placement is from a placement in a foster home, group home,
24 or residential care center for children and youth or in the home of a relative to a
25 placement in the juvenile's home and if the expiration date of the original order is

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1 more than one year after the date of on which the change in placement order is
2 granted, the court shall shorten the expiration date of the original order to the date
3 that is one year after the date of on which the change in placement order is granted
4 or to an earlier date as specified by the court.

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

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

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

19 938.365 (5) (a) Except as provided in s. 938.368, an order under this section that
20 continues the placement of a juvenile in his or her home or that extends an order
21 under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time not to
22 exceed one year after its the date of entry on which the order is granted.

23 (b) Except as provided in s. 938.368, an order under this section that continues
24 the placement of a juvenile in a foster home, group home, or residential care center
25 for children and youth ~~or~~, in the home of a relative other than a parent, or in a

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1 supervised independent living arrangement shall be for a specified length of time not
2 to exceed the latest of the following dates:

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

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

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

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

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

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

24 **938.366 Extended out-of-home care.** (1) **APPLICABILITY.** This section
25 applies to a person who is placed in a foster home, group home, or residential care

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1 center for children and youth, in the home of a relative other than a parent, or in a
2 supervised independent living arrangement under an order under s. 938.355,
3 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 1., 2., or 3.,
4 938.357 (6) (a) 1., 2., or 3., or 938.365 (5) (b) 1., 2., or 3. on or after the person attains
5 18 years of age, who is a full-time student of a secondary school or its vocational or
6 technical equivalent, and for whom an individualized education program under s.
7 115.787 is in effect.

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

22 (b) 1. If the person who is the subject of an order described in sub. (1) indicates
23 that he or she wishes to be discharged from out-of-home care on termination of the
24 order, the agency primarily responsible for providing services to the person under the
25 order shall request the court to hold a transition-to-discharge hearing and shall

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1 cause notice of that request to be provided to that person, the parent, guardian, and
2 legal custodian of that person, any foster parent or other physical custodian
3 described in s. 48.62 (2) of that person, all parties who are bound by the dispositional
4 order, and, if that person is an Indian juvenile who has been removed from the home
5 of his or her parent or Indian custodian, that person's Indian custodian and tribe.

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

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

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

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1 hearing under s. 938.365. If the court determines that the person wishes to continue
2 in out-of-home care under a voluntary agreement under sub. (3), the court shall
3 order the agency primarily responsible for providing services to the person under the
4 order to provide transition-to-independent-living services for the person under a
5 voluntary agreement under sub. (3).

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

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

21 (c) A person who terminates a voluntary agreement under this subsection, or
22 the person's guardian on the person's behalf, may request the agency primarily
23 responsible for providing services to the person under the agreement to enter into a
24 new voluntary agreement under this subsection at any time before the person is
25 granted a high school or high school equivalency diploma or reaches 21 years of age,

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1 whichever occurs first, so long as the person is a full-time student at a secondary
2 school or its vocational or technical equivalent and an individualized education
3 program under s. 115.787 is in effect for him or her. If the request meets the
4 conditions set forth in the rules promulgated under sub. (4) (b), the agency shall enter
5 into a new voluntary agreement with that person.

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

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

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

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

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

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

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

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

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

14 938.38 (4) (ar) 2. The juvenile has attained 18 years of age.

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

16 938.38 (4) (fg) 6. If the juvenile has attained 18 years of age, transition to
17 independent living.

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

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

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

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

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

17 **938.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
18 over persons 17 years of age or older as provided under ss. 938.355 (4), 938.357 (6),
19 938.365 (5), and 938.45 and as otherwise specified in this chapter.

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

21 **938.53 Duration of control of department over delinquents.** Except as
22 provided under ss. ~~48.366~~ and s. 938.183, a juvenile adjudged delinquent who has
23 been placed under the supervision of the department under s. 938.183, 938.34 (4h),
24 (4m), or (4n), or 938.357 (4) shall be discharged as soon as the department determines
25 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.

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

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

20 (END)

Parisi, Lori

From: Liedl, Kimberly - DCF <Kimberly.Liedl@wisconsin.gov>
Sent: Friday, December 06, 2013 2:46 PM
To: LRB.Legal
Subject: Draft Review: LRB -3776/1 Topic: Extended out-of-home care to age 21 for children with individualized educational programs

Please Jacket LRB -3776/1 for the SENATE.