



State of Wisconsin
2015 - 2016 LEGISLATURE

IN 1127

LRB-0311/ES
GMM:kjf:rs

PH
RMR

DOA:.....Major, BB0080 - Out-of-home care extension

FOR 2015-2017 BUDGET — NOT READY FOR INTRODUCTION

Today

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, monthly subsidized guardianship payments may be made to the guardian of a child who has been adjudged to be in need of protection or services if certain additional conditions have been met. In addition, current law permits DCF to provide payments to the adoptive or proposed adoptive parents of a child with special needs to assist in the cost of care of the child when DCF determines that those payments are necessary to assure the child's adoption (adoption assistance). Subject to certain exceptions, subsidized guardianship payments and adoption assistance end when the child attains 18 years of age.

This bill permits subsidized guardianship payments to be made or adoption assistance to be provided until a child attains 21 years of age if the child is a full-time student at a secondary school or its vocational or technical equivalent (full-time student), an individualized education program (IEP) is in effect for the child, and the subsidized guardianship agreement or adoption assistance agreement for the child became effective on or after the date on which the child attained 16 years of age. (An IEP is a written statement for a child with a disability developed by an IEP team appointed by the child's local educational agency that includes, among other things, the child's level of academic achievement and functional performance, measurable goals for the child, the special education and related services to be provided to the child, and how the child's progress toward attaining those goals will be measured.)

Under current law, monthly kinship care payments may be made to a relative of a child (kinship care relative) who is providing care and maintenance for the child if certain additional conditions have been met. Kinship care payments generally end when the child attains 18 years of age, except under certain exceptions including an exception under which kinship care payments may be made until a child attains 21 years of age if the child is a full-time student and an IEP is in effect for the child.

This bill, in addition, requires, as a condition for eligibility for kinship care payments for a child under 21 years of age who is a full-time student and for whom an IEP is in effect, that the child be placed in the home of the kinship care relative under an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) or under a voluntary transition-to-independent-living agreement, which is an agreement under which such a child may continue in out-of-home care and receive services to assist him or her in transitioning to independent living until the child attains 21 years of age, is granted a high school or high school equivalency diploma, or terminates the agreement, whichever occurs first.

Under current law, a permanency plan must be prepared for a child who is placed outside the home under a juvenile court order or under a voluntary agreement. (A permanency plan is a plan designed to ensure that a child who is placed outside the home is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability.)

This bill requires a permanency plan to be prepared for a child who is placed outside the home under a voluntary transition-to-independent-living agreement. The bill also, with respect to voluntary transition-to-independent-living agreements: 1) requires the juvenile court, by no later than 180 days after the date of the agreement, to determine whether the child's placement under the agreement is in the best interests of the child; 2) provides that if DCF, DOC, or a county enters into such an agreement with a child, the agreement must specifically state that DCF, DOC, or the county has placement and care responsibility for the child and has primary responsibility for providing services to the child; 3) creates an appeal procedure under which any person who is aggrieved by the failure of an agency to enter into such an agreement or by an agency's termination of such an agreement has the right to a contested case hearing under the state administrative procedures laws; and 4) requires DCF to promulgate rules governing the provision of subsidized guardianship payments, kinship care payments, and adoption assistance for a child who agrees to continue in out-of-home care under such an agreement. The bill also requires DCF to promulgate such rules for any child 18 years of age or over for whom such payments or assistance is provided.

of the child in out-of-home care ^{home care}

In addition, the bill

(and)

Under current law, subject to certain exceptions, a facility where five or more adults who do not require care above intermediate level nursing care reside and receive care, treatment, or services that are above the level of room and board must be licensed as a community-based residential facility (CBRF). This bill provides that a facility licensed as a foster home, group home, or residential care center for children and youth (facility) that provides care and maintenance for a person 18 years of age or over, but under 21 years of age, who is placed in the facility under an order of the

juvenile court that terminates after the person attains 18 years of age, under a voluntary transition-to-independent-living agreement, or under the placement and care responsibility of another state is not required to also be licensed as a CBRF.

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

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

1 SECTION 1. 48.366 (1) of the statutes is renumbered 48.366 (1) (intro.) and
2 amended to read:

3 48.366 (1) (intro.) APPLICABILITY. This section applies to a person who is a
4 full-time student of a secondary school or its vocational or technical equivalent, for
5 whom an individualized education program under s. 115.787 is in effect, and to whom
6 any of the following applies:

7 (a) The person is placed in a foster home, group home, or residential care center
8 for children and youth, in the home of a relative other than a parent, or in a
9 supervised independent living arrangement under an order under s. 48.355, 48.357,
10 or 48.365 that terminates as provided in s. 48.355 (4) (b) 1., 2., or 3., 48.357 (6) (a) 1.,
11 2., or 3., or 48.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age or
12 who.

13 (b) The person is in the guardianship and custody of an agency specified in s.
14 48.427 (3m) (a) 1. to 4. or (am) under an order under s. 48.43, ~~who is a full-time~~
15 ~~student of a secondary school or its vocational or technical equivalent, and for whom~~
16 ~~an individualized education program under s. 115.787 is in effect that terminate on~~
17 the date on which the person attains 18 years of age.

18 SECTION 2. 48.366 (1) (c) of the statutes is created to read:

1 48.366 (1) (c) The person is placed in a shelter care facility on the date on which
2 an order specified in par. (a) or (b) terminates.

3 **SECTION 3.** 48.366 (2) (a) of the statutes is amended to read:

4 48.366 (2) (a) Not less than 120 days before an order described in sub. (1) (a)
5 or (b) terminates, the agency primarily responsible for providing services under the
6 order shall request the person who is the subject of the order to indicate whether he
7 or she wishes to be discharged from out-of-home care on termination of the order or
8 wishes to continue in out-of-home care under a voluntary agreement under sub. (3).
9 If the person is subject to an order under s. 48.355, 48.357, or 48.365 described in sub.
10 (1) (a), the agency shall also request the person to indicate whether he or she wishes
11 to continue in out-of-home care until the date specified in s. 48.365 (5) (b) 4. under
12 an extension of the order. If the person indicates that he or she wishes to be
13 discharged from out-of-home care on termination of the order, the agency shall
14 request a transition-to-discharge hearing under par. (b). If the person indicates that
15 he or she wishes to continue in out-of-home care under an extension of an order
16 under s. 48.355, 48.357, or 48.365 described in sub. (1) (a), the agency shall request
17 an extension of the order under s. 48.365. If the person indicates that he or she
18 wishes to continue in out-of-home care under a voluntary agreement under sub. (3),
19 the agency and the person shall enter into such an agreement.

20 **SECTION 4.** 48.366 (2) (b) 1. of the statutes is amended to read:

21 48.366 (2) (b) 1. If the person who is the subject of an order described in sub.
22 (1) (a) or (b) indicates that he or she wishes to be discharged from out-of-home care
23 on termination of the order, the agency primarily responsible for providing services
24 to the person under the order shall request the court to hold a
25 transition-to-discharge hearing and shall cause notice of that request to be provided

1 to that person, the parent, guardian, and legal custodian of that person, any foster
2 parent or other physical custodian described in s. 48.62 (2) of that person, that
3 person's court-appointed special advocate, all parties who are bound by the
4 dispositional order, and, if that person is an Indian child who has been removed from
5 the home of his or her parent or Indian custodian, that person's Indian custodian and
6 tribe.

7 **SECTION 5.** 48.366 (2) (b) 3. of the statutes is amended to read:

8 48.366 (2) (b) 3. At the hearing the court shall review with the person who is
9 the subject of an order described in sub. (1) (a) or (b) the options specified in par. (a)
10 and. If the person is subject to an order under s. 48.355, 48.357, or 48.365 described
11 in sub. (1) (a), the court shall also advise the person that he or she may continue in
12 out-of-home care as provided in par. (a) under an extension of an order under s.
13 48.355, 48.357, or 48.365 described in sub. (1) (a) or under a voluntary agreement
14 under sub. (3).

15 **SECTION 6.** 48.366 (2) (b) 4. of the statutes is amended to read:

16 48.366 (2) (b) 4. If the court determines that the person who is the subject of
17 an order described in sub. (1) (a) or (b) understands that he or she may continue in
18 out-of-home care, but wishes to be discharged from that care on termination of the
19 order, the court shall advise the person that he or she may enter into a voluntary
20 agreement under sub. (3) at any time before he or she is granted a high school or high
21 school equivalency diploma or reaches 21 years of age, whichever occurs first, so long
22 as he or she is a full-time student at a secondary school or its vocational or technical
23 equivalent and an individualized education program under s. 115.787 is in effect for
24 him or her. If the court determines that the person wishes to continue in
25 out-of-home care under an extension of an order under s. 48.355, 48.357, or 48.365

1 described in sub. (1) (a), the court shall schedule an extension hearing under s.
2 48.365. If the court determines that the person wishes to continue in out-of-home
3 care under a voluntary agreement under sub. (3), the court shall order the agency
4 primarily responsible for providing services to the person under the order to provide
5 transition-to-independent-living services for the person under a voluntary
6 agreement under sub. (3).

7 **SECTION 7.** 48.366 (3) (a) of the statutes is amended to read:

8 48.366 (3) (a) On termination of an order described in sub. (1) (a) or (b), the
9 person who is the subject of the order, or the person's guardian on behalf of the
10 person, and the agency primarily responsible for providing services to the person
11 under the order may enter into a transition-to-independent-living agreement
12 under which the person continues in out-of-home care and continues to be a
13 full-time student at a secondary school or its vocational or technical equivalent
14 under an individualized education program under s. 115.787 until the date on which
15 the person reaches 21 years of age, is granted a high school or high school equivalency
16 diploma, or terminates the agreement as provided in par. (b), whichever occurs first,
17 and the agency provides services to the person to assist him or her in transitioning
18 to independent living.

19 **SECTION 8.** 48.366 (3) (am) of the statutes is created to read:

20 48.366 (3) (am) 1. The agency primarily responsible for providing services
21 under the agreement shall petition the court for a determination that the person's
22 placement in out-of-home care under the agreement is in the best interests of the
23 person. The request shall contain the name and address of the placement and a
24 statement describing why the placement is in the best interests of the person and
25 shall have a copy of the agreement attached to it. The agency shall cause written

1 notice of the petition to be sent to the person who is the subject of the agreement and
2 the person's guardian.

3 2. On receipt of a petition under subd. 1., the court shall schedule a hearing on
4 the petition. Not less than 3 days before the hearing the agency primarily
5 responsible for providing services under the agreement or the court shall provide
6 notice of the hearing to all persons who are entitled to receive notice under subd. 1.
7 A copy of the petition shall be attached to the notice.

In out-of-home care under the agreement

8 3. If the court finds that the person's placement in out-of-home care under the
9 agreement is in the best interests of the person, the court shall grant an order
10 determining that ~~the~~ placement is in the best interests of the person and the person
11 may remain in the placement under the agreement. ~~If the court finds that the~~
12 ~~person's placement in out-of-home care under the agreement is not in the best~~
13 ~~interests of the person, the court shall grant an order determining that the~~
14 ~~placement is not in the best interests of the person and the person may not remain~~
15 ~~in the placement under the agreement, but the person or his or her guardian may~~
16 ~~request the agency primarily responsible for providing services under the agreement~~
17 ~~to enter into a new agreement under this section.~~

18 **SECTION 9.** 48.366 (3) (d) of the statutes is created to read:

19 48.366 (3) (d) If the agency that enters into a voluntary agreement under this
20 subsection is the department or a county department, the voluntary agreement shall
21 also specifically state that the department or the county department has placement
22 and care responsibility for the person who is the subject of the agreement as required
23 under 42 USC 672 (a) (2) and has primary responsibility for providing services to the
24 person.

25 **SECTION 10.** 48.366 (3g) of the statutes is created to read:

1 48.366 (3g) APPEAL PROCEDURES. (a) Any person who is aggrieved by the failure
2 of an agency to enter into a transition-to-independent-living agreement under sub.
3 (3) or by an agency's termination of such an agreement has the right to a contested
4 case hearing under ch. 227.

5 **SECTION 11.** 48.366 (4) (a) of the statutes is amended to read:

6 48.366 (4) (a) Rules permitting a foster home, group home, or residential care
7 center for children and youth to provide care for persons who agree to continue in
8 out-of-home care under an extension of an order described in sub. (1) (a) or a
9 voluntary agreement under sub. (3).

10 ~~**SECTION 12.** 48.366 (4) (c) of the statutes is created to read:~~

11 ~~48.366 (4) (c) Rules governing the provision of kinship care payments or
12 long-term kinship care payments under s. 48.57 (3m) or (3n), subsidized
13 guardianship payments under s. 48.623, and adoption assistance under s. 48.975 for
14 the care of a person who agrees to continue in out-of-home care under an extension
15 of an order described in sub. (1) or a voluntary agreement under sub. (3).~~

16 **SECTION 13.** 48.38 (1) (ad) of the statutes is created to read:

17 48.38 (1) (ad) "Child" includes a person 18 years of age or over for whom a
18 permanency plan is required under sub. (2).

19 **SECTION 14.** 48.38 (2) (d) of the statutes is amended to read:

20 48.38 (2) (d) The child was placed under a voluntary agreement between the
21 agency and the child's parent under s. 48.63 (1) (a) or (5) (b) or under a voluntary
22 transition-to-independent-living agreement under s. 48.366 (3).

23 **SECTION 15.** 48.38 (4) (fg) 5. of the statutes is amended to read:

24 48.38 (4) (fg) 5. As provided in par. (fm), placement in some other planned
25 permanent living arrangement that includes an appropriate, enduring relationship

1 with an adult, including sustaining care ~~or long-term foster care, but not including~~
2 independent living, or the goal of transitioning the child to independence.

3 SECTION 16. 48.38 (4) (fg) 6. of the statutes is repealed.

4 SECTION 17. 48.38 (4) (fm) of the statutes is amended to read:

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

16 SECTION 18. 48.38 (5) (c) 6. d. of the statutes is amended to read:

17 48.38 (5) (c) 6. d. Being placed in some other planned permanent living
18 arrangement that includes an appropriate, enduring relationship with an adult,
19 including sustaining care ~~or long-term foster care, but not including independent~~
20 living, or transitioning to independence.

21 SECTION 19. 48.38 (5) (c) 9. of the statutes is amended to read:

22 48.38 (5) (c) 9. If the child is the subject of an order that terminates as provided
23 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4. or 48.365 (5) (b) 4. or of a voluntary
24 transition-to-independent-living agreement under s. 48.366 (3), the
25 appropriateness of the transition-to-independent-living plan developed under s.

Insert
13
14
9-15
15
→

1 48.385; the extent of compliance with that plan by the child, the child’s guardian, if
 2 any, the agency primarily responsible for providing services under that plan, and any
 3 other service providers; and the progress of the child toward making the transition
 4 to independent living.

5 SECTION 20. 48.385 of the statutes is amended to read:

6 **48.385 Plan for transition to independent living.** During the 90 days
 7 immediately before a child who is placed in a foster home, group home, or residential
 8 care center for children and youth, in the home of a relative other than a parent, or
 9 in a supervised independent living arrangement attains 18 years of age or, if the child
 10 is placed in such a placement under an order under s. 48.355, 48.357, or 48.365 that
 11 terminates under s. 48.355 (4) (b) after the child attains 18 years of age or under a
 12 voluntary transition-to-independent-living agreement under s. 48.366 (3) that
 13 terminates under s. 48.366 (3) (a) after the child attains 18 years of age, during the
 14 90 days immediately before the termination of the order or agreement, the agency
 15 primarily responsible for providing services to the child under the order or
 16 agreement shall provide the child with assistance and support in developing a plan
 17 for making the transition from out-of-home care to independent living. The
 18 transition plan shall be personalized at the direction of the child, shall be as detailed
 19 as the child directs, and shall include specific options for obtaining housing, health
 20 care, education, mentoring and continuing support services, and workforce support
 21 and employment services.

22 SECTION 21. 48.57 (3m) (a) 1. of the statutes is renumbered 48.57 (3m) (a) 1.
 23 (intro.) and amended to read:

24 48.57 (3m) (a) 1. (intro.) “Child” means a person under 18 years of age; “Child”
 25 also includes a person 18 years of age or over, but if any of the following applies:

2
3
4
Intro
10-4
→

1 a. The person is under 19 years of age, who is a full-time student in good
2 academic standing at a secondary school or its vocational or technical equivalent,
3 and who is reasonably expected to complete his or her program of study and be
4 granted a high school or high school equivalency diploma;~~or a person 18 years of age~~
5 ~~or over, but,~~

6 b. The person is under 21 years of age, who is a full-time student in good
7 academic standing at a secondary school or its vocational or technical equivalent if,
8 an individualized education program under s. 115.787 is in effect for the person, and
9 the person is placed in the home of the kinship care relative under an order under
10 s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s.
11 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or under a
12 voluntary transition-to-independent-living agreement under s. 48.366 (3) or
13 938.366 (3).

14 **SECTION 22.** 48.57 (3m) (ar) of the statutes is renumbered 48.57 (3m) (i) 1. and
15 amended to read:

16 48.57 (3m) (i) 1. ~~The department shall promulgate rules~~ Rules to provide
17 assessment criteria for determining whether a kinship care relative who is providing
18 care and maintenance for a child is eligible to receive payments under par. (am). The
19 rules shall also provide that any criteria established under the rules shall first apply
20 to applications for payments under par. (am) received, and to reviews under par. (d)
21 conducted, on the effective date of those rules.

22 **SECTION 23.** 48.57 (3m) (b) 1. of the statutes is amended to read:

23 48.57 (3m) (b) 1. The county department or, in a county having a population
24 of 500,000 or more, the department shall refer to the attorney responsible for support
25 enforcement under s. 59.53 (6) (a) the name of the parent or parents of a child for

1 whom a payment is made under par. (am). This subdivision does not apply to a child
2 18 years of age or over for whom a payment is made under par. (am).

3 **SECTION 24.** 48.57 (3m) (i) of the statutes is created to read:

4 48.57 (3m) (i) The department shall promulgate rules to implement this
5 subsection. Those rules shall include all of the following:

6 2. Rules governing the provision of kinship care payments for the care and
7 maintenance of a child after the child attains 18 years of age.

8 **SECTION 25.** 48.57 (3n) (a) 1. of the statutes is renumbered 48.57 (3n) (a) 1.
9 (intro.) and amended to read:

10 48.57 (3n) (a) 1. (intro.) “Child” means a person under 18 years of age; “Child”
11 also includes a person 18 years of age or over, but if any of the following applies:

12 a. The person is under 19 years of age, who is a full-time student in good
13 academic standing at a secondary school or its vocational or technical equivalent,
14 and who is reasonably expected to complete his or her program of study and be
15 granted a high school or high school equivalency diploma; or a person 18 years of age
16 or over, but,

17 b. The person is under 21 years of age, who is a full-time student in good
18 academic standing at a secondary school or its vocational or technical equivalent if,
19 an individualized education program under s. 115.787 is in effect for the person, and
20 the person is placed in the home of the long-term kinship care relative under an
21 order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates
22 under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or
23 under a voluntary transition-to-independent-living agreement under s. 48.366 (3)
24 or 938.366 (3).

25 **SECTION 26.** 48.57 (3n) (b) 1. of the statutes is amended to read:

1 48.57 (3n) (b) 1. The county department or, in a county having a population of
2 500,000 or more, the department shall refer to the attorney responsible for support
3 enforcement under s. 59.53 (6) (a) the name of the parent or parents of a child for
4 whom a payment is made under par. (am). This subdivision does not apply to a child
5 18 years of age or over for whom a payment is made under par. (am).

6 **SECTION 27.** 48.57 (3n) (i) of the statutes is created to read:

7 48.57 (3n) (i) The department shall promulgate rules to implement this
8 subsection. Those rules shall include rules governing the provision of long-term
9 kinship care payments for the care and maintenance of a child after the child attains
10 18 years of age.

11 **SECTION 28.** 48.599 (1) of the statutes is renumbered 48.599 (1r).

12 **SECTION 29.** 48.599 (1g) of the statutes is created to read:

13 48.599 (1g) “Child” means a person under 18 years of age. For purposes of the
14 authority to provide care and maintenance for a child placed in a residential care
15 center for children and youth operated by a child welfare agency and of counting the
16 number of children for whom a child welfare agency may provide such care and
17 maintenance, “child” also includes a person 18 years of age or over, but under 21
18 years of age, who is placed in a residential care center for children and youth operated
19 by a child welfare agency under an order under s. 48.355, 48.357, 48.365, 938.355,
20 938.357, or 938.365 that terminates after the person attains 18 years of age, under
21 a voluntary transition-to-independent-living agreement under s. 48.366 (3) or
22 938.366 (3), or under the placement and care responsibility of another state under
23 42 USC 675 (8) (B) (iv).

24 **SECTION 30.** 48.619 (intro.) of the statutes is renumbered 48.619 and amended
25 to read:

1 **48.619 Definition.** In this subchapter, “child” means a person under 18 years
2 of age. For purposes of the authority to provide care and maintenance for a child and
3 of counting the number of children for whom a foster home or group home may
4 provide care and maintenance, “child” also includes a person 18 years of age or over,
5 but under 21 years of age, who resides in the foster home or group home, if any of the
6 following applies: under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357,
7 or 938.365 that terminates after the person attains 18 years of age, under a voluntary
8 transition-to-independent-living agreement under s. 48.366 (3) or 938.366 (3), or
9 under the placement and care responsibility of another state under 42 USC 675 (8)
10 (B) (iv).

11 **SECTION 31.** 48.619 (1) of the statutes is repealed.

12 **SECTION 32.** 48.619 (2) of the statutes is repealed.

13 **SECTION 33.** 48.623 (1m) of the statutes is created to read:

14 **48.623 (1m) DURATION OF ELIGIBILITY.** Subsidized guardianship payments
15 under sub. (1) or (6) may be continued after the child attains 18 years of age if any
16 of the following applies:

17 (a) The child is under 19 years of age, is a full-time student at a secondary
18 school or its vocational or technical equivalent, and is reasonably expected to
19 complete the program before reaching 19 years of age.

mental or physical disability

20 (b) The child is under 21 years of age, is a full-time student at a secondary
21 school or its vocational or technical equivalent, has a ~~physical, emotional, or~~
22 ~~behavioral need~~ that warrants the continuation of those payments as determined by
23 the county department or, in a county having a population of 750,000 or more, the
24 department, ~~and~~ is not eligible for social security disability insurance under 42 USC

1 401 to 433 or supplemental security income under 42 USC 1381 to 1385 based on
 2 disability. *and otherwise lacks adequate resources to continue in secondary school or its vocational or technical equivalent*

3 (c) The child is under 21 years of age, is a full-time student at a secondary
 4 school or its vocational or technical equivalent, an individualized education program
 5 under s. 115.787 is in effect for the child, and the subsidized guardianship agreement
 6 for the child became effective on or after the date on which the child attained 16 years
 7 of age.

8 **SECTION 34.** 48.623 (7) (d) of the statutes is created to read:

9 48.623 (7) (d) Rules governing the provision of subsidized guardianship
 10 payments for the care of a child after the child attains 18 years of age.

11 **SECTION 35.** 48.975 (3m) of the statutes is renumbered 48.975 (3m) (intro.) and
 12 amended to read:

13 48.975 (3m) DURATION. (intro.) The adoption assistance may be continued after
 14 the adoptee reaches the age of 18 if that adoptee is a full-time high school student.
 15 attains 18 years of age if any of the following applies:

16 **SECTION 36.** 48.975 (3m) (a), (b) and (c) of the statutes are created to read:

17 48.975 (3m) (a) The adoptee is under 19 years of age, is a full-time student at
 18 a secondary school or its vocational or technical equivalent, and is reasonably
 19 expected to complete the program before reaching 19 years of age.

20 (b) The adoptee is under 21 years of age, is a full-time student at a secondary
 21 school or its vocational or technical equivalent, has a mental or physical disability
 22 that warrants the continuation of adoption assistance as determined by the
 23 department, is not eligible for social security disability insurance under 42 USC 401
 24 to 433 or supplemental security income under 42 USC 1381 to 1385 based on

1 disability, and otherwise lacks adequate resources to continue in secondary school
2 or its vocational or technical equivalent.

3 (c) The adoptee is under 21 years of age, is a full-time student at a secondary
4 school or its vocational or technical equivalent, an individualized education program
5 under s. 115.787 is in effect for the adoptee, and the adoption assistance agreement
6 for the adoptee became effective on or after the date on which the adoptee attained
7 16 years of age.

8 **SECTION 37.** 48.975 (5) (f) of the statutes is created to read:

9 48.975 (5) (f) Rules governing the provision of adoption assistance for the care
10 of a child after the child attains 18 years of age.

11 **SECTION 38.** 50.01 (1g) (i) of the statutes is created to read:

12 50.01 (1g) (i) A facility licensed as a foster home, group home, or residential
13 care center for children and youth that provides care and maintenance for persons
14 specified in s. 48.599 (1g) or 48.619.

15 **SECTION 39.** 938.366 (1) of the statutes is renumbered 938.366 (1) (intro.) and
16 amended to read:

17 938.366 (1) (intro.) **APPLICABILITY.** This section applies to a person who is a
18 full-time student of a secondary school or its vocational or technical equivalent, for
19 whom an individualized education program under s. 115.787 is in effect, and to whom
20 any of the following applies:

21 (a) The person is placed in a foster home, group home, or residential care center
22 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

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 **SECTION 40.** 938.366 (1) (b) of the statutes is created to read:

5 938.366 (1) (b) The person is placed in a shelter care facility on the date on
6 which an order specified in par. (a) terminates.

7 **SECTION 41.** 938.366 (2) (a) of the statutes is amended to read:

8 938.366 (2) (a) Not less than 120 days before an order described in sub. (1) (a)
9 terminates, the agency primarily responsible for providing services under the order
10 shall request the person who is the subject of the order to indicate whether he or she
11 wishes to be discharged from out-of-home care on termination of the order, wishes
12 to continue in out-of-home care until the date specified in s. 938.365 (5) (b) 4. under
13 an extension of the order, or wishes to continue in out-of-home care under a
14 voluntary agreement under sub. (3). If the person indicates that he or she wishes to
15 be discharged from out-of-home care on termination of the order, the agency shall
16 request a transition-to-discharge hearing under par. (b). If the person indicates that
17 he or she wishes to continue in out-of-home care under an extension of the order, the
18 agency shall request an extension of the order under s. 938.365. If the person
19 indicates that he or she wishes to continue in out-of-home care under a voluntary
20 agreement under sub. (3), the agency and the person shall enter into such an
21 agreement.

22 **SECTION 42.** 938.366 (2) (b) 1. of the statutes is amended to read:

23 938.366 (2) (b) 1. If the person who is the subject of an order described in sub.
24 (1) (a) indicates that he or she wishes to be discharged from out-of-home care on
25 termination of the order, the agency primarily responsible for providing services to

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

8 **SECTION 43.** 938.366 (2) (b) 3. of the statutes is amended to read:

9 938.366 (2) (b) 3. At the hearing the court shall review with the person who is
10 the subject of an order described in sub. (1) (a) the options specified in par. (a) and
11 shall advise the person that he or she may continue in out-of-home care as provided
12 in par. (a) under an extension of the order or under a voluntary agreement under sub.
13 (3).

14 **SECTION 44.** 938.366 (2) (b) 4. of the statutes is amended to read:

15 938.366 (2) (b) 4. If the court determines that the person who is the subject of
16 an order described in sub. (1) (a) understands that he or she may continue in
17 out-of-home care, but wishes to be discharged from that care on termination of the
18 order, the court shall advise the person that he or she may enter into a voluntary
19 agreement under sub. (3) at any time before he or she is granted a high school or high
20 school equivalency diploma or reaches 21 years of age, whichever occurs first, so long
21 as he or she is a full-time student at a secondary school or its vocational or technical
22 equivalent and an individualized education program under s. 115.787 is in effect for
23 him or her. If the court determines that the person wishes to continue in
24 out-of-home care under an extension of the order described in sub. (1) (a), the court
25 shall schedule an extension hearing under s. 938.365. If the court determines that

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

5 **SECTION 45.** 938.366 (3) (a) of the statutes is amended to read:

6 938.366 (3) (a) On termination of an order described in sub. (1) (a), the person
7 who is the subject of the order, or the person's guardian on behalf of the person, and
8 the agency primarily responsible for providing services to the person under the order
9 may enter into a transition-to-independent-living agreement under which the
10 person continues in out-of-home care and continues to be a full-time student at a
11 secondary school or its vocational or technical equivalent under an individualized
12 education program under s. 115.787 until the date on which the person reaches 21
13 years of age, is granted a high school or high school equivalency diploma, or
14 terminates the agreement as provided in par. (b), whichever occurs first, and the
15 agency provides services to the person to assist him or her in transitioning to
16 independent living.

17 **SECTION 46.** 938.366 (3) (am) of the statutes is created to read:

18 938.366 (3) (am) 1. The agency primarily responsible for providing services
19 under the agreement shall petition the court for a determination that the person's
20 placement in out-of-home care under the agreement is in the best interests of the
21 person. The request shall contain the name and address of the placement and a
22 statement describing why the placement is in the best interests of the person and
23 shall have a copy of the agreement attached to it. The agency shall cause written
24 notice of the petition to be sent to the person who is the subject of the agreement and
25 the person's guardian.

1 2. On receipt of a petition under subd. 1., the court shall schedule a hearing on
 2 the petition. Not less than 3 days before the hearing the agency primarily
 3 responsible for providing services under the agreement or the court shall provide
 4 notice of the hearing to all persons who are entitled to receive notice under subd. 1.
 5 A copy of the petition shall be attached to the notice.

in out-of-home care under the agreement

6 3. If the court finds that the person's placement in out-of-home care under the
 7 agreement is in the best interests of the person, the court shall grant an order
 8 determining that ~~the~~ placement is in the best interests of the person and the person
 9 may remain in the placement under the agreement. If the court finds that the
 10 person's placement in out-of-home care under the agreement is not in the best
 11 interests of the person, the court shall grant an order determining that the
 12 placement is not in the best interests of the person and the person may not remain
 13 in the placement under the agreement, but the person or his or her guardian may
 14 request the agency primarily responsible for providing services under the agreement
 15 to enter into a new agreement under this section.

16 **SECTION 47.** 938.366 (3) (d) of the statutes is created to read:

17 938.366 (3) (d) If the agency that enters into a voluntary agreement under this
 18 subsection is the department or a county department, the voluntary agreement shall
 19 also specifically state that the department or the county department has placement
 20 and care responsibility for the person who is the subject of the agreement as required
 21 under 42 USC 672 (a) (2) and has primary responsibility for providing services to the
 22 person.

23 **SECTION 48.** 938.366 (3g) of the statutes is created to read:

24 938.366 (3g) **APPEAL PROCEDURES.** Any person who is aggrieved by the failure
 25 of an agency to enter into a transition-to-independent-living agreement under sub.

1 (3) or by an agency's termination of such an agreement has the right to a contested
2 case hearing under ch. 227.

3 **SECTION 49.** 938.366 (4) (a) of the statutes is amended to read:

4 938.366 (4) (a) Rules permitting a foster home, group home, or residential care
5 center for children and youth to provide care for persons who agree to continue in
6 out-of-home care under an extension of an order described in sub. (1) (a) or a
7 voluntary agreement under sub. (3).

8 **SECTION 50.** 938.366 (4) (c) of the statutes is created to read: ✓

9 938.366 (4) (c) Rules governing the provision of kinship care payments or
10 long-term kinship care payments under s. 48.57 (3m) or (3n), subsidized
11 guardianship payments under s. 48.623, and adoption assistance under s. 48.975 for
12 the care of a person who agrees to continue in out-of-home care under an extension
13 of an order described in sub. (1) or a voluntary agreement under sub. (3).

14 **SECTION 51.** 938.38 (1) (ap) of the statutes is created to read:

15 938.38 (1) (ap) "Juvenile" includes a person 17 years of age or over for whom
16 a permanency plan is required under sub. (2).

17 **SECTION 52.** 938.38 (2) (d) of the statutes is amended to read:

18 938.38 (2) (d) The juvenile was placed under a voluntary agreement between
19 the agency and the juvenile's parent under s. 48.63 (1) (a) or (5) (b) or under a
20 voluntary transition-to-independent-living agreement under s. 938.366 (3).

21 **SECTION 53.** 938.38 (4) (fg) 5. of the statutes is amended to read:

22 938.38 (4) (fg) 5. As provided in par. (fm), placement in some other planned
23 permanent living arrangement that includes an appropriate, enduring relationship
24 with an adult, including sustaining care ~~or long-term foster care, but not including~~
25 independent living, or the goal of transitioning the juvenile to independence.

1 SECTION 54. 938.38 (4) (fg) 6. of the statutes is repealed.

2 SECTION 55. 938.38 (4) (fm) of the statutes is amended to read:

3 938.38 (4) (fm) If the agency determines that there is a compelling reason why
4 it currently would not be in the best interests of the juvenile to return the juvenile
5 to his or her home or to place the juvenile for adoption, with a guardian, or with a fit
6 and willing relative as the permanency goal for the juvenile, the permanency goal
7 of placing the juvenile in some other planned permanent living arrangement or of
8 transitioning the juvenile to independence as described in par. (fg) 5. If the agency
9 makes that determination, the plan shall include the efforts made to achieve that
10 permanency goal, including, if appropriate, through an out-of-state placement, a
11 statement of that compelling reason, and, notwithstanding that compelling reason,
12 a concurrent plan under s. 938.355 (2b) towards achieving a goal under par. (fg) 1.
13 to 4. as a concurrent permanency goal in addition to the permanency goal under par.
14 (fg) 5.

12
Intent
13
22-14
14
→

15 SECTION 56. 938.38 (5) (c) 6. d. of the statutes is amended to read:

16 938.38 (5) (c) 6. d. Being placed in some other planned permanent living
17 arrangement that includes an appropriate, enduring relationship with an adult,
18 including sustaining care ~~or long-term foster care, but not including independent~~
19 ~~living, or transitioning to independence.~~

20 SECTION 57. 938.38 (5) (c) 9. of the statutes is amended to read:

21 938.38 (5) (c) 9. If the juvenile is the subject of an order that terminates as
22 provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4. or of a
23 voluntary transition-to-independent-living agreement under s. 938.366 (3), the
24 appropriateness of the transition-to-independent-living plan developed under s.
25 938.385; the extent of compliance with that plan by the juvenile, the juvenile's

1
Insert
2
23-3
3
4

guardian, if any, the agency primarily responsible for providing services under that plan, and any other service providers; and the progress of the juvenile toward making the transition to independent living.

SECTION 58. 938.385 of the statutes is amended to read:

938.385 Plan for transition to independent living. During the 90 days immediately before a juvenile who is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, or in a supervised independent living arrangement attains 18 years of age or, if the juvenile is placed in such a placement under an order under s. 938.355, 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after the juvenile attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 938.366 (3) that terminates under s. 938.366 (3) (a) after the juvenile attains 18 years of age, during the 90 days immediately before the termination of the order or agreement, the agency primarily responsible for providing services to the juvenile under the order or agreement shall provide the juvenile with assistance and support in developing a plan for making the transition from out-of-home care to independent living. The transition plan shall be personalized at the direction of the juvenile, shall be as detailed as the juvenile directs, and shall include specific options for obtaining housing, health care, education, mentoring and continuing support services, and workforce support and employment services.

(END)

2015–2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB–0311/P4ins
GMM.....

(INSERT 9–15)

1 **SECTION 1.** 48.38 (5) (a) of the statutes is amended to read:
2 48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed
3 under par. (ag) shall review the permanency plan for each child for whom a
4 permanency plan is required under sub. (2) in the manner provided in this subsection
5 not later than 6 months after the date on which the child was first removed from his
6 or her home and every 6 months after a previous review under this subsection for as
7 long as the child is placed outside the home, except that for the review that is
8 required to be conducted not later than 12 months after the child was first removed
9 from his or her home and the reviews that are required to be conducted every 12
10 months after that review the court shall hold a hearing under sub. (5m) to review the
11 permanency plan, which hearing may be instead of or in addition to the review under
12 this subsection. The 6–month and 12–month periods referred to in this paragraph
13 include trial reunifications under s. 48.358.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32, 181, 258; 2011 a. 260 ss. 80, 81; 2013 a. 165; 2013 a. 168 s. 21; 2013 a. 334, 335.

(END OF INSERT)

(INSERT 10–4)

14 **SECTION 2.** 48.38 (5m) (a) of the statutes is amended to read:
15 48.38 (5m) (a) The court shall hold a hearing to review the permanency plan
16 and to make the determinations specified in sub. (5) (c) for each child for whom a
17 permanency plan is required under sub. (2) no later than 12 months after the date
18 on which the child was first removed from the home and every 12 months after a
19 previous hearing under this subsection for as long as the child is placed outside the

1 home. The 12-month periods referred to in this paragraph include trial
2 reunifications under s. 48.358.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32, 181, 258; 2011 a. 260 ss. 80, 81; 2013 a. 165; 2013 a. 168 s. 21; 2013 a. 334, 335.

(END OF INSERT)

(INSERT 22-14)

✓

3 SECTION 3. 938.38 (5) (a) of the statutes is amended to read:

4 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel
5 appointed under par. (ag) shall review the permanency plan for each juvenile for
6 whom a permanency plan is required under sub. (2) in the manner provided in this
7 subsection not later than 6 months after the date on which the juvenile was first
8 removed from his or her home and every 6 months after a previous review under this
9 subsection for as long as the juvenile is placed outside the home, except that for the
10 review that is required to be conducted not later than 12 months after the juvenile
11 was first removed from his or her home and the reviews that are required to be
12 conducted every 12 months after that review, the court shall hold a hearing under
13 sub. (5m) to review the permanency plan. The hearing may be instead of or in
14 addition to the review under this subsection. The 6-month and 12-month periods
15 referred to in this paragraph include trial reunifications under s. 938.358.

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448; 2007 a. 20, 97; 2009 a. 28, 79, 94, 185; 2011 a. 32, 181, 258; 2011 a. 260 s. 80; 2013 a. 165, 334, 335.

(END OF INSERT)

(INSERT 23-3)

16 SECTION 4. 938.38 (5m) (a) of the statutes is amended to read:

17 938.38 (5m) (a) The court shall hold a hearing to review the permanency plan
18 and to make the determinations specified in sub. (5) (c) for each juvenile for whom

1 a permanency plan is required under sub. (2) no later than 12 months after the date
2 on which the juvenile was first removed from the home and every 12 months after
3 a previous hearing under this subsection for as long as the juvenile is placed outside
4 the home. The 12-month periods referred to in this paragraph include trial
5 reunifications under s. 938.358.

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448; 2007 a. 20, 97; 2009 a. 28, 79, 94, 185; 2011 a. 32, 181, 258; 2011 a. 260 s. 80; 2013 a. 165, 334, 335.

(END OF INSERT)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0311/P4
GMM:kjf:rs

DOA:.....Major, BB0080 – Out-of-home care extension

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, monthly subsidized guardianship payments may be made to the guardian of a child who has been adjudged to be in need of protection or services if certain additional conditions have been met. In addition, current law permits DCF to provide payments to the adoptive or proposed adoptive parents of a child with special needs to assist in the cost of care of the child when DCF determines that those payments are necessary to assure the child's adoption (adoption assistance). Subject to certain exceptions, subsidized guardianship payments and adoption assistance end when the child attains 18 years of age.

This bill permits subsidized guardianship payments to be made or adoption assistance to be provided until a child attains 21 years of age if the child is a full-time student at a secondary school or its vocational or technical equivalent (full-time student), an individualized education program (IEP) is in effect for the child, and the subsidized guardianship agreement or adoption assistance agreement for the child became effective on or after the date on which the child attained 16 years of age. (An IEP is a written statement for a child with a disability developed by an IEP team appointed by the child's local educational agency that includes, among other things, the child's level of academic achievement and functional performance, measurable goals for the child, the special education and related services to be provided to the child, and how the child's progress toward attaining those goals will be measured.)

Under current law, monthly kinship care payments may be made to a relative of a child (kinship care relative) who is providing care and maintenance for the child if certain additional conditions have been met. Kinship care payments generally end when the child attains 18 years of age, except under certain exceptions including an exception under which kinship care payments may be made until a child attains 21 years of age if the child is a full-time student and an IEP is in effect for the child.

This bill, in addition, requires, as a condition for eligibility for kinship care payments for a child under 21 years of age who is a full-time student and for whom an IEP is in effect, that the child be placed in the home of the kinship care relative under an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) or under a voluntary transition-to-independent-living agreement, which is an agreement under which such a child may continue in out-of-home care and receive services to assist him or her in transitioning to independent living until the child attains 21 years of age, is granted a high school or high school equivalency diploma, or terminates the agreement, whichever occurs first.

Under current law, a permanency plan must be prepared for a child who is placed outside the home under a juvenile court order or under a voluntary agreement. (A permanency plan is a plan designed to ensure that a child who is placed outside the home is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability.)

This bill requires a permanency plan to be prepared for a child who is placed outside the home under a voluntary transition-to-independent-living agreement. The bill also, with respect to voluntary transition-to-independent-living agreements: 1) requires the juvenile court, by no later than 180 days after the date of the agreement, to determine whether placement of the child in out-of-home care under the agreement is in the best interests of the child; 2) provides that if DCF, DOC, or a county enters into such an agreement with a child, the agreement must specifically state that DCF, DOC, or the county has placement and care responsibility for the child and has primary responsibility for providing services to the child; and 3) creates an appeal procedure under which any person who is aggrieved by the failure of an agency to enter into such an agreement or by an agency's termination of such an agreement has the right to a contested case hearing under the state administrative procedures laws. In addition, the bill requires DCF to promulgate rules governing the provision of subsidized guardianship payments, kinship care payments, and adoption assistance any child 18 years of age or over for whom such payments or assistance is provided.

Under current law, subject to certain exceptions, a facility where five or more adults who do not require care above intermediate level nursing care reside and receive care, treatment, or services that are above the level of room and board must be licensed as a community-based residential facility (CBRF). This bill provides that a facility licensed as a foster home, group home, or residential care center for children and youth (facility) that provides care and maintenance for a person 18 years of age or over, but under 21 years of age, who is placed in the facility under an order of the juvenile court that terminates after the person attains 18 years of age, under a

voluntary transition-to-independent-living agreement, or under the placement and care responsibility of another state is not required to also be licensed as a CBRF.

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

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

1 SECTION 1. 48.366 (1) of the statutes is renumbered 48.366 (1) (intro.) and
2 amended to read:

3 48.366 (1) (intro.) APPLICABILITY. This section applies to a person who is a
4 full-time student of a secondary school or its vocational or technical equivalent, for
5 whom an individualized education program under s. 115.787 is in effect, and to whom
6 any of the following applies:

7 (a) The person is placed in a foster home, group home, or residential care center
8 for children and youth, in the home of a relative other than a parent, or in a
9 supervised independent living arrangement under an order under s. 48.355, 48.357,
10 or 48.365 that terminates as provided in s. 48.355 (4) (b) 1., 2., or 3., 48.357 (6) (a) 1.,
11 2., or 3., or 48.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age or
12 who.

13 (b) The person is in the guardianship and custody of an agency specified in s.
14 48.427 (3m) (a) 1. to 4. or (am) under an order under s. 48.43, ~~who is a full-time~~
15 ~~student of a secondary school or its vocational or technical equivalent, and for whom~~
16 ~~an individualized education program under s. 115.787 is in effect that terminates on~~
17 the date on which the person attains 18 years of age.

18 SECTION 2. 48.366 (1) (c) of the statutes is created to read:

19 48.366 (1) (c) The person is placed in a shelter care facility on the date on which
20 an order specified in par. (a) or (b) terminates.

1 **SECTION 3.** 48.366 (2) (a) of the statutes is amended to read:

2 48.366 (2) (a) Not less than 120 days before an order described in sub. (1) (a)
3 or (b) terminates, the agency primarily responsible for providing services under the
4 order shall request the person who is the subject of the order to indicate whether he
5 or she wishes to be discharged from out-of-home care on termination of the order or
6 wishes to continue in out-of-home care under a voluntary agreement under sub. (3).
7 If the person is subject to an order under s. 48.355, 48.357, or 48.365 described in sub.
8 (1) (a), the agency shall also request the person to indicate whether he or she wishes
9 to continue in out-of-home care until the date specified in s. 48.365 (5) (b) 4. under
10 an extension of the order. If the person indicates that he or she wishes to be
11 discharged from out-of-home care on termination of the order, the agency shall
12 request a transition-to-discharge hearing under par. (b). If the person indicates that
13 he or she wishes to continue in out-of-home care under an extension of an order
14 under s. 48.355, 48.357, or 48.365 described in sub. (1) (a), the agency shall request
15 an extension of the order under s. 48.365. If the person indicates that he or she
16 wishes to continue in out-of-home care under a voluntary agreement under sub. (3),
17 the agency and the person shall enter into such an agreement.

18 **SECTION 4.** 48.366 (2) (b) 1. of the statutes is amended to read:

19 48.366 (2) (b) 1. If the person who is the subject of an order described in sub.
20 (1) (a) or (b) indicates that he or she wishes to be discharged from out-of-home care
21 on termination of the order, the agency primarily responsible for providing services
22 to the person under the order shall request the court to hold a
23 transition-to-discharge hearing and shall cause notice of that request to be provided
24 to that person, the parent, guardian, and legal custodian of that person, any foster
25 parent or other physical custodian described in s. 48.62 (2) of that person, that

1 person's court-appointed special advocate, all parties who are bound by the
2 dispositional order, and, if that person is an Indian child who has been removed from
3 the home of his or her parent or Indian custodian, that person's Indian custodian and
4 tribe.

5 **SECTION 5.** 48.366 (2) (b) 3. of the statutes is amended to read:

6 48.366 (2) (b) 3. At the hearing the court shall review with the person who is
7 the subject of an order described in sub. (1) (a) or (b) the options specified in par. (a)
8 and. If the person is subject to an order under s. 48.355, 48.357, or 48.365 described
9 in sub. (1) (a), the court shall also advise the person that he or she may continue in
10 out-of-home care as provided in par. (a) under an extension of an order under s.
11 48.355, 48.357, or 48.365 described in sub. (1) (a) or under a voluntary agreement
12 under sub. (3).

13 **SECTION 6.** 48.366 (2) (b) 4. of the statutes is amended to read:

14 48.366 (2) (b) 4. If the court determines that the person who is the subject of
15 an order described in sub. (1) (a) or (b) understands that he or she may continue in
16 out-of-home care, but wishes to be discharged from that care on termination of the
17 order, the court shall advise the person that he or she may enter into a voluntary
18 agreement under sub. (3) at any time before he or she is granted a high school or high
19 school equivalency diploma or reaches 21 years of age, whichever occurs first, so long
20 as he or she is a full-time student at a secondary school or its vocational or technical
21 equivalent and an individualized education program under s. 115.787 is in effect for
22 him or her. If the court determines that the person wishes to continue in
23 out-of-home care under an extension of an order under s. 48.355, 48.357, or 48.365
24 described in sub. (1) (a), the court shall schedule an extension hearing under s.
25 48.365. If the court determines that the person wishes to continue in out-of-home

1 care under a voluntary agreement under sub. (3), the court shall order the agency
2 primarily responsible for providing services to the person under the order to provide
3 transition-to-independent-living services for the person under a voluntary
4 agreement under sub. (3).

5 **SECTION 7.** 48.366 (3) (a) of the statutes is amended to read:

6 48.366 (3) (a) On termination of an order described in sub. (1) (a) or (b), the
7 person who is the subject of the order, or the person's guardian on behalf of the
8 person, and the agency primarily responsible for providing services to the person
9 under the order may enter into a transition-to-independent-living agreement
10 under which the person continues in out-of-home care and continues to be a
11 full-time student at a secondary school or its vocational or technical equivalent
12 under an individualized education program under s. 115.787 until the date on which
13 the person reaches 21 years of age, is granted a high school or high school equivalency
14 diploma, or terminates the agreement as provided in par. (b), whichever occurs first,
15 and the agency provides services to the person to assist him or her in transitioning
16 to independent living.

17 **SECTION 8.** 48.366 (3) (am) of the statutes is created to read:

18 48.366 (3) (am) 1. The agency primarily responsible for providing services
19 under the agreement shall petition the court for a determination that the person's
20 placement in out-of-home care under the agreement is in the best interests of the
21 person. The request shall contain the name and address of the placement and a
22 statement describing why the placement is in the best interests of the person and
23 shall have a copy of the agreement attached to it. The agency shall cause written
24 notice of the petition to be sent to the person who is the subject of the agreement and
25 the person's guardian.

1 2. On receipt of a petition under subd. 1., the court shall schedule a hearing on
2 the petition. Not less than 3 days before the hearing the agency primarily
3 responsible for providing services under the agreement or the court shall provide
4 notice of the hearing to all persons who are entitled to receive notice under subd. 1.
5 A copy of the petition shall be attached to the notice.

6 3. If the court finds that the person's placement in out-of-home care under the
7 agreement is in the best interests of the person, the court shall grant an order
8 determining that placement in out-of-home care under the agreement is in the best
9 interests of the person.

10 **SECTION 9.** 48.366 (3) (d) of the statutes is created to read:

11 48.366 (3) (d) If the agency that enters into a voluntary agreement under this
12 subsection is the department or a county department, the voluntary agreement shall
13 also specifically state that the department or the county department has placement
14 and care responsibility for the person who is the subject of the agreement as required
15 under 42 USC 672 (a) (2) and has primary responsibility for providing services to the
16 person.

17 **SECTION 10.** 48.366 (3g) of the statutes is created to read:

18 48.366 (3g) APPEAL PROCEDURES. (a) Any person who is aggrieved by the failure
19 of an agency to enter into a transition-to-independent-living agreement under sub.
20 (3) or by an agency's termination of such an agreement has the right to a contested
21 case hearing under ch. 227.

22 **SECTION 11.** 48.366 (4) (a) of the statutes is amended to read:

23 48.366 (4) (a) Rules permitting a foster home, group home, or residential care
24 center for children and youth to provide care for persons who agree to continue in

1 out-of-home care under an extension of an order described in sub. (1) (a) or a
2 voluntary agreement under sub. (3).

3 **SECTION 12.** 48.38 (1) (ad) of the statutes is created to read:

4 48.38 (1) (ad) “Child” includes a person 18 years of age or over for whom a
5 permanency plan is required under sub. (2).

6 **SECTION 13.** 48.38 (2) (d) of the statutes is amended to read:

7 48.38 (2) (d) The child was placed under a voluntary agreement between the
8 agency and the child’s parent under s. 48.63 (1) (a) or (5) (b) or under a voluntary
9 transition-to-independent-living agreement under s. 48.366 (3).

10 **SECTION 14.** 48.38 (4) (fg) 5. of the statutes is amended to read:

11 48.38 (4) (fg) 5. As provided in par. (fm), placement in some other planned
12 permanent living arrangement that includes an appropriate, enduring relationship
13 with an adult, including sustaining care ~~or long-term foster care, but not including~~
14 independent living, or the goal of transitioning the child to independence.

15 **SECTION 15.** 48.38 (4) (fg) 6. of the statutes is repealed.

16 **SECTION 16.** 48.38 (4) (fm) of the statutes is amended to read:

17 48.38 (4) (fm) If the agency determines that there is a compelling reason why
18 it currently would not be in the best interests of the child to return the child to his
19 or her home or to place the child for adoption, with a guardian, or with a fit and
20 willing relative as the permanency goal for the child, the permanency goal of placing
21 the child in some other planned permanent living arrangement or of transitioning
22 the child to independence as described in par. (fg) 5. If the agency makes that
23 determination, the plan shall include the efforts made to achieve that permanency
24 goal, including, if appropriate, through an out-of-state placement, a statement of
25 that compelling reason, and, notwithstanding that compelling reason, a concurrent

1 plan under s. 48.355 (2b) towards achieving a goal under par. (fg) 1. to 4. as a
2 concurrent permanency goal in addition to the permanency goal under par. (fg) 5.

3 **SECTION 17.** 48.38 (5) (a) of the statutes is amended to read:

4 48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed
5 under par. (ag) shall review the permanency plan for each child for whom a
6 permanency plan is required under sub. (2) in the manner provided in this subsection
7 not later than 6 months after the date on which the child was first removed from his
8 or her home and every 6 months after a previous review under this subsection for as
9 long as the child is placed outside the home, except that for the review that is
10 required to be conducted not later than 12 months after the child was first removed
11 from his or her home and the reviews that are required to be conducted every 12
12 months after that review the court shall hold a hearing under sub. (5m) to review the
13 permanency plan, which hearing may be instead of or in addition to the review under
14 this subsection. The 6-month and 12-month periods referred to in this paragraph
15 include trial reunifications under s. 48.358.

16 **SECTION 18.** 48.38 (5) (c) 6. d. of the statutes is amended to read:

17 48.38 (5) (c) 6. d. Being placed in some other planned permanent living
18 arrangement that includes an appropriate, enduring relationship with an adult,
19 including sustaining care ~~or long-term foster care, but not including independent~~
20 living, or transitioning to independence.

21 **SECTION 19.** 48.38 (5) (c) 9. of the statutes is amended to read:

22 48.38 (5) (c) 9. If the child is the subject of an order that terminates as provided
23 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4. or 48.365 (5) (b) 4. or of a voluntary
24 transition-to-independent-living agreement under s. 48.366 (3), the
25 appropriateness of the transition-to-independent-living plan developed under s.

1 48.385; the extent of compliance with that plan by the child, the child's guardian, if
2 any, the agency primarily responsible for providing services under that plan, and any
3 other service providers; and the progress of the child toward making the transition
4 to independent living.

5 **SECTION 20.** 48.38 (5m) (a) of the statutes is amended to read:

6 48.38 (5m) (a) The court shall hold a hearing to review the permanency plan
7 and to make the determinations specified in sub. (5) (c) for each child for whom a
8 permanency plan is required under sub. (2) no later than 12 months after the date
9 on which the child was first removed from the home and every 12 months after a
10 previous hearing under this subsection for as long as the child is placed outside the
11 home. The 12-month periods referred to in this paragraph include trial
12 reunifications under s. 48.358.

13 **SECTION 21.** 48.385 of the statutes is amended to read:

14 **48.385 Plan for transition to independent living.** During the 90 days
15 immediately before a child who is placed in a foster home, group home, or residential
16 care center for children and youth, in the home of a relative other than a parent, or
17 in a supervised independent living arrangement attains 18 years of age or, if the child
18 is placed in such a placement under an order under s. 48.355, 48.357, or 48.365 that
19 terminates under s. 48.355 (4) (b) after the child attains 18 years of age or under a
20 voluntary transition-to-independent-living agreement under s. 48.366 (3) that
21 terminates under s. 48.366 (3) (a) after the child attains 18 years of age, during the
22 90 days immediately before the termination of the order or agreement, the agency
23 primarily responsible for providing services to the child under the order or
24 agreement shall provide the child with assistance and support in developing a plan
25 for making the transition from out-of-home care to independent living. The

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

5 **SECTION 22.** 48.57 (3m) (a) 1. of the statutes is renumbered 48.57 (3m) (a) 1.
6 (intro.) and amended to read:

7 48.57 (3m) (a) 1. (intro.) “Child” means a person under 18 years of age; “Child”
8 also includes a person 18 years of age or over, but if any of the following applies:

9 a. The person is under 19 years of age, who is a full-time student in good
10 academic standing at a secondary school or its vocational or technical equivalent,
11 and who is reasonably expected to complete his or her program of study and be
12 granted a high school or high school equivalency diploma; or a person 18 years of age
13 or over, but,

14 b. The person is under 21 years of age, who is a full-time student in good
15 academic standing at a secondary school or its vocational or technical equivalent if,
16 an individualized education program under s. 115.787 is in effect for the person, and
17 the person is placed in the home of the kinship care relative under an order under
18 s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s.
19 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or under a
20 voluntary transition-to-independent-living agreement under s. 48.366 (3) or
21 938.366 (3).

22 **SECTION 23.** 48.57 (3m) (ar) of the statutes is renumbered 48.57 (3m) (i) 1. and
23 amended to read:

24 48.57 (3m) (i) 1. ~~The department shall promulgate rules~~ Rules to provide
25 assessment criteria for determining whether a kinship care relative who is providing

1 care and maintenance for a child is eligible to receive payments under par. (am). The
2 rules shall also provide that any criteria established under the rules shall first apply
3 to applications for payments under par. (am) received, and to reviews under par. (d)
4 conducted, on the effective date of those rules.

5 **SECTION 24.** 48.57 (3m) (b) 1. of the statutes is amended to read:

6 48.57 (3m) (b) 1. The county department or, in a county having a population
7 of 500,000 or more, the department shall refer to the attorney responsible for support
8 enforcement under s. 59.53 (6) (a) the name of the parent or parents of a child for
9 whom a payment is made under par. (am). This subdivision does not apply to a child
10 18 years of age or over for whom a payment is made under par. (am).

11 **SECTION 25.** 48.57 (3m) (i) of the statutes is created to read:

12 48.57 (3m) (i) The department shall promulgate rules to implement this
13 subsection. Those rules shall include all of the following:

14 2. Rules governing the provision of kinship care payments for the care and
15 maintenance of a child after the child attains 18 years of age.

16 **SECTION 26.** 48.57 (3n) (a) 1. of the statutes is renumbered 48.57 (3n) (a) 1.
17 (intro.) and amended to read:

18 48.57 (3n) (a) 1. (intro.) “Child” means a person under 18 years of age; “Child”
19 also includes a person 18 years of age or over, but if any of the following applies:

20 a. The person is under 19 years of age, who is a full-time student in good
21 academic standing at a secondary school or its vocational or technical equivalent,
22 and who is reasonably expected to complete his or her program of study and be
23 granted a high school or high school equivalency diploma; ~~or a person 18 years of age~~
24 or over, but.

1 **b.** The person is under 21 years of age, who is a full-time student in good
2 academic standing at a secondary school or its vocational or technical equivalent if,
3 an individualized education program under s. 115.787 is in effect for the person, and
4 the person is placed in the home of the long-term kinship care relative under an
5 order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates
6 under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or
7 under a voluntary transition-to-independent-living agreement under s. 48.366 (3)
8 or 938.366 (3).

9 **SECTION 27.** 48.57 (3n) (b) 1. of the statutes is amended to read:

10 48.57 (3n) (b) 1. The county department or, in a county having a population of
11 500,000 or more, the department shall refer to the attorney responsible for support
12 enforcement under s. 59.53 (6) (a) the name of the parent or parents of a child for
13 whom a payment is made under par. (am). This subdivision does not apply to a child
14 18 years of age or over for whom a payment is made under par. (am).

15 **SECTION 28.** 48.57 (3n) (i) of the statutes is created to read:

16 48.57 (3n) (i) The department shall promulgate rules to implement this
17 subsection. Those rules shall include rules governing the provision of long-term
18 kinship care payments for the care and maintenance of a child after the child attains
19 18 years of age.

20 **SECTION 29.** 48.599 (1) of the statutes is renumbered 48.599 (1r).

21 **SECTION 30.** 48.599 (1g) of the statutes is created to read:

22 48.599 (1g) “Child” means a person under 18 years of age. For purposes of the
23 authority to provide care and maintenance for a child placed in a residential care
24 center for children and youth operated by a child welfare agency and of counting the
25 number of children for whom a child welfare agency may provide such care and

1 maintenance, “child” also includes a person 18 years of age or over, but under 21
2 years of age, who is placed in a residential care center for children and youth operated
3 by a child welfare agency under an order under s. 48.355, 48.357, 48.365, 938.355,
4 938.357, or 938.365 that terminates after the person attains 18 years of age, under
5 a voluntary transition-to-independent-living agreement under s. 48.366 (3) or
6 938.366 (3), or under the placement and care responsibility of another state under
7 42 USC 675 (8) (B) (iv).

8 **SECTION 31.** 48.619 (intro.) of the statutes is renumbered 48.619 and amended
9 to read:

10 **48.619 Definition.** In this subchapter, “child” means a person under 18 years
11 of age. For purposes of the authority to provide care and maintenance for a child and
12 of counting the number of children for whom a foster home or group home may
13 provide care and maintenance, “child” also includes a person 18 years of age or over,
14 but under 21 years of age, who resides in the foster home or group home, if any of the
15 following applies: under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357,
16 or 938.365 that terminates after the person attains 18 years of age, under a voluntary
17 transition-to-independent-living agreement under s. 48.366 (3) or 938.366 (3), or
18 under the placement and care responsibility of another state under 42 USC 675 (8)
19 (B) (iv).

20 **SECTION 32.** 48.619 (1) of the statutes is repealed.

21 **SECTION 33.** 48.619 (2) of the statutes is repealed.

22 **SECTION 34.** 48.623 (1m) of the statutes is created to read:

23 **48.623 (1m) DURATION OF ELIGIBILITY.** Subsidized guardianship payments
24 under sub. (1) or (6) may be continued after the child attains 18 years of age if any
25 of the following applies:

1 (a) The child is under 19 years of age, is a full-time student at a secondary
2 school or its vocational or technical equivalent, and is reasonably expected to
3 complete the program before reaching 19 years of age.

4 (b) The child is under 21 years of age, is a full-time student at a secondary
5 school or its vocational or technical equivalent, has a mental or physical disability
6 that warrants the continuation of those payments as determined by the county
7 department or, in a county having a population of 750,000 or more, the department,
8 is not eligible for social security disability insurance under 42 USC 401 to 433 or
9 supplemental security income under 42 USC 1381 to 1385 based on disability, and
10 otherwise lacks adequate resources to continue in secondary school or its vocational
11 or technical equivalent.

12 (c) The child is under 21 years of age, is a full-time student at a secondary
13 school or its vocational or technical equivalent, an individualized education program
14 under s. 115.787 is in effect for the child, and the subsidized guardianship agreement
15 for the child became effective on or after the date on which the child attained 16 years
16 of age.

17 **SECTION 35.** 48.623 (7) (d) of the statutes is created to read:

18 48.623 (7) (d) Rules governing the provision of subsidized guardianship
19 payments for the care of a child after the child attains 18 years of age.

20 **SECTION 36.** 48.975 (3m) of the statutes is renumbered 48.975 (3m) (intro.) and
21 amended to read:

22 48.975 (3m) DURATION. (intro.) The adoption assistance may be continued after
23 the adoptee reaches the age of 18 if that adoptee is a full-time high school student.
24 attains 18 years of age if any of the following applies:

25 **SECTION 37.** 48.975 (3m) (a), (b) and (c) of the statutes are created to read:

1 48.975 (3m) (a) The adoptee is under 19 years of age, is a full-time student at
2 a secondary school or its vocational or technical equivalent, and is reasonably
3 expected to complete the program before reaching 19 years of age.

4 (b) The adoptee is under 21 years of age, is a full-time student at a secondary
5 school or its vocational or technical equivalent, has a mental or physical disability
6 that warrants the continuation of adoption assistance as determined by the
7 department, is not eligible for social security disability insurance under 42 USC 401
8 to 433 or supplemental security income under 42 USC 1381 to 1385 based on
9 disability, and otherwise lacks adequate resources to continue in secondary school
10 or its vocational or technical equivalent.

11 (c) The adoptee is under 21 years of age, is a full-time student at a secondary
12 school or its vocational or technical equivalent, an individualized education program
13 under s. 115.787 is in effect for the adoptee, and the adoption assistance agreement
14 for the adoptee became effective on or after the date on which the adoptee attained
15 16 years of age.

16 **SECTION 38.** 48.975 (5) (f) of the statutes is created to read:

17 48.975 (5) (f) Rules governing the provision of adoption assistance for the care
18 of a child after the child attains 18 years of age.

19 **SECTION 39.** 50.01 (1g) (i) of the statutes is created to read:

20 50.01 (1g) (i) A facility licensed as a foster home, group home, or residential
21 care center for children and youth that provides care and maintenance for persons
22 specified in s. 48.599 (1g) or 48.619.

23 **SECTION 40.** 938.366 (1) of the statutes is renumbered 938.366 (1) (intro.) and
24 amended to read:

1 938.366 (1) (intro.) APPLICABILITY. This section applies to a person who is a
2 full-time student of a secondary school or its vocational or technical equivalent, for
3 whom an individualized education program under s. 115.787 is in effect, and to whom
4 any of the following applies:

5 (a) The person is placed in a foster home, group home, or residential care center
6 for children and youth, in the home of a relative other than a parent, or in a
7 supervised independent living arrangement under an order under s. 938.355,
8 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 1., 2., or 3.,
9 938.357 (6) (a) 1., 2., or 3., or 938.365 (5) (b) 1., 2., or 3. on or after the person attains
10 18 years of age, who is a full-time student of a secondary school or its vocational or
11 technical equivalent, and for whom an individualized education program under s.
12 115.787 is in effect.

13 **SECTION 41.** 938.366 (1) (b) of the statutes is created to read:

14 938.366 (1) (b) The person is placed in a shelter care facility on the date on
15 which an order specified in par. (a) terminates.

16 **SECTION 42.** 938.366 (2) (a) of the statutes is amended to read:

17 938.366 (2) (a) Not less than 120 days before an order described in sub. (1) (a)
18 terminates, the agency primarily responsible for providing services under the order
19 shall request the person who is the subject of the order to indicate whether he or she
20 wishes to be discharged from out-of-home care on termination of the order, wishes
21 to continue in out-of-home care until the date specified in s. 938.365 (5) (b) 4. under
22 an extension of the order, or wishes to continue in out-of-home care under a
23 voluntary agreement under sub. (3). If the person indicates that he or she wishes to
24 be discharged from out-of-home care on termination of the order, the agency shall
25 request a transition-to-discharge hearing under par. (b). If the person indicates that

1 he or she wishes to continue in out-of-home care under an extension of the order, the
2 agency shall request an extension of the order under s. 938.365. If the person
3 indicates that he or she wishes to continue in out-of-home care under a voluntary
4 agreement under sub. (3), the agency and the person shall enter into such an
5 agreement.

6 **SECTION 43.** 938.366 (2) (b) 1. of the statutes is amended to read:

7 938.366 (2) (b) 1. If the person who is the subject of an order described in sub.
8 (1) (a) indicates that he or she wishes to be discharged from out-of-home care on
9 termination of the order, the agency primarily responsible for providing services to
10 the person under the order shall request the court to hold a transition-to-discharge
11 hearing and shall cause notice of that request to be provided to that person, the
12 parent, guardian, and legal custodian of that person, any foster parent or other
13 physical custodian described in s. 48.62 (2) of that person, all parties who are bound
14 by the dispositional order, and, if that person is an Indian juvenile who has been
15 removed from the home of his or her parent or Indian custodian, that person's Indian
16 custodian and tribe.

17 **SECTION 44.** 938.366 (2) (b) 3. of the statutes is amended to read:

18 938.366 (2) (b) 3. At the hearing the court shall review with the person who is
19 the subject of an order described in sub. (1) (a) the options specified in par. (a) and
20 shall advise the person that he or she may continue in out-of-home care as provided
21 in par. (a) under an extension of the order or under a voluntary agreement under sub.
22 (3).

23 **SECTION 45.** 938.366 (2) (b) 4. of the statutes is amended to read:

24 938.366 (2) (b) 4. If the court determines that the person who is the subject of
25 an order described in sub. (1) (a) understands that he or she may continue in

1 out-of-home care, but wishes to be discharged from that care on termination of the
2 order, the court shall advise the person that he or she may enter into a voluntary
3 agreement under sub. (3) at any time before he or she is granted a high school or high
4 school equivalency diploma or reaches 21 years of age, whichever occurs first, so long
5 as he or she is a full-time student at a secondary school or its vocational or technical
6 equivalent and an individualized education program under s. 115.787 is in effect for
7 him or her. If the court determines that the person wishes to continue in
8 out-of-home care under an extension of the order described in sub. (1) (a), the court
9 shall schedule an extension hearing under s. 938.365. If the court determines that
10 the person wishes to continue in out-of-home care under a voluntary agreement
11 under sub. (3), the court shall order the agency primarily responsible for providing
12 services to the person under the order to provide transition-to-independent-living
13 services for the person under a voluntary agreement under sub. (3).

14 **SECTION 46.** 938.366 (3) (a) of the statutes is amended to read:

15 938.366 (3) (a) On termination of an order described in sub. (1) (a), the person
16 who is the subject of the order, or the person's guardian on behalf of the person, and
17 the agency primarily responsible for providing services to the person under the order
18 may enter into a transition-to-independent-living agreement under which the
19 person continues in out-of-home care and continues to be a full-time student at a
20 secondary school or its vocational or technical equivalent under an individualized
21 education program under s. 115.787 until the date on which the person reaches 21
22 years of age, is granted a high school or high school equivalency diploma, or
23 terminates the agreement as provided in par. (b), whichever occurs first, and the
24 agency provides services to the person to assist him or her in transitioning to
25 independent living.

1 **SECTION 47.** 938.366 (3) (am) of the statutes is created to read:

2 938.366 (3) (am) 1. The agency primarily responsible for providing services
3 under the agreement shall petition the court for a determination that the person's
4 placement in out-of-home care under the agreement is in the best interests of the
5 person. The request shall contain the name and address of the placement and a
6 statement describing why the placement is in the best interests of the person and
7 shall have a copy of the agreement attached to it. The agency shall cause written
8 notice of the petition to be sent to the person who is the subject of the agreement and
9 the person's guardian.

10 2. On receipt of a petition under subd. 1., the court shall schedule a hearing on
11 the petition. Not less than 3 days before the hearing the agency primarily
12 responsible for providing services under the agreement or the court shall provide
13 notice of the hearing to all persons who are entitled to receive notice under subd. 1.
14 A copy of the petition shall be attached to the notice.

15 3. If the court finds that the person's placement in out-of-home care under the
16 agreement is in the best interests of the person, the court shall grant an order
17 determining that placement in out-of-home care under the agreement is in the best
18 interests of the person.

19 **SECTION 48.** 938.366 (3) (d) of the statutes is created to read:

20 938.366 (3) (d) If the agency that enters into a voluntary agreement under this
21 subsection is the department or a county department, the voluntary agreement shall
22 also specifically state that the department or the county department has placement
23 and care responsibility for the person who is the subject of the agreement as required
24 under 42 USC 672 (a) (2) and has primary responsibility for providing services to the
25 person.

1 **SECTION 49.** 938.366 (3g) of the statutes is created to read:

2 938.366 (3g) APPEAL PROCEDURES. Any person who is aggrieved by the failure
3 of an agency to enter into a transition-to-independent-living agreement under sub.
4 (3) or by an agency's termination of such an agreement has the right to a contested
5 case hearing under ch. 227.

6 **SECTION 50.** 938.366 (4) (a) of the statutes is amended to read:

7 938.366 (4) (a) Rules permitting a foster home, group home, or residential care
8 center for children and youth to provide care for persons who agree to continue in
9 out-of-home care under an extension of an order described in sub. (1) (a) or a
10 voluntary agreement under sub. (3).

11 **SECTION 51.** 938.38 (1) (ap) of the statutes is created to read:

12 938.38 (1) (ap) "Juvenile" includes a person 17 years of age or over for whom
13 a permanency plan is required under sub. (2).

14 **SECTION 52.** 938.38 (2) (d) of the statutes is amended to read:

15 938.38 (2) (d) The juvenile was placed under a voluntary agreement between
16 the agency and the juvenile's parent under s. 48.63 (1) (a) or (5) (b) or under a
17 voluntary transition-to-independent-living agreement under s. 938.366 (3).

18 **SECTION 53.** 938.38 (4) (fg) 5. of the statutes is amended to read:

19 938.38 (4) (fg) 5. As provided in par. (fm), placement in some other planned
20 permanent living arrangement that includes an appropriate, enduring relationship
21 with an adult, including sustaining care ~~or long-term foster care, but not including~~
22 independent living, or the goal of transitioning the juvenile to independence.

23 **SECTION 54.** 938.38 (4) (fg) 6. of the statutes is repealed.

24 **SECTION 55.** 938.38 (4) (fm) of the statutes is amended to read:

1 938.38 (4) (fm) If the agency determines that there is a compelling reason why
2 it currently would not be in the best interests of the juvenile to return the juvenile
3 to his or her home or to place the juvenile for adoption, with a guardian, or with a fit
4 and willing relative as the permanency goal for the juvenile, the permanency goal
5 of placing the juvenile in some other planned permanent living arrangement or of
6 transitioning the juvenile to independence as described in par. (fg) 5. If the agency
7 makes that determination, the plan shall include the efforts made to achieve that
8 permanency goal, including, if appropriate, through an out-of-state placement, a
9 statement of that compelling reason, and, notwithstanding that compelling reason,
10 a concurrent plan under s. 938.355 (2b) towards achieving a goal under par. (fg) 1.
11 to 4. as a concurrent permanency goal in addition to the permanency goal under par.
12 (fg) 5.

13 **SECTION 56.** 938.38 (5) (a) of the statutes is amended to read:

14 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel
15 appointed under par. (ag) shall review the permanency plan for each juvenile for
16 whom a permanency plan is required under sub. (2) in the manner provided in this
17 subsection not later than 6 months after the date on which the juvenile was first
18 removed from his or her home and every 6 months after a previous review under this
19 subsection for as long as the juvenile is placed outside the home, except that for the
20 review that is required to be conducted not later than 12 months after the juvenile
21 was first removed from his or her home and the reviews that are required to be
22 conducted every 12 months after that review, the court shall hold a hearing under
23 sub. (5m) to review the permanency plan. The hearing may be instead of or in
24 addition to the review under this subsection. The 6-month and 12-month periods
25 referred to in this paragraph include trial reunifications under s. 938.358.

1 **SECTION 57.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

2 938.38 (5) (c) 6. d. Being placed in some other planned permanent living
3 arrangement that includes an appropriate, enduring relationship with an adult,
4 including sustaining care ~~or long-term foster care, but not including independent~~
5 living, or transitioning to independence.

6 **SECTION 58.** 938.38 (5) (c) 9. of the statutes is amended to read:

7 938.38 (5) (c) 9. If the juvenile is the subject of an order that terminates as
8 provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4. or of a
9 voluntary transition-to-independent-living agreement under s. 938.366 (3), the
10 appropriateness of the transition-to-independent-living plan developed under s.
11 938.385; the extent of compliance with that plan by the juvenile, the juvenile's
12 guardian, if any, the agency primarily responsible for providing services under that
13 plan, and any other service providers; and the progress of the juvenile toward
14 making the transition to independent living.

15 **SECTION 59.** 938.38 (5m) (a) of the statutes is amended to read:

16 938.38 (5m) (a) The court shall hold a hearing to review the permanency plan
17 and to make the determinations specified in sub. (5) (c) for each juvenile for whom
18 a permanency plan is required under sub. (2) no later than 12 months after the date
19 on which the juvenile was first removed from the home and every 12 months after
20 a previous hearing under this subsection for as long as the juvenile is placed outside
21 the home. The 12-month periods referred to in this paragraph include trial
22 reunifications under s. 938.358.

23 **SECTION 60.** 938.385 of the statutes is amended to read:

24 **938.385 Plan for transition to independent living.** During the 90 days
25 immediately before a juvenile who is placed in a foster home, group home, or

1 residential care center for children and youth, in the home of a relative other than
2 a parent, or in a supervised independent living arrangement attains 18 years of age
3 or, if the juvenile is placed in such a placement under an order under s. 938.355,
4 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after the juvenile
5 attains 18 years of age or under a voluntary transition-to-independent-living
6 agreement under s. 938.366 (3) that terminates under s. 938.366 (3) (a) after the
7 juvenile attains 18 years of age, during the 90 days immediately before the
8 termination of the order or agreement, the agency primarily responsible for
9 providing services to the juvenile under the order or agreement shall provide the
10 juvenile with assistance and support in developing a plan for making the transition
11 from out-of-home care to independent living. The transition plan shall be
12 personalized at the direction of the juvenile, shall be as detailed as the juvenile
13 directs, and shall include specific options for obtaining housing, health care,
14 education, mentoring and continuing support services, and workforce support and
15 employment services.

16 (END)