



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3394/en
CMH:cjs

2015 SENATE BILL 387

1 **AN ACT** *to renumber and amend* 48.185 (1), 48.357 (1) (am) 1., 48.357 (2),
2 48.357 (2m) (b), 938.357 (2) and 938.357 (2m) (b); *to amend* 46.10 (1), 46.10 (14)
3 (b), 46.10 (14) (e) 1., 46.10 (14) (g), 48.028 (2) (e), 48.028 (2) (f), 48.185 (2), 48.235
4 (1) (e), 48.299 (6) (e) 5., 48.315 (2m) (a), 48.32 (1) (b) 1. (intro.), 48.32 (1) (d) 1.,
5 48.355 (2e) (b), 48.355 (4) (a), 48.355 (4) (b) 1., 48.355 (4) (b) 2., 48.355 (4) (b) 3.,
6 48.355 (4) (b) 4., 48.355 (4) (c), 48.357 (title), 48.357 (1) (a), 48.357 (1) (am) 2.
7 (intro.), 48.357 (1) (am) 2m., 48.357 (1) (am) 3., 48.357 (1) (c) 1., 48.357 (1) (c)
8 2., 48.357 (1) (c) 2m., 48.357 (1) (c) 3., 48.357 (2m) (a), 48.357 (2m) (bm), 48.357
9 (2m) (br), 48.357 (2m) (c), 48.357 (2r), 48.357 (2v) (a) 1., 48.357 (2v) (a) 1m.,
10 48.357 (2v) (a) 2., 48.357 (2v) (a) 2m., 48.357 (2v) (d) 1., 48.357 (4d) (a), 48.357
11 (4d) (am), 48.357 (5m), 48.357 (6) (a) (intro.), 48.357 (6) (a) 1., 48.357 (6) (a) 2.,
12 48.357 (6) (a) 3., 48.357 (6) (a) 4., 48.357 (6) (b), 48.358 (2) (a), 48.36 (1) (a),
13 48.365 (5) (a), 48.365 (5) (b) 1., 48.365 (5) (b) 2., 48.365 (5) (b) 3., 48.365 (5) (b)
14 4., 48.38 (4m) (title), 48.75 (1g) (d), 49.345 (1), 49.345 (2), 49.345 (14) (b), 49.345

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1 (14) (e) 1., 49.345 (14) (g), 301.12 (1), 301.12 (2), 301.12 (14) (b), 301.12 (14) (e)
2 1., 301.12 (14) (g), 757.69 (1) (g) 6., 757.69 (1) (g) 8., 757.69 (1) (g) 9., 757.69 (1m)
3 (d), 767.001 (1) (i), 767.001 (1) (m), 767.59 (1), 767.59 (2) (c), 767.77 (1), 767.78
4 (1), 780.01 (5), 893.415 (2), 938.028 (2) (c), 938.185 (2), 938.235 (1) (e), 938.299
5 (6) (e) 5., 938.30 (6) (b), 938.31 (7) (b), 938.315 (2m) (a), 938.32 (1) (c) 1. (intro.),
6 938.32 (1) (e) 1., 938.355 (2e) (b), 938.357 (title), 938.357 (1) (title), 938.357 (1)
7 (a), 938.357 (1) (am) (title), 938.357 (1) (am) 1., 938.357 (1) (am) 2., 938.357 (1)
8 (am) 2m., 938.357 (1) (am) 3., 938.357 (1) (c) (title), 938.357 (1) (c) 1., 938.357
9 (1) (c) 2., 938.357 (1) (c) 3., 938.357 (2m) (a), 938.357 (2m) (am) (title), 938.357
10 (2m) (br), 938.357 (2m) (c), 938.357 (2r), 938.357 (2v) (a) 1., 938.357 (2v) (a) 2.,
11 938.357 (2v) (a) 2m., 938.357 (2v) (c) (title), 938.357 (4d) (am), 938.357 (5m) (a),
12 938.357 (6) (a) (intro.), 938.357 (6) (a) 2., 938.357 (6) (b), 938.358 (2) (a), 938.36
13 (1) (a), 938.363 (1) (c) and 938.38 (4m) (title); and **to create** 48.185 (4), 48.185
14 (5), 48.21 (5m), 48.213 (4m), 48.217, 48.255 (1) (cg), 48.32 (1) (am), 48.355 (4g),
15 48.357 (1) (title), 48.357 (1) (am) (title), 48.357 (1) (c) (title), 48.357 (2) (title),
16 48.357 (2) (b), 48.357 (2m) (title), 48.357 (2m) (am) (title), 48.357 (2m) (b) (title),
17 48.357 (2v) (title), 48.357 (2v) (a) (title), 48.357 (2v) (b) (title), 48.357 (2v) (c)
18 (title), 48.357 (2v) (d) (title), 48.357 (4d) (title), 48.357 (4d) (b) (title), 48.357 (5r)
19 (title), 48.357 (6) (title), 48.42 (1) (bm), 48.437, 757.69 (1) (g) 15., 938.21 (5m),
20 938.217, 938.255 (1) (cg), 938.32 (1) (bm), 938.355 (4g), 938.357 (2) (b), 938.357
21 (2v) (d) (title), 938.357 (4d) (a) (title) and 938.357 (4d) (b) (title) of the statutes;
22 **relating to:** procedures for changing the placement of a child who is subject to
23 a temporary physical custody order or termination of parental rights order of
24 the juvenile court, procedures for amending a consent decree of the juvenile
25 court, emergency change-in-placement procedures for a child who is placed in

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1 his or her own home under a dispositional order of the juvenile court, venue in
2 post-dispositional proceedings under the Children’s Code and Juvenile Justice
3 Code, procedures for requesting and objecting to a proposed change in
4 placement of a child and for changing the placement of a child when no objection
5 is filed, case closure orders with respect to a child whose dispositional order is
6 terminated, and the effective period of a temporary physical custody order of
7 the juvenile court.

Analysis by the Legislative Reference Bureau

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

8 **SECTION 1.** 46.10 (1) of the statutes is amended to read:

9 46.10 (1) Liability and the collection and enforcement of such liability for the
10 care, maintenance, services, and supplies specified in this section is governed
11 exclusively by this section, except in cases of child support ordered by a court under
12 s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), or 48.363 (2) or ch. 767.

13 **SECTION 2.** 46.10 (14) (b) of the statutes is amended to read:

14 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
15 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
16 parent’s minor child who has been placed by a court order under s. 48.32, 48.355, or
17 48.357 in a residential, nonmedical facility such as a group home, foster home,
18 subsidized guardianship home, or residential care center for children and youth
19 shall be determined by the court by using the percentage standard established by the
20 department of children and families under s. 49.22 (9) and by applying the
21 percentage standard in the manner established by the department under par. (g).

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1 **SECTION 3.** 46.10 (14) (e) 1. of the statutes, as affected by 2015 Wisconsin Act
2 55, is amended to read:

3 46.10 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m)
4 (a), or 48.363 (2) for support determined under this subsection constitutes an
5 assignment of all commissions, earnings, salaries, wages, pension benefits, income
6 continuation insurance benefits under s. 40.62, duty disability benefits under s.
7 40.65, benefits under ch. 102 or 108, and other money due or to be due in the future
8 to the county department under s. 46.22 or 46.23 in the county where the order was
9 entered or to the department, depending upon the placement of the child as specified
10 by rules promulgated under subd. 5. The assignment shall be for an amount
11 sufficient to ensure payment under the order.

12 **SECTION 4.** 46.10 (14) (g) of the statutes is amended to read:

13 46.10 (14) (g) For purposes of determining child support under par. (b), the
14 department shall promulgate rules related to the application of the standard
15 established by the department of children and families under s. 49.22 (9) to a child
16 support obligation for the care and maintenance of a child who is placed by a court
17 order under s. 48.32, 48.355, or 48.357 in a residential, nonmedical facility. The rules
18 shall take into account the needs of any person, including dependent children other
19 than the child, whom either parent is legally obligated to support.

20 **SECTION 5.** 48.028 (2) (e) of the statutes is amended to read:

21 48.028 (2) (e) “Out-of-home care placement” means the removal of an Indian
22 child from the home of his or her parent or Indian custodian for temporary placement
23 in a foster home, group home, residential care center for children and youth, or
24 shelter care facility, in the home of a relative other than a parent, or in the home of
25 a guardian, from which placement the parent or Indian custodian cannot have the

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1 child returned upon demand. “Out-of-home care placement” does not include an
2 adoptive placement, a preadoptive placement, a delegation of powers, as described
3 in par. (d) 5., an emergency change in placement under s. 48.357 (2) (b), or holding
4 an Indian child in custody under ss. 48.19 to 48.21.

5 **SECTION 6.** 48.028 (2) (f) of the statutes is amended to read:

6 48.028 (2) (f) “Preadoptive placement” means the temporary placement of an
7 Indian child in a foster home, group home, or residential care center for children and
8 youth, in the home of a relative other than a parent, or in the home of a guardian after
9 a termination of parental rights but prior to or in lieu of an adoptive placement.
10 “Preadoptive placement” does not include an emergency change in placement under
11 s. 48.437 (2).

12 **SECTION 7.** 48.185 (1) of the statutes is renumbered 48.185 (1) (intro.) and
13 amended to read:

14 48.185 (1) (intro.) PROCEEDINGS GENERALLY. Subject to ~~sub.~~ subs. (2) to (5), venue
15 for any proceeding under ss. s. 48.13, 48.133, 48.135 and, or 48.14 (1) to (9) may be
16 in any of the following: ~~the~~

17 (a) The county where the child or the expectant mother of the unborn child
18 resides ~~or the,~~

19 (b) The county where the child or expectant mother is present. ~~Venue for~~
20 ~~proceedings brought under subch. VIII is as provided in this subsection except where~~
21 ~~the child has been placed and is living outside the home of the child’s parent pursuant~~
22 ~~to a dispositional order, in which case venue is as provided in sub. (2).~~

23 (6) RESTRAINING ORDER AND INJUNCTION PROCEEDINGS. Venue for a proceeding
24 under s. 48.14 (10) is as provided in s. 801.50 (5s).

25 **SECTION 8.** 48.185 (2) of the statutes is amended to read:

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1 48.185 (2) GUARDIANSHIP AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS. In
2 an action under s. 48.41, venue shall be in the county where the birth parent or child
3 resides at the time that the petition is filed. Venue Subject to sub. (5), venue for any
4 proceeding under s. ~~48.363, 48.365~~ or 48.977, or any proceeding under subch. VIII
5 when the child has been placed outside the home pursuant to a dispositional order
6 under s. 48.345 or 48.347, shall be in the county where the dispositional order was
7 issued, unless the child's county of residence has changed, or the parent of the child
8 ~~or the expectant mother of the unborn child~~ has resided in a different county of this
9 state for 6 months. In either case, the court may, upon a motion and for good cause
10 shown, transfer the case, along with all appropriate records, to the county of
11 residence of the child, or parent ~~or expectant mother~~.

12 **SECTION 9.** 48.185 (4) of the statutes is created to read:

13 48.185 (4) CHILD OR UNBORN CHILD SUBJECT TO A DISPOSITIONAL ORDER. Venue for
14 any proceeding under s. 48.357, 48.363, or 48.365 shall be in the county where the
15 dispositional order was issued, unless prior to the proceeding the court of that county
16 determined that the proper venue for the proceeding lies in another county and
17 transferred the case, along with all appropriate records, to that other county.

18 **SECTION 10.** 48.185 (5) of the statutes is created to read:

19 48.185 (5) CHANGES IN PLACEMENT; SUCCESSOR GUARDIANS; POSTTERMINATION OF
20 PARENTAL RIGHTS. Venue for a proceeding under s. 48.437 shall be in the county where
21 the termination of parental rights order was issued.

22 **SECTION 11.** 48.21 (5m) of the statutes is created to read:

23 48.21 (5m) EFFECTIVE PERIOD OF ORDER. An order to hold a child in custody
24 remains in effect until a dispositional order is granted or a consent decree is entered

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1 into, the petition under s. 48.25 is withdrawn or dismissed, or the order is modified
2 or terminated by further order of the court.

3 **SECTION 12.** 48.213 (4m) of the statutes is created to read:

4 48.213 (4m) EFFECTIVE PERIOD OF ORDER. An order to hold an adult expectant
5 mother in custody remains in effect until a dispositional order is granted or a consent
6 decree is entered into, the petition under s. 48.25 is withdrawn or dismissed, or the
7 order is modified or terminated by further order of the court.

8 **SECTION 13.** 48.217 of the statutes is created to read:

9 **48.217 Change in placement; child or expectant mother held in**
10 **custody. (1)** REQUEST BY INTAKE WORKER, AGENCY RESPONSIBLE FOR CUSTODY ORDER, OR
11 PROSECUTOR. (a) *Applicable procedures.* 1. Except as provided in subd. 2., the intake
12 worker, the agency primarily responsible for providing services under a temporary
13 physical custody order under s. 48.21 (4) or 48.213 (3), the district attorney, or the
14 corporation counsel may request a change in the placement of the child or expectant
15 mother who is the subject of the order as provided in this subsection, whether or not
16 the change requested is authorized in the order.

17 2. A change in the placement of a child from a placement in the home to a
18 placement outside the home may only be made as provided in s. 48.21 (6). A change
19 in the placement of an adult expectant mother from a placement in the home to a
20 placement outside the home may only be made as provided in s. 48.213 (5).

21 (b) *Notice; information required.* 1. a. The intake worker, the agency primarily
22 responsible for providing services under a temporary physical custody order, the
23 district attorney, or the corporation counsel may request a change in placement
24 under this subsection by causing written notice of the proposed change in placement
25 to be sent to the child, the child's counsel or guardian ad litem, the parent, guardian,

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1 and legal custodian or Indian custodian of the child, any foster parent or other
2 physical custodian described in s. 48.62 (2) of the child, and the child's
3 court-appointed special advocate.

4 b. If the child is the expectant mother of an unborn child under s. 48.133,
5 written notice of the proposed change in placement shall also be sent to the unborn
6 child's guardian ad litem. If the change in placement involves an adult expectant
7 mother of an unborn child under s. 48.133, written notice of the proposed change in
8 placement shall be sent to the adult expectant mother, the physical custodian of the
9 adult expectant mother, and the unborn child's guardian ad litem.

10 2. The notice shall contain the name and address of the new placement, the
11 reasons for the change in placement, and a statement describing why the new
12 placement is preferable to the present placement. The person sending the notice
13 shall file the notice with the court on the same day that the notice is sent.

14 (c) *Hearing; when required.* Any person receiving the notice under par. (b),
15 other than a court-appointed special advocate, may obtain a hearing on the matter
16 by filing an objection with the court within 10 days after the notice is sent to that
17 person and filed with the court. Except as provided in par. (d), if an objection is filed
18 within 10 days after that notice is sent and filed with the court, the court shall hold
19 a hearing prior to ordering any change in placement. At least 3 days before the
20 hearing, the court shall provide notice of the hearing to all persons who are required
21 to receive notice under par. (b). If all parties consent, the court may proceed
22 immediately with the hearing. Except as provided in par. (d), if no objection is filed
23 within 10 days after that notice is sent and filed with the court, the court shall enter
24 an order changing the child's placement as proposed in that notice. Except as
25 provided in par. (d), placements may not be changed until 10 days after that notice

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1 is sent and filed with the court unless written waivers of objection are signed as
2 follows:

3 1. By the parent, guardian, legal custodian, or Indian custodian of the child and
4 by the child, if 12 years of age or over.

5 2. By the child expectant mother, if 12 years of age or over, her parent, guardian,
6 legal custodian, or Indian custodian, and the unborn child's guardian ad litem.

7 3. By the adult expectant mother and the unborn child's guardian ad litem.

8 (d) *When hearing not required.* Changes in placement that were authorized in
9 the temporary physical custody order may be made immediately if notice is given as
10 required under par. (b). A hearing is not required for changes in placement
11 authorized in the temporary physical custody order except when an objection filed
12 by a person who received notice alleges that new information is available that affects
13 the advisability of the order.

14 (e) *Contents of order.* If the court changes a child's placement from a placement
15 outside the home to another placement outside the home, the change-in-placement
16 order shall contain the applicable order under sub. (2v) (a), the applicable statement
17 under sub. (2v) (b), and the finding under sub. (2v) (c).

18 **(2) EMERGENCY CHANGE IN PLACEMENT.** If emergency conditions necessitate an
19 immediate change in the placement of a child or expectant mother placed outside the
20 home under a temporary physical custody order under s. 48.21 (4) or 48.213 (3), the
21 intake worker or agency primarily responsible for providing services under the order
22 may remove the child or expectant mother to a new placement, whether or not
23 authorized by the existing order, without the prior notice under sub. (1) (b). Notice
24 of the emergency change in placement shall be sent to the persons specified in sub.
25 (1) (b) 1. within 48 hours after the emergency change in placement. Any party

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1 receiving notice may demand a hearing under sub. (1) (c). In emergency situations,
2 a child may be placed in a licensed public or private shelter care facility as a
3 transitional placement for not more than 20 days or in any other placement
4 authorized under s. 48.207, 48.208, or 48.209.

5 **(2m)** REQUEST BY OTHERS. (a) *Request; information required.* 1. Except as
6 provided in subd. 2., the child, the child’s counsel or guardian ad litem, the parent,
7 guardian, legal custodian, or Indian custodian of the child, the expectant mother, or
8 the unborn child’s guardian ad litem may request a change in the placement of the
9 child or expectant mother who is the subject of the order as provided in this
10 subsection. The request shall contain the name and address of the new placement
11 requested and shall state what new information is available that affects the
12 advisability of the current placement. The request shall be submitted to the court.
13 The court may also propose a change in placement on its own motion.

14 2. A change in the placement of a child from a placement in the home to a
15 placement outside the home may only be made as provided in s. 48.21 (6). A change
16 in the placement of an adult expectant mother from a placement in the home to a
17 placement outside the home may only be made as provided in s. 48.213 (5).

18 (b) *Hearing; when required.* 1. The court shall hold a hearing prior to ordering
19 any change in placement requested or proposed under par. (a) if the request or
20 proposal states that new information is available that affects the advisability of the
21 current placement. A hearing is not required if written waivers of objection to the
22 proposed change in placement are signed by all persons entitled to receive notice
23 under subd. 2., other than a court-appointed special advocate, and the court
24 approves.

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1 2. If a hearing is scheduled, at least 3 days before the hearing the court shall
2 notify the child, the child’s counsel or guardian ad litem, the parent, guardian, and
3 legal custodian or Indian custodian of the child, the agency primarily responsible for
4 providing services under the temporary physical custody order, the district attorney
5 or corporation counsel, any foster parent or other physical custodian described in s.
6 48.62 (2) of the child, and the child’s court–appointed special advocate. If the child
7 is the expectant mother of an unborn child under s. 48.133, the court shall also notify
8 the unborn child’s guardian ad litem. If the change in placement involves an adult
9 expectant mother of an unborn child under s. 48.133, at least 3 days before the
10 hearing the court shall notify the adult expectant mother, the unborn child’s
11 guardian ad litem, the agency primarily responsible for providing services under the
12 temporary physical custody order, and the district attorney or corporation counsel.
13 A copy of the request or proposal for the change in placement shall be attached to the
14 notice. If all parties consent, the court may proceed immediately with the hearing.

15 (c) *Contents of order.* If the court changes the child’s placement from a
16 placement outside the home to another placement outside the home, the
17 change–in–placement order shall contain the applicable order under sub. (2v) (a),
18 the applicable statement under sub. (2v) (b), and the finding under sub. (2v) (c).

19 **(2r) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN.** If a hearing is
20 held under sub. (1) (c) or (2m) (b) and the change in placement would remove a child
21 from a foster home or other placement with a physical custodian described in s. 48.62
22 (2), the court shall give the foster parent or other physical custodian a right to be
23 heard at the hearing by permitting the foster parent or other physical custodian to
24 make a written or oral statement during the hearing or to submit a written
25 statement prior to the hearing relating to the child and the requested change in

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1 placement. A foster parent or other physical custodian described in s. 48.62 (2) who
2 receives notice of a hearing under sub. (1) (c) or (2m) (b) and a right to be heard under
3 this subsection does not become a party to the proceeding on which the hearing is
4 held solely on the basis of receiving that notice and right to be heard.

5 (2v) CHANGE-IN-PLACEMENT ORDER. A change-in-placement order under sub.
6 (1) or (2m) shall contain all of the following:

7 (a) If the change-in-placement order changes the placement of a child who is
8 under the supervision of the county department or, in a county having a population
9 of 750,000 or more, the department to a placement outside the home, an order
10 ordering the child to be continued in the placement and care responsibility of the
11 county department or department as required under 42 USC 672 (a) (2) and
12 assigning the county department or department continued primary responsibility
13 for providing services to the child.

14 (b) If the change-in-placement order changes the placement of the child to a
15 placement outside the home recommended by the agency primarily responsible for
16 providing services under the temporary physical custody order, a statement that the
17 court approves the placement recommended by that agency or, if the
18 change-in-placement order changes the placement of the child to a placement
19 outside the home that is not a placement recommended by that agency, a statement
20 that the court has given bona fide consideration to the recommendations made by
21 that agency and all parties relating to the child's placement.

22 (c) If the change-in-placement order changes the placement of the child to a
23 placement outside the home and if the child has one or more siblings, as defined in
24 s. 48.38 (4) (br) 1., who have been placed outside the home or for whom a change in
25 placement to a placement outside the home is requested, a finding as to whether the

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1 intake worker, the county department, the department in a county having a
2 population of 750,000 or more, or the agency primarily responsible for providing
3 services under the temporary physical custody order has made reasonable efforts to
4 place the child in a placement that enables the sibling group to remain together,
5 unless the court determines that a joint placement would be contrary to the safety
6 or well-being of the child or any of those siblings, in which case the court shall order
7 the intake worker, county department, department, or agency to make reasonable
8 efforts to provide for frequent visitation or other ongoing interaction between the
9 child and the siblings, unless the court determines that such visitation or interaction
10 would be contrary to the safety or well-being of the child or any of those siblings.

11 (3) PROHIBITED PLACEMENTS BASED ON HOMICIDE OF PARENT. (a) *Prohibition.*
12 Except as provided in par. (c), the court may not change a child's placement to a
13 placement in the home of a person who has been convicted of the homicide of a parent
14 of the child under s. 940.01 or 940.05, if the conviction has not been reversed, set
15 aside, or vacated.

16 (b) *Change in placement required.* Except as provided in par. (c), if a parent in
17 whose home a child is placed is convicted of the homicide of the child's other parent
18 under s. 940.01 or 940.05, and the conviction has not been reversed, set aside, or
19 vacated, the court shall change the child's placement to a placement outside the home
20 of the parent on petition of the child, the child's counsel or guardian ad litem, the
21 guardian or legal custodian of the child, the agency primarily responsible for
22 providing services under the temporary physical custody order, or the district
23 attorney or corporation counsel of the county in which that order was entered, or on
24 the court's own motion, and on notice to the parent.

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

5 (4) EXPECTANT MOTHER; PLACEMENT OUTSIDE THE HOME. The court may not change
6 the placement of an expectant mother of an unborn child alleged to be in need of
7 protection or services from a placement in the expectant mother's home to a
8 placement outside of the expectant mother's home unless the court finds that the
9 expectant mother is refusing or has refused to accept any alcohol or other drug abuse
10 services offered to her or is not making or has not made a good faith effort to
11 participate in any alcohol or other drug abuse services offered to her.

12 (6) EFFECTIVE PERIOD OF ORDER. A change-in-placement order under this
13 section remains in effect until a dispositional order is granted or a consent decree is
14 entered into, the petition under s. 48.25 is withdrawn or dismissed, or the order is
15 modified or terminated by further order of the court.

16 **SECTION 14.** 48.235 (1) (e) of the statutes is amended to read:

17 48.235 (1) (e) The court shall appoint a guardian ad litem, or extend the
18 appointment of a guardian ad litem previously appointed under par. (a), for any child
19 alleged or found to be in need of protection or services, if the court has ordered, or if
20 a request or recommendation has been made that the court order, the child to be
21 placed out of his or her home under s. 48.32, 48.345, or 48.357. This paragraph does
22 not apply to a child who is subject to a dispositional order that terminates as provided
23 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4.

24 **SECTION 15.** 48.255 (1) (cg) of the statutes is created to read:

25 48.255 (1) (cg) The information required under s. 822.29 (1).

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1 **SECTION 16.** 48.299 (6) (e) 5. of the statutes is amended to read:

2 48.299 **(6)** (e) 5. A determination by the court under subd. 4. is not a
3 determination of paternity under s. 48.355 (4g) (a), a judgment of paternity under
4 ch. 767, or an adjudication of paternity under subch. VIII.

5 **SECTION 17.** 48.315 (2m) (a) of the statutes is amended to read:

6 48.315 **(2m)** (a) The court making an initial finding under s. 48.21 (5) (b) 1. or
7 1m., 48.32 (1) (b) 1., 48.355 (2) (b) 6., or 48.357 (2v) (a) 1. that reasonable efforts have
8 been made to prevent the removal of the child from the home, while assuring that
9 the child's health and safety are the paramount concerns, or an initial finding under
10 s. 48.21 (5) (b) 3., 48.32 (1) (b) 2., 48.355 (2) (b) 6r., or 48.357 (2v) (a) 3. that those
11 efforts were not required to be made because a circumstance specified in s. 48.355
12 (2d) (b) 1. to 5. applies, more than 60 days after the date on which the child was
13 removed from the home.

14 **SECTION 18.** 48.32 (1) (am) of the statutes is created to read:

15 48.32 **(1)** (am) Using the procedures specified in par. (a) for the entry of an
16 original consent decree, the parties to a consent decree may agree to, and the judge
17 or circuit court commissioner may enter, an amended consent decree. An amended
18 consent decree may change the placement of the child or expectant mother who is the
19 subject of the original consent decree or revise any other term or condition of the
20 original consent decree. An amended consent decree that changes the placement of
21 a child from a placement in the child's home to a placement outside the child's home
22 shall include the findings, orders, and determinations specified in par. (b), as
23 applicable. An amended consent decree that changes the placement of an Indian
24 child from a placement in the Indian child's home to a placement outside the Indian

SENATE BILL 387**SECTION 18**

1 child's home shall include the findings specified in par. (d). An amended consent
2 decree may not extend the expiration date of the original consent decree.

3 **SECTION 19.** 48.32 (1) (b) 1. (intro.) of the statutes is amended to read:

4 48.32 (1) (b) 1. (intro.) If at the time the consent decree is entered into the child
5 is placed outside the home under a voluntary agreement under s. 48.63 or is
6 otherwise living outside the home without a court order and if the consent decree
7 maintains the child in that placement or other living arrangement, or if an amended
8 consent decree changes the placement of the child from a placement in the child's
9 home to a placement outside the child's home, the consent decree shall include all of
10 the following:

11 **SECTION 20.** 48.32 (1) (d) 1. of the statutes is amended to read:

12 48.32 (1) (d) 1. In the case of an Indian child, if at the time the consent decree
13 is entered into the Indian child is placed outside the home of his or her parent or
14 Indian custodian under a voluntary agreement under s. 48.63 or is otherwise living
15 outside that home without a court order and if the consent decree maintains the
16 Indian child in that placement or other living arrangement, or if an amended consent
17 decree changes the placement of the Indian child from a placement in the Indian
18 child's home to a placement outside the Indian child's home, the consent decree shall
19 include a finding supported by clear and convincing evidence, including the
20 testimony of one or more qualified expert witnesses, that continued custody of the
21 Indian child by the parent or Indian custodian is likely to result in serious emotional
22 or physical damage to the child under s. 48.028 (4) (d) 1. and a finding that active
23 efforts under s. 48.028 (4) (d) 2. have been made to prevent the breakup of the Indian
24 child's family and that those efforts have proved unsuccessful. The findings under
25 this subdivision shall be in addition to the findings under par. (b) 1., except that for

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1 the sole purpose of determining whether the cost of providing care for an Indian child
2 is eligible for reimbursement under 42 USC 670 to 679b, the findings under this
3 subdivision and the findings under par. (b) 1. shall be considered to be the same
4 findings.

5 **SECTION 21.** 48.355 (2e) (b) of the statutes is amended to read:

6 48.355 (2e) (b) Each time a child's placement is changed under s. 48.32 or
7 48.357, a trial reunification is ordered under s. 48.358, a consent decree is revised
8 under s. 48.32, or a dispositional order is revised under s. 48.363 or extended under
9 s. 48.365, the agency that prepared the permanency plan shall revise the plan to
10 conform to the order and shall file a copy of the revised plan with the court. Each plan
11 filed under this paragraph shall be made a part of the court order.

12 **SECTION 22.** 48.355 (4) (a) of the statutes is amended to read:

13 48.355 (4) (a) Except as provided under s. 48.368, an order under this section
14 or s. 48.357 or 48.365 made before the child ~~reaches~~ attains 18 years of age that places
15 or continues the placement of the child in his or her home shall terminate one year
16 after the date on which the order is ~~entered~~ granted unless the judge specifies a
17 shorter period of time or the judge terminates the order sooner.

18 **SECTION 23.** 48.355 (4) (b) 1. of the statutes is amended to read:

19 48.355 (4) (b) 1. The date on which the child ~~reaches~~ attains 18 years of age.

20 **SECTION 24.** 48.355 (4) (b) 2. of the statutes is amended to read:

21 48.355 (4) (b) 2. The date that is one year after the date on which the order is
22 ~~entered~~ granted.

23 **SECTION 25.** 48.355 (4) (b) 3. of the statutes is amended to read:

24 48.355 (4) (b) 3. The date on which the child is granted a high school or high
25 school equivalency diploma or the date on which the child ~~reaches~~ attains 19 years

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1 of age, whichever occurs first, if the child is a full-time student at a secondary school
2 or its vocational or technical equivalent and is reasonably expected to complete the
3 program before ~~reaching~~ attaining 19 years of age.

4 **SECTION 26.** 48.355 (4) (b) 4. of the statutes is amended to read:

5 48.355 (4) (b) 4. The date on which the child is granted a high school or high
6 school equivalency diploma or the date on which the child ~~reaches~~ attains 21 years
7 of age, whichever occurs first, if the child is a full-time student at a secondary school
8 or its vocational or technical equivalent and if an individualized education program
9 under s. 115.787 is in effect for the child. The court may not ~~enter~~ grant an order that
10 terminates as provided in this subdivision unless the child is 17 years of age or older
11 when the order is ~~entered~~ granted and the child, or the child's guardian on behalf of
12 the child, agrees to the order. At any time after the child ~~reaches~~ attains 18 years
13 of age, the child, or the child's guardian on behalf of the child, may request the court
14 in writing to terminate the order and, on receipt of such a request, the court, without
15 a hearing, shall terminate the order.

16 **SECTION 27.** 48.355 (4) (c) of the statutes is amended to read:

17 48.355 (4) (c) An order under this section or s. 48.357 or 48.365 relating to an
18 unborn child in need of protection or services that is made before the unborn child
19 is born shall terminate one year after the date on which the order is ~~entered~~ granted
20 unless the judge specifies a shorter period of time or the judge terminates the order
21 sooner.

22 **SECTION 28.** 48.355 (4g) of the statutes is created to read:

23 48.355 (4g) **TERMINATION OF ORDERS; CASE CLOSURE ORDERS.** (a) On request of a
24 person authorized to file a petition under par. (b) or on its own motion and on a finding
25 that granting the request or motion would be in the best interests of the child, the

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1 court may terminate an order under this section or s. 48.357 or 48.365 before the child
2 attains 18 years of age and grant an order determining paternity of the child, legal
3 custody of the child, periods of physical placement with the child, visitation rights
4 with respect to the child, or the obligation of the child's parents to provide support
5 for the child and the responsibility of the child's parents to provide coverage of the
6 child's health care expenses if any of the following apply:

7 1. The child's parents are parties to a pending action for divorce, annulment,
8 or legal separation, a man determined under s. 48.299 (6) (e) 4. to be the biological
9 father of the child for purposes of a proceeding under this chapter is a party to a
10 pending action to determine paternity of the child under ch. 767, or the child is the
11 subject of a pending independent action under s. 767.41 or 767.43 to determine legal
12 custody of the child or visitation rights with respect to the child.

13 2. The child is the subject of an order that has been granted in an action
14 affecting the family determining legal custody of the child, periods of physical
15 placement with the child, visitation rights with respect to the child, or the obligation
16 of the child's parents to provide support for the child and the responsibility of the
17 child's parents to provide coverage of the child's health care expenses.

18 (b) The child or his or her counsel or guardian ad litem, the child's parent,
19 guardian, legal custodian, or Indian custodian, the person or agency responsible for
20 implementing the dispositional order, or the district attorney or corporation counsel
21 may file a petition with the court requesting an order under par. (a) or the court, on
22 its own motion, may propose such an order.

23 (c) The court shall hold a hearing before granting an order requested or
24 proposed under par. (b). At least 5 days before the hearing, the court shall cause
25 notice of the hearing, together with a copy of the request or proposal, to be provided

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1 to the child, the child’s counsel or guardian ad litem, the child’s parent, guardian, and
2 legal custodian, the person or agency primarily responsible for implementing the
3 dispositional order, the district attorney or corporation counsel, the child’s
4 court–appointed special advocate, and, if the child is an Indian child, the child’s
5 Indian custodian and tribe.

6 (d) In considering whether to grant a request or proposal for an order under par.

7 (a), the court shall proceed as follows:

8 1. If the request or proposal is for an order determining paternity of the child,
9 the court shall determine paternity in the same manner as paternity is determined
10 under subch. IX of ch. 767.

11 2. If the request or proposal is for an order determining legal custody of the child
12 and periods of physical placement with the child, the court shall determine legal
13 custody and periods of physical placement in the same manner as legal custody and
14 periods of physical placement are determined under ss. 767.41 and 767.481 and, if
15 the child is the subject of a preexisting order that has been entered in an action
16 affecting the family determining legal custody of the child or periods of physical
17 placement with the child, in the same manner as legal custody and periods of
18 physical placement are determined under ss. 767.451 and 767.461, except that the
19 court is not required to refer the parties for mediation under s. 767.405 (5) or refer
20 the matter for a legal custody and physical placement study under s. 767.405 (14),
21 the parties are not required to file a parenting plan under s. 767.41 (1m), and the
22 court may not transfer legal custody of the child to a relative or an agency under s.
23 767.41 (3).

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1 3. If the request or proposal is for an order determining visitation rights with
2 respect to the child, the court shall determine those rights in the same manner as
3 visitation rights are determined under ss. 767.43 and 767.44.

4 4. If the request or proposal is for an order determining the obligation of the
5 child's parents to provide support for the child and the responsibility of the child's
6 parents to provide coverage of the child's health care expenses, the court shall
7 determine that obligation and responsibility in the same manner as that obligation
8 and responsibility are determined under ss. 767.511, 767.513, 767.54, 767.55,
9 767.57, and 767.58.

10 (e) An order under par. (a) may modify a preexisting order of a court exercising
11 jurisdiction in an action affecting the family and shall remain in effect until modified
12 or terminated by a court exercising that jurisdiction.

13 (f) If at the time an order under par. (a) is granted an action described in par.
14 (a) 1. is pending or if at that time the child is the subject of a preexisting order
15 described in par. (a) 2., the court that granted the order under par. (a) shall file a copy
16 of the order with the court that is exercising jurisdiction in that pending action or
17 that entered that preexisting order. On receipt of the copy of that order, the court that
18 is exercising jurisdiction over the pending action or that granted the preexisting
19 order shall provide a copy of that order to all parties to that pending action or to all
20 parties that are bound by that preexisting order. The order shall become a part of
21 the record of that pending action or the action in which the preexisting order was
22 granted.

23 (g) 1. A person who is granted legal custody and periods of physical placement
24 with a child under an order under par. (a) may seek enforcement of the order by filing
25 a motion under s. 767.471 (3) with the court in which the order was filed under par.

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1 (f), and that court shall enforce the order in the same manner as legal custody and
2 physical placement orders are enforced under s. 767.471.

3 2. A party to a proceeding under this subsection in which legal custody and
4 periods of physical placement with a child are determined under an order under par.
5 (a) may seek a modification of the order by filing a petition, motion, order to show
6 cause, or stipulation with the court in which the order was filed under par. (f), and
7 that court may modify the order in the same manner as legal custody and physical
8 placement orders are modified under ss. 767.451, 767.461, and 767.481.

9 (h) 1. A person who is granted visitation rights with respect to a child under
10 an order under par. (a) may seek enforcement of the order by filing a motion for
11 contempt of court under s. 767.43 (5) with the court in which the order was filed under
12 par. (f), and that court shall enforce the order in the same manner as visitation orders
13 are enforced under s. 767.43 (5).

14 2. A party to a proceeding under this subsection in which visitation rights with
15 respect to a child are determined under an order under par. (a) may seek a
16 modification of the order by filing a petition, motion, or order to show cause with the
17 court in which the order was filed under par. (f), and that court may modify the order
18 in the same manner as visitation orders are modified under s. 767.43 (1), (3), or (6),
19 whichever is applicable.

20 (i) 1. A party to a proceeding under this subsection in which the obligation to
21 provide support for a child and the responsibility to provide health care coverage for
22 a child are determined under an order under par. (a) who is authorized to commence
23 an action to compel child support under s. 767.501 may seek enforcement of the order
24 by filing an action to compel support under s. 767.501 with the court in which the
25 order was filed under par. (f), and that court shall enforce the order in the same

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1 manner as child support and health care coverage orders are enforced under ss.
2 767.511, 767.513, 767.54, 767.55, 767.57, 767.58, and 767.70 to 767.78.

3 2. A party to a proceeding under this subsection in which the obligation to
4 provide support for a child and the responsibility to provide health care coverage for
5 a child are determined under an order under par. (a) may seek a modification of the
6 order by filing a petition, motion, or order to show cause with the court in which the
7 order was filed under par. (f), and that court may modify the order in the same
8 manner as child support and health coverage orders are modified under ss. 767.553
9 and 767.59.

10 **SECTION 29.** 48.357 (title) of the statutes is amended to read:

11 **48.357 (title) Change in placement; child or expectant mother subject**
12 **to dispositional order.**

13 **SECTION 30.** 48.357 (1) (title) of the statutes is created to read:

14 48.357 (1) (title) REQUEST BY PERSON OR AGENCY RESPONSIBLE FOR ORDER OR
15 PROSECUTOR.

16 **SECTION 31.** 48.357 (1) (a) of the statutes is amended to read:

17 48.357 (1) (a) Applicable procedures. The person or agency primarily
18 responsible for implementing the dispositional order, the district attorney, or the
19 corporation counsel may request a change in the placement of the child or expectant
20 mother who is the subject of the dispositional order, whether or not the change
21 requested is authorized in the dispositional order, as provided in par. (am) or (c),
22 whichever is applicable.

23 **SECTION 32.** 48.357 (1) (am) (title) of the statutes is created to read:

24 48.357 (1) (am) (title) *Changes in placement generally.*

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1 **SECTION 33.** 48.357 (1) (am) 1. of the statutes is renumbered 48.357 (1) (am)

2 1. a. and amended to read:

3 48.357 (1) (am) 1. a. ~~If the proposed change in placement involves any change~~
4 ~~in placement other than a change in placement specified~~ Except as provided in par.
5 (c), the person or agency primarily responsible for implementing the dispositional
6 order, the district attorney, or the corporation counsel ~~shall cause~~ may request a
7 change in placement under this subsection by causing written notice of the proposed
8 change in placement to be sent to the child, the child's counsel or guardian ad litem,
9 the parent, guardian, and legal custodian of the child, any foster parent or other
10 physical custodian described in s. 48.62 (2) of the child, the child's court-appointed
11 special advocate, and, if the child is an Indian child who has been removed from the
12 home of his or her parent or Indian custodian, the Indian child's Indian custodian and
13 tribe.

14 b. If the child is the expectant mother of an unborn child under s. 48.133,
15 written notice of the proposed change in placement shall also be sent to the unborn
16 child's guardian ad litem. If the change in placement involves an adult expectant
17 mother of an unborn child under s. 48.133, written notice of the proposed change in
18 placement shall be sent to the adult expectant mother, the physical custodian of the
19 adult expectant mother, and the unborn child's guardian ad litem.

20 c. The notice shall contain the name and address of the new placement, the
21 reasons for the change in placement, a statement describing why the new placement
22 is preferable to the present placement, and a statement of how the new placement
23 satisfies the objectives of the treatment plan or permanency plan ordered by the
24 court. The person sending the notice shall file the notice with the court on the same
25 day that the notice is sent.

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1 **SECTION 34.** 48.357 (1) (am) 2. (intro.) of the statutes is amended to read:

2 48.357 (1) (am) 2. (intro.) Except as provided in subd. 2r., any person receiving
3 the notice under subd. 1. or notice of a specific placement under s. 48.355 (2) (b) 2.,
4 other than a court-appointed special advocate, may obtain a hearing on the matter
5 by filing an objection with the court within 10 days after receipt of the notice is sent
6 to that person and filed with the court. Except as provided in subds. 2m. and 2r., if
7 an objection is filed within 10 days after that notice is sent and filed with the court,
8 the court shall hold a hearing prior to ordering any change in placement. At least
9 3 days before the hearing, the court shall provide notice of the hearing to all persons
10 who are required to receive notice under subd. 1. or s. 48.355 (2) (b) 2. If all parties
11 consent, the court may proceed immediately with the hearing. Except as provided
12 in subds. 2m. and 2r., if no objection is filed within 10 days after that notice is sent
13 and filed with the court, the court shall enter an order changing the child's placement
14 as proposed in that notice. Except as provided in subds. 2m. and 2r., placements may
15 not be changed until 10 days after that notice is sent ~~to~~ and filed with the court unless
16 written waivers of objection are signed as follows:

17 **SECTION 35.** 48.357 (1) (am) 2m. of the statutes is amended to read:

18 48.357 (1) (am) 2m. Changes in placement that were authorized in the
19 dispositional order may be made immediately if notice is given as required under
20 subd. 1. ~~In addition, a~~ A hearing is not required for changes in placement ~~changes~~
21 authorized in the dispositional order except when an objection filed by a person who
22 received notice alleges that new information is available that affects the advisability
23 of the court's dispositional order.

24 **SECTION 36.** 48.357 (1) (am) 3. of the statutes is amended to read:

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1 48.357 (1) (am) 3. If the court changes the child’s placement from a placement
2 outside the home to another placement outside the home, the ~~change in placement~~
3 change-in-placement order shall contain the applicable order under sub. (2v) (a) 1m.
4 ~~and~~, the applicable statement under sub. (2v) (a) 2., ~~and the finding under sub. (2v)~~
5 (a) 2m. If the court changes the placement of an Indian child who has been removed
6 from the home of his or her parent or Indian custodian from a placement outside that
7 home to another placement outside that home, the ~~change in placement~~
8 change-in-placement order shall, in addition, comply with the order of placement
9 preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court
10 finds good cause, as described in s. 48.028 (7) (e), for departing from that order.

11 **SECTION 37.** 48.357 (1) (c) (title) of the statutes is created to read:

12 48.357 (1) (c) (title) *In-home to out-of-home placement.*

13 **SECTION 38.** 48.357 (1) (c) 1. of the statutes is amended to read:

14 48.357 (1) (c) 1. If the proposed change in placement would change the
15 placement of a child placed in the home to a placement outside the home, the person
16 or agency primarily responsible for implementing the dispositional order, the district
17 attorney, or the corporation counsel shall submit a request for the change in
18 placement to the court. The request shall contain the name and address of the new
19 placement, the reasons for the change in placement, a statement describing why the
20 new placement is preferable to the present placement, and a statement of how the
21 new placement satisfies the objectives of the treatment plan or permanency plan
22 ordered by the court. The request shall also contain specific information showing
23 that continued placement of the child in his or her home would be contrary to the
24 welfare of the child and, unless any of the circumstances specified in s. 48.355 (2d)
25 (b) 1. to 5. applies, specific information showing that the agency primarily

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1 responsible for implementing the dispositional order has made reasonable efforts to
2 prevent the removal of the child from the home, while assuring that the child's health
3 and safety are the paramount concerns.

4 **SECTION 39.** 48.357 (1) (c) 2. of the statutes is amended to read:

5 48.357 (1) (c) 2. The court shall hold a hearing prior to ordering any change in
6 placement requested under subd. 1. ~~Not less than~~ At least 3 days prior to before the
7 hearing, the court shall provide notice of the hearing, together with a copy of the
8 request for the change in placement, to the child, the child's counsel or guardian ad
9 litem, the parent, guardian, and legal custodian of the child, the person or agency
10 primarily responsible for implementing the dispositional order, the district attorney
11 or corporation counsel, any foster parent or other physical custodian described in s.
12 48.62 (2), the child's court-appointed special advocate, ~~all parties that are bound by~~
13 ~~the dispositional order~~, and, if the child is an Indian child, the Indian child's Indian
14 custodian and tribe. Subject to subd. 2r., if all parties consent, the court may proceed
15 immediately with the hearing.

16 **SECTION 40.** 48.357 (1) (c) 2m. of the statutes is amended to read:

17 48.357 (1) (c) 2m. If the court changes the child's placement from a placement
18 in the child's home to a placement outside the child's home, the parent, if present at
19 the hearing, shall be requested to provide the names and other identifying
20 information of 3 relatives of the child or other individuals 18 years of age or over
21 whose homes the parent requests the court to consider as placements for the child,
22 unless that information has previously been provided under this subdivision, sub.
23 (2m) (bm), or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that
24 information at the hearing, the county department, the department in a county
25 having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible

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1 for implementing the dispositional order shall permit the parent to provide the
2 information at a later date.

3 **SECTION 41.** 48.357 (1) (c) 3. of the statutes is amended to read:

4 48.357 (1) (c) 3. If the court changes the child's placement from a placement in
5 the child's home to a placement outside the child's home, the ~~change in placement~~
6 change-in-placement order shall contain the findings under sub. (2v) (a) 1., the
7 applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a)
8 2., the finding under sub. (2v) (a) 2m., and, if in addition the court finds that any of
9 the circumstances under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
10 the determination under sub. (2v) (a) 3. If the court changes the placement of an
11 Indian child from a placement in the home of his or her parent or Indian custodian
12 to a placement outside that home, the ~~change in placement~~ change-in-placement
13 order shall, in addition, contain the findings under sub. (2v) (a) 4. and comply with
14 the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028
15 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e), for departing
16 from the order.

17 **SECTION 42.** 48.357 (2) (title) of the statutes is created to read:

18 48.357 (2) (title) EMERGENCY CHANGE IN PLACEMENT.

19 **SECTION 43.** 48.357 (2) of the statutes is renumbered 48.357 (2) (a) and
20 amended to read:

21 48.357 (2) (a) Emergency changes in placement generally. ~~If Except as provided~~
22 in par. (b), if emergency conditions necessitate an immediate change in the
23 placement of a child or expectant mother ~~placed outside the home,~~ the person or
24 agency primarily responsible for implementing the dispositional order may remove
25 the child or expectant mother to a new placement, whether or not authorized by the

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1 existing dispositional order, without the prior notice ~~provided in~~ under sub. (1) (am)
2 1. or the consent required under sub. (1) (am) 2r. ~~The notice shall, however, Notice~~
3 of the emergency change in placement shall be sent to the persons specified in sub.
4 (1) (am) 1. within 48 hours after the emergency change in placement. Any party
5 receiving notice may demand a hearing under sub. (1) (am) 2.

6 (c) Placements permitted in emergency. In emergency situations, a child may
7 be placed in a licensed public or private shelter care facility as a transitional
8 placement for not more than 20 days, ~~as well as~~ or in any placement authorized under
9 s. 48.345 (3).

10 **SECTION 44.** 48.357 (2) (b) of the statutes is created to read:

11 48.357 (2) (b) *Emergency in-home to out-of-home placements.* 1. If emergency
12 conditions necessitate an immediate change in placement of a child or expectant
13 mother placed in the home to a placement outside the home, the person or agency
14 primarily responsible for implementing the dispositional order may remove the child
15 or expectant mother to a new placement, whether or not authorized by the existing
16 dispositional order, without first requesting a change in placement under sub. (1) (c)
17 1.

18 2. Except as provided in subd. 3., a hearing on an emergency change in
19 placement under subd. 1. shall be held within 48 hours after the emergency change
20 in placement is made, excluding Saturdays, Sundays, and legal holidays. When a
21 child or expectant mother is removed to a new placement under subd. 1., the person
22 or agency that removed the child or expectant mother shall immediately notify the
23 court by the most practical means. As soon as possible after receiving that notice,
24 the court shall schedule the hearing and the person or agency that removed the child
25 or expectant mother, by the most practical means, shall provide notice of the hearing

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1 to the child, the child’s counsel or guardian ad litem, the parent, guardian, and legal
2 custodian of the child, the person or agency primarily responsible for implementing
3 the dispositional order, the district attorney or corporation counsel, any foster parent
4 or other physical custodian described in s. 48.62 (2), the child’s court–appointed
5 special advocate, and, if the child is an Indian child, the Indian child’s Indian
6 custodian and tribe.

7 3. By the time of the hearing under subd. 2., a request for a change in placement
8 under sub. (1) (c) 1. shall be filed with the court. The court shall hold a hearing on
9 the request as provided in sub. (1) (c) 2., except that, subject to sub. (1) (c) 2r., if all
10 parties consent, the court may proceed immediately with the hearing under sub. (1)
11 (c) 2. in lieu of the hearing under subd. 2.

12 4. If the court orders an emergency change in placement under subd. 2., the
13 change–in–placement order shall contain the findings under sub. (2v) (a) 1., the
14 applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a)
15 2., the finding under sub. (2v) (a) 2m., and, if in addition the court finds that any of
16 the circumstances under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
17 the determination under sub. (2v) (a) 3.

18 **SECTION 45.** 48.357 (2m) (title) of the statutes is created to read:

19 48.357 (2m) (title) REQUEST BY OTHERS.

20 **SECTION 46.** 48.357 (2m) (a) of the statutes is amended to read:

21 48.357 (2m) (a) Request; information required. Except as provided in par. (bv),
22 the child, the child’s counsel or guardian ad litem, the parent, guardian, legal
23 custodian, or Indian custodian of the child, the expectant mother, or the unborn
24 child’s guardian ad litem, ~~or any person or agency primarily bound by the~~
25 ~~dispositional order, other than the person or agency responsible for implementing~~

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1 ~~the order,~~ may request a change in the placement under this paragraph of the child
2 or expectant mother as provided in this subsection. The request shall contain the
3 name and address of the new placement requested and shall state what new
4 information is available that affects the advisability of the current placement. If the
5 proposed change in placement would change the placement of a child placed in the
6 child's home to a placement outside the child's home, the request shall also contain
7 specific information showing that continued placement of the child in the home
8 would be contrary to the welfare of the child and, unless any of the circumstances
9 under s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that the agency
10 primarily responsible for implementing the dispositional order has made reasonable
11 efforts to prevent the removal of the child from the home, while assuring that the
12 child's health and safety are the paramount concerns. The request shall be
13 submitted to the court. The court may also propose a change in placement on its own
14 motion.

15 **SECTION 47.** 48.357 (2m) (am) (title) of the statutes is created to read:

16 48.357 (**2m**) (am) (title) *Indian child; additional information required.*

17 **SECTION 48.** 48.357 (2m) (b) (title) of the statutes is created to read:

18 48.357 (**2m**) (b) (title) *Hearing; when required.*

19 **SECTION 49.** 48.357 (2m) (b) of the statutes is renumbered 48.357 (2m) (b) 1.
20 and amended to read:

21 48.357 (**2m**) (b) 1. The court shall hold a hearing prior to ordering any change
22 in placement requested or proposed under par. (a) if the request or proposal states
23 that new information is available that affects the advisability of the current
24 placement. Except as provided in par. (bv), a hearing is not required if the requested
25 or proposed change in placement does not involve a change in placement of a child

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1 placed in the child's home to a placement outside the child's home, written waivers
2 of objection to the proposed change in placement are signed by all persons entitled
3 to receive notice under ~~this paragraph~~ subd. 2., other than a court-appointed special
4 advocate, and the court approves.

5 2. If a hearing is scheduled, ~~not less than~~ at least 3 days before the hearing the
6 court shall notify the child, the child's counsel or guardian ad litem, the parent,
7 guardian, and legal custodian of the child, the person or agency primarily
8 responsible for implementing the dispositional order, the district attorney or
9 corporation counsel, any foster parent or other physical custodian described in s.
10 48.62 (2) of the child, the child's court-appointed special advocate, ~~all parties who are~~
11 ~~bound by the dispositional order~~, and, if the child is an Indian child, the Indian child's
12 Indian custodian and tribe. If the child is the expectant mother of an unborn child
13 under s. 48.133, the court shall also notify the unborn child's guardian ad litem. If
14 the change in placement involves an adult expectant mother of an unborn child
15 under s. 48.133, at least 3 days before the hearing the court shall notify the adult
16 expectant mother, the unborn child's guardian ad litem, ~~and all parties who are~~
17 ~~bound by~~ the person or agency primarily responsible for implementing the
18 dispositional order, at least 3 days prior to the hearing and the district attorney or
19 corporation counsel. A copy of the request or proposal for the change in placement
20 shall be attached to the notice. Subject to par. (br), if all of the parties consent, the
21 court may proceed immediately with the hearing.

22 **SECTION 50.** 48.357 (2m) (bm) of the statutes is amended to read:

23 48.357 (2m) (bm) Child placed outside the home. If the court changes the child's
24 placement from a placement in the child's home to a placement outside the child's
25 home, the parent, if present at the hearing, shall be requested to provide the names

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1 and other identifying information of 3 relatives of the child or other individuals 18
2 years of age or over whose homes the parent requests the court to consider as
3 placements for the child, unless that information has previously been provided under
4 this paragraph, sub. (1) (c) 2m., or s. 48.21 (3) (f) or 48.335 (6). If the parent does not
5 provide that information at the hearing, the county department, the department in
6 a county having a population of 500,000 750,000 or more, or the agency primarily
7 responsible for implementing the dispositional order shall permit the parent to
8 provide the information at a later date.

9 **SECTION 51.** 48.357 (2m) (br) of the statutes is amended to read:

10 48.357 (2m) (br) *Indian child; notice.* If the child is an Indian child, and if the
11 proposed change in placement would change the placement of the Indian child from
12 a placement in the home of his or her parent or Indian custodian to a placement
13 outside that home, notice under par. (b) 2. to the Indian child's parent, Indian
14 custodian, and tribe shall be provided in the manner specified in s. 48.028 (4) (a).
15 Notwithstanding par. (b) 2., no hearing on the request or proposal may be held until
16 at least 10 days after receipt of the notice by the Indian child's parent, Indian
17 custodian, and tribe or, if the identity or location of the Indian child's parent, Indian
18 custodian, or tribe cannot be determined, until at least 15 days after receipt of the
19 notice by the U.S. secretary of the interior. On request of the Indian child's parent,
20 Indian custodian, or tribe, the court shall grant a continuance of up to 20 additional
21 days to enable the requester to prepare for the hearing.

22 **SECTION 52.** 48.357 (2m) (c) of the statutes is amended to read:

23 48.357 (2m) (c) *Contents of order.* 1. If the court changes the child's placement
24 from a placement in the child's home to a placement outside the child's home, the
25 ~~change in placement~~ change-in-placement order shall contain the findings under

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1 sub. (2v) (a) 1., the applicable order under sub. (2v) (a) 1m., the applicable statement
2 under sub. (2v) (a) 2., the finding under sub. (2v) (a) 2m., and, if in addition the court
3 finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies with
4 respect to a parent, the determination under sub. (2v) (a) 3. If the court changes the
5 placement of an Indian child from a placement in the home of his or her parent or
6 Indian custodian to a placement outside that home, the ~~change in placement~~
7 change-in-placement order shall, in addition, contain the findings under sub. (2v)
8 (a) 4. and comply with the order of placement preference under s. 48.028 (7) (b) or,
9 if applicable, s. 48.028 (7) (c), unless the court finds good cause, as described in s.
10 48.028 (7) (e), for departing from that order.

11 2. If the court changes the child's placement from a placement outside the home
12 to another placement outside the home, the ~~change in placement~~
13 change-in-placement order shall contain the applicable order under sub. (2v) (a) 1m.
14 ~~and~~, the applicable statement under sub. (2v) (a) 2., and the finding under sub. (2v)
15 (a) 2m. If the court changes the placement of an Indian child from a placement
16 outside the home of his or her parent or Indian custodian to another placement
17 outside that home, the ~~change in placement~~ change-in-placement order shall, in
18 addition, comply with the order of placement preference under s. 48.028 (7) (b) or, if
19 applicable, s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028
20 (7) (e), for departing from that order.

21 **SECTION 53.** 48.357 (2r) of the statutes is amended to read:

22 48.357 (2r) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN. If a
23 hearing is held under sub. (1) (am) 2. or (2m) (b) 1. and the change in placement would
24 remove a child from a foster home or other placement with a physical custodian
25 described in s. 48.62 (2), the court shall give the foster parent or other physical

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1 custodian a right to be heard at the hearing by permitting the foster parent or other
2 physical custodian to make a written or oral statement during the hearing or to
3 submit a written statement prior to the hearing relating to the child and the
4 requested change in placement. A foster parent or other physical custodian
5 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (am) 1. or (2m)
6 (b) 2. and a right to be heard under this subsection does not become a party to the
7 proceeding on which the hearing is held solely on the basis of receiving that notice
8 and right to be heard.

9 **SECTION 54.** 48.357 (2v) (title) of the statutes is created to read:

10 48.357 (2v) (title) ~~CHANGE-IN-PLACEMENT ORDER.~~

11 **SECTION 55.** 48.357 (2v) (a) (title) of the statutes is created to read:

12 48.357 (2v) (a) (title) *Contents of order.*

13 **SECTION 56.** 48.357 (2v) (a) 1. of the statutes is amended to read:

14 48.357 (2v) (a) 1. If the ~~change in placement~~ change-in-placement order
15 changes the child's placement from a placement in the child's home to a placement
16 outside the child's home, a finding that continued placement of the child in his or her
17 home would be contrary to the welfare of the child and, unless a circumstance
18 specified in s. 48.355 (2d) (b) 1. to 5. applies, a finding that the county department,
19 department, in a county having a population of 750,000 or more, or the agency
20 primarily responsible for implementing the dispositional order has made reasonable
21 efforts to prevent the removal of the child from the home, while assuring that the
22 child's health and safety are the paramount concerns.

23 **SECTION 57.** 48.357 (2v) (a) 1m. of the statutes is amended to read:

24 48.357 (2v) (a) 1m. If the ~~change in placement~~ change-in-placement order
25 changes the placement of a child who is under the supervision of the county

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1 department or, in a county having a population of 500,000 750,000 or more, the
2 department to a placement outside the child's home, whether from a placement in
3 the home or from another placement outside the home, an order ordering the child
4 into, or to be continued in, the placement and care responsibility of the county
5 department or department as required under 42 USC 672 (a) (2) and assigning the
6 county department or department primary responsibility, or continued primary
7 responsibility, for providing services to the child.

8 **SECTION 58.** 48.357 (2v) (a) 2. of the statutes is amended to read:

9 48.357 (2v) (a) 2. If the ~~change in placement~~ change-in-placement order would
10 ~~change~~ changes the placement of the child to a placement outside the home
11 recommended by the person or agency primarily responsible for implementing the
12 dispositional order, whether from a placement in the home or from another
13 placement outside the home, a statement that the court approves the placement
14 recommended by that person or agency or, if the ~~change in placement~~
15 change-in-placement order would ~~change~~ changes the placement of the child to a
16 placement outside the home that is not a placement recommended by that person or
17 agency, whether from a placement in the home or from another placement outside
18 the home, a statement that the court has given bona fide consideration to the
19 recommendations made by that person or agency and all parties relating to the
20 child's placement.

21 **SECTION 59.** 48.357 (2v) (a) 2m. of the statutes is amended to read:

22 48.357 (2v) (a) 2m. If the change-in-placement order changes the placement
23 of the child to a placement outside the home and if the child has one or more siblings,
24 as defined in s. 48.38 (4) (br) 1., who have been placed outside the home or for whom
25 a change in placement to a placement outside the home is requested, a finding as to

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1 whether the county department, the department in a county having a population of
2 500,000 750,000 or more, or the agency primarily responsible for implementing the
3 dispositional order has made reasonable efforts to place the child in a placement that
4 enables the sibling group to remain together, unless the court determines that a joint
5 placement would be contrary to the safety or well-being of the child or any of those
6 siblings, in which case the court shall order the county department, department, or
7 agency to make reasonable efforts to provide for frequent visitation or other ongoing
8 interaction between the child and the siblings, unless the court determines that such
9 visitation or interaction would be contrary to the safety or well-being of the child or
10 any of those siblings.

11 **SECTION 60.** 48.357 (2v) (b) (title) of the statutes is created to read:

12 48.357 (2v) (b) (title) *Documentation of basis of findings.*

13 **SECTION 61.** 48.357 (2v) (c) (title) of the statutes is created to read:

14 48.357 (2v) (c) (title) *Reasonable efforts not required; permanency hearing.*

15 **SECTION 62.** 48.357 (2v) (d) (title) of the statutes is created to read:

16 48.357 (2v) (d) (title) *Search for relatives.*

17 **SECTION 63.** 48.357 (2v) (d) 1. of the statutes is amended to read:

18 48.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county
19 department, the department in a county having a population of 500,000 750,000 or
20 more, or the agency primarily responsible for implementing the dispositional order
21 to conduct a diligent search in order to locate and provide notice of the information
22 specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the child named under sub. (1)
23 (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the
24 child within 30 days after the child is removed from the custody of the child's parent
25 unless the child is returned to his or her home within that period. The court may also

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1 order the county department, department, or agency to conduct a diligent search in
2 order to locate and provide notice of that information to all other adult individuals
3 named under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the child is removed
4 from the custody of the child's parent unless the child is returned to his or her home
5 within that period. The county department, department, or agency may not provide
6 that notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult
7 relative if the county department, department, or agency has reason to believe that
8 it would be dangerous to the child or to the parent if the child were placed with that
9 person or adult relative.

10 **SECTION 64.** 48.357 (4d) (title) of the statutes is created to read:

11 48.357 (4d) (title) PROHIBITED PLACEMENTS BASED ON HOMICIDE OF PARENT.

12 **SECTION 65.** 48.357 (4d) (a) of the statutes is amended to read:

13 48.357 (4d) (a) *Prohibition.* Except as provided in par. (b), the court may not
14 change a child's placement to a placement in the home of a person who has been
15 convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05
16 of the ~~2nd-degree intentional~~ homicide, of a parent of the child under s. 940.01 or
17 940.05, if the conviction has not been reversed, set aside, or vacated.

18 **SECTION 66.** 48.357 (4d) (am) of the statutes is amended to read:

19 48.357 (4d) (am) *Change in placement required.* Except as provided in par. (b),
20 if a parent in whose home a child is placed is convicted under s. 940.01 of the
21 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
22 homicide, of the child's other parent under s. 940.01 or 940.05, and the conviction has
23 not been reversed, set aside, or vacated, the court shall change the child's placement
24 to a placement ~~out of~~ outside the home of the parent on petition of the child, the child's
25 counsel or guardian ad litem, the guardian or legal custodian of the child, ~~a~~ the

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1 person or agency bound by primarily responsible for implementing the dispositional
2 order, or the district attorney or corporation counsel of the county in which the
3 dispositional order was entered, or on the court's own motion, and on notice to the
4 parent.

5 **SECTION 67.** 48.357 (4d) (b) (title) of the statutes is created to read:

6 48.357 (4d) (b) (title) *Exception.*

7 **SECTION 68.** 48.357 (5m) of the statutes is amended to read:

8 48.357 (5m) CHILD SUPPORT. (a) If a proposed change in placement ~~changes~~
9 would change a child's placement from a placement in the child's home to a placement
10 outside the child's home, the court shall order the child's parent to provide a
11 statement of the income, assets, debts, and living expenses of the child and the child's
12 parent to the court or the person or agency primarily responsible for implementing
13 the dispositional order by a date specified by the court. The clerk of court shall
14 provide, without charge, to any parent ordered to provide ~~a~~ that statement of
15 ~~income, assets, debts, and living expenses~~ a document setting forth the percentage
16 standard established by the department under s. 49.22 (9) and the manner of its
17 application established by the department under s. 49.345 (14) (g) and listing the
18 factors that a court may consider under s. 49.345 (14) (c). If the child is placed outside
19 the child's home, the court shall determine the liability of the parent in the manner
20 provided in s. 49.345 (14).

21 (b) If the court orders the child's parent to provide a statement of the income,
22 assets, debts, and living expenses of the child and the child's parent to the court or
23 if the court orders the child's parent to provide that statement to the person or agency
24 primarily responsible for implementing the dispositional order and that person or
25 agency is not the county department or, in a county having a population of 500,000

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1 750,000 or more, the department, the court shall also order the child's parent to
2 provide that statement to the county department or, in a county having a population
3 of ~~500,000~~ 750,000 or more, the department by a date specified by the court. The
4 county department or, in a county having a population of ~~500,000~~ 750,000 or more,
5 the department shall provide, without charge, to the parent a form on which to
6 provide that statement, and the parent shall provide that statement on that form.
7 The county department or, in a county having a population of ~~500,000~~ 750,000 or
8 more, the department shall use the information provided in the statement to
9 determine whether the department may claim federal foster care and adoption
10 assistance reimbursement under 42 USC 670 to 679a for the cost of providing care
11 for the child.

12 **SECTION 69.** 48.357 (5r) (title) of the statutes is created to read:

13 48.357 (**5r**) (title) EXPECTANT MOTHER; PLACEMENT OUTSIDE THE HOME.

14 **SECTION 70.** 48.357 (6) (title) of the statutes is created to read:

15 48.357 (**6**) (title) DURATION OF ORDER.

16 **SECTION 71.** 48.357 (6) (a) (intro.) of the statutes is amended to read:

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

22 **SECTION 72.** 48.357 (6) (a) 1. of the statutes is amended to read:

23 48.357 (**6**) (a) 1. The date on which the child reaches attains 18 years of age.

24 **SECTION 73.** 48.357 (6) (a) 2. of the statutes is amended to read:

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1 48.357 (6) (a) 2. The date that is one year after the date on which the ~~change~~
2 ~~in placement~~ change-in-placement order is entered granted.

3 **SECTION 74.** 48.357 (6) (a) 3. of the statutes is amended to read:

4 48.357 (6) (a) 3. The date on which the child is granted a high school or high
5 school equivalency diploma or the date on which the child ~~reaches~~ attains 19 years
6 of age, whichever occurs first, if the child is a full-time student at a secondary school
7 or its vocational or technical equivalent and is reasonably expected to complete the
8 program before ~~reaching~~ attaining 19 years of age.

9 **SECTION 75.** 48.357 (6) (a) 4. of the statutes is amended to read:

10 48.357 (6) (a) 4. The date on which the child is granted a high school or high
11 school equivalency diploma or the date on which the child ~~reaches~~ attains 21 years
12 of age, whichever occurs first, if the child is a full-time student at a secondary school
13 or its vocational or technical equivalent and if an individualized education program
14 under s. 115.787 is in effect for the child. The court may not ~~enter~~ grant an order that
15 terminates as provided in this subdivision unless the child is 17 years of age or older
16 when the order is entered granted and the child, or the child's guardian on behalf of
17 the child, agrees to the order. At any time after the child ~~reaches~~ attains 18 years
18 of age, the child, or the child's guardian on behalf of the child, may request the court
19 in writing to terminate the order and, on receipt of such a request, the court, without
20 a hearing, shall terminate the order.

21 **SECTION 76.** 48.357 (6) (b) of the statutes is amended to read:

22 48.357 (6) (b) If the change in placement is from a placement outside the home
23 to a placement in the child's home and if the expiration date of the original
24 dispositional order is more than one year after the date on which the ~~change in~~
25 ~~placement~~ change-in-placement order is entered granted, the court shall shorten

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1 the expiration date of the original dispositional order to the date that is one year after
2 the date on which the ~~change in placement~~ change-in-placement order is entered
3 granted or to an earlier date as specified by the court.

4 **SECTION 77.** 48.358 (2) (a) of the statutes is amended to read:

5 48.358 (2) (a) *Request or proposal.* No trial reunification may occur without a
6 court order. Only the person or agency primarily responsible for implementing the
7 dispositional order may request the court to order a trial reunification. The request
8 shall contain the name and address of the requested trial reunification home, a
9 statement describing why the trial reunification is in the best interests of the child,
10 and a statement describing how the trial reunification satisfies the objectives of the
11 child's permanency plan. A request for a trial reunification may not be made on the
12 sole grounds that an emergency condition necessitates an immediate removal of the
13 child from his or her out-of-home placement. If an emergency condition necessitates
14 such an immediate removal, the person or agency primarily responsible for
15 implementing the dispositional order shall proceed as provided in s. 48.357 (2) (a).

16 **SECTION 78.** 48.36 (1) (a) of the statutes is amended to read:

17 48.36 (1) (a) If legal custody is transferred from the parent or guardian or the
18 court otherwise designates an alternative placement for the child by a consent decree
19 under s. 48.32, a disposition made under s. 48.345, or ~~by~~ a change in placement under
20 s. 48.357, the duty of the parent or guardian or, in the case of a transfer of
21 guardianship and custody under s. 48.839 (4), the duty of the former guardian to
22 provide support shall continue even though the legal custodian or the placement
23 designee may provide the support. A copy of the order transferring custody or
24 designating alternative placement for the child shall be submitted to the agency or
25 person receiving custody or placement and the agency or person may apply to the

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1 court for an order to compel the parent or guardian to provide the support. Support
2 payments for residential services, when purchased or otherwise funded or provided
3 by the department or a county department, shall be determined under s. 49.345 (14).
4 Support payments for residential services, when purchased or otherwise funded by
5 the department of health services or a county department under s. 51.42 or 51.437,
6 shall be determined under s. 46.10 (14).

7 **SECTION 79.** 48.365 (5) (a) of the statutes is amended to read:

8 48.365 (5) (a) Except as provided in s. 48.368, an order under this section that
9 continues the placement of a child in his or her home or that relates to an unborn
10 child of an adult expectant mother shall be for a specified length of time not to exceed
11 one year after the date on which the order is ~~entered~~ granted.

12 **SECTION 80.** 48.365 (5) (b) 1. of the statutes is amended to read:

13 48.365 (5) (b) 1. The date on which the child ~~reaches~~ attains 18 years of age.

14 **SECTION 81.** 48.365 (5) (b) 2. of the statutes is amended to read:

15 48.365 (5) (b) 2. The date that is one year after the date on which the order is
16 ~~entered~~ granted.

17 **SECTION 82.** 48.365 (5) (b) 3. of the statutes is amended to read:

18 48.365 (5) (b) 3. The date on which the child is granted a high school or high
19 school equivalency diploma or the date on which the child ~~reaches~~ attains 19 years
20 of age, whichever occurs first, if the child is a full-time student at a secondary school
21 or its vocational or technical equivalent and is reasonably expected to complete the
22 program before ~~reaching~~ attaining 19 years of age.

23 **SECTION 83.** 48.365 (5) (b) 4. of the statutes is amended to read:

24 48.365 (5) (b) 4. The date on which the child is granted a high school or high
25 school equivalency diploma or the date on which the child ~~reaches~~ attains 21 years

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

10 **SECTION 84.** 48.38 (4m) (title) of the statutes is amended to read:

11 48.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY
12 DETERMINATION HEARING.

13 **SECTION 85.** 48.42 (1) (bm) of the statutes is created to read:

14 48.42 (1) (bm) The information required under s. 822.29 (1).

15 **SECTION 87.** 48.437 of the statutes is created to read:

16 **48.437 Change in placement; posttermination of parental rights. (1)**

17 REQUEST BY GUARDIAN OR PROSECUTOR. (a) *Notice; information required.* The agency
18 appointed as the guardian of a child who is subject to a guardianship order under s.
19 48.427 (3m) (a) 1. to 4., (am), or (b), the district attorney, or the corporation counsel
20 may request a change in the placement of the child by causing written notice of the
21 proposed change in placement to be sent to the child, the child's counsel or guardian
22 ad litem, the legal custodian of the child, any foster parent or other physical
23 custodian described in s. 48.62 (2) of the child, the operator of the facility in which
24 the child is living, any agency responsible for securing the adoption of the child or
25 for establishing the child in a permanent family setting, and, if the child is an Indian

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1 child who has been removed from the home of his or her parent or Indian custodian,
2 the Indian child's Indian custodian and tribe.

3 2. The notice shall contain the name and address of the new placement, the
4 reasons for the change in placement, a statement describing why the new placement
5 is preferable to the present placement, a statement of how the new placement
6 satisfies the objectives of the treatment plan or permanency plan ordered by the
7 court, and, if the child is an Indian child who has been removed from the home of his
8 or her parent or Indian custodian, a statement as to whether the new placement is
9 in compliance with the order of placement preference under s. 48.028 (7) (b) or, if
10 applicable, s. 48.028 (7) (c) and, if the new placement is not in compliance with that
11 order, specific information showing good cause, as described in s. 48.028 (7) (e), for
12 departing from that order. The person sending the notice shall file the notice with
13 the court on the same day the notice is sent.

14 (bm) *Hearing; order.* On receipt of the notice under par. (a), the court shall
15 review the notice and decide whether to hold a hearing on the matter prior to
16 ordering any change in placement or to enter an order changing the child's placement
17 as proposed in the notice without a hearing. If the court decides to hold a hearing
18 on the matter, within 10 days after the notice is filed with the court, but at least 3
19 days before the hearing, the court shall provide notice of the hearing to the agency
20 appointed as the guardian of the child, the district attorney or corporation counsel,
21 and all persons who are required to receive notice under par. (a). If the court decides
22 not to hold a hearing on the matter, within 10 days after the notice is filed with the
23 court, the court, without a hearing, shall enter an order changing the child's
24 placement as proposed in the notice and shall provide a copy of the order to the
25 agency appointed as the guardian of the child, the district attorney or corporation

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1 counsel, and all persons who are required to receive notice under par. (a). The child's
2 placement may not be changed until 10 days after the notice under par. (a) is filed
3 with the court unless the court, without a hearing, enters an order changing the
4 child's placement sooner.

5 (c) *Contents of order.* The change-in-placement order shall contain the
6 applicable order under sub. (2v) (a), the applicable statement under sub. (2v) (b), and
7 the finding under sub. (2v) (c). If the court changes the placement of an Indian child
8 who has been removed from the home of his or her parent or Indian custodian, the
9 change-in-placement order shall, in addition, comply with the order of placement
10 preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court
11 finds good cause, as described in s. 48.028 (7) (e), for departing from that order.

12 (2) EMERGENCY CHANGE IN PLACEMENT. If emergency conditions necessitate an
13 immediate change in the placement of a child who is the subject of a guardianship
14 order under s. 48.427 (3) (a) 1. to 4., (am), or (b), the agency appointed as the guardian
15 of the child may remove the child to a new placement without the prior notice under
16 sub. (1) (a). Notice of the emergency change in placement shall be sent to all persons
17 specified in sub. (1) (a) 1. and filed with the court within 48 hours after the emergency
18 change in placement. The court may hold a hearing on the matter as provided in sub.
19 (1) (bm). In emergency situations, a child may be placed in a licensed public or
20 private shelter care facility as a transitional placement for not more than 20 days or
21 in any placement authorized under s. 48.345 (3).

22 (2r) REMOVAL FROM FOSTER HOME, SUSTAINING PARENT, OR OTHER PHYSICAL
23 CUSTODIAN. If a hearing is held under sub. (1) (bm) and the change in placement
24 would remove a child from a foster home or other placement with a physical
25 custodian described in s. 48.62 (2), the court shall give the foster parent or other

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1 physical custodian a right to be heard at the hearing by permitting the foster parent
2 or other physical custodian to make a written or oral statement during the hearing
3 or to submit a written statement prior to the hearing relating to the child and the
4 requested change in placement. A foster parent or other physical custodian
5 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (bm) and a
6 right to be heard under this subsection does not become a party to the proceeding on
7 which the hearing is held solely on the basis of receiving that notice and right to be
8 heard.

9 (2v) CHANGE-IN-PLACEMENT ORDER. A change-in-placement order under sub.
10 (1) shall contain all of the following:

11 (a) If the change-in-placement order changes the placement of a child who is
12 under the guardianship of the department or a county department, an order ordering
13 the child to be continued in the placement and care responsibility of the department
14 or county department as required under 42 USC 672 (a) (2) and assigning the
15 department or county department continued primary responsibility for providing
16 services to the child.

17 (b) If the change-in-placement order changes the placement of the child to a
18 placement recommended by the agency appointed as the guardian of the child under
19 s. 48.427 (3m) (a) 1. to 4., (am), or (b), a statement that the court approves the
20 placement recommended by that agency or, if the change-in-placement order
21 changes the placement of the child to a placement that is not a placement
22 recommended by that agency, a statement that the court has given bona fide
23 consideration to the recommendations made by that agency and all parties relating
24 to the child's placement.

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1 (c) If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who
2 have been placed outside the home or for whom a change in placement to a placement
3 outside the home is requested, a finding as to whether the agency appointed as the
4 child’s guardian under s. 48.427 (3m) (a) 1. to 4., (am), or (b) has made reasonable
5 efforts to place the child in a placement that enables the sibling group to remain
6 together, unless the court determines that a joint placement would be contrary to the
7 safety or well-being of the child or any of those siblings, in which case the court shall
8 order the agency to make reasonable efforts to provide for frequent visitation or other
9 ongoing interaction between the child and the siblings, unless the court determines
10 that such visitation or interaction would be contrary to the safety or well-being of
11 the child or any of those siblings.

12 (3) PROHIBITED PLACEMENTS BASED ON HOMICIDE OF PARENT. Except as provided
13 in this subsection, the court may not change a child’s placement to a placement in the
14 home of a person who has been convicted of the homicide of a parent of the child under
15 s. 940.01 or 940.05, if the conviction has not been reversed, set aside, or vacated. This
16 subsection does not apply if the court determines by clear and convincing evidence
17 that the placement would be in the best interests of the child. The court shall
18 consider the wishes of the child in making that determination.

19 (4) EFFECTIVE PERIOD OF ORDER. A change-in-placement order under this
20 section remains in effect until the order is modified or terminated by further order
21 of the court. An order granting adoption of the child or transferring guardianship
22 and custody of the child to an individual terminates a change-in-placement order
23 under this section.

24 **SECTION 88.** 48.75 (1g) (d) of the statutes is amended to read:

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1 48.75 (1g) (d) If the public licensing agency issuing a license under par. (a) 2.
2 or 3. violates the agreement under par. (c), the public licensing agency of the county
3 in which the foster home is located may terminate the agreement and, subject to ss.
4 48.217, 48.32, 48.357 and, 48.437, 48.64, 938.217, 938.32, and 938.357, require the
5 public licensing agency that issued the license to remove the child from the foster
6 home within 30 days after receipt, by the public licensing agency that issued the
7 license, of notification of the termination of the agreement.

8 **SECTION 89.** 49.345 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
9 is amended to read:

10 49.345 (1) Liability and the collection and enforcement of such liability for the
11 care, maintenance, services, and supplies specified in this section are governed
12 exclusively by this section, except in cases of child support ordered by a court under
13 s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b)
14 4., 938.357 (5m) (a), or 938.363 (2) or ch. 767.

15 **SECTION 90.** 49.345 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
16 is amended to read:

17 49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including a
18 person placed under s. 48.32 (1) (am) or (b), 48.345 (3), 48.357 (1) or (2m), 938.183,
19 938.34 (3) or (4d), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance,
20 services, and supplies provided by any institution in this state, in which the state is
21 chargeable with all or part of the person's care, maintenance, services, and supplies,
22 and the person's property and estate, including the homestead, and the spouse of the
23 person, and the spouse's property and estate, including the homestead, and, in the
24 case of a minor child, the parents of the person, and their property and estates,
25 including their homestead, and, in the case of a foreign child described in s. 48.839

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1 (1) who became dependent on public funds for his or her primary support before an
2 order granting his or her adoption, the resident of this state appointed guardian of
3 the child by a foreign court who brought the child into this state for the purpose of
4 adoption, and his or her property and estate, including his or her homestead, shall
5 be liable for the cost of the care, maintenance, services, and supplies in accordance
6 with the fee schedule established by the department under s. 49.32 (1). If a spouse,
7 widow, or minor, or an incapacitated person may be lawfully dependent upon the
8 property for his or her support, the court shall release all or such part of the property
9 and estate from the charges that may be necessary to provide for the person. The
10 department shall make every reasonable effort to notify the liable persons as soon
11 as possible after the beginning of the maintenance, but the notice or the receipt of
12 the notice is not a condition of liability.

13 **SECTION 91.** 49.345 (14) (b) of the statutes, as affected by 2015 Wisconsin Act
14 55, is amended to read:

15 49.345 (14) (b) Except as provided in par. (c), and subject to par. (cm), liability
16 of a parent specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the
17 parent's minor child who has been placed by a court order under s. 48.32, 48.355,
18 48.357, 938.183, 938.355, or 938.357 in a residential, nonmedical facility such as a
19 group home, foster home, subsidized guardianship home, or residential care center
20 for children and youth shall be determined by the court by using the percentage
21 standard established by the department under s. 49.22 (9) and by applying the
22 percentage standard in the manner established by the department under par. (g).

23 **SECTION 92.** 49.345 (14) (e) 1. of the statutes, as affected by 2015 Wisconsin Act
24 55, section 1783, is amended to read:

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1 49.345 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4. or (4g) (a), 48.357
2 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), or 938.363 (2) for
3 support determined under this subsection constitutes an assignment of all
4 commissions, earnings, salaries, wages, pension benefits, income continuation
5 insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits
6 under ch. 102 or 108, and other money due or to be due in the future to the county
7 department under s. 46.215, 46.22, or 46.23 in the county where the order was
8 entered or to the department, depending upon the placement of the child as specified
9 by rules promulgated under subd. 5. The assignment shall be for an amount
10 sufficient to ensure payment under the order.

11 **SECTION 93.** 49.345 (14) (g) of the statutes, as affected by 2015 Wisconsin Act
12 55, is amended to read:

13 49.345 (14) (g) For purposes of determining child support under par. (b), the
14 department shall promulgate rules related to the application of the standard
15 established by the department under s. 49.22 (9) to a child support obligation for the
16 care and maintenance of a child who is placed by a court order under s. 48.32, 48.355,
17 48.357, 938.183, 938.355, or 938.357 in a residential, nonmedical facility. The rules
18 shall take into account the needs of any person, including dependent children other
19 than the child, whom either parent is legally obligated to support.

20 **SECTION 94.** 301.12 (1) of the statutes is amended to read:

21 301.12 (1) Liability and the collection and enforcement of such liability for the
22 care, maintenance, services, and supplies specified in this section is governed
23 exclusively by this section, except in cases of child support ordered by a court under
24 s. 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2) or ch. 767.

25 **SECTION 95.** 301.12 (2) of the statutes is amended to read:

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1 301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
2 including a person placed under s. 938.183, 938.32 (1) (bm) or (c), 938.34 (4h) or (4m),
3 or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies
4 provided by any institution in this state operated or contracted for by the
5 department, in which the state is chargeable with all or part of the person's care,
6 maintenance, services, and supplies, and the person's property and estate, including
7 the homestead, and the spouse of the person, and the spouse's property and estate,
8 including the homestead, and, in the case of a minor child, the parents of the person,
9 and their property and estates, including their homestead, and, in the case of a
10 foreign child described in s. 48.839 (1) who became dependent on public funds for his
11 or her primary support before an order granting his or her adoption, the resident of
12 this state appointed guardian of the child by a foreign court who brought the child
13 into this state for the purpose of adoption, and his or her property and estate,
14 including his or her homestead, shall be liable for the cost of the care, maintenance,
15 services, and supplies in accordance with the fee schedule established by the
16 department under s. 301.03 (18). If a spouse, widow, or minor, or an incapacitated
17 person, may be lawfully dependent upon the property for his or her support, the court
18 shall release all or such part of the property and estate from the charges that may
19 be necessary to provide for that person. The department shall make every
20 reasonable effort to notify the liable persons as soon as possible after the beginning
21 of the maintenance, but the notice or the receipt of the notice is not a condition of
22 liability.

23 **SECTION 96.** 301.12 (14) (b) of the statutes is amended to read:

24 301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
25 of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the

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1 parent's minor child who has been placed by a court order under s. 938.183, 938.32,
2 938.355, or 938.357 in a residential, nonmedical facility such as a group home, foster
3 home, residential care center for children and youth, or juvenile correctional
4 institution shall be determined by the court by using the percentage standard
5 established by the department of children and families under s. 49.22 (9) and by
6 applying the percentage standard in the manner established by the department
7 under par. (g).

8 **SECTION 97.** 301.12 (14) (e) 1. of the statutes, as affected by 2015 Wisconsin Act
9 55, is amended to read:

10 301.12 (14) (e) 1. An order issued under s. 938.183 (4), 938.355 (2) (b) 4. or (4g)
11 (a), 938.357 (5m) (a), or 938.363 (2) for support determined under this subsection
12 constitutes an assignment of all commissions, earnings, salaries, wages, pension
13 benefits, income continuation insurance benefits under s. 40.62, duty disability
14 benefits under s. 40.65, benefits under ch. 102 or 108, and other money due or to be
15 due in the future to the county department under s. 46.215, 46.22, or 46.23 in the
16 county where the order was entered or to the department, depending upon the
17 placement of the child as specified by rules promulgated under subd. 5. The
18 assignment shall be for an amount sufficient to ensure payment under the order.

19 **SECTION 98.** 301.12 (14) (g) of the statutes is amended to read:

20 301.12 (14) (g) For purposes of determining child support under par. (b), the
21 department shall promulgate rules related to the application of the standard
22 established by the department of children and families under s. 49.22 (9) to a child
23 support obligation for the care and maintenance of a child who is placed by a court
24 order under s. 938.183, 938.32, 938.355, or 938.357 in a residential, nonmedical
25 facility. The rules shall take into account the needs of any person, including

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1 dependent children other than the child, whom either parent is legally obligated to
2 support.

3 **SECTION 99.** 757.69 (1) (g) 6. of the statutes is amended to read:

4 757.69 (1) (g) 6. Enter into consent decrees or amended consent decrees under
5 s. 48.32 or 938.32.

6 **SECTION 100.** 757.69 (1) (g) 8. of the statutes is amended to read:

7 757.69 (1) (g) 8. Conduct hearings under s. 48.21 ~~or~~, 48.217, 938.21, or 938.217
8 and thereafter order a child or juvenile held in or released from custody.

9 **SECTION 101.** 757.69 (1) (g) 9. of the statutes is amended to read:

10 757.69 (1) (g) 9. Conduct hearings under s. 48.213 or 48.217 and thereafter
11 order an adult expectant mother of an unborn child to be held in or released from
12 custody.

13 **SECTION 102.** 757.69 (1) (g) 15. of the statutes is created to read:

14 757.69 (1) (g) 15. Conduct emergency in-home to out-of-home changes in
15 placement hearings under s. 48.357 (2) (b) or 938.357 (2) (b).

16 **SECTION 103.** 757.69 (1m) (d) of the statutes is amended to read:

17 757.69 (1m) (d) Make changes in placements of children, of juveniles, or of the
18 expectant mothers of unborn children, or revisions or extensions of dispositional
19 orders, except pursuant to petitions or citations under s. 938.125 ~~and~~, in uncontested
20 proceedings under s. 48.13, 48.133, 938.12, or 938.13, or as permitted under sub. (1)
21 (g) 6., 8., 9., and 15.

22 **SECTION 104.** 767.001 (1) (i) of the statutes is amended to read:

23 767.001 (1) (i) To enforce or modify a judgment or order in an action affecting
24 the family granted in this state or elsewhere or an order granted under s. 48.355 (4g)
25 (a) or 938.355 (4g) (a).

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1 **SECTION 105.** 767.001 (1) (m) of the statutes is amended to read:

2 767.001 (1) (m) To enforce or revise an order for support entered under s. 48.355
3 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g)
4 (a), 938.357 (5m) (a), or 938.363 (2).

5 **SECTION 106.** 767.59 (1) of the statutes is amended to read:

6 767.59 (1) DEFINITION. In this section, “support or maintenance order” means
7 a judgment or order providing for child support under this chapter or s. 48.355 (2)
8 (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a),
9 938.357 (5m) (a), 938.363 (2), or 948.22 (7), for maintenance payments under s.
10 767.56, for family support payments under this chapter, or for the appointment of
11 trustees or receivers under s. 767.57 (5).

12 **SECTION 107.** 767.59 (2) (c) of the statutes is amended to read:

13 767.59 (2) (c) If the court revises a judgment or order providing for child support
14 that was entered under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2),
15 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2), the court
16 shall determine child support in the manner provided in s. 49.345 (14) or 301.12 (14),
17 whichever is applicable.

18 **SECTION 108.** 767.77 (1) of the statutes is amended to read:

19 767.77 (1) DEFINITION. In this section, “payment obligation” means an
20 obligation to pay support under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363
21 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2), support
22 or maintenance under s. 767.501, child support, family support, or maintenance
23 under s. 767.225, child support under s. 767.511, maintenance under s. 767.56,
24 family support under s. 767.531, attorney fees under s. 767.241, child support or a
25 child’s health care expenses under s. 767.85, paternity obligations under s. 767.805

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1 (4), 767.863 (3), or 767.89, support arrearages under s. 767.71, or child or spousal
2 support under s. 948.22 (7).

3 **SECTION 109.** 767.78 (1) of the statutes is amended to read:

4 767.78 (1) DEFINITION. In this section, “financial obligation” means an
5 obligation for payment incurred under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a),
6 48.363 (2), 767.225, 767.241, 767.511, 767.531, 767.56, 767.61, 767.71, 767.805 (4),
7 767.85, 767.863 (3), 767.89, 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a),
8 or 938.363 (2).

9 **SECTION 110.** 780.01 (5) of the statutes is amended to read:

10 780.01 (5) For all arrearages owed by the owner in child support ordered under
11 s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b)
12 4. or (4g) (a), 938.357 (5m) (a), 938.363 (2), or 948.22 (7) or ch. 767 or 769 or in family
13 support ordered under ch. 767.

14 **SECTION 111.** 893.415 (2) of the statutes is amended to read:

15 893.415 (2) An action to collect child or family support owed under a judgment
16 or order entered under ch. 767, or to collect child support owed under a judgment or
17 order entered under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183
18 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), 938.363 (2), or 948.22 (7), shall be
19 commenced within 20 years after the youngest child for whom the support was
20 ordered under the judgment or order reaches the age of 18 or, if the child is enrolled
21 full-time in high school or its equivalent, reaches the age of 19.

22 **SECTION 112.** 938.028 (2) (c) of the statutes is amended to read:

23 938.028 (2) (c) “Out-of-home care placement” means the removal of an Indian
24 juvenile from the home of his or her parent or Indian custodian for temporary
25 placement in a foster home, group home, residential care center for children and

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1 youth, or shelter care facility, in the home of a relative other than a parent, or in the
2 home of a guardian, from which placement the parent or Indian custodian cannot
3 have the juvenile returned upon demand. “Out-of-home care placement” does not
4 include an emergency change in placement under s. 938.357 (2) (b) or holding an
5 Indian juvenile in custody under ss. 938.19 to 938.21.

6 **SECTION 113.** 938.185 (2) of the statutes is amended to read:

7 938.185 (2) ~~REVISION AND EXTENSION OF ORDERS~~ JUVENILE SUBJECT TO
8 DISPOSITIONAL ORDER. Venue for any proceeding under s. ~~938.357, 938.363, or 938.365~~
9 shall be in the county where the dispositional order was issued, unless the juvenile’s
10 county of residence has changed, or the parent of the juvenile has resided in a
11 different county of this state for at least 6 months. In either case, the court may, upon
12 a motion and for good cause shown, transfer prior to the proceeding the court of that
13 county determined that proper venue for the proceeding lies in another county and
14 transferred the case, along with all appropriate records, to the that other county of
15 residence of the juvenile or parent.

16 **SECTION 114.** 938.21 (5m) of the statutes is created to read:

17 938.21 (5m) EFFECTIVE PERIOD OF ORDER. An order to hold a juvenile in custody
18 remains in effect until a dispositional order is granted or a consent decree is entered
19 into, the petition under s. 938.25 is withdrawn or dismissed, or the order is modified
20 or terminated by further order of the court.

21 **SECTION 115.** 938.217 of the statutes is created to read:

22 **938.217 Change in placement; juvenile held in custody. (1) REQUEST BY**
23 **INTAKE WORKER, AGENCY RESPONSIBLE FOR CUSTODY ORDER, OR PROSECUTOR. (a)**
24 *Applicable procedures.* 1. Except as provided in subd. 2., the intake worker, the
25 agency primarily responsible for providing services under a temporary physical

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1 custody order under s. 938.21 (4), or the district attorney or corporation counsel may
2 request a change in the placement of the juvenile who is the subject of the order as
3 provided in this subsection, whether or not the change requested is authorized in the
4 order.

5 2. A change in the placement of a juvenile from a placement in the home to a
6 placement outside the home may only be made as provided in s. 938.21 (6).

7 (b) *Notice; information required.* 1. The intake worker, the agency primarily
8 responsible for providing services under a temporary physical custody order, or the
9 district attorney or corporation counsel may request a change in placement under
10 this subsection by causing written notice of the proposed change in placement to be
11 sent to the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian,
12 and legal custodian or Indian custodian of the juvenile, and any foster parent or other
13 physical custodian described in s. 48.62 (2) of the juvenile.

14 2. The notice shall contain the name and address of the new placement, the
15 reasons for the change in placement, and a statement describing why the new
16 placement is preferable to the present placement. The person sending the notice
17 shall file the notice with the court on the same day that the notice is sent.

18 (c) *Hearing; when required.* Any person receiving the notice under par. (b) may
19 obtain a hearing on the matter by filing an objection with the court within 10 days
20 after the notice is sent to that person and filed with the court. Except as provided
21 in par. (d), if an objection is filed within 10 days after that notice is sent and filed with
22 the court, the court shall hold a hearing prior to ordering any change in placement.
23 At least 3 days before the hearing, the court shall provide notice of the hearing to all
24 persons who are required to receive notice under par. (b). If all parties consent, the
25 court may proceed immediately with the hearing. Except as provided in par. (d), if

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1 no objection is filed within 10 days after that notice is sent and filed with the court,
2 the court shall enter an order changing the juvenile's placement as proposed in that
3 notice. Except as provided in par. (d), placements may not be changed until 10 days
4 after that notice is sent and filed with the court unless written waivers of objection
5 are signed by the parent, guardian, legal custodian, or Indian custodian of the
6 juvenile and the juvenile, if 12 years of age or over.

7 (d) *When hearing not required.* Changes in placement that were authorized in
8 the temporary physical custody order may be made immediately if notice is given as
9 required under par. (b). A hearing is not required for changes in placement
10 authorized in the temporary physical custody order except when an objection filed
11 by a person who received notice alleges that new information is available that affects
12 the advisability of the order.

13 (e) *Contents of order.* If the court changes a juvenile's placement from a
14 placement outside the home to another placement outside the home, the
15 change-in-placement order shall contain the applicable order under sub. (2v) (a),
16 the applicable statement under sub. (2v) (b), and the finding under sub. (2v) (c).

17 **(2) EMERGENCY CHANGE IN PLACEMENT.** If emergency conditions necessitate an
18 immediate change in the placement of a juvenile placed outside the home under a
19 temporary physical custody order under s. 938.21 (4), the intake worker or agency
20 primarily responsible for providing services under the temporary physical custody
21 order may remove the juvenile to a new placement, whether or not authorized by the
22 existing order, without the prior notice under sub. (1) (b). Notice of the emergency
23 change in placement shall be sent to the persons specified in sub. (1) (b) 1. within 48
24 hours after the emergency change in placement. Any party receiving notice may
25 demand a hearing under sub. (1) (c). In emergency situations, a juvenile may be

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1 placed in a licensed public or private shelter care facility as a transitional placement
2 for not more than 20 days or in any other placement authorized under s. 938.207,
3 938.208, or 938.209.

4 **(2m)** REQUEST BY OTHERS. (a) *Request; information required.* 1. Except as
5 provided in subd. 2., the juvenile, the juvenile’s counsel or guardian ad litem, or the
6 parent, guardian, legal custodian, or Indian custodian of the juvenile may request
7 a change in the placement of the juvenile who is the subject of the order as provided
8 in this subsection. The request shall contain the name and address of the new
9 placement requested and shall state what new information is available that affects
10 the advisability of the current placement. The request shall be submitted to the
11 court. The court may also propose a change in placement on its own motion.

12 2. A change in the placement of a juvenile from a placement in the home to a
13 placement outside the home may only be made as provided in s. 938.21 (6).

14 (b) *Hearing; when required.* 1. The court shall hold a hearing prior to ordering
15 any change in placement requested or proposed under par. (a) if the request or
16 proposal states that new information is available that affects the advisability of the
17 current placement. A hearing is not required if written waivers of objection to the
18 proposed change in placement are signed by all persons entitled to receive notice
19 under subd. 2. and the court approves.

20 2. If a hearing is scheduled, at least 3 days before the hearing the court shall
21 notify the juvenile, the juvenile’s counsel or guardian ad litem, the parent, guardian,
22 and legal custodian or Indian custodian of the juvenile, the agency primarily
23 responsible for providing services under the temporary physical custody order, the
24 district attorney or corporation counsel, and any foster parent or other physical
25 custodian described in s. 48.62 (2) of the juvenile. A copy of the request or proposal

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1 for the change in placement shall be attached to the notice. If all parties consent, the
2 court may proceed immediately with the hearing.

3 (c) *Contents of order.* If the court changes the juveniles placement from a
4 placement outside the home to another placement outside the home, the
5 change-in-placement order shall contain the applicable order under sub. (2v) (a),
6 the applicable statement under sub. (2v) (b), and the finding under sub. (2v) (c).

7 **(2r) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN.** If a hearing is
8 held under sub. (1) (c) or (2m) (b) and the change in placement would remove a
9 juvenile from a foster home or other placement with a physical custodian described
10 in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right
11 to be heard at the hearing by permitting the foster parent or other physical custodian
12 to make a written or oral statement during the hearing or to submit a written
13 statement prior to the hearing relating to the juvenile and the requested change in
14 placement. A foster parent or other physical custodian described in s. 48.62 (2) who
15 receives notice of a hearing under sub. (1) (c) or (2m) (b) and a right to be heard under
16 this subsection does not become a party to the proceeding on which the hearing is
17 held solely on the basis of receiving that notice and right to be heard.

18 **(2v) CHANGE-IN-PLACEMENT ORDER.** A change-in-placement order under sub.
19 (1) or (2m) shall contain all of the following:

20 (a) If the change-in-placement order changes the placement of a juvenile who
21 is under the supervision of the county department to a placement outside the home,
22 an order ordering the juvenile to be continued in the placement and care
23 responsibility of the county department as required under 42 USC 672 (a) (2) and
24 assigning the county department continued primary responsibility for providing
25 services to the juvenile.

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1 (b) If the change-in-placement order changes the placement of the juvenile to
2 a placement outside the home recommended by the agency primarily responsible for
3 providing services under the temporary physical custody order, a statement that the
4 court approves the placement recommended by that agency or, if the
5 change-in-placement order changes the placement of the juvenile to a placement
6 outside the home that is not a placement recommended by that agency, a statement
7 that the court has given bona fide consideration to the recommendations made by
8 that agency and all parties relating to the juvenile's placement.

9 (c) If the change-in-placement order changes the placement of the juvenile to
10 a placement outside the home and if the juvenile has one or more siblings, as defined
11 in s. 938.38 (4) (br) 1., who have been placed outside the home or for whom a change
12 in placement to a placement outside the home is requested, a finding as to whether
13 the intake worker, the county department, or the agency primarily responsible for
14 providing services under the temporary physical custody order has made reasonable
15 efforts to place the juvenile in a placement that enables the sibling group to remain
16 together, unless the court determines that a joint placement would be contrary to the
17 safety or well-being of the juvenile or any of those siblings, in which case the court
18 shall order the intake worker, county department, or agency to make reasonable
19 efforts to provide for frequent visitation or other ongoing interaction between the
20 juvenile and the siblings, unless the court determines that such visitation or
21 interaction would be contrary to the safety or well-being of the juvenile or any of
22 those siblings.

23 **(3) PROHIBITED PLACEMENT BASED ON HOMICIDE OF PARENT.** (a) *Prohibition.*
24 Except as provided in par. (c), the court may not change a juvenile's placement to a
25 placement in the home of a person who has been convicted of the homicide of a parent

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1 of the juvenile under s. 940.01 or 940.05, if the conviction has not been reversed, set
2 aside, or vacated.

3 (b) *Change in placement required.* Except as provided in par. (c), if a parent in
4 whose home a juvenile is placed is convicted of the homicide of the juvenile's other
5 parent under s. 940.01 or 940.05, and the conviction has not been reversed, set aside,
6 or vacated, the court shall change the juvenile's placement to a placement outside the
7 home of the parent on petition of the juvenile, the juvenile's counsel or guardian ad
8 litem, the guardian or legal custodian of the juvenile, the agency primarily
9 responsible for providing services under the temporary physical custody order, or the
10 district attorney or corporation counsel of the county in which that order was
11 entered, or on the court's own motion, and on notice to the parent.

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

16 (5) **EFFECTIVE PERIOD OF ORDER.** A change-in-placement order under this
17 section remains in effect until a dispositional order is granted or a consent decree is
18 entered into, the petition under s. 938.25 is withdrawn or dismissed, or the order is
19 modified or terminated by further order of the court.

20 **SECTION 116.** 938.235 (1) (e) of the statutes is amended to read:

21 938.235 (1) (e) The court shall appoint a guardian ad litem, or extend the
22 appointment of a guardian ad litem previously appointed under par. (a), for any
23 juvenile alleged or found to be in need of protection or services, if the court has
24 ordered, or if a request or recommendation has been made that the court order, the
25 juvenile to be placed out of his or her home under s. 938.32, 938.345, or 938.357. This

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

4 **SECTION 117.** 938.255 (1) (cg) of the statutes is created to read:

5 938.255 (1) (cg) If the petition is initiating proceedings under s. 938.13 (4), (6),
6 (6m), or (7), the information required under s. 822.29 (1).

7 **SECTION 118.** 938.299 (6) (e) 5. of the statutes is amended to read:

8 938.299 (6) (e) 5. A determination by the court under subd. 4. is not a
9 determination of paternity under s. 938.355 (4g) (a), a judgment of paternity under
10 ch. 767, or an adjudication of paternity under subch. VIII of ch. 48.

11 **SECTION 119.** 938.30 (6) (b) of the statutes, as affected by 2015 Wisconsin Act
12 55, is amended to read:

13 938.30 (6) (b) If it appears to the court that disposition of the case may include
14 placement of the juvenile outside the juvenile's home, the court shall order the
15 juvenile's parent to provide a statement of the income, assets, debts, and living
16 expenses of the juvenile and the juvenile's parent to the court or the designated
17 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
18 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
19 provide, without charge, to any parent ordered to provide that statement a document
20 setting forth the percentage standard established by the department of children and
21 families under s. 49.22 (9) and the manner of its application established by the
22 department of corrections under s. 301.12 (14) (g) and listing the factors ~~that a court~~
23 ~~may consider~~ under s. 301.12 (14) (c).

24 **SECTION 120.** 938.31 (7) (b) of the statutes, as affected by 2015 Wisconsin Act
25 55, is amended to read:

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1 938.31 (7) (b) If it appears to the court that disposition of the case may include
2 placement of the juvenile outside the juvenile’s home, the court shall order the
3 juvenile’s parent to provide a statement of the income, assets, debts, and living
4 expenses of the juvenile and the juvenile’s parent, to the court or the designated
5 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
6 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
7 provide, without charge, to any parent ordered to provide the statement a document
8 setting forth the percentage standard established by the department of children and
9 families under s. 49.22 (9) and the manner of its application established by the
10 department of corrections under s. 301.12 (14) (g) and listing the factors ~~that a court~~
11 ~~may consider~~ under s. 301.12 (14) (c).

12 **SECTION 121.** 938.315 (2m) (a) of the statutes is amended to read:

13 938.315 (2m) (a) The court making an initial finding under s. 938.21 (5) (b) 1.
14 or 1m., 938.32 (1) (c) 1., 938.355 (2) (b) 6., or 938.357 (2v) (a) 1. that reasonable efforts
15 have been made to prevent the removal of the juvenile from the home, while assuring
16 that the juvenile’s health and safety are the paramount concerns, or an initial finding
17 under s. 938.21 (5) (b) 3., 938.32 (1) (c) 2., 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that
18 those efforts were not required to be made because a circumstance specified in s.
19 938.355 (2d) (b) 1. to 4. applies, more than 60 days after the date on which the juvenile
20 was removed from the home.

21 **SECTION 122.** 938.32 (1) (bm) of the statutes is created to read:

22 938.32 (1) (bm) Using the procedures specified in par. (a) for the entry of an
23 original consent decree, the parties to a consent decree may agree to, and the court
24 may enter, an amended consent decree. An amended consent decree may change the
25 placement of the juvenile who is the subject of the original consent decree or revise

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1 any other term or condition of the original consent decree. An amended consent
2 decree that changes the placement of a juvenile from a placement in the juvenile's
3 home to a placement outside the juvenile's home shall include the findings, orders,
4 and determinations specified in par. (c), as applicable. An amended consent decree
5 that changes the placement of an Indian juvenile from a placement in the Indian
6 juvenile's home to a placement outside the Indian juvenile's home shall include the
7 findings specified in par. (e). An amended consent decree may not extend the
8 expiration date of the original consent decree.

9 **SECTION 123.** 938.32 (1) (c) 1. (intro.) of the statutes is amended to read:

10 938.32 (1) (c) 1. (intro.) If at the time the consent decree is entered into the
11 juvenile is placed outside the home under a voluntary agreement under s. 48.63 or
12 is otherwise living outside the home without a court order and if the consent decree
13 maintains the juvenile in that placement or other living arrangement, or if an
14 amended consent decree changes the placement of the juvenile from a placement in
15 the juvenile's home to a placement outside the juvenile's home, the consent decree
16 shall include all of the following:

17 **SECTION 124.** 938.32 (1) (e) 1. of the statutes is amended to read:

18 938.32 (1) (e) 1. In the case of an Indian juvenile who is the subject of a
19 proceeding under s. 938.13 (4), (6), (6m), or (7), if at the time the consent decree is
20 entered into the Indian juvenile is placed outside the home of his or her parent or
21 Indian custodian under a voluntary agreement under s. 48.63 or is otherwise living
22 outside that home without a court order and if the consent decree maintains the
23 Indian juvenile in that placement or other living arrangement, or if an amended
24 consent decree changes the placement of the Indian juvenile from a placement in the
25 Indian juvenile's home to a placement outside the Indian juvenile's home, the

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1 consent decree shall include a finding supported by clear and convincing evidence,
2 including the testimony of one or more qualified expert witnesses, that continued
3 custody of the Indian juvenile by the parent or Indian custodian is likely to result in
4 serious emotional or physical damage to the child under s. 938.028 (4) (d) 1. and a
5 finding that active efforts under s. 938.028 (4) (d) 2. have been made to prevent the
6 breakup of the Indian juvenile's family and that those efforts have proved
7 unsuccessful. The findings under this subdivision shall be in addition to the findings
8 under par. (c) 1., except that for the sole purpose of determining whether the cost of
9 providing care for an Indian juvenile is eligible for reimbursement under 42 USC 670
10 to 679b, the findings under this subdivision and the findings under par. (c) 1. shall
11 be considered to be the same findings.

12 **SECTION 125.** 938.355 (2e) (b) of the statutes is amended to read:

13 938.355 (2e) (b) Each time a juvenile's placement is changed under s. 938.32
14 or 938.357, a trial reunification is ordered under s. 938.358, a consent decree is
15 revised under s. 938.32, or a dispositional order is revised under s. 938.363 or
16 extended under s. 938.365, the agency that prepared the permanency plan shall
17 revise the plan to conform to the order and shall file a copy of the revised plan with
18 the court. Each plan filed shall be made a part of the court order.

19 **SECTION 126.** 938.355 (4g) of the statutes is created to read:

20 938.355 (4g) TERMINATION OF ORDERS; CASE CLOSURE ORDERS. (a) On request of
21 a person authorized to file a petition under par. (b) or on its own motion and on a
22 finding that granting the request or motion would be in the best interests of the
23 juvenile, the court may terminate an order under this section or s. 938.357 or 938.365
24 before the juvenile attains 18 years of age and grant an order determining paternity
25 of the juvenile, legal custody of the juvenile, periods of physical placement with the

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1 juvenile, visitation rights with respect to the juvenile, or the obligation of the
2 juvenile's parents to provide support for the juvenile and the responsibility of the
3 juvenile's parents to provide coverage of the juvenile's health care expenses if any of
4 the following apply:

5 1. The juvenile's parents are parties to a pending action for divorce, annulment,
6 or legal separation, a man determined under s. 938.299 (6) (e) 4. to be the biological
7 father of the juvenile for purposes of a proceeding under this chapter is a party to a
8 pending action to determine paternity of the juvenile under ch. 767, or the juvenile
9 is the subject of a pending independent action under s. 767.41 or 767.43 to determine
10 legal custody of the juvenile or visitation rights with respect to the juvenile.

11 2. The juvenile is the subject of an order that has been granted in an action
12 affecting the family determining legal custody of the juvenile, periods of physical
13 placement with the juvenile, visitation rights with respect to the juvenile, or the
14 obligation of the juvenile's parents to provide support for the juvenile and the
15 responsibility of the juvenile's parents to provide coverage of the juvenile's health
16 care expenses.

17 (b) The juvenile or his or her counsel or guardian ad litem, the juvenile's parent,
18 guardian, legal custodian, or Indian custodian, the person or agency responsible for
19 implementing the dispositional order, or the district attorney or corporation counsel
20 may file a petition with the court requesting an order under par. (a) or the court, on
21 its own motion, may propose such an order.

22 (c) The court shall hold a hearing before granting an order requested or
23 proposed under par. (b). At least 5 days before the hearing, the court shall cause
24 notice of the hearing, together with a copy of the request or proposal, to be provided
25 to the juvenile, the juvenile's counsel or guardian ad litem, the juvenile's parent,

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1 guardian, and legal custodian, the person or agency primarily responsible for
2 implementing the dispositional order, the district attorney or corporation counsel,
3 and, if the juvenile is an Indian juvenile, the juvenile's Indian custodian and tribe.

4 (d) In considering whether to grant a request or proposal for an order under par.

5 (a), the court shall proceed as follows:

6 1. If the request or proposal is for an order determining paternity of the
7 juvenile, the court shall determine paternity in the same manner as paternity is
8 determined under subch. IX of ch. 767.

9 2. If the request or proposal is for an order determining legal custody of the
10 juvenile and periods of physical placement with the juvenile, the court shall
11 determine legal custody and periods of physical placement in the same manner as
12 legal custody and periods of physical placement are determined under ss. 767.41 and
13 767.481 and, if the juvenile is the subject of a preexisting order that has been entered
14 in an action affecting the family determining legal custody of the juvenile or periods
15 of physical placement with the juvenile, in the same manner as legal custody and
16 periods of physical placement are determined under ss. 767.451 and 767.461, except
17 that the court is not required to refer the parties for mediation under s. 767.405 (5)
18 or refer the matter for a legal custody and physical placement study under s. 767.405
19 (14), the parties are not required to file a parenting plan under s. 767.41 (1m), and
20 the court may not transfer legal custody of the juvenile to a relative or an agency
21 under s. 767.41 (3).

22 3. If the request or proposal is for an order determining visitation rights with
23 respect to the juvenile, the court shall determine those rights in the same manner
24 as visitation rights are determined under ss. 767.43 and 767.44.

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1 4. If the request or proposal is for an order determining the obligation of the
2 juvenile's parents to provide support for the juvenile and the responsibility of the
3 juvenile's parents to provide coverage of the juvenile's health care expenses, the court
4 shall determine that obligation and responsibility in the same manner as that
5 obligation and responsibility are determined under ss. 767.511, 767.513, 767.54,
6 767.55, 767.57, and 767.58.

7 (e) An order under par. (a) may modify a preexisting order of a court exercising
8 jurisdiction in an action affecting the family and shall remain in effect until modified
9 or terminated by a court exercising that jurisdiction.

10 (f) If at the time an order under par. (a) is granted an action described in par.
11 (a) 1. is pending or if at that time the juvenile is the subject of a preexisting order
12 described in par. (a) 2., the court that granted the order under par. (a) shall file a copy
13 of the order with the court that is exercising jurisdiction in that pending action or
14 that entered that preexisting order. On receipt of the copy of that order, the court that
15 is exercising jurisdiction over the pending action or that granted the preexisting
16 order shall provide a copy of that order to all parties to that pending action or to all
17 parties that are bound by that preexisting order. The order shall become a part of
18 the record of that pending action or the action in which the preexisting order was
19 granted.

20 (g) 1. A person who is granted legal custody and periods of physical placement
21 with a juvenile under an order under par. (a) may seek enforcement of the order by
22 filing a motion under s. 767.471 (3) with the court in which the order was filed under
23 par. (f), and that court shall enforce the order in the same manner as legal custody
24 and physical placement orders are enforced under s. 767.471.

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1 2. A party to a proceeding under this subsection in which legal custody and
2 periods of physical placement with a juvenile are determined under an order under
3 par. (a) may seek a modification of the order by filing a petition, motion, order to show
4 cause, or stipulation with the court in which the order was filed under par. (f), and
5 that court may modify the order in the same manner as legal custody and physical
6 placement orders are modified under ss. 767.451, 767.461, and 767.481.

7 (h) 1. A person who is granted visitation rights with respect to a juvenile under
8 an order under par. (a) may seek enforcement of the order by filing a motion for
9 contempt of court under s. 767.43 (5) with the court in which the order was filed under
10 par. (f), and that court shall enforce the order in the same manner as visitation orders
11 are enforced under s. 767.43 (5).

12 2. A party to a proceeding under this subsection in which visitation rights with
13 respect to a juvenile are determined under an order under par. (a) may seek a
14 modification of the order by filing a petition, motion, or order to show cause with the
15 court in which the order was filed under par. (f), and that court may modify the order
16 in the same manner as visitation orders are modified under s. 767.43 (1), (3), or (6),
17 whichever is applicable.

18 (i) 1. A party to a proceeding under this subsection in which the obligation to
19 provide support for a juvenile and the responsibility to provide health care coverage
20 for a juvenile are determined under an order under par. (a) who is authorized to
21 commence an action to compel child support under s. 767.501 may seek enforcement
22 of the order by filing an action to compel support under s. 767.501 with the court in
23 which the order was filed under par. (f), and that court shall enforce the order in the
24 same manner as child support and health care coverage orders are enforced under
25 ss. 767.511, 767.513, 767.54, 767.55, 767.57, 767.58, and 767.70 to 767.78.

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1 2. A party to a proceeding under this subsection in which the obligation to
2 provide support for a juvenile and the responsibility to provide health care coverage
3 for a juvenile are determined under an order under par. (a) may seek a modification
4 of the order by filing a petition, motion, or order to show cause with the court in which
5 the order was filed under par. (f), and that court may modify the order in the same
6 manner as child support and health care coverage orders are modified under ss.
7 767.553 and 767.59.

8 **SECTION 127.** 938.357 (title) of the statutes is amended to read:

9 **938.357 (title) Change in placement; juvenile subject to dispositional**
10 **order.**

11 **SECTION 128.** 938.357 (1) (title) of the statutes is amended to read:

12 938.357 (1) (title) ~~REQUEST BY PERSON OR AGENCY RESPONSIBLE FOR DISPOSITIONAL~~
13 ~~ORDER OR DISTRICT ATTORNEY~~ PROSECUTOR.

14 **SECTION 129.** 938.357 (1) (a) of the statutes is amended to read:

15 938.357 (1) (a) *Applicable procedures.* The person or agency primarily
16 responsible for implementing the dispositional order ~~or~~, the district attorney, or the
17 corporation counsel may request a change in the placement of the juvenile who is the
18 subject of the dispositional order, whether or not the change requested is authorized
19 in the dispositional order, as provided in par. (am) or (c), whichever is applicable.

20 **SECTION 130.** 938.357 (1) (am) (title) of the statutes is amended to read:

21 938.357 (1) (am) (title) ~~From out-of-home~~ Changes in placement generally.

22 **SECTION 131.** 938.357 (1) (am) 1. of the statutes is amended to read:

23 938.357 (1) (am) 1. ~~If the proposed change in placement involves any change~~
24 ~~in placement other than a change in placement under~~ Except as provided in par. (c),
25 the person or agency primarily responsible for implementing the dispositional order

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1 ~~or, the district attorney shall cause, or the corporation counsel may request a change~~
2 in placement under this subsection by causing written notice of the proposed change
3 in placement to be sent to the juvenile, the juvenile's counsel or guardian ad litem,
4 the parent, guardian, and legal custodian of the juvenile, and any foster parent or
5 other physical custodian described in s. 48.62 (2) of the juvenile. If the juvenile is an
6 Indian juvenile who has been removed from the home of his or her parent or Indian
7 custodian under s. 938.13 (4), (6), (6m), or (7), written notice shall also be sent to the
8 Indian juvenile's Indian custodian and tribe. The notice shall contain the name and
9 address of the new placement, the reasons for the change in placement, a statement
10 describing why the new placement is preferable to the present placement, and a
11 statement of how the new placement satisfies objectives of the treatment plan or
12 permanency plan ordered by the court. The person sending the notice shall file the
13 notice with the court on the same day that the notice is sent.

14 **SECTION 132.** 938.357 (1) (am) 2. of the statutes is amended to read:

15 938.357 (1) (am) 2. Except as provided in subd. 2r., any person receiving the
16 notice under subd. 1. or notice of a specific placement under s. 938.355 (2) (b) 2. may
17 obtain a hearing on the matter by filing an objection with the court within 10 days
18 after receipt of the notice. is sent to that person and filed with the court. Except as
19 provided in subds. 2m. and 2r., if an objection is filed within 10 days after that notice
20 is sent and filed with the court, the court shall hold a hearing prior to ordering any
21 change in placement. At least 3 days before the hearing, the court shall provide
22 notice of the hearing to all persons who are required to receive notice under subd. 1.
23 or s. 938.355 (2) (b) 2. If all parties consent, the court may proceed immediately with
24 the hearing. Except as provided in subds. 2m. and 2r., if no objection is filed within
25 10 days after that notice is sent and filed with the court, the court shall enter an order

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1 changing the juvenile's placement as proposed in that notice. Except as provided in
2 subds. 2m. and 2r., placements may not be changed until 10 days after that notice
3 is sent to and filed with the court unless the parent, guardian, legal custodian, or
4 Indian custodian, the juvenile, if 12 or more years of age, and the juvenile's tribe, if
5 the juvenile is an Indian juvenile who has been removed from the home of his or her
6 parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), sign written waivers
7 of objection.

8 **SECTION 133.** 938.357 (1) (am) 2m. of the statutes is amended to read:

9 938.357 (1) (am) 2m. Changes in placement that were authorized in the
10 dispositional order may be made immediately if notice is given as required under
11 subd. 1. ~~In addition, a~~ A hearing is not required for changes in placement ~~changes~~
12 authorized in the dispositional order except when an objection filed by a person who
13 received notice alleges that new information is available that affects the advisability
14 of the ~~court's~~ dispositional order.

15 **SECTION 134.** 938.357 (1) (am) 3. of the statutes is amended to read:

16 938.357 (1) (am) 3. If the court changes the juvenile's placement from a
17 placement outside the home to another placement outside the home, the ~~change in~~
18 ~~placement~~ change-in-placement order shall contain the applicable order under sub.
19 (2v) (a) 1m. ~~and~~ the applicable statement under sub. (2v) (a) 2., and the finding under
20 sub. (2v) (a) 2m. If the court changes the placement of an Indian juvenile who has
21 been removed from the home of his or her parent or Indian custodian under s. 938.13
22 (4), (6), (6m), or (7) from a placement outside that home to another placement outside
23 that home, the ~~change in placement~~ change-in-placement order shall, in addition,
24 comply with the order of placement preference under s. 938.028 (6) (a) or, if

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1 applicable, s. 938.028 (6) (b), unless the court finds good cause, as described in s.
2 938.028 (6) (d), for departing from that order.

3 **SECTION 135.** 938.357 (1) (c) (title) of the statutes is amended to read:

4 938.357 (1) (c) (title) ~~From In-home to out-of-home placement in the home.~~

5 **SECTION 136.** 938.357 (1) (c) 1. of the statutes is amended to read:

6 938.357 (1) (c) 1. If the proposed change in placement would change the
7 placement of a juvenile placed in the home to a placement outside the home, the
8 person or agency primarily responsible for implementing the dispositional order ~~or,~~
9 the district attorney, or the corporation counsel shall submit a request for the change
10 in placement to the court. The request shall contain the name and address of the new
11 placement, the reasons for the change in placement, a statement describing why the
12 new placement is preferable to the present placement, and a statement of how the
13 new placement satisfies the objectives of the treatment plan or permanency plan
14 ordered by the court. The request shall also contain specific information showing
15 that continued placement of the juvenile in his or her home would be contrary to the
16 welfare of the juvenile and, unless any of the circumstances under s. 938.355 (2d) (b)
17 1. to 4. applies, specific information showing that the agency primarily responsible
18 for implementing the dispositional order has made reasonable efforts to prevent the
19 removal of the juvenile from the home, while assuring that the juvenile's health and
20 safety are the paramount concerns.

21 **SECTION 137.** 938.357 (1) (c) 2. of the statutes is amended to read:

22 938.357 (1) (c) 2. The court shall hold a hearing prior to ordering a change in
23 placement requested under subd. 1. At least 3 days ~~prior to~~ before the hearing, the
24 court shall provide notice of the hearing, together with a copy of the request for the
25 change in placement, to the juvenile, the juvenile's counsel or guardian ad litem, the

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1 parent, guardian, and legal custodian of the juvenile, ~~all parties that are bound by~~
2 the person or agency primarily responsible for implementing the dispositional order,
3 the district attorney or corporation counsel, any foster parent or other physical
4 custodian described in s. 48.62 (2), and, if the juvenile is an Indian juvenile who is
5 in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian
6 juvenile's Indian custodian and tribe. Subject to subd. 2r., if all parties consent, the
7 court may proceed immediately with the hearing.

8 **SECTION 138.** 938.357 (1) (c) 3. of the statutes is amended to read:

9 938.357 (1) (c) 3. If the court changes the juvenile's placement from a placement
10 in the juvenile's home to a placement outside the juvenile's home, the ~~change in~~
11 placement change-in-placement order shall contain the findings under sub. (2v) (a)
12 1., the applicable order under sub. (2v) (a) 1m., the applicable statement under sub.
13 (2v) (a) 2., the finding under sub. (2v) (a) 2m., and, if in addition the court finds that
14 any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a
15 parent, the determination under sub. (2v) (a) 3. If the court changes the placement
16 of an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6),
17 (6m), or (7) from a placement in the home of his or her parent or Indian custodian to
18 a placement outside that home, the ~~change in placement~~ change-in-placement order
19 shall contain the findings under sub. (2v) (a) 4. and comply with the order of
20 placement preference under s. 938.028 (6) (a) or, if applicable, s. 938.028 (6) (b),
21 unless the court finds good cause, as described in s. 938.028 (6) (d), for departing from
22 that order.

23 **SECTION 139.** 938.357 (2) of the statutes is renumbered 938.357 (2) (a) and
24 amended to read:

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1 938.357 (2) (a) Emergency changes in placement generally. If Except as
2 provided in par. (b), if emergency conditions necessitate an immediate change in the
3 placement of a juvenile ~~placed outside the home~~, the person or agency primarily
4 responsible for implementing the dispositional order may remove the juvenile to a
5 new placement, whether or not authorized by the existing dispositional order,
6 without the prior notice under sub. (1) (am) 1. or the consent required under sub. (1)
7 (am) 2r. ~~The notice~~ Notice of the emergency change in placement shall be sent to the
8 persons specified in sub. (1) (am) 1. within 48 hours after the emergency change in
9 placement. Any party receiving notice may demand a hearing under sub. (1) (am)
10 2.

11 (c) Placements permitted in emergency. In emergency situations, a juvenile
12 may be placed in a licensed public or private shelter care facility as a transitional
13 placement for not more than 20 days or in any placement authorized under s. 938.34
14 (3).

15 **SECTION 140.** 938.357 (2) (b) of the statutes is created to read:

16 938.357 (2) (b) Emergency in-home to out-of-home placements. 1. If
17 emergency conditions necessitate an immediate change in placement of a juvenile
18 placed in the home to a placement outside the home, the person or agency primarily
19 responsible for implementing the dispositional order may remove the juvenile to a
20 new placement, whether or not authorized by the existing dispositional order,
21 without first requesting a change in placement under sub. (1) (c) 1.

22 2. Except as provided in subd. 3., a hearing on an emergency change in
23 placement under subd. 1. shall be held within 48 hours after the emergency change
24 in placement is made, excluding Saturdays, Sundays, and legal holidays. When a
25 juvenile is removed to a new placement under subd. 1., the person or agency that

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1 removed the juvenile shall immediately notify the court by the most practical means.
2 As soon as possible after receiving that notice, the court shall schedule the hearing
3 and the person or agency that removed the juvenile, by the most practical means,
4 shall provide notice of the hearing to the juvenile, the juvenile's counsel or guardian
5 ad litem, the parent, guardian, and legal custodian of the juvenile, the person or
6 agency primarily responsible for implementing the dispositional order, the district
7 attorney or corporation counsel, any foster parent or other physical custodian
8 described in s. 48.62 (2), and, if the juvenile is an Indian juvenile who is in need of
9 protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian
10 custodian and tribe.

11 3. By the time of the hearing under subd. 2., a request for a change in placement
12 under sub. (1) (c) 1. shall be filed with the court. The court shall hold a hearing on
13 the request as provided in sub. (1) (c) 2., except that, subject to sub. (1) (c) 2r., if all
14 parties consent, the court may proceed immediately with the hearing under sub. (1)
15 (c) 2. in lieu of the hearing under subd. 2.

16 4. If the court orders an emergency change in placement under subd. 2., the
17 change-in-placement order shall contain the findings under sub. (2v) (a) 1., the
18 applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a)
19 2., the finding under sub. (2v) (a) 2m. and, if in addition the court finds that any of
20 the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
21 the determination under sub. (2v) (a) 3.

22 **SECTION 141.** 938.357 (2m) (a) of the statutes is amended to read:

23 938.357 (2m) (a) *Request; information required.* Except as provided in par.
24 (bv), the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian,
25 or legal custodian of the juvenile, ~~any person or agency primarily bound by the~~

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1 ~~dispositional order, other than the person or agency responsible for implementing~~
2 ~~the order~~, or, if the juvenile is an Indian juvenile who is in need of protection or
3 services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian
4 may request a change in the placement under this paragraph of the juvenile as
5 provided in this subsection. The request shall contain the name and address of the
6 new placement requested and shall state what new information is available that
7 affects the advisability of the current placement. If the proposed change in
8 placement would change the placement of a juvenile placed in the juvenile's home to
9 a placement outside the home, the request shall also contain specific information
10 showing that continued placement of the juvenile in the juvenile's home would be
11 contrary to the welfare of the juvenile and, unless any of the circumstances under s.
12 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency
13 primarily responsible for implementing the dispositional order has made reasonable
14 efforts to prevent the removal of the juvenile from the home, while assuring that the
15 juvenile's health and safety are the paramount concerns. The request shall be
16 submitted to the court. The court may also propose a change in placement on its own
17 motion.

18 **SECTION 142.** 938.357 (2m) (am) (title) of the statutes is amended to read:

19 938.357 (2m) (am) (title) *Indian juvenile; additional information required.*

20 **SECTION 143.** 938.357 (2m) (b) of the statutes is renumbered 938.357 (2m) (b)

21 1. and amended to read:

22 938.357 (2m) (b) 1. The court shall hold a hearing prior to ordering any change
23 in placement requested or proposed under par. (a) if the request or proposal states
24 that new information is available that affects the advisability of the current
25 placement. Except as provided in par. (bv), a hearing is not required if the requested

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1 or proposed change in placement does not involve a change in placement of a juvenile
2 placed in the juvenile's home to a placement outside the juvenile's home, written
3 waivers of objection to the proposed change in placement are signed by all parties
4 entitled to receive notice under ~~this paragraph~~ subd. 2., and the court approves.

5 2. If a hearing is scheduled, ~~not less than~~ at least 3 days before the hearing the
6 court shall notify the juvenile, the juvenile's counsel or guardian ad litem, the parent,
7 guardian, and legal custodian of the juvenile, the person or agency primarily
8 responsible for implementing the dispositional order, the district attorney or
9 corporation counsel, any foster parent or other physical custodian described in s.
10 48.62 (2) of the juvenile, ~~all parties who are bound by the dispositional order~~, and,
11 if the juvenile is an Indian juvenile who is in need of protection or services under s.
12 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe. A copy
13 of the request or proposal for the change in placement shall be attached to the notice.
14 Subject to par. (br), if all of the parties consent, the court may proceed immediately
15 with the hearing.

16 **SECTION 144.** 938.357 (2m) (br) of the statutes is amended to read:

17 938.357 (2m) (br) *Indian juvenile; notice.* If the juvenile is an Indian juvenile
18 who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), and if the
19 proposed change in placement would change the placement of the Indian juvenile
20 from a placement in the home of his or her parent or Indian custodian to a placement
21 outside that home, notice under par. (b) 2. to the Indian juvenile's parent, Indian
22 custodian, and tribe shall be provided in the manner specified in s. 938.028 (4) (a).
23 ~~No~~ Notwithstanding par. (b) 2., no hearing on the request or proposal may be held
24 until at least 10 days after receipt of the notice by the Indian juvenile's parent, Indian
25 custodian, and tribe or, if the identity or location of the Indian juvenile's parent,

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1 Indian custodian, or tribe cannot be determined, until at least 15 days after receipt
2 of the notice by the U.S. secretary of the interior. On request of the Indian juvenile's
3 parent, Indian custodian, or tribe, the court shall grant a continuance of up to 20
4 additional days to enable the requester to prepare for the hearing.

5 **SECTION 145.** 938.357 (2m) (c) of the statutes is amended to read:

6 938.357 (2m) (c) ~~Findings required.~~ Contents of order. 1. If the court changes
7 the juvenile's placement from a placement in the juvenile's home to a placement
8 outside the juvenile's home, the ~~change in placement~~ change-in-placement order
9 shall contain the findings under sub. (2v) (a) 1., the applicable order under sub. (2v)
10 (a) 1m., the applicable statement under sub. (2v) (a) 2., the finding under sub. (2v)
11 (a) 2m., and, if in addition the court finds that any of the circumstances under s.
12 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination under sub.
13 (2v) (a) 3. If the court changes the placement of an Indian juvenile who is in need of
14 protection or services under s. 938.13 (4), (6), (6m), or (7) from a placement in the
15 home of his or her parent or Indian custodian to a placement outside that home, the
16 ~~change in placement~~ change-in-placement order shall, in addition, contain the
17 findings under sub. (2v) (a) 4. and comply with the order of placement preference
18 under s. 938.028 (6) (a) or, if applicable, s. 938.028 (6) (b), unless the court finds good
19 cause, as described in s. 938.028 (6) (d), for departing from that order.

20 2. If the court changes the juvenile's placement from a placement outside the
21 home to another placement outside the home, the ~~change in placement~~
22 change-in-placement order shall contain the applicable order under sub. (2v) (a) 1m.
23 ~~and,~~ the applicable statement under sub. (2v) (a) 2., and the finding under sub. (2v)
24 (a) 2m. If the court changes the placement of an Indian juvenile who is in need of
25 protection or services under s. 938.13 (4), (6), (6m), or (7) from a placement outside

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1 the home of his or her parent or Indian custodian to another placement outside that
2 home, the ~~change in placement~~ change-in-placement order shall, in addition,
3 comply with the order of placement preference under s. 938.028 (6) (a) or, if
4 applicable, s. 938.028 (6) (b), unless the court finds good cause, as described in s.
5 938.028 (6) (d), for departing from the order.

6 **SECTION 146.** 938.357 (2r) of the statutes is amended to read:

7 938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing
8 is held under sub. (1) (am) 2. or (2m) (b) 1. and the change in placement would remove
9 a juvenile from a foster home or other placement with a physical custodian described
10 in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right
11 to be heard at the hearing by permitting the foster parent or other physical custodian
12 to make a written or oral statement during the hearing or to submit a written
13 statement prior to the hearing relating to the juvenile and the requested change in
14 placement. A foster parent or other physical custodian who receives notice of a
15 hearing under sub. (1) (am) 1. or (2m) (b) 2. and a right to be heard under this
16 subsection does not become a party to the proceeding on which the hearing is held
17 solely on the basis of receiving that notice and right to be heard.

18 **SECTION 147.** 938.357 (2v) (a) 1. of the statutes is amended to read:

19 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a
20 placement in the juvenile's home to a placement outside the juvenile's home, a
21 finding that continued placement of the juvenile in his or her home would be contrary
22 to the welfare of the juvenile and, unless a circumstance under s. 938.355 (2d) (b) 1.
23 to 4. applies, a finding that the county department or the agency primarily
24 responsible for implementing the dispositional order has made reasonable efforts to

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1 prevent the removal of the juvenile from the home, while assuring that the juvenile's
2 health and safety are the paramount concerns.

3 **SECTION 148.** 938.357 (2v) (a) 2. of the statutes is amended to read:

4 938.357 (2v) (a) 2. If the ~~change in placement~~ change-in-placement order
5 would ~~change~~ changes the placement of the juvenile to a placement outside the home
6 recommended by the person or agency primarily responsible for implementing the
7 dispositional order, whether from a placement in the home or from another
8 placement outside the home, a statement that the court approves the placement
9 recommended by the person or agency.—If or, if the ~~change in placement~~
10 change-in-placement order would ~~change~~ changes the placement of the juvenile to
11 a placement outside the home that is not a placement recommended by that person
12 or agency, whether from a placement in the home or from another placement outside
13 the home, a statement that the court has given bona fide consideration to the
14 recommendations made by that person or agency and all parties relating to the
15 juvenile's placement.

16 **SECTION 149.** 938.357 (2v) (a) 2m. of the statutes is amended to read:

17 938.357 (2v) (a) 2m. If the change-in-placement order changes the placement
18 of the juvenile to a placement outside the home and if the juvenile has one or more
19 siblings, as defined in s. 938.38 (4) (br) 1., who have been placed outside the home
20 or for whom a change in placement to a placement outside the home is requested, a
21 finding as to whether the county department or the agency primarily responsible for
22 implementing the dispositional order has made reasonable efforts to place the
23 juvenile in a placement that enables the sibling group to remain together, unless the
24 court determines that a joint placement would be contrary to the safety or well-being
25 of the juvenile or any of those siblings, in which case the court shall order the county

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1 department or agency to make reasonable efforts to provide for frequent visitation
2 or other ongoing interaction between the juvenile and the siblings, unless the court
3 determines that such visitation or interaction would be contrary to the safety or
4 well-being of the juvenile or any of those siblings.

5 **SECTION 150.** 938.357 (2v) (c) (title) of the statutes is amended to read:

6 938.357 (2v) (c) (title) *Permanency Reasonable efforts not required;*
7 *permanency hearing.*

8 **SECTION 151.** 938.357 (2v) (d) (title) of the statutes is created to read:

9 938.357 (2v) (d) (title) *Search for relatives.*

10 **SECTION 152.** 938.357 (4d) (a) (title) of the statutes is created to read:

11 938.357 (4d) (a) (title) *Prohibition.*

12 **SECTION 153.** 938.357 (4d) (am) of the statutes is amended to read:

13 938.357 (4d) (am) *Change in placement required.* Except as provided in par.
14 (b), if a parent in whose home a juvenile is placed is convicted of the homicide of the
15 juvenile's other parent under s. 940.01 or 940.05, and the conviction has not been
16 reversed, set aside, or vacated, the court shall change the juvenile's placement to a
17 placement ~~out of~~ outside the home of the parent on petition of the juvenile, the
18 juvenile's counsel or guardian ad litem, the guardian or legal custodian of the
19 juvenile, ~~a~~ the person or agency bound by primarily responsible for implementing
20 the dispositional order, or the district attorney or corporation counsel of the county
21 in which the dispositional order was entered, or on the court's own motion with notice
22 to the parent.

23 **SECTION 154.** 938.357 (4d) (b) (title) of the statutes is created to read:

24 938.357 (4d) (b) (title) *Exception.*

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1 **SECTION 155.** 938.357 (5m) (a) of the statutes, as affected by 2015 Wisconsin
2 Act 55, is amended to read:

3 938.357 **(5m)** (a) If a proposed change in placement would change a juvenile's
4 placement from a placement in the juvenile's home to a placement outside the
5 juvenile's home, the court shall order the juvenile's parent to provide a statement of
6 the income, assets, debts, and living expenses of the juvenile and the juvenile's
7 parent to the court or the person or agency primarily responsible for implementing
8 the dispositional order by a date specified by the court. The clerk of court shall
9 provide, without charge, to any parent ordered to provide that statement a document
10 setting forth the percentage standard established by the department of children and
11 families under s. 49.22 (9) and the manner of its application established by the
12 department of corrections under s. 301.12 (14) (g) and listing the factors under s.
13 301.12 (14) (c). If the juvenile is placed outside the juvenile's home, the court shall
14 determine the liability of the parent in the manner provided in s. 301.12 (14).

15 **SECTION 156.** 938.357 (6) (a) (intro.) of the statutes is amended to read:

16 938.357 **(6)** (a) (intro.) No change in placement may extend the expiration date
17 of the original dispositional order, except that if the change in placement is from a
18 placement in the juvenile's home to a placement in a foster home, group home, or
19 residential care center for children and youth, in the home of a relative who is not
20 a parent, or in a supervised independent living arrangement, the court may extend
21 the expiration date of the original dispositional order to the latest of the following
22 dates, unless the court specifies a shorter period:

23 **SECTION 157.** 938.357 (6) (a) 2. of the statutes is amended to read:

24 938.357 **(6)** (a) 2. The date that is one year after the date on which the ~~change~~
25 ~~in placement~~ change-in-placement order is granted.

SENATE BILL 387**SECTION 158**

1 **SECTION 158.** 938.357 (6) (b) of the statutes is amended to read:

2 938.357 (6) (b) If the change in placement is from a placement in a foster home,
3 group home, or residential care center for children and youth or in the home of a
4 relative to a placement in the juvenile's home and if the expiration date of the original
5 dispositional order is more than one year after the date on which the ~~change in~~
6 ~~placement~~ change-in-placement order is granted, the court shall shorten the
7 expiration date of the original dispositional order to the date that is one year after
8 the date on which the ~~change in placement~~ change-in-placement order is granted
9 or to an earlier date as specified by the court.

10 **SECTION 159.** 938.358 (2) (a) of the statutes is amended to read:

11 938.358 (2) (a) *Request or proposal.* No trial reunification may occur without
12 a court order. Only the person or agency primarily responsible for implementing the
13 dispositional order may request the court to order a trial reunification. The request
14 shall contain the name and address of the requested trial reunification home, a
15 statement describing why the trial reunification is in the best interests of the
16 juvenile, and a statement describing how the trial reunification satisfies the
17 objectives of the juvenile's permanency plan. A request for a trial reunification may
18 not be made on the sole grounds that an emergency condition necessitates an
19 immediate removal of the juvenile from his or her out-of-home placement. If an
20 emergency condition necessitates such an immediate removal, the person or agency
21 primarily responsible for implementing the dispositional order shall proceed as
22 provided in s. 938.357 (2) (a).

23 **SECTION 160.** 938.36 (1) (a) of the statutes is amended to read:

24 938.36 (1) (a) If legal custody is transferred from the parent or guardian or the
25 court otherwise designates an alternative placement for the juvenile by a consent

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1 decree under s. 938.32, a disposition made under s. 938.183, 938.34, or 938.345, or
2 by a change in placement under s. 938.357, the duty of the parent or guardian to
3 provide support shall continue even though the legal custodian or the placement
4 designee may provide the support. A copy of the order transferring custody or
5 designating alternative placement for the juvenile shall be submitted to the agency
6 or person receiving custody or placement and the agency or person may apply to the
7 court for an order to compel the parent or guardian to provide the support. Support
8 payments for residential services, when purchased or otherwise funded or provided
9 by the department of corrections, or a county department under s. 46.215, 46.22 or
10 46.23, shall be determined under s. 301.12 (14). Support payments for residential
11 services, when purchased or otherwise funded by the department of health services,
12 or a county department under s. 51.42 or 51.437, shall be determined under s. 46.10
13 (14).

14 **SECTION 161.** 938.363 (1) (c) of the statutes, as affected by 2015 Wisconsin Act
15 55, is amended to read:

16 938.363 (1) (c) If the proposed revision is for a change in the amount of child
17 support to be paid by a parent, the court shall order the juvenile's parent to provide
18 a statement of the income, assets, debts, and living expenses of the juvenile and the
19 juvenile's parent to the court and the person or agency primarily responsible for
20 implementing the dispositional order by a date specified by the court. The clerk of
21 court shall provide, without charge, to any parent ordered to provide that statement
22 a document setting forth the percentage standard established by the department of
23 children and families under s. 49.22 (9) and the manner of its application established
24 by the department of corrections under s. 301.12 (14) (g) and listing the factors ~~that~~
25 ~~a court may consider~~ under s. 301.12 (14) (c).

SENATE BILL 387**SECTION 162**

1 **SECTION 162.** 938.38 (4m) (title) of the statutes is amended to read:

2 938.38 (**4m**) (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY
3 ~~DETERMINATION HEARING.~~

4 **SECTION 163. Initial applicability.**

5 (1) CHANGES IN PLACEMENT, REVISIONS, AND EXTENSIONS. Except as provided in
6 subsection (2), this act first applies to a change in placement or a revision or
7 extension of a dispositional order requested, or to an emergency change in placement
8 made, on the effective date of this subsection.

9 (2) EFFECTIVE PERIOD OF TEMPORARY PHYSICAL CUSTODY ORDER. The treatment of
10 sections 48.21 (5m), 48.213 (4m), and 938.21 (5m) of the statutes first applies to a
11 temporary physical custody order that is in effect on the effective date of this
12 subsection.

13 **SECTION 164. Effective date.**

14 (1) This act takes effect on the first day of the 6th month beginning after
15 publication.

16 (END)