

**2015 Senate Bill 387 (LRB -3394)**

An Act to renumber and amend 48.185 (1), 48.357 (1) (am) 1., 48.357 (2), 48.357 (2m) (b), 938.357 (2) and 938.357 (2m) (b); to amend 46.10 (1), 46.10 (14) (b), 46.10 (14) (e) 1., 46.10 (14) (g), 48.028 (2) (e), 48.028 (2) (f), 48.185 (2), 48.235 (1) (e), 48.299 (6) (e) 5., 48.315 (2m) (a), 48.32 (1) (b) 1. (intro.), 48.32 (1) (d) 1., 48.355 (2e) (b), 48.355 (4) (a), 48.355 (4) (b) 1., 48.355 (4) (b) 2., 48.355 (4) (b) 3., 48.355 (4) (b) 4., 48.355 (4) (c), 48.357 (title), 48.357 (1) (a), 48.357 (1) (am) 2. (intro.), 48.357 (1) (am) 2m., 48.357 (1) (am) 3., 48.357 (1) (c) 1., 48.357 (1) (c) 2., 48.357 (1) (c) 2m., 48.357 (1) (c) 3., 48.357 (2m) (a), 48.357 (2m) (bm), 48.357 (2m) (br), 48.357 (2m) (c), 48.357 (2r), 48.357 (2v) (a) 1., 48.357 (2v) (a) 1m., 48.357 (2v) (a) 2., 48.357 (2v) (a) 2m., 48.357 (2v) (d) 1., 48.357 (4d) (a), 48.357 (4d) (am), 48.357 (5m), 48.357 (6) (a) (intro.), 48.357 (6) (a) 1., 48.357 (6) (a) 2., 48.357 (6) (a) 3., 48.357 (6) (a) 4., 48.357 (6) (b), 48.358 (2) (a), 48.36 (1) (a), 48.365 (5) (a), 48.365 (5) (b) 1., 48.365 (5) (b) 2., 48.365 (5) (b) 3., 48.365 (5) (b) 4., 48.38 (4m) (title), 48.75 (1g) (d), 49.345 (1), 49.345 (2), 49.345 (14) (b), 49.345 (14) (e) 1., 49.345 (14) (g), 301.12 (1), 301.12 (2), 301.12 (14) (b), 301.12 (14) (e) 1., 301.12 (14) (g), 757.69 (1) (g) 6., 757.69 (1) (g) 8., 757.69 (1) (g) 9., 757.69 (1m) (d), 767.001 (1) (i), 767.001 (1) (m), 767.59 (1), 767.59 (2) (c), 767.77 (1), 767.78 (1), 780.01 (5), 893.415 (2), 938.028 (2) (c), 938.185 (2), 938.235 (1) (e), 938.299 (6) (e) 5., 938.30 (6) (b), 938.31 (7) (b), 938.315 (2m) (a), 938.32 (1) (c) 1. (intro.), 938.32 (1) (e) 1., 938.355 (2e) (b), 938.357 (title), 938.357 (1) (title), 938.357 (1) (a), 938.357 (1) (am) (title), 938.357 (1) (am) 1., 938.357 (1) (am) 2., 938.357 (1) (am) 2m., 938.357 (1) (am) 3., 938.357 (1) (c) (title), 938.357 (1) (c) 1., 938.357 (1) (c) 2., 938.357 (1) (c) 3., 938.357 (2m) (a), 938.357 (2m) (am) (title), 938.357 (2m) (br), 938.357 (2m) (c), 938.357 (2r), 938.357 (2v) (a) 1., 938.357 (2v) (a) 2., 938.357 (2v) (a) 2m., 938.357 (2v) (c) (title), 938.357 (4d) (am), 938.357 (5m) (a), 938.357 (6) (a) (intro.), 938.357 (6) (a) 2., 938.357 (6) (b), 938.358 (2) (a), 938.36 (1) (a), 938.363 (1) (c) and 938.38 (4m) (title); and to create 48.185 (4), 48.185 (5), 48.21 (5m), 48.213 (4m), 48.217, 48.255 (1) (cg), 48.32 (1) (am), 48.355 (4g), 48.357 (1) (title), 48.357 (1) (am) (title), 48.357 (1) (c) (title), 48.357 (2) (title), 48.357 (2) (b), 48.357 (2m) (title), 48.357 (2m) (am) (title), 48.357 (2m) (b) (title), 48.357 (2v) (title), 48.357 (2v) (a) (title), 48.357 (2v) (b) (title), 48.357 (2v) (c) (title), 48.357 (2v) (d) (title), 48.357 (4d) (title), 48.357 (4d) (b) (title), 48.357 (5r) (title), 48.357 (6) (title), 48.42 (1) (bm), 48.43 (8), 48.437, 757.69 (1) (g) 15., 938.21 (5m), 938.217, 938.255 (1) (cg), 938.32 (1) (bm), 938.355 (4g), 938.357 (2) (b), 938.357 (2v) (d) (title), 938.357 (4d) (a) (title) and 938.357 (4d) (b) (title) of the statutes; relating to: procedures for changing the placement of a child who is subject to a temporary physical custody order or termination of parental rights order of the juvenile court, procedures for amending a consent decree of the juvenile court, emergency change-in-placement procedures for a child who is placed in his or her own home under a dispositional order of the juvenile court, venue in post-dispositional proceedings under the Children's Code and Juvenile Justice Code, procedures for requesting and objecting to a proposed change in placement of a child and for changing the placement of a child when no objection is filed, the appointment of a successor guardian for a child who is subject to a termination of parental rights order of the juvenile court, case closure orders with respect to a child whose dispositional order is terminated, and the effective period of a temporary physical custody order of the juvenile court. (FE)

**2015**

|        |    |  |     |
|--------|----|--|-----|
| 11-12. | S. | Introduced by Senators <b>Darling, Lassa, LeMahieu and Olsen</b> ; cosponsored by Representatives <b>Ballweg, Billings, Bowen, Kleefisch and Rohrkaste</b> ..... | 531 |
| 11-12. | S. | Read first time and referred to Committee on Judiciary and Public Safety .....   | 531 |
| 11-20. | S. | Representative Subeck added as a cosponsor .....   | 543 |
| 11-24. | S. | Fiscal estimate received   |     |

**2016**

|        |    |   |     |
|--------|----|---|-----|
| 01-06. | S. | Fiscal estimate received  |     |
| 01-07. | S. | Public hearing held   |     |
| 01-25. | S. | Senate Amendment 1 offered by Senator Darling ( <b>LRB a1713</b> ) .....  | 647 |
| 01-28. | S. | Fiscal estimate received  |     |
| 02-01. | S. | Executive action taken  |     |
| 02-01. | S. | Report adoption of Senate Amendment 1 recommended by Committee on Judiciary and Public Safety, Ayes 5, Noes 0 ..... | 664 |
| 02-01. | S. | Report passage as amended recommended by Committee on Judiciary and Public Safety, Ayes 5, Noes 0 .....             | 664 |
| 02-01. | S. | Available for scheduling  |     |
| 02-08. | S. | Placed on calendar 2-9-2016 pursuant to Senate Rule 18(1) .....   | 684 |
| 02-09. | S. | Read a second time  |     |
| 02-09. | S. | Senate Amendment 1 <b>adopted</b>   |     |
| 02-09. | S. | Ordered to a third reading  |     |
| 02-09. | S. | Rules suspended   |     |
| 02-09. | S. | Read a third time and <b>passed</b>   |     |
| 02-09. | S. | Ordered immediately messaged  |     |
| 02-09. | A. | Received from Senate .....  | 621 |
| 02-11. | A. | Read first time and referred to committee on Rules .....  | 633 |
| 02-11. | A. | Placed on calendar 2-16-2016 by Committee on Rules  |     |
| 02-16. | A. | Rules suspended to withdraw from calendar and take up .....   | 665 |
| 02-16. | A. | Read a second time .....  | 665 |
| 02-16. | A. | Ordered to a third reading .....  | 665 |

**History of Proposal**

February 17, 2016

|        |    |   |     |
|--------|----|---|-----|
| 02-16. | A. | Rules suspended .....                           | 665 |
| 02-16. | A. | Read a third time and <b>concurred in</b> ..... | 665 |
| 02-16. | A. | Ordered immediately messaged .....              | 665 |
| 02-17. | S. | Received from Assembly concurred in             |     |

**2015**  
**ENROLLED BILL**

15en S B-387

**ADOPTED DOCUMENTS:**

**Orig**     **Engr**         **SubAmdt**     

15 -3394 / 1

**Amendments to above (if none, write "NONE"):** SA 1

**Corrections - show date (if none, write "NONE"):** ccc 2/24/16 ~~(scribble)~~

**Topic** PROCEDURES REGARDING PROCEEDINGS FOR CHILDREN

2/19/16  
**Date**

Catrina  
**Enrolling Drafter**



State of Wisconsin  
2015-2016 LEGISLATURE

**CORRECTIONS IN:**

**2015 SENATE BILL 387**

Prepared by the Legislative Reference Bureau  
(February 24, 2016)

In enrolling, the following corrections were made:

1. Page 9, line 8: delete "placement" and substitute "placement".
2. Page 24, line 13: delete "under s." and substitute "under ss.".
3. Page 54, line 25: delete ", 48.437, and" and substitute "and, 48.437,".
4. Page 75, line 12: delete "under s." and substitute "under ss.".

(END)



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-3394/1  
GMM:cjs&ae

## 2015 SENATE BILL 387

November 12, 2015 - Introduced by Senators DARLING, LASSA, LEMAHIEU and OLSEN, cosponsored by Representatives BALLWEG, BILLINGS, BOWEN, KLEEFISCH and ROHRKASTE. Referred to Committee on Judiciary and Public Safety.

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

**SENATE BILL 387**

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), 48.43 (8), 48.437, 757.69 (1) (g) 15.,  
20 938.21 (5m), 938.217, 938.255 (1) (cg), 938.32 (1) (bm), 938.355 (4g), 938.357 (2)  
21 (b), 938.357 (2v) (d) (title), 938.357 (4d) (a) (title) and 938.357 (4d) (b) (title) of  
22 the statutes; **relating to:** procedures for changing the placement of a child who  
23 is subject to a temporary physical custody order or termination of parental  
24 rights order of the juvenile court, procedures for amending a consent decree of  
25 the juvenile court, emergency change-in-placement procedures for a child who

**SENATE BILL 387**

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

SA 1  
1,  
X

---

***Analysis by the Legislative Reference Bureau******Introduction***

Current law provides procedures for the change in placement of a child who is subject to a dispositional order of the court assigned to exercise jurisdiction under the Children’s Code (juvenile court), including procedures for making an emergency change in placement of such a child who is placed outside of the child’s home.

This bill: 1) creates similar procedures to permit a change in placement of a child alleged to be in need of protection or services who is being held in custody under a temporary physical custody (TPC) order; 2) creates similar procedures to permit a change in placement of a child who, following a termination of parental rights (TPR) and pending adoptive placement, is in the guardianship of the Department of Children and Families, a county department of human services or social services, or a licensed child welfare agency (collectively “agency”); 3) creates a procedure under which a consent decree of the juvenile court, which is an order of the juvenile court suspending a child in need of protection or services (CHIPS) proceeding and placing the child under supervision in the child’s home or present placement, may be amended; and 4) creates emergency change-in-placement procedures to permit a child who is placed in the child’s home under a dispositional order to be placed outside the home when emergency conditions necessitate an immediate change in placement. The bill also makes certain changes regarding the place of trial (venue) of a post-dispositional proceeding, certain changes regarding the appointment of a successor guardian for a child who is subject to a TPR order, and certain changes in the procedures for requesting and objecting to a proposed change in placement and for changing a child’s placement when no objection is filed. In addition, the bill permits the juvenile court to grant certain case closure orders when it terminates the dispositional order of a child. Finally, the bill specifies the effective period of a TPC order.

**SENATE BILL 387*****Current law***

Under current law, the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel may request a change in placement of a child, other than a change in placement from a placement in the child's home to a placement outside the child's home, by causing notice of the proposed change in placement to be sent to the child, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian of the child, the child's court-appointed special advocate (CASA), and, if the child is an Indian child, the Indian child's Indian custodian and tribe. A person receiving that notice, other than a CASA, may obtain a hearing on the matter by filing an objection with the juvenile court within ten days after the notice is sent to the juvenile court.

For a change in placement that would change the placement of a child placed in the child's home to a placement outside the home, the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel must submit a request for the change in placement to the juvenile court, and the juvenile court must hold a hearing prior to ordering the requested change in placement.

Current law also permits the child, the parent, guardian, legal custodian, or Indian custodian of the child, or any person or agency primarily bound by the dispositional order, other than the person or agency primarily responsible for implementing the dispositional order, to request a change in placement. Subject to certain exceptions, the juvenile court must hold a hearing prior to ordering the requested change in placement if the request states that new information is available that affects the advisability of the current placement.

In addition, current law permits the person or agency primarily responsible for implementing the dispositional order to remove a child placed outside the child's home to a new placement if emergency conditions necessitate an immediate change in placement. An emergency change in placement may be made without prior notice, but notice must be sent within 48 hours after the emergency change in placement and any party receiving notice may demand a hearing.

***The bill***

***Venue.*** Under current law, venue for a change-in-placement proceeding is in the county where the child resides or is present and venue for a proceeding for the revision or extension of a dispositional order (revision or extension proceeding) is in the county where the dispositional order was issued, unless the child's county of residence has changed or the child's parent has resided in a different county for six months, in which case the juvenile court may transfer the case to the county of residence of the child or parent.

This bill provides that venue for a change-in-placement, revision, or extension proceeding is in the county where the dispositional order was issued, unless prior to the proceeding the juvenile court of that county determined that proper venue for the proceeding lies in another county and transferred the case to that other county.

***Request and objection procedures.*** This bill eliminates the authority of a person or agency primarily bound by a dispositional order to request a change in



**SENATE BILL 387**

placement. The bill also requires the person or agency responsible for implementing the dispositional order, the district attorney, or the corporation counsel to file a notice of a requested change in placement with the juvenile court on the same day that the notice is sent and permits a person receiving that notice to file an objection with the juvenile court within ten days after that notice is *sent*, not received. In addition, under the bill, if no objection is filed within those ten days, the juvenile court must enter an order changing the child's placement as proposed in the notice. Current law does not expressly require the juvenile court order to enter a change-in-placement order when no objection is filed.

***Child subject to TPC order.*** The bill creates similar procedures under which: 1) the juvenile court intake worker (intake worker), the agency primarily responsible for providing services under a TPC order, the district attorney, or the corporation counsel may request a change in placement of the child who is subject to the TPC order; 2) the child, the child's counsel or guardian ad litem (GAL), or the parent, guardian, legal custodian, or Indian custodian of the child may request a change in placement of the child who is subject to the TPC order; and 3) the intake worker or the agency primarily responsible for providing services under a TPC order may make an emergency change in placement of a child placed outside the home under the TPC order.

The bill, however, does not permit a change in the placement of a child who is subject to a TPC order from a placement in the child's home to a placement outside the home. Such a change in placement may only be made as provided under current law, which permits a TPC order placing a child with a parent, guardian, legal custodian, or other responsible person to be amended, with notice, so as to place the child in another form of custody for failure to conform to the conditions imposed in the TPC order.

***Child under agency guardianship post-TPR.*** In addition, the bill creates similar procedures under which: 1) the agency appointed as the guardian of a child under a TPR order, the district attorney, or the corporation counsel may request a change in placement of the child who is subject to the TPR order; 2) the child, the legal custodian, or Indian custodian of the child, or any agency responsible for securing the adoption of the child or for establishing the child in a permanent family setting, other than the agency appointed as the guardian of the child, may request a change in placement of the child who is subject to the TPR order; and 3) the agency appointed as the guardian of a child under a TPR order make make an emergency change in placement of the child.

The bill also permits any of those persons to petition the juvenile court for the appointment of a successor guardian of the child or the juvenile court, on its own motion, to propose such an appointment. The bill requires that petition or motion to be heard in the same manner and to be subject to the same requirements as provided under current law for the appointment of a successor guardian.

Under the bill, venue for those change-in-placement and successor guardianship proceedings is in the county where the TPR order was issued.

***Child subject to consent decree.*** The bill also creates a procedure under which a child, if 12 years of age or over; the parent, guardian, or legal custodian of

**SENATE BILL 387**

the child; and the person filing the CHIPS petition (generally the district attorney or corporation counsel) may agree to, and the juvenile court may enter, an amended consent decree. An amended consent decree may change the placement of the child who is the subject of the original consent decree or revise any other term or condition of the original consent decree. An amended consent decree may not extend the expiration date of the original consent decree.

***Emergency change in placement; child placed in own home.*** The bill creates a procedure under which the person or agency primarily responsible for implementing a dispositional order placing a child in the child's home may change the placement of the child to a placement outside the home when emergency conditions necessitate an immediate change in placement. Under the bill, a hearing on the emergency change in placement must be held within 48 hours after the emergency change in placement is made, excluding Saturdays, Sundays, and legal holidays. By the time of the hearing, a request for a nonemergency placement under current law must be filed with the juvenile court, and the juvenile court must hold a hearing on that request as provided under current law, except that, if all parties consent, the juvenile court may proceed immediately with the hearing on the nonemergency change-in-placement request in lieu of the hearing on the emergency change in placement.

***Case closure orders.*** The bill permits the juvenile court, on the request of a party or on its own motion and on a finding that granting the request or motion would be in the best interests of the child, to terminate a child's dispositional order before the child attains 18 years of age and to grant an order determining paternity of the child, legal custody of the child, periods of physical placement with the child, visitation rights with respect to the child, or the obligation of the child's parents to provide support for the child (child support) and the responsibility of the child's parents to provide coverage of the child's health care expenses (health care coverage) in the same manner as those determinations are made under the laws governing actions for divorce, paternity, or other actions affecting the family if any of the following apply:

1. The child's parents are parties to a pending action for divorce, annulment, or legal separation, a man determined to be the biological father of the child for purposes of a proceeding under the Children's Code or the Juvenile Justice Code is a party to a pending action to determine paternity of the child, or the child is the subject of a pending independent action to determine legal custody of the child or visitation rights with respect to the child.

2. The child is the subject of an order that has been granted in an action affecting the family determining legal custody, periods of physical placement, visitation, or child support and health care coverage.

The bill provides that an order of the juvenile court determining paternity, legal custody, periods of physical placement, visitation rights, or child support and health care coverage (case closure order) may modify a preexisting order of a court exercising jurisdiction over an action affecting the family (family court) and shall remain in effect until terminated or modified by a family court. The bill also provides

**SENATE BILL 387**

that a person seeking enforcement or modification of a case closure order must seek that relief from the family court.

***Effective period of TPC order.*** Finally, the bill specifies that a TPC order remains in effect until a dispositional order is granted or a consent decree is entered into, the CHIPS petition is withdrawn or dismissed, or the TPC order is modified or terminated by further order of the juvenile court. Current law does not specify the effective period of a TPC order.

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

---

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

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

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

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

7           46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability  
8 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the  
9 parent's minor child who has been placed by a court order under s. 48.32, 48.355, or  
10 48.357 in a residential, nonmedical facility such as a group home, foster home,  
11 subsidized guardianship home, or residential care center for children and youth  
12 shall be determined by the court by using the percentage standard established by the  
13 department of children and families under s. 49.22 (9) and by applying the  
14 percentage standard in the manner established by the department under par. (g).

15           **SECTION 3.** 46.10 (14) (e) 1. of the statutes, as affected by 2015 Wisconsin Act  
16 55, is amended to read:

**SENATE BILL 387****SECTION 3**

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

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

11           46.10 (14) (g) For purposes of determining child support under par. (b), the  
12           department shall promulgate rules related to the application of the standard  
13           established by the department of children and families under s. 49.22 (9) to a child  
14           support obligation for the care and maintenance of a child who is placed by a court  
15           order under s. 48.32, 48.355, or 48.357 in a residential, nonmedical facility. The rules  
16           shall take into account the needs of any person, including dependent children other  
17           than the child, whom either parent is legally obligated to support.

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

19           48.028 (2) (e) “Out-of-home care placement” means the removal of an Indian  
20           child from the home of his or her parent or Indian custodian for temporary placement  
21           in a foster home, group home, residential care center for children and youth, or  
22           shelter care facility, in the home of a relative other than a parent, or in the home of  
23           a guardian, from which placement the parent or Indian custodian cannot have the  
24           child returned upon demand. “Out-of-home care placement” does not include an  
25           adoptive placement, a preadoptive placement, a delegation of powers, as described

**SENATE BILL 387**

1 in par. (d) 5., an emergency change in placement under s. 48.357 (2) (b), or holding  
2 an Indian child in custody under ss. 48.19 to 48.21.

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

4 48.028 (2) (f) "Preadoptive placement" means the temporary placement of an  
5 Indian child in a foster home, group home, or residential care center for children and  
6 youth, in the home of a relative other than a parent, or in the home of a guardian after  
7 a termination of parental rights but prior to or in lieu of an adoptive placement.  
8 "Preadoptive placement" does not include an emergency change in placement under  
9 s. 48.437 (2).

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

12 48.185 (1) (intro.) PROCEEDINGS GENERALLY. Subject to ~~sub. subs.~~ (2) to (5), venue  
13 for any proceeding under ~~ss. s.~~ 48.13, 48.133, 48.135 and, or 48.14 (1) to (9) may be  
14 in any of the following: ~~the~~

15 (a) The county where the child or the expectant mother of the unborn child  
16 resides ~~or the~~.

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

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

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

24 48.185 (2) GUARDIANSHIP AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS. In  
25 an action under s. 48.41, venue shall be in the county where the birth parent or child

**SENATE BILL 387****SECTION 8**

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

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

11 48.185 (4) CHILD OR UNBORN CHILD SUBJECT TO A DISPOSITIONAL ORDER. Venue for  
12 any proceeding under s. 48.357, 48.363, or 48.365 shall be in the county where the  
13 dispositional order was issued, unless prior to the proceeding the court of that county  
14 determined that the proper venue for the proceeding lies in another county and  
15 transferred the case, along with all appropriate records, to that other county.

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

17 48.185 (5) CHANGES IN PLACEMENT; SUCCESSOR GUARDIANS; POSTTERMINATION OF  
18 PARENTAL RIGHTS. Venue for a proceeding under s. 48.43 (8) or 48.437 shall be in the  
19 county where the termination of parental rights order was issued.

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

21 48.21 (5m) EFFECTIVE PERIOD OF ORDER. An order to hold a child in custody  
22 remains in effect until a dispositional order is granted or a consent decree is entered  
23 into, the petition under s. 48.25 is withdrawn or dismissed, or the order is modified  
24 or terminated by further order of the court.

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

SA 1  
2  
X

**SENATE BILL 387**

1           48.213 (4m) EFFECTIVE PERIOD OF ORDER. An order to hold an adult expectant  
2 mother in custody remains in effect until a dispositional order is granted or a consent  
3 decree is entered into, the petition under s. 48.25 is withdrawn or dismissed, or the  
4 order is modified or terminated by further order of the court.

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

6           **48.217 Change in placement; child or expectant mother held in**  
7 **custody.** (1) REQUEST BY INTAKE WORKER, AGENCY RESPONSIBLE FOR CUSTODY ORDER, OR  
8 PROSECUTOR. (a) *Applicable procedures.* 1. Except as provided in subd. 2., the intake  
9 worker, the agency primarily responsible for providing services under a temporary  
10 physical custody order under s. 48.21 (4) or 48.213 (3), the district attorney, or the  
11 corporation counsel may request a change in the placement of the child or expectant  
12 mother who is the subject of the order as provided in this subsection, whether or not  
13 the change requested is authorized in the order.

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) *Notice; information required.* 1. a. The intake worker, the agency primarily  
19 responsible for providing services under a temporary physical custody order, the  
20 district attorney, or the corporation counsel may request a change in placement  
21 under this subsection by causing written notice of the proposed change in placement  
22 to be sent to the child, the child's counsel or guardian ad litem, the parent, guardian,  
23 and legal custodian or Indian custodian of the child, any foster parent or other  
24 physical custodian described in s. 48.62 (2) of the child, and the child's  
25 court-appointed special advocate.

**SENATE BILL 387**

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

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

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



**SENATE BILL 387**

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

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

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

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

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

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

**SENATE BILL 387**

1 transitional placement for not more than 20 days or in any other placement  
2 authorized under s. 48.207, 48.208, or 48.209.

3 **(2m) REQUEST BY OTHERS.** (a) *Request; information required.* 1. Except as  
4 provided in subd. 2., the child, the child’s counsel or guardian ad litem, the parent,  
5 guardian, legal custodian, or Indian custodian of the child, the expectant mother, or  
6 the unborn child’s guardian ad litem may request a change in the placement of the  
7 child or expectant mother who is the subject of the order as provided in this  
8 subsection. The request shall contain the name and address of the new placement  
9 requested and shall state what new information is available that affects the  
10 advisability of the current placement. The request shall be submitted to the court.  
11 The court may also propose a change in placement on its own motion.

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

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

23 2. If a hearing is scheduled, at least 3 days before the hearing the court shall  
24 notify the child, the child’s counsel or guardian ad litem, the parent, guardian, and  
25 legal custodian or Indian custodian of the child, the agency primarily responsible for

**SENATE BILL 387**

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

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

16 **(2r) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN.** If a hearing is  
17 held under sub. (1) (c) or (2m) (b) and the change in placement would remove a child  
18 from a foster home or other placement with a physical custodian described in s. 48.62  
19 (2), the court shall give the foster parent or other physical custodian a right to be  
20 heard at the hearing by permitting the foster parent or other physical custodian to  
21 make a written or oral statement during the hearing or to submit a written  
22 statement prior to the hearing relating to the child and the requested change in  
23 placement. A foster parent or other physical custodian described in s. 48.62 (2) who  
24 receives notice of a hearing under sub. (1) (c) or (2m) (b) and a right to be heard under

**SENATE BILL 387**

1 this subsection does not become a party to the proceeding on which the hearing is  
2 held solely on the basis of receiving that notice and right to be heard.

3 **(2v) CHANGE-IN-PLACEMENT ORDER.** A change-in-placement order under sub.  
4 (1) or (2m) shall contain all of the following:

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

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

20 (c) If the change-in-placement order changes the placement of the child to a  
21 placement outside the home and if the child has one or more siblings, as defined in  
22 s. 48.38 (4) (br) 1., who have been placed outside the home or for whom a change in  
23 placement to a placement outside the home is requested, a finding as to whether the  
24 intake worker, the county department, the department in a county having a  
25 population of 750,000 or more, or the agency primarily responsible for providing

**SENATE BILL 387**

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

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

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

23 (c) *Exception.* Paragraphs (a) and (b) do not apply if the court determines by  
24 clear and convincing evidence that the placement would be in the best interests of

**SENATE BILL 387****SECTION 13**

1 the child. The court shall consider the wishes of the child in making that  
2 determination.

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

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

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

15 48.235 (1) (e) The court shall appoint a guardian ad litem, or extend the  
16 appointment of a guardian ad litem previously appointed under par. (a), for any child  
17 alleged or found to be in need of protection or services, if the court has ordered, or if  
18 a request or recommendation has been made that the court order, the child to be  
19 placed out of his or her home under s. 48.32, 48.345, or 48.357. This paragraph does  
20 not apply to a child who is subject to a dispositional order that terminates as provided  
21 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4.

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

23 48.255 (1) (cg) The information required under s. 822.29 (1).

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

**SENATE BILL 387**

1           48.299 (6) (e) 5. A determination by the court under subd. 4. is not a  
2           determination of paternity under s. 48.355 (4g) (a), a judgment of paternity under  
3           ch. 767, or an adjudication of paternity under subch. VIII.

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

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

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

14          48.32 (1) (am) Using the procedures specified in par. (a) for the entry of an  
15          original consent decree, the parties to a consent decree may agree to, and the judge  
16          or circuit court commissioner may enter, an amended consent decree. An amended  
17          consent decree may change the placement of the child or expectant mother who is the  
18          subject of the original consent decree or revise any other term or condition of the  
19          original consent decree. An amended consent decree that changes the placement of  
20          a child from a placement in the child's home to a placement outside the child's home  
21          shall include the findings, orders, and determinations specified in par. (b), as  
22          applicable. An amended consent decree that changes the placement of an Indian  
23          child from a placement in the Indian child's home to a placement outside the Indian  
24          child's home shall include the findings specified in par. (d). An amended consent  
25          decree may not extend the expiration date of the original consent decree.

**SENATE BILL 387****SECTION 19**

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

2           48.32 (1) (b) 1. (intro.) If at the time the consent decree is entered into the child  
3 is placed outside the home under a voluntary agreement under s. 48.63 or is  
4 otherwise living outside the home without a court order and if the consent decree  
5 maintains the child in that placement or other living arrangement, or if an amended  
6 consent decree changes the placement of the child from a placement in the child's  
7 home to a placement outside the child's home, the consent decree shall include all of  
8 the following:

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

10          48.32 (1) (d) 1. In the case of an Indian child, if at the time the consent decree  
11 is entered into the Indian child is placed outside the home of his or her parent or  
12 Indian custodian under a voluntary agreement under s. 48.63 or is otherwise living  
13 outside that home without a court order and if the consent decree maintains the  
14 Indian child in that placement or other living arrangement, or if an amended consent  
15 decree changes the placement of the Indian child from a placement in the Indian  
16 child's home to a placement outside the Indian child's home, the consent decree shall  
17 include a finding supported by clear and convincing evidence, including the  
18 testimony of one or more qualified expert witnesses, that continued custody of the  
19 Indian child by the parent or Indian custodian is likely to result in serious emotional  
20 or physical damage to the child under s. 48.028 (4) (d) 1. and a finding that active  
21 efforts under s. 48.028 (4) (d) 2. have been made to prevent the breakup of the Indian  
22 child's family and that those efforts have proved unsuccessful. The findings under  
23 this subdivision shall be in addition to the findings under par. (b) 1., except that for  
24 the sole purpose of determining whether the cost of providing care for an Indian child  
25 is eligible for reimbursement under 42 USC 670 to 679b, the findings under this



**SENATE BILL 387**

1 subdivision and the findings under par. (b) 1. shall be considered to be the same  
2 findings.

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

4 48.355 (2e) (b) Each time a child's placement is changed under s. 48.32 or  
5 48.357, a trial reunification is ordered under s. 48.358, a consent decree is revised  
6 under s. 48.32, or a dispositional order is revised under s. 48.363 or extended under  
7 s. 48.365, the agency that prepared the permanency plan shall revise the plan to  
8 conform to the order and shall file a copy of the revised plan with the court. Each plan  
9 filed under this paragraph shall be made a part of the court order.

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

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

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

17 48.355 (4) (b) 1. The date on which the child ~~reaches~~ attains 18 years of age.

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

19 48.355 (4) (b) 2. The date that is one year after the date on which the order is  
20 entered granted.

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

22 48.355 (4) (b) 3. The date on which the child is granted a high school or high  
23 school equivalency diploma or the date on which the child ~~reaches~~ attains 19 years  
24 of age, whichever occurs first, if the child is a full-time student at a secondary school

**SENATE BILL 387**

1 or its vocational or technical equivalent and is reasonably expected to complete the  
2 program before ~~reaching~~ attaining 19 years of age.

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

4 48.355 (4) (b) 4. 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 21 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 if an individualized education program  
8 under s. 115.787 is in effect for the child. The court may not ~~enter~~ grant an order that  
9 terminates as provided in this subdivision unless the child is 17 years of age or older  
10 when the order is ~~entered~~ granted and the child, or the child's guardian on behalf of  
11 the child, agrees to the order. At any time after the child ~~reaches~~ attains 18 years  
12 of age, the child, or the child's guardian on behalf of the child, may request the court  
13 in writing to terminate the order and, on receipt of such a request, the court, without  
14 a hearing, shall terminate the order.

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

16 48.355 (4) (c) An order under this section or s. 48.357 or 48.365 relating to an  
17 unborn child in need of protection or services that is made before the unborn child  
18 is born shall terminate one year after the date on which the order is ~~entered~~ granted  
19 unless the judge specifies a shorter period of time or the judge terminates the order  
20 sooner.

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

22 48.355 (4g) TERMINATION OF ORDERS; CASE CLOSURE ORDERS. (a) On request of a  
23 person authorized to file a petition under par. (b) or on its own motion and on a finding  
24 that granting the request or motion would be in the best interests of the child, the  
25 court may terminate an order under this section or s. 48.357 or 48.365 before the child

**SENATE BILL 387**

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

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

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

17 (b) The child or his or her counsel or guardian ad litem, the child'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 child, the child's counsel or guardian ad litem, the child's parent, guardian, and

## SENATE BILL 387

1 legal custodian, the person or agency primarily responsible for implementing the  
2 dispositional order, the district attorney or corporation counsel, the child's  
3 court-appointed special advocate, and, if the child is an Indian child, the child's  
4 Indian custodian and tribe.

5 (d) In considering whether to grant a request or proposal for an order under par.  
6 (a), the court shall proceed as follows:

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

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

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



**SENATE BILL 387**

1           4. If the request or proposal is for an order determining the obligation of the  
2 child's parents to provide support for the child and the responsibility of the child's  
3 parents to provide coverage of the child's health care expenses, the court shall  
4 determine that obligation and responsibility in the same manner as that obligation  
5 and responsibility are determined under ss. 767.511, 767.513, 767.54, 767.55,  
6 767.57, 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 child 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 child under an order under par. (a) may seek enforcement of the order by filing  
22 a motion under s. 767.471 (3) with the court in which the order was filed under par.  
23 (f), and that court shall enforce the order in the same manner as legal custody and  
24 physical placement orders are enforced under s. 767.471.

**SENATE BILL 387**

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

**SENATE BILL 387**

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

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

9           **48.357 (title) Change in placement; child or expectant mother subject**  
10 **to dispositional order.**

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

12           48.357 (1) (title) **REQUEST BY PERSON OR AGENCY RESPONSIBLE FOR ORDER OR**  
13 **PROSECUTOR.**

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

15           48.357 (1) (a) *Applicable procedures.* The person or agency primarily  
16 responsible for implementing the dispositional order, the district attorney, or the  
17 corporation counsel may request a change in the placement of the child or expectant  
18 mother who is the subject of the dispositional order, whether or not the change  
19 requested is authorized in the dispositional order, as provided in par. (am) or (c),  
20 whichever is applicable.

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

22           48.357 (1) (am) (title) *Changes in placement generally.*

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

24           1. a. and amended to read:

**SENATE BILL 387****SECTION 33**

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

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

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

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



**SENATE BILL 387**

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

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

17           48.357 (1) (am) 2m. Changes in placement that were authorized in the  
18           dispositional order may be made immediately if notice is given as required under  
19           subd. 1. ~~In addition, a~~ A hearing is not required for changes in placement ~~changes~~  
20           authorized in the dispositional order except when an objection filed by a person who  
21           received notice alleges that new information is available that affects the advisability  
22           of the ~~court's~~ dispositional order.

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

24           48.357 (1) (am) 3. If the court changes the child's placement from a placement  
25           outside the home to another placement outside the home, the ~~change in~~ placement

**SENATE BILL 387**

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

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

10 48.357 (1) (c) (title) *In-home to out-of-home placement.*

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

12 48.357 (1) (c) 1. If the proposed change in placement would change the  
13 placement of a child placed in the home to a placement outside the home, the person  
14 or agency primarily responsible for implementing the dispositional order, the district  
15 attorney, or the corporation counsel shall submit a request for the change in  
16 placement to the court. The request shall contain the name and address of the new  
17 placement, the reasons for the change in placement, a statement describing why the  
18 new placement is preferable to the present placement, and a statement of how the  
19 new placement satisfies the objectives of the treatment plan or permanency plan  
20 ordered by the court. The request shall also contain specific information showing  
21 that continued placement of the child in his or her home would be contrary to the  
22 welfare of the child and, unless any of the circumstances specified in s. 48.355 (2d)  
23 (b) 1. to 5. applies, specific information showing that the agency primarily  
24 responsible for implementing the dispositional order has made reasonable efforts to

**SENATE BILL 387**

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

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

4 48.357 (1) (c) 2. The court shall hold a hearing prior to ordering any change in  
5 placement requested under subd. 1. ~~Not less than~~ At least 3 days prior to before the  
6 hearing, the court shall provide notice of the hearing, together with a copy of the  
7 request for the change in placement, to the child, the child's counsel or guardian ad  
8 litem, the parent, guardian, and legal custodian of the child, the person or agency  
9 primarily responsible for implementing the dispositional order, the district attorney  
10 or corporation counsel, any foster parent or other physical custodian described in s.  
11 48.62 (2), the child's court-appointed special advocate, ~~all parties that are bound by~~  
12 ~~the dispositional order,~~ and, if the child is an Indian child, the Indian child's Indian  
13 custodian and tribe. Subject to subd. 2r., if all parties consent, the court may proceed  
14 immediately with the hearing.

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

16 48.357 (1) (c) 2m. If the court changes the child's placement from a placement  
17 in the child's home to a placement outside the child's home, the parent, if present at  
18 the hearing, shall be requested to provide the names and other identifying  
19 information of 3 relatives of the child or other individuals 18 years of age or over  
20 whose homes the parent requests the court to consider as placements for the child,  
21 unless that information has previously been provided under this subdivision, sub.  
22 (2m) (bm), or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that  
23 information at the hearing, the county department, the department in a county  
24 having a population of 500,000 750,000 or more, or the agency primarily responsible

**SENATE BILL 387**

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

**SENATE BILL 387**

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

**SENATE BILL 387****SECTION 44**

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~~

**SENATE BILL 387**

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

## SENATE BILL 387

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



**SENATE BILL 387**

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

**SENATE BILL 387**

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

**SENATE BILL 387**

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

**SENATE BILL 387**

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

**SENATE BILL 387**

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

## SENATE BILL 387

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

**SENATE BILL 387**

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

**SENATE BILL 387****SECTION 68**

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:



**SENATE BILL 387**

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

**SENATE BILL 387****SECTION 76**

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

**SENATE BILL 387**

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

**SENATE BILL 387**

**SECTION 83**

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 86.** 48.43 (8) of the statutes is created to read:

16 48.43 (8) The agency appointed as the guardian of a child who is the subject  
 17 of a guardianship order under s. 48.427 (3m) (a) 1. to 4., (am), or (b), the district  
 18 attorney or corporation counsel, the child, the child's counsel or guardian ad litem,  
 19 the legal custodian or Indian custodian of the child, or any agency responsible for  
 20 securing the adoption of the child or for establishing the child in a permanent family  
 21 setting may petition the court for the appointment of a successor guardian of the  
 22 child or the court, on its own motion, may propose the appointment of a successor  
 23 guardian of the child. Except as provided in s. 48.185 (5), the petition or motion shall  
 24 be heard in the same manner and shall be subject to the same requirements as  
 25 provided in s. 54.54 for the appointment of a successor guardian.

SA 1  
 3.  
 X