



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.

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:

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

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 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

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

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

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

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

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.

SENATE BILL 387

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

2 **48.437 Change in placement; posttermination of parental rights. (1)**

3 REQUEST BY GUARDIAN OR PROSECUTOR. (a) *Notice; information required.* The agency
4 appointed as the guardian of a child who is subject to a guardianship order under s.
5 48.427 (3m) (a) 1. to 4., (am), or (b), the district attorney, or the corporation counsel
6 may request a change in the placement of the child by causing written notice of the
7 proposed change in placement to be sent to the child, the child’s counsel or guardian
8 ad litem, the legal custodian of the child, any foster parent or other physical
9 custodian described in s. 48.62 (2) of the child, the operator of the facility in which
10 the child is living, any agency responsible for securing the adoption of the child or
11 for establishing the child in a permanent family setting, and, if the child is an Indian
12 child who has been removed from the home of his or her parent or Indian custodian,
13 the Indian child’s Indian custodian and tribe.

14 2. The notice shall contain the name and address of the new placement, the
15 reasons for the change in placement, a statement describing why the new placement
16 is preferable to the present placement, a statement of how the new placement
17 satisfies the objectives of the treatment plan or permanency plan ordered by the
18 court, and, if the child is an Indian child who has been removed from the home of his
19 or her parent or Indian custodian, a statement as to whether the new placement is
20 in compliance with the order of placement preference under s. 48.028 (7) (b) or, if
21 applicable, s. 48.028 (7) (c) and, if the new placement is not in compliance with that
22 order, specific information showing good cause, as described in s. 48.028 (7) (e), for
23 departing from that order. The person sending the notice shall file the notice with
24 the court on the same day the notice is sent.

SENATE BILL 387

1 (b) *Hearing; order.* Any person receiving the notice under par. (a) may obtain
2 a hearing on the matter by filing an objection with the court within 10 days after the
3 notice is sent to the person and filed with the court. If an objection is filed within 10
4 days after that notice is sent and filed with the court, the court shall hold a hearing
5 prior to ordering any change in placement. At least 3 days before the hearing, the
6 court shall provide notice of the hearing to all persons who are required to receive
7 notice under par. (a). If all parties consent, the court may proceed immediately with
8 the hearing. If no objection is filed within 10 days after that notice is sent and filed
9 with the court, the court shall enter an order changing the child's placement as
10 proposed in that notice. Placements may not be changed until 10 days after that
11 notice is sent and filed with the court unless written waivers of objection are signed
12 by the legal custodian or Indian custodian, the child, if 12 years of age or over, and
13 the child's tribe, if the child is an Indian child who has been removed from the home
14 of his or her parent or Indian custodian.

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

22 **(2) EMERGENCY CHANGE IN PLACEMENT.** If emergency conditions necessitate an
23 immediate change in the placement of a child who is the subject of a guardianship
24 order under s. 48.427 (3) (a) 1. to 4., (am), or (b), the agency appointed as the guardian
25 of the child may remove the child to a new placement without the prior notice under

SENATE BILL 387

1 sub. (1) (a). Notice of the emergency change in placement shall be sent to all persons
2 specified in sub. (1) (a) 1. within 48 hours after the emergency change in placement.
3 Any party receiving notice may demand a hearing under sub. (1) (b). In emergency
4 situations, a child may be placed in a licensed public or private shelter care facility
5 as a transitional placement for not more than 20 days or in any placement authorized
6 under s. 48.345 (3).

7 **(2m) REQUEST BY OTHERS.** (a) *Request; information required.* A child who is the
8 subject of a guardianship order under s. 48.427 (3) (a) 1. to 4., (am), or (b), the child's
9 counsel or guardian ad litem, the legal custodian or Indian custodian of the child, or
10 any agency responsible for securing the adoption of the child or for establishing the
11 child in a permanent family setting, other than the agency appointed as the guardian
12 of the child, may request a change in the placement of the child as provided in this
13 subsection. The request shall contain the name and address of the new placement
14 requested, shall state what new information is available that affects the advisability
15 of the current placement, and, if the proposed change in placement would change the
16 placement of an Indian child who has been removed from the home of his or her
17 parent or Indian custodian, shall contain a statement as to whether the new
18 placement is in compliance with the order of placement preference under s. 48.028
19 (7) (b) or, if applicable, s. 48.028 (7) (c) and, if the new placement is not in compliance
20 with that order, specific information showing good cause, as described in s. 48.028
21 (7) (e), for departing from that order. The request shall be submitted to the court.
22 The court may also propose a change in placement on its own motion.

23 (b) *Hearing; when required.* 1. The court shall hold a hearing prior to ordering
24 any change in placement requested or proposed under par. (a) if the request or
25 proposal states that new information is available that affects the advisability of the

SENATE BILL 387

1 current placement. A hearing is not required if written waivers of objection to the
2 proposed change in placement are signed by all persons entitled to receive notice
3 under subd. 2, and the court approves.

4 2. If a hearing is scheduled, at least 3 days before the hearing the court shall
5 notify the child, the child’s counsel or guardian ad litem, the guardian and legal
6 custodian of the child, the district attorney or corporation counsel, any foster parent
7 or other physical custodian described in s. 48.62 (2) of the child, the operator of the
8 facility in which the child is living, any agency responsible for securing the adoption
9 of the child or for establishing the child in a permanent family setting, and, if the
10 child is an Indian child, the Indian child’s Indian custodian and tribe. A copy of the
11 request or proposal for the change in placement shall be attached to the notice. If
12 all parties consent, the court may proceed immediately with the hearing.

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

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

SENATE BILL 387

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

7 (2v) CHANGE-IN-PLACEMENT ORDER. A change-in-placement order under sub.
8 (1) or (2m) shall contain all of the following:

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

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

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

SENATE BILL 387

1 child’s guardian under s. 48.427 (3m) (a) 1. to 4., (am), or (b) has made reasonable
2 efforts to place the child in a placement that enables the sibling group to remain
3 together, unless the court determines that a joint placement would be contrary to the
4 safety or well-being of the child or any of those siblings, in which case the court shall
5 order the agency to make reasonable efforts to provide for frequent visitation or other
6 ongoing interaction between the child and the siblings, unless the court determines
7 that such visitation or interaction would be contrary to the safety or well-being of
8 the child or any of those siblings.

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

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

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

22 48.75 **(1g)** (d) If the public licensing agency issuing a license under par. (a) 2.
23 or 3. violates the agreement under par. (c), the public licensing agency of the county
24 in which the foster home is located may terminate the agreement and, subject to ss.
25 48.217, 48.32, 48.357, 48.437, and 48.64, 938.217, 938.32, and 938.357, require the

SENATE BILL 387

1 public licensing agency that issued the license to remove the child from the foster
2 home within 30 days after receipt, by the public licensing agency that issued the
3 license, of notification of the termination of the agreement.

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

6 49.345 (1) Liability and the collection and enforcement of such liability for the
7 care, maintenance, services, and supplies specified in this section are governed
8 exclusively by this section, except in cases of child support ordered by a court under
9 s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b)
10 4., 938.357 (5m) (a), or 938.363 (2) or ch. 767.

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

13 49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including a
14 person placed under s. 48.32 (1) (am) or (b), 48.345 (3), 48.357 (1) or (2m), 938.183,
15 938.34 (3) or (4d), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance,
16 services, and supplies provided by any institution in this state, in which the state is
17 chargeable with all or part of the person's care, maintenance, services, and supplies,
18 and the person's property and estate, including the homestead, and the spouse of the
19 person, and the spouse's property and estate, including the homestead, and, in the
20 case of a minor child, the parents of the person, and their property and estates,
21 including their homestead, and, in the case of a foreign child described in s. 48.839
22 (1) who became dependent on public funds for his or her primary support before an
23 order granting his or her adoption, the resident of this state appointed guardian of
24 the child by a foreign court who brought the child into this state for the purpose of
25 adoption, and his or her property and estate, including his or her homestead, shall

SENATE BILL 387

1 be liable for the cost of the care, maintenance, services, and supplies in accordance
2 with the fee schedule established by the department under s. 49.32 (1). If a spouse,
3 widow, or minor, or an incapacitated person may be lawfully dependent upon the
4 property for his or her support, the court shall release all or such part of the property
5 and estate from the charges that may be necessary to provide for the person. The
6 department shall make every reasonable effort to notify the liable persons as soon
7 as possible after the beginning of the maintenance, but the notice or the receipt of
8 the notice is not a condition of liability.

9 **SECTION 91.** 49.345 (14) (b) of the statutes, as affected by 2015 Wisconsin Act
10 55, is amended to read:

11 49.345 (14) (b) Except as provided in par. (c), and subject to par. (cm), liability
12 of a parent specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the
13 parent's minor child who has been placed by a court order under s. ~~48.32~~, 48.355,
14 48.357, 938.183, 938.355, or 938.357 in a residential, nonmedical facility such as a
15 group home, foster home, subsidized guardianship home, or residential care center
16 for children and youth shall be determined by the court by using the percentage
17 standard established by the department under s. 49.22 (9) and by applying the
18 percentage standard in the manner established by the department under par. (g).

19 **SECTION 92.** 49.345 (14) (e) 1. of the statutes, as affected by 2015 Wisconsin Act
20 55, section 1783, is amended to read:

21 49.345 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4. ~~or (4g) (a)~~, 48.357
22 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), or 938.363 (2) for
23 support determined under this subsection constitutes an assignment of all
24 commissions, earnings, salaries, wages, pension benefits, income continuation
25 insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits

SENATE BILL 387

1 under ch. 102 or 108, and other money due or to be due in the future to the county
2 department under s. 46.215, 46.22, or 46.23 in the county where the order was
3 entered or to the department, depending upon the placement of the child as specified
4 by rules promulgated under subd. 5. The assignment shall be for an amount
5 sufficient to ensure payment under the order.

6 **SECTION 93.** 49.345 (14) (g) of the statutes, as affected by 2015 Wisconsin Act
7 55, is amended to read:

8 49.345 (14) (g) For purposes of determining child support under par. (b), the
9 department shall promulgate rules related to the application of the standard
10 established by the department under s. 49.22 (9) to a child support obligation for the
11 care and maintenance of a child who is placed by a court order under s. 48.32, 48.355,
12 48.357, 938.183, 938.355, or 938.357 in a residential, nonmedical facility. The rules
13 shall take into account the needs of any person, including dependent children other
14 than the child, whom either parent is legally obligated to support.

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

16 301.12 (1) Liability and the collection and enforcement of such liability for the
17 care, maintenance, services, and supplies specified in this section is governed
18 exclusively by this section, except in cases of child support ordered by a court under
19 s. 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2) or ch. 767.

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

21 301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
22 including a person placed under s. 938.183, 938.32 (1) (bm) or (c), 938.34 (4h) or (4m),
23 or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies
24 provided by any institution in this state operated or contracted for by the
25 department, in which the state is chargeable with all or part of the person's care,

SENATE BILL 387

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

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

19 301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
20 of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the
21 parent's minor child who has been placed by a court order under s. 938.183, 938.32,
22 938.355, or 938.357 in a residential, nonmedical facility such as a group home, foster
23 home, residential care center for children and youth, or juvenile correctional
24 institution shall be determined by the court by using the percentage standard
25 established by the department of children and families under s. 49.22 (9) and by

SENATE BILL 387

1 applying the percentage standard in the manner established by the department
2 under par. (g).

3 **SECTION 97.** 301.12 (14) (e) 1. of the statutes, as affected by 2015 Wisconsin Act
4 55, is amended to read:

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

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

15 301.12 (14) (g) For purposes of determining child support under par. (b), the
16 department shall promulgate rules related to the application of the standard
17 established by the department of children and families under s. 49.22 (9) to a child
18 support obligation for the care and maintenance of a child who is placed by a court
19 order under s. 938.183, 938.32, 938.355, or 938.357 in a residential, nonmedical
20 facility. The rules shall take into account the needs of any person, including
21 dependent children other than the child, whom either parent is legally obligated to
22 support.

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

24 757.69 (1) (g) 6. Enter into consent decrees or amended consent decrees under
25 s. 48.32 or 938.32.

SENATE BILL 387

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

2 757.69 (1) (g) 8. Conduct hearings under s. 48.21 ~~or~~, 48.217, 938.21, or 938.217
3 and thereafter order a child or juvenile held in or released from custody.

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

5 757.69 (1) (g) 9. Conduct hearings under s. 48.213 or 48.217 and thereafter
6 order an adult expectant mother of an unborn child to be held in or released from
7 custody.

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

9 757.69 (1) (g) 15. Conduct emergency in-home to out-of-home changes in
10 placement hearings under s. 48.357 (2) (b) or 938.357 (2) (b).

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

12 757.69 (1m) (d) Make changes in placements of children, of juveniles, or of the
13 expectant mothers of unborn children, or revisions or extensions of dispositional
14 orders, except pursuant to petitions or citations under s. 938.125 ~~and~~, in uncontested
15 proceedings under s. 48.13, 48.133, 938.12, or 938.13, or as permitted under sub. (1)
16 (g) 6., 8., 9., and 15.

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

18 767.001 (1) (i) To enforce or modify a judgment or order in an action affecting
19 the family granted in this state or elsewhere or an order granted under s. 48.355 (4g)
20 (a) or 938.355 (4g) (a).

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

22 767.001 (1) (m) To enforce or revise an order for support entered under s. 48.355
23 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g)
24 (a), 938.357 (5m) (a), or 938.363 (2).

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

SENATE BILL 387

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

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

8 767.59 (2) (c) If the court revises a judgment or order providing for child support
9 that was entered under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2),
10 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2), the court
11 shall determine child support in the manner provided in s. 49.345 (14) or 301.12 (14),
12 whichever is applicable.

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

14 767.77 (1) DEFINITION. In this section, “payment obligation” means an
15 obligation to pay support under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363
16 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2), support
17 or maintenance under s. 767.501, child support, family support, or maintenance
18 under s. 767.225, child support under s. 767.511, maintenance under s. 767.56,
19 family support under s. 767.531, attorney fees under s. 767.241, child support or a
20 child’s health care expenses under s. 767.85, paternity obligations under s. 767.805
21 (4), 767.863 (3), or 767.89, support arrearages under s. 767.71, or child or spousal
22 support under s. 948.22 (7).

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

24 767.78 (1) DEFINITION. In this section, “financial obligation” means an
25 obligation for payment incurred under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a),

SENATE BILL 387

1 48.363 (2), 767.225, 767.241, 767.511, 767.531, 767.56, 767.61, 767.71, 767.805 (4),
2 767.85, 767.863 (3), 767.89, 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a),
3 or 938.363 (2).

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

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

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

10 893.415 (2) An action to collect child or family support owed under a judgment
11 or order entered under ch. 767, or to collect child support owed under a judgment or
12 order entered under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183
13 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), 938.363 (2), or 948.22 (7), shall be
14 commenced within 20 years after the youngest child for whom the support was
15 ordered under the judgment or order reaches the age of 18 or, if the child is enrolled
16 full-time in high school or its equivalent, reaches the age of 19.

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

18 938.028 (2) (c) “Out-of-home care placement” means the removal of an Indian
19 juvenile from the home of his or her parent or Indian custodian for temporary
20 placement in a foster home, group home, residential care center for children and
21 youth, or shelter care facility, in the home of a relative other than a parent, or in the
22 home of a guardian, from which placement the parent or Indian custodian cannot
23 have the juvenile returned upon demand. “Out-of-home care placement” does not
24 include an emergency change in placement under s. 938.357 (2) (b) or holding an
25 Indian juvenile in custody under ss. 938.19 to 938.21.

SENATE BILL 387

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

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

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

12 938.21 (5m) **EFFECTIVE PERIOD OF ORDER.** An order to hold a juvenile in custody
13 remains in effect until a dispositional order is granted or a consent decree is entered
14 into, the petition under s. 938.25 is withdrawn or dismissed, or the order is modified
15 or terminated by further order of the court.

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

17 **938.217 Change in placement; juvenile held in custody.** (1) **REQUEST BY**
18 **INTAKE WORKER, AGENCY RESPONSIBLE FOR CUSTODY ORDER, OR PROSECUTOR.** (a)
19 *Applicable procedures.* 1. Except as provided in subd. 2., the intake worker, the
20 agency primarily responsible for providing services under a temporary physical
21 custody order under s. 938.21 (4), or the district attorney or corporation counsel may
22 request a change in the placement of the juvenile who is the subject of the order as
23 provided in this subsection, whether or not the change requested is authorized in the
24 order.

SENATE BILL 387

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

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

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

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

SENATE BILL 387

1 are signed by the parent, guardian, legal custodian, or Indian custodian of the
2 juvenile and the juvenile, if 12 years of age or over.

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

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

13 **(2) EMERGENCY CHANGE IN PLACEMENT.** If emergency conditions necessitate an
14 immediate change in the placement of a juvenile placed outside the home under a
15 temporary physical custody order under s. 938.21 (4), the intake worker or agency
16 primarily responsible for providing services under the temporary physical custody
17 order may remove the juvenile to a new placement, whether or not authorized by the
18 existing order, without the prior notice under sub. (1) (b). Notice of the emergency
19 change in placement shall be sent to the persons specified in sub. (1) (b) 1. within 48
20 hours after the emergency change in placement. Any party receiving notice may
21 demand a hearing under sub. (1) (c). In emergency situations, a juvenile may be
22 placed in a licensed public or private shelter care facility as a transitional placement
23 for not more than 20 days or in any other placement authorized under s. 938.207,
24 938.208, or 938.209.

SENATE BILL 387

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

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

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

17 2. If a hearing is scheduled, at least 3 days before the hearing the court shall
18 notify the juvenile, the juvenile’s counsel or guardian ad litem, the parent, guardian,
19 and legal custodian or Indian custodian of the juvenile, the agency primarily
20 responsible for providing services under the temporary physical custody order, the
21 district attorney or corporation counsel, and any foster parent or other physical
22 custodian described in s. 48.62 (2) of the juvenile. A copy of the request or proposal
23 for the change in placement shall be attached to the notice. If all parties consent, the
24 court may proceed immediately with the hearing.

SENATE BILL 387

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

5 **(2r) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN.** If a hearing is
6 held under sub. (1) (c) or (2m) (b) and the change in placement would remove a
7 juvenile from a foster home or other placement with a physical custodian described
8 in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right
9 to be heard at the hearing by permitting the foster parent or other physical custodian
10 to make a written or oral statement during the hearing or to submit a written
11 statement prior to the hearing relating to the juvenile and the requested change in
12 placement. A foster parent or other physical custodian described in s. 48.62 (2) who
13 receives notice of a hearing under sub. (1) (c) or (2m) (b) and a right to be heard under
14 this subsection does not become a party to the proceeding on which the hearing is
15 held solely on the basis of receiving that notice and right to be heard.

16 **(2v) CHANGE-IN-PLACEMENT ORDER.** A change-in-placement order under sub.
17 (1) or (2m) shall contain all of the following:

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

24 (b) If the change-in-placement order changes the placement of the juvenile to
25 a placement outside the home recommended by the agency primarily responsible for

SENATE BILL 387

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

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

21 **(3) PROHIBITED PLACEMENT BASED ON HOMICIDE OF PARENT.** (a) *Prohibition.*
22 Except as provided in par. (c), the court may not change a juvenile's placement to a
23 placement in the home of a person who has been convicted of the homicide of a parent
24 of the juvenile under s. 940.01 or 940.05, if the conviction has not been reversed, set
25 aside, or vacated.

SENATE BILL 387

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

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

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

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

19 938.235 (1) (e) The court shall appoint a guardian ad litem, or extend the
20 appointment of a guardian ad litem previously appointed under par. (a), for any
21 juvenile alleged or found to be in need of protection or services, if the court has
22 ordered, or if a request or recommendation has been made that the court order, the
23 juvenile to be placed out of his or her home under s. 938.32, 938.345, or 938.357. This
24 paragraph does not apply to a juvenile who is subject to a dispositional order that

SENATE BILL 387

1 terminates as provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b)
2 4.

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

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

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

7 938.299 (6) (e) 5. A determination by the court under subd. 4. is not a
8 determination of paternity under s. 938.355 (4g) (a), a judgment of paternity under
9 ch. 767, or an adjudication of paternity under subch. VIII of ch. 48.

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

12 938.30 (6) (b) If it appears to the court that disposition of the case may include
13 placement of the juvenile outside the juvenile's home, the court shall order the
14 juvenile's parent to provide a statement of the income, assets, debts, and living
15 expenses of the juvenile and the juvenile's parent to the court or the designated
16 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
17 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
18 provide, without charge, to any parent ordered to provide that statement a document
19 setting forth the percentage standard established by the department of children and
20 families under s. 49.22 (9) and the manner of its application established by the
21 department of corrections under s. 301.12 (14) (g) and listing the factors ~~that a court~~
22 ~~may consider~~ under s. 301.12 (14) (c).

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

SENATE BILL 387

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

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

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

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

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

SENATE BILL 387

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

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

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

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

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

SENATE BILL 387

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

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

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

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

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

SENATE BILL 387

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

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

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

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

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

SENATE BILL 387

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

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

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

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

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

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

SENATE BILL 387

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

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

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

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

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

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

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

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

SENATE BILL 387

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

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

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

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

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

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

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

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

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

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

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

SENATE BILL 387

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

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

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

SENATE BILL 387

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

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

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

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

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

SENATE BILL 387

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

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

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

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

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

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

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

SENATE BILL 387

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

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

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

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

SENATE BILL 387

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

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

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

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

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

SENATE BILL 387

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

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

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

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

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

SENATE BILL 387

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

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

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

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

21 1. and amended to read:

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

SENATE BILL 387

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

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

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

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

SENATE BILL 387

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

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

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

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

SENATE BILL 387

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

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

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

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

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

SENATE BILL 387

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

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

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

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

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

SENATE BILL 387

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

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

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

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

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

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

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

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

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

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

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

SENATE BILL 387

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

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

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

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

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

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

SENATE BILL 387

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

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

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

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

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

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

SENATE BILL 387

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

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

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

