

**BILL****SECTION 100**

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:

**BILL**

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),

**BILL**

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.

**BILL**

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.

**BILL****SECTION 115**

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

**BILL**

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.

**BILL**

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.

**BILL**

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



**BILL**

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.

**BILL**

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

**BILL**

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:

**BILL**

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

**BILL****SECTION 122**

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

**BILL**

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

**BILL**

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,

**BILL**

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.



**BILL**

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.

**BILL**

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.

**BILL**

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~~

**BILL**

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

**BILL****SECTION 132**

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

**BILL**

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

**BILL****SECTION 137**

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:

**BILL**

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



**BILL****SECTION 140**

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~~

**BILL**

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

**BILL**

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,

**BILL**

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

**BILL****SECTION 145**

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

**BILL**

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

**BILL****SECTION 149**

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.*

**BILL**

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.



**BILL****SECTION 158**

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

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

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

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

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

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

**BILL**

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).



**Barman, Mike**

---

**From:** Malaise, Gordon  
**Sent:** Monday, September 28, 2015 2:45 PM  
**To:** Barman, Mike  
**Subject:** FW: LRB 0210/1 re Change in Placement

Do Not  
Send ...  
She will  
Pick-up

Mike:

The Director of State Courts would like -0210 jacketed for Rep. Ballweg and its companion, -3394, when it comes out of editing, jacketed for Sen. Darling.

Gordon

— ↑

---

**From:** Nancy Rottier [mailto:Nancy.Rottier@wicourts.gov]  
**Sent:** Wednesday, September 23, 2015 10:51 AM  
**To:** Malaise, Gordon <Gordon.Malaise@legis.wisconsin.gov>  
**Subject:** LRB 0210/1 re Change in Placement

Gordon,

We will be pursuing this draft, with Rep. Joan Ballweg and Sen. Alberta Darling as lead sponsors. Could you prepare LRB 0210/1 as a jacketed version for the Assembly and then prepare a companion, jacketed version for the Senate? Thanks for all your work on this. Please contact me with any questions.

Nancy M. Rottier  
Legislative Liaison, Supreme Court  
16 East, State Capitol  
P.O. Box 1688  
Madison, WI 53701-1688  
(608) 267-9733  
[Nancy.Rottier@wicourts.gov](mailto:Nancy.Rottier@wicourts.gov)

CTS

**Basford, Sarah**

---

**From:** Nancy Rottier <Nancy.Rottier@wicourts.gov>  
**Sent:** Tuesday, September 29, 2015 1:52 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3394/1

Please Jacket LRB -3394/1 for the SENATE.

# Memo

**To:** Director of State Courts ... paper copy to Senator Darlings office (Attn: Rachel)

---

*(The Draft's Requester)*

**Per your request ... the attached fiscal estimate was prepared for your un-introduced 2015 session draft.**

**LRB Number: LRB-3394**

**Version: “ /1 ”**

**Fiscal Estimate Prepared By: (agency abbr.) DA (original)**

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

**Entered In Computer And Copy Sent To Requester Via E-Mail: 11 / 09 / 2015**

**\* \* \* \* \***

**To: LRB – Legal Section PA's**

---

**Subject:** *Fiscal Estimate Received For An Un-introduced Draft*

---

> **If re-drafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file “guts” ... after the draft's old version (the version that the fiscal estimate was based on), and just before re-draft of the updated version.

> **If introduced** ... please make sure the attached fiscal estimate is for the **current version** ... write the draft's new introduction number below and give this packet to Mike (or Lori) to re-process the fiscal estimate (w/intro. number included).

**THIS DRAFT WAS INTRODUCED AS: 2015 SB 387**

**Larman, Mike**

---

**From:** Barman, Mike  
**Sent:** Monday, November 09, 2015 3:10 PM  
**To:** 'nancy.rottier@wicourts.gov'  
**Subject:** LRB-3394/1 (un-introduced) ... FE by DA - attached - for your review



FE-3394\_DA.pdf

Drafter: GMM

*Mike Barman* (Lead Program Assistant)

State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)