



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 128
[2015 Senate Bill 309]

**Placement of a Child
in Out-of-Home Care**

2015 Wisconsin Act 128 (the Act) modifies standards regarding placement of a child in out-of-home care.

REASONABLE AND PRUDENT PARENT STANDARD

The Act modifies provisions of the Children’s Code and the Juvenile Justice Code by incorporating a “reasonable and prudent parent” standard in decisions concerning a child in out-of-home care. As defined, a reasonable and prudent parent standard is “characterized by careful and sensible parental decisions that maintain the health, safety, best interests, and cultural, religious, and tribal values of the child while at the same time encouraging the emotional and developmental growth of the child.” The Act provides that:

- An adult providing care for a child placed out-of-home (out-of-home care provider) shall use the reasonable and prudent parent standard in making decisions concerning the child’s participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.
- The Department of Children and Families (DCF) shall promulgate rules regarding the use of the reasonable and prudent parenting standard, as specified in the Act, for decisions concerning a child placed in out-of-home care.
- An agency with responsibility for a child placed in out-of-home care shall facilitate the use of the reasonable and prudent parenting standard, as specified in the Act, for decisions concerning the child.
- A court conducting a review of a child’s placement in out-of-home care, under circumstances specified in the Act, shall determine the steps taken to provide opportunities to engage in age or developmentally appropriate activities and to

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

ensure use of the reasonable and prudent parent care standard in making decisions concerning those activities.

PERMANENCY PLANNING

Under previously established state law, a child placed in out-of-home care must be given a “permanency plan,” which is defined as a plan “designed to ensure that a child is reunified with his or her family whenever appropriate, or that the child quickly attains a placement or home providing long-term stability.” State statutes include various requirements related to contents included in a permanency plan.

The Act modifies provisions of the Children’s Code and the Juvenile Justice Code related to the contents and use of permanency planning for a child placed in out-of-home care. The Act provides that:

- A permanency goal of placement outside the child’s own home, as specified in the Act, will be authorized only in the case of a child 16 years of age or over. There was no age limited specified under prior law.
- A permanency goal of placement in a “sustaining care” arrangement outside the child’s own home, in which DCF maintains guardianship and the county is granted custody, will no longer be authorized, as it was under prior law. A child previously placed in sustaining care who is age 16 or over may remain until the termination of the sustaining care contract; and other children previously placed in sustaining care may remain until the next permanency planning review.
- Agencies with specified responsibilities related to a child placed in out-of-home care must make certain efforts with respect to permanency planning, including presenting information regarding permanency planning efforts to a court or panel reviewing the placement. The Act requires an agency responsible for preparing the permanency plan to prepare it in consultation with the child, if the child is age 14 or over, in addition to other requirements.

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