AN ACT to repeal 48.355 (4) (b) 3., 48.357 (6) (a) 3., 48.365 (5) (b) 3., 48.623 (1m)
(b), 48.975 (3m) (b), 938.355 (4) (am) 3., 938.357 (6) (a) 3. and 938.365 (5) (b) 3.;
to amend 48.355 (4) (b) 4., 48.357 (6) (a) 4., 48.365 (5) (b) 4., 48.366 (1) (intro.),
48.366 (1) (a), 48.366 (2) (b) 4., 48.366 (3) (a), 48.366 (3) (c), 48.57 (3m) (a) 1.
(intro.), 48.57 (3m) (a) 1. a., 48.57 (3m) (a) 1. b., 48.57 (3n) (a) 1. (intro.), 48.57
(3n) (a) 1. a., 48.57 (3n) (a) 1. b., 48.57 (3n) (am) 6. a., 48.623 (1m) (intro.), 48.623
(1m) (a), 48.623 (1m) (c), 48.645 (1) (intro.), 48.645 (1) (a), 48.645 (1) (b), 48.975
(3m) (intro.), 48.975 (3m) (a), 48.975 (3m) (c), 938.355 (4) (am) 4., 938.357 (6)
(a) 4., 938.365 (5) (b) 4., 938.366 (1) (intro.), 938.366 (1) (a), 938.366 (2) (b) 4.,
938.366 (3) (a) and 938.366 (3) (c); and to create 48.366 (1m), 48.645 (1) (c) and
938.366 (1m) of the statutes; relating to: extended out-of-home care to 21
years of age for persons who are completing secondary education, enrolled in
postsecondary or vocational education, participating in an employment
program or activity, employed at least part-time, or incapable of doing any of
those activities due to a medical condition, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, and granting rule-making authority.

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**Analysis by the Legislative Reference Bureau**

This bill permits a child to remain in a foster home, group home, or residential care center for children and youth, in the home of a relative, or in a supervised independent living arrangement (out-of-home care) until the child attains 21 years of age if the child 1) is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 21 years of age; 2) is enrolled in an institution that provides postsecondary or vocational education; 3) is participating in a program or activity designed to promote, or remove barriers to, employment; 4) is employed for at least 80 hours per month; or 5) is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child's permanency plan. The bill also permits a relative, guardian, or adoptive parent of such a child to continue receiving kinship care payments, subsidized guardianship payments, or adoption assistance for the care and maintenance of such a child until the child attains 21 years of age.

Under current law, the federal Department of Health and Human Services provides foster care and adoption assistance under Title IV-E of the Social Security Act for the care of persons under 18 years of age and, at the option of a state, for persons under 19, 20, or 21 years of age, as a state may elect, who are 1) completing secondary education or a program leading to an equivalent credential; 2) enrolled in an institution that provides postsecondary or vocational education; 3) participating in a program or activity designed to promote, or remove barriers to, employment; 4) employed for at least 80 hours per month; or 5) incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child's case plan. Currently, this state permits a person to remain in out-of-home care until he or she has attained 19 years of age, if he or she is is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, and permits a person to remain in out-of-home care until he or she has attained 21 years of age, if he or she is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program, which is a program under which special education and related services are provided to a person with a disability, is in effect for the person.
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:

SECTION 1. 48.355 (4) (b) 3. of the statutes is repealed.

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

48.355 (4) (b) 4. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child reaches 21 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the child is reasonably expected to complete the program before reaching 21 years of age; is enrolled in an institution that provides postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child’s permanency plan. The court may not enter an order that terminates as provided in this subdivision unless the child is 17 years of age or older when the order is entered and the child, or the child’s guardian on behalf of the child, agrees to the order. At any time after the child reaches 18 years of age, the child, or the child’s guardian on behalf of the child, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

SECTION 3. 48.357 (6) (a) 3. of the statutes is repealed.

SECTION 4. 48.357 (6) (a) 4. of the statutes is amended to read:
48.357 (6) (a) 4. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child reaches 21 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the child is reasonably expected to complete the program before reaching 21 years of age; is enrolled in an institution that provides postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child’s permanency plan. The court may not enter an order that terminates as provided in this subdivision unless the child is 17 years of age or older when the order is entered and the child, or the child’s guardian on behalf of the child, agrees to the order. At any time after the child reaches 18 years of age, the child, or the child’s guardian on behalf of the child, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

SECTION 5. 48.365 (5) (b) 3. of the statutes is repealed.

SECTION 6. 48.365 (5) (b) 4. of the statutes is amended to read:

48.365 (5) (b) 4. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child reaches 21 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the child is reasonably expected to complete the program before reaching 21 years of age; is enrolled in an institution that provides
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postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child’s permanency plan. The court may not enter an order that terminates as provided in this subdivision unless the child is 17 years of age or older when the order is entered and the child, or the child’s guardian on behalf of the child, agrees to the order. At any time after the child reaches 18 years of age, the child, or the child’s guardian on behalf of the child, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

SECTION 7. 48.366 (1) (intro.) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

48.366 (1) APPLICABILITY. (intro.) This section applies to a person who is a full-time student of a secondary school or its vocational or technical equivalent, for whom an individualized education program under s. 115.787 is in effect, and described in sub. (1m) to whom any of the following applies:

SECTION 8. 48.366 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

48.366 (1) (a) The person is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, or in a supervised independent living arrangement under an order under s. 48.355, 48.357, or 48.365 that terminates as provided in s. 48.355 (4) (b) 1., 2., or 3., or 2., 48.357 (6) (a) 1., 2., or 3., or 2., or 48.365 (5) (b) 1., 2., or 3., or 2., on or after the person attains 18 years of age.
SECTION 9. 48.366 (1m) of the statutes is created to read:

48.366 (1m) DURATION OF ELIGIBILITY. A person may continue in out-of-home care under a voluntary agreement under sub. (3) until the person attains 21 years of age if the person is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 21 years of age; is enrolled in an institution that provides postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the person's permanency plan.

SECTION 10. 48.366 (2) (b) 4. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

48.366 (2) (b) 4. If the court determines that the person who is the subject of an order described in sub. (1) (a) or (b) understands that he or she may continue in out-of-home care, but wishes to be discharged from that care on termination of the order, the court shall advise the person that he or she may enter into a voluntary agreement under sub. (3) at any time before he or she is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a full-time student at a secondary school or its vocational or technical equivalent and an individualized education program under s. 115.787 is in effect for him or her me...
determines that the person wishes to continue in out-of-home care under a voluntary agreement under sub. (3), the court shall order the agency primarily responsible for providing services to the person under the order to provide transition-to-independent-living services for the person under a voluntary agreement under sub. (3).

**SECTION 11.** 48.366 (3) (a) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

48.366 (3) (a) On termination of an order described in sub. (1) (a) or (b), the person who is the subject of the order, or the person’s guardian on behalf of the person, and the agency primarily responsible for providing services to the person under the order may enter into a transition-to-independent-living agreement under which the person continues in out-of-home care and continues to be a full-time student at a secondary school or its vocational or technical equivalent under an individualized education program under s. 115.787 until the date on which the person reaches 21 years of age, is granted a high school or high school equivalency diploma no longer meets any of the conditions for eligibility described in sub. (1m), or terminates the agreement as provided in par. (b), whichever occurs first, and the agency provides services to the person to assist him or her in transitioning to independent living.

**SECTION 12.** 48.366 (3) (c) of the statutes is amended to read:

48.366 (3) (c) A person who terminates a voluntary agreement under this subsection, or the person’s guardian on the person’s behalf, may request the agency primarily responsible for providing services to the person under the agreement to enter into a new voluntary agreement under this subsection at any time before the person is granted a high school or high school equivalency diploma or reaches 

attains
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21 years of age, whichever occurs first, so long as the person is a full-time student at a secondary school or its vocational or technical equivalent and an individualized education program under s. 115.787 is in effect for him or her meets any of the conditions for eligibility described in sub. (1m). If the request meets the conditions set forth in the rules promulgated under sub. (4) (b), the agency shall enter into a new voluntary agreement with that person.

SECTION 13. 48.57 (3m) (a) 1. (intro.) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

48.57 (3m) (a) 1. (intro.) “Child” means a person under 18 years of age. “Child” also includes a person 18 years of age or over, but under 21 years of age, if any of the following applies:

SECTION 14. 48.57 (3m) (a) 1. a. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

48.57 (3m) (a) 1. a. The person is under 19 years of age, is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent, and is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma before attaining 21 years of age; is enrolled in an institution that provides postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child’s permanency plan.

SECTION 15. 48.57 (3m) (a) 1. b. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:
48.57 (3m) (a) 1. b. The person is under 21 years of age, is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent, an individualized education program under s. 115.787 is in effect for the person, and the person is placed in the home of the kinship care relative under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 48.366 (3) or 938.366 (3).

Section 16. 48.57 (3n) (a) 1. (intro.) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

48.57 (3n) (a) 1. (intro.) “Child” means a person under 18 years of age. “Child” also includes a person 18 years of age or over, but under 21 years of age, if any of the following applies:

Section 17. 48.57 (3n) (a) 1. a. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

48.57 (3n) (a) 1. a. The person is under 19 years of age, is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent, and is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma before attaining 21 years of age; is enrolled in an institution that provides postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child’s permanency plan.
SECTION 18. 48.57 (3n) (a) 1. b. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

48.57 (3n) (a) 1. b. The person is under 21 years of age, is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent, an individualized education program under s. 115.787 is in effect for the person, and the person is placed in the home of the long-term kinship care relative under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 48.366 (3) or 938.366 (3).

SECTION 19. 48.57 (3n) (am) 6. a. of the statutes is amended to read:

48.57 (3n) (am) 6. a. The date on which the child attains the age of 18 years; or, if on that date the child is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma, the date on which the child is granted a high school or high school equivalency diploma or the date on which the child attains the age of 19 years, whichever occurs first; or, if on that date the child is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and an individualized education program under s. 115.787 is in effect for the child before attaining 21 years of age, is enrolled in an institution that provides postsecondary or vocational education, is participating in a program or activity designed to promote, or remove barriers to, employment, is employed for at least 80 hours per month, or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child’s permanency
plan, the date on which the child is granted a high school or high school equivalency diploma ceases to meet any of those conditions for eligibility or the date on which the child attains the age of 21 years, whichever occurs first.

SECTION 20. 48.623 (1m) (intro.) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

48.623 (1m) DURATION OF ELIGIBILITY. (intro.) Subsidized guardianship payments under sub. (1) or (6) may be continued after until the child attains 18 21 years of age if any all of the following applies apply:

SECTION 21. 48.623 (1m) (a) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

48.623 (1m) (a) The child is under 19 years of age, is a full−time student at a secondary school or its vocational or technical equivalent, and is reasonably expected to complete the program before reaching 19, attaining 21 years of age; is enrolled in an institution that provides postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child’s permanency plan.

SECTION 22. 48.623 (1m) (b) of the statutes, as created by 2015 Wisconsin Act 55, is repealed.

SECTION 23. 48.623 (1m) (c) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

48.623 (1m) (c) The child is under 21 years of age, is a full−time student at a secondary school or its vocational or technical equivalent, an individualized education program under s. 115.787 is in effect for the child, and the subsidized
guardianship agreement for the child became effective on or after the date on which
the child attained 16 years of age.

**SECTION 24.** 48.645 (1) (intro.) of the statutes is amended to read:

48.645 (1) DEFINITION. (intro.) In this section, “dependent child” means a child
under the age of 18 or, if the child is a full-time student at a secondary school or its
vocational or technical equivalent and is reasonably expected to complete the
program before reaching 19 years of age, is under the age of 19, or, if the child is a
full-time student at a secondary school or its vocational or technical equivalent for
whom an individualized educational program under s. 115.787 is in effect, is person
under 21 years of age, who meets all of the following conditions:

**SECTION 25.** 48.645 (1) (a) of the statutes is amended to read:

48.645 (1) (a) The child person is living in a foster home licensed under s. 48.62
if a license is required under that section, in a foster home located within the
boundaries of a reservation in this state and licensed by the tribal governing body
of the reservation, in a group home licensed under s. 48.625, in a subsidized
guardianship home under s. 48.623, in a residential care center for children and
youth licensed under s. 48.60, or in a supervised independent living arrangement
and has been placed in that home, center, or arrangement by a county department
under s. 46.215, 46.22, or 46.23, by the department, or by a governing body of an
Indian tribe in this state under an agreement with a county department under s.
46.215, 46.22, or 46.23.

**SECTION 26.** 48.645 (1) (b) of the statutes is amended to read:

48.645 (1) (b) The child person would qualify for aid under s. 49.19, 1993 stats.

**SECTION 27.** 48.645 (1) (c) of the statutes is created to read:
48.645 (1) (c) The person, if 18 years of age or over, is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 21 years of age; is enrolled in an institution that provides postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the person’s permanency plan.

**SECTION 28.** 48.975 (3m) (intro.) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

> 48.975 (3m) **DURATION.** (intro.) The adoption assistance may be continued after until the adoptee attains 18 21 years of age if any all of the following apply:

**SECTION 29.** 48.975 (3m) (a) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

> 48.975 (3m) (a) The adoptee is under 19 years of age, is a full-time student at a secondary school or its vocational or technical equivalent, and is reasonably expected to complete the program before reaching 19 attaining 21 years of age; is enrolled in an institution that provides postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the adoptee’s permanency plan.

**SECTION 30.** 48.975 (3m) (b) of the statutes, as created by 2015 Wisconsin Act 55, is repealed.
**SECTION 31.** 48.975 (3m) (c) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

48.975 (3m) (c) The adoptee is under 21 years of age, is a full-time student at a secondary school or its vocational or technical equivalent, an individualized education program under s. 115.787 is in effect for the adoptee, and the adoption assistance agreement for the adoptee became effective on or after the date on which the adoptee attained 16 years of age.

**SECTION 32.** 938.355 (4) (am) 3. of the statutes is repealed.

**SECTION 33.** 938.355 (4) (am) 4. of the statutes is amended to read:

938.355 (4) (am) 4. The date on which the juvenile is granted a high school or high school equivalency diploma or the date on which the juvenile attains 21 years of age, whichever occurs first, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the juvenile, is reasonably expected to complete the program before attaining 21 years of age; is enrolled in an institution that provides postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the juvenile's permanency plan. The court may not grant an order that terminates as provided in this subdivision unless the juvenile is 17 years of age or older when the order is granted and the juvenile, or the juvenile’s guardian on behalf of the juvenile, agrees to the order. At any time after the juvenile attains 18 years of age, the juvenile, or the juvenile’s guardian on behalf of the juvenile, may request the
court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

**SECTION 34.** 938.357 (6) (a) 3. of the statutes is repealed.

**SECTION 35.** 938.357 (6) (a) 4. of the statutes is amended to read:

938.357 (6) (a) 4. The date on which the juvenile is granted a high school or high school equivalency diploma or the date on which the juvenile attains 21 years of age, whichever occurs first, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the juvenile is reasonably expected to complete the program before attaining 21 years of age; is enrolled in an institution that provides postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the juvenile's permanency plan. The court may not grant an order that terminates as provided in this subdivision unless the juvenile is 17 years of age or older when the order is granted and the juvenile, or the juvenile's guardian on behalf of the juvenile, agrees to the order. At any time after the juvenile attains 18 years of age, the juvenile, or the juvenile's guardian on behalf of the juvenile, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

**SECTION 36.** 938.365 (5) (b) 3. of the statutes is repealed.

**SECTION 37.** 938.365 (5) (b) 4. of the statutes is amended to read:

938.365 (5) (b) 4. The date on which the juvenile is granted a high school or high school equivalency diploma or the date on which the juvenile attains 21 years of age,
whichever occurs first, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the juvenile is reasonably expected to complete the program before attaining 21 years of age; is enrolled in an institution that provides postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the juvenile's permanency plan. The court may not grant an order that terminates as provided in this subdivision unless the juvenile is 17 years of age or older when the order is granted and the juvenile, or the juvenile's guardian on behalf of the juvenile, agrees to the order. At any time after the juvenile attains 18 years of age, the juvenile, or the juvenile's guardian on behalf of the juvenile, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

SECTION 38. 938.366 (1) (intro.) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

938.366 (1) APPLICABILITY. (intro.) This section applies to a person who is a full-time student of a secondary school or its vocational or technical equivalent, for whom an individualized education program under s. 115.787 is in effect, and described in sub. (1m) to whom any of the following applies:

SECTION 39. 938.366 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

938.366 (1) (a) The person is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, or
in a supervised independent living arrangement under an order under s. 938.355, 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 1., 2., or 3. or 2., 938.357 (6) (a) 1., 2., or 3. or 2., or 938.365 (5) (b) 1., 2., or 3. or 2. on or after the person attains 18 years of age.

**SECTION 40.** 938.366 (1m) of the statutes is created to read:

938.366 (1m) **DURATION OF ELIGIBILITY.** A person may continue in out-of-home care under a voluntary agreement under sub. (3) until the person attains 21 years of age if the person is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 21 years of age; is enrolled in an institution that provides postsecondary or vocational education; is participating in a program or activity designed to promote, or remove barriers to, employment; is employed for at least 80 hours per month; or is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the person’s permanency plan.

**SECTION 41.** 938.366 (2) (b) 4. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

938.366 (2) (b) 4. If the court determines that the person who is the subject of an order described in sub. (1) (a) understands that he or she may continue in out-of-home care, but wishes to be discharged from that care on termination of the order, the court shall advise the person that he or she may enter into a voluntary agreement under sub. (3) at any time before he or she is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a full-time student at a secondary school or its vocational or technical equivalent and an individualized education program under s. 115.787 is in
effect for him or her meets any of the conditions for eligibility described in sub. (1m).

If the court determines that the person wishes to continue in out-of-home care under an extension of the order described in sub. (1) (a), the court shall schedule an extension hearing under s. 938.365. If the court determines that the person wishes to continue in out-of-home care under a voluntary agreement under sub. (3), the court shall order the agency primarily responsible for providing services to the person under the order to provide transition-to-independent-living services for the person under a voluntary agreement under sub. (3).

**SECTION 42.** 938.366 (3) (a) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

938.366 (3) (a) On termination of an order described in sub. (1) (a), the person who is the subject of the order, or the person’s guardian on behalf of the person, and the agency primarily responsible for providing services to the person under the order may enter into a transition-to-independent-living agreement under which the person continues in out-of-home care and continues to be a full-time student at a secondary school or its vocational or technical equivalent under an individualized education program under s. 115.787 until the date on which the person reaches 21 years of age, is granted a high school or high school equivalency diploma no longer meets any of the conditions for eligibility described in sub. (1m), or terminates the agreement as provided in par. (b), whichever occurs first, and the agency provides services to the person to assist him or her in transitioning to independent living.

**SECTION 43.** 938.366 (3) (c) of the statutes is amended to read:

938.366 (3) (c) A person who terminates a voluntary agreement under this subsection, or the person’s guardian on the person’s behalf, may request the agency
primarily responsible for providing services to the person under the agreement to enter into a new voluntary agreement under this subsection at any time before the person is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as the person is a full-time student at a secondary school or its vocational or technical equivalent and an individualized education program under s. 115.787 is in effect for him or her meets any of the conditions for eligibility described in sub. (1m). If the request meets the conditions set forth in the rules promulgated under sub. (4) (b), the agency shall enter into a new voluntary agreement with that person.

SECTION 44. Nonstatutory provisions.

(1) Extended out-of-home care to age 21; rules.

(a) Permanent rules. The department of children and families shall present the statement of scope of the rules required under sections 48.366 (4) and 938.366 (4) of the statutes to the governor for approval under section 227.135 (2) of the statutes no later than the 30th day after the effective date of this paragraph. The department of children and families shall submit in proposed form the rules required under sections 48.366 (4) and 938.366 (4) of the statutes to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after the governor approves the statement of scope for the rules.

(b) Emergency rules. Using the procedure under section 227.24 of the statutes, the department of children and families may promulgate the rules required under sections 48.366 (4) and 938.366 (4) of the statutes for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and
(3) of the statutes, the department of children and families is not required to provide
evidence that promulgating a rule under this paragraph as an emergency rule is
necessary for the preservation of the public peace, health, safety, or welfare and is
not required to provide a finding of emergency for a rule promulgated under this
paragraph.

**SECTION 45. Effective dates.** This act takes effect on the first day of the 4th
month beginning after publication, except as follows:

(1) Rules. **SECTION 44 (1)** of this act takes effect on the day after publication.