

# State of Wisconsin



2023 Senate Bill 520

Date of enactment: **March 14, 2024**

Date of publication\*: **March 15, 2024**

## 2023 WISCONSIN ACT 119

AN ACT *to repeal* 48.38 (1) (ap) and 938.38 (1) (as); *to amend* 48.02 (15), 48.028 (2) (e), 48.028 (2) (f), 48.207 (1) (b), 48.207 (1) (f), 48.33 (4) (intro.), 48.335 (3g) (intro.), 48.335 (3j) (intro.), 48.345 (3) (a) (intro.), 48.345 (3) (a) 1., 48.345 (3) (a) 2., 48.345 (4) (a), 48.355 (4) (b) (intro.), 48.366 (1) (a), 48.371 (1) (intro.), 48.371 (1) (a), 48.371 (3) (intro.), 48.371 (3) (d), 48.371 (5), 48.38 (2) (intro.), 48.38 (3m) (a), 48.38 (4) (f) (intro.), 48.38 (4m) (b), 48.38 (4m) (d), 48.38 (5) (b), 48.38 (5) (bm) 1., 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (c) 1., 48.38 (5m) (e), 48.385 (intro.), 48.40 (1m), 48.427 (3m) (a) 5., 48.43 (5) (b) 1., 48.43 (5) (b) 3., 48.43 (5m), 48.57 (3m) (a) 1. b., 48.57 (3m) (a) 2., 48.57 (3m) (am) (intro.), 48.57 (3m) (am) 1., 48.57 (3m) (am) 1m., 48.57 (3m) (am) 4., 48.57 (3m) (am) 4m., 48.57 (3m) (am) 5., 48.57 (3m) (am) 5m., 48.57 (3m) (am) 6., 48.57 (3m) (ap) 1., 48.57 (3m) (ap) 2., 48.57 (3m) (ap) 3., 48.57 (3m) (b) 2., 48.57 (3m) (cm), 48.57 (3m) (h), 48.57 (3m) (i) 1., 48.57 (3n) (a) 1. b., 48.57 (3n) (a) 2., 48.57 (3n) (am) (intro.), 48.57 (3n) (am) 1., 48.57 (3n) (am) 2., 48.57 (3n) (am) 4., 48.57 (3n) (am) 4m., 48.57 (3n) (am) 5., 48.57 (3n) (am) 5m., 48.57 (3n) (am) 5r., 48.57 (3n) (am) 6. (intro.), 48.57 (3n) (am) 6. c., 48.57 (3n) (am) 6. d., 48.57 (3n) (am) 6. e., 48.57 (3n) (ap) 1., 48.57 (3n) (ap) 2., 48.57 (3n) (ap) 3., 48.57 (3n) (b) 2., 48.57 (3n) (cm), 48.57 (3n) (h), 48.57 (3p) (h) 3. (intro.), 48.57 (3p) (h) 3. b., 48.57 (3p) (h) 4., 48.60 (2) (a), 48.62 (2), 48.64 (1), 48.64 (1m), 48.64 (2), 48.64 (4) (a), 48.64 (4) (c), 48.67 (4) (b), 49.155 (1m) (a) 1m. b., 118.175 (1), 767.57 (1m) (cm), 767.57 (2), 938.02 (15), 938.028 (2) (c), 938.207 (1) (b), 938.207 (1) (f), 938.33 (4) (intro.), 938.335 (3g) (intro.), 938.335 (3j) (intro.), 938.34 (3) (a) (intro.), 938.34 (3) (a) 1., 938.34 (3) (a) 2., 938.355 (4) (am) (intro.), 938.357 (6) (a) (intro.), 938.357 (6) (b), 938.365 (5) (b) (intro.), 938.366 (1) (a), 938.371 (1) (intro.), 938.371 (1) (a), 938.371 (3) (intro.), 938.371 (5), 938.38 (2) (intro.), 938.38 (3m) (a), 938.38 (4) (f) (intro.), 938.38 (4m) (b), 938.38 (4m) (d), 938.38 (5) (b), 938.38 (5) (bm) 1., 938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (c) 1., 938.38 (5m) (e) and 938.385 (intro.); and *to create* 48.02 (12c) and 938.02 (12c) of the statutes; **relating to:** inclusion of like-kin as an option for with whom children may be placed out of their home under certain circumstances and who may receive kinship care payments.

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

**SECTION 1.** 48.02 (12c) of the statutes is created to read:

48.02 (12c) "Like-kin" means an individual who has a significant emotional relationship with a child or the

child's family that is similar to a familial relationship and who is not and has not previously been the child's licensed foster parent. For an Indian child, "like-kin" includes individuals identified by the child's tribe according to tribal tradition, custom or resolution, code, or law.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 2.** 48.02 (15) of the statutes is amended to read:

48.02 (15) “Relative” means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, first cousin once removed, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, stepparent, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, “relative” includes an extended family member, as defined in s. 48.028 (2) (am), whether by blood, marriage, or adoption, including adoption under tribal law or custom. For purposes of placement of a child, “relative” also includes a parent of a sibling of the child who has legal custody of that sibling.

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

48.028 (2) (e) “Out-of-home care placement” means the removal of an Indian child from the home of his or her parent or Indian custodian for temporary placement in a foster home, group home, residential care center for children and youth, or shelter care facility, in the home of a relative other than a parent, in the home of like-kin, or in the home of a guardian, from which placement the parent or Indian custodian cannot have the child returned upon demand. “Out-of-home care placement” does not include an adoptive placement, a preadoptive placement, a delegation of powers, as described in par. (d) 5., an emergency change in placement under s. 48.357 (2) (b), or holding an Indian child in custody under ss. 48.19 to 48.21.

**SECTION 4.** 48.028 (2) (f) of the statutes is amended to read:

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

**SECTION 5.** 48.207 (1) (b) of the statutes is amended to read:

48.207 (1) (b) The home of a relative or like-kin, except that a child may not be held under this paragraph in the home of a ~~relative if the relative~~ person who has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the child, and the conviction has not been reversed, set aside or vacated, unless the person making the custody decision determines by

clear and convincing evidence that the placement would be in the best interests of the child. The person making the custody decision shall consider the wishes of the child in making that determination.

**SECTION 6.** 48.207 (1) (f) of the statutes is amended to read:

48.207 (1) (f) The home of a person not a relative or like-kin, if the placement does not exceed 30 days, though the placement may be extended for an additional 30 days for cause by the court, and if the person has not had a license under s. 48.62 refused, revoked, or suspended within the last 2 years.

**SECTION 7.** 48.33 (4) (intro.) of the statutes is amended to read:

48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending placement of an adult expectant mother outside of her home shall be in writing. A report recommending placement of a child in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement shall be in writing and shall include all of the following:

**SECTION 8.** 48.335 (3g) (intro.) of the statutes is amended to read:

48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in s. 48.38 (1) (a), is recommending placement of the child in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement, the agency shall present as evidence specific information showing all of the following:

**SECTION 9.** 48.335 (3j) (intro.) of the statutes is amended to read:

48.335 (3j) (intro.) At hearings under this section involving an Indian child, if the agency, as defined in s. 48.38 (1) (a), is recommending removal of the Indian child from the home of his or her parent or Indian custodian and placement of the Indian child in a foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent or in the home of like-kin, the agency shall present as evidence specific information showing all of the following:

**SECTION 10.** 48.345 (3) (a) (intro.) of the statutes is amended to read:

48.345 (3) (a) (intro.) The home of a parent ~~or~~ other relative, or like-kin of the child, except that the judge may not designate any of the following as the child’s placement, unless the judge determines by clear and convincing evidence that the placement would be in the best interests of the child or, in the case of an Indian child, the best interests of the Indian child as described in s. 48.01 (2):

**SECTION 11.** 48.345 (3) (a) 1. of the statutes is amended to read:

48.345 (3) (a) 1. The home of a parent ~~or~~ other relative, or like-kin if the parent ~~or~~ other relative, or like-kin has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the child, and the conviction has not been reversed, set aside, or vacated. In determining whether a placement under this subdivision would be in the best interests of the child, the judge shall consider the wishes of the child.

**SECTION 12.** 48.345 (3) (a) 2. of the statutes is amended to read:

48.345 (3) (a) 2. The home of a relative other than the parent of a child or the home of like-kin if the judge finds that the relative or like-kin has been convicted of, has pleaded no contest to, or has had a charge dismissed or amended as a result of a plea agreement for a crime under s. 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53, or a similar law of another state.

**SECTION 13.** 48.345 (4) (a) of the statutes is amended to read:

48.345 (4) (a) A relative or like-kin of the child.

**SECTION 14.** 48.355 (4) (b) (intro.) of the statutes is amended to read:

48.355 (4) (b) (intro.) Except as provided under s. 48.368, an order under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or continues the placement of the child in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement shall terminate on the latest of the following dates, unless the judge specifies a shorter period or the judge terminates the order sooner:

**SECTION 15.** 48.366 (1) (a) of the statutes 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, in the home of like-kin, 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., 48.357 (6) (a) 1., 2., or 3., or 48.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age.

**SECTION 16.** 48.371 (1) (intro.) of the statutes is amended to read:

48.371 (1) (intro.) If a child is placed in a foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent or in the home of like-kin, including a placement under s. 48.205 or 48.21, the agency, as defined in s. 48.38 (1) (a), that placed the child or arranged for the placement of the

child shall provide the following information to the foster parent, relative, like-kin, or operator of the group home or residential care center for children and youth at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

**SECTION 17.** 48.371 (1) (a) of the statutes is amended to read:

48.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the child, as provided under s. 252.15 (3m) (d) 15., including results included in a court report or permanency plan. At the time that the HIV test results are provided, the agency shall notify the foster parent, relative, like-kin, or operator of the group home or residential care center for children and youth of the confidentiality requirements under s. 252.15 (6).

**SECTION 18.** 48.371 (3) (intro.) of the statutes is amended to read:

48.371 (3) (intro.) At the time of placement of a child in a foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent or in the home of like-kin or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency plan shall provide to the foster parent, relative, like-kin, or operator of the group home or residential care center for children and youth information contained in the court report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4) (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), or 48.831 (4) (e) relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

**SECTION 19.** 48.371 (3) (d) of the statutes is amended to read:

48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or 948.085, prostitution in violation of s. 944.30 (1m), trafficking in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies, sexual exploitation of a child in violation of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the child or for the protection of any person living in the foster home, group home, or residential care center for children and youth or in the home of the relative or like-kin.

**SECTION 20.** 48.371 (5) of the statutes is amended to read:

48.371 (5) Except as permitted under s. 252.15 (6), a foster parent, relative, like-kin, or operator of a group

home or residential care center for children and youth that receives any information under sub. (1) or (3), other than the information described in sub. (3) (e), shall keep the information confidential and may disclose that information only for the purposes of providing care for the child or participating in a court hearing or permanency review concerning the child.

**SECTION 20m.** 48.38 (1) (ap) of the statutes is repealed.

**SECTION 21.** 48.38 (2) (intro.) of the statutes is amended to read:

48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, group home, residential care center for children and youth, juvenile detention facility, shelter care facility, qualifying residential family-based treatment facility with a parent, or supervised independent living arrangement, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each child living in the home of a guardian ~~or~~ a relative other than a parent, or like-kin, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

**SECTION 22.** 48.38 (3m) (a) of the statutes is amended to read:

48.38 (3m) (a) All appropriate biological family members, relatives, and like-kin of the child, as determined by the agency. Notwithstanding s. 48.02 (12c), in this paragraph, "like-kin" may include an individual who is or previously was the child's licensed foster parent.

**SECTION 23.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

48.38 (4) (f) (intro.) A description of the services that will be provided to the child, the child's family, and the child's foster parent, the operator of the facility where the child is living, or the relative or like-kin with whom the child is living to carry out the dispositional order, including services planned to accomplish all of the following:

**SECTION 24.** 48.38 (4m) (b) of the statutes is amended to read:

48.38 (4m) (b) At least 10 days before the date of the hearing the court shall notify the child; any parent, guardian, and legal custodian of the child; any foster parent, or other physical custodian described in s. 48.62 (2) of the child, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living; and, if the child is an Indian child, the Indian child's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing.

**SECTION 25.** 48.38 (4m) (d) of the statutes is amended to read:

48.38 (4m) (d) The court shall give a foster parent, other physical custodian described in s. 48.62 (2), operator of a facility, ~~or~~ relative, or like-kin who is notified of a hearing under par. (b) a right to be heard at the hearing by permitting the foster parent, other physical custodian, operator, ~~or~~ relative, or like-kin to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, other physical custodian, operator of a facility, ~~or~~ relative, or like-kin does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 26.** 48.38 (5) (b) of the statutes is amended to read:

48.38 (5) (b) The court or the agency shall notify the child; the child's parent, guardian, and legal custodian; the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they shall have a right to be heard at the review as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the child's counsel, the child's guardian ad litem, the child's court-appointed special advocate, and the child's school of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the child's case record. The notice to the child's school shall also include the name and contact information for the caseworker or social worker assigned to the child's case.

**SECTION 27.** 48.38 (5) (bm) 1. of the statutes is amended to read:

48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent, operator of a facility, ~~or~~ relative, or like-kin who is provided notice of the review under par. (b) shall have a right to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review or by participating at the review. A person representing the interests of the public, counsel, guardian ad litem, court-appointed special advocate, or school who is provided notice of the review under par. (b) may have an opportunity to be heard at the review by submitting written comments relevant to the determinations

specified in par. (c) not less than 10 working days before the date of the review. A foster parent, operator of a facility, ~~or relative, or like-kin~~ who receives notice of a review under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the review is held solely on the basis of receiving that notice and right to be heard.

**SECTION 28.** 48.38 (5) (e) of the statutes is amended to read:

48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order; the child or the child's counsel or guardian ad litem; the person representing the interests of the public; the child's parent, guardian, or legal custodian; the child's court-appointed special advocate; the child's foster parent, the operator of the facility where the child is living, or the relative or like-kin with whom the child is living; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe.

**SECTION 29.** 48.38 (5m) (b) of the statutes is amended to read:

48.38 (5m) (b) The court shall notify the child; the child's parent, guardian, and legal custodian; and the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. The court shall notify the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate; the agency that prepared the permanency plan; the child's school; the person representing the interests of the public; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the hearing. The notice to the child's school shall also include the name and contact information for the caseworker or social worker assigned to the child's case.

**SECTION 30.** 48.38 (5m) (c) 1. of the statutes is amended to read:

48.38 (5m) (c) 1. A child, parent, guardian, legal custodian, foster parent, operator of a facility, ~~or relative, or like-kin~~ who is provided notice of the hearing under par. (b) shall have a right to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A counsel, guardian ad litem, court-appointed

special advocate, agency, school, or person representing the interests of the public who is provided notice of the hearing under par. (b) may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, operator of a facility, ~~or relative, or like-kin~~ who receives notice of a hearing under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 31.** 48.38 (5m) (e) of the statutes is amended to read:

48.38 (5m) (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the child; the child's parent, guardian, and legal custodian; the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living; the child's court-appointed special advocate; the agency that prepared the permanency plan; the person representing the interests of the public; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

**SECTION 32.** 48.385 (intro.) of the statutes is amended to read:

**48.385 Plan for transition to independent living.** (intro.) During the 90 days immediately before a child who 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, in the home of like-kin, or in a supervised independent living arrangement attains 18 years of age or, if the child is placed in such a placement under an order under s. 48.355, 48.357, or 48.365 that terminates under s. 48.355 (4) (b) after the child attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 48.366 (3) that terminates under s. 48.366 (3) (a) after the child attains 18 years of age, during the 90 days immediately before the termination of the order or agreement, the agency primarily

responsible for providing services to the child under the order or agreement shall do all of the following:

**SECTION 33.** 48.40 (1m) of the statutes is amended to read:

48.40 (1m) “Kinship care relative provider” means a person receiving payments under s. 48.57 (3m) (am) for providing care and maintenance for a child.

**SECTION 34.** 48.427 (3m) (a) 5. of the statutes is amended to read:

48.427 (3m) (a) 5. A relative with whom the child resides, if the relative has filed a petition to adopt the child or if the relative is a kinship care relative provider or is receiving payments under s. 48.62 (4) for providing care and maintenance for the child.

**SECTION 35.** 48.43 (5) (b) 1. of the statutes is amended to read:

48.43 (5) (b) 1. The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (a). At least 10 days before the date of the hearing, the court shall provide notice of the time, place, and purpose of the hearing to the agency that prepared the report, the child’s guardian, the child, and the child’s foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living.

**SECTION 36.** 48.43 (5) (b) 3. of the statutes is amended to read:

48.43 (5) (b) 3. The court shall give a foster parent, operator of a facility, or relative or like-kin who is notified of a hearing under subd. 1. a right to be heard at the hearing by permitting the foster parent, operator, or relative or like-kin to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, operator of a facility, or relative or like-kin does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 37.** 48.43 (5m) of the statutes is amended to read:

48.43 (5m) Either the court or the agency that prepared the permanency plan shall furnish a copy of the original plan and each revised plan to the child, if he or she is 12 years of age or over, to the child’s guardian, to the child’s foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living, and, if the order under sub. (1) involuntarily terminated parental rights to an Indian child, to the Indian child’s tribe.

**SECTION 38.** 48.57 (3m) (a) 1. b. of the statutes is amended to read:

48.57 (3m) (a) 1. b. The person is under 21 years of age, the person 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 provider 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 39.** 48.57 (3m) (a) 2. of the statutes is amended to read:

48.57 (3m) (a) 2. “Kinship care relative provider” means a relative other than a parent, an extended family member, as defined in s. 48.028 (2) (am), or like-kin.

**SECTION 40.** 48.57 (3m) (am) (intro.) of the statutes, as affected by Wisconsin Act 19, is amended to read:

48.57 (3m) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. Subject to par. (ap), a county department and, in a county having a population of 750,000 or more, the department shall make payments per month in the amount of \$375 beginning on January 1, 2024, to a kinship care relative provider who is providing care and maintenance for a child if all of the following conditions are met:

**SECTION 41.** 48.57 (3m) (am) 1. of the statutes is amended to read:

48.57 (3m) (am) 1. The kinship care relative provider applies to the county department or department for payments under this subsection and, if the child is placed in the home of the kinship care relative provider under a court order, other than a court order under s. 48.9795 or ch. 54, 2017 stats., for a license to operate a foster home.

**SECTION 42.** 48.57 (3m) (am) 1m. of the statutes is amended to read:

48.57 (3m) (am) 1m. The county department or department determines that there is a need for the child to be placed with the kinship care relative provider and that the placement with the kinship care relative provider is in the best interests of the child.

**SECTION 43.** 48.57 (3m) (am) 4. of the statutes is amended to read:

48.57 (3m) (am) 4. The county department or department conducts a background investigation under sub. (3p) of the kinship care relative provider, any employee and prospective employee of the kinship care relative provider who has or would have regular contact with the child for whom the payments would be made and any other adult resident of the kinship care relative’s provider’s home to determine if the kinship care relative provider, employee, prospective employee or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative’s provider’s ability to care for the child.

**SECTION 44.** 48.57 (3m) (am) 4m. of the statutes is amended to read:

48.57 (3m) (am) 4m. Subject to sub. (3p) (fm) 1. and 2., the kinship care relative provider states that he or she does not have any arrests or convictions that could adversely affect the child or the kinship care relative's provider's ability to care for the child and that no adult resident, as defined in sub. (3p) (a), and no employee or prospective employee of the kinship care relative provider who would have regular contact with the child has any arrests or convictions that could adversely affect the child or the kinship care relative's provider's ability to care for the child.

**SECTION 45.** 48.57 (3m) (am) 5. of the statutes is amended to read:

48.57 (3m) (am) 5. The kinship care relative provider cooperates with the county department or department in the application process, including applying for other forms of assistance for which the child may be eligible.

**SECTION 46.** 48.57 (3m) (am) 5m. of the statutes is amended to read:

48.57 (3m) (am) 5m. The kinship care relative provider is not receiving payments under sub. (3n) with respect to the child.

**SECTION 47.** 48.57 (3m) (am) 6. of the statutes is amended to read:

48.57 (3m) (am) 6. The child for whom the kinship care relative provider is providing care and maintenance is not receiving supplemental security income under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77.

**SECTION 48.** 48.57 (3m) (ap) 1. of the statutes is amended to read:

48.57 (3m) (ap) 1. Subject to subds. 2. and 3., the county department or, in a county having a population of 750,000 or more, the department may make payments under par. (am) to a kinship care relative provider who is providing care and maintenance for a child who is placed in the home of the kinship care relative provider under a court order for no more than 60 days after the date on which the county department or department received under par. (am) 1. the completed application of the kinship care relative provider for a license to operate a foster home or, if the application is approved or denied or the kinship care relative provider is otherwise determined to be ineligible for licensure within those 60 days, until the date on which the application is approved or denied or the kinship care relative provider is otherwise determined to be ineligible for licensure.

**SECTION 49.** 48.57 (3m) (ap) 2. of the statutes is amended to read:

48.57 (3m) (ap) 2. If the application specified in subd. 1. is not approved or denied or the kinship care relative provider is not otherwise determined to be ineligible for licensure within 60 days after the date on which the county department or department received the completed application for any reason other than an act or omission of the kinship care relative provider, the county depart-

ment or department may make payments under par. (am) for 4 months after the date on which the county department or department received the completed application or, if the application is approved or denied or the kinship care relative provider is otherwise determined to be ineligible for licensure within those 4 months, until the date on which the application is approved or denied or the kinship care relative provider is otherwise determined to be ineligible for licensure.

**SECTION 50.** 48.57 (3m) (ap) 3. of the statutes is amended to read:

48.57 (3m) (ap) 3. Notwithstanding that an application of a kinship care relative provider specified in subd. 1. is denied or the kinship care relative provider is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of 750,000 or more, the department may make payments under par. (am) to the kinship care relative provider for as long as the conditions specified in par. (am) 1. to 6. continue to apply if the county department or department submits to the court information relating to the background investigation specified in par. (am) 4., an assessment of the safety of the kinship care relative's provider's home and the ability of the kinship care relative provider to care for the child, and a recommendation that the child remain in the home of the kinship care relative provider and the court, after considering that information, assessment, and recommendation, orders the child to remain in the kinship care relative's provider's home. If the court does not order the child to remain in the kinship care relative's provider's home, the court shall order the county department or department to request a change in placement under s. 48.357 (1) (am) or 938.357 (1) (am). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request a change in placement.

**SECTION 51.** 48.57 (3m) (b) 2. of the statutes is amended to read:

48.57 (3m) (b) 2. When any kinship care relative provider of a child applies for or receives payments under this subsection, any right of the child or the child's parent to support or maintenance from any other person accruing during the time that payments are made under this subsection is assigned to the state. If a child who is the beneficiary of a payment under this subsection is also the beneficiary of support under a judgment or order that includes support for one or more children who are not the beneficiaries of payments under this subsection, any support payment made under the judgment or order is assigned to the state in the amount that is the proportionate share of the child who is the beneficiary of the payment made under this subsection, except as otherwise ordered by the court on the motion of a party.

**SECTION 52.** 48.57 (3m) (cm) of the statutes is amended to read:

48.57 (3m) (cm) A kinship care relative provider who receives a payment under par. (am) for providing

care and maintenance for a child is not eligible to receive a payment under sub. (3n) or s. 48.62 (4) or 48.623 (1) or (6) for that child.

**SECTION 53.** 48.57 (3m) (h) of the statutes is amended to read:

48.57 (3m) (h) A county department or, in a county having a population of 750,000 or more, the department may recover an overpayment made under par. (am) from a kinship care relative provider who continues to receive payments under par. (am) by reducing the amount of the kinship care relative's provider's monthly payment. The department may by rule specify other methods for recovering overpayments made under par. (am). A county department that recovers an overpayment under this paragraph due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

**SECTION 54.** 48.57 (3m) (i) 1. of the statutes is amended to read:

48.57 (3m) (i) 1. Rules to provide assessment criteria for determining whether a kinship care relative provider who is providing care and maintenance for a child is eligible to receive payments under par. (am). The rules shall also provide that any criteria established under the rules shall first apply to applications for payments under par. (am) received, and to reviews under par. (d) conducted, on the effective date of those rules.

**SECTION 55.** 48.57 (3n) (a) 1. b. of the statutes is amended to read:

48.57 (3n) (a) 1. b. The person is under 21 years of age, the person 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 provider 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 56.** 48.57 (3n) (a) 2. of the statutes is amended to read:

48.57 (3n) (a) 2. "Long-term kinship care relative provider" means a relative other than a parent, an extended family member, as defined in s. 48.028 (2) (am), or like-kin.

**SECTION 57.** 48.57 (3n) (am) (intro.) of the statutes, as affected by Wisconsin Act 19, is amended to read:

48.57 (3n) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. Subject to par. (ap), a county department and, in a county having

a population of 750,000 or more, the department shall make monthly payments for each child per month in the amount of \$375 beginning on January 1, 2024, to a long-term kinship care relative provider who is providing care and maintenance for that child if all of the following conditions are met:

**SECTION 58.** 48.57 (3n) (am) 1. of the statutes is amended to read:

48.57 (3n) (am) 1. The long-term kinship care relative provider applies to the county department or department for payments under this subsection, provides proof that he or she has been appointed as the guardian of the child, and, if the child is placed in the home of the long-term kinship care relative provider under a court order, other than a court order under s. 48.9795 or ch. 54, 2017 stats., applies to the county department or department for a license to operate a foster home.

**SECTION 59.** 48.57 (3n) (am) 2. of the statutes is amended to read:

48.57 (3n) (am) 2. The county department or department inspects the long-term kinship care relative's provider's home, interviews the long-term kinship care relative provider and determines that long-term placement with the long-term kinship care relative provider is in the best interests of the child.

**SECTION 60.** 48.57 (3n) (am) 4. of the statutes is amended to read:

48.57 (3n) (am) 4. The county department or department conducts a background investigation under sub. (3p) of the long-term kinship care relative provider, the employees and prospective employees of the long-term kinship care relative provider who have or would have regular contact with the child for whom the payments would be made and any other adult resident, as defined in sub. (3p) (a), of the long-term kinship care relative's provider's home to determine if the long-term kinship care relative provider, employee, prospective employee or adult resident has any arrests or convictions that are likely to adversely affect the child or the long-term kinship care relative's provider's ability to care for the child.

**SECTION 61.** 48.57 (3n) (am) 4m. of the statutes is amended to read:

48.57 (3n) (am) 4m. Subject to sub. (3p) (fm) 1m. and 2m., the long-term kinship care relative provider states that he or she does not have any arrests or convictions that could adversely affect the child or the long-term kinship care relative's provider's ability to care for the child and that, to the best of the long-term kinship care relative's provider's knowledge, no adult resident, as defined in sub. (3p) (a), and no employee or prospective employee of the long-term kinship care relative provider who would have regular contact with the child has any arrests or convictions that could adversely affect the child or the long-term kinship care relative's provider's ability to care for the child.



**SECTION 62.** 48.57 (3n) (am) 5. of the statutes is amended to read:

48.57 (3n) (am) 5. The long-term kinship care ~~relative~~ provider cooperates with the county department or department in the application process, including applying for other forms of assistance for which the child may be eligible.

**SECTION 63.** 48.57 (3n) (am) 5m. of the statutes is amended to read:

48.57 (3n) (am) 5m. The long-term kinship care ~~relative~~ provider is not receiving payments under sub. (3m) with respect to the child.

**SECTION 64.** 48.57 (3n) (am) 5r. of the statutes is amended to read:

48.57 (3n) (am) 5r. The child for whom the long-term kinship care provider is providing care and maintenance is not receiving supplemental security income under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77.

**SECTION 65.** 48.57 (3n) (am) 6. (intro.) of the statutes is amended to read:

48.57 (3n) (am) 6. (intro.) The long-term kinship care ~~relative~~ provider and the county department or department enter into a written agreement under which the long-term kinship care ~~relative~~ provider agrees to provide care and maintenance for the child and the county department or department agrees, subject to sub. (3p) (hm), to make monthly payments to the long-term kinship care ~~relative~~ provider at the rate specified in sub. (3m) (am) (intro.) until the earliest of the following:

**SECTION 66.** 48.57 (3n) (am) 6. c. of the statutes is amended to read:

48.57 (3n) (am) 6. c. The date on which the child is placed outside the long-term kinship care ~~relative's~~ provider's home under a court order or under a voluntary agreement under s. 48.63 (1) (a) or (b) or (5) (b).

**SECTION 67.** 48.57 (3n) (am) 6. d. of the statutes is amended to read:

48.57 (3n) (am) 6. d. The date on which the child ceases to reside with the long-term kinship care ~~relative~~ provider.

**SECTION 68.** 48.57 (3n) (am) 6. e. of the statutes is amended to read:

48.57 (3n) (am) 6. e. The date on which the long-term kinship care's ~~care~~ provider's guardianship under s. 48.977 terminates.

**SECTION 69.** 48.57 (3n) (ap) 1. of the statutes is amended to read:

48.57 (3n) (ap) 1. Subject to subs. 2. and 3., the county department or, in a county having a population of 750,000 or more, the department may make payments under par. (am) to a long-term kinship care ~~relative~~ provider who is providing care and maintenance for a child who is placed in the home of the long-term kinship care ~~relative~~ provider for no more than 60 days after the date on which the county department or department

received under par. (am) 1. the completed application of the long-term kinship care ~~relative~~ provider for a license to operate a foster home or, if the application is approved or denied or the long-term kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure within those 60 days, until the date on which the application is approved or denied or the long-term kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure.

**SECTION 70.** 48.57 (3n) (ap) 2. of the statutes is amended to read:

48.57 (3n) (ap) 2. If the application specified in subd. 1. is not approved or denied or the long-term kinship care ~~relative~~ provider is not otherwise determined to be ineligible for licensure within 60 days after the date on which the county department or department received the completed application for any reason other than an act or omission of the long-term kinship care ~~relative~~ provider, the county department or department may make payments under par. (am) for 4 months after the date on which the county department or department received the completed application or, if the application is approved or denied or the long-term kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure within those 4 months, until the date on which the application is approved or denied or the long-term kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure.

**SECTION 71.** 48.57 (3n) (ap) 3. of the statutes is amended to read:

48.57 (3n) (ap) 3. Notwithstanding that an application of a long-term kinship care ~~relative~~ provider specified in subd. 1. is denied or the long-term kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of 750,000 or more, the department may make payments under par. (am) to the long-term kinship care ~~relative~~ provider until an event specified in par. (am) 6. a. to f. occurs if the county department or department submits to the court information relating to the background investigation specified in par. (am) 4., an assessment of the safety of the long-term kinship care ~~relative's~~ provider's home and the ability of the long-term kinship care ~~relative~~ provider to care for the child, and a recommendation that the child remain in the home of the long-term kinship care ~~relative~~ provider and the court, after considering that information, assessment, and recommendation, orders the child to remain in the long-term kinship care ~~relative's~~ provider's home. If the court does not order the child to remain in the kinship care ~~relative's~~ provider's home, the court shall order the county department or department to request a change in placement under s. 48.357 (1) (am) or 938.357 (1) (am) or to request a termination of the guardianship order under s. 48.977 (7). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request a change in placement

and any person who is authorized to file a petition for the appointment of a guardian for the child may also request a termination of the guardianship order.

**SECTION 72.** 48.57 (3n) (b) 2. of the statutes is amended to read:

48.57 (3n) (b) 2. When any long-term kinship care relative provider of a child applies for or receives payments under this subsection, any right of the child or the child's parent to support or maintenance from any other person accruing during the time that payments are made under this subsection is assigned to the state. If a child is the beneficiary of support under a judgment or order that includes support for one or more children who are not the beneficiaries of payments under this subsection, any support payment made under the judgment or order is assigned to the state in the amount that is the proportionate share of the child who is the beneficiary of the payment made under this subsection, except as otherwise ordered by the court on the motion of a party.

**SECTION 73.** 48.57 (3n) (cm) of the statutes is amended to read:

48.57 (3n) (cm) A long-term kinship care relative provider who receives a payment under par. (am) for providing care and maintenance for a child is not eligible to receive a payment under sub. (3m) or s. 48.62 (4) or 48.623 (1) or (6) for that child.

**SECTION 74.** 48.57 (3n) (h) of the statutes is amended to read:

48.57 (3n) (h) A county department or, in a county having a population of 750,000 or more, the department may recover an overpayment made under par. (am) from a long-term kinship care relative provider who continues to receive payments under par. (am) by reducing the amount of the long-term kinship care relative's provider's monthly payment. The department may by rule specify other methods for recovering overpayments made under par. (am). A county department that recovers an overpayment under this paragraph due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

**SECTION 75.** 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

48.57 (3p) (h) 3. (intro.) The director of the county department, the person designated by the governing body of an Indian tribe or, in a county having a population of 750,000 or more, the person designated by the secretary shall review the denial of payments or the prohibition on employment or being an adult resident to determine if the conviction record on which the denial or prohibition is based includes any arrests, convictions, or penalties that are likely to adversely affect the child or the ability of the kinship care relative provider to care for the child. In reviewing the denial or prohibition, the director of the county department, the person designated by the governing body of the Indian tribe or the person designated by the secretary shall consider all of the following factors:

**SECTION 76.** 48.57 (3p) (h) 3. b. of the statutes is amended to read:

48.57 (3p) (h) 3. b. The nature of the violation or penalty and how that violation or penalty affects the ability of the kinship care relative provider to care for the child.

**SECTION 77.** 48.57 (3p) (h) 4. of the statutes is amended to read:

48.57 (3p) (h) 4. If the director of the county department, the person designated by the governing body of the Indian tribe or, in a county having a population of 750,000 or more, the person designated by the secretary determines that the conviction record on which the denial of payments or the prohibition on employment or being an adult resident is based does not include any arrests, convictions, or penalties that are likely to adversely affect the child or the ability of the kinship care relative provider to care for the child, the director of the county department, the person designated by the governing body of the Indian tribe, or the person designated by the secretary may approve the making of payments under sub. (3m) or may permit a person receiving payments under sub. (3m) to employ a person in a position in which that person would have regular contact with the child for whom payments are being made or permit a person to be an adult resident.

**SECTION 78.** 48.60 (2) (a) of the statutes is amended to read:

48.60 (2) (a) A relative or like-kin, guardian, or person delegated care and custody of a child under s. 48.979 who provides care and maintenance for such children.

**SECTION 79.** 48.62 (2) of the statutes is amended to read:

48.62 (2) A relative or like-kin, a guardian of a child, or a person delegated care and custody of a child under s. 48.979 who provides care and maintenance for the child is not required to obtain the license specified in this section. The department, county department, or licensed child welfare agency as provided in s. 48.75 may issue a license to operate a foster home to a relative or like-kin who has no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster home for a specific child who is either placed by court order or who is the subject of a voluntary placement agreement under s. 48.63. The department, a county department, or a licensed child welfare agency may, at the request of a guardian appointed under s. 48.977, 48.978, or 48.9795, ch. 54, 2017 stats., or ch. 880, 2003 stats., license the guardian's home as a foster home for the guardian's minor ward who is living in the home and who is placed in the home by court order. Relatives and like-kin with no duty of support and guardians appointed under s. 48.977, 48.978, or 48.9795, ch. 54, 2017 stats., or ch. 880, 2003 stats., who are licensed to operate foster homes are subject to the department's licensing rules.

**SECTION 80.** 48.64 (1) of the statutes is amended to read:

48.64 (1) **DEFINITION.** In this section, “agency” means the department, the department of corrections, a county department under s. 46.215, 46.22, or 46.23, or a licensed child welfare agency authorized to place children in foster homes, group homes, or shelter care facilities approved under s. 938.22 (2) (c) or in the homes of relatives other than a parent, or in the homes of like-kin.

**SECTION 81.** 48.64 (1m) of the statutes is amended to read:

48.64 (1m) **OUT-OF-HOME CARE AGREEMENTS.** If an agency places a child in a foster home or group home or in the home of a relative other than a parent or in the home of like-kin under a court order or places a child in a foster home, group home, or shelter care facility approved under s. 938.22 (2) (c) under a voluntary agreement under s. 48.63, the agency shall enter into a written agreement with the head of the home or facility. The agreement shall provide that the agency shall have access at all times to the child and the home or facility, and that the child will be released to the agency whenever, in the opinion of the agency placing the child or the department, the best interests of the child require release to the agency. If a child has been in a foster home or group home or in the home of a relative other than a parent or in the home of like-kin for 6 months or more, the agency shall give the head of the home written notice of intent to remove the child, stating the reasons for the removal. The child may not be removed from a foster home, group home, or home of a relative other than a parent or the home of like-kin before completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days after the receipt of the notice, whichever is later, unless the safety of the child requires it or, in a case in which the reason for removal is to place the child for adoption under s. 48.833, unless all of the persons who have the right to request a hearing under sub. (4) (a) or (c) sign written waivers of objection to the proposed removal. If the safety of the child requires earlier removal, s. 48.19 applies. If an agency removes a child from an adoptive placement, the head of the home shall have no claim against the placing agency for the expense of care, clothing, or medical treatment.

**SECTION 82.** 48.64 (2) of the statutes is amended to read:

48.64 (2) **SUPERVISION OF OUT-OF-HOME CARE PLACEMENTS.** Every child who is placed in a foster home, group home, or shelter care facility approved under s. 938.22 (2) (c) shall be under the supervision of an agency. Every child who is placed in the home of a relative other than a parent or in the home of like-kin under a court order shall be under the supervision of an agency.

**SECTION 83.** 48.64 (4) (a) of the statutes is amended to read:

48.64 (4) (a) Except as provided in par. (d), any decision or order issued by an agency that affects the head of

a foster home or group home, the head of the home of a relative other than a parent or the home of like-kin in which a child is placed, or the child involved may be appealed to the department under fair hearing procedures established under rules promulgated by the department. Upon receipt of an appeal, the department shall give the head of the home reasonable notice and an opportunity for a fair hearing. The department may make any additional investigation that the department considers necessary. The department shall give notice of the hearing to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. Each person receiving notice is entitled to be represented at the hearing. At all hearings conducted under this paragraph, the head of the home, or a representative of the head of the home, shall have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses. The department shall grant a continuance for a reasonable period of time when an issue is raised for the first time during a hearing. This requirement may be waived with the consent of the parties. The decision of the department shall be based exclusively on evidence introduced at the hearing. A transcript of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the findings of the hearing examiner shall constitute the exclusive record for decision by the department. The department shall make the record available at any reasonable time and at an accessible place to the head of the home or his or her representative. Decisions by the department shall specify the reasons for the decision and identify the supporting evidence. No person participating in an agency action being appealed may participate in the final administrative decision on that action. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. The decision shall be binding on all parties concerned.

**SECTION 84.** 48.64 (4) (c) of the statutes is amended to read:

48.64 (4) (c) Except as provided in par. (d), the circuit court for the county where the dispositional order placing a child in a foster home or group home or in the home of a relative other than a parent or in the home of like-kin was entered or the voluntary agreement under s. 48.63 placing a child in a foster home or group home was made has jurisdiction upon petition of any interested party over

the child who is placed in the foster home, group home, or home of the relative or like-kin. The circuit court may call a hearing, at which the head of the home and the supervising agency under sub. (2) shall be present, for the purpose of reviewing any decision or order of that agency involving the placement and care of the child. If the child has been placed in a foster home or in the home of a relative other than a parent or in the home of like-kin, the foster parent ~~or~~ relative or like-kin may present relevant evidence at the hearing. The petitioner has the burden of proving by clear and convincing evidence that the decision or order issued by the agency is not in the best interests of the child.

**SECTION 85.** 48.67 (4) (b) of the statutes is amended to read:

48.67 (4) (b) The training under par. (a) shall be available to a kinship care relative provider, as defined in s. 48.40 (1m), upon request of the kinship care relative provider.

**SECTION 86.** 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years and the individual resides with his or her custodial parent or with a kinship care relative provider under s. 48.57 (3m) or with a long-term kinship care relative provider under s. 48.57 (3n) or is in a foster home licensed under s. 48.62, a subsidized guardianship home under s. 48.623, a group home, or an independent living arrangement supervised by an adult.

**SECTION 87.** 118.175 (1) of the statutes is amended to read:

118.175 (1) This section does not apply to a pupil who has a legal custodian, as defined in s. 48.02 (11) or 938.02 (11), or who is cared for by a kinship care relative provider, as defined in s. 48.57 (3m) (a) 2.

**SECTION 88.** 767.57 (1m) (cm) of the statutes is amended to read:

767.57 (1m) (cm) A kinship care relative provider or a long-term kinship care relative provider of the child who is entitled to the support money has applied for or is receiving kinship care payments or long-term kinship care payments for that child and there is an assignment to the state under s. 48.57 (3m) (b) 2. or (3n) (b) 2. of the child's right to the support money.

**SECTION 89.** 767.57 (2) of the statutes is amended to read:

767.57 (2) **PROCEDURE IF RECIPIENT ON PUBLIC ASSISTANCE.** If a party entitled to maintenance or support, or both, is receiving public assistance under ch. 49, the party may assign the party's right to support or maintenance to the county department under s. 46.215, 46.22, or 46.23 granting the assistance. The assignment shall be approved by order of the court granting the maintenance or support. The assignment may not be terminated if there is a delinquency in the amount to be paid to the assignee of maintenance and support previously ordered

without the written consent of the assignee or upon notice to the assignee and a hearing. When an assignment of maintenance or support, or both, has been approved by the order, the assignee shall be deemed a real party in interest within s. 803.01 solely for the purpose of securing payment of unpaid maintenance or support ordered to be paid, by participating in proceedings to secure the payment of unpaid amounts. Notwithstanding assignment under this subsection, and without further order of the court, the department or its designee, upon receiving notice that a party or a minor child of the parties is receiving aid under s. 48.645 or public assistance under ch. 49 or that a kinship care relative provider or long-term kinship care relative provider of the minor child is receiving kinship care payments or long-term kinship care payments for the minor child, shall forward all support assigned under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19).

**SECTION 90.** 938.02 (12c) of the statutes is created to read:

938.02 (12c) "Like-kin" means an individual who has a significant emotional relationship with a child or the child's family that is similar to a familial relationship and who is not and has not previously been the child's licensed foster parent. For an Indian child, "like-kin" includes individuals identified by the child's tribe according to tribal tradition, custom or resolution, code, or law.

**SECTION 91.** 938.02 (15) of the statutes is amended to read:

938.02 (15) "Relative" means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, first cousin once removed, nephew, niece, uncle, aunt, stepuncle, steppaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 938.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "relative" includes an extended family member, as defined in s. 938.028 (2) (a), whether by blood, marriage, or adoption, including adoption under tribal law or custom. For purposes of placement of a juvenile, "relative" also includes a parent of a sibling of the juvenile who has legal custody of that sibling.

**SECTION 92.** 938.028 (2) (c) of the statutes is amended to read:

938.028 (2) (c) "Out-of-home care placement" means the removal of an Indian juvenile from the home of his or her parent or Indian custodian for temporary placement in a foster home, group home, residential care center for children and youth, or shelter care facility, in

the home of a relative other than a parent, in the home of like-kin, or in the home of a guardian, from which placement the parent or Indian custodian cannot have the juvenile returned upon demand. “Out-of-home care placement” does not include an emergency change in placement under s. 938.357 (2) (b) or holding an Indian juvenile in custody under ss. 938.19 to 938.21.

**SECTION 93.** 938.207 (1) (b) of the statutes is amended to read:

938.207 (1) (b) The home of a relative or like-kin, except that a juvenile may not be held in the home of a ~~relative if the relative~~ person who has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the juvenile, and the conviction has not been reversed, set aside or vacated, unless the person making the custody decision determines by clear and convincing evidence that the placement would be in the best interests of the juvenile. The person making the custody decision shall consider the wishes of the juvenile in making that determination.

**SECTION 94.** 938.207 (1) (f) of the statutes is amended to read:

938.207 (1) (f) The home of a person not a relative or like-kin if the person has not had a license under s. 48.62 refused, revoked, or suspended within the previous 2 years. A placement under this paragraph may not exceed 30 days, unless the placement is extended by the court for cause for an additional 30 days.

**SECTION 95.** 938.33 (4) (intro.) of the statutes is amended to read:

938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending placement in a foster home, group home, or nonsecured residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement shall be in writing, except that the report may be presented orally at the dispositional hearing if all parties consent. A report that is presented orally shall be transcribed and made a part of the court record. The report shall include all of the following:

**SECTION 96.** 938.335 (3g) (intro.) of the statutes is amended to read:

938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of the juvenile in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement, the agency shall present as evidence specific information showing all of the following:

**SECTION 97.** 938.335 (3j) (intro.) of the statutes is amended to read:

938.335 (3j) INDIAN JUVENILE; ACTIVE EFFORTS FINDING. (intro.) At hearings under this section involving an Indian juvenile who is the subject of a proceeding under s. 938.13 (4), (6), (6m), or (7), if the agency, as defined in s. 938.38 (1) (a), is recommending removal of the Indian juvenile from the home of his or her parent or Indian custodian and placement of the Indian juvenile in a foster home, group home, or residential care center for children and youth ~~or~~ in the home of a relative other than a parent, or in the home of like-kin, the agency shall present as evidence specific information showing all of the following:

**SECTION 98.** 938.34 (3) (a) (intro.) of the statutes is amended to read:

938.34 (3) (a) (intro.) The home of a parent ~~or~~ other relative, or like-kin of the juvenile, except that the court may not designate any of the following as the juvenile’s placement, unless the court determines by clear and convincing evidence that the placement would be in the best interests of the juvenile or, in the case of an Indian juvenile, the best interests of the Indian juvenile as described in s. 938.01 (3):

**SECTION 99.** 938.34 (3) (a) 1. of the statutes is amended to read:

938.34 (3) (a) 1. The home of a parent ~~or~~ other relative, or like-kin of the juvenile if the parent ~~or~~ other relative, or like-kin has been convicted of the homicide of a parent of the juvenile under s. 940.01 or 940.05, and the conviction has not been reversed, set aside, or vacated. In determining whether a placement under this subdivision would be in the best interests of the juvenile, the court shall consider the wishes of the juvenile.

**SECTION 100.** 938.34 (3) (a) 2. of the statutes is amended to read:

938.34 (3) (a) 2. The home of a relative other than the parent of the juvenile or the home of like-kin if the court finds that the relative or like-kin has been convicted of, has pleaded no contest to, or has had a charge dismissed or amended as a result of a plea agreement for a crime under s. 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53, or a similar law of another state.

**SECTION 101.** 938.355 (4) (am) (intro.) of the statutes is amended to read:

938.355 (4) (am) (intro.) Except as provided in par. (b) or s. 938.368, an order under this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places or continues the placement of the juvenile in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement shall terminate on the latest of the following dates, unless the court specifies a shorter period or the court terminates the order sooner:

**SECTION 102.** 938.357 (6) (a) (intro.) of the statutes is amended to read:

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

**SECTION 103.** 938.357 (6) (b) of the statutes is amended to read:

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

**SECTION 104.** 938.365 (5) (b) (intro.) of the statutes is amended to read:

938.365 (5) (b) (intro.) Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement shall be for a specified length of time not to exceed the latest of the following dates:

**SECTION 105.** 938.366 (1) (a) of the statutes 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, in the home of like-kin, 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., 938.357 (6) (a) 1., 2., or 3., or 938.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age.

**SECTION 106.** 938.371 (1) (intro.) of the statutes is amended to read:

938.371 (1) **MEDICAL INFORMATION.** (intro.) If a juvenile is placed in a foster home, group home, residential care center for children and youth, or juvenile correctional facility ~~or~~ in the home of a relative other than a parent, or in the home of like-kin, including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the

placement of the juvenile shall provide the following information to the foster parent, relative, like-kin, or operator of the group home, residential care center for children and youth, or juvenile correctional facility at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

**SECTION 107.** 938.371 (1) (a) of the statutes is amended to read:

938.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the juvenile as provided under s. 252.15 (3m) (d) 15., including results included in a court report or permanency plan. At the time that the test results are provided, the agency shall notify the foster parent, relative, like-kin, or operator of the group home, residential care center for children and youth, or juvenile correctional facility of the confidentiality requirements under s. 252.15 (6).

**SECTION 108.** 938.371 (3) (intro.) of the statutes is amended to read:

938.371 (3) **OTHER INFORMATION.** (intro.) At the time of placement of a juvenile in a foster home, group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent or in the home of like-kin or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a), responsible for preparing the juvenile's permanency plan shall provide to the foster parent, relative, like-kin, or operator of the group home, residential care center for children and youth, or juvenile correctional facility information contained in the court report submitted under s. 938.33 (1) or 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38 relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

**SECTION 109.** 938.371 (5) of the statutes is amended to read:

938.371 (5) **CONFIDENTIALITY OF INFORMATION.** Except as permitted under s. 252.15 (6), a foster parent, treatment foster parent, relative, like-kin, or operator of a group home, residential care center for children and youth, or juvenile correctional facility that receives any information under sub. (1) or (3), other than the information described in sub. (3) (e), shall keep the information confidential and may disclose that information only for the purposes of providing care for the juvenile or participating in a court hearing or permanency review concerning the juvenile.

**SECTION 109m.** 938.38 (1) (as) of the statutes is repealed.

**SECTION 110.** 938.38 (2) (intro.) of the statutes is amended to read:

938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each juvenile living in a foster home, group home, residential care center for children and youth, juvenile detention facility, shelter care facility, or supervised independent living arrangement, the agency that placed the juvenile or arranged the placement or the agency assigned primary responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each juvenile living in the home of a guardian or a relative other than a parent or in the home of like-kin, that agency shall prepare a written permanency plan, if any of the conditions under pars. (a) to (e) exists:

**SECTION 111.** 938.38 (3m) (a) of the statutes is amended to read:

938.38 (3m) (a) All appropriate biological family members, relatives, and like-kin of the juvenile, as determined by the agency. Notwithstanding s. 938.02 (12c), in this paragraph, "like-kin" may include an individual who is or previously was the child's licensed foster parent.

**SECTION 112.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

938.38 (4) (f) (intro.) A description of the services that will be provided to the juvenile, the juvenile's family, and the juvenile's foster parent, the operator of the facility where the juvenile is living, or the relative or like-kin with whom the juvenile is living to carry out the dispositional order, including services planned to accomplish all of the following:

**SECTION 113.** 938.38 (4m) (b) of the statutes is amended to read:

938.38 (4m) (b) At least 10 days before the date of the hearing the court shall notify the juvenile; any parent, guardian, and legal custodian of the juvenile; any foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile, the operator of the facility in which the juvenile is living, or the relative or like-kin with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is or is alleged to be in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing.

**SECTION 114.** 938.38 (4m) (d) of the statutes is amended to read:

938.38 (4m) (d) The court shall give a foster parent, other physical custodian described in s. 48.62 (2), operator of a facility, ~~or~~ relative, or like-kin who is notified of a hearing under par. (b) a right to be heard at the hearing by permitting the foster parent, other physical custodian, operator, ~~or~~ relative, or like-kin to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be

determined at the hearing. The foster parent, other physical custodian, operator of a facility, ~~or~~ relative, or like-kin does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 115.** 938.38 (5) (b) of the statutes is amended to read:

938.38 (5) (b) The court or the agency shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent, the operator of the facility in which the juvenile is living, or the relative or like-kin with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they shall have a right to be heard at the review as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the juvenile's counsel, the juvenile's guardian ad litem, and the juvenile's school of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the juvenile's case record. The notice to the juvenile's school shall also include the name and contact information for the caseworker or social worker assigned to the juvenile's case.

**SECTION 116.** 938.38 (5) (bm) 1. of the statutes is amended to read:

938.38 (5) (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent, operator of a facility, ~~or~~ relative, or like-kin who is provided notice of the review under par. (b) shall have a right to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review or by participating at the review. A person representing the interests of the public, counsel, guardian ad litem, or school who is provided notice of the review under par. (b) may have an opportunity to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review. A foster parent, operator of a facility, ~~or~~ relative, or like-kin who receives notice of a review under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the review is held solely on the basis of receiving that notice and right to be heard.

**SECTION 117.** 938.38 (5) (e) of the statutes is amended to read:

938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the

order; the juvenile or the juvenile’s counsel or guardian ad litem; the person representing the interests of the public; the juvenile’s parent, guardian, or legal custodian; the juvenile’s foster parent, the operator of the facility where the juvenile is living, or the relative or like-kin with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile’s Indian custodian and tribe.

**SECTION 118.** 938.38 (5m) (b) of the statutes is amended to read:

938.38 (5m) (b) The court shall notify the juvenile; the juvenile’s parent, guardian, and legal custodian; and the juvenile’s foster parent, the operator of the facility in which the juvenile is living, or the relative or like-kin with whom the juvenile is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. The court shall notify the juvenile’s counsel and the juvenile’s guardian ad litem; the agency that prepared the permanency plan; the juvenile’s school; the person representing the interests of the public; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile’s Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the hearing. The notice to the juvenile’s school shall also include the name and contact information for the caseworker or social worker assigned to the juvenile’s case.

**SECTION 119.** 938.38 (5m) (c) 1. of the statutes is amended to read:

938.38 (5m) (c) 1. A juvenile, parent, guardian, legal custodian, foster parent, operator of a facility, ~~or~~ relative, or like-kin who is provided notice of the hearing under par. (b) shall have a right to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A counsel, guardian ad litem, agency, school, or person representing the interests of the public who is provided notice of the hearing under par. (b) may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, operator of a facility, ~~or~~ relative, or like-kin who receives notice of a hearing under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 120.** 938.38 (5m) (e) of the statutes is amended to read:

938.38 (5m) (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the juvenile; the juvenile’s parent, guardian, and legal custodian; the juvenile’s foster parent, the operator of the facility in which the juvenile is living, or the relative or like-kin with whom the juvenile is living; the agency that prepared the permanency plan; the person representing the interests of the public; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile’s Indian custodian and tribe. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

**SECTION 121.** 938.385 (intro.) of the statutes is amended to read:

**938.385 Plan for transition to independent living.** (intro.) During the 90 days immediately before a juvenile who 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, in the home of like-kin, or in a supervised independent living arrangement attains 18 years of age or, if the juvenile is placed in such a placement under an order under s. 938.355, 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after the juvenile attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 938.366 (3) that terminates under s. 938.366 (3) (a) after the juvenile attains 18 years of age, during the 90 days immediately before the termination of the order or agreement, the agency primarily responsible for providing services to the juvenile under the order or agreement shall do all of the following:

**SECTION 122. Nonstatutory provisions.**

(1) If, prior to July 1, 2025, the department of children and families determines that there is sufficient funding allocated under s. 49.175 (1) (s) to fund the expansion of the kinship care and long-term kinship care programs under this act, the department shall submit to the legislative reference bureau for publication in the Wisconsin Administrative Register a notice specifying the date of that determination.



**SECTION 123. Effective date.**

(1) This act takes effect on the date specified in the notice published in the Wisconsin Administrative Regis-

ter under SECTION 122 (1) of this act, or on July 1, 2025, whichever is earlier.

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