



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1455/P4
EHS:kjf

DOA:.....Bork, BB0485 - Permanency planning for a child in a qualified residential treatment program and for pregnant or parenting youth in out-of-home care

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Qualified residential treatment programs

This bill allows for the certification of qualified residential treatment programs and establishes certain procedures that apply when a child is placed in one.

This bill allows DCF to certify a residential care center for children and youth, group home, or shelter care facility to operate a qualified residential treatment program (QRTP) if it determines that the program meets the federal requirements for such a program to receive Title IV-E child welfare funding and DCF's requirements for such a program. The bill allows DCF to monitor compliance with certification requirements, including by inspection authority, and to deny, suspend, restrict, refuse to renew, or otherwise withhold a certification for failure to comply with those requirements. Under the bill, DCF may promulgate rules for the establishment, certification, operation, and monitoring of, and the placement of a child in, a QRTP.

Currently, when a child or juvenile (collectively referred to as "child") alleged or adjudged to be in need of protection or services is removed from his or her home

in a proceeding under the Children's Code or Juvenile Justice Code, the agency responsible for that child's removal is required to prepare a permanency plan, designed to ensure that the child is reunified with his or her family whenever appropriate, or that the child quickly attains a placement or home providing long-term stability. Current law requires the juvenile court to periodically review the plan and to periodically hold a hearing on the plan.

Under this bill, if a child is placed in a certified QRTP, the agency must assemble a family permanency team to participate in permanency planning for the child, and invite appropriate biological family members, relatives, like-kin, and professionals who serve as a resource for the family to participate. The bill requires the agency to include in the permanency plan information about the family permanency team and its meetings and recommendations.

The bill requires that, in a review or hearing on a permanency plan for a child who is placed in a certified QRTP, the agency that prepared the permanency plan must present to the juvenile court certain information that the juvenile court must consider when determining the continuing necessity for and the safety and appropriateness of the placement, including 1) whether the placement is supported by assessment of the child's needs, is the most effective and appropriate level of care in the least restrictive environment, and meets the goals for the child in the permanency plan; 2) the specific treatment or service needs that the placement will meet and how long the child will need that treatment or service; and 3) the efforts made by the agency to prepare the child to return home or to be placed with a relative, guardian, or adoptive parent or in a foster home.

Under the bill, if a child is placed or proposed to be placed in a certified QRTP in juvenile court proceedings for a temporary physical custody (TPC) hearing, a change in placement (CIP), consent decree, or a disposition, a qualified individual must conduct an assessment, using a tool determined by DCF, of the strengths and needs of the child to determine the appropriateness of that placement (standardized assessment). The bill creates a definition for "qualified individual" to match the term used in federal law, meaning a trained professional or licensed clinician who is not an employee of the state and who is not connected to, or affiliated with, any placement setting in which children are placed by the state. The federal law definition provides that a state may request a waiver from this definition, and on December 14, 2020, Wisconsin requested such a waiver to allow state and county child welfare staff to serve as qualified individuals.

The bill requires the qualified individual to develop a recommendation on all of the following: 1) whether the proposed placement will provide the child with the most effective and appropriate level of care in the least restrictive environment; 2) how the placement is consistent with the short-term and long-term goals for the child in the permanency plan; 3) the reasons why the child's needs can or cannot be met by the child's family or in a foster home (and a shortage or lack of foster homes is not an acceptable reason); and 4) the placement preference of the family permanency team and, if it is not the placement recommended by the qualified individual, why that recommended placement is not preferred. Then, depending on the type of proceeding, the intake worker, agency primarily responsible for providing

services under a temporary custody, person or agency primarily responsible for implementing the dispositional order, or agency appointed as the guardian of the child must submit the standardized assessment and the qualified individual's recommendation to the juvenile court and any person who is required to receive a copy of the notice or request in the proceeding.

Under the bill, the standardized assessment and recommendation must be submitted by the time of a TPC hearing, by the time the notice or request is filed in a CIP proceeding, by the time the consent decree is entered, or by the time the disposition report is filed. With respect to most CIP proceedings, if not available by the time the notice or request is filed, the bill generally requires it to be submitted within 10 days after the filing of the CIP notice, except this does not apply to a CIP requested by someone other than the intake worker, agency, district attorney, or corporation counsel or from in-home to out-of-home, to a consent decree, or to a disposition. In all cases, if the required information is not available by these first deadlines, it must be submitted no later than 30 days after the date on which the placement is made.

The bill requires the juvenile court to make the following findings when it issues an order placing a child in a certified QRTP: 1) whether the needs of the child can be met through placement in a foster home; 2) whether placement of the child in a certified QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment; 3) whether the placement is consistent with the short-term and long-term goals for the child in the permanency plan; and 4) whether the juvenile court approves or disapproves the placement. The answers to these questions do not affect whether the placement may be made. If the standardized assessment and recommendation of the qualified individual are not available at the time of this order, the bill requires the juvenile court to defer making the findings. However, no later than 60 days after the date on which the placement was made the juvenile court must issue an order making those findings.

The bill requires that, for youth in out-of-home care who are parenting or pregnant, a permanency plan must include 1) a list of the services or programs to be provided to or on behalf of the child to ensure that the child, if pregnant, is prepared and, if a parent, is able to be a parent; and 2) the out-of-home care prevention strategy for any child born to the parenting or pregnant child.

For further information see the state 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. 48.02 (14k) of the statutes is created to read:

48.02 (14k) "Qualified individual" has the meaning given under [42 USC 675a](#)

(c) (1) (D).

SECTION 2. 48.02 (17t) of the statutes is created to read:

48.02 (17t) “Standardized assessment” means an assessment, using a tool determined by the department, of the strengths and needs of a child to determine appropriateness of a placement in a residential care center, group home, or shelter care facility certified under s. 48.675. This definition does not apply to s. 48.62 (8) (b).

SECTION 3. 48.21 (1) (c) of the statutes is created to read:

48.21 (1) (c) If the child is held in custody in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the intake worker or agency primarily responsible for providing services under the custody order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including all of the following, to the court and all persons who are required to receive a copy of the petition or request under par. (b) no later than the hearing or, if not available by that time, no later than 30 days after the date on which the placement is made:

1. Whether the proposed placement will provide the child with the most effective and appropriate level of care in the least restrictive environment.

2. How the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

3. The reasons why the child’s needs can or cannot be met by the child’s family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the child’s needs cannot be met in a foster home.

4. The placement preference of the family permanency team under s. 48.38 (3m) and, if that preference is not the placement recommended by the qualified individual, why that recommended placement is not preferred.

SECTION 4. 48.21 (5) (b) 2g. of the statutes is created to read:

48.21 (5) (b) 2g. Except as provided in par. (cm), if the child is held in custody in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, a finding as to each of the following, the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual under sub. (1) (c):

a. Whether the needs of the child can be met through placement in a foster home.

b. Whether placement of the child in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675 provides the most effective and appropriate level of care for the child in the least restrictive environment.

c. Whether the placement is consistent with the short-term and long-term goals for the child, as identified in the permanency planning.

d. Whether the judge or court commissioner approves or disapproves the placement.

SECTION 5. 48.21 (5) (cm) of the statutes is created to read:

48.21 (5) (cm) If the results of the standardized assessment and recommendation of the qualified individual who conducted the standardized assessment are required under sub. (1) (c) but not available at the time of the custody order, the judge or court commissioner shall defer making the findings under par. (b)

2g. as provided in this paragraph. No later than 60 days after the date on which the placement is made, the judge or court commissioner shall issue an order making the findings under par. (b) 2g.

SECTION 6. 48.21 (6) of the statutes is renumbered 48.21 (6) (a).

SECTION 7. 48.21 (6) (b) of the statutes is created to read:

48.21 **(6)** (b) If under par. (a) a child is transferred to a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the intake worker or agency primarily responsible for providing services under the custody order shall include it and the recommendation of the qualified individual who conducted the standardized assessment, including all of the information specified under sub. (1) (c) with the notice under par. (a) or, if not available at that time, submit it to the court and all persons who received the notice no later than 30 days after the date on which the transfer is made. No later than 60 days after the date on which the transfer is made the judge or court commissioner shall issue an order making the findings under sub. (5) (b) 2g.

SECTION 8. 48.217 (1) (b) 2. of the statutes is amended to read:

48.217 **(1)** (b) 2. The notice shall contain the name and address of the new placement, the reasons for the change in placement, whether the new placement is certified under s. 48.675, and a statement describing why the new placement is preferable to the present placement. The person sending the notice shall file the notice with the court on the same day that the notice is sent.

SECTION 9. 48.217 (1) (b) 3. of the statutes is created to read:

48.217 **(1)** (b) 3. If the proposed change in placement would place the child in a residential care center for children and youth, group home, or shelter care facility

certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the intake worker or agency primarily responsible for providing services under a temporary physical custody order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including all of the following, to the court and all persons who are required to receive the notice under subd. 1. a. no later than the filing of that notice or, if not available by that time, and except as provided under subd. 4., no later than 10 days after the notice is filed:

a. Whether the proposed placement will provide the child with the most effective and appropriate level of care in the least restrictive environment.

b. How the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

c. The reasons why the child's needs can or cannot be met by the child's family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the child's needs cannot be met in a foster home.

d. The placement preference of the family permanency team under s. 48.38 (3m) and, if that preference is not the placement recommended by the qualified individual, why that recommended placement is not preferred.

SECTION 10. 48.217 (1) (b) 4. of the statutes is created to read:

48.217 (1) (b) 4. If, for good cause shown, the information required to be submitted under subd. 3. is not available by the deadline under that subdivision, the the intake worker or agency primarily responsible for providing services under a temporary physical custody order shall submit it no later than 30 days after the date on which the placement is made.

SECTION 11. 48.217 (2) of the statutes is renumbered 48.217 (2) (a).

SECTION 12. 48.217 (2) (b) and (c) of the statutes are created to read:

48.217 **(2)** (b) 1. If the emergency change in placement under par. (a) results in a child being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the intake worker or agency primarily responsible for providing services under a temporary physical custody order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the information specified under sub. (1) (b) 3. with the notice under par. (a) or, if not available at that time, and except as provided under subd. 2., no later than 10 days after the filing of that notice.

2. If, for good cause shown, the information required to be submitted under subd. 1. is not available by the deadline under that subdivision, the intake worker or agency primarily responsible for providing services under a temporary physical custody order shall submit it no later than 30 days after the date on which the placement was made.

(c) If the emergency change in placement under par. (a) results in a child being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the court shall, no later than 60 days after the placement is made, issue an order making all of the findings required under sub. (2v) (d) 1., the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment.

SECTION 13. 48.217 (2m) (b) 3. of the statutes is created to read:

48.217 **(2m)** (b) 3. If the change in placement results in a child being placed in a residential care center for children and youth, group home, or shelter care facility

certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the intake worker or agency primarily responsible for providing services under a temporary physical custody order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the information under sub. (1) (b) 3., to the court and to all persons who are required to receive the notice under subd. 2., no later than the hearing or, if not available by that time, no later than 30 days after the date on which the placement is made.

SECTION 14. 48.217 (2m) (c) of the statutes is renumbered 48.217 (2m) (c) 1.

SECTION 15. 48.217 (2m) (c) 2. and 3. of the statutes are created to read:

48.217 (2m) (c) 2. Except as provided in subd. 3., if the court changes the placement to a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the change-in-placement order shall contain the findings under sub. (2v) (d) 1., the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment.

3. If the results of the standardized assessment and recommendation of the qualified individual who conducted the standardized assessment are not available at the time of the order, the court shall defer making the findings under sub. (2v) (d) 1. as provided in this subdivision. No later than 60 days after the date on which the placement was made, the court shall issue an order making the findings under sub. (2v) (d) 1.

SECTION 16. 48.217 (2v) (d) 1. and 2. of the statutes are created to read:

48.217 (2v) (d) 1. Except as provided in subd. 2., if the court changes the placement to a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the change-in-placement order shall contain a finding as to each of the following, the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment:

a. Whether the needs of the child can be met through placement in a foster home.

b. Whether placement of the child in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675 provides the most effective and appropriate level of care for the child in the least restrictive environment.

c. Whether the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

d. Whether the court approves or disapproves the placement.

2. If the results of the standardized assessment and recommendation of the qualified individual who conducted the standardized assessment are not available at the time of the order, the court shall defer making the findings under subd. 1. as provided in this subdivision. No later than 60 days after the date on which the placement was made, the court shall issue an order making the findings under subd. 1.

SECTION 17. 48.32 (1) (ar) of the statutes is created to read:

48.32 (1) (ar) If the consent decree places a child in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675,

the qualified individual shall conduct a standardized assessment and the agency primarily responsible for providing services to the child shall submit it and the recommendation of the qualified individual who completed the assessment, including all of the following, to the court and to all persons who are parties to the consent decree, no later than the time the consent decree is entered or, if not available by that time, no later than 30 days after the date on which the placement is made:

1. Whether the proposed placement will provide the child with the most effective and appropriate level of care in the least restrictive environment.

2. How the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

3. The reasons why the child's needs can or cannot be met by the child's family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the child's needs cannot be met in a foster home.

4. The placement preference of the family permanency team under s. 48.38 (3m) and, if that preference is not the placement recommended by the qualified individual, why that recommended placement is not preferred.

SECTION 18. 48.32 (1) (b) 1r. of the statutes is created to read:

48.32 (1) (b) 1r. Except as provided in par. (cd), if the child is placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, a finding as to each of the following, the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment under par. (ar):

a. Whether the needs of the child can be met through placement in a foster home.

b. Whether placement of the child in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675 provides the most effective and appropriate level of care for the child in the least restrictive environment.

c. Whether the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

d. Whether the court approves or disapproves the placement.

SECTION 19. 48.32 (1) (cd) of the statutes is created to read:

48.32 (1) (cd) If the results of the standardized assessment and recommendation of the qualified individual who conducted the standardized assessment are required but not available at the time of the order, the court shall defer making the findings under par. (b) 1r. as provided in this paragraph. No later than 60 days after the date on which the placement was made, the court shall issue an order making the findings under par. (b) 1r.

SECTION 20. 48.33 (4) (cm) of the statutes is created to read:

48.33 (4) (cm) A statement indicating whether the recommended placement is certified under s. 48.675.

SECTION 21. 48.33 (4) (cr) of the statutes is created to read:

48.33 (4) (cr) 1. If the report recommends placement of a child in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, except as provided in subd. 2., the report shall contain the results of the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment, including all of the following:

a. Whether the proposed placement will provide the child with the most effective and appropriate level of care in the least restrictive environment.

b. How the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

c. The reasons why the child's needs can or cannot be met by the child's family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the child's needs cannot be met in a foster home.

d. The placement preference of the family permanency team under s. 48.38 (3m) and, if that preference is not the placement recommended by the qualified individual, why that recommended placement is not preferred.

2. If the information under subd. 1. is not available at the time of the report, the agency shall submit it by the date of the dispositional hearing or, if it is not available on that date, no later than 30 days after the date on which the placement was made.

SECTION 22. 48.355 (2) (b) 6d. of the statutes is created to read:

48.355 (2) (b) 6d. Except as provided in par. (cd), if the child is placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, a finding as to each of the following, the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment:

a. Whether the needs of the child can be met through placement in a foster home.

b. Whether placement of the child in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675 provides the most effective and appropriate level of care for the child in the least restrictive environment.

c. Whether the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

d. Whether the court approves or disapproves the placement.

SECTION 23. 48.355 (2) (cd) of the statutes is created to read:

48.355 (2) (cd) If the results of the standardized assessment and recommendation of the qualified individual who conducted the standardized assessment are required but not available at the time of the order, the court shall defer making the findings under par. (b) 6d. as provided in this paragraph. No later than 60 days after the date on which the placement was made, the court shall issue an order making the findings under par. (b) 6d.

SECTION 24. 48.357 (1) (am) 1. c. of the statutes is amended to read:

48.357 (1) (am) 1. c. The notice shall contain the name and address of the new placement, the reasons for the change in placement, whether the new placement is certified under s. 48.675, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies the objectives of the treatment plan or permanency plan ordered by the court. The person sending the notice shall file the notice with the court on the same day that the notice is sent.

SECTION 25. 48.357 (1) (am) 1m. and 1r. of the statutes are created to read:

48.357 (1) (am) 1m. If the proposed change in placement would place the child in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the person or agency primarily responsible for implementing the dispositional order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including all of the

following, to the court and all persons who are required to receive the notice under subd. 1. no later than time of filing that notice or, if not available by that time, and except as provided under subd. 1r., no later than 10 days after the notice is filed:

a. Whether the proposed placement will provide the child with the most effective and appropriate level of care in the least restrictive environment.

b. How the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

c. The reasons why the child's needs can or cannot be met by the child's family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the child's needs cannot be met in a foster home.

d. The placement preference of the family permanency team under s. 48.38 (3m) and, if that preference is not the placement recommended by the qualified individual, why that recommended placement is not preferred.

1r. If, for good cause shown, the information required to be submitted under subd. 1m. is not available by the deadline under that subdivision, the person or agency primarily responsible for implementing the dispositional order shall submit it no later than 30 days after the date on which the placement is made.

SECTION 26. 48.357 (1) (c) 1r. of the statutes is created to read:

48.357 (1) (c) 1r. If the proposed change in placement would place the child in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the person or agency primarily responsible for implementing the dispositional order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the information under par. (am) 1m., to the court and to all persons who are required to receive the

notice under par. (am) 1. a. no later than the filing of that request or, if not available by that time, no later than 30 days after the date on which the placement was made.

SECTION 27. 48.357 (2) (a) of the statutes is renumbered 48.357 (2) (a) 1.

SECTION 28. 48.357 (2) (a) 2., 3. and 4. of the statutes are created to read:

48.357 (2) (a) 2. If the emergency change in placement under subd. 1. results in a child being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the person or agency primarily responsible for implementing the dispositional order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the information specified under sub. (1) (am) 1m. with the notice under subd. 1. or, if not available at that time, and except as provided under subd. 3., no later than 10 days after the filing of that notice.

3. If, for good cause shown, the information required to be submitted under subd. 2. is not available by the deadline under that subdivision, the person or agency primarily responsible for implementing the dispositional order shall submit it no later than 30 days after the date on which the placement was made.

4. If the emergency change in placement under subd. 1. results in a child being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the court shall, no later than 60 days after the placement is made, issue an order making the findings under sub. (2v) (a) 5., the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment.

SECTION 29. 48.357 (2) (b) 5. and 6. of the statutes are created to read:

48.357 (2) (b) 5. If the emergency change in placement under this paragraph results in a child being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the person or agency primarily responsible for implementing the dispositional order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the information specified under sub. (1) (am) 1m., to the court and all persons who are required to receive the notice under subd. 2. no later than the filing of that request or, if not available by that time, no later than 30 days after the date on which the placement was made.

6. If the emergency change in placement under this paragraph results in a child being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the court shall, no later than 60 days after the placement is made, issue an order making the findings under sub. (2v) (a) 5., the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment.

SECTION 30. 48.357 (2m) (a) of the statutes is renumbered 48.357 (2m) (a) 1.

SECTION 31. 48.357 (2m) (a) 2. of the statutes is created to read:

48.357 (2m) (a) 2. If the change in placement results in the child being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the person or agency primarily responsible for implementing the dispositional order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the information

specified under sub. (1) (am) 1m., to the court and to all persons who are required to receive the notice under par. (b) 2., no later than the filing of that request or, if not available by that time, no later than 30 days after the date on which the placement was made.

SECTION 32. 48.357 (2v) (a) 5. and 6. of the statutes are created to read:

48.357 (2v) (a) 5. Except as provided in subd. 6., if the court changes the placement to a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the change-in-placement order shall contain a finding as to each of the following, the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment:

a. Whether the needs of the child can be met through placement in a foster home.

b. Whether placement of the child in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675 provides the most effective and appropriate level of care for the child in the least restrictive environment.

c. Whether the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

d. Whether the court approves or disapproves the placement.

6. If the results of the standardized assessment and recommendation of the qualified individual who conducted the standardized assessment are not available at the time of the order, the court shall defer making the findings under subd. 5. as provided in this paragraph. No later than 60 days after the date on which the

placement was made, the court shall issue an order making the findings under subd. 5.

SECTION 33. 48.38 (1) (ag) of the statutes is created to read:

48.38 (1) (ag) “Family permanency team” means the team of individuals assembled under sub. (3m) to participate in a child’s permanency planning.

SECTION 34. 48.38 (1) (ap) of the statutes is created to read:

48.38 (1) (ap) “Like-kin” means a person who has a significant emotional relationship with a child or the child’s family and to whom any of the following applies:

***NOTE: The introduction to this paragraph reads “In this section;” so these definitions only apply in s. 48.38.

1. Prior to the child’s placement in out-of-home care, the person had an existing relationship with the child or the child’s family that is similar to a familial relationship.

2. During the child’s placement in out-of-home care, the person developed a relationship with the child or the child’s family that is similar to a familial relationship.

SECTION 35. 48.38 (1) (c) of the statutes is created to read:

48.38 (1) (c) “Qualified residential treatment program” means a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675.

SECTION 36. 48.38 (3m) of the statutes is created to read:

48.38 (3m) FAMILY PERMANENCY TEAM. If a child is placed in a qualified residential treatment program, 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 invite all of the following to participate in permanency planning and may invite others at the agency's discretion:

(a) All appropriate biological family members, relatives, and like-kin of the child, as determined by the agency.

(b) Appropriate professionals who serve as a resource for the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy.

(c) Others identified by a child over the age of 14 as provided under sub. (2m).

SECTION 37. 48.38 (4) (k) of the statutes is created to read:

48.38 (4) (k) If the child is placed in a qualified residential treatment program, all of the following:

1. Documentation of reasonable and good faith efforts to identify and include all required individuals on the family permanency team.

2. The contact information for the members of the family permanency team.

3. Information showing that meetings of the family permanency team are held at a time and place convenient for the family to the extent possible.

4. If reunification is the child's permanency goal, information demonstrating that the parent from whom the child was removed provided input on the members of the family permanency team or why that input was not obtained.

5. Information showing that the standardized assessment, as determined by the department, was used to determine the appropriateness of the placement in a qualified residential treatment program

6. The placement preferences of the family permanency team, including a recognition that a child should be placed with his or her siblings unless the court

determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings.

7. If placement preferences of the family permanency team are not the placement recommended by the qualified individual who conducted the standardized assessment, the reasons why these preferences were not recommended.

8. The recommendations of the qualified individual who conducted the standardized assessment, including all of the following:

a. Whether the recommended placement in a qualified residential treatment program is the placement that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

b. Whether and why the child's needs can or cannot be met by the child's family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the child's needs cannot be met in a foster home.

9. Documentation of the approval or disapproval of the placement in a qualified residential treatment program by a court, if such a determination has been made.

SECTION 38. 48.38 (4) (L) of the statutes is created to read:

48.38 (4) (L) If the child is a parent or is pregnant, all of the following:

1. A list of the services or programs to be provided to or on behalf of the child to ensure that the child, if pregnant, is prepared and, if a parent, is able to be a parent.

2. The out-of-home care prevention strategy for any child born to the parenting or pregnant child.

SECTION 39. 48.38 (5) (bm) 4. of the statutes is created to read:

48.38 (5) (bm) 4. If the child is placed in a qualified residential treatment program, the agency that prepared the permanency plan shall submit to the court or panel specific information showing all of the following, which the court or panel shall consider when determining the continuing necessity for and the safety and appropriateness of the placement:

a. Whether ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster home, whether the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and how the placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan.

b. The specific treatment or service needs that will be met for the child in the placement and the length of the time the child is expected to need the treatment or services.

c. The efforts made by the agency to prepare the child to return home or to be placed with a fit and willing relative, a guardian, or an adoptive parent or in a foster home.

SECTION 40. 48.38 (5) (c) 1. of the statutes is amended to read:

48.38 (5) (c) 1. The continuing necessity for and the safety and appropriateness of the placement, subject to par. (bm) 4. and sub. (5m) (c) 4. If the permanency goal of the child's permanency plan is placement of the child in a planned permanent living arrangement described in sub. (4) (fg) 5., the determination under this subdivision shall include an explanation of why the planned permanent living

arrangement is the best permanency goal for the child and why, supported by compelling reasons, it continues not to be in the best interests of the child to be returned to his or her home or to be placed for adoption, with a guardian, or with a fit and willing relative.

SECTION 41. 48.38 (5) (d) of the statutes is amended to read:

48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the permanency plan shall, at least 5 days before a review by a review panel, provide to each person appointed to the review panel, the child's parent, guardian, and legal custodian, 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, 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 a copy of the permanency plan, any information submitted under par. (bm) 4., and any written comments submitted under par. (bm) 1. Notwithstanding s. 48.78 (2) (a), a person appointed to a review panel, 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, 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 may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child's records under this paragraph may not disclose any information from the records to any other person.

SECTION 42. 48.38 (5m) (c) 4. of the statutes is created to read:

48.38 (5m) (c) 4. If the child is placed in a qualified residential treatment program, the agency that prepared the permanency plan shall present to the court specific information showing all of the following, which the court shall consider when

determining the continuing necessity for and the safety and appropriateness of the placement under sub. (5) (c) 1.:

a. Whether ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster home, whether the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and how the placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan.

b. The specific treatment or service needs that will be met for the child in the placement and the length of the time the child is expected to need the treatment or services.

c. The efforts made by the agency to prepare the child to return home or to be placed with a fit and willing relative, a guardian, or an adoptive parent or in a foster home.

SECTION 43. 48.38 (5m) (d) of the statutes is amended to read:

48.38 (5m) (d) At least 5 days before the date of the hearing the agency that prepared the permanency plan shall provide a copy of the permanency plan, any information submitted under par. (bm) 4., and any written comments submitted under par. (c) 1. to the court, to the child's parent, guardian, and legal custodian, to the person representing the interests of the public, to the child's counsel or guardian ad litem, to the child's court-appointed special advocate, and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, to the Indian child's Indian custodian and tribe. Notwithstanding s. 48.78 (2) (a), the person representing the interests of the public, the child's counsel or guardian ad

litem, the child's court-appointed special advocate, and, if the child is an Indian child who is placed outside of the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child's records under this paragraph may not disclose any information from the records to any other person.

SECTION 44. 48.437 (1) (a) 2. of the statutes is amended to read:

48.437 (1) (a) 2. The notice shall contain the name and address of the new placement, the reasons for the change in placement, whether the new placement is certified under s. 48.675, a statement describing why the new placement is preferable to the present placement, a statement of how the new placement satisfies the objectives of the treatment plan or permanency plan ordered by the court, and, if the child is an Indian child who has been removed from the home of his or her parent or Indian custodian, a statement as to whether the new placement is in compliance with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c) and, if the new placement is not in compliance with that order, specific information showing good cause, as described in s. 48.028 (7) (e), for departing from that order. The person sending the notice shall file the notice with the court on the same day the notice is sent.

SECTION 45. 48.437 (1) (a) 3. and 4. of the statutes are created to read:

48.437 (1) (a) 3. If the proposed change in placement would place the child in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the agency appointed as the guardian of the child shall submit it and the recommendation of the qualified individual who conducted the standardized

assessment, including all of the following, to the court and all persons who are required to receive the notice under subd. 1. no later than time of filing of that notice, or, if not available by that time, and except as provided under subd. 4., no later than 10 days after the notice is filed:

a. Whether the proposed placement will provide the child with the most effective and appropriate level of care in the least restrictive environment.

b. How the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

c. The reasons why the child's needs can or cannot be met by the child's family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the child's needs cannot be met in a foster home.

d. The placement preference of the family permanency team under s. 48.38 (3m) and, if that preference is not the placement recommended by the qualified individual, why that recommended placement is not preferred.

4. If, for good cause shown, the information required to be submitted under subd. 3. is not available by the deadline under that subdivision, the agency appointed as the guardian of the child shall submit it no later than 30 days after the date on which the placement is made.

SECTION 46. 48.437 (1) (c) of the statutes is amended to read:

48.437 (1) (c) *Contents of order.* The change-in-placement order shall contain the applicable order under sub. (2v) (a), the applicable statement under sub. (2v) (b), and the ~~finding~~ applicable findings under sub. (2v) (c) and (d). If the court changes the placement of an Indian child who has been removed from the home of his or her parent or Indian custodian, the change-in-placement order shall, in addition, comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable,

s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e), for departing from that order.

SECTION 47. 48.437 (2) of the statutes is renumbered 48.437 (2) (a).

SECTION 48. 48.437 (2) (b) and (c) of the statutes are created to read:

48.437 (2) (b) 1. If the emergency change in placement under par. (a) results in a child being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the agency appointed as the guardian of the child shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the information specified under sub. (1) (a) 3. with the notice under par. (a) or, if not available at that time, and except as provided under subd. 2., no later than 10 days after the filing of that notice.

2. If, for good cause shown, the information required to be submitted under subd. 1. is not available by the deadline under that subdivision, the agency appointed as the guardian of the child shall submit it no later than 30 days after the date on which the placement was made.

(c) If the emergency change in placement under par. (a) results in a child being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the court shall, no later than 60 days after the placement is made, issue an order making the findings under sub. (2v) (d) 1., the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment.

SECTION 49. 48.437 (2v) (d) of the statutes is created to read:

48.437 (2v) (d) 1. Except as provided in subd. 2., if the court changes the placement to a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the change-in-placement order shall contain a finding as to each of the following, the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment:

a. Whether the needs of the child can be met through placement in a foster home.

b. Whether placement of the child in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675 provides the most effective and appropriate level of care for the child in the least restrictive environment.

c. Whether the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

d. Whether the court approves or disapproves the placement.

2. If the results of the standardized assessment and recommendation of the qualified individual who conducted the standardized assessment are not available at the time of the order, the court shall defer making the findings under that subd.

1. as provided in this paragraph. No later than 60 days after the date on which the placement was made, the court shall issue an order making the findings under subd.

1.

SECTION 50. 48.48 (20) of the statutes is created to read:

48.48 (20) To certify a residential care center for children and youth, group home, or shelter care facility to operate a qualified residential treatment program as provided under s. 48.675 and monitor compliance with certification requirements.

SECTION 51. 48.675 of the statutes is created to read:

48.675 Qualified residential treatment programs. (1) The department may certify a residential care center for children and youth, group home, or shelter care facility to operate a qualified residential treatment program if it determines that the program meets the requirements of [42 USC 672](#) (k) (4) and any other requirements established by the department under this section. A residential care center for children and youth, group home, or shelter care facility certified under this section shall comply with all other requirements applicable to the residential care center for children and youth, group home, or shelter care facility.

(2) The department may promulgate rules for the establishment, certification, operation, and monitoring of, and the placement of a child in, a qualified residential treatment program under sub. (1).

SECTION 52. 48.715 (8) of the statutes is created to read:

48.715 (8) The department may deny, suspend, restrict, refuse to renew, or otherwise withhold a certification under s. 48.675 based on a failure to comply with certification requirements established by administrative rule under that section.

SECTION 53. 48.73 of the statutes is amended to read:

48.73 Inspection of licensees and school district child care programs. The department may visit and inspect each child welfare agency, foster home, group home, and child care center licensed by the department and each entity certified by the department under s. 48.675, and for that purpose shall be given unrestricted access to the premises described in the license or certification. The department may

visit and inspect each child care program established or contracted for under s. 120.13 (14) that receives payment under s. 49.155 for the child care provided, and for that purpose shall be given unrestricted access to the premises used for the child care program.

SECTION 54. 938.02 (14m) of the statutes is created to read:

938.02 (14m) “Qualified individual” has the meaning given under [42 USC 675a](#) (c) (1) (D).

SECTION 55. 938.02 (17t) of the statutes is created to read:

938.02 (17t) “Standardized assessment” means an assessment, using a tool determined by the department, of the strengths and needs of a juvenile to determine appropriateness of a placement in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675.

SECTION 56. 938.21 (1) (c) of the statutes is created to read:

938.21 (1) (c) If the juvenile is held in custody in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the agency primarily responsible for providing services under the custody order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including all of the following, to the court and all persons who are required to receive a copy of the petition or request under par. (b) no later than the hearing or, if not available by that time, no later than 30 days after the date on which the placement is made:

1. Whether the proposed placement will provide the juvenile with the most effective and appropriate level of care in the least restrictive environment.

2. How the placement is consistent with the short-term and long-term goals for the juvenile, as specified in the permanency plan.

3. The reasons why the juvenile's needs can or cannot be met by the juvenile's family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the juvenile's needs cannot be met in a foster home.

4. The placement preference of the family permanency team under s. 938.38 (3m) and, if that preference is not the placement recommended by the qualified individual, why that recommended placement is not preferred.

SECTION 57. 938.21 (5) (b) 2g. of the statutes is created to read:

938.21 (5) (b) 2g. Except as provided in par. (cm), if the juvenile is held in custody in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, a finding as to each of the following, the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation submitted by the qualified individual who conducted the standardized assessment under sub. (1) (c):

a. Whether the needs of the juvenile can be met through placement in a foster home.

b. Whether placement of the juvenile in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675 provides the most effective and appropriate level of care for the juvenile in the least restrictive environment.

c. Whether the placement is consistent with the short-term and long-term goals for the juvenile, as identified in the permanency planning.

d. Whether the court approves or disapproves the placement.

SECTION 58. 938.21 (5) (cm) of the statutes is created to read:

938.21 (5) (cm) If the results of the standardized assessment and recommendation of the qualified individual who conducted the standardized assessment are required under sub. (1) (c) but not available at the time of the order, the court shall defer making the findings under par. (b) 2g. as provided in this paragraph. No later than 60 days after the date on which the placement is made, the court shall issue an order making the findings under par. (b) 2g.

SECTION 59. 938.217 (1) (b) 2. of the statutes is amended to read:

938.217 (1) (b) 2. The notice shall contain the name and address of the new placement, the reasons for the change in placement, whether the new placement is certified under s. 48.675, and a statement describing why the new placement is preferable to the present placement. The person sending the notice shall file the notice with the court on the same day that the notice is sent.

SECTION 60. 938.217 (1) (b) 3. and 4. of the statutes are created to read:

938.217 (1) (b) 3. If the proposed change in placement would place the juvenile in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the intake worker or agency primarily responsible for providing services under a temporary physical custody order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including all of the following, to the court and all persons who are required to receive the notice under subd. 1. no later than the filing of that notice or, if not available by that time, and except as provided under subd. 4., no later than 10 days after the notice is filed:

a. Whether the proposed placement will provide the juvenile with the most effective and appropriate level of care in the least restrictive environment.

b. How the placement is consistent with the short-term and long-term goals for the juvenile, as specified in the permanency plan.

c. The reasons why the juvenile's needs can or cannot be met by the juvenile's family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the juvenile's needs cannot be met in a foster home.

d. The placement preference of the family permanency team under s. 938.38 (3m) and, if that preference is not the placement recommended by the qualified individual, why that recommended placement is not preferred.

4. If, for good cause shown, the information required to be submitted under subd. 3. is not available by the deadline under that subdivision, the intake worker or agency primarily responsible for providing services under a temporary physical custody order shall submit it no later than 30 days after the date on which the placement is made.

SECTION 61. 938.217 (2) of the statutes is renumbered 938.217 (2) (a).

SECTION 62. 938.217 (2) (b) and (c) of the statutes are created to read:

938.217 (2) (b) 1. If the emergency change in placement under par. (a) results in a juvenile being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the intake worker or agency primarily responsible for providing services under a temporary physical custody order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the information specified under sub. (1) (b) 3. with the notice under par. (a) or, if not available at that time, and except as provided under subd. 2., no later than 10 days after the filing of that notice.

2. If, for good cause shown, the information required to be submitted under subd. 1. is not available by the deadline under that subdivision, the intake worker or agency primarily responsible for providing services under a temporary physical custody order shall submit it no later than 30 days after the date on which the placement was made.

(c) If the emergency change in placement under par. (a) results in a juvenile being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the court shall, no later than 60 days after the placement is made, issue an order making all of the findings required under sub. (2v) (d) 1., the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment.

SECTION 63. 938.217 (2m) (b) 3. of the statutes is created to read:

938.217 **(2m)** (b) 3. If the change in placement results in a juvenile being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the agency primarily responsible for providing services under the temporary physical custody order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the information under sub. (1) (b) 3., to the court and to all persons who are required to receive the notice under subd. 2., no later than the hearing or, if not available by that time, no later than 30 days after the date on which the placement is made.

SECTION 64. 938.217 (2v) (d) 1. and 2. of the statutes are created to read:

938.217 **(2v)** (d) 1. Except as provided in subd. 2., if the court changes the placement to a residential care center for children and youth, group home, or shelter

care facility certified under s. 48.675, the change-in-placement order shall contain a finding as to each of the following, the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment:

a. Whether the needs of the juvenile can be met through placement in a foster home.

b. Whether placement of the juvenile in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675 provides the most effective and appropriate level of care for the juvenile in the least restrictive environment.

c. Whether the placement is consistent with the short-term and long-term goals for the juvenile, as specified in the permanency plan.

d. Whether the court approves or disapproves the placement.

2. If the results of the standardized assessment and recommendation of the qualified individual who conducted the standardized assessment are not available at the time of the order, the court shall defer making the findings under subd. 1. as provided in this subdivision. No later than 60 days after the date on which the placement was made, the court shall issue an order making the findings under subd. 1.

SECTION 65. 938.32 (1) (br) of the statutes is created to read:

938.32 (1) (br) If the consent decree places a juvenile in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the agency primarily responsible for providing services to the juvenile shall submit it and the

recommendation of the qualified individual who completed the assessment, including all of the following, to the court and to all persons who are parties to the consent decree, no later than the time the consent decree is entered or, if not available by that time, no later than 30 days after the date on which the placement is made:

1. Whether the proposed placement will provide the juvenile with the most effective and appropriate level of care in the least restrictive environment.

2. How the placement is consistent with the short-term and long-term goals for the juvenile, as specified in the permanency plan.

3. The reasons why the juvenile's needs can or cannot be met by the juvenile's family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the juvenile's needs cannot be met in a foster home.

4. The placement preference of the family permanency team under s. 938.38 (3m) and, if that preference is not the placement recommended by the qualified individual, why that recommended placement is not preferred.

SECTION 66. 938.32 (1) (c) 1r. of the statutes is created to read:

938.32 (1) (c) 1r. Except as provided in par. (cd), if the juvenile is placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, a finding as to each of the following, the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment under par. (br):

a. Whether the needs of the juvenile can be met through placement in a foster home.

b. Whether placement of the juvenile in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675 provides the

most effective and appropriate level of care for the juvenile in the least restrictive environment.

c. Whether the placement is consistent with the short-term and long-term goals for the juvenile, as specified in the permanency plan.

d. Whether the court approves or disapproves the placement.

SECTION 67. 938.32 (1) (cd) of the statutes is created to read:

938.32 (1) (cd) If the results of the standardized assessment and recommendation of the qualified individual who conducted the standardized assessment are required but not available at the time of the order, the court shall defer making the findings under par. (c) 1r. as provided in this paragraph. No later than 60 days after the date on which the placement was made, the court shall issue an order making the findings under par. (c) 1r.

SECTION 68. 938.33 (4) (cm) of the statutes is created to read:

938.33 (4) (cm) A statement indicating whether the recommended placement is certified under s. 48.675.

SECTION 69. 938.33 (4) (cr) of the statutes is created to read:

938.33 (4) (cr) 1. If the report recommends placement of a juvenile in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, except as provided in subd. 2., the report shall contain the results of the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment, including all of the following:

a. Whether the proposed placement will provide the juvenile with the most effective and appropriate level of care in the least restrictive environment.

b. How the placement is consistent with the short-term and long-term goals for the juvenile, as specified in the permanency plan.

c. The reasons why the juvenile's needs can or cannot be met by the juvenile's family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the juvenile's needs cannot be met in a foster home.

d. The placement preference of the family permanency team under s. 938.38 (3m) and, if that preference is not the placement recommended by the qualified individual, why that recommended placement is not preferred.

2. If the information under subd. 1. is not available at the time of the report, the agency shall submit it by the date of the dispositional hearing or, if it is not available on that date, no later than 30 days after the date on which the placement was made.

SECTION 70. 938.355 (2) (b) 6d. of the statutes is created to read:

938.355 (2) (b) 6d. Except as provided in par. (cd), if the juvenile is placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, a finding as to each of the following, the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment:

a. Whether the needs of the juvenile can be met through placement in a foster home.

b. Whether placement of the juvenile in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675 provides the most effective and appropriate level of care for the juvenile in the least restrictive environment.

c. Whether the placement is consistent with the short-term and long-term goals for the juvenile, as specified in the permanency plan.

d. Whether the court approves or disapproves the placement.

SECTION 71. 938.355 (2) (cd) of the statutes is created to read:

938.355 (2) (cd) If the results of the standardized assessment and recommendation of the qualified individual who conducted the standardized assessment are required but not available at the time of the order, the court shall defer making the findings under par. (b) 6d. as provided in this paragraph. No later than 60 days after the date on which the placement was made, the court shall issue an order making the findings under par. (b) 6d.

SECTION 72. 938.357 (1) (am) 1. of the statutes, as affected by 2021 Wisconsin Act (this act), is amended to read:

938.357 (1) (am) 1. Except as provided in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel may request a change in placement under this subsection by causing written notice of the proposed change in placement to be sent to the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, and legal custodian of the juvenile, and any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile. If the request is for a change in placement under sub. (3), notice shall be sent to the entity that operates the secured residential care center for children and youth or juvenile correctional facility where placement is proposed. If the juvenile is an Indian juvenile who has been removed from the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), written notice shall also be sent to the Indian juvenile's Indian custodian and tribe. The notice shall contain the name and address of the new placement, the reasons for the change in

placement, whether the new placement is certified under s. 48.675, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan or permanency plan ordered by the court. The person sending the notice shall file the notice with the court on the same day that the notice is sent.

***NOTE: This is reconciled s. 938.357 (1) (am) 1. This SECTION has been affected by drafts with the following LRB numbers: -1455/P2 and -0556/P3.

SECTION 73. 938.357 (1) (am) 1m. and 1r. of the statutes are created to read:

938.357 (1) (am) 1m. If the proposed change in placement would place the juvenile in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the person or agency primarily responsible for implementing the dispositional order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including all of the following, to the court and all persons who are required to receive the notice under subd. 1. no later than time of filing that notice or, if not available by that time, and except as provided under subd. 1r., no later than 10 days after the notice is filed:

a. Whether the proposed placement will provide the juvenile with the most effective and appropriate level of care in the least restrictive environment.

b. How the placement is consistent with the short-term and long-term goals for the juvenile, as specified in the permanency plan.

c. The reasons why the juvenile's needs can or cannot be met by the juvenile's family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the juvenile's needs cannot be met in a foster home.

d. The placement preference of the family permanency team under s. 938.38 (3m) and, if that preference is not the placement recommended by the qualified individual, why that recommended placement is not preferred.

1r. If, for good cause shown, the information required to be submitted under subd. 1m. is not available by the deadline under that subdivision, the person or agency primarily responsible for implementing the dispositional order shall submit it no later than 30 days after the date on which the placement is made.

SECTION 74. 938.357 (1) (c) 1r. of the statutes is created to read:

938.357 (1) (c) 1r. If the proposed change in placement would place the juvenile in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the person or agency primarily responsible for implementing the dispositional order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the information specified in sub. (1) (am) 1m., to the court and to the party that requested the change in placement under subd. 1. no later than the filing of that request or, if not available by that time, no later than 30 days after the date on which the placement was made.

SECTION 75. 938.357 (2) (a) of the statutes is renumbered 938.357 (2) (a) 1.

SECTION 76. 938.357 (2) (a) 2., 3. and 4. of the statutes are created to read:

938.357 (2) (a) 2. If the emergency change in placement under subd. 1. results in a juvenile being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the person or agency primarily responsible for implementing the dispositional order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the

information specified under sub. (1) (am) 1m. with the notice under subd. 1. or, if not available at that time, and except as provided under subd. 3., no later than 10 days after the filing of that notice.

3. If, for good cause shown, the information required to be submitted under subd. 2. is not available by the deadline under that subdivision, the person or agency primarily responsible for implementing the dispositional order shall submit it no later than 30 days after the date on which the placement was made.

4. If the emergency change in placement under subd. 1. results in a juvenile being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the court shall, no later than 60 days after the placement is made, issue an order making the findings under sub. (2v) (a) 5., the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment.

SECTION 77. 938.357 (2) (b) 5. and 6. of the statutes are created to read:

938.357 (2) (b) 5. If the emergency change in placement under this paragraph results in a juvenile being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the person or agency primarily responsible for implementing the dispositional order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the information specified in sub. (1) (am) 1m., to the court and all persons who are required to receive the notice under subd. 2. that requested the change in placement no later than the filing of that request or, if not available by that time, no later than 30 days after the date on which the placement was made.

6. If the emergency change in placement this paragraph results in a juvenile being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the court shall, no later than 60 days after the placement is made, issue an order making the findings under sub. (2v) (a) 5., the answers to which do not affect whether the placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment.

SECTION 78. 938.357 (2m) (a) of the statutes is renumbered 938.357 (2m) (a) 1.

SECTION 79. 938.357 (2m) (a) 2. of the statutes is created to read:

938.357 **(2m)** (a) 2. If the change in placement results in the juvenile being placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the qualified individual shall conduct a standardized assessment and the person or agency primarily responsible for implementing the dispositional order shall submit it and the recommendation of the qualified individual who conducted the standardized assessment, including the information under sub. (1) (am) 1m., to the court and to the party that requested the change in placement under subd. 1. no later than the filing of that request or, if not available by that time, no later than 30 days after the date on which the placement was made.

SECTION 80. 938.357 (2v) (a) 5. and 6. of the statutes are created to read:

938.357 **(2v)** (a) 5. Except as provided in subd. 6., if the court changes the placement to a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the change-in-placement order shall contain a finding as to each of the following, the answers to which do not affect whether the

placement may be made, after considering the standardized assessment and the recommendation of the qualified individual who conducted the standardized assessment:

a. Whether the needs of the juvenile can be met through placement in a foster home.

b. Whether placement of the juvenile in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675 provides the most effective and appropriate level of care for the juvenile in the least restrictive environment.

c. Whether the placement is consistent with the short-term and long-term goals for the juvenile, as specified in the permanency plan.

d. Whether the court approves or disapproves the placement.

6. If the results of the standardized assessment and recommendation of the qualified individual who conducted the standardized assessment are not available at the time of the order, the court shall defer making the findings under subd. 5. as provided in this paragraph. No later than 60 days after the date on which the placement was made, the court shall issue an order making the findings under subd. 5.

SECTION 81. 938.38 (1) (ag) of the statutes is created to read:

938.38 (1) (ag) “Family permanency team” means the team of individuals assembled under sub. (3m) to participate in a juvenile’s permanency planning.

SECTION 82. 938.38 (1) (as) of the statutes is created to read:

938.38 (1) (as) “Like-kin” means a person who has a significant emotional relationship with a juvenile or the juvenile’s family and to whom any of the following applies:

***NOTE: The introduction to this paragraph reads "In this section," so these definitions only apply in s. 938.38.

1. Prior to the juvenile's placement in out-of-home care, the person had an existing relationship with the juvenile or the juvenile's family that is similar to a familial relationship.

2. During the juvenile's placement in out-of-home care, the person developed a relationship with the juvenile or the juvenile's family that is similar to a familial relationship.

SECTION 83. 938.38 (1) (bp) of the statutes is created to read:

938.38 (1) (bp) "Qualified residential treatment program" means a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675.

SECTION 84. 938.38 (3m) of the statutes is created to read:

938.38 (3m) FAMILY PERMANENCY TEAM. If a juvenile is placed in a residential care center for children and youth, group home, or shelter care facility certified under s. 48.675, the agency that placed the juvenile or arranged the placement or the agency assigned primary responsibility for providing services to the juvenile under s. 48.355 (2) (b) 6g. shall invite all of the following to participate in permanency planning and may invite others at the agency's discretion:

(a) All appropriate biological family members, relatives, and like-kin of the juvenile, as determined by the agency.

(b) Appropriate professionals who serve as a resource for the family of the juvenile, such as teachers, medical or mental health providers who have treated the juvenile, or clergy.

(c) Others identified by a juvenile over the age of 14 as provided under sub. (2m).

SECTION 85. 938.38 (4) (k) of the statutes is created to read:

938.38 (4) (k) If the juvenile is placed in a qualified residential treatment program, all of the following:

1. Documentation of reasonable and good faith efforts to identify and include all required individuals on the family permanency team.

2. The contact information for the members of the family permanency team.

3. Information showing that meetings of the family permanency team are held at a time and place convenient for the family to the extent possible.

4. If reunification is the juvenile's permanency goal, information demonstrating that the parent from whom the juvenile was removed provided input on the members of the family permanency team or why that input was not obtained.

5. Information showing that the standardized assessment, as determined by the department, was used to determine the appropriateness of the placement in a qualified residential treatment program

6. The placement preferences of the family permanency team, including a recognition that a juvenile should be placed with his or her siblings unless the court determines that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings.

7. If placement preferences of the family permanency team are not the placement recommended by the qualified individual who conducted the standardized assessment, the reasons why these preferences were not recommended.

8. The recommendations of the qualified individual who conducted the standardized assessment, including all of the following:

a. Whether the recommended placement in a qualified residential treatment program is the placement that will provide the juvenile with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short-term and long-term goals for the juvenile, as specified in the permanency plan.

b. Whether and why the juvenile's needs can or cannot be met by the juvenile's family or in a foster home. A shortage or lack of foster homes is not an acceptable reason for determining that the juvenile's needs cannot be met in a foster home.

9. Documentation of the approval or disapproval of the placement in a qualified residential treatment program by a court, if such a determination has been made.

SECTION 86. 938.38 (4) (L) of the statutes is created to read:

938.38 (4) (L) If the juvenile is a parent or is pregnant, all of the following:

1. A list of the services or programs to be provided to or on behalf of the juvenile to ensure that the juvenile, if pregnant, is prepared and, if a parent, is able to be a parent.

2. The out-of-home care prevention strategy for any juvenile born to the parenting or pregnant juvenile.

SECTION 87. 938.38 (5) (c) 1. of the statutes is amended to read:

938.38 (5) (c) 1. The continuing necessity for and the safety and appropriateness of the placement, subject to par. (cm) and sub. (5m) (c) 4. If the permanency goal of the juvenile's permanency plan is placement of the juvenile in a planned permanent living arrangement described in sub. (4) (fg) 5., the determination under this subdivision shall include an explanation of why the

planned permanent living arrangement is the best permanency goal for the juvenile and why, supported by compelling reasons, it continues not to be in the best interests of the juvenile to be returned to his or her home or to be placed for adoption, with a guardian, or with a fit and willing relative.

SECTION 88. 938.38 (5) (cm) of the statutes is created to read:

938.38 (5) (cm) If the juvenile is placed in a qualified residential treatment program, the agency that prepared the permanency plan shall submit to the court specific information showing all of the following, which the court shall consider when determining the continuing necessity for and the safety and appropriateness of the placement:

1. Whether ongoing assessment of the strengths and needs of the juvenile continues to support the determination that the needs of the juvenile cannot be met through placement in a foster home, whether the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the juvenile in the least restrictive environment, and how the placement is consistent with the short-term and long-term goals for the juvenile, as specified in the juvenile's permanency plan.

2. The specific treatment or service needs that will be met for the juvenile in the placement and the length of the time the juvenile is expected to need the treatment or services.

3. The efforts made by the agency to prepare the juvenile to return home or to be placed with a fit and willing relative, a guardian, or an adoptive parent or in a foster home.

SECTION 89. 938.38 (5) (d) of the statutes is amended to read:

938.38 (5) (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the permanency plan shall, at least 5 days before a review by a review panel, provide to each person appointed to the review panel, the juvenile's parent, guardian, and legal custodian, the person representing the interests of the public, the juvenile's counsel, the juvenile's guardian ad litem, 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 a copy of the permanency plan, any information submitted under par. (cm), and any written comments submitted under par. (bm) 1. Notwithstanding s. 938.78 (2) (a), a person appointed to a review panel, the person representing the interests of the public, the juvenile's counsel, the juvenile's guardian ad litem, 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 may have access to any other records concerning the juvenile for the purpose of participating in the review. A person permitted access to a juvenile's records under this paragraph may not disclose any information from the records to any other person.

SECTION 90. 938.38 (5m) (c) 4. of the statutes is created to read:

938.38 (5m) (c) 4. If the juvenile is placed in a qualified residential treatment program, the agency that prepared the permanency plan shall present to the court specific information showing all of the following, which the court shall consider when determining the continuing necessity for and the safety and appropriateness of the placement under sub. (5) (c) 1.:

a. Whether ongoing assessment of the strengths and needs of the juvenile continues to support the determination that the needs of the juvenile cannot be met

through placement in a foster home, whether the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the juvenile in the least restrictive environment, and how the placement is consistent with the short-term and long-term goals for the juvenile, as specified in the juvenile's permanency plan.

b. The specific treatment or service needs that will be met for the juvenile in the placement and the length of the time the juvenile is expected to need the treatment or services.

c. The efforts made by the agency to prepare the juvenile to return home or to be placed with a fit and willing relative, a guardian, or an adoptive parent or in a foster home.

SECTION 91. 938.38 (5m) (d) of the statutes is amended to read:

938.38 (5m) (d) At least 5 days before the date of the hearing the agency that prepared the permanency plan shall provide a copy of the permanency plan, any information submitted under par. (cm), and any written comments submitted under par. (c) 1. to the court, to the juvenile's parent, guardian, and legal custodian, to the person representing the interests of the public, to the juvenile's counsel or guardian ad litem, 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), to the Indian juvenile's Indian custodian and tribe. Notwithstanding s. 938.78 (2) (a), the person representing the interests of the public, the juvenile's counsel or guardian ad litem, 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 may have access to any other records concerning the juvenile for the purpose of participating in the review. A person permitted access to

a juvenile's records under this paragraph may not disclose any information from the records to any other person.

SECTION 9106. Nonstatutory provisions; Children and Families.

(1) EMERGENCY RULES CONCERNING QUALIFIED RESIDENTIAL TREATMENT PROGRAMS.

The department of children and families may promulgate emergency rules under s. 227.24 to implement s. 48.675. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until July 1, 2023, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection 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 subsection.

SECTION 9406. Effective dates; Children and Families.

(1) QUALIFIED RESIDENTIAL TREATMENT PROGRAMS. The treatment of ss. 48.02 (14k) and (17t), 48.21 (1) (c) and (5) (b) 2g. and (cm), 48.217 (1) (b) 2., 3., and 4., (2m) (b) 3., and (2v) (d) 1. and 2., 48.32 (1) (ar), (b) 1r., and (cd), 48.33 (4) (cm) and (cr), 48.355 (2) (b) 6d. and (cd), 48.357 (1) (am) 1. c., 1m. and 1r. and (c) 1r., (2) (b) 5. and 6., and (2v) (a) 5. and 6., 48.38 (1) (ag), (ap), and (c), (3m), (4) (k) and (L), (5) (bm) 4., (c) 1., and (d), and (5m) (c) 4. and (d), 48.437 (1) (a) 2., 3., and 4. and (c) and (2v) (d), 48.48 (20), 938.02 (14m) and (17t), 938.21 (1) (c) and (5) (b) 2g. and (cm), 938.217 (1) (b) 2., 3., and 4., (2m) (b) 3., and (2v) (d) 1. and 2., 938.32 (1) (br), (c) 1r., and (cd), 938.33 (4) (cm) and (cr), 938.355 (2) (b) 6d. and (cd), 938.357 (1) (am) 1. (by SECTION 72), 1m., and 1r. and (c) 1r., (2) (b) 5. and 6., and (2v) (a) 5. and 6., and 938.38 (1) (ag), (as), and (bp), (3m), (4) (k) and (L), (5) (c) 1., (cm), and (d), and (5m) (c) 4. and (d); the renumbering and amendment of ss. 48.21 (6), 48.217 (2) and (2m) (c), 48.357 (2) (a)

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and (2m) (a), 48.437 (2), 938.217 (2), and 938.357 (2) (a) and (2m) (a); and the creation of ss. 48.21 (6) (b), 48.217 (2) (b) and (c) and (2m) (c) 2. and 3., 48.357 (2) (a) 2., 3., and 4. and (2m) (a) 2., 48.437 (2) (b) and (c), 938.217 (2) (b) and (c), and 938.357 (2) (a) 2., 3., and 4. and (2m) (a) 2. take effect on September 29, 2021, or the day after publication, whichever is later.

(END)