



2001 SENATE BILL 461

February 22, 2002 - Introduced by Senator ROBSON, cosponsored by Representative KESTELL. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 **AN ACT** *to renumber* 48.32 (1); *to renumber and amend* 48.355 (2d) (c), 48.357
2 (1), 48.357 (2m), 48.357 (2v), 48.365 (2m) (a), 48.38 (4) (a), 48.38 (5) (c) 6. am.,
3 938.355 (2d) (c), 938.357 (1), 938.357 (2m), 938.357 (2v), 938.365 (2m) (a),
4 938.38 (4) (a) and 938.38 (5) (c) 6. am.; *to amend* 48.21 (1) (a), 48.21 (3) (am),
5 48.255 (2), 48.27 (3) (a) 1m., 48.33 (4) (intro.), 48.355 (2) (b) 6., 48.355 (2b),
6 48.355 (2c) (b), 48.355 (2d) (b) (intro.), 48.355 (2d) (b) 1., 48.355 (2d) (b) 2., 48.355
7 (2d) (b) 3., 48.355 (2d) (b) 4., 48.355 (2d) (b) 5., 48.355 (4), 48.357 (2), 48.357 (2r),
8 48.357 (6), 48.365 (1), 48.365 (2g) (b) 2., 48.365 (2g) (b) 3., 48.365 (2m) (ag),
9 48.365 (5), 48.38 (2) (intro.), 48.38 (2) (c), 48.38 (2) (f), 48.38 (3), 48.38 (4) (intro.),
10 48.38 (4) (bm), 48.38 (4) (e), 48.38 (4) (f) (intro.), 48.38 (4) (fm), 48.38 (5) (a),
11 48.38 (5) (b), 48.38 (5) (c) 6. (intro.), 48.38 (5) (c) 6. d., 48.38 (5) (c) 7., 48.417 (1)
12 (a), 48.417 (1) (b), 48.417 (1) (c), 48.417 (1) (d), 48.417 (2) (a), 48.417 (2) (b), 48.42
13 (2g) (am), 48.427 (1m), 48.63 (1), 48.63 (4), 48.685 (5) (bm) 4., 48.78 (2) (a),
14 48.977 (2) (f), 938.21 (1) (a), 938.21 (2) (am), 938.21 (3) (am), 938.255 (2), 938.27

SENATE BILL 461

1 (3) (a) 1m., 938.315 (3), 938.33 (4) (intro.), 938.355 (1), 938.355 (2) (b) 6., 938.355
2 (2b), 938.355 (2c) (b), 938.355 (2d) (b) (intro.), 938.355 (2d) (b) 1., 938.355 (2d)
3 (b) 2., 938.355 (2d) (b) 3., 938.355 (2d) (b) 4., 938.355 (4) (a), 938.355 (4) (b),
4 938.355 (6) (a), 938.357 (2), 938.357 (2r), 938.357 (3), 938.357 (4) (b) 2., 938.357
5 (4) (c) 1., 938.357 (4) (c) 2., 938.357 (4) (d), 938.357 (5) (a), 938.357 (6), 938.365
6 (1), 938.365 (2g) (b) 2., 938.365 (2g) (b) 3., 938.365 (2m) (ag), 938.365 (5), 938.38
7 (2) (intro.), 938.38 (2) (c), 938.38 (2) (f), 938.38 (3) (intro.), 938.38 (4) (intro.),
8 938.38 (4) (bm), 938.38 (4) (e), 938.38 (4) (f) (intro.), 938.38 (4) (fm), 938.38 (5)
9 (a), 938.38 (5) (b), 938.38 (5) (c) 6. (intro.), 938.38 (5) (c) 6. d., 938.38 (5) (c) 7. and
10 938.78 (2) (a); **to repeal and recreate** 48.21 (5) (b) 1. and 938.21 (5) (b) 1.; and
11 **to create** 48.21 (5) (b) 3., 48.21 (5) (c), 48.21 (5) (d), 48.255 (1) (f), 48.255 (1m)
12 (f), 48.315 (2m), 48.32 (1) (b), 48.32 (1) (c), 48.33 (4) (c), 48.335 (3g), 48.355 (2)
13 (b) 6r., 48.355 (2d) (bm), 48.355 (2d) (c) 2. and 3., 48.357 (1) (b) 3., 48.357 (1) (c),
14 48.357 (2m) (c), 48.357 (2v) (a) (intro.), 48.357 (2v) (a) 1., 48.357 (2v) (a) 3.,
15 48.357 (2v) (b), 48.357 (2v) (c), 48.365 (2m) (a) 2., 48.365 (2m) (a) 3., 48.365 (2m)
16 (ad), 48.38 (4) (ag), 48.38 (4) (am), 48.38 (4) (dg), 48.38 (4) (dm), 48.38 (4) (dr),
17 48.38 (4) (fg), 48.38 (4) (h), 48.38 (5) (c) 6. cg., 48.38 (5m), 48.417 (2) (d), 938.21
18 (5) (b) 3., 938.21 (5) (c), 938.21 (5) (d), 938.255 (1) (f), 938.315 (2m), 938.32 (1)
19 (c), 938.32 (1) (d), 938.33 (4) (c), 938.335 (3g), 938.355 (2) (b) 6r., 938.355 (2d)
20 (bm), 938.355 (2d) (c) 2. and 3., 938.355 (6m) (cm), 938.357 (1) (b) 3., 938.357 (1)
21 (c), 938.357 (2m) (c), 938.357 (2v) (a) (intro.), 938.357 (2v) (a) 1., 938.357 (2v) (a)
22 3., 938.357 (2v) (b), 938.357 (2v) (c), 938.365 (2m) (a) 2., 938.365 (2m) (a) 3.,
23 938.365 (2m) (ad), 938.38 (4) (ag), 938.38 (4) (am), 938.38 (4) (dg), 938.38 (4)
24 (dm), 938.38 (4) (dr), 938.38 (4) (fg), 938.38 (4) (h), 938.38 (5) (c) 6. cg. and 938.38
25 (5m) of the statutes; **relating to:** permanency planning for a child placed

SENATE BILL 461

1 outside the home, required juvenile court findings when a child is placed
2 outside the home, the expiration date of a juvenile court order placing or
3 continuing the placement of a child outside the home, the requirement that a
4 termination of parental rights petition be filed under certain circumstances,
5 statements by foster parents at juvenile court hearings, and prohibiting a
6 person who has committed an alcohol-related felony within the last 5 years
7 from being licensed to operate a foster home or treatment foster home.

Analysis by the Legislative Reference Bureau***Introduction***

Under Title IV-E of the federal Social Security Act (Title IV-E), states that meet certain conditions specified in Title IV-E and the regulations promulgated under Title IV-E are reimbursed for the cost of providing care for children placed in foster homes, treatment foster homes, group homes, child caring institutions, secure detention facilities, or shelter care facilities (out-of-home placements). Recently, the federal department of health and human services promulgated regulations implementing the Adoption and Safe Families Act of 1997 (ASFA), which amended Title IV-E. This bill conforms certain provisions of the Children's Code and the Juvenile Justice Code relating to children placed in out-of-home placements to conform those provisions to ASFA and its implementing regulations.

Permanency planning

Under current law, for each child living in an out-of-home placement, the county department of human services or social services, the licensed child welfare agency, the department of health and family services, in a county having a population of 500,000 or more, or the department of corrections, in the case of a child who has been adjudged delinquent, (collectively "agency") that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child must prepare a permanency plan for the child, which is a 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. A permanency plan must be prepared within 60 days after the date on which the child was first held in physical custody or placed outside the home under an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) and must be prepared if the child is being held under a physical custody order of the juvenile court, is under the guardianship, legal custody, or supervision of an agency, is placed under a voluntary agreement between the child's parents and an agency, or meets the requirements for aid under the former aid to families with dependent children

SENATE BILL 461

program. This bill requires a permanency plan to be prepared for a child living in the home of a relative, other than a parent, who meets any of those requirements. The bill also requires a permanency plan to be prepared within 60 days after a child was first removed from his or her home or, in the case of a child who on removal from the home is first placed in a secure detention facility or secured correctional facility for 60 days or more and then moved to a nonsecured out-of-home placement, within 60 days after the child was moved to the nonsecured placement.

A permanency plan must describe, among other things, the services that were provided to prevent the placement of the child outside the home, the services that have been and will be provided to make it possible for the child to return safely to the home, and the conditions, if any, upon which the child will be returned to the home. This bill requires the permanency plan to include certain additional information including the goal or goals of the permanency plan, with those goals being return of the child to the home or placement of the child for adoption, with a guardian, in the home of a relative, or in some other alternative permanent placement. If a goal of the permanency plan is any goal other than return of the child to the home, the permanency plan must include the rationale for deciding on that goal and, if the goal of the permanency plan is some other alternative permanent placement, the permanency plan must document a compelling reason for not pursuing return of the child to the home or placement of the child for adoption, with a guardian, or with a relative.

The bill also requires a permanency plan to include a description of the programs and services that are or will be provided to assist a child 15 years of age or over in preparing for the transition from out-of-home care to independent living. In addition, under the bill, if as a result of the child's placement the child has been or will be transferred from his or her school, the permanency plan must include documentation that the placement would be in the child's best interests or that a placement that would maintain the child in his or her school is unavailable or inappropriate. Finally, the bill requires the permanency plan to include the name, address, and telephone number of the child's parent, guardian, and legal custodian, the date on which the child was removed from his or her home and the date on which the child was placed in out-of-home care, and certain educational and medical information relating to the child.

Under current law, the juvenile court or a panel appointed by the juvenile court must review a child's permanency plan every six months to determine, among other things, the continuing necessity for and appropriateness of the placement, the progress being made toward eliminating the causes of the child's placement and returning the child to the home or obtaining a permanent placement for the child, and whether reasonable efforts are being made to make it possible for the child to return to his or her home. This bill requires the juvenile court or panel, in reviewing a child's permanency plan, to determine whether reasonable efforts are being made to achieve the goal of the child's permanency plan, whether the goal is return of the child to the home or placement of the child for adoption, with a guardian, in the home of a relative, or in some other alternative placement.

SENATE BILL 461

The bill also requires the juvenile court to hold a hearing to review a child's permanency plan not later than 12 months after the child is removed from the home and every 12 months after that hearing, which hearing may be held instead of or in addition to review required under current law.

Contrary-to-welfare and reasonable-efforts findings

Under current law, a dispositional order of the juvenile court placing a child outside the home must include a finding that continued placement of the child in the home would be contrary to the welfare of the child and a finding as to whether the agency primarily responsible for providing services under a juvenile court order has made reasonable efforts to prevent the removal of the child from the home or, if applicable, a finding as to whether the agency has made reasonable efforts to make it possible for the child to return safely to his or her home. The juvenile court, however, is not required to find that those reasonable efforts have been made with respect to a parent if the juvenile court finds that the parent has committed certain crimes of homicide against a child of the parent; has committed battery, sexual assault, or physical or sexual abuse resulting in great bodily harm or substantial bodily harm to the child or to another child of the parent; has had his or her parental rights terminated with respect to another child; or has subjected the child to aggravated circumstances, which are defined as including criminal abandonment, torture, chronic abuse, and sexual abuse. If the juvenile court finds that any of those circumstances applies to a parent, the juvenile court must hold a hearing within 30 days after the date of that finding to determine the permanency plan for the child.

This bill requires a dispositional order that places a child outside the home to include a finding that the agency has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and a circumstance applies to a parent under which reasonable efforts to return the child to the home are not required. If the juvenile court finds that such a circumstance applies to a parent, the dispositional order must include a determination that the agency is not required to make those reasonable efforts with respect to the parent.

In addition, the bill requires the juvenile court to make the same contrary-to-welfare and reasonable-efforts findings that the juvenile court is required to make in a dispositional order placing a child outside the home in a temporary physical custody order holding a child outside the home, a change in placement order changing the placement of a child from an in-home placement to an out-of-home placement, and a consent decree maintaining a child placed outside the home under a voluntary agreement or other living arrangement in that placement or other living arrangement. If the juvenile court finds in the custody order, change in placement order, or consent decree that a circumstance applies to a parent under which reasonable efforts to return the child to the home are not required, the custody order, change in placement order, or consent decree must include a determination that the agency is not required to make those reasonable efforts with respect to the parent and the juvenile court must hold a hearing within 30 days after the date of the finding to determine the permanency plan for the child.

SENATE BILL 461

Finally, the bill requires the juvenile court to make the contrary-to-welfare and reasonable-efforts findings on a case-by-case basis based on circumstances specific to the child and to document or reference the specific information on which those findings are based in the custody order, dispositional order, change in placement order, or consent decree and also in an order extending the dispositional order of a child placed outside the home, an order appointing a relative as the guardian of a child in need of protection or services, and a sanction order placing a child in a place of nonsecure custody. The bill further provides that such an order or consent decree that merely references the statutes without documenting or referencing that specific information in the order or consent decree or an amended order or consent decree that retroactively corrects an earlier order or consent decree that does not comply with those requirements is not sufficient to comply with those requirements.

Termination of orders

Under current law, dispositional orders and extension orders of the juvenile court terminate at the end of one year, unless the judge specifies a shorter period of time, except that the judge may make a dispositional order placing a juvenile who has been adjudged delinquent in a Type 2 child caring institution or a secured correctional facility apply for up to two years or until the juvenile's 18th birthday, whichever is earlier, and the judge must make a dispositional order placing a juvenile who has committed a Class B felony in the serious juvenile offender program (SJOP) apply for five years and must make a dispositional order placing a juvenile who has committed a Class A felony in the SJOP apply until the juvenile reaches 25 years of age. Under current law, a change in placement order may not extend the expiration date of the original dispositional order.

Under this bill, a dispositional order, extension order, or change in placement order that places or continues the placement of a child in an out-of-home placement terminates when the child reaches 18 years of age, at the end of one year after its entry, or, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, when the child reaches 19 years of age, whichever is later, unless the judge specifies a shorter period of time or the judge terminates the order sooner. The bill does not affect the length of a dispositional order or extension order that places or continues the placement of a child in an in-home placement or a dispositional order placing a juvenile in a Type 2 child caring institution, a secured correctional facility, or the SJOP. The bill also requires, in the case of a change in placement from an out-of-home placement to an in-home placement of a child who is subject to an original order the expiration date of which is more than one year after the date of the change in placement order, the juvenile court to shorten the expiration date of the original order to the date that is one year after the date of the change in placement order or to an earlier date as specified by the court.

Time limits

Under current law, certain actions in a proceeding under the Children's Code or the Juvenile Justice Code must take place within certain time limits. If a time limit under the Children's Code is not met, the juvenile court loses competency to

SENATE BILL 461

exercise its jurisdiction and, therefore, must dismiss the proceeding. Under the Juvenile Justice Code, however, failure to meet a time limit does not deprive the juvenile court of competency to exercise its jurisdiction. Instead, the juvenile court may grant a continuance for good cause shown, dismiss the petition with or without prejudice, release the child from custody, or grant any other relief that the juvenile court considers appropriate. Certain time periods, such as a period of delay resulting from a continuance or an extension granted by the juvenile court, however, are excluded in computing the time requirements under those codes.

This bill prohibits the juvenile court from granting a continuance or an extension of a time limit specified in the Children's Code or the Juvenile Justice Code and from excluding a period of delay in computing a time requirement under those codes if the continuance, extension, or exclusion would result in the juvenile court making an initial finding that reasonable efforts have been made to prevent the removal of a child from his or her home, or an initial finding that those efforts were not required to be made because a circumstance under which those efforts are not required applies, more than 60 days after the date on which the child was removed from the home. The bill also prohibits such a continuance, extension, or exclusion if the continuance, extension, or exclusion would result in the juvenile court making an initial finding that the agency primarily responsible for providing services to the child has made reasonable efforts to achieve the goals of the child's permanency plan more than 12 months after the date on which the child was removed from the home or making any subsequent findings as to those reasonable efforts more than 12 months after the date of a previous finding as to those reasonable efforts. In addition, the bill provides that a failure to meet one of those time limits under the Children's Code does not deprive the juvenile court of competency to exercise its jurisdiction. Instead, the juvenile court, while assuring the safety of the child, may dismiss the petition with or without prejudice, release the child from custody, or grant any other relief that the juvenile court considers appropriate.

Termination of parental rights filing requirements

Under current law, subject to certain exceptions, if a child has been placed in an out-of-home placement for 15 of the most recent 22 months, if a child was abandoned as an infant, or if a child's parent has committed certain crimes of homicide against another child of the parent or has committed battery, sexual assault, or physical or sexual abuse resulting in great bodily harm or substantial bodily harm to the child or to another child of the parent, an agency or the district attorney, corporation counsel, or other appropriate official designated by the county board to prosecute termination of parental rights (TPR) proceedings must file a TPR petition with respect to the child or, if a TPR petition with respect to the child has already been filed, must join in the petition. A person responsible for filing TPR petitions, however, is not required to file or join in a TPR petition with respect to such a child if the child is being cared for by a relative, if a TPR is not in the best interests of the child, or if the agency primarily responsible for providing services to the child and the family is required to make reasonable efforts to make it possible for the child to return safely home and has not provided the services necessary for that safe return.

SENATE BILL 461

This bill, for purposes of determining whether a child has been placed outside the home for 15 of the most recent 22 months, excludes any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit. If the child has been placed outside the home for 15 of the most recent 22 months, as calculated under the bill, the TPR petition must be filed or joined in by the last day of that 15th month. Similarly, if the child was abandoned as an infant, the TPR petition must be filed or joined in within 60 days after a court of competent jurisdiction finds that the child was so abandoned and, if the parent has committed certain crimes of homicide against another child of the parent or has committed battery, sexual assault, or physical or sexual abuse resulting in great bodily harm or substantial bodily harm to the child or to another child of the parent, the TPR petition must be filed or joined in within 60 days after the juvenile court determines, based on a finding that the parent has committed such a serious felony, that reasonable efforts to make it possible for the child to return safely home are not required. The bill provides, however, that the filing or joining of a TPR petition is not required if grounds for an involuntary TPR do not exist.

Foster parent debarment

Under current law, a person who has committed a crime against children that is a felony, felony spousal abuse, or certain felonies involving violence or who has committed, within the past five years, a felony battery or a drug-related felony may not be licensed to operate a foster home or treatment foster home, including a foster home or treatment foster home that is a placement for adoption of a child for whom adoption assistance will be provided after the adoption is finalized. This bill prohibits a person who has committed, within the past five years, certain alcohol-related felonies from being licensed to operate such a foster home or treatment foster home. Those felonies include homicide by intoxicated use of a firearm or vehicle, causing injury by intoxicated use of a vehicle, felony operation of a motor vehicle while intoxicated (fifth offense or with a minor under 16 years of age in the vehicle), causing injury or death by providing alcohol beverages to a minor, providing false proof of age to an underage person for money or other consideration, impersonating an employee of the department of revenue or the department of justice with intent to commit a crime, manufacturing intoxicating liquor without a permit, and using, selling, or otherwise disposing of alcohol redistilled from denatured alcohol.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 48.21 (1) (a) of the statutes is amended to read:

SENATE BILL 461

1 48.21 (1) (a) If a child who has been taken into custody is not released under
2 s. 48.20, a hearing to determine whether the child shall continue to be held in custody
3 under the criteria of ss. 48.205 to 48.209 shall be conducted by the judge or juvenile
4 court commissioner within 48 hours of the time the decision to hold the child was
5 made, excluding Saturdays, Sundays, and legal holidays. By the time of the hearing
6 a petition under s. 48.25 shall be filed, except that no petition need be filed where a
7 child is taken into custody under s. 48.19 (1) (b) or (d) 2. or 7. or where the child is
8 a runaway from another state, in which case a written statement of the reasons for
9 holding a child in custody shall be substituted if the petition is not filed. If no hearing
10 has been held within 48 hours, excluding Saturdays, Sundays, and legal holidays,
11 or if no petition or statement has been filed at the time of the hearing, the child shall
12 be released except as provided in par. (b). A parent not present at the hearing shall
13 be granted a rehearing upon request for good cause shown.

14 **SECTION 2.** 48.21 (3) (am) of the statutes is amended to read:

15 48.21 (3) (am) The parent, guardian, or legal custodian may waive his or her
16 right to participate in the hearing under this section. ~~Agreement in writing of the~~
17 ~~child is required if he or she is over 12.~~ After any waiver, a hearing rehearing shall
18 be granted at the request of any the parent, guardian, legal custodian, or any other
19 interested party for good cause shown.

20 **SECTION 3.** 48.21 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin Act 16,
21 is repealed and recreated to read:

22 48.21 (5) (b) 1. A finding that continued placement of the child in his or her
23 home would be contrary to the welfare of the child. Unless the judge or juvenile court
24 commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to
25 5. applies, the order shall in addition include a finding as to whether the person who

SENATE BILL 461**SECTION 3**

1 took the child into custody and the intake worker have made reasonable efforts to
2 prevent the removal of the child from the home, while assuring that the child's health
3 and safety are the paramount concerns, and a finding as to whether the person who
4 took the child into custody and the intake worker have made reasonable efforts to
5 make it possible for the child to return safely home or, if for good cause shown
6 sufficient information is not available for the judge or juvenile court commissioner
7 to make a finding as to whether those reasonable efforts were made to prevent the
8 removal of the child from the home, a finding as to whether those reasonable efforts
9 were made to make it possible for the child to return safely home and an order for
10 the county department, department, in a county having a population of 500,000 or
11 more, or agency primarily responsible for providing services to the child under the
12 custody order to file with the court sufficient information for the judge or juvenile
13 court commissioner to make a finding as to whether those reasonable efforts were
14 made to prevent the removal of the child from the home by no later than 5 days after
15 the date of the order.

16 **SECTION 4.** 48.21 (5) (b) 3. of the statutes is created to read:

17 48.21 (5) (b) 3. If the judge or juvenile court commissioner finds that any of the
18 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
19 a determination that the county department, department, in a county having a
20 population of 500,000 or more, or agency primarily responsible for providing services
21 under the custody order is not required to make reasonable efforts with respect to the
22 parent to make it possible for the child to return safely to his or her home.

23 **SECTION 5.** 48.21 (5) (c) of the statutes is created to read:

24 48.21 (5) (c) The judge or juvenile court commissioner shall make the findings
25 specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific

SENATE BILL 461

1 to the child and shall document or reference the specific information on which those
2 findings are based in the custody order. A custody order that merely references par.
3 (b) 1. or 3. without documenting or referencing that specific information in the
4 custody order or an amended custody order that retroactively corrects an earlier
5 custody order that does not comply with this paragraph is not sufficient to comply
6 with this paragraph.

7 **SECTION 6.** 48.21 (5) (d) of the statutes is created to read:

8 48.21 (5) (d) 1. If the judge or juvenile court commissioner finds that any of the
9 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
10 the judge or juvenile court commissioner shall hold a hearing within 30 days after
11 the date of that finding to determine the permanency plan for the child. If a hearing
12 is held under this subdivision, the agency responsible for preparing the permanency
13 plan shall file the permanency plan with the court not less than 5 days before the date
14 of the hearing.

15 2. If a hearing is held under subd. 1., at least 10 days before the date of the
16 hearing the court shall notify the child, any parent, guardian, and legal custodian
17 of the child, and any foster parent, treatment foster parent, or other physical
18 custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the
19 hearing.

20 3. The court shall give a foster parent, treatment foster parent, or other
21 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
22 2. an opportunity to be heard at the hearing by permitting the foster parent,
23 treatment foster parent, or other physical custodian to make a written or oral
24 statement during the hearing, or to submit a written statement prior to the hearing,
25 relevant to the issues to be determined at the hearing. Any written or oral statement

SENATE BILL 461**SECTION 6**

1 made under this subdivision shall be made upon oath or affirmation. A foster parent,
2 treatment foster parent, or other physical custodian who receives a notice of a
3 hearing under subd. 2. and an opportunity to be heard under this subdivision does
4 not become a party to the proceeding on which the hearing is held solely on the basis
5 of receiving that notice and opportunity to be heard.

6 **SECTION 7.** 48.255 (1) (f) of the statutes is created to read:

7 48.255 (1) (f) If the child is being held in custody outside of his or her home,
8 reliable and credible information showing that continued placement of the child in
9 his or her home would be contrary to the welfare of the child and, unless any of the
10 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, reliable and credible
11 information showing that the person who took the child into custody and the intake
12 worker have made reasonable efforts to prevent the removal of the child from the
13 home, while assuring that the child's health and safety are the paramount concerns,
14 and to make it possible for the child to return safely home.

15 **SECTION 8.** 48.255 (1m) (f) of the statutes is created to read:

16 48.255 (1m) (f) If the expectant mother is a child and the child expectant
17 mother is being held in custody outside of her home, reliable and credible information
18 showing that continued placement of the child expectant mother in her home would
19 be contrary to the welfare of the child expectant mother and, unless any of the
20 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, reliable and credible
21 information showing that the person who took the child expectant mother into
22 custody and the intake worker have made reasonable efforts to prevent the removal
23 of the child expectant mother from the home, while assuring that the child expectant
24 mother's health and safety are the paramount concerns, and to make it possible for
25 the child expectant mother to return safely home.

SENATE BILL 461

1 **SECTION 9.** 48.255 (2) of the statutes is amended to read:

2 48.255 **(2)** If any of the facts required under sub. (1) (a) to (cm) and (f) or (1m)
3 (a) to (d) and (f) are not known or cannot be ascertained by the petitioner, the petition
4 shall so state.

5 **SECTION 10.** 48.27 (3) (a) 1m. of the statutes is amended to read:

6 48.27 **(3)** (a) 1m. The court shall give a foster parent, treatment foster parent,
7 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
8 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
9 treatment foster parent, or other physical custodian to make a written or oral
10 statement during the hearing, or to submit a written statement prior to the hearing,
11 relevant to the issues to be determined at the hearing. Any written or oral statement
12 made under this subdivision shall be made upon oath or affirmation. A foster parent,
13 treatment foster parent, or other physical custodian described in s. 48.62 (2) who
14 receives a notice of a hearing under subd. 1. and an opportunity to be heard under
15 this subdivision does not become a party to the proceeding on which the hearing is
16 held solely on the basis of receiving that notice and opportunity to be heard.

17 **SECTION 11.** 48.315 (2m) of the statutes is created to read:

18 48.315 **(2m)** (a) No continuance or extension of a time limit specified in this
19 chapter may be granted and no period of delay specified in sub. (1) may be excluded
20 in computing a time requirement under this chapter if the continuance, extension,
21 or exclusion would result in any of the following:

22 1. The court making an initial finding under s. 48.21 (5) (b) 1., 48.355 (2) (b) 6.,
23 or 48.357 (2v) (a) 1. that reasonable efforts have been made to prevent the removal
24 of the child from the home, while assuring that the child's health and safety are the
25 paramount concerns, or an initial finding under s. 48.21 (5) (b) 3., 48.355 (2) (b) 6r.,

SENATE BILL 461**SECTION 11**

1 or 48.357 (2v) (a) 3. that those efforts were not required to be made because a
2 circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, more than 60 days after
3 the date on which the child was removed from the home.

4 2. The court making an initial finding under s. 48.38 (5m) that the agency
5 primarily responsible for providing services to the child has made reasonable efforts
6 to achieve the goals of the child's permanency plan more than 12 months after the
7 date on which the child was removed from the home or making any subsequent
8 findings under s. 48.38 (5m) as to those reasonable efforts more than 12 months after
9 the date of a previous finding as to those reasonable efforts.

10 (b) Failure to comply with any time limit specified in par. (a) does not deprive
11 the court of personal or subject matter jurisdiction or of competency to exercise that
12 jurisdiction. If a party does not comply with a time limit specified in par. (a), the
13 court, while assuring the safety of the child, may dismiss the proceeding with or
14 without prejudice, release the child from custody, or grant any other relief that the
15 court considers appropriate.

16 **SECTION 12.** 48.32 (1) of the statutes is renumbered 48.32 (1) (a).

17 **SECTION 13.** 48.32 (1) (b) of the statutes is created to read:

18 48.32 (1) (b) 1. If at the time the consent decree is entered into the child is placed
19 outside the home under a voluntary agreement under s. 48.63 or is otherwise living
20 outside the home without a court order and if the consent decree maintains the child
21 in that placement or other living arrangement, the consent decree shall include a
22 finding that placement of the child in his or her home would be contrary to the welfare
23 of the child, a finding as to whether the county department, the department, in a
24 county having a population of 500,000 or more, or the agency primarily responsible
25 for providing services to the child has made reasonable efforts to prevent the removal

SENATE BILL 461

1 of the child from the home, while assuring that the child's health and safety are the
2 paramount concerns, unless the judge or juvenile court commissioner finds that any
3 of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, and a finding as
4 to whether the county department, department, or agency has made reasonable
5 efforts to achieve the goal of the child's permanency plan, unless return of the child
6 to the home is the goal of the permanency plan and the judge or juvenile court
7 commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to
8 5. applies.

9 2. If the judge or juvenile court commissioner finds that any of the
10 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
11 the consent decree shall include a determination that the county department,
12 department, in a county having a population of 500,000 or more, or agency primarily
13 responsible for providing services under the consent decree is not required to make
14 reasonable efforts with respect to the parent to make it possible for the child to return
15 safely to his or her home.

16 3. The judge or juvenile court commissioner shall make the findings specified
17 in subds. 1. and 2. on a case-by-case basis based on circumstances specific to the
18 child and shall document or reference the specific information on which those
19 findings are based in the consent decree. A consent decree that merely references
20 subd. 1. or 2. without documenting or referencing that specific information in the
21 consent decree or an amended consent decree that retroactively corrects an earlier
22 consent decree that does not comply with this subdivision is not sufficient to comply
23 with this subdivision.

24 **SECTION 14.** 48.32 (1) (c) of the statutes is created to read:

SENATE BILL 461**SECTION 14**

1 48.32 (1) (c) 1. If the judge or juvenile court commissioner finds that any of the
2 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
3 the judge or juvenile court commissioner shall hold a hearing within 30 days after
4 the date of that finding to determine the permanency plan for the child. If a hearing
5 is held under this subdivision, the agency responsible for preparing the permanency
6 plan shall file the permanency plan with the court not less than 5 days before the date
7 of the hearing.

8 2. If a hearing is held under subd. 1., at least 10 days before the date of the
9 hearing the court shall notify the child, any parent, guardian, and legal custodian
10 of the child, and any foster parent, treatment foster parent, or other physical
11 custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the
12 hearing.

13 3. The court shall give a foster parent, treatment foster parent, or other
14 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
15 2. an opportunity to be heard at the hearing by permitting the foster parent,
16 treatment foster parent, or other physical custodian to make a written or oral
17 statement during the hearing, or to submit a written statement prior to the hearing,
18 relevant to the issues to be determined at the hearing. Any written or oral statement
19 made under this subdivision shall be made upon oath or affirmation. A foster parent,
20 treatment foster parent, or other physical custodian who receives a notice of a
21 hearing under subd. 2. and an opportunity to be heard under this subdivision does
22 not become a party to the proceeding on which the hearing is held solely on the basis
23 of receiving that notice and opportunity to be heard.

24 **SECTION 15.** 48.33 (4) (intro.) of the statutes is amended to read:

SENATE BILL 461

1 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
2 placement of an adult expectant mother outside of her home shall be in writing. A
3 report recommending placement of a child in a foster home, treatment foster home,
4 group home, or child caring institution or in the home of a relative other than a
5 parent shall be in writing and shall include all of the following:

6 **SECTION 16.** 48.33 (4) (c) of the statutes is created to read:

7 48.33 (4) (c) Specific information showing that continued placement of the child
8 in his or her home would be contrary to the welfare of the child, specific information
9 showing that the county department, the department, in a county having a
10 population of 500,000 or more, or the agency primarily responsible for providing
11 services to the child has made reasonable efforts to prevent the removal of the child
12 from the home, while assuring that the child's health and safety are the paramount
13 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
14 applies, and specific information showing that the county department, department,
15 or agency has made reasonable efforts to achieve the goal of the child's permanency
16 plan, unless return of the child to the home is the goal of the permanency plan and
17 any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

18 **SECTION 17.** 48.335 (3g) of the statutes is created to read:

19 48.335 (3g) At hearings under this section, if the agency, as defined in s. 48.38
20 (1) (a), is recommending placement of the child in a foster home, treatment foster
21 home, group home, or child caring institution or in the home of a relative other than
22 a parent, the agency shall present as evidence specific information showing that
23 continued placement of the child in his or her home would be contrary to the welfare
24 of the child, specific information showing that the county department, the
25 department, in a county having a population of 500,000 or more, or the agency

SENATE BILL 461**SECTION 17**

1 primarily responsible for providing services to the child has made reasonable efforts
2 to prevent the removal of the child from the home, while assuring that the child's
3 health and safety are the paramount concerns, unless any of the circumstances
4 specified in s. 48.355 (2d) (b) 1. to 5. applies, and specific information showing that
5 the county department, department, or agency has made reasonable efforts to
6 achieve the goal of the child's permanency plan, unless return of the child to the home
7 is the goal of the permanency plan and any of the circumstances specified in s. 48.355
8 (2d) (b) 1. to 5. applies.

9 **SECTION 18.** 48.355 (2) (b) 6. of the statutes is amended to read:

10 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued
11 placement of the child in his or her home would be contrary to the ~~health, safety and~~
12 ~~welfare of the child and, if sub. (2d) does not apply,~~ a finding as to whether the county
13 department, the department, in a county having a population of 500,000 or more, or
14 the agency primarily responsible for providing services under a court order has made
15 reasonable efforts to prevent the removal of the child from the home, while assuring
16 that the child's health and safety are the paramount concerns, ~~or, if applicable,~~
17 unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5.
18 applies, and a finding as to whether the county department, department, or agency
19 primarily responsible for providing services under a court order has made reasonable
20 efforts to make it possible for the child to return safely to his or her home achieve the
21 goal of the child's permanency plan, unless return of the child to the home is the goal
22 of the permanency plan and the court finds that any of the circumstances specified
23 in sub. (2d) (b) 1. to 5. applies. The court shall make the findings specified in this
24 subdivision on a case-by-case basis based on circumstances specific to the child and
25 shall document or reference the specific information on which those findings are

SENATE BILL 461

1 based in the court order. A court order that merely references this subdivision
2 without documenting or referencing that specific information in the court order or
3 an amended court order that retroactively corrects an earlier court order that does
4 not comply with this subdivision is not sufficient to comply with this subdivision.

5 **SECTION 19.** 48.355 (2) (b) 6r. of the statutes is created to read:

6 48.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
7 sub. (2d) (b) 1. to 5. applies with respect to a parent, a determination that the county
8 department, department, in a county having a population of 500,000 or more, or
9 agency primarily responsible for providing services under the court order is not
10 required to make reasonable efforts with respect to the parent to make it possible for
11 the child to return safely to his or her home.

12 **SECTION 20.** 48.355 (2b) of the statutes is amended to read:

13 48.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
14 department, the department, in a county having a population of 500,000 or more, or
15 the agency primarily responsible for providing services to a child under a court order
16 may, at the same time as the county department, department, or agency is making
17 the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child
18 from the home or to make it possible for the child to return safely to his or her home,
19 work with the department, a county department under s. 48.57 (1) (e) or (hm), or a
20 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
21 the child for adoption, with a guardian, with a fit and willing relative, or in some
22 other alternative permanent placement.

23 **SECTION 21.** 48.355 (2c) (b) of the statutes is amended to read:

24 48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
25 the county department, department, in a county having a population of 500,000 or

SENATE BILL 461**SECTION 21**

1 ~~more, or~~ agency primarily responsible for providing services to the child under a
2 court order has made reasonable efforts to ~~make it possible for the child to return~~
3 ~~safely to his or her home~~ achieve the goal of the permanency plan, the court's
4 consideration of reasonable efforts shall include, ~~but not be limited to~~, the
5 considerations listed under par. (a) 1. to 5. and whether visitation schedules between
6 the child and his or her parents were implemented, unless visitation was denied or
7 limited by the court.

8 **SECTION 22.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

9 48.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not~~ is not
10 required to include in a dispositional order a finding as to whether the county
11 department, the department, in a county having a population of 500,000 or more, or
12 the agency primarily responsible for providing services under a court order has made
13 reasonable efforts with respect to a parent of a child to prevent the removal of the
14 child from the home, while assuring that the child's health and safety are the
15 paramount concerns, ~~or, if applicable,~~ a finding as to whether the county department,
16 department, or agency primarily responsible for providing services under a court
17 order has made reasonable efforts with respect to a parent of a child to ~~make it~~
18 ~~possible for the child to return~~ achieve the permanency plan goal of returning the
19 child safely to his or her home, if the court finds, ~~as evidenced by a final judgment~~
20 ~~of conviction,~~ any of the following:

21 **SECTION 23.** 48.355 (2d) (b) 1. of the statutes is amended to read:

22 48.355 (2d) (b) 1. That the parent has subjected the child to aggravated
23 circumstances, as evidenced by a final judgment of conviction.

24 **SECTION 24.** 48.355 (2d) (b) 2. of the statutes is amended to read:

SENATE BILL 461

1 48.355 (2d) (b) 2. That the parent has committed, has aided or abetted the
2 commission of, or has solicited, conspired, or attempted to commit, a violation of s.
3 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal
4 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if
5 committed in this state, as evidenced by a final judgment of conviction, and that the
6 victim of that violation is a child of the parent.

7 **SECTION 25.** 48.355 (2d) (b) 3. of the statutes is amended to read:

8 48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2), (3),
9 (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or
10 a violation of the law of any other state or federal law, if that violation would be a
11 violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
12 or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment
13 of conviction, and that the violation resulted in great bodily harm, as defined in s.
14 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the child
15 or another child of the parent.

16 **SECTION 26.** 48.355 (2d) (b) 4. of the statutes is amended to read:

17 48.355 (2d) (b) 4. That the parental rights of the parent to another child have
18 been involuntarily terminated, as evidenced by a final order of a court of competent
19 jurisdiction terminating those parental rights.

20 **SECTION 27.** 48.355 (2d) (b) 5. of the statutes, as created by 2001 Wisconsin Act
21 2, is amended to read:

22 48.355 (2d) (b) 5. That the parent has been found under s. 48.13 (2m) to have
23 relinquished custody of the child under s. 48.195 (1) when the child was 72 hours old
24 or younger, as evidenced by a final order of a court of competent jurisdiction making
25 that finding.

SENATE BILL 461**SECTION 28**

1 **SECTION 28.** 48.355 (2d) (bm) of the statutes is created to read:

2 48.355 **(2d)** (bm) The court shall make a finding specified in par. (b) 1. to 5. on
3 a case-by-case basis based on circumstances specific to the child and shall document
4 or reference the specific information on which that finding is based in the
5 dispositional order. A dispositional order that merely references par. (b) 1. to 5.
6 without documenting or referencing that specific information in the dispositional
7 order or an amended dispositional order that retroactively corrects an earlier
8 dispositional order that does not comply with this paragraph is not sufficient to
9 comply with this paragraph.

10 **SECTION 29.** 48.355 (2d) (c) of the statutes, as affected by 2001 Wisconsin Act
11 2, is renumbered 48.355 (2d) (c) 1. and amended to read:

12 48.355 **(2d)** (c) 1. If the court ~~makes a finding~~ finds that any of the
13 circumstances specified in par. (b) 1., ~~2., 3., 4., or 5.~~ to 5. applies with respect to a
14 parent, the court shall hold a hearing within 30 days after the date of that finding
15 to determine the permanency plan for the child. If a hearing is held under this
16 paragraph subdivision, the agency responsible for preparing the permanency plan
17 shall file the permanency plan with the court not less than 5 days before the date of
18 the hearing.

19 **SECTION 30.** 48.355 (2d) (c) 2. and 3. of the statutes are created to read:

20 48.355 **(2d)** (c) 2. If a hearing is held under subd. 1., at least 10 days before the
21 date of the hearing the court shall notify the child, any parent, guardian, and legal
22 custodian of the child, and any foster parent, treatment foster parent, or other
23 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
24 of the hearing.

SENATE BILL 461

1 3. The court shall give a foster parent, treatment foster parent, or other
2 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
3 2. an opportunity to be heard at the hearing by permitting the foster parent,
4 treatment foster parent, or other physical custodian to make a written or oral
5 statement during the hearing, or to submit a written statement prior to the hearing,
6 relevant to the issues to be determined at the hearing. Any written or oral statement
7 made under this subdivision shall be made upon oath or affirmation. A foster parent,
8 treatment foster parent, or other physical custodian who receives a notice of a
9 hearing under subd. 2. and an opportunity to be heard under this subdivision does
10 not become a party to the proceeding on which the hearing is held solely on the basis
11 of receiving that notice and opportunity to be heard.

12 **SECTION 31.** 48.355 (4) of the statutes is amended to read:

13 48.355 (4) TERMINATION OF ORDERS. Except as provided under s. 48.368, all
14 orders ~~an order~~ under this section shall terminate at the end of one year unless the
15 judge specifies a shorter period of time. ~~Except if s. 48.368 applies, extensions or~~
16 ~~revisions~~ or s. 48.357 or 48.365 made before the child reaches 18 years of age that
17 places or continues the placement of the child in his or her home shall terminate at
18 the end of one year after its entry unless the judge specifies a shorter period of time.
19 ~~Any order made before the child reaches the age of majority or~~ or the judge
20 terminates the order sooner. Except as provided under s. 48.368, an order under this
21 section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places
22 or continues the placement of the child in a foster home, treatment foster home,
23 group home, or residential treatment center or in the home of a relative other than
24 a parent shall terminate when the child reaches 18 years of age, at the end of one year
25 after its entry, or, if the child is a full-time student at a secondary school or its

SENATE BILL 461**SECTION 31**

1 vocational or technical equivalent and is reasonably expected to complete the
2 program before reaching 19 years of age, when the child reaches 19 years of age,
3 whichever is later, unless the judge specifies a shorter period of time or the judge
4 terminates the order sooner. An order under this section or s. 48.357 or 48.365
5 relating to an unborn child in need of protection or services that is made before the
6 unborn child is born shall be effective for a time up to terminate at the end of one year
7 after its entry unless the judge specifies a shorter period of time or the judge
8 terminates the order sooner.

9 **SECTION 32.** 48.357 (1) of the statutes is renumbered 48.357 (1) (a) and
10 amended to read:

11 48.357 (1) (a) The person or agency primarily responsible for implementing the
12 dispositional order, the district attorney, or the corporation counsel may request a
13 change in the placement of the child or expectant mother, whether or not the change
14 requested is authorized in the dispositional order and, as provided in par. (b) or (c),
15 whichever is applicable.

16 (b) 1. If the proposed change in placement involves any change in placement
17 other than a change in placement specified in par. (c), the person or agency primarily
18 responsible for implementing the dispositional order, the district attorney, or the
19 corporation counsel shall cause written notice of the proposed change in placement
20 to be sent to the child, the parent, guardian, and legal custodian of the child, any
21 foster parent, treatment foster parent, or other physical custodian described in s.
22 48.62 (2) of the child, the child's court-appointed special advocate, and, if the child
23 is the expectant mother of an unborn child under s. 48.133, the unborn child by the
24 unborn child's guardian ad litem. If the expectant mother is an adult, written notice
25 shall be sent to the adult expectant mother and the unborn child by the unborn child's

SENATE BILL 461

1 guardian ad litem. The notice shall contain the name and address of the new
2 placement, the reasons for the change in placement, a statement describing why the
3 new placement is preferable to the present placement, and a statement of how the
4 new placement satisfies objectives of the treatment plan ordered by the court.

5 2. Any person receiving the notice under ~~this subsection~~ subd. 1. or notice of
6 a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed special
7 advocate, may obtain a hearing on the matter by filing an objection with the court
8 within 10 days after receipt of the notice. Placements may not be changed until 10
9 days after that notice is sent to the court unless the parent, guardian, or legal
10 custodian and the child, if 12 years of age or over, or the child expectant mother, if
11 12 years of age or over, her parent, guardian, or legal custodian and the unborn child
12 by the unborn child's guardian ad litem, or the adult expectant mother and the
13 unborn child by the unborn child's guardian ad litem, sign written waivers of
14 objection, except that ~~placement changes which~~ changes in placement that were
15 authorized in the dispositional order may be made immediately if notice is given as
16 required ~~in this subsection~~ under subd. 1. In addition, a hearing is not required for
17 placement changes authorized in the dispositional order except when an objection
18 filed by a person who received notice alleges that new information is available ~~which~~
19 that affects the advisability of the court's dispositional order.

20 **SECTION 33.** 48.357 (1) (b) 3. of the statutes is created to read:

21 48.357 (1) (b) 3. If the court changes the child's placement from a placement
22 outside the home to another placement outside the home, the change in placement
23 order shall contain one of the statements specified in sub. (2v) (a) 2.

24 **SECTION 34.** 48.357 (1) (c) of the statutes is created to read:

SENATE BILL 461**SECTION 34**

1 48.357 (1) (c) 1. If the proposed change in placement would change the
2 placement of a child placed in the home to a placement outside the home, the person
3 or agency primarily responsible for implementing the dispositional order, the district
4 attorney, or the corporation counsel shall submit a request for the change in
5 placement to the court. The request shall contain the name and address of the new
6 placement, the reasons for the change in placement, a statement describing why the
7 new placement is preferable to the present placement, and a statement of how the
8 new placement satisfies objectives of the treatment plan ordered by the court. The
9 request shall also contain specific information showing that continued placement of
10 the child in his or her home would be contrary to the welfare of the child and, unless
11 any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, specific
12 information showing that the agency primarily responsible for implementing the
13 dispositional order has made reasonable efforts to prevent the removal of the child
14 from the home, while assuring that the child's health and safety are the paramount
15 concerns.

16 2. The court shall hold a hearing prior to ordering any change in placement
17 requested under subd. 1. Not less than 3 days prior to the hearing, the court shall
18 provide notice of the hearing, together with a copy of the request for the change in
19 placement, to the child, the parent, guardian, and legal custodian of the child, the
20 child's court-appointed special advocate, and all parties that are bound by the
21 dispositional order. If all parties consent, the court may proceed immediately with
22 the hearing.

23 3. If the court changes the child's placement from a placement in the child's
24 home to a placement outside the child's home, the change in placement order shall
25 contain the findings specified in sub. (2v) (a) 1., one of the statements specified in sub.

SENATE BILL 461

1 (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified
2 in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination
3 specified in sub. (2v) (a) 3.

4 **SECTION 35.** 48.357 (2) of the statutes is amended to read:

5 48.357 (2) If emergency conditions necessitate an immediate change in the
6 placement of a child or expectant mother placed outside the home, the person or
7 agency primarily responsible for implementing the dispositional order may remove
8 the child or expectant mother to a new placement, whether or not authorized by the
9 existing dispositional order, without the prior notice provided in sub. (1) (b) 1. The
10 notice shall, however, be sent within 48 hours after the emergency change in
11 placement. Any party receiving notice may demand a hearing under sub. (1) (b) 2.
12 In emergency situations, a child may be placed in a licensed public or private shelter
13 care facility as a transitional placement for not more than 20 days, as well as in any
14 placement authorized under s. 48.345 (3).

15 **SECTION 36.** 48.357 (2m) of the statutes is renumbered 48.357 (2m) (a) and
16 amended to read:

17 48.357 (2m) (a) The child, the parent, guardian, or legal custodian of the child,
18 the expectant mother, the unborn child by the unborn child's guardian at litem, or
19 any person or agency primarily bound by the dispositional order, other than the
20 person or agency responsible for implementing the order, may request a change in
21 placement under this subsection paragraph. The request shall contain the name and
22 address of ~~the place of~~ the new placement requested and shall state what new
23 information is available ~~which~~ that affects the advisability of the current placement.
24 If the proposed change in placement would change the placement of a child placed
25 in the home to a placement outside the home, the request shall also contain specific

SENATE BILL 461**SECTION 36**

1 information showing that continued placement of the child in the home would be
2 contrary to the welfare of the child and, unless any of the circumstances specified in
3 s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that the agency
4 primarily responsible for implementing the dispositional order has made reasonable
5 efforts to prevent the removal of the child from the home, while assuring that the
6 child's health and safety are the paramount concerns. This request shall be
7 submitted to the court. In addition, the court may propose a change in placement on
8 its own motion.

9 (b) The court shall hold a hearing on the matter prior to ordering any change
10 in placement ~~under this subsection~~ requested or proposed under par. (a) if the
11 request states that new information is available ~~which~~ that affects the advisability
12 of the current placement, unless the requested or proposed change in placement
13 involves any change in placement other than a change in placement of a child placed
14 in the home to a placement outside the home and written waivers of objection to the
15 proposed change in placement are signed by all persons entitled to receive notice
16 under sub. (1) (b) 1., other than a court-appointed special advocate, and the court
17 approves. If a hearing is scheduled, the court shall notify the child, the parent,
18 guardian, and legal custodian of the child, any foster parent, treatment foster parent,
19 or other physical custodian described in s. 48.62 (2) of the child, the child's
20 court-appointed special advocate, all parties who are bound by the dispositional
21 order and, if the child is the expectant mother of an unborn child under s. 48.133, the
22 unborn child by the unborn child's guardian ad litem, or shall notify the adult
23 expectant mother, the unborn child by the unborn child's guardian ad litem and all
24 parties who are bound by the dispositional order, at least 3 days prior to the hearing.
25 A copy of the request or proposal for the change in placement shall be attached to the

SENATE BILL 461

1 notice. If all the parties consent, the court may proceed immediately with the
2 hearing.

3 **SECTION 37.** 48.357 (2m) (c) of the statutes is created to read:

4 48.357 **(2m)** (c) If the court changes the child's placement from a placement in
5 the child's home to a placement outside the child's home, the change in placement
6 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements
7 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the
8 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
9 the determination specified in sub. (2v) (a) 3.

10 **SECTION 38.** 48.357 (2r) of the statutes is amended to read:

11 48.357 **(2r)** If a hearing is held under sub. (1) (b) 2. or (2m) (b) and the change
12 in placement would remove a child from a foster home, treatment foster home, or
13 other placement with a physical custodian described in s. 48.62 (2), the court shall
14 give the foster parent, treatment foster parent, or other physical custodian described
15 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster
16 parent, treatment foster parent, or other physical custodian to make a written or oral
17 statement during the hearing or to submit a written statement prior to the hearing
18 relating to the child and the requested change in placement. Any written or oral
19 statement made under this subsection shall be made under oath or affirmation. A
20 foster parent, treatment foster parent, or other physical custodian described in s.
21 48.62 (2) who receives notice of a hearing under sub. (1) (b) 1. or (2m) (b) and an
22 opportunity to be heard under this subsection does not become a party to the
23 proceeding on which the hearing is held solely on the basis of receiving that notice
24 and opportunity to be heard.

SENATE BILL 461**SECTION 39**

1 **SECTION 39.** 48.357 (2v) of the statutes, as created by 2001 Wisconsin Act 16,
2 is renumbered 48.357 (2v) (a) 2. and amended to read:

3 48.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) or (2m) and the change in~~
4 ~~placement would place the child outside the home in a placement~~ order would change
5 the placement of the child to a placement outside the home recommended by the
6 person or agency primarily responsible for implementing the dispositional order, ~~the~~
7 ~~change in placement order shall include~~ whether from a placement in the home or
8 from another placement outside the home, a statement that the court approves the
9 placement recommended by that person or agency or, if the child is ~~placed outside the~~
10 ~~home in a placement other than~~ change in placement order would change the
11 placement of the child to a placement outside the home that is not a placement
12 recommended by that person or agency, whether from a placement in the home or
13 from another placement outside the home, a statement that the court has given bona
14 fide consideration to the recommendations made by that person or agency and all
15 parties relating to the child's placement.

16 **SECTION 40.** 48.357 (2v) (a) (intro.) of the statutes is created to read:

17 48.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m) shall
18 contain all of the following:

19 **SECTION 41.** 48.357 (2v) (a) 1. of the statutes is created to read:

20 48.357 (2v) (a) 1. If the change in placement order changes the child's
21 placement from a placement in the child's home to a placement outside the child's
22 home, a finding that continued placement of the child in his or her home would be
23 contrary to the welfare of the child and, unless a circumstance specified in s. 48.355
24 (2d) (b) 1. to 5. applies, a finding that the agency primarily responsible for
25 implementing the dispositional order has made reasonable efforts to prevent the

SENATE BILL 461

1 removal of the child from the home, while assuring that the child's health and safety
2 are the paramount concerns.

3 **SECTION 42.** 48.357 (2v) (a) 3. of the statutes is created to read:

4 48.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
5 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the
6 agency primarily responsible for providing services under the change in placement
7 order is not required to make reasonable efforts with respect to the parent to make
8 it possible for the child to return safely to his or her home.

9 **SECTION 43.** 48.357 (2v) (b) of the statutes is created to read:

10 48.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and 3.
11 on a case-by-case basis based on circumstances specific to the child and shall
12 document or reference the specific information on which those findings are based in
13 the change in placement order. A change in placement order that merely references
14 par. (a) 1. or 3. without documenting or referencing that specific information in the
15 change in placement order or an amended change in placement order that
16 retroactively corrects an earlier change in placement order that does not comply with
17 this paragraph is not sufficient to comply with this paragraph.

18 **SECTION 44.** 48.357 (2v) (c) of the statutes is created to read:

19 48.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
20 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
21 the court shall hold a hearing within 30 days after the date of that finding to
22 determine the permanency plan for the child. If a hearing is held under this
23 subdivision, the agency responsible for preparing the permanency plan shall file the
24 permanency plan with the court not less than 5 days before the date of the hearing.

SENATE BILL 461**SECTION 44**

1 2. If a hearing is held under subd. 1., at least 10 days before the date of the
2 hearing the court shall notify the child, any parent, guardian, and legal custodian
3 of the child, and any foster parent, treatment foster parent, or other physical
4 custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the
5 hearing.

6 3. The court shall give a foster parent, treatment foster parent, or other
7 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
8 2. an opportunity to be heard at the hearing by permitting the foster parent,
9 treatment foster parent, or other physical custodian to make a written or oral
10 statement during the hearing, or to submit a written statement prior to the hearing,
11 relevant to the issues to be determined at the hearing. Any written or oral statement
12 made under this subdivision shall be made upon oath or affirmation. A foster parent,
13 treatment foster parent, or other physical custodian who receives a notice of a
14 hearing under subd. 2. and an opportunity to be heard under this subdivision does
15 not become a party to the proceeding on which the hearing is held solely on the basis
16 of receiving that notice and opportunity to be heard.

17 **SECTION 45.** 48.357 (6) of the statutes is amended to read:

18 48.357 (6) No change in placement may extend the expiration date of the
19 original order, except that if the change in placement is from a placement in the
20 child's home to a placement outside the home the court may extend the expiration
21 date of the original order to the date on which the child reaches 18 years of age, to
22 the date that is one year after the date of the change in placement order, or, if the child
23 is a full-time student at a secondary school or its vocational or technical equivalent
24 and is reasonably expected to complete the program before reaching 19 years of age,
25 to the date on which the child reaches 19 years of age, whichever is later, or for a

SENATE BILL 461

1 shorter period of time as specified by the court. If the change in placement is from
2 a placement outside the home to a placement in the child's home and if the expiration
3 date of the original order is more than one year after the date of the change in
4 placement order, the court shall shorten the expiration date of the original order to
5 the date that is one year after the date of the change in placement order or to an
6 earlier date as specified by the court.

7 **SECTION 46.** 48.365 (1) of the statutes is amended to read:

8 48.365 (1) In this section, a child is considered to have been placed outside of
9 his or her home on the date on which ~~the court first found that the child has been~~
10 ~~subjected to abuse or neglect or on the date that is 60 days after the date on which~~
11 ~~the child was first removed from his or her home, whichever is earlier.~~

12 **SECTION 47.** 48.365 (2g) (b) 2. of the statutes is amended to read:

13 48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and
14 of any progress the child has made, suggestions for amendment of the permanency
15 plan, ~~a description of efforts to return the child safely to his or her home and specific~~
16 information showing the efforts that have been made to achieve the goal of the
17 permanency plan, including, if applicable, the efforts of the parents to remedy the
18 factors which ~~that~~ contributed to the child's placement and, if continued placement
19 outside of the child's home is recommended, an explanation of why returning the
20 child to his or her home is not safe or feasible, unless return of the child to the home
21 is the goal of the permanency plan and any of the circumstances specified in s. 48.355
22 (2d) (b) 1. to 5. applies.

23 **SECTION 48.** 48.365 (2g) (b) 3. of the statutes is amended to read:

24 48.365 (2g) (b) 3. If the child has been placed outside of his or her home for 15
25 of the most recent 22 months, not including any period during which the child was

SENATE BILL 461**SECTION 48**

1 a runaway from the out-of-home placement or the first 6 months of any period
2 during which the child was returned to his or her home for a trial home visit, a
3 statement of whether or not a recommendation has been made to terminate the
4 parental rights of the parents of the child. If a recommendation for a termination of
5 parental rights has been made, the statement shall indicate the date on which the
6 recommendation was made, any previous progress made to accomplish the
7 termination of parental rights, any barriers to the termination of parental rights,
8 specific steps to overcome the barriers and when the steps will be completed, reasons
9 why adoption would be in the best interest of the child, and whether or not the child
10 should be registered with the adoption information exchange. If a recommendation
11 for termination of parental rights has not been made, the statement shall include an
12 explanation of the reasons why a recommendation for termination of parental rights
13 has not been made. If the lack of appropriate adoptive resources is the primary
14 reason for not recommending a termination of parental rights, the agency shall
15 recommend that the child be registered with the adoption information exchange or
16 report the reason why registering the child is contrary to the best interest of the child.

17 **SECTION 49.** 48.365 (2m) (a) of the statutes is renumbered 48.365 (2m) (a) 1.
18 and amended to read:

19 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
20 extension. If the child is placed outside of his or her home, the person or agency
21 primarily responsible for providing services to the child shall present as evidence
22 specific information showing that the agency has made reasonable efforts to achieve
23 the goal of the child's permanency plan, unless return of the child to the home is the
24 goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d)
25 (b) 1. to 5. applies. The judge shall make findings of fact and conclusions of law based

SENATE BILL 461

1 on the evidence. ~~Subject to s. 48.355 (2d), the~~ The findings of fact shall include a
2 finding as to whether reasonable efforts were made by the agency primarily
3 responsible for providing services to the child or expectant mother to make it possible
4 for the child to return safely to his or her home or for the expectant mother to return
5 to her home to achieve the goal of the child's permanency plan, unless return of the
6 child to the home is the goal of the permanency plan and the judge finds that any of
7 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies. An order shall be
8 issued under s. 48.355.

9 **SECTION 50.** 48.365 (2m) (a) 2. of the statutes is created to read:

10 48.365 **(2m)** (a) 2. If the judge finds that any of the circumstances specified in
11 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the order shall include a
12 determination that the person or agency primarily responsible for providing services
13 to the child is not required to make reasonable efforts with respect to the parent to
14 make it possible for the child to return safely to his or her home.

15 **SECTION 51.** 48.365 (2m) (a) 3. of the statutes is created to read:

16 48.365 **(2m)** (a) 3. The judge shall make the findings specified in subd. 1.
17 relating to reasonable efforts to achieve the goal of the child's permanency plan and
18 the findings specified in subd. 2. on a case-by-case basis based on circumstances
19 specific to the child and shall document or reference the specific information on
20 which those findings are based in the order issued under s. 48.355. An order that
21 merely references subd. 1. or 2. without documenting or referencing that specific
22 information in the order or an amended order that retroactively corrects an earlier
23 order that does not comply with this subdivision is not sufficient to comply with this
24 subdivision.

25 **SECTION 52.** 48.365 (2m) (ad) of the statutes is created to read:

SENATE BILL 461**SECTION 52**

1 48.365 (2m) (ad) 1. If the judge finds that any of the circumstances specified
2 in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a
3 hearing within 30 days after the date of that finding to determine the permanency
4 plan for the child. If a hearing is held under this subdivision, the agency responsible
5 for preparing the permanency plan shall file the permanency plan with the court not
6 less than 5 days before the date of the hearing.

7 2. If a hearing is held under subd. 1., at least 10 days before the date of the
8 hearing the court shall notify the child, any parent, guardian, and legal custodian
9 of the child, and any foster parent, treatment foster parent, or other physical
10 custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the
11 hearing.

12 **SECTION 53.** 48.365 (2m) (ag) of the statutes is amended to read:

13 48.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The
14 court shall give a foster parent, treatment foster parent, or other physical custodian
15 described in s. 48.62 (2) of the child who is notified of a hearing under par. (ad) 2. or
16 sub. (2) an opportunity to be heard at the hearing by permitting the foster parent,
17 treatment foster parent, or other physical custodian to make a written or oral
18 statement during the hearing, or to submit a written statement prior to the hearing,
19 relevant to the issue of extension. Any written or oral statement made under this
20 paragraph shall be made under oath or affirmation. A foster parent, treatment foster
21 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
22 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this
23 paragraph does not become a party to the proceeding on which the hearing is held
24 solely on the basis of receiving that notice and opportunity to be heard.

25 **SECTION 54.** 48.365 (5) of the statutes is amended to read:

SENATE BILL 461

1 48.365 (5) Except as provided in s. 48.368, all orders an order under this section
2 that continues the placement of a child in his or her home or that relates to an unborn
3 child of an adult expectant mother shall be for a specified length of time not to exceed
4 one year after its date of entry. Except as provided in s. 48.368, an order under this
5 section that continues the placement of a child in an out-of-home placement shall
6 be for a specified length of time not to exceed the date on which the child reaches 18
7 years of age, one year after the date of entry of the order, or, if the child is a full-time
8 student at a secondary school or its vocational or technical equivalent and is
9 reasonably expected to complete the program before reaching 19 years of age, the
10 date on which the child reaches 19 years of age, whichever is later.

11 **SECTION 55.** 48.38 (2) (intro.) of the statutes is amended to read:

12 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
13 for each child living in a foster home, treatment foster home, group home,
14 child-caring institution, secure detention facility, or shelter care facility or in the
15 home of a relative other than a parent, the agency that placed the child or arranged
16 the placement or the agency assigned primary responsibility for providing services
17 to the child under s. 48.355 shall prepare a written permanency plan, if ~~one~~ any of
18 the following conditions exists:

19 **SECTION 56.** 48.38 (2) (c) of the statutes is amended to read:

20 48.38 (2) (c) The child is under the supervision of an agency under s. 48.64 (2)
21 or pursuant to, under a consent decree under s. 48.32 (1) (b), or under a court order
22 under s. 48.355.

23 **SECTION 57.** 48.38 (2) (f) of the statutes is amended to read:

24 48.38 (2) (f) The child's care is ~~paid~~ would be paid for under s. 49.19 but for s.
25 49.19 (20).

SENATE BILL 461**SECTION 58**

1 **SECTION 58.** 48.38 (3) of the statutes is amended to read:

2 48.38 (3) TIME. Subject to s. 48.355 (2d) (c) 1., the agency shall file the
3 permanency plan with the court within 60 days after the date on which the child was
4 first held in physical custody or placed outside of his or her home under a court order
5 removed from his or her home, except that if the child is held for less than 60 days
6 in a secure detention facility, juvenile portion of a county jail, or a shelter care facility,
7 no permanency plan is required if the child is returned to his or her home within that
8 period.

9 **SECTION 59.** 48.38 (4) (intro.) of the statutes is amended to read:

10 48.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~
11 ~~description of~~ all of the following:

12 **SECTION 60.** 48.38 (4) (a) of the statutes, as affected by 2001 Wisconsin Act 2,
13 is renumbered 48.38 (4) (ar) and amended to read:

14 48.38 (4) (ar) ~~The~~ A description of the services offered and any service services
15 provided in an effort to prevent holding or placing the child outside of the removal
16 of the child from his or her home, while assuring that the health and safety of the
17 child are the paramount concerns, and to ~~make it possible for the child to return~~
18 ~~safely home~~ achieve the goal of the permanency plan, except that the permanency
19 plan ~~need not~~ is not required to include a description of ~~those~~ the services offered or
20 provided with respect to a parent of the child to prevent the removal of the child from
21 the home or to achieve the permanency plan goal of returning the child safely to his
22 or her home if any of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3., 4., or
23 to 5. ~~apply~~ applies to that parent.

24 **SECTION 61.** 48.38 (4) (ag) of the statutes is created to read:

SENATE BILL 461

1 48.38 (4) (ag) The name, address, and telephone number of the child's parent,
2 guardian, and legal custodian.

3 **SECTION 62.** 48.38 (4) (am) of the statutes is created to read:

4 48.38 (4) (am) The date on which the child was removed from his or her home
5 and the date on which the child was placed in out-of-home care.

6 **SECTION 63.** 48.38 (4) (bm) of the statutes is amended to read:

7 48.38 (4) (bm) ~~The A statement as to the~~ availability of a safe and appropriate
8 placement with a fit and willing relative of the child and, if a decision is made not
9 to place the child with an available relative, a statement as to why placement with
10 the relative is not safe or appropriate.

11 **SECTION 64.** 48.38 (4) (dg) of the statutes is created to read:

12 48.38 (4) (dg) Information about the child's education, including all of the
13 following:

14 1. The name and address of the school in which the child is or was most recently
15 enrolled.

16 2. Any special education programs in which the child is or was previously
17 enrolled.

18 3. The grade level in which the child is or was most recently enrolled and all
19 information that is available concerning the child's grade level performance.

20 4. A summary of all available education records relating to the child that are
21 relevant to any education goals included in the education services plan prepared
22 under s. 48.33 (1) (e).

23 **SECTION 65.** 48.38 (4) (dm) of the statutes is created to read:

24 48.38 (4) (dm) If as a result of the placement the child has been or will be
25 transferred from the school in which the child is or most recently was enrolled,

SENATE BILL 461**SECTION 65**

1 documentation that a placement that would maintain the child in that school is
2 either unavailable or inappropriate or that a placement that would result in the
3 child's transfer to another school would be in the child's best interests.

4 **SECTION 66.** 48.38 (4) (dr) of the statutes is created to read:

5 48.38 (4) (dr) Medical information relating to the child, including all of the
6 following:

7 1. The names and addresses of the child's physician, dentist, and any other
8 health care provider that is or was previously providing health care services to the
9 child.

10 2. The child's immunization record, including the name and date of each
11 immunization administered to the child.

12 3. Any known medical condition for which the child is receiving medical care
13 or treatment and any known serious medical condition for which the child has
14 previously received medical care or treatment.

15 4. The name, purpose, and dosage of any medication that is being administered
16 to the child and the name of any medication that causes the child to suffer an allergic
17 or other negative reaction.

18 **SECTION 67.** 48.38 (4) (e) of the statutes is amended to read:

19 48.38 (4) (e) The A plan for ensuring the safety and appropriateness of the
20 placement and a description of the services provided to meet the needs of the child
21 and family, including a discussion of services that have been investigated and
22 considered and are not available or likely to become available within a reasonable
23 time to meet the needs of the child or, if available, why such services are not safe or
24 appropriate.

25 **SECTION 68.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

SENATE BILL 461

1 48.38 (4) (f) (intro.) The A description of the services that will be provided to
2 the child, the child's family, and the child's foster parent, the child's treatment foster
3 parent ~~or~~, the operator of the facility where the child is living, or the relative with
4 whom the child is living to carry out the dispositional order, including services
5 planned to accomplish all of the following:

6 **SECTION 69.** 48.38 (4) (fg) of the statutes is created to read:

7 48.38 (4) (fg) The goal of the permanency plan or, if the agency is making
8 concurrent reasonable efforts under s. 48.355 (2b), the goals of the permanency plan.
9 If a goal of the permanency plan is any goal other than return of the child to his or
10 her home, the permanency plan shall include the rationale for deciding on that goal.
11 If a goal of the permanency plan is an alternative permanent placement under subd.
12 5., the permanency plan shall document a compelling reason why it would not be in
13 the best interest of the child to pursue a goal specified in subds. 1. to 4. The agency
14 shall determine one or more of the following goals to be the goal or goals of a child's
15 permanency plan:

- 16 1. Return of the child to the child's home.
- 17 2. Placement of the child for adoption.
- 18 3. Placement of the child with a guardian.
- 19 4. Permanent placement of the child with a fit and willing relative.
- 20 5. Some other alternative permanent placement, including sustaining care,
21 independent living, or long-term foster care.

22 **SECTION 70.** 48.38 (4) (fm) of the statutes is amended to read:

23 48.38 (4) (fm) If the goal of the permanency plan calls for placing is to place the
24 child for adoption, with a guardian, with a fit and willing relative, or in some other

SENATE BILL 461**SECTION 70**

1 alternative permanent placement, the efforts made to ~~place the child for adoption,~~
2 ~~with a guardian or in some other alternative permanent placement~~ achieve that goal.

3 **SECTION 71.** 48.38 (4) (h) of the statutes is created to read:

4 48.38 (4) (h) If the child is 15 years of age or over, a description of the programs
5 and services that are or will be provided to assist the child in preparing for the
6 transition from out-of-home care to independent living. The description shall
7 include all of the following:

8 1. The anticipated age at which the child will be discharged from out-of-home
9 care.

10 2. The anticipated amount of time available in which to prepare the child for
11 the transition from out-of-home care to independent living.

12 3. The anticipated location and living situation of the child on discharge from
13 out-of-home care.

14 4. A description of the assessment processes, tools, and methods that have been
15 or will be used to determine the programs and services that are or will be provided
16 to assist the child in preparing for the transition from out-of-home care to
17 independent living.

18 5. The rationale for each program or service that is or will be provided to assist
19 the child in preparing for the transition from out-of-home care to independent
20 living, the time frames for delivering those programs or services, and the intended
21 outcome of those programs or services.

22 **SECTION 72.** 48.38 (5) (a) of the statutes is amended to read:

23 48.38 (5) (a) The court or a panel appointed under ~~this paragraph~~ par. (ag) shall
24 review the permanency plan every in the manner provided in this subsection not
25 later than 6 months ~~from~~ after the date on which the child was first held in physical

SENATE BILL 461

1 ~~custody or placed outside of~~ removed from his or her home and every 6 months after
2 a previous review under this subsection for as long as the child is placed outside the
3 home, except that for the review that is required to be conducted not later than 12
4 months after the child was first removed from his or her home and the reviews that
5 are required to be conducted every 12 months after that review the court shall hold
6 a hearing under sub. (5m) to review the permanency plan, which hearing may be
7 instead of or in addition to the review under this subsection.

8 (ag) If the court elects not to review the permanency plan, the court shall
9 appoint a panel to review the permanency plan. The panel shall consist of 3 persons
10 who are either designated by an independent agency that has been approved by the
11 chief judge of the judicial administrative district or designated by the agency that
12 prepared the permanency plan. A voting majority of persons on each panel shall be
13 persons who are not employed by the agency that prepared the permanency plan and
14 who are not responsible for providing services to the child or the parents of the child
15 whose permanency plan is the subject of the review.

16 **SECTION 73.** 48.38 (5) (b) of the statutes is amended to read:

17 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
18 child, if he or she is 12 years of age or older, and the child's foster parent, the child's
19 treatment foster parent ~~or~~, the operator of the facility in which the child is living, or
20 the relative with whom the child is living of the date, time, and place of the review,
21 of the issues to be determined as part of the review, and of the fact that they may have
22 an opportunity to be heard at the review by submitting written comments not less
23 than 10 working days before the review or by participating at the review. The court
24 or agency shall notify the person representing the interests of the public, the child's
25 counsel, the child's guardian ad litem, and the child's court-appointed special

SENATE BILL 461**SECTION 73**

1 advocate of the date of the review, of the issues to be determined as part of the review,
2 and of the fact that they may submit written comments not less than 10 working days
3 before the review. Any written or oral statement made to the court under this
4 paragraph by a foster parent, treatment foster parent, operator of a facility in which
5 a child is living, or relative with whom a child is living shall be made under oath or
6 affirmation. The notices under this paragraph shall be provided in writing not less
7 than 30 days before the review and copies of the notices shall be filed in the child's
8 case record.

9 **SECTION 74.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

10 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,
11 as described in s. 48.365 (1), for 15 of the most recent 22 months, not including any
12 period during which the child was a runaway from the out-of-home placement or the
13 first 6 months of any period during which the child was returned to his or her home
14 for a trial home visit, the appropriateness of the permanency plan and the
15 circumstances which prevent the child from any of the following:

16 **SECTION 75.** 48.38 (5) (c) 6. am. of the statutes is renumbered 48.38 (5) (c) 6.
17 cm. and amended to read:

18 48.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the
19 child.

20 **SECTION 76.** 48.38 (5) (c) 6. cg. of the statutes is created to read:

21 48.38 (5) (c) 6. cg. Being placed with a guardian.

22 **SECTION 77.** 48.38 (5) (c) 6. d. of the statutes is amended to read:

23 48.38 (5) (c) 6. d. Being placed in some other alternative permanent placement,
24 including sustaining care, independent living, or long-term foster care.

SENATE BILL 461

1 **SECTION 78.** 48.38 (5) (c) 7. of the statutes, as affected by 2001 Wisconsin Act
2 2, is amended to read:

3 48.38 **(5)** (c) 7. Whether reasonable efforts were made by the agency to ~~make~~
4 ~~it possible for the child to return safely to his or her home, except that the court or~~
5 ~~panel need not determine whether those reasonable efforts were made with respect~~
6 ~~to a parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1.,~~
7 ~~2., 3., 4., or 5. apply to that parent~~ achieve the goal of the permanency plan, unless
8 return of the child to the home is the goal of the permanency plan and any of the
9 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

10 **SECTION 79.** 48.38 (5m) of the statutes is created to read:

11 48.38 **(5m)** PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to
12 review the permanency plan and to make the determinations specified in sub. (5) (c)
13 no later than 12 months after the date on which the child was first removed from the
14 home and every 12 months after a previous hearing under this subsection for as long
15 as the child is placed outside the home.

16 (b) Not less than 30 days before the date of the hearing, the court shall notify
17 the child; the child's parent, guardian, and legal custodian; the child's foster parent
18 or treatment foster parent, the operator of the facility in which the child is living, or
19 the relative with whom the child is living; the child's counsel, the child's guardian ad
20 litem, and the child's court-appointed special advocate; the agency that prepared the
21 permanency plan; and the person representing the interests of the public of the date,
22 time, and place of the hearing.

23 (c) Any person who is provided notice of the hearing may have an opportunity
24 to be heard at the hearing by submitting written comments relevant to the
25 determinations specified in sub. (5) (c) not less than 10 working days before the date

SENATE BILL 461**SECTION 79**

1 of the hearing or by participating at the hearing. Any written or oral comment made
2 to the court under this paragraph by a foster parent, treatment foster parent,
3 operator of a facility in which a child is living, or relative with whom a child is living
4 shall be made under oath or affirmation. A foster parent, treatment foster parent,
5 operator of a facility in which a child is living, or relative with whom a child is living
6 who receives notice of a hearing under par. (b) and an opportunity to be heard under
7 this paragraph does not become a party to the proceeding on which the hearing is
8 held solely on the basis of receiving that notice and opportunity to be heard.

9 (d) At least 5 days before the date of the hearing the agency that prepared the
10 permanency plan shall provide a copy of the permanency plan and any written
11 comments submitted under par. (c) to the court, to the child's parent, guardian, and
12 legal custodian, to the person representing the interests of the public, to the child's
13 counsel or guardian ad litem, and to the child's court-appointed special advocate.
14 Notwithstanding s. 48.78 (2) (a), the person representing the interests of the public,
15 the child's counsel or guardian ad litem, and the child's court-appointed special
16 advocate may have access to any other records concerning the child for the purpose
17 of participating in the review. A person permitted access to a child's records under
18 this paragraph may not disclose any information from the records to any other
19 person.

20 (e) After the hearing, the court shall make written findings of fact and
21 conclusions of law relating to the determinations under sub. (5) (c) and shall provide
22 a copy of those findings of fact and conclusions of law to the child; the child's parent,
23 guardian, and legal custodian; the child's foster parent or treatment foster parent,
24 the operator of the facility in which the child is living, or the relative with whom the
25 child is living; the child's court-appointed special advocate; the agency that prepared

SENATE BILL 461

1 the permanency plan; and the person representing the interests of the public. The
2 court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based
3 on circumstances specific to the child and shall document or reference the specific
4 information on which those findings are based in the findings of fact and conclusions
5 of law prepared under this paragraph. Findings of fact and conclusions of law that
6 merely reference sub. (5) (c) 7. without documenting or referencing that specific
7 information in the findings of fact and conclusions of law or amended findings of fact
8 and conclusions of law that retroactively correct earlier findings of fact and
9 conclusions of law that do not comply with this paragraph are not sufficient to comply
10 with this paragraph.

11 (f) If the findings of fact and conclusions of law under par. (e) conflict with the
12 child's dispositional order or provide for any additional services not specified in the
13 dispositional order, the court shall revise the dispositional order under s. 48.363 or
14 order a change in placement under s. 48.357, as appropriate.

15 **SECTION 80.** 48.417 (1) (a) of the statutes is amended to read:

16 48.417 (1) (a) The child has been placed outside of his or her home, as described
17 in s. 48.365 (1) or 938.365 (1), for 15 of the most recent 22 months, not including any
18 period during which the child was a runaway from the out-of-home placement or the
19 first 6 months of any period during which the child was returned to his or her home
20 for a trial home visit. If the circumstances specified in this paragraph apply, the
21 petition shall be filed or joined in by the last day of the 15th month, as described in
22 this paragraph, for which the child was placed outside of his or her home.

23 **SECTION 81.** 48.417 (1) (b) of the statutes is amended to read:

24 48.417 (1) (b) A court of competent jurisdiction has found under s. 48.13 (2) or
25 under a law of any other state or a federal law that is comparable to s. 48.13 (2) that

SENATE BILL 461**SECTION 81**

1 the child was abandoned when he or she was under one year of age or has found that
2 the parent abandoned the child when the child was under one year of age in violation
3 of s. 948.20 or in violation of the law of any other state or federal law, if that violation
4 would be a violation of s. 948.20 if committed in this state. If the circumstances
5 specified in this paragraph apply, the petition shall be filed or joined in within 60
6 days after the date on which the court of competent jurisdiction found that the child
7 was abandoned as described in this paragraph.

8 **SECTION 82.** 48.417 (1) (c) of the statutes is amended to read:

9 48.417 (1) (c) A court of competent jurisdiction has found that the parent has
10 committed, has aided or abetted the commission of, or has solicited, conspired, or
11 attempted to commit, a violation of s. 940.01, 940.02, 940.03, or 940.05 or a violation
12 of the law of any other state or federal law, if that violation would be a violation of
13 s. 940.01, 940.02, 940.03, or 940.05 if committed in this state, and that the victim of
14 that violation is a child of the parent. If the circumstances specified in this paragraph
15 apply, the petition shall be filed or joined in within 60 days after the date on which
16 the court assigned to exercise jurisdiction under this chapter determines, based on
17 a finding that a circumstance specified in this paragraph applies, that reasonable
18 efforts to make it possible for the child to return safely to his or her home are not
19 required.

20 **SECTION 83.** 48.417 (1) (d) of the statutes is amended to read:

21 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
22 committed a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or
23 (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
24 federal law, if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225
25 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state,

SENATE BILL 461

1 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or
2 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child
3 of the parent. If the circumstances specified in this paragraph apply, the petition
4 shall be filed or joined in within 60 days after the date on which the court assigned
5 to exercise jurisdiction under this chapter determines, based on a finding that a
6 circumstance specified in this paragraph applies, that reasonable efforts to make it
7 possible for the child to return safely to his or her home are not required.

8 **SECTION 84.** 48.417 (2) (a) of the statutes is amended to read:

9 48.417 (2) (a) The child is being cared for by a fit and willing relative of the
10 child.

11 **SECTION 85.** 48.417 (2) (b) of the statutes is amended to read:

12 48.417 (2) (b) The child's permanency plan indicates and provides
13 documentation that termination of parental rights to the child is not in the best
14 interests of the child.

15 **SECTION 86.** 48.417 (2) (d) of the statutes is created to read:

16 48.417 (2) (d) Grounds for an involuntary termination of parental rights under
17 s. 48.415 do not exist.

18 **SECTION 87.** 48.42 (2g) (am) of the statutes is amended to read:

19 48.42 (2g) (am) The court shall give a foster parent, treatment foster parent,
20 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
21 par. (a) an opportunity to be heard at the hearing by permitting the foster parent,
22 treatment foster parent, or other physical custodian to make a written or oral
23 statement during the hearing, or to submit a written statement prior to the hearing,
24 relevant to the issues to be determined at the hearing. Any written or oral statement
25 made under this paragraph shall be made upon oath or affirmation. A foster parent,

SENATE BILL 461**SECTION 87**

1 treatment foster parent, or other physical custodian described in s. 48.62 (2) who
2 receives a notice of a hearing under par. (a) and an opportunity to be heard under this
3 paragraph does not become a party to the proceeding on which the hearing is held
4 solely on the basis of receiving that notice and opportunity to be heard.

5 **SECTION 88.** 48.427 (1m) of the statutes is amended to read:

6 48.427 (1m) In addition to any evidence presented under sub. (1), the court
7 shall give the foster parent, treatment foster parent, or other physical custodian
8 described in s. 48.62 (2) of the child an opportunity to be heard at the dispositional
9 hearing by permitting the foster parent, treatment foster parent, or other physical
10 custodian to make a written or oral statement during the dispositional hearing, or
11 to submit a written statement prior to disposition, relevant to the issue of disposition.
12 Any written or oral statement made under this subsection shall be made upon oath
13 or affirmation. A foster parent, treatment foster parent, or other physical custodian
14 described in s. 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and
15 an opportunity to be heard under this subsection does not become a party to the
16 proceeding on which the hearing is held solely on the basis of receiving that notice
17 and opportunity to be heard.

18 **SECTION 89.** 48.63 (1) of the statutes is amended to read:

19 48.63 (1) Acting pursuant to under court order or voluntary agreement, the
20 child's parent or guardian or the department of health and family services, the
21 department of corrections, a county department, or a child welfare agency licensed
22 to place children in foster homes ~~or~~, treatment foster homes, or group homes may
23 place a child or negotiate or act as intermediary for the placement of a child in a foster
24 home, treatment foster home, or group home. Voluntary agreements under this
25 subsection may not be used for placements in facilities other than foster, treatment

SENATE BILL 461

1 foster, or group homes and may not be extended. A foster home or treatment foster
2 home placement under a voluntary agreement may not exceed ~~6 months~~ 180 days
3 from the date on which the child was removed from the home under the voluntary
4 agreement. A group home placement under a voluntary agreement may not exceed
5 15 days from the date on which the child was removed from the home under the
6 voluntary agreement. These time limitations do not apply to placements made under
7 s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may be made only
8 under this subsection and shall be in writing and shall specifically state that the
9 agreement may be terminated at any time by the parent or guardian or by the child
10 if the child's consent to the agreement is required. The child's consent to the
11 agreement is required whenever the child is 12 years of age or older.

12 **SECTION 90.** 48.63 (4) of the statutes is amended to read:

13 48.63 (4) A permanency plan under s. 48.38 is required for each child placed
14 in a foster home or treatment foster home under sub. (1). If the child is living in a
15 foster home or treatment foster home under a voluntary agreement, the agency that
16 negotiated or acted as intermediary for the placement shall prepare the permanency
17 plan within 60 days after the placement date on which the child was removed from
18 his or her home under the voluntary agreement. A copy of each plan shall be provided
19 to the child if he or she is 12 years of age or over and to the child's parent or guardian.
20 If the agency ~~which~~ that arranged the voluntary placement intends to seek a court
21 order to place the child outside of his or her home at the expiration of the voluntary
22 placement, the agency shall prepare a revised permanency plan and file that revised
23 plan with the court prior to the date of the hearing on the proposed placement.

24 **SECTION 91.** 48.685 (5) (bm) 4. of the statutes is amended to read:

SENATE BILL 461**SECTION 91**

1 48.685 (5) (bm) 4. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b),
2 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (3), (4), (5), or (6), 940.20, 940.203, 940.205
3 or, 940.207, or 940.25, a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under
4 s. 346.65 (2) (e) or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if
5 committed not more than 5 years before the date of the investigation under sub. (2)
6 (am).

7 **SECTION 92.** 48.78 (2) (a) of the statutes is amended to read:

8 48.78 (2) (a) No agency may make available for inspection or disclose the
9 contents of any record kept or information received about an individual in its care
10 or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or (5m) (d),
11 48.432, 48.433, 48.93, 48.981 (7), 938.51, or 938.78 or by order of the court.

12 **SECTION 93.** 48.977 (2) (f) of the statutes, as affected by 2001 Wisconsin Act 2,
13 is amended to read:

14 48.977 (2) (f) That the agency primarily responsible for providing services to
15 the child under a court order has made reasonable efforts to make it possible for the
16 child to return to his or her home, while assuring that the child's health and safety
17 are the paramount concerns, but that reunification of the child with the child's
18 parent or parents is unlikely or contrary to the best interests of the child and that
19 further reunification efforts are unlikely to be made or are contrary to the best
20 interests of the child, except that the court ~~need not~~ is not required to find that the
21 agency has made those reasonable efforts with respect to a parent of the child if any
22 of the circumstances specified in s. 48.355 (2d) (b) 1., ~~2., 3., 4., or 5.~~ apply to 5. applies
23 to that parent. The court shall make the findings specified in this paragraph on a
24 case-by-case basis based on circumstances specific to the child and shall document
25 or reference the specific information on which those findings are based in the

SENATE BILL 461

1 guardianship order. A guardianship order that merely references this paragraph
2 without documenting or referencing that specific information in the order or an
3 amended guardianship order that retroactively corrects an earlier guardianship
4 order that does not comply with this paragraph is not sufficient to comply with this
5 paragraph.

6 **SECTION 94.** 938.21 (1) (a) of the statutes is amended to read:

7 938.21 (1) (a) If a juvenile who has been taken into custody is not released
8 under s. 938.20, a hearing to determine whether the juvenile shall continue to be held
9 in custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the
10 judge or juvenile court commissioner within 24 hours after the end of the day that
11 the decision to hold the juvenile was made, excluding Saturdays, Sundays, and legal
12 holidays. By the time of the hearing a petition under s. 938.25 shall be filed, except
13 that no petition need be filed where a juvenile is taken into custody under s. 938.19
14 (1) (b) or (d) 2., 6. or 7. or where the juvenile is a runaway from another state, in which
15 case a written statement of the reasons for holding a juvenile in custody shall be
16 substituted if the petition is not filed. If no hearing has been held within 24 hours
17 or if no petition or statement has been filed at the time of the hearing, the juvenile
18 shall be released except as provided in par. (b). A parent not present at the hearing
19 shall be granted a rehearing upon request for good cause shown.

20 **SECTION 95.** 938.21 (2) (am) of the statutes is amended to read:

21 938.21 (2) (am) A juvenile held in a nonsecure place of custody may waive in
22 writing his or her right to participate in the hearing under this section. After any
23 waiver, a hearing rehearing shall be granted upon the request of the juvenile or any
24 other interested party for good cause shown. Any juvenile transferred to a secure
25 detention facility shall thereafter have a hearing rehearing under this section.

SENATE BILL 461**SECTION 96**

1 **SECTION 96.** 938.21 (3) (am) of the statutes is amended to read:

2 938.21 **(3)** (am) The parent, guardian, or legal custodian may waive his or her
3 right to participate in the hearing under this section. ~~Agreement in writing of the~~
4 ~~juvenile is required if he or she is over 12.~~ After any waiver, a hearing rehearing shall
5 be granted at the request of any the parent, guardian, legal custodian, or any other
6 interested party for good cause shown.

7 **SECTION 97.** 938.21 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin Act
8 16, is repealed and recreated to read:

9 938.21 **(5)** (b) 1. A finding that continued placement of the juvenile in his or her
10 home would be contrary to the welfare of the juvenile. Unless the judge or juvenile
11 court commissioner finds that any of the circumstances specified in s. 938.355 (2d)
12 (b) 1. to 4. applies, the order shall in addition include a finding as to whether the
13 person who took the juvenile into custody and the intake worker have made
14 reasonable efforts to prevent the removal of the juvenile from the home, while
15 assuring that the juvenile's health and safety are the paramount concerns, and a
16 finding as to whether the person who took the juvenile into custody and the intake
17 worker have made reasonable efforts to make it possible for the juvenile to return
18 safely home or, if for good cause shown sufficient information is not available for the
19 judge or juvenile court commissioner to make a finding as to whether those
20 reasonable efforts were made to prevent the removal of the juvenile from the home,
21 a finding as to whether those reasonable efforts were made to make it possible for
22 the juvenile to return safely home and an order for the county department or agency
23 primarily responsible for providing services to the juvenile under the custody order
24 to file with the court sufficient information for the judge or juvenile court
25 commissioner to make a finding as to whether those reasonable efforts were made

SENATE BILL 461

1 to prevent the removal of the juvenile from the home by no later than 5 days after
2 the date of the order.

3 **SECTION 98.** 938.21 (5) (b) 3. of the statutes is created to read:

4 938.21 (5) (b) 3. If the judge or juvenile court commissioner finds that any of
5 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
6 parent, a determination that the county department or agency primarily responsible
7 for providing services under the custody order is not required to make reasonable
8 efforts with respect to the parent to make it possible for the juvenile to return safely
9 to his or her home.

10 **SECTION 99.** 938.21 (5) (c) of the statutes is created to read:

11 938.21 (5) (c) The judge or juvenile court commissioner shall make the findings
12 specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific
13 to the juvenile and shall document or reference the specific information on which
14 those findings are based in the custody order. A custody order that merely references
15 par. (b) 1. or 3. without documenting or referencing that specific information in the
16 custody order or an amended custody order that retroactively corrects an earlier
17 custody order that does not comply with this paragraph is not sufficient to comply
18 with this paragraph.

19 **SECTION 100.** 938.21 (5) (d) of the statutes is created to read:

20 938.21 (5) (d) 1. If the judge or juvenile court commissioner finds that any of
21 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
22 parent, the judge or juvenile court commissioner shall hold a hearing within 30 days
23 after the date of that finding to determine the permanency plan for the juvenile. If
24 a hearing is held under this subdivision, the agency responsible for preparing the

SENATE BILL 461**SECTION 100**

1 permanency plan shall file the permanency plan with the court not less than 5 days
2 before the date of the hearing.

3 2. If a hearing is held under subd. 1, at least 10 days before the date of the
4 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian
5 of the juvenile, and any foster parent, treatment foster parent, or other physical
6 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
7 the hearing.

8 3. The court shall give a foster parent, treatment foster parent, or other
9 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
10 2. an opportunity to be heard at the hearing by permitting the foster parent,
11 treatment foster parent, or other physical custodian to make a written or oral
12 statement during the hearing, or to submit a written statement prior to the hearing,
13 relevant to the issues to be determined at the hearing. Any written or oral statement
14 made under this subdivision shall be made upon oath or affirmation. A foster parent,
15 treatment foster parent, or other physical custodian who receives a notice of a
16 hearing under subd. 2. and an opportunity to be heard under this subdivision does
17 not become a party to the proceeding on which the hearing is held solely on the basis
18 of receiving that notice and opportunity to be heard.

19 **SECTION 101.** 938.255 (1) (f) of the statutes is created to read:

20 938.255 (1) (f) If the juvenile is being held in custody outside of his or her home,
21 reliable and credible information showing that continued placement of the juvenile
22 in his or her home would be contrary to the welfare of the juvenile and, unless any
23 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, reliable and
24 credible information showing that the person who took the juvenile into custody and
25 the intake worker have made reasonable efforts to prevent the removal of the

SENATE BILL 461

1 juvenile from the home, while assuring that the juvenile's health and safety are the
2 paramount concerns, and to make it possible for the juvenile to return safely home.

3 **SECTION 102.** 938.255 (2) of the statutes is amended to read:

4 938.255 (2) If any of the facts in sub. (1) (a) to (cm) and (f) are not known or
5 cannot be ascertained by the petitioner, the petition shall so state.

6 **SECTION 103.** 938.27 (3) (a) 1m. of the statutes is amended to read:

7 938.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,
8 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
9 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
10 treatment foster parent, or other physical custodian to make a written or oral
11 statement during the hearing, or to submit a written statement prior to the hearing,
12 relevant to the issues to be determined at the hearing. Any written or oral statement
13 made under this subdivision shall be made upon oath or affirmation. A foster parent,
14 treatment foster parent, or other physical custodian described in s. 48.62 (2) who
15 receives a notice of a hearing under subd. 1. and an opportunity to be heard under
16 this subdivision does not become a party to the proceeding on which the hearing is
17 held solely on the basis of receiving that notice and opportunity to be heard.

18 **SECTION 104.** 938.315 (2m) of the statutes is created to read:

19 938.315 (2m) No continuance or extension of a time limit specified in this
20 chapter may be granted and no period of delay specified in sub. (1) may be excluded
21 in computing a time requirement under this chapter if the continuance, extension,
22 or exclusion would result in any of the following:

23 (a) The court making an initial finding under s. 938.21 (5) (b) 1., 938.355 (2) (b)
24 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made to prevent the
25 removal of the juvenile from the home, while assuring that the juvenile's health and

SENATE BILL 461**SECTION 104**

1 safety are the paramount concerns, or an initial finding under s. 938.21 (5) (b) 3.,
2 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not required to be
3 made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, more
4 than 60 days after the date on which the juvenile was removed from the home.

5 (b) The court making an initial finding under s. 938.38 (5m) that the agency
6 primarily responsible for providing services to the juvenile has made reasonable
7 efforts to achieve the goals of the juvenile's permanency plan more than 12 months
8 after the date on which the juvenile was removed from the home or making any
9 subsequent findings under s. 938.38 (5m) as to those reasonable efforts more than
10 12 months after the date of a previous finding as to those reasonable efforts.

11 **SECTION 105.** 938.315 (3) of the statutes is amended to read:

12 938.315 (3) Failure to comply with any time limit specified in this chapter does
13 not deprive the court of personal or subject matter jurisdiction or of competency to
14 exercise that jurisdiction. Failure to object to a period of delay or a continuance
15 waives the time limit that is the subject of the period of delay or continuance. If a
16 party does not comply with a time limit specified in this chapter, the court, while
17 assuring the safety of the juvenile, may grant a continuance under sub. (2), dismiss
18 the petition with or without prejudice, release the juvenile from secure or nonsecure
19 custody or from the terms of a custody order or grant any other relief that the court
20 considers appropriate.

21 **SECTION 106.** 938.32 (1) (c) of the statutes is created to read:

22 938.32 (1) (c) 1. If at the time the consent decree is entered into the juvenile
23 is placed outside the home under a voluntary agreement under s. 48.63 or is
24 otherwise living outside the home without a court order and if the consent decree
25 maintains the juvenile in that placement or other living arrangement, the consent

SENATE BILL 461

1 decree shall include a finding that placement of the juvenile in his or her home would
2 be contrary to the welfare of the juvenile, a finding as to whether the county
3 department or the agency primarily responsible for providing services to the juvenile
4 has made reasonable efforts to prevent the removal of the juvenile from the home,
5 while assuring that the juvenile's health and safety are the paramount concerns,
6 unless the judge or juvenile court commissioner finds that any of the circumstances
7 specified in s. 938.355 (2d) (b) 1. to 4. applies, and a finding as to whether the county
8 department or agency has made reasonable efforts to achieve the goal of the
9 juvenile's permanency plan, unless return of the juvenile to the home is the goal of
10 the permanency plan and the judge or juvenile court commissioner finds that any of
11 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

12 2. If the judge or juvenile court commissioner finds that any of the
13 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
14 the consent decree shall include a determination that the county department or
15 agency primarily responsible for providing services under the consent decree is not
16 required to make reasonable efforts with respect to the parent to make it possible for
17 the juvenile to return safely to his or her home.

18 3. The judge or juvenile court commissioner shall make the findings specified
19 in subds. 1. and 2. on a case-by-case basis based on circumstances specific to the
20 juvenile and shall document or reference the specific information on which those
21 findings are based in the consent decree. A consent decree that merely references
22 subd. 1. or 2. without documenting or referencing that specific information in the
23 consent decree or an amended consent decree that retroactively corrects an earlier
24 consent decree that does not comply with this subdivision is not sufficient to comply
25 with this subdivision.

SENATE BILL 461**SECTION 107**

1 **SECTION 107.** 938.32 (1) (d) of the statutes is created to read:

2 938.32 (1) (d) 1. If the judge or juvenile court commissioner finds that any of
3 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
4 parent, the judge or juvenile court commissioner shall hold a hearing within 30 days
5 after the date of that finding to determine the permanency plan for the juvenile. If
6 a hearing is held under this subdivision, the agency responsible for preparing the
7 permanency plan shall file the permanency plan with the court not less than 5 days
8 before the date of the hearing.

9 2. If a hearing is held under subd. 1., at least 10 days before the date of the
10 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian
11 of the juvenile, and any foster parent, treatment foster parent, or other physical
12 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
13 the hearing.

14 3. The court shall give a foster parent, treatment foster parent, or other
15 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
16 2. an opportunity to be heard at the hearing by permitting the foster parent,
17 treatment foster parent, or other physical custodian to make a written or oral
18 statement during the hearing, or to submit a written statement prior to the hearing,
19 relevant to the issues to be determined at the hearing. Any written or oral statement
20 made under this subdivision shall be made upon oath or affirmation. A foster parent,
21 treatment foster parent, or other physical custodian who receives a notice of a
22 hearing under subd. 2. and an opportunity to be heard under this subdivision does
23 not become a party to the proceeding on which the hearing is held solely on the basis
24 of receiving that notice and opportunity to be heard.

25 **SECTION 108.** 938.33 (4) (intro.) of the statutes is amended to read:

SENATE BILL 461**SECTION 108**

1 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
2 placement in a foster home, treatment foster home, group home, or nonsecured child
3 caring institution or in the home of a relative other than a parent shall be in writing,
4 except that the report may be presented orally at the dispositional hearing if all
5 parties consent. A report that is presented orally shall be transcribed and made a
6 part of the court record. The report shall include all of the following:

7 **SECTION 109.** 938.33 (4) (c) of the statutes is created to read:

8 938.33 (4) (c) Specific information showing that continued placement of the
9 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
10 information showing that the county department or the agency primarily
11 responsible for providing services to the juvenile has made reasonable efforts to
12 prevent the removal of the juvenile from the home, while assuring that the juvenile's
13 health and safety are the paramount concerns, unless any of the circumstances
14 specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that
15 the county department or agency has made reasonable efforts to achieve the goal of
16 the juvenile's permanency plan, unless return of the juvenile to the home is the goal
17 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)
18 1. to 4. applies.

19 **SECTION 110.** 938.335 (3g) of the statutes is created to read:

20 938.335 (3g) At hearings under this section, if the agency, as defined in s.
21 938.38 (1) (a), is recommending placement of the juvenile in a foster home, treatment
22 foster home, group home, or child caring institution or in the home of a relative other
23 than a parent, the agency shall present as evidence specific information showing that
24 continued placement of the juvenile in his or her home would be contrary to the
25 welfare of the juvenile, specific information showing that the county department or

SENATE BILL 461**SECTION 110**

1 the agency primarily responsible for providing services to the juvenile has made
2 reasonable efforts to prevent the removal of the juvenile from the home, while
3 assuring that the juvenile's health and safety are the paramount concerns, unless
4 any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific
5 information showing that the county department or agency has made reasonable
6 efforts to achieve the goal of the juvenile's permanency plan, unless return of the
7 juvenile to the home is the goal of the permanency plan and any of the circumstances
8 specified in s. 938.355 (2d) (b) 1. to 4. applies.

9 **SECTION 111.** 938.355 (1) of the statutes is amended to read:

10 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
11 decide on a placement and treatment finding based on evidence submitted to the
12 court. The disposition shall employ those means necessary to promote the
13 objectives specified in s. 938.01. ~~If the disposition places a juvenile who has been~~
14 ~~adjudicated delinquent outside the home under s. 938.34 (3) (c) or (d), the order shall~~
15 ~~include a finding that the juvenile's current residence will not safeguard the welfare~~
16 ~~of the juvenile or the community due to the serious nature of the act for which the~~
17 ~~juvenile was adjudicated delinquent.~~ If the judge has determined that any of the
18 conditions specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall
19 be prima facie evidence that a less restrictive alternative than placement in a
20 secured correctional facility, a secured child caring institution, or a secured group
21 home is not appropriate. If information under s. 938.331 has been provided in a court
22 report under s. 938.33 (1), the court shall consider that information when deciding
23 on a placement and treatment finding.

24 **SECTION 112.** 938.355 (2) (b) 6. of the statutes is amended to read:

SENATE BILL 461**SECTION 112**

1 938.355 (2) (b) 6. If the juvenile is placed outside the home and if sub. (2d) does
2 not apply, the court's, a finding that continued placement of the juvenile in his or her
3 home would be contrary to the welfare of the juvenile or, if the juvenile has been
4 adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c), or
5 (d) or (4d), a finding that the juvenile's current residence will not safeguard the
6 welfare of the juvenile or the community due to the serious nature of the act for which
7 the juvenile was adjudicated delinquent. The court order shall also contain a finding
8 as to whether ~~a~~ the county department which provides social services or the agency
9 primarily responsible for providing services under a court order has made reasonable
10 efforts to prevent the removal of the juvenile from the home, while assuring that the
11 juvenile's health and safety are the paramount concerns, ~~or, if applicable, the court's~~
12 unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 4.
13 applies, and a finding as to whether the county department or agency primarily
14 responsible for providing services under a court order has made reasonable efforts
15 to make it possible for the juvenile to return safely to his or her home achieve the goal
16 of the juvenile's permanency plan, unless return of the juvenile to the home is the
17 goal of the permanency plan and the court finds that any of the circumstances
18 specified in sub. (2d) (b) 1. to 4. applies. The court shall make the findings specified
19 in this subdivision on a case-by-case basis based on circumstances specific to the
20 juvenile and shall document or reference the specific information on which those
21 findings are based in the court order. A court order that merely references this
22 subdivision without documenting or referencing that specific information in the
23 court order or an amended court order that retroactively corrects an earlier court
24 order that does not comply with this subdivision is not sufficient to comply with this
25 subdivision.

SENATE BILL 461**SECTION 113**

1 **SECTION 113.** 938.355 (2) (b) 6r. of the statutes is created to read:

2 938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
3 sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county
4 department or agency primarily responsible for providing services under the court
5 order is not required to make reasonable efforts with respect to the parent to make
6 it possible for the juvenile to return safely to his or her home.

7 **SECTION 114.** 938.355 (2b) of the statutes is amended to read:

8 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
9 department ~~that provides social services~~ or the agency primarily responsible for
10 providing services to a juvenile under a court order may, at the same time as the
11 county department or agency is making the reasonable efforts required under sub.
12 (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible
13 for the juvenile to return safely to his or her home, work with the department of
14 health and family services, a county department under s. 48.57 (1) (e) or (hm), or a
15 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
16 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
17 other alternative permanent placement.

18 **SECTION 115.** 938.355 (2c) (b) of the statutes is amended to read:

19 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
20 the county department or the agency primarily responsible for providing services to
21 the juvenile under a court order has made reasonable efforts to ~~make it possible for~~
22 ~~the juvenile to return safely to his or her home~~ achieve the goal of the permanency
23 plan, the court's consideration of reasonable efforts shall include, ~~but not be limited~~
24 ~~to~~, the considerations listed under par. (a) 1. to 5. and whether visitation schedules

SENATE BILL 461

1 between the juvenile and his or her parents were implemented, unless visitation was
2 denied or limited by the court.

3 **SECTION 116.** 938.355 (2d) (b) (intro.) of the statutes is amended to read:

4 938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not is~~
5 not required to include in a dispositional order a finding as to whether ~~a~~ the county
6 department ~~which provides social services~~ or the agency primarily responsible for
7 providing services under a court order has made reasonable efforts with respect to
8 a parent of a juvenile to prevent the removal of the juvenile from the home, while
9 assuring that the juvenile's health and safety are the paramount concerns, or, if
10 applicable, a finding as to whether the county department or agency ~~primarily~~
11 ~~responsible for providing services under a court order~~ has made reasonable efforts
12 with respect to a parent of a juvenile to ~~make it possible for the juvenile to return~~
13 achieve the permanency plan goal of returning the juvenile safely to his or her home,
14 if the court finds, ~~as evidenced by a final judgment of conviction,~~ any of the following:

15 **SECTION 117.** 938.355 (2d) (b) 1. of the statutes is amended to read:

16 938.355 (2d) (b) 1. That the parent has subjected the juvenile to aggravated
17 circumstances, as evidenced by a final judgment of conviction.

18 **SECTION 118.** 938.355 (2d) (b) 2. of the statutes is amended to read:

19 938.355 (2d) (b) 2. That the parent has committed, has aided or abetted the
20 commission of, or has solicited, conspired, or attempted to commit, a violation of s.
21 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal
22 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if
23 committed in this state, as evidenced by a final judgment of conviction, and that the
24 victim of that violation is a child of the parent.

25 **SECTION 119.** 938.355 (2d) (b) 3. of the statutes is amended to read:

SENATE BILL 461**SECTION 119**

1 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2),
2 (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a)
3 or a violation of the law of any other state or federal law, if that violation would be
4 a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
5 or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment
6 of conviction, and that the violation resulted in great bodily harm, as defined in s.
7 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the juvenile
8 or another child of the parent.

9 **SECTION 120.** 938.355 (2d) (b) 4. of the statutes is amended to read:

10 938.355 (2d) (b) 4. That the parental rights of the parent to another child have
11 been involuntarily terminated, as evidenced by a final order of a court of competent
12 jurisdiction terminating those parental rights.

13 **SECTION 121.** 938.355 (2d) (bm) of the statutes is created to read:

14 938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4.
15 on a case-by-case basis based on circumstances specific to the juvenile and shall
16 document or reference the specific information on which that finding is based in the
17 dispositional order. A dispositional order that merely references par. (b) 1. to 4.
18 without documenting or referencing that specific information in the dispositional
19 order or an amended dispositional order that retroactively corrects an earlier
20 dispositional order that does not comply with this paragraph is not sufficient to
21 comply with this paragraph.

22 **SECTION 122.** 938.355 (2d) (c) of the statutes is renumbered 938.355 (2d) (c) 1.
23 and amended to read:

24 938.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the
25 circumstances specified in par. (b) 1., 2., 3., or 4. to 4. applies with respect to a parent,

SENATE BILL 461

1 the court shall hold a hearing within 30 days after the date of that finding to
2 determine the permanency plan for the juvenile. If a hearing is held under this
3 ~~paragraph subdivision~~, the agency responsible for preparing the permanency plan
4 shall file the permanency plan with the court not less than 5 days before the date of
5 the hearing.

6 **SECTION 123.** 938.355 (2d) (c) 2. and 3. of the statutes are created to read:

7 938.355 (2d) (c) 2. If a hearing is held under subd. 1, at least 10 days before the
8 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal
9 custodian of the juvenile, and any foster parent, treatment foster parent, or other
10 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and
11 purpose of the hearing.

12 3. The court shall give a foster parent, treatment foster parent, or other
13 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
14 2. an opportunity to be heard at the hearing by permitting the foster parent,
15 treatment foster parent, or other physical custodian to make a written or oral
16 statement during the hearing, or to submit a written statement prior to the hearing,
17 relevant to the issues to be determined at the hearing. Any written or oral statement
18 made under this subdivision shall be made upon oath or affirmation. A foster parent,
19 treatment foster parent, or other physical custodian who receives a notice of a
20 hearing under subd. 2. and an opportunity to be heard under this subdivision does
21 not become a party to the proceeding on which the hearing is held solely on the basis
22 of receiving that notice and opportunity to be heard.

23 **SECTION 124.** 938.355 (4) (a) of the statutes is amended to read:

24 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, all ~~orders~~ an
25 order under this section ~~shall terminate at the end of one year unless the court~~

SENATE BILL 461**SECTION 124**

1 specifies a shorter period of time. ~~Except if s. 938.368 applies, extensions or revisions~~
2 or s. 938.357 or 938.365 made before the juvenile reaches 18 years of age that places
3 or continues the placement of the juvenile in his or her home shall terminate at the
4 end of one year after its entry unless the court specifies a shorter period of time. No
5 extension under s. 938.365 of an original dispositional order may be granted for a
6 juvenile who is subject to an order under s. 938.34 (4d), (4h), (4m) or (4n) if the
7 juvenile is 17 years of age or older when the original dispositional order terminates.
8 Any order made before the juvenile reaches the age of majority shall be effective for
9 a time up to one year after its entry unless the court specifies a shorter period of time
10 or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368,
11 an order under this section or s. 938.357 or 938.365 made before the juvenile reaches
12 18 years of age that places or continues the placement of the juvenile in a foster home,
13 treatment foster home, group home, or child caring institution or in the home of a
14 relative other than a parent shall terminate when the juvenile reaches 18 years of
15 age, at the end of one year after its entry, or, if the juvenile is a full-time student at
16 a secondary school or its vocational or technical equivalent and is reasonably
17 expected to complete the program before reaching 19 years of age, when the juvenile
18 reaches 19 years of age, whichever is later, unless the court specifies a shorter period
19 of time or the court terminates the order sooner.

20 **SECTION 125.** 938.355 (4) (b) of the statutes is amended to read:

21 938.355 (4) (b) ~~An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile~~
22 ~~has been adjudicated delinquent is subject to par. (a), except that the judge may make~~
23 Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before
24 the juvenile reaches 18 years of age may apply for up to 2 years after its entry or until
25 the juvenile's 18th birthdate, whichever is earlier and the judge shall make, unless

SENATE BILL 461

1 the court specifies a shorter period of time or the court terminates the order sooner.
2 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the
3 juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile
4 is adjudicated delinquent for committing an act that would be punishable as a
5 Class B felony if committed by an adult, or until the juvenile reaches 25 years of age,
6 if the juvenile is adjudicated delinquent for committing an act that would be
7 punishable as a Class A felony if committed by an adult. Except as provided in s.
8 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before
9 the juvenile reaches 17 years of age shall terminate at the end of one year after its
10 entry unless the court specifies a shorter period of time or the court terminates the
11 order sooner. No extension under s. 938.365 of an original dispositional order under
12 s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age
13 or older when the original dispositional order terminates.

14 **SECTION 126.** 938.355 (6) (a) of the statutes is amended to read:

15 938.355 **(6)** (a) If a juvenile who has been adjudged delinquent or to have
16 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
17 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on
18 the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing
19 under s. 938.335, the court explained the conditions to the juvenile and informed the
20 juvenile of those possible sanctions or if before the violation the juvenile has
21 acknowledged in writing that he or she has read, or has had read to him or her, those
22 conditions and possible sanctions and that he or she understands those conditions
23 and possible sanctions. If a juvenile who has been found to be in need of protection
24 or services under s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in
25 sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in

SENATE BILL 461**SECTION 126**

1 par. (d), other than placement in a secure detention facility or juvenile portion of a
2 county jail, if, at the dispositional hearing under s. 938.335, the court explained the
3 conditions to the juvenile and informed the juvenile of those possible sanctions or if
4 before the violation the juvenile has acknowledged in writing that he or she has read,
5 or has had read to him or her, those conditions and possible sanctions and that he or
6 she understands those conditions and possible sanctions.

7 (cm) The court may not order the sanction of placement in a place of nonsecure
8 custody specified in par. (d) 1. unless the court finds that the agency primarily
9 responsible for providing services for the juvenile has made reasonable efforts to
10 prevent the removal of the juvenile from his or her home and that continued
11 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.
12 The court shall make the findings specified in this paragraph on a case-by-case basis
13 based on circumstances specific to the juvenile and shall document or reference the
14 specific information on which that finding is based in the sanction order. A sanction
15 order that merely references this paragraph without documenting or referencing
16 that specific information in the sanction order or an amended sanction order that
17 retroactively corrects an earlier sanction order that does not comply with this
18 paragraph is not sufficient to comply with this paragraph.

19 **SECTION 127.** 938.355 (6m) (cm) of the statutes is created to read:

20 938.355 **(6m)** (cm) The court may not order the sanction of placement in a place
21 of nonsecure custody specified in par. (a) 1g. unless the court finds that the agency
22 primarily responsible for providing services for the juvenile has made reasonable
23 efforts to prevent the removal of the juvenile from his or her home and that continued
24 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.
25 The court shall make the findings specified in this paragraph on a case-by-case basis

SENATE BILL 461

1 based on circumstances specific to the juvenile and shall document or reference the
2 specific information on which that finding is based in the sanction order. A sanction
3 order that merely references this paragraph without documenting or referencing
4 that specific information in the sanction order or an amended sanction order that
5 retroactively corrects an earlier sanction order that does not comply with this
6 paragraph is not sufficient to comply with this paragraph.

7 **SECTION 128.** 938.357 (1) of the statutes is renumbered 938.357 (1) (a) and
8 amended to read:

9 938.357 (1) (a) The person or agency primarily responsible for implementing
10 the dispositional order or the district attorney may request a change in the
11 placement of the juvenile, whether or not the change requested is authorized in the
12 dispositional order and, as provided in par. (b) or (c), whichever is applicable.

13 (b) 1. If the proposed change in placement involves any change in placement
14 other than a change in placement specified in par. (c), the person or agency primarily
15 responsible for implementing the dispositional order or the district attorney shall
16 cause written notice of the proposed change in placement to be sent to the juvenile
17 or the juvenile's counsel or guardian ad litem, the parent, guardian, and legal
18 custodian of the juvenile, and any foster parent, treatment foster parent, or other
19 physical custodian described in s. 48.62 (2), guardian and legal custodian of the
20 juvenile. The notice shall contain the name and address of the new placement, the
21 reasons for the change in placement, a statement describing why the new placement
22 is preferable to the present placement, and a statement of how the new placement
23 satisfies objectives of the treatment plan ordered by the court.

24 2. Any person receiving the notice under ~~this subsection~~ subd. 1. or notice of
25 the specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may obtain

SENATE BILL 461**SECTION 128**

1 a hearing on the matter by filing an objection with the court within 10 days after
2 receipt of the notice. Placements shall ~~may~~ not be changed until 10 days after such
3 notice is sent to the court unless the parent, guardian, or legal custodian and the
4 juvenile, if 12 or more years of age, sign written waivers of objection, except that
5 ~~placement changes which~~ changes in placement that were authorized in the
6 dispositional order may be made immediately if notice is given as required ~~in this~~
7 ~~subsection~~ under subd. 1. In addition, a hearing is not required for placement
8 changes authorized in the dispositional order except ~~where~~ when an objection filed
9 by a person who received notice alleges that new information is available ~~which~~ that
10 affects the advisability of the court's dispositional order.

11 **SECTION 129.** 938.357 (1) (b) 3. of the statutes is created to read:

12 938.357 (1) (b) 3. If the court changes the juvenile's placement from a
13 placement outside the home to another placement outside the home, the change in
14 placement order shall contain one of the statements specified in sub. (2v) (a) 2.

15 **SECTION 130.** 938.357 (1) (c) of the statutes is created to read:

16 938.357 (1) (c) 1. If the proposed change in placement would change the
17 placement of a juvenile placed in the home to a placement outside the home, the
18 person or agency primarily responsible for implementing the dispositional order or
19 the district attorney shall submit a request for the change in placement to the court.
20 The request shall contain the name and address of the new placement, the reasons
21 for the change in placement, a statement describing why the new placement is
22 preferable to the present placement, and a statement of how the new placement
23 satisfies objectives of the treatment plan ordered by the court. The request shall also
24 contain specific information showing that continued placement of the juvenile in his
25 or her home would be contrary to the welfare of the juvenile and, unless any of the

SENATE BILL 461

1 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information
2 showing that the agency primarily responsible for implementing the dispositional
3 order has made reasonable efforts to prevent the removal of the juvenile from the
4 home, while assuring that the juvenile's health and safety are the paramount
5 concerns.

6 2. The court shall hold a hearing prior to ordering any change in placement
7 requested under subd. 1. Not less than 3 days prior to the hearing, the court shall
8 provide notice of the hearing, together with a copy of the request for the change in
9 placement, to the juvenile, the parent, guardian, and legal custodian of the juvenile,
10 and all parties that are bound by the dispositional order. If all parties consent, the
11 court may proceed immediately with the hearing.

12 3. If the court changes the juvenile's placement from a placement in the
13 juvenile's home to a placement outside the juvenile's home, the change in placement
14 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements
15 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the
16 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
17 the determination specified in sub. (2v) (a) 3.

18 **SECTION 131.** 938.357 (2) of the statutes is amended to read:

19 938.357 (2) If emergency conditions necessitate an immediate change in the
20 placement of a juvenile placed outside the home, the person or agency primarily
21 responsible for implementing the dispositional order may remove the juvenile to a
22 new placement, whether or not authorized by the existing dispositional order,
23 without the prior notice provided in sub. (1) (b) 1. The notice shall, however, be sent
24 within 48 hours after the emergency change in placement. Any party receiving
25 notice may demand a hearing under sub. (1) (b) 2. In emergency situations, the

SENATE BILL 461**SECTION 131**

1 juvenile may be placed in a licensed public or private shelter care facility as a
2 transitional placement for not more than 20 days, as well as in any placement
3 authorized under s. 938.34 (3).

4 **SECTION 132.** 938.357 (2m) of the statutes is renumbered 938.357 (2m) (a) and
5 amended to read:

6 938.357 (2m) (a) The juvenile, the parent, guardian, or legal custodian of the
7 juvenile, or any person or agency primarily bound by the dispositional order, other
8 than the person or agency responsible for implementing the order, may request a
9 change in placement under this subsection paragraph. The request shall contain the
10 name and address of the place of the new placement requested and shall state what
11 new information is available ~~which~~ that affects the advisability of the current
12 placement. If the proposed change in placement would change the placement of a
13 juvenile placed in the home to a placement outside the home, the request shall also
14 contain specific information showing that continued placement of the juvenile in the
15 home would be contrary to the welfare of the juvenile and, unless any of the
16 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information
17 showing that the agency primarily responsible for implementing the dispositional
18 order has made reasonable efforts to prevent the removal of the juvenile from the
19 home, while assuring that the juvenile's health and safety are the paramount
20 concerns. This request shall be submitted to the court. In addition, the court may
21 propose a change in placement on its own motion.

22 (b) The court shall hold a hearing on the matter prior to ordering any change
23 in placement ~~under this subsection~~ requested or proposed under par. (a) if the
24 request states that new information is available ~~which~~ that affects the advisability
25 of the current placement, unless the requested or proposed change in placement

SENATE BILL 461

1 involves any change in placement other than a change in placement of a juvenile
2 placed in the home to a placement outside the home and written waivers of objection
3 to the proposed change in placement are signed by all parties entitled to receive
4 notice under sub. (1) (b) 1. and the court approves. If a hearing is scheduled, the court
5 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,
6 any foster parent, treatment foster parent, or other physical custodian described in
7 s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order
8 at least 3 days prior to the hearing. A copy of the request or proposal for the change
9 in placement shall be attached to the notice. If all the parties consent, the court may
10 proceed immediately with the hearing.

11 **SECTION 133.** 938.357 (2m) (c) of the statutes is created to read:

12 938.357 **(2m)** (c) If the court changes the juvenile's placement from a placement
13 in the juvenile's home to a placement outside the juvenile's home, the change in
14 placement order shall contain the findings specified in sub. (2v) (a) 1., one of the
15 statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of
16 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
17 parent, the determination specified in sub. (2v) (a) 3.

18 **SECTION 134.** 938.357 (2r) of the statutes is amended to read:

19 938.357 **(2r)** If a hearing is held under sub. (1) (b) 2. or (2m) (b) and the change
20 in placement would remove a juvenile from a foster home, treatment foster home, or
21 other placement with a physical custodian described in s. 48.62 (2), the court shall
22 give the foster parent, treatment foster parent, or other physical custodian described
23 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster
24 parent, treatment foster parent, or other physical custodian to make a written or oral
25 statement during the hearing or to submit a written statement prior to the hearing

SENATE BILL 461**SECTION 134**

1 relating to the juvenile and the requested change in placement. Any written or oral
2 statement made under this subsection shall be made under oath or affirmation. A
3 foster parent, treatment foster parent, or other physical custodian described in s.
4 48.62 (2) who receives notice of a hearing under sub. (1) (b) 1. or (2m) (b) and an
5 opportunity to be heard under this subsection does not become a party to the
6 proceeding on which the hearing is held solely on the basis of receiving that notice
7 and opportunity to be heard.

8 **SECTION 135.** 938.357 (2v) of the statutes, as created by 2001 Wisconsin Act 16,
9 is renumbered 938.357 (2v) (a) 2. and amended to read:

10 938.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) or (2m) and the change~~
11 ~~in placement would place the juvenile outside the home in a placement order would~~
12 change the placement of the juvenile to a placement outside the home recommended
13 by the person or agency primarily responsible for implementing the dispositional
14 order, ~~the change in placement order shall include whether from a placement in the~~
15 home or from another placement outside the home, a statement that the court
16 approves the placement recommended by the person or agency or, if the juvenile is
17 ~~placed outside the home in a placement other than change in placement order would~~
18 change the placement of the juvenile to a placement outside the home that is not a
19 placement recommended by that person or agency, whether from a placement in the
20 home or from another placement outside the home, a statement that the court has
21 given bona fide consideration to the recommendations made by that person or agency
22 and all parties relating to the juvenile's placement.

23 **SECTION 136.** 938.357 (2v) (a) (intro.) of the statutes is created to read:

24 938.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m)
25 shall contain all of the following:

SENATE BILL 461

1 **SECTION 137.** 938.357 (2v) (a) 1. of the statutes is created to read:

2 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a
3 placement in the juvenile's home to a placement outside the juvenile's home, a
4 finding that continued placement of the juvenile in his or her home would be contrary
5 to the health, safety, and welfare of the juvenile and, unless a circumstance specified
6 in s. 938.355 (2d) (b) 1. to 4. applies, a finding that the agency primarily responsible
7 for implementing the dispositional order has made reasonable efforts to prevent the
8 removal of the juvenile from the home, while assuring that the juvenile's health and
9 safety are the paramount concerns.

10 **SECTION 138.** 938.357 (2v) (a) 3. of the statutes is created to read:

11 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
12 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
13 agency primarily responsible for providing services under the change in placement
14 order is not required to make reasonable efforts with respect to the parent to make
15 it possible for the juvenile to return safely to his or her home.

16 **SECTION 139.** 938.357 (2v) (b) of the statutes is created to read:

17 938.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and
18 3. on a case-by-case basis based on circumstances specific to the juvenile and shall
19 document or reference the specific information on which those findings are based in
20 the change in placement order. A change in placement order that merely references
21 par. (a) 1. or 3. without documenting or referencing that specific information in the
22 change in placement order or an amended change in placement order that
23 retroactively corrects an earlier change in placement order that does not comply with
24 this paragraph is not sufficient to comply with this paragraph.

25 **SECTION 140.** 938.357 (2v) (c) of the statutes is created to read:

SENATE BILL 461**SECTION 140**

1 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
2 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
3 the court shall hold a hearing within 30 days after the date of that finding to
4 determine the permanency plan for the juvenile. If a hearing is held under this
5 paragraph, the agency responsible for preparing the permanency plan shall file the
6 permanency plan with the court not less than 5 days before the date of the hearing.

7 2. If a hearing is held under subd. 1, at least 10 days before the date of the
8 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian
9 of the juvenile, and any foster parent, treatment foster parent, or other physical
10 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
11 the hearing.

12 3. The court shall give a foster parent, treatment foster parent, or other
13 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
14 2. an opportunity to be heard at the hearing by permitting the foster parent,
15 treatment foster parent, or other physical custodian to make a written or oral
16 statement during the hearing, or to submit a written statement prior to the hearing,
17 relevant to the issues to be determined at the hearing. Any written or oral statement
18 made under this subdivision shall be made upon oath or affirmation. A foster parent,
19 treatment foster parent, or other physical custodian who receives a notice of a
20 hearing under subd. 2. and an opportunity to be heard under this subdivision does
21 not become a party to the proceeding on which the hearing is held solely on the basis
22 of receiving that notice and opportunity to be heard.

23 **SECTION 141.** 938.357 (3) of the statutes is amended to read:

24 938.357 (3) Subject to sub. (4) (b) and (c) and (5) (e), if the proposed change in
25 placement would involve placing a juvenile in a secured correctional facility, a

SENATE BILL 461

1 secured child caring institution, or a secured group home, notice shall be given as
2 provided in sub. (1) (b) 1. A hearing shall be held, unless waived by the juvenile,
3 parent, guardian, and legal custodian, before the judge makes a decision on the
4 request. The juvenile shall be entitled to counsel at the hearing, and any party
5 opposing or favoring the proposed new placement may present relevant evidence and
6 cross-examine witnesses. The proposed new placement may be approved only if the
7 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been
8 met.

9 **SECTION 142.** 938.357 (4) (b) 2. of the statutes, as affected by 2001 Wisconsin
10 Act 16, is amended to read:

11 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child
12 caring institution under s. 938.34 (4d) violates a condition of his or her placement in
13 the Type 2 child caring institution, the child welfare agency operating the Type 2
14 child caring institution shall notify the county department that has supervision over
15 the juvenile and, if the county department agrees to a change in placement under this
16 subdivision, the child welfare agency shall notify the department, and the
17 department, after consulting with the child welfare agency, may place the juvenile
18 in a Type 1 secured correctional facility under the supervision of the department,
19 without a hearing under sub. (1) (b) 2., for not more than 10 days. If a juvenile is
20 placed in a Type 1 secured correctional facility under this subdivision, the county
21 department that has supervision over the juvenile shall reimburse the child welfare
22 agency operating the Type 2 child caring institution in which the juvenile was placed
23 at the rate established under s. 46.037, and that child welfare agency shall reimburse
24 the department at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is

SENATE BILL 461**SECTION 142**

1 applicable, for the cost of the juvenile's care while placed in a Type 1 secured
2 correctional facility.

3 **SECTION 143.** 938.357 (4) (c) 1. of the statutes is amended to read:

4 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 secured correctional facility
5 operated by a child welfare agency under par. (a) and it appears that a less restrictive
6 placement would be appropriate for the juvenile, the department, after consulting
7 with the child welfare agency that is operating the Type 2 secured correctional
8 facility in which the juvenile is placed, may place the juvenile in a less restrictive
9 placement, and may return the juvenile to the Type 2 secured correctional facility
10 without a hearing under sub. (1) (b) 2. The child welfare agency shall establish a rate
11 for each type of placement in the manner provided in s. 46.037.

12 **SECTION 144.** 938.357 (4) (c) 2. of the statutes is amended to read:

13 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under
14 s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate
15 for the juvenile, the child welfare agency operating the Type 2 child caring
16 institution shall notify the county department that has supervision over the juvenile
17 and, if the county department agrees to a change in placement under this
18 subdivision, the child welfare agency may place the juvenile in a less restrictive
19 placement. A child welfare agency may also, with the agreement of the county
20 department that has supervision over a juvenile who is placed in a less restrictive
21 placement under this subdivision, return the juvenile to the Type 2 child caring
22 institution without a hearing under sub. (1) (b) 2. The child welfare agency shall
23 establish a rate for each type of placement in the manner provided in s. 46.037.

24 **SECTION 145.** 938.357 (4) (d) of the statutes is amended to read:

SENATE BILL 461

1 938.357 (4) (d) The department may transfer a juvenile who is placed in a Type
2 1 secured correctional facility to the Racine youthful offender correctional facility
3 named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile
4 offender review in the department has determined that the conduct of the juvenile
5 in the Type 1 secured correctional facility presents a serious problem to the juvenile
6 or others. The factors that the office of juvenile offender review may consider in
7 making that determination shall include, but are not limited to, whether and to what
8 extent the juvenile's conduct in the Type 1 secured correctional facility is violent and
9 disruptive, the security needs of the Type 1 secured correctional facility, and whether
10 and to what extent the juvenile is refusing to cooperate or participate in the
11 treatment programs provided for the juvenile in the Type 1 secured correctional
12 facility. Notwithstanding sub. (1) (b) 2., a juvenile is not entitled to a hearing
13 regarding the department's exercise of authority under this paragraph unless the
14 department provides for a hearing by rule. A juvenile may seek review of a decision
15 of the department under this paragraph only by the common law writ of certiorari.
16 If the department transfers a juvenile under this paragraph, the department shall
17 send written notice of the transfer to the parent, guardian, legal custodian and
18 committing court.

19 **SECTION 146.** 938.357 (5) (a) of the statutes is amended to read:

20 938.357 (5) (a) The department or a county department, whichever has been
21 designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the
22 aftercare status of that juvenile. Revocation of aftercare supervision shall not
23 require prior notice under sub. (1) (b) 1.

24 **SECTION 147.** 938.357 (6) of the statutes is amended to read:

SENATE BILL 461**SECTION 147**

1 938.357 (6) No change in placement may extend the expiration date of the
2 original order, except that if the change in placement is from a placement in the
3 juvenile's home to a placement in a foster home, treatment foster home, group home,
4 or child caring institution or in the home of a relative who is not a parent, the court
5 may extend the expiration date of the original order to the date on which the juvenile
6 reaches 18 years of age, to the date that is one year after the date of the change in
7 placement order, or, if the juvenile is a full-time student at a secondary school or its
8 vocational or technical equivalent and is reasonably expected to complete the
9 program before reaching 19 years of age, to the date on which the juvenile reaches
10 19 years of age, whichever is later, or for a shorter period of time as specified by the
11 court. If the change in placement is from a placement in a foster home, treatment
12 foster home, group home, or child caring institution or in the home of a relative to
13 a placement in the juvenile's home and if the expiration date of the original order is
14 more than one year after the date of the change in placement order, the court shall
15 shorten the expiration date of the original order to the date that is one year after the
16 date of the change in placement order or to an earlier date as specified by the court.

17 **SECTION 148.** 938.365 (1) of the statutes is amended to read:

18 938.365 (1) In this section, a juvenile is considered to have been placed outside
19 of his or her home on the date on which ~~the juvenile was first placed outside of his~~
20 ~~or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363~~
21 ~~or on the date that is 60 days after the date on which the juvenile was first removed~~
22 ~~from his or her home, whichever is earlier, except that in the case of a juvenile who~~
23 on removal from his or her home was first placed in a secure detention facility, a
24 secured correctional facility, a secured child caring institution, or a secured group
25 home for 60 days or more and then moved to a nonsecured out-of-home placement,

SENATE BILL 461**SECTION 148**

1 the juvenile is considered to have been placed outside of his or her home on the date
2 on which the juvenile was moved to the nonsecured out-of-home placement.

3 **SECTION 149.** 938.365 (2g) (b) 2. of the statutes is amended to read:

4 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement
5 and of any progress the juvenile has made, suggestions for amendment of the
6 permanency plan, ~~a description of efforts to return the juvenile safely to his or her~~
7 home and specific information showing the efforts that have been made to achieve
8 the goal of the permanency plan, including, if applicable, the efforts of the parents
9 to remedy the factors which that contributed to the juvenile's placement and, if
10 continued placement outside of the juvenile's home is recommended, an explanation
11 of why returning the juvenile to his or her home is not safe or feasible, unless return
12 of the juvenile to the home is the goal of the permanency plan and any of the
13 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

14 **SECTION 150.** 938.365 (2g) (b) 3. of the statutes is amended to read:

15 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
16 for 15 of the most recent 22 months, not including any period during which the
17 juvenile was a runaway from the out-of-home placement or the first 6 months of any
18 period during which the juvenile was returned to his or her home for a trial home
19 visit, a statement of whether or not a recommendation has been made to terminate
20 the parental rights of the parents of the juvenile. If a recommendation for a
21 termination of parental rights has been made, the statement shall indicate the date
22 on which the recommendation was made, any previous progress made to accomplish
23 the termination of parental rights, any barriers to the termination of parental rights,
24 specific steps to overcome the barriers and when the steps will be completed, reasons
25 why adoption would be in the best interest of the juvenile and whether or not the

SENATE BILL 461**SECTION 150**

1 juvenile should be registered with the adoption information exchange. If a
2 recommendation for termination of parental rights has not been made, the
3 statement shall include an explanation of the reasons why a recommendation for
4 termination of parental rights has not been made. If the lack of appropriate adoptive
5 resources is the primary reason for not recommending a termination of parental
6 rights, the agency shall recommend that the juvenile be registered with the adoption
7 information exchange or report the reason why registering the juvenile is contrary
8 to the best interest of the juvenile.

9 **SECTION 151.** 938.365 (2m) (a) of the statutes is renumbered 938.365 (2m) (a)

10 1. and amended to read:

11 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
12 extension. If the juvenile is placed outside of his or her home, the person or agency
13 primarily responsible for providing services to the juvenile shall present as evidence
14 specific information showing that the agency has made reasonable efforts to achieve
15 the goal of the juvenile's permanency plan, unless return of the juvenile to the home
16 is the goal of the permanency plan and any of the circumstances specified in s.
17 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions
18 of law based on the evidence. ~~Subject to s. 938.355 (2d), the~~ The findings of fact shall
19 include a finding as to whether reasonable efforts were made by the agency primarily
20 responsible for providing services to the juvenile to ~~make it possible for the juvenile~~
21 ~~to return safely to his or her home~~ achieve the goal of the juvenile's permanency plan,
22 unless return of the juvenile to the home is the goal of the permanency plan and the
23 court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.
24 applies. An order shall be issued under s. 938.355.

25 **SECTION 152.** 938.365 (2m) (a) 2. of the statutes is created to read:

SENATE BILL 461

1 938.365 (2m) (a) 2. If the court finds that any of the circumstances specified
2 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include
3 a determination that the person or agency primarily responsible for providing
4 services to the juvenile is not required to make reasonable efforts with respect to the
5 parent to make it possible for the juvenile to return safely to his or her home.

6 **SECTION 153.** 938.365 (2m) (a) 3. of the statutes is created to read:

7 938.365 (2m) (a) 3. The court shall make the findings specified in subd. 1.
8 relating to reasonable efforts to achieve the goal of the juvenile's permanency plan
9 and the findings specified in subd. 2. on a case-by-case basis based on circumstances
10 specific to the juvenile and shall document or reference the specific information on
11 which those findings are based in the order issued under s. 938.355. An order that
12 merely references subd. 1. or 2. without documenting or referencing that specific
13 information in the order or an amended order that retroactively corrects an earlier
14 order that does not comply with this subdivision is not sufficient to comply with this
15 subdivision.

16 **SECTION 154.** 938.365 (2m) (ad) of the statutes is created to read:

17 938.365 (2m) (ad) 1. If the court finds that any of the circumstances specified
18 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a
19 hearing within 30 days after the date of that finding to determine the permanency
20 plan for the juvenile. If a hearing is held under this subdivision, the agency
21 responsible for preparing the permanency plan shall file the permanency plan with
22 the court not less than 5 days before the date of the hearing.

23 2. If a hearing is held under subd. 1., at least 10 days before the date of the
24 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian
25 of the juvenile, and any foster parent, treatment foster parent, or other physical

SENATE BILL 461**SECTION 154**

1 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
2 the hearing.

3 **SECTION 155.** 938.365 (2m) (ag) of the statutes is amended to read:

4 938.365 **(2m)** (ag) ~~In addition to any evidence presented under par. (a), the~~ The
5 court shall give a foster parent, treatment foster parent, or other physical custodian
6 described in s. 48.62 (2) of the juvenile who is notified of a hearing under par. (ad)
7 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster
8 parent, treatment foster parent, or other physical custodian to make a written or oral
9 statement during the hearing, or to submit a written statement prior to the hearing,
10 relevant to the issue of extension. Any written or oral statement made under this
11 paragraph shall be made under oath or affirmation. A foster parent, treatment foster
12 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
13 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this
14 paragraph does not become a party to the proceeding on which the hearing is held
15 solely on the basis of receiving that notice and opportunity to be heard.

16 **SECTION 156.** 938.365 (5) of the statutes is amended to read:

17 938.365 **(5)** Except as provided in s. 938.368, ~~all orders~~ an order under this
18 section that continues the placement of a juvenile in his or her home or that extends
19 an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time
20 not to exceed one year after its date of entry. ~~Except as provided in s. 938.368, an~~
21 order under this section that continues the placement of a juvenile in a foster home,
22 treatment foster home, group home, or child caring institution or in the home of a
23 relative other than a parent shall be for a specified length of time not to exceed the
24 date on which the juvenile reaches 18 years of age, one year after the date of entry
25 of the order, or, if the juvenile is a full-time student at a secondary school or its

SENATE BILL 461**SECTION 156**

1 vocational or technical equivalent and is reasonably expected to complete the
2 program before reaching 19 years of age, the date on which the juvenile reaches 19
3 years of age, whichever is later.

4 **SECTION 157.** 938.38 (2) (intro.) of the statutes is amended to read:

5 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
6 for each juvenile living in a foster home, treatment foster home, group home, child
7 caring institution, secure detention facility, or shelter care facility or in the home of
8 a relative other than a parent, the agency that placed the juvenile or arranged the
9 placement or the agency assigned primary responsibility for providing services to the
10 juvenile under s. 938.355 shall prepare a written permanency plan, if any of the
11 following conditions exists:

12 **SECTION 158.** 938.38 (2) (c) of the statutes is amended to read:

13 938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64
14 (2) ~~or pursuant to, under a consent decree under s. 938.32 (1) (c), or under~~ a court
15 order under s. 938.355.

16 **SECTION 159.** 938.38 (2) (f) of the statutes is amended to read:

17 938.38 (2) (f) The juvenile's care ~~is paid~~ would be paid for under s. 49.19 but
18 for s. 49.19 (20).

19 **SECTION 160.** 938.38 (3) (intro.) of the statutes is amended to read:

20 938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (c) 1, the agency shall file
21 the permanency plan with the court within 60 days after the date on which the
22 juvenile was first held in physical custody ~~or placed outside of~~ removed from his or
23 her home ~~under a court order~~, except under either of the following conditions:

24 **SECTION 161.** 938.38 (4) (intro.) of the statutes is amended to read:

SENATE BILL 461**SECTION 161**

1 938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include a
2 description of all of the following:

3 **SECTION 162.** 938.38 (4) (a) of the statutes is renumbered 938.38 (4) (ar) and
4 amended to read:

5 938.38 (4) (ar) The A description of the services offered and any service services
6 provided in an effort to prevent holding or placing the juvenile outside of the removal
7 of the juvenile from his or her home, while assuring that the health and safety of the
8 juvenile are the paramount concerns, and to make it possible for the juvenile to
9 return safely home, achieve the goal of the permanency plan, except that the
10 permanency plan need not is not required to include a description of those the
11 services offered or provided with respect to a parent of the juvenile to prevent the
12 removal of the juvenile from the home or to achieve the permanency plan goal of
13 returning the juvenile safely to his or her home if any of the circumstances specified
14 in s. 938.355 (2d) (b) 1., 2., 3. or 4. apply to that parent.

15 **SECTION 163.** 938.38 (4) (ag) of the statutes is created to read:

16 938.38 (4) (ag) The name, address, and telephone number of the juvenile's
17 parent, guardian, and legal custodian.

18 **SECTION 164.** 938.38 (4) (am) of the statutes is created to read:

19 938.38 (4) (am) The date on which the juvenile was removed from his or her
20 home and the date on which the juvenile was placed in out-of-home care.

21 **SECTION 165.** 938.38 (4) (bm) of the statutes is amended to read:

22 938.38 (4) (bm) The A statement as to the availability of a safe and appropriate
23 placement with a fit and willing relative of the juvenile and, if a decision is made not
24 to place the juvenile with an available relative, a statement as to why placement with
25 the relative is not safe or appropriate.

SENATE BILL 461

1 **SECTION 166.** 938.38 (4) (dg) of the statutes is created to read:

2 938.38 (4) (dg) Information about the juvenile's education, including all of the
3 following:

4 1. The name and address of the school in which the juvenile is or was most
5 recently enrolled.

6 2. Any special education programs in which the juvenile is or was previously
7 enrolled.

8 3. The grade level in which the juvenile is or was most recently enrolled and
9 all information that is available concerning the juvenile's grade level performance.

10 4. A summary of all available education records relating to the juvenile that are
11 relevant to any education goals included in the education services plan prepared
12 under s. 938.33 (1) (e).

13 **SECTION 167.** 938.38 (4) (dm) of the statutes is created to read:

14 938.38 (4) (dm) If as a result of the placement the juvenile has been or will be
15 transferred from the school in which the juvenile is or most recently was enrolled,
16 documentation that a placement that would maintain the juvenile in that school is
17 either unavailable or inappropriate or that a placement that would result in the
18 juvenile's transfer to another school would be in the juvenile's best interests.

19 **SECTION 168.** 938.38 (4) (dr) of the statutes is created to read:

20 938.38 (4) (dr) Medical information relating to the juvenile, including all of the
21 following:

22 1. The names and addresses of the juvenile's physician, dentist, and any other
23 health care provider that is or was previously providing health care services to the
24 juvenile.

SENATE BILL 461**SECTION 168**

1 2. The juvenile's immunization record, including the name and date of each
2 immunization administered to the juvenile.

3 3. Any known medical condition for which the juvenile is receiving medical care
4 or treatment and any known serious medical condition for which the juvenile has
5 previously received medical care or treatment.

6 4. The name, purpose, and dosage of any medication that is being administered
7 to the juvenile and the name of any medication that causes the juvenile to suffer an
8 allergic or other negative reaction.

9 **SECTION 169.** 938.38 (4) (e) of the statutes is amended to read:

10 938.38 (4) (e) The A plan for ensuring the safety and appropriateness of the
11 placement and a description of the services provided to meet the needs of the juvenile
12 and family, including a discussion of services that have been investigated and
13 considered and are not available or likely to become available within a reasonable
14 time to meet the needs of the juvenile or, if available, why such services are not safe
15 or appropriate.

16 **SECTION 170.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

17 938.38 (4) (f) (intro.) The A description of the services that will be provided to
18 the juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's
19 treatment foster parent or, the operator of the facility where the juvenile is living,
20 or the relative with whom the juvenile is living to carry out the dispositional order,
21 including services planned to accomplish all of the following:

22 **SECTION 171.** 938.38 (4) (fg) of the statutes is created to read:

23 938.38 (4) (fg) The goal of the permanency plan or, if the agency is making
24 concurrent reasonable efforts under s. 938.355 (2b), the goals of the permanency
25 plan. If a goal of the permanency plan is any goal other than return of the juvenile

SENATE BILL 461

1 to his or her home, the permanency plan shall include the rationale for deciding on
2 that goal. If a goal of the permanency plan is an alternative permanent placement
3 under subd. 5., the permanency plan shall document a compelling reason why it
4 would not be in the best interest of the juvenile to pursue a goal specified in subds.
5 1. to 4. The agency shall determine one or more of the following goals to be the goal
6 or goals of a juvenile's permanency plan:

- 7 1. Return of the juvenile to the juvenile's home.
- 8 2. Placement of the juvenile for adoption.
- 9 3. Placement of the juvenile with a guardian.
- 10 4. Permanent placement of the juvenile with a fit and willing relative.
- 11 5. Some other alternative permanent placement, including sustaining care,
12 independent living, or long-term foster care.

13 **SECTION 172.** 938.38 (4) (fm) of the statutes is amended to read:

14 938.38 (4) (fm) If the goal of the permanency plan calls for placing is to place
15 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
16 other alternative permanent placement, the efforts made to ~~place the juvenile for~~
17 ~~adoption, with a guardian or in some other alternative permanent placement~~ achieve
18 that goal.

19 **SECTION 173.** 938.38 (4) (h) of the statutes is created to read:

20 938.38 (4) (h) If the juvenile is 15 years of age or over, a description of the
21 programs and services that are or will be provided to assist the juvenile in preparing
22 for the transition from out-of-home care to independent living. The description
23 shall include all of the following:

- 24 1. The anticipated age at which the juvenile will be discharged from
25 out-of-home care.

SENATE BILL 461**SECTION 173**

1 2. The anticipated amount of time available in which to prepare the juvenile
2 for the transition from out-of-home care to independent living.

3 3. The anticipated location and living situation of the juvenile on discharge
4 from out-of-home care.

5 4. A description of the assessment processes, tools, and methods that have been
6 or will be used to determine the programs and services that are or will be provided
7 to assist the juvenile in preparing for the transition from out-of-home care to
8 independent living.

9 5. The rationale for each program or service that is or will be provided to assist
10 the juvenile in preparing for the transition from out-of-home care to independent
11 living, the time frames for delivering those programs or services, and the intended
12 outcome of those programs or services.

13 **SECTION 174.** 938.38 (5) (a) of the statutes is amended to read:

14 938.38 (5) (a) The court or a panel appointed under ~~this paragraph~~ par. (ag)
15 shall review the permanency plan every in the manner provided in this subsection
16 not later than 6 months from after the date on which the juvenile was first held in
17 physical custody or placed outside of removed from his or her home and every 12
18 months after a previous review under this subsection for as long as the juvenile is
19 placed outside the home, except that for the review that is required to be conducted
20 not later than 12 months after the juvenile was first removed from his or her home
21 and the reviews that are required to be conducted every 12 months after that review
22 the court shall hold a hearing under sub. (5m) to review the permanency plan, which
23 hearing may be instead of or in addition to the review under this subsection.

24 (ag) If the court elects not to review the permanency plan, the court shall
25 appoint a panel to review the permanency plan. The panel shall consist of 3 persons

SENATE BILL 461

1 who are either designated by an independent agency that has been approved by the
2 chief judge of the judicial administrative district or designated by the agency that
3 prepared the permanency plan. A voting majority of persons on each panel shall be
4 persons who are not employed by the agency that prepared the permanency plan and
5 who are not responsible for providing services to the juvenile or the parents of the
6 juvenile whose permanency plan is the subject of the review.

7 **SECTION 175.** 938.38 (5) (b) of the statutes is amended to read:

8 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
9 the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,
10 the juvenile's treatment foster parent or, the operator of the facility in which the
11 juvenile is living, or the relative with whom the juvenile is living of the date, time,
12 and place of the review, of the issues to be determined as part of the review, and of
13 the fact that they may have an opportunity to be heard at the review by submitting
14 written comments not less than 10 working days before the review or by
15 participating at the review. The court or agency shall notify the person representing
16 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem
17 of the date of the review, of the issues to be determined as part of the review, and of
18 the fact that they may submit written comments not less than 10 working days before
19 the review. Any written or oral statement made to the court under this paragraph
20 by a foster parent, treatment foster parent, operator of a facility in which a juvenile
21 is living, or relative with whom a juvenile is living shall be made under oath or
22 affirmation. The notices under this paragraph shall be provided in writing not less
23 than 30 days before the review and copies of the notices shall be filed in the juvenile's
24 case record.

25 **SECTION 176.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

SENATE BILL 461**SECTION 176**

1 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
2 home, as described in s. 938.365 (1), for 15 of the most recent 22 months, not including
3 any period during which the juvenile was a runaway from the out-of-home
4 placement or the first 6 months of any period during which the juvenile was returned
5 to his or her home for a trial home visit, the appropriateness of the permanency plan
6 and the circumstances which prevent the juvenile from any of the following:

7 **SECTION 177.** 938.38 (5) (c) 6. am. of the statutes is renumbered 938.38 (5) (c)
8 6. cm. and amended to read:

9 938.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the
10 juvenile.

11 **SECTION 178.** 938.38 (5) (c) 6. cg. of the statutes is created to read:

12 938.38 (5) (c) 6. cg. Being placed with a guardian.

13 **SECTION 179.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

14 938.38 (5) (c) 6. d. Being placed in some other alternative permanent
15 placement, including sustaining care, independent living, or long-term foster care.

16 **SECTION 180.** 938.38 (5) (c) 7. of the statutes is amended to read:

17 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to make
18 ~~it possible for the juvenile to return safely to his or her home, except that the court~~
19 ~~or panel need not determine whether those reasonable efforts were made with~~
20 ~~respect to a parent of the juvenile if any of the circumstances specified in s. 938.355~~
21 ~~(2d) (b) 1., 2., 3. or 4. apply to that parent~~ achieve the goal of the permanency plan,
22 unless return of the juvenile to the home is the goal of the permanency plan and any
23 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

24 **SECTION 181.** 938.38 (5m) of the statutes is created to read:

SENATE BILL 461

1 938.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to
2 review the permanency plan and to make the determinations specified in sub. (5) (c)
3 no later than 12 months after the date on which the juvenile was first removed from
4 the home and every 12 months after a previous hearing under this subsection for as
5 long as the juvenile is placed outside the home.

6 (b) Not less than 30 days before the date of the hearing, the court shall notify
7 the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster
8 parent or treatment foster parent, the operator of the facility in which the juvenile
9 is living, or the relative with whom the juvenile is living; the juvenile's counsel and
10 the juvenile's guardian ad litem; the agency that prepared the permanency plan; and
11 the person representing the interests of the public of the date, time, and place of the
12 hearing.

13 (c) Any person who is provided notice of the hearing may have an opportunity
14 to be heard at the hearing by submitting written comments relevant to the
15 determinations specified in sub. (5) (c) not less than 10 working days before the date
16 of the hearing or by participating at the hearing. Any written or oral comment made
17 to the court under this paragraph by a foster parent, treatment foster parent,
18 operator of a facility in which a juvenile is living, or relative with whom a juvenile
19 is living shall be made under oath or affirmation. A foster parent, treatment foster
20 parent, operator of a facility in which a juvenile is living, or relative with whom a
21 juvenile is living who receives notice of a hearing under par. (b) and an opportunity
22 to be heard under this paragraph does not become a party to the proceeding on which
23 the hearing is held solely on the basis of receiving that notice and opportunity to be
24 heard.

SENATE BILL 461**SECTION 181**

1 (d) At least 5 days before the date of the hearing the agency that prepared the
2 permanency plan shall provide a copy of the permanency plan and any written
3 comments submitted under par. (c) to the court, to the juvenile's parent, guardian,
4 and legal custodian, to the person representing the interests of the public, and to the
5 juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a), the person
6 representing the interests of the public and the juvenile's counsel or guardian ad
7 litem may have access to any other records concerning the juvenile for the purpose
8 of participating in the review. A person permitted access to a juvenile's records under
9 this paragraph may not disclose any information from the records to any other
10 person.

11 (e) After the hearing, the court shall make written findings of fact and
12 conclusions of law relating to the determinations under sub. (5) (c) and shall provide
13 a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's
14 parent, guardian, and legal custodian; the juvenile's foster parent or treatment foster
15 parent, the operator of the facility in which the juvenile is living, or the relative with
16 whom the juvenile is living; the agency that prepared the permanency plan; and the
17 person representing the interests of the public. The court shall make the findings
18 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to
19 the juvenile and shall document or reference the specific information on which those
20 findings are based in the findings of fact and conclusions of law prepared under this
21 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)
22 7. without documenting or referencing that specific information in the findings of fact
23 and conclusions of law or amended findings of fact and conclusions of law that
24 retroactively correct earlier findings of fact and conclusions of law that do not comply
25 with this paragraph are not sufficient to comply with this paragraph.

SENATE BILL 461

1 (f) If the findings of fact and conclusions of law under par. (e) conflict with the
2 juvenile's dispositional order or provide for any additional services not specified in
3 the dispositional order, the court shall revise the dispositional order under s. 938.363
4 or order a change in placement under s. 938.357, as appropriate.

5 **SECTION 182.** 938.78 (2) (a) of the statutes is amended to read:

6 938.78 (2) (a) No agency may make available for inspection or disclose the
7 contents of any record kept or information received about an individual in its care
8 or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d)
9 or (5m) (d), or 938.51 or by order of the court.

10 **SECTION 183. Nonstatutory provisions.**

11 (1) RELATIVE PLACEMENT PERMANENCY PLANS.

12 (a) Notwithstanding sections 48.38 (3) and 938.38 (3) of the statutes, for
13 children or juveniles who are living in the home of a relative, as defined in section
14 48.02 (15) or 938.02 (15) of the statutes, under the supervision of an agency under
15 section 48.64 (2) of the statutes, under a consent decree under section 48.32 or 938.32
16 of the statutes, or under an order under section 48.355 or 938.355 of the statutes on
17 the day before the effective date of this paragraph, the agency assigned primary
18 responsibility for providing services to those children or juveniles shall file a
19 permanency plan with that court with respect to not less than 33% of those children
20 or juveniles by July 1, 2002, with respect to not less than 67% of those children or
21 juveniles by September 1, 2002, and with respect to all of those children or juveniles
22 by November 1, 2002, giving priority to those children or juveniles who have been
23 living in the home of a relative for the longest period of time.

24 (b) The agency shall request the court assigned to exercise jurisdiction under
25 chapters 48 and 938 of the statutes, as affected by this act, to make a finding under

SENATE BILL 461**SECTION 183**

1 section 48.363 or 938.363 of the statutes that reasonable efforts have been made to
2 prevent the removal of the child or juvenile from the home or that those efforts are
3 not required to be made because a circumstance specified in section 48.355 (2d) (b)
4 1. to 5. of the statutes, as affected by this act, or section 938.355 (2d) (b) 1. to 4. of the
5 statutes, as affected by this act, applies, not more than 60 days after the date on
6 which the permanency plan is filed.

7 (c) Notwithstanding section 48.38 (5) (a) of the statutes, as affected by this act,
8 section 48.38 (5m) of the statutes, as created by this act, section 938.38 (5) (a) of the
9 statutes, as affected by this act, and section 938.38 (5m) of the statutes, as created
10 by this act, a permanency plan filed under this subsection shall be reviewed within
11 6 months after the date on which the permanency plan is filed and a permanency
12 plan hearing shall be had to review a permanency plan filed under this subsection
13 within 12 months after the date on which the permanency plan is filed.

14 **SECTION 184. Initial applicability.**

15 (1) JUVENILE COURT ORDERS. The treatment of sections 48.21 (5) (b) 1. and 3., (c),
16 and (d), 48.355 (2) (b) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1., 2., 3., 4., and 5. and (bm),
17 and (4), 48.357 (6), 48.365 (2m) (ag) and (5), 48.977 (2) (f), 938.21 (5) (b) 1. and 3., (c),
18 and (d), 938.32 (1) (c) and (d), 938.355 (2) (b) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1.,
19 2., 3., 4., and 5. and (bm), (4) (a) and (b), (6) (a), and (6m) (cm), 938.357 (6), and
20 938.365 (2m) (ag) and (5) of the statutes, the renumbering and amendment of
21 sections 48.32 (1), 48.355 (2d) (c), 48.365 (2m) (a), 938.355 (2d) (c), and 938.365 (2m)
22 (a) of the statutes, and the creation of sections 48.32 (1) (b) and (c), 48.355 (2d) (c) 2.
23 and 3., 48.365 (2m) (a) 2. and 3. and (ad), 938.355 (2d) (c) 2. and 3., and 938.365 (2m)
24 (a) 2. and 3. and (ad) of the statutes first apply to a physical custody order, consent

SENATE BILL 461

1 decree, dispositional order, change in placement order, extension order, sanction
2 order, or guardianship order entered on the effective date of this subsection.

3 (2) JUVENILE COURT REPORTS. The treatment of sections 48.33 (4) (intro.) and (c),
4 48.365 (1) and (2g) (b) 2. and 3., 938.33 (4) (intro.) and (c), and 938.365 (1) and (2g)
5 (b) 2. and 3. of the statutes first applies to reports filed with the court assigned to
6 exercise jurisdiction under chapters 48 and 938 of the statutes on the effective of this
7 subsection.

8 (3) JUVENILE COURT HEARINGS. The treatment of sections 48.21 (1) (a) and (3)
9 (am), 48.27 (3) (a) 1m., 48.335 (3g), 48.42 (2g) (am), 48.427 (1m), 938.21 (1) (a), (2)
10 (am), and (3) (am), 938.27 (3) (a) 1m., and 938.335 (3g) of the statutes first applies
11 to hearings held by the court assigned to exercise jurisdiction under chapters 48 and
12 938 of the statutes on the effective of this subsection.

13 (4) PERMANENCY PLAN CONTENTS. The treatment of sections 48.38 (4) (intro.), (a),
14 (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) and 938.38 (4)
15 (intro.), (a), (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) of the
16 statutes first applies to permanency plans filed on the effective date of this
17 subsection.

18 (5) PERMANENCY PLAN REVIEWS AND HEARINGS. The treatment of sections 48.38
19 (5) (a), (b), and (c) 6. (intro.), am., cg., and d. and 7. and (5m) and 938.38 (5) (a), (b),
20 and (c) 6. (intro.), am., cg., and d. and 7. and (5m) of the statutes first applies to
21 permanency plan reviews and hearings for which notice is provided on the effective
22 date of this subsection.

23 (6) CHANGES IN PLACEMENT. The treatment of sections 48.357 (2) and (2r) and
24 938.357 (2), (2r), (3), (4) (b) 2., (c) 1. and 2., and (d), and (5) (a) of the statutes, the
25 renumbering and amendment of sections 48.357 (1), (2m), and (2v) and 938.357 (1),

SENATE BILL 461**SECTION 184**

1 (2m), and (2v) of the statutes, and the creation of sections 48.357 (1) (b) 3., and (c),
2 (2m) (c), and (2v) (a) (intro.), 1., and 3., (b), and (c) and 938.357 (1) (b) 3. and (c), (2m)
3 (c), and (2v) (a) (intro.), 1., and 3., (b), and (c) of the statutes first apply to changes
4 in placement requested or proposed on the effective date of this subsection.

5 (7) TIME LIMITS. The treatment of sections 48.315 (2m) and 938.315 (2m) and
6 (3) of the statutes first applies to continuances and extensions granted, and periods
7 of delay that begin, on the effective date of this subsection.

8 (8) JUVENILE COURT PETITIONS. The treatment of sections 48.255 (1) (f), (1m) (f),
9 and (2) and 938.255 (1) (f) and (2) of the statutes first applies to petitions filed with
10 the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes
11 on the effective date of this subsection.

12 (END)