

# State of Wisconsin



2015 Senate Bill 387

Date of enactment: April 25, 2016  
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## 2015 WISCONSIN ACT 373

AN ACT *to renumber and amend* 48.185 (1), 48.357 (1) (am) 1., 48.357 (2), 48.357 (2m) (b), 938.357 (2) and 938.357 (2m) (b); *to amend* 46.10 (1), 46.10 (14) (b), 46.10 (14) (e) 1., 46.10 (14) (g), 48.028 (2) (e), 48.028 (2) (f), 48.185 (2), 48.235 (1) (e), 48.299 (6) (e) 5., 48.315 (2m) (a), 48.32 (1) (b) 1. (intro.), 48.32 (1) (d) 1., 48.355 (2e) (b), 48.355 (4) (a), 48.355 (4) (b) 1., 48.355 (4) (b) 2., 48.355 (4) (b) 3., 48.355 (4) (b) 4., 48.355 (4) (c), 48.357 (title), 48.357 (1) (a), 48.357 (1) (am) 2. (intro.), 48.357 (1) (am) 2m., 48.357 (1) (am) 3., 48.357 (1) (c) 1., 48.357 (1) (c) 2., 48.357 (1) (c) 2m., 48.357 (1) (c) 3., 48.357 (2m) (a), 48.357 (2m) (bm), 48.357 (2m) (br), 48.357 (2m) (c), 48.357 (2r), 48.357 (2v) (a) 1., 48.357 (2v) (a) 1m., 48.357 (2v) (a) 2., 48.357 (2v) (a) 2m., 48.357 (2v) (d) 1., 48.357 (4d) (a), 48.357 (4d) (am), 48.357 (5m), 48.357 (6) (a) (intro.), 48.357 (6) (a) 1., 48.357 (6) (a) 2., 48.357 (6) (a) 3., 48.357 (6) (a) 4., 48.357 (6) (b), 48.358 (2) (a), 48.36 (1) (a), 48.365 (5) (a), 48.365 (5) (b) 1., 48.365 (5) (b) 2., 48.365 (5) (b) 3., 48.365 (5) (b) 4., 48.38 (4m) (title), 48.75 (1g) (d), 49.345 (1), 49.345 (2), 49.345 (14) (b), 49.345 (14) (e) 1., 49.345 (14) (g), 301.12 (1), 301.12 (2), 301.12 (14) (b), 301.12 (14) (e) 1., 301.12 (14) (g), 757.69 (1) (g) 6., 757.69 (1) (g) 8., 757.69 (1) (g) 9., 757.69 (1m) (d), 767.001 (1) (i), 767.001 (1) (m), 767.59 (1), 767.59 (2) (c), 767.77 (1), 767.78 (1), 780.01 (5), 893.415 (2), 938.028 (2) (c), 938.185 (2), 938.235 (1) (e), 938.299 (6) (e) 5., 938.30 (6) (b), 938.31 (7) (b), 938.315 (2m) (a), 938.32 (1) (c) 1. (intro.), 938.32 (1) (e) 1., 938.355 (2e) (b), 938.357 (title), 938.357 (1) (title), 938.357 (1) (a), 938.357 (1) (am) (title), 938.357 (1) (am) 1., 938.357 (1) (am) 2., 938.357 (1) (am) 2m., 938.357 (1) (am) 3., 938.357 (1) (c) (title), 938.357 (1) (c) 1., 938.357 (1) (c) 2., 938.357 (1) (c) 3., 938.357 (2m) (a), 938.357 (2m) (am) (title), 938.357 (2m) (br), 938.357 (2m) (c), 938.357 (2r), 938.357 (2v) (a) 1., 938.357 (2v) (a) 2., 938.357 (2v) (a) 2m., 938.357 (2v) (c) (title), 938.357 (4d) (am), 938.357 (5m) (a), 938.357 (6) (a) (intro.), 938.357 (6) (a) 2., 938.357 (6) (b), 938.358 (2) (a), 938.36 (1) (a), 938.363 (1) (c) and 938.38 (4m) (title); and *to create* 48.185 (4), 48.185 (5), 48.21 (5m), 48.213 (4m), 48.217, 48.255 (1) (cg), 48.32 (1) (am), 48.355 (4g), 48.357 (1) (title), 48.357 (1) (am) (title), 48.357 (1) (c) (title), 48.357 (2) (title), 48.357 (2) (b), 48.357 (2m) (title), 48.357 (2m) (am) (title), 48.357 (2m) (b) (title), 48.357 (2v) (title), 48.357 (2v) (a) (title), 48.357 (2v) (b) (title), 48.357 (2v) (c) (title), 48.357 (2v) (d) (title), 48.357 (4d) (title), 48.357 (4d) (b) (title), 48.357 (5r) (title), 48.357 (6) (title), 48.42 (1) (bm), 48.437, 757.69 (1) (g) 15., 938.21 (5m), 938.217, 938.255 (1) (cg), 938.32 (1) (bm), 938.355 (4g), 938.357 (2) (b), 938.357 (2v) (d) (title), 938.357 (4d) (a) (title) and 938.357 (4d) (b) (title) of the statutes; **relating to:** procedures for changing the placement of a child who is subject to a temporary physical custody order or termination of parental rights order of the juvenile court, procedures for amending a consent decree of the juvenile court, emergency change-in-placement procedures for a child who is placed in his or her own home under a dispositional order of the juvenile court, venue in post-dispositional proceedings under the Children's Code and Juvenile Justice Code, procedures for requesting and objecting to a proposed change in placement of a child and for changing the placement of

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

a child when no objection is filed, case closure orders with respect to a child whose dispositional order is terminated, and the effective period of a temporary physical custody order of the juvenile court.

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

**SECTION 1.** 46.10 (1) of the statutes is amended to read:

46.10 (1) Liability and the collection and enforcement of such liability for the care, maintenance, services, and supplies specified in this section is governed exclusively by this section, except in cases of child support ordered by a court under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), or 48.363 (2) or ch. 767.

**SECTION 2.** 46.10 (14) (b) of the statutes is amended to read:

46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 48.32, 48.355, or 48.357 in a residential, non-medical facility such as a group home, foster home, subsidized guardianship home, or residential care center for children and youth shall be determined by the court by using the percentage standard established by the department of children and families under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under par. (g).

**SECTION 3.** 46.10 (14) (e) 1. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

46.10 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), or 48.363 (2) for support determined under this subsection constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, income continuation insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits under ch. 102 or 108, and other money due or to be due in the future to the county department under s. 46.22 or 46.23 in the county where the order was entered or to the department, depending upon the placement of the child as specified by rules promulgated under subd. 5. The assignment shall be for an amount sufficient to ensure payment under the order.

**SECTION 4.** 46.10 (14) (g) of the statutes is amended to read:

46.10 (14) (g) For purposes of determining child support under par. (b), the department shall promulgate rules related to the application of the standard established by the department of children and families under s. 49.22 (9) to a child support obligation for the care and maintenance of a child who is placed by a court order under s. 48.32, 48.355, or 48.357 in a residential, nonmedical facility. The rules shall take into account the needs of any person, including dependent children other than the child, whom either parent is legally obligated to support.

**SECTION 5.** 48.028 (2) (e) of the statutes is amended to read:

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

**SECTION 6.** 48.028 (2) (f) of the statutes is amended to read:

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

**SECTION 7.** 48.185 (1) of the statutes is renumbered 48.185 (1) (intro.) and amended to read:

48.185 (1) (intro.) PROCEEDINGS GENERALLY. Subject to sub. subs. (2) to (5), venue for any proceeding under ss. s. 48.13, 48.133, 48.135 and, or 48.14 (1) to (9) may be in any of the following: ~~the~~

(a) The county where the child or the expectant mother of the unborn child resides ~~or the~~

(b) The county where the child or expectant mother is present. ~~Venue for proceedings brought under subch. VIII is as provided in this subsection except where the child has been placed and is living outside the home of the child's parent pursuant to a dispositional order, in which case venue is as provided in sub. (2).~~

(6) RESTRAINING ORDER AND INJUNCTION PROCEEDINGS. Venue for a proceeding under s. 48.14 (10) is as provided in s. 801.50 (5s).

**SECTION 8.** 48.185 (2) of the statutes is amended to read:

48.185 (2) GUARDIANSHIP AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS. In an action under s. 48.41, venue shall be in the county where the birth parent or child resides at the time that the petition is filed. ~~Venue~~ Subject to sub. (5), venue for any proceeding under s. 48.363, ~~48.365 or~~ 48.977, or any proceeding under subch. VIII when the child has been placed outside the home pursuant to a dispositional order under s. 48.345 or

48.347, shall be in the county where the dispositional order was issued, unless the child's county of residence has changed, or the parent of the child ~~or the expectant mother of the unborn child~~ has resided in a different county of this state for 6 months. In either case, the court may, upon a motion and for good cause shown, transfer the case, along with all appropriate records, to the county of residence of the child, ~~or parent or expectant mother.~~

**SECTION 9.** 48.185 (4) of the statutes is created to read:

**48.185 (4) CHILD OR UNBORN CHILD SUBJECT TO A DISPOSITIONAL ORDER.** Venue for any proceeding under s. 48.357, 48.363, or 48.365 shall be in the county where the dispositional order was issued, unless prior to the proceeding the court of that county determined that the proper venue for the proceeding lies in another county and transferred the case, along with all appropriate records, to that other county.

**SECTION 10.** 48.185 (5) of the statutes is created to read:

**48.185 (5) CHANGES IN PLACEMENT; SUCCESSOR GUARDIANS; POSTTERMINATION OF PARENTAL RIGHTS.** Venue for a proceeding under s. 48.437 shall be in the county where the termination of parental rights order was issued.

**SECTION 11.** 48.21 (5m) of the statutes is created to read:

**48.21 (5m) EFFECTIVE PERIOD OF ORDER.** An order to hold a child in custody remains in effect until a dispositional order is granted or a consent decree is entered into, the petition under s. 48.25 is withdrawn or dismissed, or the order is modified or terminated by further order of the court.

**SECTION 12.** 48.213 (4m) of the statutes is created to read:

**48.213 (4m) EFFECTIVE PERIOD OF ORDER.** An order to hold an adult expectant mother in custody remains in effect until a dispositional order is granted or a consent decree is entered into, the petition under s. 48.25 is withdrawn or dismissed, or the order is modified or terminated by further order of the court.

**SECTION 13.** 48.217 of the statutes is created to read:

**48.217 Change in placement; child or expectant mother held in custody. (1) REQUEST BY INTAKE WORKER, AGENCY RESPONSIBLE FOR CUSTODY ORDER, OR PROSECUTOR. (a) Applicable procedures.** 1. Except as provided in subd. 2., the intake worker, the agency primarily responsible for providing services under a temporary physical custody order under s. 48.21 (4) or 48.213 (3), the district attorney, or the corporation counsel may request a change in the placement of the child or expectant mother who is the subject of the order as provided in this subsection, whether or not the change requested is authorized in the order.

2. A change in the placement of a child from a placement in the home to a placement outside the home may

only be made as provided in s. 48.21 (6). A change in the placement of an adult expectant mother from a placement in the home to a placement outside the home may only be made as provided in s. 48.213 (5).

(b) *Notice; information required.* 1. a. The intake worker, the agency primarily responsible for providing services under a temporary physical custody order, the district attorney, or the corporation counsel may request a change in placement under this subsection by causing written notice of the proposed change in placement to be sent to the child, the child's counsel or guardian ad litem, the parent, guardian, and legal custodian or Indian custodian of the child, any foster parent or other physical custodian described in s. 48.62 (2) of the child, and the child's court-appointed special advocate.

b. If the child is the expectant mother of an unborn child under s. 48.133, written notice of the proposed change in placement shall also be sent to the unborn child's guardian ad litem. If the change in placement involves an adult expectant mother of an unborn child under s. 48.133, written notice of the proposed change in placement shall be sent to the adult expectant mother, the physical custodian of the adult expectant mother, and the unborn child's guardian ad litem.

2. The notice shall contain the name and address of the new placement, the reasons for the change in placement, and a statement describing why the new placement is preferable to the present placement. The person sending the notice shall file the notice with the court on the same day that the notice is sent.

(c) *Hearing; when required.* Any person receiving the notice under par. (b), other than a court-appointed special advocate, may obtain a hearing on the matter by filing an objection with the court within 10 days after the notice is sent to that person and filed with the court. Except as provided in par. (d), if an objection is filed within 10 days after that notice is sent and filed with the court, the court shall hold a hearing prior to ordering any change in placement. At least 3 days before the hearing, the court shall provide notice of the hearing to all persons who are required to receive notice under par. (b). If all parties consent, the court may proceed immediately with the hearing. Except as provided in par. (d), if no objection is filed within 10 days after that notice is sent and filed with the court, the court shall enter an order changing the child's placement as proposed in that notice. Except as provided in par. (d), placements may not be changed until 10 days after that notice is sent and filed with the court unless written waivers of objection are signed as follows:

1. By the parent, guardian, legal custodian, or Indian custodian of the child and by the child, if 12 years of age or over.

2. By the child expectant mother, if 12 years of age or over, her parent, guardian, legal custodian, or Indian custodian, and the unborn child's guardian ad litem.

3. By the adult expectant mother and the unborn child's guardian ad litem.

(d) *When hearing not required.* Changes in placement that were authorized in the temporary physical custody order may be made immediately if notice is given as required under par. (b). A hearing is not required for changes in placement authorized in the temporary physical custody order except when an objection filed by a person who received notice alleges that new information is available that affects the advisability of the order.

(e) *Contents of order.* If the court changes a child's placement from a placement outside the home to another placement outside the home, the change-in-placement order shall contain the applicable order under sub. (2v) (a), the applicable statement under sub. (2v) (b), and the finding under sub. (2v) (c).

(2) EMERGENCY CHANGE IN PLACEMENT. If emergency conditions necessitate an immediate change in the placement of a child or expectant mother placed outside the home under a temporary physical custody order under s. 48.21 (4) or 48.213 (3), the intake worker or agency primarily responsible for providing services under the order may remove the child or expectant mother to a new placement, whether or not authorized by the existing order, without the prior notice under sub. (1) (b). Notice of the emergency change in placement shall be sent to the persons specified in sub. (1) (b) 1. within 48 hours after the emergency change in placement. Any party receiving notice may demand a hearing under sub. (1) (c). In emergency situations, a child may be placed in a licensed public or private shelter care facility as a transitional placement for not more than 20 days or in any other placement authorized under s. 48.207, 48.208, or 48.209.

(2m) REQUEST BY OTHERS. (a) *Request; information required.* 1. Except as provided in subd. 2., the child, the child's counsel or guardian ad litem, the parent, guardian, legal custodian, or Indian custodian of the child, the expectant mother, or the unborn child's guardian ad litem may request a change in the placement of the child or expectant mother who is the subject of the order as provided in this subsection. The request shall contain the name and address of the new placement requested and shall state what new information is available that affects the advisability of the current placement. The request shall be submitted to the court. The court may also propose a change in placement on its own motion.

2. A change in the placement of a child from a placement in the home to a placement outside the home may only be made as provided in s. 48.21 (6). A change in the placement of an adult expectant mother from a placement in the home to a placement outside the home may only be made as provided in s. 48.213 (5).

(b) *Hearing; when required.* 1. The court shall hold a hearing prior to ordering any change in placement requested or proposed under par. (a) if the request or proposal states that new information is available that affects

the advisability of the current placement. A hearing is not required if written waivers of objection to the proposed change in placement are signed by all persons entitled to receive notice under subd. 2., other than a court-appointed special advocate, and the court approves.

2. If a hearing is scheduled, at least 3 days before the hearing the court shall notify the child, the child's counsel or guardian ad litem, the parent, guardian, and legal custodian or Indian custodian of the child, the agency primarily responsible for providing services under the temporary physical custody order, the district attorney or corporation counsel, any foster parent or other physical custodian described in s. 48.62 (2) of the child, and the child's court-appointed special advocate. If the child is the expectant mother of an unborn child under s. 48.133, the court shall also notify the unborn child's guardian ad litem. If the change in placement involves an adult expectant mother of an unborn child under s. 48.133, at least 3 days before the hearing the court shall notify the adult expectant mother, the unborn child's guardian ad litem, the agency primarily responsible for providing services under the temporary physical custody order, and the district attorney or corporation counsel. A copy of the request or proposal for the change in placement shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing.

(c) *Contents of order.* If the court changes the child's placement from a placement outside the home to another placement outside the home, the change-in-placement order shall contain the applicable order under sub. (2v) (a), the applicable statement under sub. (2v) (b), and the finding under sub. (2v) (c).

(2r) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN. If a hearing is held under sub. (1) (c) or (2m) (b) and the change in placement would remove a child from a foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the child and the requested change in placement. A foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (c) or (2m) (b) and a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

(2v) CHANGE-IN-PLACEMENT ORDER. A change-in-placement order under sub. (1) or (2m) shall contain all of the following:

(a) If the change-in-placement order changes the placement of a child who is under the supervision of the county department or, in a county having a population of 750,000 or more, the department to a placement outside the home, an order ordering the child to be continued in

the placement and care responsibility of the county department or department as required under 42 USC 672 (a) (2) and assigning the county department or department continued primary responsibility for providing services to the child.

(b) If the change-in-placement order changes the placement of the child to a placement outside the home recommended by the agency primarily responsible for providing services under the temporary physical custody order, a statement that the court approves the placement recommended by that agency or, if the change-in-placement order changes the placement of the child to a placement outside the home that is not a placement recommended by that agency, a statement that the court has given bona fide consideration to the recommendations made by that agency and all parties relating to the child's placement.

(c) If the change-in-placement order changes the placement of the child to a placement outside the home and if the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been placed outside the home or for whom a change in placement to a placement outside the home is requested, a finding as to whether the intake worker, the county department, the department in a county having a population of 750,000 or more, or the agency primarily responsible for providing services under the temporary physical custody order has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the court shall order the intake worker, county department, department, or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

(3) PROHIBITED PLACEMENTS BASED ON HOMICIDE OF PARENT. (a) *Prohibition.* Except as provided in par. (c), the court may not change a child's placement to a placement in the home of a person who has been convicted of the homicide of a parent of the child under s. 940.01 or 940.05, if the conviction has not been reversed, set aside, or vacated.

(b) *Change in placement required.* Except as provided in par. (c), if a parent in whose home a child is placed is convicted of the homicide of the child's other parent under s. 940.01 or 940.05, and the conviction has not been reversed, set aside, or vacated, the court shall change the child's placement to a placement outside the home of the parent on petition of the child, the child's counsel or guardian ad litem, the guardian or legal custodian of the child, the agency primarily responsible for providing services under the temporary physical custody order, or the district attorney or corporation counsel of

the county in which that order was entered, or on the court's own motion, and on notice to the parent.

(c) *Exception.* Paragraphs (a) and (b) do not apply if the court determines by clear and convincing evidence that the placement would be in the best interests of the child. The court shall consider the wishes of the child in making that determination.

(4) EXPECTANT MOTHER; PLACEMENT OUTSIDE THE HOME. The court may not change the placement of an expectant mother of an unborn child alleged to be in need of protection or services from a placement in the expectant mother's home to a placement outside of the expectant mother's home unless the court finds that the expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her.

(6) EFFECTIVE PERIOD OF ORDER. A change-in-placement order under this section remains in effect until a dispositional order is granted or a consent decree is entered into, the petition under s. 48.25 is withdrawn or dismissed, or the order is modified or terminated by further order of the court.

SECTION 14. 48.235 (1) (e) of the statutes is amended to read:

48.235 (1) (e) The court shall appoint a guardian ad litem, or extend the appointment of a guardian ad litem previously appointed under par. (a), for any child alleged or found to be in need of protection or services, if the court has ordered, or if a request or recommendation has been made that the court order, the child to be placed out of his or her home under s. 48.32, 48.345<sub>2</sub> or 48.357. This paragraph does not apply to a child who is subject to a dispositional order that terminates as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4.

SECTION 15. 48.255 (1) (cg) of the statutes is created to read:

48.255 (1) (cg) The information required under s. 822.29 (1).

SECTION 16. 48.299 (6) (e) 5. of the statutes is amended to read:

48.299 (6) (e) 5. A determination by the court under subd. 4. is not a determination of paternity under s. 48.355 (4g) (a), a judgment of paternity under ch. 767<sub>2</sub> or an adjudication of paternity under subch. VIII.

SECTION 17. 48.315 (2m) (a) of the statutes is amended to read:

48.315 (2m) (a) The court making an initial finding under s. 48.21 (5) (b) 1. or 1m., 48.32 (1) (b) 1., 48.355 (2) (b) 6., or 48.357 (2v) (a) 1. that reasonable efforts have been made to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, or an initial finding under s. 48.21 (5) (b) 3., 48.32 (1) (b) 2., 48.355 (2) (b) 6r., or 48.357 (2v) (a) 3. that those efforts were not required to

be made because a circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, more than 60 days after the date on which the child was removed from the home.

**SECTION 18.** 48.32 (1) (am) of the statutes is created to read:

48.32 (1) (am) Using the procedures specified in par. (a) for the entry of an original consent decree, the parties to a consent decree may agree to, and the judge or circuit court commissioner may enter, an amended consent decree. An amended consent decree may change the placement of the child or expectant mother who is the subject of the original consent decree or revise any other term or condition of the original consent decree. An amended consent decree that changes the placement of a child from a placement in the child's home to a placement outside the child's home shall include the findings, orders, and determinations specified in par. (b), as applicable. An amended consent decree that changes the placement of an Indian child from a placement in the Indian child's home to a placement outside the Indian child's home shall include the findings specified in par. (d). An amended consent decree may not extend the expiration date of the original consent decree.

**SECTION 19.** 48.32 (1) (b) 1. (intro.) of the statutes is amended to read:

48.32 (1) (b) 1. (intro.) If at the time the consent decree is entered into the child is placed outside the home under a voluntary agreement under s. 48.63 or is otherwise living outside the home without a court order and if the consent decree maintains the child in that placement or other living arrangement, or if an amended consent decree changes the placement of the child from a placement in the child's home to a placement outside the child's home, the consent decree shall include all of the following:

**SECTION 20.** 48.32 (1) (d) 1. of the statutes is amended to read:

48.32 (1) (d) 1. In the case of an Indian child, if at the time the consent decree is entered into the Indian child is placed outside the home of his or her parent or Indian custodian under a voluntary agreement under s. 48.63 or is otherwise living outside that home without a court order and if the consent decree maintains the Indian child in that placement or other living arrangement, or if an amended consent decree changes the placement of the Indian child from a placement in the Indian child's home to a placement outside the Indian child's home, the consent decree shall include a finding supported by clear and convincing evidence, including the testimony of one or more qualified expert witnesses, that continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child under s. 48.028 (4) (d) 1. and a finding that active efforts under s. 48.028 (4) (d) 2. have been made to prevent the breakup of the Indian child's family and that those efforts have proved unsuccessful. The findings

under this subdivision shall be in addition to the findings under par. (b) 1., except that for the sole purpose of determining whether the cost of providing care for an Indian child is eligible for reimbursement under [42 USC 670 to 679b](#), the findings under this subdivision and the findings under par. (b) 1. shall be considered to be the same findings.

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

48.355 (2e) (b) Each time a child's placement is changed under s. ~~48.32~~ or 48.357, a trial reunification is ordered under s. 48.358, a consent decree is revised under s. 48.32, or a dispositional order is revised under s. 48.363 or extended under s. 48.365, the agency that prepared the permanency plan shall revise the plan to conform to the order and shall file a copy of the revised plan with the court. Each plan filed under this paragraph shall be made a part of the court order.

**SECTION 22.** 48.355 (4) (a) of the statutes is amended to read:

48.355 (4) (a) Except as provided under s. 48.368, an order under this section or s. 48.357 or 48.365 made before the child ~~reaches~~ attains 18 years of age that places or continues the placement of the child in his or her home shall terminate one year after the date on which the order is ~~entered~~ granted unless the judge specifies a shorter period of time or the judge terminates the order sooner.

**SECTION 23.** 48.355 (4) (b) 1. of the statutes is amended to read:

48.355 (4) (b) 1. The date on which the child ~~reaches~~ attains 18 years of age.

**SECTION 24.** 48.355 (4) (b) 2. of the statutes is amended to read:

48.355 (4) (b) 2. The date that is one year after the date on which the order is ~~entered~~ granted.

**SECTION 25.** 48.355 (4) (b) 3. of the statutes is amended to read:

48.355 (4) (b) 3. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child ~~reaches~~ attains 19 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before ~~reaching~~ attaining 19 years of age.

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

48.355 (4) (b) 4. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child ~~reaches~~ attains 21 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the child. The court may not ~~enter~~ grant an order that terminates as provided in this subdivision unless the child is 17 years of



age or older when the order is ~~entered~~ granted and the child, or the child's guardian on behalf of the child, agrees to the order. At any time after the child ~~reaches~~ attains 18 years of age, the child, or the child's guardian on behalf of the child, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

**SECTION 27.** 48.355 (4) (c) of the statutes is amended to read:

48.355 (4) (c) An order under this section or s. 48.357 or 48.365 relating to an unborn child in need of protection or services that is made before the unborn child is born shall terminate one year after the date on which the order is ~~entered~~ granted unless the judge specifies a shorter period of time or the judge terminates the order sooner.

**SECTION 28.** 48.355 (4g) of the statutes is created to read:

48.355 (4g) **TERMINATION OF ORDERS; CASE CLOSURE ORDERS.** (a) On request of a person authorized to file a petition under par. (b) or on its own motion and on a finding that granting the request or motion would be in the best interests of the child, the court may terminate an order under this section or s. 48.357 or 48.365 before the child attains 18 years of age and grant an order determining paternity of the child, legal custody of the child, periods of physical placement with the child, visitation rights with respect to the child, or the obligation of the child's parents to provide support for the child and the responsibility of the child's parents to provide coverage of the child's health care expenses if any of the following apply:

1. The child's parents are parties to a pending action for divorce, annulment, or legal separation, a man determined under s. 48.299 (6) (e) 4. to be the biological father of the child for purposes of a proceeding under this chapter is a party to a pending action to determine paternity of the child under ch. 767, or the child is the subject of a pending independent action under s. 767.41 or 767.43 to determine legal custody of the child or visitation rights with respect to the child.

2. The child is the subject of an order that has been granted in an action affecting the family determining legal custody of the child, periods of physical placement with the child, visitation rights with respect to the child, or the obligation of the child's parents to provide support for the child and the responsibility of the child's parents to provide coverage of the child's health care expenses.

(b) The child or his or her counsel or guardian ad litem, the child's parent, guardian, legal custodian, or Indian custodian, the person or agency responsible for implementing the dispositional order, or the district attorney or corporation counsel may file a petition with the court requesting an order under par. (a) or the court, on its own motion, may propose such an order.

(c) The court shall hold a hearing before granting an order requested or proposed under par. (b). At least 5 days before the hearing, the court shall cause notice of the

hearing, together with a copy of the request or proposal, to be provided to the child, the child's counsel or guardian ad litem, the child's parent, guardian, and legal custodian, the person or agency primarily responsible for implementing the dispositional order, the district attorney or corporation counsel, the child's court-appointed special advocate, and, if the child is an Indian child, the child's Indian custodian and tribe.

(d) In considering whether to grant a request or proposal for an order under par. (a), the court shall proceed as follows:

1. If the request or proposal is for an order determining paternity of the child, the court shall determine paternity in the same manner as paternity is determined under subch. IX of ch. 767.

2. If the request or proposal is for an order determining legal custody of the child and periods of physical placement with the child, the court shall determine legal custody and periods of physical placement in the same manner as legal custody and periods of physical placement are determined under ss. 767.41 and 767.481 and, if the child is the subject of a preexisting order that has been entered in an action affecting the family determining legal custody of the child or periods of physical placement with the child, in the same manner as legal custody and periods of physical placement are determined under ss. 767.451 and 767.461, except that the court is not required to refer the parties for mediation under s. 767.405 (5) or refer the matter for a legal custody and physical placement study under s. 767.405 (14), the parties are not required to file a parenting plan under s. 767.41 (1m), and the court may not transfer legal custody of the child to a relative or an agency under s. 767.41 (3).

3. If the request or proposal is for an order determining visitation rights with respect to the child, the court shall determine those rights in the same manner as visitation rights are determined under ss. 767.43 and 767.44.

4. If the request or proposal is for an order determining the obligation of the child's parents to provide support for the child and the responsibility of the child's parents to provide coverage of the child's health care expenses, the court shall determine that obligation and responsibility in the same manner as that obligation and responsibility are determined under ss. 767.511, 767.513, 767.54, 767.55, 767.57, and 767.58.

(e) An order under par. (a) may modify a preexisting order of a court exercising jurisdiction in an action affecting the family and shall remain in effect until modified or terminated by a court exercising that jurisdiction.

(f) If at the time an order under par. (a) is granted an action described in par. (a) 1. is pending or if at that time the child is the subject of a preexisting order described in par. (a) 2., the court that granted the order under par. (a) shall file a copy of the order with the court that is exercising jurisdiction in that pending action or that entered that preexisting order. On receipt of the copy of that order, the

court that is exercising jurisdiction over the pending action or that granted the preexisting order shall provide a copy of that order to all parties to that pending action or to all parties that are bound by that preexisting order. The order shall become a part of the record of that pending action or the action in which the preexisting order was granted.

(g) 1. A person who is granted legal custody and periods of physical placement with a child under an order under par. (a) may seek enforcement of the order by filing a motion under s. 767.471 (3) with the court in which the order was filed under par. (f), and that court shall enforce the order in the same manner as legal custody and physical placement orders are enforced under s. 767.471.

2. A party to a proceeding under this subsection in which legal custody and periods of physical placement with a child are determined under an order under par. (a) may seek a modification of the order by filing a petition, motion, order to show cause, or stipulation with the court in which the order was filed under par. (f), and that court may modify the order in the same manner as legal custody and physical placement orders are modified under ss. 767.451, 767.461, and 767.481.

(h) 1. A person who is granted visitation rights with respect to a child under an order under par. (a) may seek enforcement of the order by filing a motion for contempt of court under s. 767.43 (5) with the court in which the order was filed under par. (f), and that court shall enforce the order in the same manner as visitation orders are enforced under s. 767.43 (5).

2. A party to a proceeding under this subsection in which visitation rights with respect to a child are determined under an order under par. (a) may seek a modification of the order by filing a petition, motion, or order to show cause with the court in which the order was filed under par. (f), and that court may modify the order in the same manner as visitation orders are modified under s. 767.43 (1), (3), or (6), whichever is applicable.

(i) 1. A party to a proceeding under this subsection in which the obligation to provide support for a child and the responsibility to provide health care coverage for a child are determined under an order under par. (a) who is authorized to commence an action to compel child support under s. 767.501 may seek enforcement of the order by filing an action to compel support under s. 767.501 with the court in which the order was filed under par. (f), and that court shall enforce the order in the same manner as child support and health care coverage orders are enforced under ss. 767.511, 767.513, 767.54, 767.55, 767.57, 767.58, and 767.70 to 767.78.

2. A party to a proceeding under this subsection in which the obligation to provide support for a child and the responsibility to provide health care coverage for a child are determined under an order under par. (a) may seek a modification of the order by filing a petition, motion, or order to show cause with the court in which the order was

filed under par. (f), and that court may modify the order in the same manner as child support and health coverage orders are modified under ss. 767.553 and 767.59.

**SECTION 29.** 48.357 (title) of the statutes is amended to read:

**48.357** (title) **Change in placement; child or expectant mother subject to dispositional order.**

**SECTION 30.** 48.357 (1) (title) of the statutes is created to read:

48.357 (1) (title) REQUEST BY PERSON OR AGENCY RESPONSIBLE FOR ORDER OR PROSECUTOR.

**SECTION 31.** 48.357 (1) (a) of the statutes is amended to read:

48.357 (1) (a) *Applicable procedures.* The person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel may request a change in the placement of the child or expectant mother who is the subject of the dispositional order, whether or not the change requested is authorized in the dispositional order, as provided in par. (am) or (c), whichever is applicable.

**SECTION 32.** 48.357 (1) (am) (title) of the statutes is created to read:

48.357 (1) (am) (title) *Changes in placement generally.*

**SECTION 33.** 48.357 (1) (am) 1. of the statutes is renumbered 48.357 (1) (am) 1. a. and amended to read:

48.357 (1) (am) 1. a. ~~If the proposed change in placement involves any change in placement other than a change in placement specified~~ Except as provided in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel ~~shall cause~~ may request a change in placement under this subsection by causing written notice of the proposed change in placement to be sent to the child, the child's counsel or guardian ad litem, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian described in s. 48.62 (2) of the child, the child's court-appointed special advocate, and, if the child is an Indian child who has been removed from the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe.

b. If the child is the expectant mother of an unborn child under s. 48.133, written notice of the proposed change in placement shall also be sent to the unborn child's guardian ad litem. If the change in placement involves an adult expectant mother of an unborn child under s. 48.133, written notice of the proposed change in placement shall be sent to the adult expectant mother, the physical custodian of the adult expectant mother, and the unborn child's guardian ad litem.

c. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies the objectives of the



treatment plan or permanency plan ordered by the court. The person sending the notice shall file the notice with the court on the same day that the notice is sent.

**SECTION 34.** 48.357 (1) (am) 2. (intro.) of the statutes is amended to read:

48.357 (1) (am) 2. (intro.) Except as provided in subd. 2r., any person receiving the notice under subd. 1. or notice of a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed special advocate, may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice is sent to that person and filed with the court. Except as provided in subds. 2m. and 2r., if an objection is filed within 10 days after that notice is sent and filed with the court, the court shall hold a hearing prior to ordering any change in placement. At least 3 days before the hearing, the court shall provide notice of the hearing to all persons who are required to receive notice under subd. 1. or s. 48.355 (2) (b) 2. If all parties consent, the court may proceed immediately with the hearing. Except as provided in subds. 2m. and 2r., if no objection is filed within 10 days after that notice is sent and filed with the court, the court shall enter an order changing the child's placement as proposed in that notice. Except as provided in subds. 2m. and 2r., placements may not be changed until 10 days after that notice is sent to and filed with the court unless written waivers of objection are signed as follows:

**SECTION 35.** 48.357 (1) (am) 2m. of the statutes is amended to read:

48.357 (1) (am) 2m. Changes in placement that were authorized in the dispositional order may be made immediately if notice is given as required under subd. 1. ~~In addition, a~~ A hearing is not required for changes in placement changes authorized in the dispositional order except when an objection filed by a person who received notice alleges that new information is available that affects the advisability of the court's dispositional order.

**SECTION 36.** 48.357 (1) (am) 3. of the statutes is amended to read:

48.357 (1) (am) 3. If the court changes the child's placement from a placement outside the home to another placement outside the home, the ~~change in placement~~ change-in-placement order shall contain the applicable order under sub. (2v) (a) 1m. ~~and, the applicable state-~~ ment under sub. (2v) (a) 2., and the finding under sub. (2v) (a) 2m. If the court changes the placement of an Indian child who has been removed from the home of his or her parent or Indian custodian from a placement outside that home to another placement outside that home, the ~~change in placement~~ change-in-placement order shall, in addition, comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e), for departing from that order.

**SECTION 37.** 48.357 (1) (c) (title) of the statutes is created to read:

48.357 (1) (c) (title) *In-home to out-of-home placement.*

**SECTION 38.** 48.357 (1) (c) 1. of the statutes is amended to read:

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

**SECTION 39.** 48.357 (1) (c) 2. of the statutes is amended to read:

48.357 (1) (c) 2. The court shall hold a hearing prior to ordering any change in placement requested under subd. 1. ~~Not less than~~ At least 3 days prior to ~~before~~ the hearing, the court shall provide notice of the hearing, together with a copy of the request for the change in placement, to the child, the child's counsel or guardian ad litem, the parent, guardian, and legal custodian of the child, the person or agency primarily responsible for implementing the dispositional order, the district attorney or corporation counsel, any foster parent or other physical custodian described in s. 48.62 (2), the child's court-appointed special advocate, ~~all parties that are bound by the dispositional order,~~ and, if the child is an Indian child, the Indian child's Indian custodian and tribe. Subject to subd. 2r., if all parties consent, the court may proceed immediately with the hearing.

**SECTION 40.** 48.357 (1) (c) 2m. of the statutes is amended to read:

48.357 (1) (c) 2m. If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the parent, if present at the hearing, shall be requested to provide the names and other identifying information of 3 relatives of the child or other individuals 18 years of age or over whose homes the parent requests the court to consider as place-

ments for the child, unless that information has previously been provided under this subdivision, sub. (2m) (bm), or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that information at the hearing, the county department, the department in a county having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for implementing the dispositional order shall permit the parent to provide the information at a later date.

**SECTION 41.** 48.357 (1) (c) 3. of the statutes is amended to read:

48.357 (1) (c) 3. If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the ~~change in placement~~ change-in-placement order shall contain the findings under sub. (2v) (a) 1., the applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a) 2., ~~the finding under sub. (2v) (a) 2m.~~, and, if in addition the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination under sub. (2v) (a) 3. If the court changes the placement of an Indian child from a placement in the home of his or her parent or Indian custodian to a placement outside that home, the ~~change in placement~~ change-in-placement order shall, in addition, contain the findings under sub. (2v) (a) 4. and comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e), for departing from the order.

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

48.357 (2) (title) EMERGENCY CHANGE IN PLACEMENT.

**SECTION 43.** 48.357 (2) of the statutes is renumbered 48.357 (2) (a) and amended to read:

48.357 (2) (a) Emergency changes in placement generally. ~~If Except as provided in par. (b), if~~ emergency conditions necessitate an immediate change in the placement of a child or expectant mother ~~placed outside the home,~~ the person or agency primarily responsible for implementing the dispositional order may remove the child or expectant mother to a new placement, whether or not authorized by the existing dispositional order, without the prior notice ~~provided in~~ under sub. (1) (am) 1. or the consent required under sub. (1) (am) 2r. ~~The notice shall, however, Notice of the emergency change in placement shall be sent to the persons specified in sub. (1) (am) 1.~~ Notice of the emergency change in placement shall be sent to the persons specified in sub. (1) (am) 1. within 48 hours after the emergency change in placement. Any party receiving notice may demand a hearing under sub. (1) (am) 2.

(c) Placements permitted in emergency. In emergency situations, a child may be placed in a licensed public or private shelter care facility as a transitional placement for not more than 20 days, ~~as well as~~ or in any placement authorized under s. 48.345 (3).

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

48.357 (2) (b) Emergency in-home to out-of-home placements. 1. If emergency conditions necessitate an immediate change in placement of a child or expectant mother placed in the home to a placement outside the home, the person or agency primarily responsible for implementing the dispositional order may remove the child or expectant mother to a new placement, whether or not authorized by the existing dispositional order, without first requesting a change in placement under sub. (1) (c) 1.

2. Except as provided in subd. 3., a hearing on an emergency change in placement under subd. 1. shall be held within 48 hours after the emergency change in placement is made, excluding Saturdays, Sundays, and legal holidays. When a child or expectant mother is removed to a new placement under subd. 1., the person or agency that removed the child or expectant mother shall immediately notify the court by the most practical means. As soon as possible after receiving that notice, the court shall schedule the hearing and the person or agency that removed the child or expectant mother, by the most practical means, shall provide notice of the hearing to the child, the child's counsel or guardian ad litem, the parent, guardian, and legal custodian of the child, the person or agency primarily responsible for implementing the dispositional order, the district attorney or corporation counsel, any foster parent or other physical custodian described in s. 48.62 (2), the child's court-appointed special advocate, and, if the child is an Indian child, the Indian child's Indian custodian and tribe.

3. By the time of the hearing under subd. 2., a request for a change in placement under sub. (1) (c) 1. shall be filed with the court. The court shall hold a hearing on the request as provided in sub. (1) (c) 2., except that, subject to sub. (1) (c) 2r., if all parties consent, the court may proceed immediately with the hearing under sub. (1) (c) 2. in lieu of the hearing under subd. 2.

4. If the court orders an emergency change in placement under subd. 2., the change-in-placement order shall contain the findings under sub. (2v) (a) 1., the applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a) 2., the finding under sub. (2v) (a) 2m., and, if in addition the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination under sub. (2v) (a) 3.

**SECTION 45.** 48.357 (2m) (title) of the statutes is created to read:

48.357 (2m) (title) REQUEST BY OTHERS.

**SECTION 46.** 48.357 (2m) (a) of the statutes is amended to read:

48.357 (2m) (a) Request: information required. Except as provided in par. (bv), the child, the child's

counsel or guardian ad litem, the parent, guardian, legal custodian, or Indian custodian of the child, the expectant mother, or the unborn child's guardian ad litem, or any person or agency primarily bound by the dispositional order, other than the person or agency responsible for implementing the order, may request a change in the placement under this paragraph of the child or expectant mother as provided in this subsection. The request shall contain the name and address of the new placement requested and shall state what new information is available that affects the advisability of the current placement. If the proposed change in placement would change the placement of a child placed in the child's home to a placement outside the child's home, the request shall also contain specific information showing that continued placement of the child in the home would be contrary to the welfare of the child and, unless any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns. The request shall be submitted to the court. The court may also propose a change in placement on its own motion.

**SECTION 47.** 48.357 (2m) (am) (title) of the statutes is created to read:

48.357 (2m) (am) (title) *Indian child; additional information required.*

**SECTION 48.** 48.357 (2m) (b) (title) of the statutes is created to read:

48.357 (2m) (b) (title) *Hearing; when required.*

**SECTION 49.** 48.357 (2m) (b) of the statutes is renumbered 48.357 (2m) (b) 1. and amended to read:

48.357 (2m) (b) 1. The court shall hold a hearing prior to ordering any change in placement requested or proposed under par. (a) if the request or proposal states that new information is available that affects the advisability of the current placement. Except as provided in par. (bv), a hearing is not required if the requested or proposed change in placement does not involve a change in placement of a child placed in the child's home to a placement outside the child's home, written waivers of objection to the proposed change in placement are signed by all persons entitled to receive notice under this paragraph subd. 2., other than a court-appointed special advocate, and the court approves.

2. If a hearing is scheduled, ~~not less than at least~~ 3 days before the hearing the court shall notify the child, the child's counsel or guardian ad litem, the parent, guardian, and legal custodian of the child, the person or agency primarily responsible for implementing the dispositional order, the district attorney or corporation counsel, any foster parent or other physical custodian described in s. 48.62 (2) of the child, the child's court-appointed special advocate, ~~all parties who are bound by~~

~~the dispositional order~~, and, if the child is an Indian child, the Indian child's Indian custodian and tribe. If the child is the expectant mother of an unborn child under s. 48.133, the court shall also notify the unborn child's guardian ad litem. If the change in placement involves an adult expectant mother of an unborn child under s. 48.133, at least 3 days before the hearing the court shall notify the adult expectant mother, the unborn child's guardian ad litem, ~~and all parties who are bound by the person or agency primarily responsible for implementing the dispositional order, at least 3 days prior to the hearing and the district attorney or corporation counsel~~. A copy of the request or proposal for the change in placement shall be attached to the notice. Subject to par. (br), if all ~~of the parties~~ consent, the court may proceed immediately with the hearing.

**SECTION 50.** 48.357 (2m) (bm) of the statutes is amended to read:

48.357 (2m) (bm) *Child placed outside the home.* If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the parent, if present at the hearing, shall be requested to provide the names and other identifying information of 3 relatives of the child or other individuals 18 years of age or over whose homes the parent requests the court to consider as placements for the child, unless that information has previously been provided under this paragraph, sub. (1) (c) 2m., or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that information at the hearing, the county department, the department in a county having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for implementing the dispositional order shall permit the parent to provide the information at a later date.

**SECTION 51.** 48.357 (2m) (br) of the statutes is amended to read:

48.357 (2m) (br) *Indian child; notice.* If the child is an Indian child, and if the proposed change in placement would change the placement of the Indian child from a placement in the home of his or her parent or Indian custodian to a placement outside that home, notice under par. (b) 2. to the Indian child's parent, Indian custodian, and tribe shall be provided in the manner specified in s. 48.028 (4) (a). Notwithstanding par. (b) 2., no hearing on the request or proposal may be held until at least 10 days after receipt of the notice by the Indian child's parent, Indian custodian, and tribe or, if the identity or location of the Indian child's parent, Indian custodian, or tribe cannot be determined, until at least 15 days after receipt of the notice by the U.S. secretary of the interior. On request of the Indian child's parent, Indian custodian, or tribe, the court shall grant a continuance of up to 20 additional days to enable the requester to prepare for the hearing.

**SECTION 52.** 48.357 (2m) (c) of the statutes is amended to read:

48.357 (2m) (c) *Contents of order.* 1. If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the ~~change in placement~~ change-in-placement order shall contain the findings under sub. (2v) (a) 1., the applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a) 2., the finding under sub. (2v) (a) 2m., and, if in addition the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination under sub. (2v) (a) 3. If the court changes the placement of an Indian child from a placement in the home of his or her parent or Indian custodian to a placement outside that home, the ~~change in placement~~ change-in-placement order shall, in addition, contain the findings under sub. (2v) (a) 4. and comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e), for departing from that order.

2. If the court changes the child's placement from a placement outside the home to another placement outside the home, the ~~change in placement~~ change-in-placement order shall contain the applicable order under sub. (2v) (a) 1m. ~~and~~, the applicable statement under sub. (2v) (a) 2., and the finding under sub. (2v) (a) 2m. If the court changes the placement of an Indian child from a placement outside the home of his or her parent or Indian custodian to another placement outside that home, the ~~change in placement~~ change-in-placement order shall, in addition, comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e), for departing from that order.

**SECTION 53.** 48.357 (2r) of the statutes is amended to read:

48.357 (2r) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN. If a hearing is held under sub. (1) (am) 2. or (2m) (b) 1. and the change in placement would remove a child from a foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the child and the requested change in placement. A foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) 2. and a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 54.** 48.357 (2v) (title) of the statutes is created to read:

48.357 (2v) (title) CHANGE-IN-PLACEMENT ORDER.

**SECTION 55.** 48.357 (2v) (a) (title) of the statutes is created to read:

48.357 (2v) (a) (title) *Contents of order.*

**SECTION 56.** 48.357 (2v) (a) 1. of the statutes is amended to read:

48.357 (2v) (a) 1. If the ~~change in placement~~ change-in-placement order changes the child's placement from a placement in the child's home to a placement outside the child's home, a finding that continued placement of the child in his or her home would be contrary to the welfare of the child and, unless a circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, a finding that the county department, department, in a county having a population of 750,000 or more, or the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns.

**SECTION 57.** 48.357 (2v) (a) 1m. of the statutes is amended to read:

48.357 (2v) (a) 1m. If the ~~change in placement~~ change-in-placement order changes the placement of a child who is under the supervision of the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department to a placement outside the child's home, whether from a placement in the home or from another placement outside the home, an order ordering the child into, or to be continued in, the placement and care responsibility of the county department or department as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility, or continued primary responsibility, for providing services to the child.

**SECTION 58.** 48.357 (2v) (a) 2. of the statutes is amended to read:

48.357 (2v) (a) 2. If the ~~change in placement~~ change-in-placement order ~~would change~~ changes the placement of the child to a placement outside the home recommended by the person or agency primarily responsible for implementing the dispositional order, whether from a placement in the home or from another placement outside the home, a statement that the court approves the placement recommended by that person or agency or, if the ~~change in placement~~ change-in-placement order ~~would change~~ changes the placement of the child to a placement outside the home that is not a placement recommended by that person or agency, whether from a placement in the home or from another placement outside the home, a statement that the court has given bona fide consideration to the recommendations made by that person or agency and all parties relating to the child's placement.

**SECTION 59.** 48.357 (2v) (a) 2m. of the statutes is amended to read:

48.357 (2v) (a) 2m. If ~~the change-in-placement order changes the placement of the child to a placement outside the home and~~ if the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been placed outside the home or for whom a change in placement to a placement outside the home is requested, a finding as to whether the county department, the department in a county having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for implementing the dispositional order has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the court shall order the county department, department, or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

**SECTION 60.** 48.357 (2v) (b) (title) of the statutes is created to read:

48.357 (2v) (b) (title) *Documentation of basis of findings.*

**SECTION 61.** 48.357 (2v) (c) (title) of the statutes is created to read:

48.357 (2v) (c) (title) *Reasonable efforts not required; permanency hearing.*

**SECTION 62.** 48.357 (2v) (d) (title) of the statutes is created to read:

48.357 (2v) (d) (title) *Search for relatives.*

**SECTION 63.** 48.357 (2v) (d) 1. of the statutes is amended to read:

48.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county department, the department in a county having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for implementing the dispositional order to conduct a diligent search in order to locate and provide notice of the information specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the child named under sub. (1) (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the child within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The court may also order the county department, department, or agency to conduct a diligent search in order to locate and provide notice of that information to all other adult individuals named under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The county department, department, or agency may not provide that notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult relative if the county department, department, or agency has reason to believe that it would be dangerous to the child or

to the parent if the child were placed with that person or adult relative.

**SECTION 64.** 48.357 (4d) (title) of the statutes is created to read:

48.357 (4d) (title) PROHIBITED PLACEMENTS BASED ON HOMICIDE OF PARENT.

**SECTION 65.** 48.357 (4d) (a) of the statutes is amended to read:

48.357 (4d) (a) *Prohibition.* Except as provided in par. (b), the court may not change a child's placement to a placement in the home of a person who has been convicted ~~under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide,~~ of a parent of the child under s. 940.01 or 940.05, if the conviction has not been reversed, set aside, or vacated.

**SECTION 66.** 48.357 (4d) (am) of the statutes is amended to read:

48.357 (4d) (am) *Change in placement required.* Except as provided in par. (b), if a parent in whose home a child is placed is convicted ~~under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide,~~ of the child's other parent under s. 940.01 or 940.05, and the conviction has not been reversed, set aside, or vacated, the court shall change the child's placement to a placement ~~out of~~ outside the home of the parent on petition of the child, the child's counsel or guardian ad litem, the guardian or legal custodian of the child, ~~a~~ the person or agency ~~bound by primarily responsible for implementing~~ the dispositional order, or the district attorney or corporation counsel of the county in which the dispositional order was entered, or on the court's own motion, and on notice to the parent.

**SECTION 67.** 48.357 (4d) (b) (title) of the statutes is created to read:

48.357 (4d) (b) (title) *Exception.*

**SECTION 68.** 48.357 (5m) of the statutes is amended to read:

48.357 (5m) CHILD SUPPORT. (a) If a proposed change in placement ~~changes~~ would change a child's placement from a placement in the child's home to a placement outside the child's home, the court shall order the child's parent to provide a statement of the income, assets, debts, and living expenses of the child and the child's parent to the court or the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide ~~a~~ that statement of income, assets, debts, and living expenses a document setting forth the percentage standard established by the department under s. 49.22 (9) and the manner of its application established by the department under s. 49.345 (14) (g) and listing the factors that a court may consider under s. 49.345 (14) (c). If the child is placed outside the child's home, the court shall deter-

mine the liability of the parent in the manner provided in s. 49.345 (14).

(b) If the court orders the child's parent to provide a statement of the income, assets, debts, and living expenses of the child and the child's parent to the court or if the court orders the child's parent to provide that statement to the person or agency primarily responsible for implementing the dispositional order and that person or agency is not the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department, the court shall also order the child's parent to provide that statement to the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department by a date specified by the court. The county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of providing care for the child.

**SECTION 69.** 48.357 (5r) (title) of the statutes is created to read:

48.357 (5r) (title) EXPECTANT MOTHER; PLACEMENT OUTSIDE THE HOME.

**SECTION 70.** 48.357 (6) (title) of the statutes is created to read:

48.357 (6) (title) DURATION OF ORDER.

**SECTION 71.** 48.357 (6) (a) (intro.) of the statutes is amended to read:

48.357 (6) (a) (intro.) No change in placement may extend the expiration date of the original dispositional order, except that if the change in placement is from a placement in the child's home to a placement outside the home the court may extend the expiration date of the original dispositional order to the latest of the following dates, unless the court specifies a shorter period:

**SECTION 72.** 48.357 (6) (a) 1. of the statutes is amended to read:

48.357 (6) (a) 1. The date on which the child ~~reaches~~ attains 18 years of age.

**SECTION 73.** 48.357 (6) (a) 2. of the statutes is amended to read:

48.357 (6) (a) 2. The date that is one year after the date on which the ~~change in placement~~ change-in-place-  
ment order is ~~entered~~ granted.

**SECTION 74.** 48.357 (6) (a) 3. of the statutes is amended to read:

48.357 (6) (a) 3. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child ~~reaches~~ attains 19 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or

technical equivalent and is reasonably expected to complete the program before ~~reaching~~ attaining 19 years of age.

**SECTION 75.** 48.357 (6) (a) 4. of the statutes is amended to read:

48.357 (6) (a) 4. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child ~~reaches~~ attains 21 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the child. The court may not ~~enter~~ grant an order that terminates as provided in this subdivision unless the child is 17 years of age or older when the order is ~~entered~~ granted and the child, or the child's guardian on behalf of the child, agrees to the order. At any time after the child ~~reaches~~ attains 18 years of age, the child, or the child's guardian on behalf of the child, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

**SECTION 76.** 48.357 (6) (b) of the statutes is amended to read:

48.357 (6) (b) If the change in placement is from a placement outside the home to a placement in the child's home and if the expiration date of the original dispositional order is more than one year after the date on which the ~~change in placement~~ change-in-place-  
ment order is ~~entered~~ granted, the court shall shorten the expiration date of the original dispositional order to the date that is one year after the date on which the ~~change in placement~~ change-in-place-  
ment order is ~~entered~~ granted or to an earlier date as specified by the court.

**SECTION 77.** 48.358 (2) (a) of the statutes is amended to read:

48.358 (2) (a) *Request or proposal.* No trial reunification may occur without a court order. Only the person or agency primarily responsible for implementing the dispositional order may request the court to order a trial reunification. The request shall contain the name and address of the requested trial reunification home, a statement describing why the trial reunification is in the best interests of the child, and a statement describing how the trial reunification satisfies the objectives of the child's permanency plan. A request for a trial reunification may not be made on the sole grounds that an emergency condition necessitates an immediate removal of the child from his or her out-of-home placement. If an emergency condition necessitates such an immediate removal, the person or agency primarily responsible for implementing the dispositional order shall proceed as provided in s. 48.357 (2) ~~(a)~~.

**SECTION 78.** 48.36 (1) (a) of the statutes is amended to read:

48.36 (1) (a) If legal custody is transferred from the parent or guardian or the court otherwise designates an



alternative placement for the child by a consent decree under s. 48.32, a disposition made under s. 48.345, or by a change in placement under s. 48.357, the duty of the parent or guardian or, in the case of a transfer of guardianship and custody under s. 48.839 (4), the duty of the former guardian to provide support shall continue even though the legal custodian or the placement designee may provide the support. A copy of the order transferring custody or designating alternative placement for the child shall be submitted to the agency or person receiving custody or placement and the agency or person may apply to the court for an order to compel the parent or guardian to provide the support. Support payments for residential services, when purchased or otherwise funded or provided by the department or a county department, shall be determined under s. 49.345 (14). Support payments for residential services, when purchased or otherwise funded by the department of health services or a county department under s. 51.42 or 51.437, shall be determined under s. 46.10 (14).

**SECTION 79.** 48.365 (5) (a) of the statutes is amended to read:

48.365 (5) (a) Except as provided in s. 48.368, an order under this section that continues the placement of a child in his or her home or that relates to an unborn child of an adult expectant mother shall be for a specified length of time not to exceed one year after the date on which the order is entered granted.

**SECTION 80.** 48.365 (5) (b) 1. of the statutes is amended to read:

48.365 (5) (b) 1. The date on which the child ~~reaches~~ attains 18 years of age.

**SECTION 81.** 48.365 (5) (b) 2. of the statutes is amended to read:

48.365 (5) (b) 2. The date that is one year after the date on which the order is entered granted.

**SECTION 82.** 48.365 (5) (b) 3. of the statutes is amended to read:

48.365 (5) (b) 3. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child ~~reaches~~ attains 19 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before ~~reaching~~ attaining 19 years of age.

**SECTION 83.** 48.365 (5) (b) 4. of the statutes is amended to read:

48.365 (5) (b) 4. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child ~~reaches~~ attains 21 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the child. The court may not ~~enter grant~~ grant an order that terminates as pro-

vided in this subdivision unless the child is 17 years of age or older when the order is ~~entered~~ granted and the child, or the child's guardian on behalf of the child, agrees to the order. At any time after the child ~~reaches~~ attains 18 years of age, the child, or the child's guardian on behalf of the child, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

**SECTION 84.** 48.38 (4m) (title) of the statutes is amended to read:

48.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY-~~DETERMINATION~~ HEARING.

**SECTION 85.** 48.42 (1) (bm) of the statutes is created to read:

48.42 (1) (bm) The information required under s. 822.29 (1).

**SECTION 87.** 48.437 of the statutes is created to read:

**48.437 Change in placement; posttermination of parental rights.** (1) REQUEST BY GUARDIAN OR PROSECUTOR. (a) *Notice; information required.* The agency appointed as the guardian of a child who is subject to a guardianship order under s. 48.427 (3m) (a) 1. to 4., (am), or (b), the district attorney, or the corporation counsel may request a change in the placement of the child by causing written notice of the proposed change in placement to be sent to the child, the child's counsel or guardian ad litem, the legal custodian of the child, any foster parent or other physical custodian described in s. 48.62 (2) of the child, the operator of the facility in which the child is living, any agency responsible for securing the adoption of the child or for establishing the child in a permanent family setting, and, if the child is an Indian child who has been removed from the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe.

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

(bm) *Hearing; order.* On receipt of the notice under par. (a), the court shall review the notice and decide whether to hold a hearing on the matter prior to ordering any change in placement or to enter an order changing the child's placement as proposed in the notice without a

hearing. If the court decides to hold a hearing on the matter, within 10 days after the notice is filed with the court, but at least 3 days before the hearing, the court shall provide notice of the hearing to the agency appointed as the guardian of the child, the district attorney or corporation counsel, and all persons who are required to receive notice under par. (a). If the court decides not to hold a hearing on the matter, within 10 days after the notice is filed with the court, the court, without a hearing, shall enter an order changing the child's placement as proposed in the notice and shall provide a copy of the order to the agency appointed as the guardian of the child, the district attorney or corporation counsel, and all persons who are required to receive notice under par. (a). The child's placement may not be changed until 10 days after the notice under par. (a) is filed with the court unless the court, without a hearing, enters an order changing the child's placement sooner.

(c) *Contents of order.* The change-in-placement order shall contain the applicable order under sub. (2v) (a), the applicable statement under sub. (2v) (b), and the finding under sub. (2v) (c). If the court changes the placement of an Indian child who has been removed from the home of his or her parent or Indian custodian, the change-in-placement order shall, in addition, comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e), for departing from that order.

(2) **EMERGENCY CHANGE IN PLACEMENT.** If emergency conditions necessitate an immediate change in the placement of a child who is the subject of a guardianship order under s. 48.427 (3) (a) 1. to 4., (am), or (b), the agency appointed as the guardian of the child may remove the child to a new placement without the prior notice under sub. (1) (a). Notice of the emergency change in placement shall be sent to all persons specified in sub. (1) (a) 1. and filed with the court within 48 hours after the emergency change in placement. The court may hold a hearing on the matter as provided in sub. (1) (bm). In emergency situations, a child may be placed in a licensed public or private shelter care facility as a transitional placement for not more than 20 days or in any placement authorized under s. 48.345 (3).

(2r) **REMOVAL FROM FOSTER HOME, SUSTAINING PARENT, OR OTHER PHYSICAL CUSTODIAN.** If a hearing is held under sub. (1) (bm) and the change in placement would remove a child from a foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the child and the requested change in placement. A foster parent or other physical custodian described in s. 48.62 (2) who

receives notice of a hearing under sub. (1) (bm) and a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

(2v) **CHANGE-IN-PLACEMENT ORDER.** A change-in-placement order under sub. (1) shall contain all of the following:

(a) If the change-in-placement order changes the placement of a child who is under the guardianship of the department or a county department, an order ordering the child to be continued in the placement and care responsibility of the department or county department as required under [42 USC 672](#) (a) (2) and assigning the department or county department continued primary responsibility for providing services to the child.

(b) If the change-in-placement order changes the placement of the child to a placement recommended by the agency appointed as the guardian of the child under s. 48.427 (3m) (a) 1. to 4., (am), or (b), a statement that the court approves the placement recommended by that agency or, if the change-in-placement order changes the placement of the child to a placement that is not a placement recommended by that agency, a statement that the court has given bona fide consideration to the recommendations made by that agency and all parties relating to the child's placement.

(c) If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been placed outside the home or for whom a change in placement to a placement outside the home is requested, a finding as to whether the agency appointed as the child's guardian under s. 48.427 (3m) (a) 1. to 4., (am), or (b) has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the court shall order the agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

(3) **PROHIBITED PLACEMENTS BASED ON HOMICIDE OF PARENT.** Except as provided in this subsection, the court may not change a child's placement to a placement in the home of a person who has been convicted of the homicide of a parent of the child under s. 940.01 or 940.05, if the conviction has not been reversed, set aside, or vacated. This subsection does not apply if the court determines by clear and convincing evidence that the placement would be in the best interests of the child. The court shall consider the wishes of the child in making that determination.

(4) **EFFECTIVE PERIOD OF ORDER.** A change-in-placement order under this section remains in effect until the

order is modified or terminated by further order of the court. An order granting adoption of the child or transferring guardianship and custody of the child to an individual terminates a change-in-placement order under this section.

**SECTION 88.** 48.75 (1g) (d) of the statutes is amended to read:

48.75 (1g) (d) If the public licensing agency issuing a license under par. (a) 2. or 3. violates the agreement under par. (c), the public licensing agency of the county in which the foster home is located may terminate the agreement and, subject to ss. 48.217, 48.32, 48.357 and, 48.437, 48.64, 938.217, 938.32, and 938.357, require the public licensing agency that issued the license to remove the child from the foster home within 30 days after receipt, by the public licensing agency that issued the license, of notification of the termination of the agreement.

**SECTION 89.** 49.345 (1) of the statutes, as affected by [2015 Wisconsin Act 55](#), is amended to read:

49.345 (1) Liability and the collection and enforcement of such liability for the care, maintenance, services, and supplies specified in this section are governed exclusively by this section, except in cases of child support ordered by a court under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), or 938.363 (2) or ch. 767.

**SECTION 90.** 49.345 (2) of the statutes, as affected by [2015 Wisconsin Act 55](#), is amended to read:

49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including a person placed under s. 48.32 (1) (am) or (b), 48.345 (3), 48.357 (1) or (2m), 938.183, 938.34 (3) or (4d), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies provided by any institution in this state, in which the state is chargeable with all or part of the person's care, maintenance, services, and supplies, and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 49.32 (1). If a spouse, widow, or minor, or an incapacitated person may be lawfully dependent upon the property for his or her support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for the person. The depart-

ment shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.

**SECTION 91.** 49.345 (14) (b) of the statutes, as affected by [2015 Wisconsin Act 55](#), is amended to read:

49.345 (14) (b) Except as provided in par. (c), and subject to par. (cm), liability of a parent specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 48.32, 48.355, 48.357, 938.183, 938.355, or 938.357 in a residential, nonmedical facility such as a group home, foster home, subsidized guardianship home, or residential care center for children and youth shall be determined by the court by using the percentage standard established by the department under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under par. (g).

**SECTION 92.** 49.345 (14) (e) 1. of the statutes, as affected by [2015 Wisconsin Act 55](#), section 1783, is amended to read:

49.345 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), or 938.363 (2) for support determined under this subsection constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, income continuation insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits under ch. 102 or 108, and other money due or to be due in the future to the county department under s. 46.215, 46.22, or 46.23 in the county where the order was entered or to the department, depending upon the placement of the child as specified by rules promulgated under subd. 5. The assignment shall be for an amount sufficient to ensure payment under the order.

**SECTION 93.** 49.345 (14) (g) of the statutes, as affected by [2015 Wisconsin Act 55](#), is amended to read:

49.345 (14) (g) For purposes of determining child support under par. (b), the department shall promulgate rules related to the application of the standard established by the department under s. 49.22 (9) to a child support obligation for the care and maintenance of a child who is placed by a court order under s. 48.32, 48.355, 48.357, 938.183, 938.355, or 938.357 in a residential, nonmedical facility. The rules shall take into account the needs of any person, including dependent children other than the child, whom either parent is legally obligated to support.

**SECTION 94.** 301.12 (1) of the statutes is amended to read:

301.12 (1) Liability and the collection and enforcement of such liability for the care, maintenance, services, and supplies specified in this section is governed exclusively by this section, except in cases of child support ordered by a court under s. 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2) or ch. 767.

**SECTION 95.** 301.12 (2) of the statutes is amended to read:

301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including a person placed under s. 938.183, 938.32 (1) (bm) or (c), 938.34 (4h) or (4m), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies provided by any institution in this state operated or contracted for by the department, in which the state is chargeable with all or part of the person's care, maintenance, services, and supplies, and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 301.03 (18). If a spouse, widow, or minor, or an incapacitated person, may be lawfully dependent upon the property for his or her support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for that person. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.

**SECTION 96.** 301.12 (14) (b) of the statutes is amended to read:

301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 938.183, 938.32, 938.355, or 938.357 in a residential, nonmedical facility such as a group home, foster home, residential care center for children and youth, or juvenile correctional institution shall be determined by the court by using the percentage standard established by the department of children and families under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under par. (g).

**SECTION 97.** 301.12 (14) (e) 1. of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

301.12 (14) (e) 1. An order issued under s. 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2) for support determined under this subsection constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, income continuation insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits under ch. 102 or 108, and other

money due or to be due in the future to the county department under s. 46.215, 46.22, or 46.23 in the county where the order was entered or to the department, depending upon the placement of the child as specified by rules promulgated under subd. 5. The assignment shall be for an amount sufficient to ensure payment under the order.

**SECTION 98.** 301.12 (14) (g) of the statutes is amended to read:

301.12 (14) (g) For purposes of determining child support under par. (b), the department shall promulgate rules related to the application of the standard established by the department of children and families under s. 49.22 (9) to a child support obligation for the care and maintenance of a child who is placed by a court order under s. 938.183, 938.32, 938.355, or 938.357 in a residential, nonmedical facility. The rules shall take into account the needs of any person, including dependent children other than the child, whom either parent is legally obligated to support.

**SECTION 99.** 757.69 (1) (g) 6. of the statutes is amended to read:

757.69 (1) (g) 6. Enter into consent decrees or amended consent decrees under s. 48.32 or 938.32.

**SECTION 100.** 757.69 (1) (g) 8. of the statutes is amended to read:

757.69 (1) (g) 8. Conduct hearings under s. 48.21 ~~or~~, 48.217, 938.21, or 938.217 and thereafter order a child or juvenile held in or released from custody.

**SECTION 101.** 757.69 (1) (g) 9. of the statutes is amended to read:

757.69 (1) (g) 9. Conduct hearings under s. 48.213 or 48.217 and thereafter order an adult expectant mother of an unborn child to be held in or released from custody.

**SECTION 102.** 757.69 (1) (g) 15. of the statutes is created to read:

757.69 (1) (g) 15. Conduct emergency in-home to out-of-home changes in placement hearings under s. 48.357 (2) (b) or 938.357 (2) (b).

**SECTION 103.** 757.69 (1m) (d) of the statutes is amended to read:

757.69 (1m) (d) Make changes in placements of children, of juveniles, or of the expectant mothers of unborn children, or revisions or extensions of dispositional orders, except pursuant to petitions or citations under s. 938.125 ~~and~~, in uncontested proceedings under s. 48.13, 48.133, 938.12, or 938.13, or as permitted under sub. (1) (g) 6., 8., 9., and 15.

**SECTION 104.** 767.001 (1) (i) of the statutes is amended to read:

767.001 (1) (i) To enforce or modify a judgment or order in an action affecting the family granted in this state or elsewhere or an order granted under s. 48.355 (4g) (a) or 938.355 (4g) (a).

**SECTION 105.** 767.001 (1) (m) of the statutes is amended to read:

767.001 (1) (m) To enforce or revise an order for support entered under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2).

**SECTION 106.** 767.59 (1) of the statutes is amended to read:

767.59 (1) DEFINITION. In this section, “support or maintenance order” means a judgment or order providing for child support under this chapter or s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), 938.363 (2), or 948.22 (7), for maintenance payments under s. 767.56, for family support payments under this chapter, or for the appointment of trustees or receivers under s. 767.57 (5).

**SECTION 107.** 767.59 (2) (c) of the statutes is amended to read:

767.59 (2) (c) If the court revises a judgment or order providing for child support that was entered under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2), the court shall determine child support in the manner provided in s. 49.345 (14) or 301.12 (14), whichever is applicable.

**SECTION 108.** 767.77 (1) of the statutes is amended to read:

767.77 (1) DEFINITION. In this section, “payment obligation” means an obligation to pay support under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2), support or maintenance under s. 767.501, child support, family support, or maintenance under s. 767.225, child support under s. 767.511, maintenance under s. 767.56, family support under s. 767.531, attorney fees under s. 767.241, child support or a child’s health care expenses under s. 767.85, paternity obligations under s. 767.805 (4), 767.863 (3), or 767.89, support arrearages under s. 767.71, or child or spousal support under s. 948.22 (7).

**SECTION 109.** 767.78 (1) of the statutes is amended to read:

767.78 (1) DEFINITION. In this section, “financial obligation” means an obligation for payment incurred under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 767.225, 767.241, 767.511, 767.531, 767.56, 767.61, 767.71, 767.805 (4), 767.85, 767.863 (3), 767.89, 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2).

**SECTION 110.** 780.01 (5) of the statutes is amended to read:

780.01 (5) For all arrearages owed by the owner in child support ordered under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), 938.363 (2), or 948.22 (7) or ch. 767 or 769 or in family support ordered under ch. 767.

**SECTION 111.** 893.415 (2) of the statutes is amended to read:

893.415 (2) An action to collect child or family support owed under a judgment or order entered under ch. 767, or to collect child support owed under a judgment or order entered under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), 938.363 (2), or 948.22 (7), shall be commenced within 20 years after the youngest child for whom the support was ordered under the judgment or order reaches the age of 18 or, if the child is enrolled full-time in high school or its equivalent, reaches the age of 19.

**SECTION 112.** 938.028 (2) (c) of the statutes is amended to read:

938.028 (2) (c) “Out-of-home care placement” means the removal of an Indian juvenile from the home of his or her parent or Indian custodian for temporary placement in a foster home, group home, residential care center for children and youth, or shelter care facility, in the home of a relative other than a parent, or in the home of a guardian, from which placement the parent or Indian custodian cannot have the juvenile returned upon demand. “Out-of-home care placement” does not include an emergency change in placement under s. 938.357 (2) (b) or holding an Indian juvenile in custody under ss. 938.19 to 938.21.

**SECTION 113.** 938.185 (2) of the statutes is amended to read:

938.185 (2) ~~REVISION AND EXTENSION OF ORDERS JUVENILE SUBJECT TO DISPOSITIONAL ORDER.~~ Venue for any proceeding under s. ~~938.357~~, 938.363, or 938.365 shall be in the county where the dispositional order was issued, unless ~~the juvenile’s county of residence has changed, or the parent of the juvenile has resided in a different county of this state for at least 6 months. In either case, the court may, upon a motion and for good cause shown, transfer prior to the proceeding the court of that county determined that proper venue for the proceeding lies in another county and transferred~~ the case, along with all appropriate records, to ~~the~~ that other county of residence of the juvenile or parent.

**SECTION 114.** 938.21 (5m) of the statutes is created to read:

938.21 (5m) EFFECTIVE PERIOD OF ORDER. An order to hold a juvenile in custody remains in effect until a dispositional order is granted or a consent decree is entered into, the petition under s. 938.25 is withdrawn or dismissed, or the order is modified or terminated by further order of the court.

**SECTION 115.** 938.217 of the statutes is created to read:

**938.217 Change in placement; juvenile held in custody.** (1) REQUEST BY INTAKE WORKER, AGENCY RESPONSIBLE FOR CUSTODY ORDER, OR PROSECUTOR. (a) *Applicable procedures.* 1. Except as provided in subd.



2., the intake worker, the agency primarily responsible for providing services under a temporary physical custody order under s. 938.21 (4), or the district attorney or corporation counsel may request a change in the placement of the juvenile who is the subject of the order as provided in this subsection, whether or not the change requested is authorized in the order.

2. A change in the placement of a juvenile from a placement in the home to a placement outside the home may only be made as provided in s. 938.21 (6).

(b) *Notice; information required.* 1. The intake worker, the agency primarily responsible for providing services under a temporary physical custody order, or the district attorney or corporation counsel may request a change in placement under this subsection by causing written notice of the proposed change in placement to be sent to the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, and legal custodian or Indian custodian of the juvenile, and any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile.

2. The notice shall contain the name and address of the new placement, the reasons for the change in placement, and a statement describing why the new placement is preferable to the present placement. The person sending the notice shall file the notice with the court on the same day that the notice is sent.

(c) *Hearing; when required.* Any person receiving the notice under par. (b) may obtain a hearing on the matter by filing an objection with the court within 10 days after the notice is sent to that person and filed with the court. Except as provided in par. (d), if an objection is filed within 10 days after that notice is sent and filed with the court, the court shall hold a hearing prior to ordering any change in placement. At least 3 days before the hearing, the court shall provide notice of the hearing to all persons who are required to receive notice under par. (b). If all parties consent, the court may proceed immediately with the hearing. Except as provided in par. (d), if no objection is filed within 10 days after that notice is sent and filed with the court, the court shall enter an order changing the juvenile's placement as proposed in that notice. Except as provided in par. (d), placements may not be changed until 10 days after that notice is sent and filed with the court unless written waivers of objection are signed by the parent, guardian, legal custodian, or Indian custodian of the juvenile and the juvenile, if 12 years of age or over.

(d) *When hearing not required.* Changes in placement that were authorized in the temporary physical custody order may be made immediately if notice is given as required under par. (b). A hearing is not required for changes in placement authorized in the temporary physical custody order except when an objection filed by a person who received notice alleges that new information is available that affects the advisability of the order.

(e) *Contents of order.* If the court changes a juvenile's placement from a placement outside the home to another placement outside the home, the change-in-placement order shall contain the applicable order under sub. (2v) (a), the applicable statement under sub. (2v) (b), and the finding under sub. (2v) (c).

(2) EMERGENCY CHANGE IN PLACEMENT. If emergency conditions necessitate an immediate change in the placement of a juvenile placed outside the home under a temporary physical custody order under s. 938.21 (4), the intake worker or agency primarily responsible for providing services under the temporary physical custody order may remove the juvenile to a new placement, whether or not authorized by the existing order, without the prior notice under sub. (1) (b). Notice of the emergency change in placement shall be sent to the persons specified in sub. (1) (b) 1. within 48 hours after the emergency change in placement. Any party receiving notice may demand a hearing under sub. (1) (c). In emergency situations, a juvenile may be placed in a licensed public or private shelter care facility as a transitional placement for not more than 20 days or in any other placement authorized under s. 938.207, 938.208, or 938.209.

(2m) REQUEST BY OTHERS. (a) *Request; information required.* 1. Except as provided in subd. 2., the juvenile, the juvenile's counsel or guardian ad litem, or the parent, guardian, legal custodian, or Indian custodian of the juvenile may request a change in the placement of the juvenile who is the subject of the order as provided in this subsection. The request shall contain the name and address of the new placement requested and shall state what new information is available that affects the advisability of the current placement. The request shall be submitted to the court. The court may also propose a change in placement on its own motion.

2. A change in the placement of a juvenile from a placement in the home to a placement outside the home may only be made as provided in s. 938.21 (6).

(b) *Hearing; when required.* 1. The court shall hold a hearing prior to ordering any change in placement requested or proposed under par. (a) if the request or proposal states that new information is available that affects the advisability of the current placement. A hearing is not required if written waivers of objection to the proposed change in placement are signed by all persons entitled to receive notice under subd. 2. and the court approves.

2. If a hearing is scheduled, at least 3 days before the hearing the court shall notify the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, and legal custodian or Indian custodian of the juvenile, the agency primarily responsible for providing services under the temporary physical custody order, the district attorney or corporation counsel, and any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile. A copy of the request or proposal for the change in placement shall be attached to the notice. If all parties



consent, the court may proceed immediately with the hearing.

(c) *Contents of order.* If the court changes the juvenile's placement from a placement outside the home to another placement outside the home, the change-in-placement order shall contain the applicable order under sub. (2v) (a), the applicable statement under sub. (2v) (b), and the finding under sub. (2v) (c).

(2r) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN. If a hearing is held under sub. (1) (c) or (2m) (b) and the change in placement would remove a juvenile from a foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the juvenile and the requested change in placement. A foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (c) or (2m) (b) and a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

(2v) CHANGE-IN-PLACEMENT ORDER. A change-in-placement order under sub. (1) or (2m) shall contain all of the following:

(a) If the change-in-placement order changes the placement of a juvenile who is under the supervision of the county department to a placement outside the home, an order ordering the juvenile to be continued in the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and assigning the county department continued primary responsibility for providing services to the juvenile.

(b) If the change-in-placement order changes the placement of the juvenile to a placement outside the home recommended by the agency primarily responsible for providing services under the temporary physical custody order, a statement that the court approves the placement recommended by that agency or, if the change-in-placement order changes the placement of the juvenile to a placement outside the home that is not a placement recommended by that agency, a statement that the court has given bona fide consideration to the recommendations made by that agency and all parties relating to the juvenile's placement.

(c) If the change-in-placement order changes the placement of the juvenile to a placement outside the home and if the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have been placed outside the home or for whom a change in placement to a placement outside the home is requested, a finding as to whether the intake worker, the county department, or the agency primarily responsible for providing services

under the temporary physical custody order has made reasonable efforts to place the juvenile in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings, in which case the court shall order the intake worker, county department, or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the juvenile and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings.

(3) PROHIBITED PLACEMENT BASED ON HOMICIDE OF PARENT. (a) *Prohibition.* Except as provided in par. (c), the court may not change a juvenile's placement to a placement in the home of a person who has been convicted of the homicide of a parent of the juvenile under s. 940.01 or 940.05, if the conviction has not been reversed, set aside, or vacated.

(b) *Change in placement required.* Except as provided in par. (c), if a parent in whose home a juvenile is placed is convicted of the homicide of the juvenile's other parent under s. 940.01 or 940.05, and the conviction has not been reversed, set aside, or vacated, the court shall change the juvenile's placement to a placement outside the home of the parent on petition of the juvenile, the juvenile's counsel or guardian ad litem, the guardian or legal custodian of the juvenile, the agency primarily responsible for providing services under the temporary physical custody order, or the district attorney or corporation counsel of the county in which that order was entered, or on the court's own motion, and on notice to the parent.

(c) *Exception.* Paragraphs (a) and (b) do not apply if the court determines by clear and convincing evidence that the placement would be in the best interests of the juvenile. The court shall consider the wishes of the juvenile in making that determination.

(5) EFFECTIVE PERIOD OF ORDER. A change-in-placement order under this section remains in effect until a dispositional order is granted or a consent decree is entered into, the petition under s. 938.25 is withdrawn or dismissed, or the order is modified or terminated by further order of the court.

**SECTION 116.** 938.235 (1) (e) of the statutes is amended to read:

938.235 (1) (e) The court shall appoint a guardian ad litem, or extend the appointment of a guardian ad litem previously appointed under par. (a), for any juvenile alleged or found to be in need of protection or services, if the court has ordered, or if a request or recommendation has been made that the court order, the juvenile to be placed out of his or her home under s. ~~938.32~~, 938.345, or 938.357. This paragraph does not apply to a juvenile who is subject to a dispositional order that terminates as

provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4.

**SECTION 117.** 938.255 (1) (cg) of the statutes is created to read:

938.255 (1) (cg) If the petition is initiating proceedings under s. 938.13 (4), (6), (6m), or (7), the information required under s. 822.29 (1).

**SECTION 118.** 938.299 (6) (e) 5. of the statutes is amended to read:

938.299 (6) (e) 5. A determination by the court under subd. 4. is not a determination of paternity under s. 938.355 (4g) (a), a judgment of paternity under ch. 767, or an adjudication of paternity under subch. VIII of ch. 48.

**SECTION 119.** 938.30 (6) (b) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

938.30 (6) (b) If it appears to the court that disposition of the case may include placement of the juvenile outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of the income, assets, debts, and living expenses of the juvenile and the juvenile's parent to the court or the designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide that statement a document setting forth the percentage standard established by the department of children and families under s. 49.22 (9) and the manner of its application established by the department of corrections under s. 301.12 (14) (g) and listing the factors ~~that a court may consider~~ under s. 301.12 (14) (c).

**SECTION 120.** 938.31 (7) (b) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

938.31 (7) (b) If it appears to the court that disposition of the case may include placement of the juvenile outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of the income, assets, debts, and living expenses of the juvenile and the juvenile's parent, to the court or the designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide the statement a document setting forth the percentage standard established by the department of children and families under s. 49.22 (9) and the manner of its application established by the department of corrections under s. 301.12 (14) (g) and listing the factors ~~that a court may consider~~ under s. 301.12 (14) (c).

**SECTION 121.** 938.315 (2m) (a) of the statutes is amended to read:

938.315 (2m) (a) The court making an initial finding under s. 938.21 (5) (b) 1. or 1m., 938.32 (1) (c) 1., 938.355 (2) (b) 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made to prevent the removal of the

juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, or an initial finding under s. 938.21 (5) (b) 3., 938.32 (1) (c) 2., 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not required to be made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, more than 60 days after the date on which the juvenile was removed from the home.

**SECTION 122.** 938.32 (1) (bm) of the statutes is created to read:

938.32 (1) (bm) Using the procedures specified in par. (a) for the entry of an original consent decree, the parties to a consent decree may agree to, and the court may enter, an amended consent decree. An amended consent decree may change the placement of the juvenile who is the subject of the original consent decree or revise any other term or condition of the original consent decree. An amended consent decree that changes the placement of a juvenile from a placement in the juvenile's home to a placement outside the juvenile's home shall include the findings, orders, and determinations specified in par. (c), as applicable. An amended consent decree that changes the placement of an Indian juvenile from a placement in the Indian juvenile's home to a placement outside the Indian juvenile's home shall include the findings specified in par. (e). An amended consent decree may not extend the expiration date of the original consent decree.

**SECTION 123.** 938.32 (1) (c) 1. (intro.) of the statutes is amended to read:

938.32 (1) (c) 1. (intro.) If at the time the consent decree is entered into the juvenile is placed outside the home under a voluntary agreement under s. 48.63 or is otherwise living outside the home without a court order and if the consent decree maintains the juvenile in that placement or other living arrangement, or if an amended consent decree changes the placement of the juvenile from a placement in the juvenile's home to a placement outside the juvenile's home, the consent decree shall include all of the following:

**SECTION 124.** 938.32 (1) (e) 1. of the statutes is amended to read:

938.32 (1) (e) 1. In the case of an Indian juvenile who is the subject of a proceeding under s. 938.13 (4), (6), (6m), or (7), if at the time the consent decree is entered into the Indian juvenile is placed outside the home of his or her parent or Indian custodian under a voluntary agreement under s. 48.63 or is otherwise living outside that home without a court order and if the consent decree maintains the Indian juvenile in that placement or other living arrangement, or if an amended consent decree changes the placement of the Indian juvenile from a placement in the Indian juvenile's home to a placement outside the Indian juvenile's home, the consent decree shall include a finding supported by clear and convincing evidence, including the testimony of one or more qualified expert witnesses, that continued custody of the

Indian juvenile by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child under s. 938.028 (4) (d) 1. and a finding that active efforts under s. 938.028 (4) (d) 2. have been made to prevent the breakup of the Indian juvenile's family and that those efforts have proved unsuccessful. The findings under this subdivision shall be in addition to the findings under par. (c) 1., except that for the sole purpose of determining whether the cost of providing care for an Indian juvenile is eligible for reimbursement under [42 USC 670 to 679b](#), the findings under this subdivision and the findings under par. (c) 1. shall be considered to be the same findings.

**SECTION 125.** 938.355 (2e) (b) of the statutes is amended to read:

938.355 (2e) (b) Each time a juvenile's placement is changed under s. [938.32](#) or 938.357, a trial reunification is ordered under s. 938.358, a consent decree is revised under s. 938.32, or a dispositional order is revised under s. 938.363 or extended under s. 938.365, the agency that prepared the permanency plan shall revise the plan to conform to the order and shall file a copy of the revised plan with the court. Each plan filed shall be made a part of the court order.

**SECTION 126.** 938.355 (4g) of the statutes is created to read:

938.355 (4g) **TERMINATION OF ORDERS; CASE CLOSURE ORDERS.** (a) On request of a person authorized to file a petition under par. (b) or on its own motion and on a finding that granting the request or motion would be in the best interests of the juvenile, the court may terminate an order under this section or s. 938.357 or 938.365 before the juvenile attains 18 years of age and grant an order determining paternity of the juvenile, legal custody of the juvenile, periods of physical placement with the juvenile, visitation rights with respect to the juvenile, or the obligation of the juvenile's parents to provide support for the juvenile and the responsibility of the juvenile's parents to provide coverage of the juvenile's health care expenses if any of the following apply:

1. The juvenile's parents are parties to a pending action for divorce, annulment, or legal separation, a man determined under s. 938.299 (6) (e) 4. to be the biological father of the juvenile for purposes of a proceeding under this chapter is a party to a pending action to determine paternity of the juvenile under ch. 767, or the juvenile is the subject of a pending independent action under s. 767.41 or 767.43 to determine legal custody of the juvenile or visitation rights with respect to the juvenile.

2. The juvenile is the subject of an order that has been granted in an action affecting the family determining legal custody of the juvenile, periods of physical placement with the juvenile, visitation rights with respect to the juvenile, or the obligation of the juvenile's parents to provide support for the juvenile and the responsibility of

the juvenile's parents to provide coverage of the juvenile's health care expenses.

(b) The juvenile or his or her counsel or guardian ad litem, the juvenile's parent, guardian, legal custodian, or Indian custodian, the person or agency responsible for implementing the dispositional order, or the district attorney or corporation counsel may file a petition with the court requesting an order under par. (a) or the court, on its own motion, may propose such an order.

(c) The court shall hold a hearing before granting an order requested or proposed under par. (b). At least 5 days before the hearing, the court shall cause notice of the hearing, together with a copy of the request or proposal, to be provided to the juvenile, the juvenile's counsel or guardian ad litem, the juvenile's parent, guardian, and legal custodian, the person or agency primarily responsible for implementing the dispositional order, the district attorney or corporation counsel, and, if the juvenile is an Indian juvenile, the juvenile's Indian custodian and tribe.

(d) In considering whether to grant a request or proposal for an order under par. (a), the court shall proceed as follows:

1. If the request or proposal is for an order determining paternity of the juvenile, the court shall determine paternity in the same manner as paternity is determined under subch. IX of ch. 767.

2. If the request or proposal is for an order determining legal custody of the juvenile and periods of physical placement with the juvenile, the court shall determine legal custody and periods of physical placement in the same manner as legal custody and periods of physical placement are determined under ss. 767.41 and 767.481 and, if the juvenile is the subject of a preexisting order that has been entered in an action affecting the family determining legal custody of the juvenile or periods of physical placement with the juvenile, in the same manner as legal custody and periods of physical placement are determined under ss. 767.451 and 767.461, except that the court is not required to refer the parties for mediation under s. 767.405 (5) or refer the matter for a legal custody and physical placement study under s. 767.405 (14), the parties are not required to file a parenting plan under s. 767.41 (1m), and the court may not transfer legal custody of the juvenile to a relative or an agency under s. 767.41 (3).

3. If the request or proposal is for an order determining visitation rights with respect to the juvenile, the court shall determine those rights in the same manner as visitation rights are determined under ss. 767.43 and 767.44.

4. If the request or proposal is for an order determining the obligation of the juvenile's parents to provide support for the juvenile and the responsibility of the juvenile's parents to provide coverage of the juvenile's health care expenses, the court shall determine that obligation and responsibility in the same manner as that obligation

and responsibility are determined under ss. 767.511, 767.513, 767.54, 767.55, 767.57, and 767.58.

(e) An order under par. (a) may modify a preexisting order of a court exercising jurisdiction in an action affecting the family and shall remain in effect until modified or terminated by a court exercising that jurisdiction.

(f) If at the time an order under par. (a) is granted an action described in par. (a) 1. is pending or if at that time the juvenile is the subject of a preexisting order described in par. (a) 2., the court that granted the order under par. (a) shall file a copy of the order with the court that is exercising jurisdiction in that pending action or that entered that preexisting order. On receipt of the copy of that order, the court that is exercising jurisdiction over the pending action or that granted the preexisting order shall provide a copy of that order to all parties to that pending action or to all parties that are bound by that preexisting order. The order shall become a part of the record of that pending action or the action in which the preexisting order was granted.

(g) 1. A person who is granted legal custody and periods of physical placement with a juvenile under an order under par. (a) may seek enforcement of the order by filing a motion under s. 767.471 (3) with the court in which the order was filed under par. (f), and that court shall enforce the order in the same manner as legal custody and physical placement orders are enforced under s. 767.471.

2. A party to a proceeding under this subsection in which legal custody and periods of physical placement with a juvenile are determined under an order under par. (a) may seek a modification of the order by filing a petition, motion, order to show cause, or stipulation with the court in which the order was filed under par. (f), and that court may modify the order in the same manner as legal custody and physical placement orders are modified under ss. 767.451, 767.461, and 767.481.

(h) 1. A person who is granted visitation rights with respect to a juvenile under an order under par. (a) may seek enforcement of the order by filing a motion for contempt of court under s. 767.43 (5) with the court in which the order was filed under par. (f), and that court shall enforce the order in the same manner as visitation orders are enforced under s. 767.43 (5).

2. A party to a proceeding under this subsection in which visitation rights with respect to a juvenile are determined under an order under par. (a) may seek a modification of the order by filing a petition, motion, or order to show cause with the court in which the order was filed under par. (f), and that court may modify the order in the same manner as visitation orders are modified under s. 767.43 (1), (3), or (6), whichever is applicable.

(i) 1. A party to a proceeding under this subsection in which the obligation to provide support for a juvenile and the responsibility to provide health care coverage for a juvenile are determined under an order under par. (a) who is authorized to commence an action to compel child

support under s. 767.501 may seek enforcement of the order by filing an action to compel support under s. 767.501 with the court in which the order was filed under par. (f), and that court shall enforce the order in the same manner as child support and health care coverage orders are enforced under ss. 767.511, 767.513, 767.54, 767.55, 767.57, 767.58, and 767.70 to 767.78.

2. A party to a proceeding under this subsection in which the obligation to provide support for a juvenile and the responsibility to provide health care coverage for a juvenile are determined under an order under par. (a) may seek a modification of the order by filing a petition, motion, or order to show cause with the court in which the order was filed under par. (f), and that court may modify the order in the same manner as child support and health care coverage orders are modified under ss. 767.553 and 767.59.

**SECTION 127.** 938.357 (title) of the statutes is amended to read:

**938.357 (title) Change in placement; juvenile subject to dispositional order.**

**SECTION 128.** 938.357 (1) (title) of the statutes is amended to read:

938.357 (1) (title) REQUEST BY PERSON OR AGENCY RESPONSIBLE FOR ~~DISPOSITIONAL ORDER OR DISTRICT ATTORNEY PROSECUTOR.~~

**SECTION 129.** 938.357 (1) (a) of the statutes is amended to read:

938.357 (1) (a) *Applicable procedures.* The person or agency primarily responsible for implementing the dispositional order ~~or~~, the district attorney, or the corporation counsel may request a change in the placement of the juvenile who is the subject of the dispositional order, whether or not the change requested is authorized in the dispositional order, as provided in par. (am) or (c), whichever is applicable.

**SECTION 130.** 938.357 (1) (am) (title) of the statutes is amended to read:

938.357 (1) (am) (title) ~~From out-of-home~~ Changes in placement generally.

**SECTION 131.** 938.357 (1) (am) 1. of the statutes is amended to read:

938.357 (1) (am) 1. ~~If the proposed change in placement involves any change in placement other than a change in placement under~~ Except as provided in par. (c), the person or agency primarily responsible for implementing the dispositional order ~~or~~, the district attorney ~~shall cause~~, or the corporation counsel may request a change in placement under this subsection by causing written notice of the proposed change in placement to be sent to the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, and legal custodian of the juvenile, and any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile. If the juvenile is an Indian juvenile who has been removed from the home of his or her parent or Indian custodian under s.

938.13 (4), (6), (6m), or (7), written notice shall also be sent to the Indian juvenile's Indian custodian and tribe. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan or permanency plan ordered by the court. The person sending the notice shall file the notice with the court on the same day that the notice is sent.

**SECTION 132.** 938.357 (1) (am) 2. of the statutes is amended to read:

938.357 (1) (am) 2. Except as provided in subd. 2r., any person receiving the notice under subd. 1. or notice of a specific placement under s. 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice. is sent to that person and filed with the court. Except as provided in subds. 2m. and 2r., if an objection is filed within 10 days after that notice is sent and filed with the court, the court shall hold a hearing prior to ordering any change in placement. At least 3 days before the hearing, the court shall provide notice of the hearing to all persons who are required to receive notice under subd. 1. or s. 938.355 (2) (b) 2. If all parties consent, the court may proceed immediately with the hearing. Except as provided in subds. 2m. and 2r., if no objection is filed within 10 days after that notice is sent and filed with the court, the court shall enter an order changing the juvenile's placement as proposed in that notice. Except as provided in subds. 2m. and 2r., placements may not be changed until 10 days after that notice is sent to and filed with the court unless the parent, guardian, legal custodian, or Indian custodian, the juvenile, if 12 or more years of age, and the juvenile's tribe, if the juvenile is an Indian juvenile who has been removed from the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), sign written waivers of objection.

**SECTION 133.** 938.357 (1) (am) 2m. of the statutes is amended to read:

938.357 (1) (am) 2m. Changes in placement that were authorized in the dispositional order may be made immediately if notice is given as required under subd. 1. ~~In addition, a~~ A hearing is not required for changes in placement changes authorized in the dispositional order except when an objection filed by a person who received notice alleges that new information is available that affects the advisability of the court's dispositional order.

**SECTION 134.** 938.357 (1) (am) 3. of the statutes is amended to read:

938.357 (1) (am) 3. If the court changes the juvenile's placement from a placement outside the home to another placement outside the home, the ~~change in placement~~ change-in-placement order shall contain the applicable order under sub. (2v) (a) 1m. ~~and~~ the applicable statement under sub. (2v) (a) 2., and the finding under sub.

(2v) (a) 2m. If the court changes the placement of an Indian juvenile who has been removed from the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7) from a placement outside that home to another placement outside that home, the ~~change in placement~~ change-in-placement order shall, in addition, comply with the order of placement preference under s. 938.028 (6) (a) or, if applicable, s. 938.028 (6) (b), unless the court finds good cause, as described in s. 938.028 (6) (d), for departing from that order.

**SECTION 135.** 938.357 (1) (c) (title) of the statutes is amended to read:

938.357 (1) (c) (title) ~~From In-home to out-of-home placement in the home.~~

**SECTION 136.** 938.357 (1) (c) 1. of the statutes is amended to read:

938.357 (1) (c) 1. If the proposed change in placement would change the placement of a juvenile placed in the home to a placement outside the home, the person or agency primarily responsible for implementing the dispositional order ~~or~~ the district attorney, or the corporation counsel shall submit a request for the change in placement to the court. The request shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies the objectives of the treatment plan or permanency plan ordered by the court. The request shall also contain specific information showing that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile and, unless any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns.

**SECTION 137.** 938.357 (1) (c) 2. of the statutes is amended to read:

938.357 (1) (c) 2. The court shall hold a hearing prior to ordering a change in placement requested under subd. 1. At least 3 days ~~prior to~~ before the hearing, the court shall provide notice of the hearing, together with a copy of the request for the change in placement, to the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, and legal custodian of the juvenile, ~~all parties that are bound by~~ the person or agency primarily responsible for implementing the dispositional order, the district attorney or corporation counsel, any foster parent or other physical custodian described in s. 48.62 (2), and, if the juvenile is an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe. Subject to subd. 2r., if all parties consent, the court may proceed immediately with the hearing.

**SECTION 138.** 938.357 (1) (c) 3. of the statutes is amended to read:

938.357 (1) (c) 3. If the court changes the juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, the ~~change in placement~~ change-in-placement order shall contain the findings under sub. (2v) (a) 1., the applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a) 2., ~~the finding under sub. (2v) (a) 2m.~~, and, if in addition the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination under sub. (2v) (a) 3. If the court changes the placement of an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7) from a placement in the home of his or her parent or Indian custodian to a placement outside that home, the ~~change in placement~~ change-in-placement order shall contain the findings under sub. (2v) (a) 4. and comply with the order of placement preference under s. 938.028 (6) (a) or, if applicable, s. 938.028 (6) (b), unless the court finds good cause, as described in s. 938.028 (6) (d), for departing from that order.

**SECTION 139.** 938.357 (2) of the statutes is renumbered 938.357 (2) (a) and amended to read:

938.357 (2) (a) Emergency changes in placement generally. ~~If Except as provided in par. (b), if~~ emergency conditions necessitate an immediate change in the placement of a juvenile ~~placed outside the home,~~ the person or agency primarily responsible for implementing the dispositional order may remove the juvenile to a new placement, whether or not authorized by the existing dispositional order, without the prior notice under sub. (1) (am) 1. or the consent required under sub. (1) (am) 2r. ~~The notice~~ Notice of the emergency change in placement shall be sent to the persons specified in sub. (1) (am) 1. within 48 hours after the emergency change in placement. Any party receiving notice may demand a hearing under sub. (1) (am) 2.

(c) Placements permitted in emergency. In emergency situations, a juvenile may be placed in a licensed public or private shelter care facility as a transitional placement for not more than 20 days or in any placement authorized under s. 938.34 (3).

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

938.357 (2) (b) Emergency in-home to out-of-home placements. 1. If emergency conditions necessitate an immediate change in placement of a juvenile placed in the home to a placement outside the home, the person or agency primarily responsible for implementing the dispositional order may remove the juvenile to a new placement, whether or not authorized by the existing dispositional order, without first requesting a change in placement under sub. (1) (c) 1.

2. Except as provided in subd. 3., a hearing on an emergency change in placement under subd. 1. shall be

held within 48 hours after the emergency change in placement is made, excluding Saturdays, Sundays, and legal holidays. When a juvenile is removed to a new placement under subd. 1., the person or agency that removed the juvenile shall immediately notify the court by the most practical means. As soon as possible after receiving that notice, the court shall schedule the hearing and the person or agency that removed the juvenile, by the most practical means, shall provide notice of the hearing to the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, and legal custodian of the juvenile, the person or agency primarily responsible for implementing the dispositional order, the district attorney or corporation counsel, any foster parent or other physical custodian described in s. 48.62 (2), and, if the juvenile is an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe.

3. By the time of the hearing under subd. 2., a request for a change in placement under sub. (1) (c) 1. shall be filed with the court. The court shall hold a hearing on the request as provided in sub. (1) (c) 2., except that, subject to sub. (1) (c) 2r., if all parties consent, the court may proceed immediately with the hearing under sub. (1) (c) 2. in lieu of the hearing under subd. 2.

4. If the court orders an emergency change in placement under subd. 2., the ~~change-in-placement~~ order shall contain the findings under sub. (2v) (a) 1., the applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a) 2., the finding under sub. (2v) (a) 2m. and, if in addition the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination under sub. (2v) (a) 3.

**SECTION 141.** 938.357 (2m) (a) of the statutes is amended to read:

938.357 (2m) (a) Request; information required. Except as provided in par. (bv), the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, or legal custodian of the juvenile, ~~any person or agency primarily bound by the dispositional order, other than the person or agency responsible for implementing the order,~~ or, if the juvenile is an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian may request a change in the placement under this paragraph of the juvenile as provided in this subsection. The request shall contain the name and address of the new placement requested and shall state what new information is available that affects the advisability of the current placement. If the proposed change in placement would change the placement of a juvenile placed in the juvenile's home to a placement outside the home, the request shall also contain specific information showing that continued placement of the juvenile in the juvenile's home would be contrary to the welfare of the juvenile and, unless any of the



circumstances under s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns. The request shall be submitted to the court. The court may also propose a change in placement on its own motion.

**SECTION 142.** 938.357 (2m) (am) (title) of the statutes is amended to read:

938.357 (2m) (am) (title) *Indian juvenile; additional information required.*

**SECTION 143.** 938.357 (2m) (b) of the statutes is renumbered 938.357 (2m) (b) 1. and amended to read:

938.357 (2m) (b) 1. The court shall hold a hearing prior to ordering any change in placement requested or proposed under par. (a) if the request or proposal states that new information is available that affects the advisability of the current placement. Except as provided in par. (bv), a hearing is not required if the requested or proposed change in placement does not involve a change in placement of a juvenile placed in the juvenile's home to a placement outside the juvenile's home, written waivers of objection to the proposed change in placement are signed by all parties entitled to receive notice under ~~this paragraph~~ subd. 2., and the court approves.

2. If a hearing is scheduled, ~~not less than at least~~ 3 days before the hearing the court shall notify the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, and legal custodian of the juvenile, the person or agency primarily responsible for implementing the dispositional order, the district attorney or corporation counsel, any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile, ~~all parties who are bound by the dispositional order~~, and, if the juvenile is an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe. A copy of the request or proposal for the change in placement shall be attached to the notice. Subject to par. (br), if all of the parties consent, the court may proceed immediately with the hearing.

**SECTION 144.** 938.357 (2m) (br) of the statutes is amended to read:

938.357 (2m) (br) *Indian juvenile; notice.* If the juvenile is an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), and if the proposed change in placement would change the placement of the Indian juvenile from a placement in the home of his or her parent or Indian custodian to a placement outside that home, notice under par. (b) 2. to the Indian juvenile's parent, Indian custodian, and tribe shall be provided in the manner specified in s. 938.028 (4) (a). ~~No~~ Notwithstanding par. (b) 2., no hearing on the request or proposal may be held until at least 10 days after receipt of the notice by the Indian juvenile's parent, Indian custo-

dian, and tribe or, if the identity or location of the Indian juvenile's parent, Indian custodian, or tribe cannot be determined, until at least 15 days after receipt of the notice by the U.S. secretary of the interior. On request of the Indian juvenile's parent, Indian custodian, or tribe, the court shall grant a continuance of up to 20 additional days to enable the requester to prepare for the hearing.

**SECTION 145.** 938.357 (2m) (c) of the statutes is amended to read:

938.357 (2m) (c) ~~Findings required. Contents of order.~~ Contents of order. 1. If the court changes the juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, ~~the change-in-placement change-in-placement~~ order shall contain the findings under sub. (2v) (a) 1., the applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a) 2., the finding under sub. (2v) (a) 2m., and, if in addition the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination under sub. (2v) (a) 3. If the court changes the placement of an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7) from a placement in the home of his or her parent or Indian custodian to a placement outside that home, ~~the change-in-placement change-in-placement~~ order shall, in addition, contain the findings under sub. (2v) (a) 4. and comply with the order of placement preference under s. 938.028 (6) (a) or, if applicable, s. 938.028 (6) (b), unless the court finds good cause, as described in s. 938.028 (6) (d), for departing from that order.

2. If the court changes the juvenile's placement from a placement outside the home to another placement outside the home, ~~the change-in-placement change-in-placement~~ order shall contain the applicable order under sub. (2v) (a) 1m. ~~and~~, the applicable statement under sub. (2v) (a) 2., and the finding under sub. (2v) (a) 2m. If the court changes the placement of an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7) from a placement outside the home of his or her parent or Indian custodian to another placement outside that home, ~~the change-in-placement change-in-placement~~ order shall, in addition, comply with the order of placement preference under s. 938.028 (6) (a) or, if applicable, s. 938.028 (6) (b), unless the court finds good cause, as described in s. 938.028 (6) (d), for departing from the order.

**SECTION 146.** 938.357 (2r) of the statutes is amended to read:

938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing is held under sub. (1) (am) 2. or (2m) (b) 1. and the change in placement would remove a juvenile from a foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right to be heard at the hearing by permitting the foster parent or other physical custodian to make a writ-

ten or oral statement during the hearing or to submit a written statement prior to the hearing relating to the juvenile and the requested change in placement. A foster parent or other physical custodian who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) 2. and a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

**SECTION 147.** 938.357 (2v) (a) 1. of the statutes is amended to read:

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

**SECTION 148.** 938.357 (2v) (a) 2. of the statutes is amended to read:

938.357 (2v) (a) 2. If the ~~change in placement~~ change-in-placement order would change changes the placement of the juvenile to a placement outside the home recommended by the person or agency primarily responsible for implementing the dispositional order, whether from a placement in the home or from another placement outside the home, a statement that the court approves the placement recommended by the person or agency.—If or, if the ~~change in placement~~ change-in-placement order would change changes the placement of the juvenile to a placement outside the home that is not a placement recommended by that person or agency, whether from a placement in the home or from another placement outside the home, a statement that the court has given bona fide consideration to the recommendations made by that person or agency and all parties relating to the juvenile's placement.

**SECTION 149.** 938.357 (2v) (a) 2m. of the statutes is amended to read:

938.357 (2v) (a) 2m. If the change-in-placement order changes the placement of the juvenile to a placement outside the home and if the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have been placed outside the home or for whom a change in placement to a placement outside the home is requested, a finding as to whether the county department or the agency primarily responsible for implementing the dispositional order has made reasonable efforts to place the juvenile in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the juvenile or any of those siblings, in which case the court

shall order the county department or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the juvenile and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the juvenile or any of those siblings.

**SECTION 150.** 938.357 (2v) (c) (title) of the statutes is amended to read:

938.357 (2v) (c) (title) *Permanency Reasonable efforts not required: permanency hearing.*

**SECTION 151.** 938.357 (2v) (d) (title) of the statutes is created to read:

938.357 (2v) (d) (title) *Search for relatives.*

**SECTION 152.** 938.357 (4d) (a) (title) of the statutes is created to read:

938.357 (4d) (a) (title) *Prohibition.*

**SECTION 153.** 938.357 (4d) (am) of the statutes is amended to read:

938.357 (4d) (am) *Change in placement required.*

Except as provided in par. (b), if a parent in whose home a juvenile is placed is convicted of the homicide of the juvenile's other parent under s. 940.01 or 940.05, and the conviction has not been reversed, set aside, or vacated, the court shall change the juvenile's placement to a placement ~~out of outside~~ the home of the parent on petition of the juvenile, the juvenile's counsel or guardian ad litem, the guardian or legal custodian of the juvenile, ~~a~~ the person or agency ~~bound by~~ primarily responsible for implementing the dispositional order, or the district attorney or corporation counsel of the county in which the dispositional order was entered, or on the court's own motion with notice to the parent.

**SECTION 154.** 938.357 (4d) (b) (title) of the statutes is created to read:

938.357 (4d) (b) (title) *Exception.*

**SECTION 155.** 938.357 (5m) (a) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

938.357 (5m) (a) If a proposed change in placement would change a juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of the income, assets, debts, and living expenses of the juvenile and the juvenile's parent to the court or the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide that statement a document setting forth the percentage standard established by the department of children and families under s. 49.22 (9) and the manner of its application established by the department of corrections under s. 301.12 (14) (g) and listing the factors under s. 301.12 (14) (c). If the juvenile is placed outside the juvenile's home, the court shall determine the liability of the parent in the manner provided in s. 301.12 (14).

**SECTION 156.** 938.357 (6) (a) (intro.) of the statutes is amended to read:

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

**SECTION 157.** 938.357 (6) (a) 2. of the statutes is amended to read:

938.357 (6) (a) 2. The date that is one year after the date on which the ~~change in placement~~ change-in-place-ment order is granted.

**SECTION 158.** 938.357 (6) (b) of the statutes is amended to read:

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

**SECTION 159.** 938.358 (2) (a) of the statutes is amended to read:

938.358 (2) (a) *Request or proposal.* No trial reunification may occur without a court order. Only the person or agency primarily responsible for implementing the dispositional order may request the court to order a trial reunification. The request shall contain the name and address of the requested trial reunification home, a statement describing why the trial reunification is in the best interests of the juvenile, and a statement describing how the trial reunification satisfies the objectives of the juvenile's permanency plan. A request for a trial reunification may not be made on the sole grounds that an emergency condition necessitates an immediate removal of the juvenile from his or her out-of-home placement. If an emergency condition necessitates such an immediate removal, the person or agency primarily responsible for implementing the dispositional order shall proceed as provided in s. 938.357 (2) (a).

**SECTION 160.** 938.36 (1) (a) of the statutes is amended to read:

938.36 (1) (a) If legal custody is transferred from the parent or guardian or the court otherwise designates an

alternative placement for the juvenile by a consent decree under s. 938.32, a disposition made under s. 938.183, 938.34<sub>2</sub>, or 938.345<sub>2</sub>, or by a change in placement under s. 938.357, the duty of the parent or guardian to provide support shall continue even though the legal custodian or the placement designee may provide the support. A copy of the order transferring custody or designating alternative placement for the juvenile shall be submitted to the agency or person receiving custody or placement and the agency or person may apply to the court for an order to compel the parent or guardian to provide the support. Support payments for residential services, when purchased or otherwise funded or provided by the department of corrections, or a county department under s. 46.215, 46.22 or 46.23, shall be determined under s. 301.12 (14). Support payments for residential services, when purchased or otherwise funded by the department of health services, or a county department under s. 51.42 or 51.437, shall be determined under s. 46.10 (14).

**SECTION 161.** 938.363 (1) (c) of the statutes, as affected by [2015 Wisconsin Act 55](#), is amended to read:

938.363 (1) (c) If the proposed revision is for a change in the amount of child support to be paid by a parent, the court shall order the juvenile's parent to provide a statement of the income, assets, debts, and living expenses of the juvenile and the juvenile's parent to the court and the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide that statement a document setting forth the percentage standard established by the department of children and families under s. 49.22 (9) and the manner of its application established by the department of corrections under s. 301.12 (14) (g) and listing the factors ~~that a court may consider~~ under s. 301.12 (14) (c).

**SECTION 162.** 938.38 (4m) (title) of the statutes is amended to read:

938.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY-~~DETERMINATION~~ HEARING.

**SECTION 163. Initial applicability.**

(1) CHANGES IN PLACEMENT, REVISIONS, AND EXTENSIONS. Except as provided in subsection (2), this act first applies to a change in placement or a revision or extension of a dispositional order requested, or to an emergency change in placement made, on the effective date of this subsection.

(2) EFFECTIVE PERIOD OF TEMPORARY PHYSICAL CUSTODY ORDER. The treatment of sections 48.21 (5m), 48.213 (4m), and 938.21 (5m) of the statutes first applies to a temporary physical custody order that is in effect on the effective date of this subsection.

**SECTION 164. Effective date.**

(1) This act takes effect on the first day of the 6th month beginning after publication.

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